

109th Congress }

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HISTORY, JURISDICTION, AND SUMMARY  
OF LEGISLATIVE ACTIVITIES

OF THE

UNITED STATES SENATE  
COMMITTEE ON INDIAN AFFAIRS

DURING THE

ONE HUNDRED NINTH CONGRESS

2005-2006



Printed for the use of the Committee on Indian Affairs

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## I. HISTORY AND JURISDICTION

A. *Summary.* In 1977, the Senate re-established the Committee on Indian Affairs, making it a temporary Select Committee [February 4, 1977, S. Res. 4, § 105, 95th Congress., 1st Sess. (1977), as amended]. The Select Committee was to disband at the close of the 95th Congress, but following several term extensions, the Senate voted to make the Committee permanent on June 6, 1984. The Committee has jurisdiction to study the unique problems of American Indian, Native Hawaiian, and Alaska Native peoples and to propose legislation to alleviate these difficulties. These issues include, but are not limited to, Indian education, economic development, land management, trust responsibilities, health care, and claims against the United States. Additionally, all legislation proposed by Members of the Senate that specifically pertains to American Indians, Native Hawaiians, or Alaska Natives is under the jurisdiction of the Committee.

B. *History.* Until 1946, when a legislative reorganization act abolished both the House and Senate Committees on Indian Affairs, the Senate Committee on Indian Affairs had been in existence since the early 19th century. After 1946, Indian affairs legislative and oversight jurisdiction was vested in subcommittees of the Interior and Insular Affairs Committees of the House of Representatives and the Senate. While this subcommittee arrangement may not have specifically reflected a diminishment of the consideration given Indian affairs by the Congress, the revised arrangement historically coincided with a 20-year hiatus in Indian affairs known as the "Termination Era"—a period in which the prevailing policy of the United States was to terminate the Federal relationship with Indian tribes, including the transfer of jurisdiction over tribal lands to the states.

By the mid-1960's, this Termination philosophy was in decline as a failed policy and the Congress began to include Indian tribes in legislation designed to rebuild the social infrastructure of the Nation and provide economic opportunities for economically-depressed areas. In the early 1970's, the Termination era was decisively ended with the enactment of the Menominee Restoration Act of 1973. Although a number of important legislative initiatives affecting Indians were enacted in the early 1970's, it became clear that the existing subcommittee structure was not providing an adequate forum for legislating appropriate solutions to problems confronting Indian country. Legislative jurisdiction over Indian affairs was fragmented among a number of committees. Overall, more than 10 committees in the Congress were responsible for Indian affairs, a situation which resulted in a sometimes disjointed treatment of Indian affairs and in an often haphazard development of Federal Indian policy.

C. *Re-Establishment of Committee.* In 1973, Senator James Abourezk introduced Senate Joint Resolution No. 133 to establish a Federal commission to review all aspects of policy, law, and administration relating to affairs of the United States with American Indian tribes and people. The Senate and the House of Representatives both adopted S.J. Res. 133 and on January 2, 1975, the Resolution was signed into law by the President, thus establishing the American Indian Policy Review Commission (Commission), [Public Law 93-580]. As the work of this Commission progressed, it became readily apparent that a Senate committee with full legislative and oversight authority was needed to receive the report of the Commission and to act upon its recommendations. Indeed, one of the final recommendations of the Commission was that a full-fledged Indian Affairs Committee be established in the Senate.

At the same time the Commission was formulating its recommendation for the establishment of an Indian Affairs Committee, the Senate was developing a far-reaching proposal for reorganization of the entire Senate committee system. Under this proposal, the Subcommittee on Indian Affairs under the Committee on Interior and Insular Affairs was to be abolished with its natural resource functions to be distributed among other newly formed Senate committees and its human resources functions to be transferred to the Senate Committee on Labor and Human Resources.

In view of the pending report of the Commission and its anticipated recommendations, however, the Senate revamped its committee reorganization proposal to include the establishment of a temporary select committee to receive the Commission's report and to act on its recommendations. Thus, there was included within Senate Resolution 4 of February 4, 1977, the Committee System Reorganization Amendments of 1977, a provision to establish a Select Committee on Indian Affairs with full jurisdiction over all proposed legislation and other matters relating to Indian affairs. With the commencement of the 96th Congress, the Select Committee on Indian Affairs was to expire and jurisdiction over Indian matters was to be transferred to the Senate Committee on Labor and Human Resources.

As the Select Committee on Indian Affairs grappled with the report of the Commission and the many other Indian issues that were presented to it during the 95th Congress, it became increasingly evident that if the Congress was to continue to meet its constitutional, legal, and historical responsibilities in the area of Indian affairs, an ongoing legislative committee with adequate expertise and resources should be re-established in the Senate.

Senate Resolution 405, to make the Select Committee on Indian Affairs a permanent committee of the Senate, was introduced by Senator Abourezk on February 22, 1978. The measure was amended by the Senate Committee on Rules and Administration to extend the life of the committee for two years until January 2, 1981, and was agreed to by the Senate on October 14, 1978. In the 96th Congress, Senator John Melcher, who was at the time Chairman of the Select Committee on Indian Affairs, introduced Senate Resolution 448 to make it a permanent committee. The Resolution had 28 cosponsors, and was reported by the Committee on Rules and Administration with an amendment to extend the Select Committee to

January 2, 1984, and to expand the membership to seven members commencing in the 97th Congress. Senate Resolution 448 was adopted by the Senate on December 11, 1980.

D. *Permanent Committee.* On April 28, 1983, Senator Mark Andrews, Chairman of the Select Committee on Indian Affairs in the 98th Congress, introduced Senate Resolution 127 to make the Committee a permanent committee. This Resolution had 28 cosponsors. On November 1, 1983, the Senate Committee on Rules and Administration voted unanimously to report the Resolution without amendment, and the Resolution was so reported on November 2, 1983 (S. Rept. 98–294). On November 18, 1983, the last day of the first session of the 98th Congress, the Senate agreed to an extension of the Select Committee to July 1, 1984, in order to allow time for debate. By the time Senate Resolution 127 was brought to the floor for consideration there were 60 cosponsors. On June 4, 1984, the Select Committee on Indian Affairs was made a permanent committee of the Senate [S. Res. 127, 98th Cong., 2nd Sess.]. In 1993, the Select Committee on Indian Affairs was re-designated as the Committee on Indian Affairs [§ 25, S. Res. 71, 103rd Cong., 1st Sess.].

E. *Committee Membership.* The number of members serving on the Committee has expanded since its formation in 1977. At the time the Committee was formed in the 95th Congress, there were five members. The membership remained at five in the 96th Congress, but grew to seven in the 97th Congress. The membership increased to nine in the 99th Congress, and by the 101st Congress, the Committee membership grew to 10. In the 102nd Congress the membership of the Committee expanded to 16 members. A further increase occurred in the beginning of the 103rd Congress when the membership was expanded to 18. In the 104th Congress, the Senate only named 17 of its members to serve on the Committee, and elected Senator John McCain as Chairman and Senator Daniel K. Inouye as Vice-Chairman.

In both the 106th and 107th Congresses, the Committee membership totaled 15. In May, 2001 Senator Jim Jeffords left the Republican Party to become an Independent. At that time Senator Ben Nighthorse Campbell relinquished the Chairmanship to become Vice-Chairman of the Committee and Senator Inouye became Chairman, presiding over the 15-member Committee. In the 108th Congress, Senator Campbell re-assumed the Chairmanship and Senator Inouye served as Vice-Chairman. In the 109th Congress, Senator McCain served as Chairman and Senator Byron Dorgan became Vice-Chairman.



## II. JURISDICTION AND RULES OF THE COMMITTEE ON INDIAN AFFAIRS

### A. EXCERPTS FROM SENATE RESOLUTION 4. THE COMMITTEE SYSTEM REORGANIZATION AMENDMENTS OF 1977 AS AMENDED AND REVISED TO REFLECT MEMBERSHIP AND DESIGNATIONS APPLICABLE TO THE 109TH CONGRESS.

COMMITTEE ON INDIAN AFFAIRS, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to Indian affairs:

Sec. 105(a)(1) There is established a Committee on Indian Affairs [hereafter in this section referred to as the "committee"] which shall consist of 14 Members, 8 to be appointed by the President of the Senate, upon the recommendation of the majority leader, from among Members of the majority party and 6 to be appointed by the President of the Senate, upon recommendation of the minority leader, from among the Members of the minority party. The committee shall select a Chairman from among its Members.

(2) A majority of the Members of the Committee shall constitute a quorum thereof for the transaction of business, except that the committee may fix a lesser number as a quorum for the purpose of taking testimony. The Committee shall adopt rules of procedure not inconsistent with this section and the rules of the Senate governing standing committees of the Senate.

(3) Vacancies in the Membership of the committee shall not affect the authority of the remaining Members to execute the functions of the Committee.

(4) For purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a Member or Chairman of the Committee shall not be taken into account.

(b)(1) All proposed legislation, messages, petitions, memorials, and other matters relating to Indian affairs shall be referred to the Committee.

(2) It shall be the duty of the Committee to conduct a study of any and all matters pertaining to problems and opportunities of Indians, including but not limited to, Indian land management and trust responsibilities, Indian education, health, special services, and loan programs, and Indian claims against the United States.

(3) The Committee shall from time to time report to the Senate, by bill or otherwise within its jurisdiction.

(c)(1) For the purposes of this resolution, the committee is authorized, in its discretion,

(A) to make investigations into any matter within its jurisdiction, (B) to make expenditures from the contingent fund of the

Senate, (C) to employ personnel, (D) to hold hearings, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (G) to take depositions and other testimony, (H) to procure the services of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(2) The Chairman of the Committee or any Member thereof may administer oaths to witnesses.

(3) Subpoenas authorized by the Committee may be issued over the signature of the Chairman, or any Member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman or any Member signing the subpoena.

#### B. RULES OF THE COMMITTEE ON INDIAN AFFAIRS

Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the committee and to publish those rules in the Congressional Record not later than March 1 of the first year of each Congress. On January 26, 2005, the Committee on Indian Affairs held a business meeting during which the Members of the committee unanimously adopted rules to govern the procedures of the committee. The rules as adopted follow.

##### RULES OF THE COMMITTEE ON INDIAN AFFAIRS

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, to the extent the provisions of such Act are applicable to the Committee on Indian Affairs and supplemented by these rules, are adopted as the rules of the Committee.

##### MEETINGS OF THE COMMITTEE

Rule 2. The Committee shall meet on the first Tuesday of each month while the Congress is in session for the purpose of conducting business, unless for the convenience of the Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

##### OPEN HEARINGS AND MEETINGS

Rule 3. Hearings and business meetings of the Committee shall be open to the public except when the Chairman by a majority vote orders a closed hearing or meeting.

##### HEARING PROCEDURE

Rule 4(a). Public notice shall be given of the date, place and subject matter of any hearing to be held by the Committee at least one week in advance of such hearing unless the Chairman of the Com-



mittee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

(b). Each witness who is to appear before the Committee shall file with the Committee, at least 72 hours in advance of the hearing, an original, printed version of his or her written testimony. In addition, each witness shall provide an electronic copy of the testimony on a computer disk formatted and suitable for use by the Committee. Further, each witness is required to submit by way of electronic mail, one copy of his or her testimony in a format determined by the Committee and sent to an electronic mail address specified by the Committee.

(c). Each member shall be limited to five (5) minutes in questioning of any witness until such times as all Members who so desire have had an opportunity to question the witness unless the Committee shall decide otherwise.

(d). The Chairman and Vice Chairman or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such time as the Chairman and Vice Chairman or the Ranking Majority and Minority Members present may agree.

#### BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next following business meeting of the Committee if a written request by a Member for such information has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subject on the Committee agenda in the absence of such request.

(b). Notice of, and the agenda for, any business meeting of the Committee shall be provided to each Member and made available to the public at least two days prior to such meeting, and no new items may be added after the agenda is published except by the approval of a majority of the Members of the Committee. The notice and agenda of any business meeting may be provided to the Members by electronic mail, provided that a paper copy will be provided to any Member upon request. The Clerk shall promptly notify absent members of any action taken by the Committee on matters not included in the published agenda.

#### QUORUM

Rule 6(a). Except as provided in subsections (b) and (c), a majority of the Members shall constitute a quorum for the transaction of business of the Committee. Consistent with Senate rules, a quorum is presumed to be present unless the absence of a quorum is noted by a Member.

(b). A measure may be ordered reported from the Committee unless an objection is made by a Member, in which case a recorded vote of the Members shall be required.

(c). One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the Committee.

#### VOTING

Rule 7(a). A Recorded vote of the Members shall be taken upon the request of any Member.

(b). Proxy voting shall be permitted on all matters, except, that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only for the date for which it is given and upon the terms published in the agenda for that date.

#### SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8. Witnesses in Committee hearings may be required to give testimony under oath whenever the Chairman or Vice Chairman of the Committee deems it to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any Member, any other witness, shall be under oath.

Every nominee shall submit a financial statement, on forms to be perfected by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the Committee unless the Committee, in executive session, determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.

#### CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by, or confidential material presented to the Committee or any report of the proceedings of a closed Committee hearing or business meeting shall be made public in whole or in part by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

#### DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee hearing tends to defame him or her or otherwise adversely affect his or her reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony of evidence.

#### BROADCASTING OF HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AUTHORIZING SUBPOENAS

Rule 12. The Chairman may, with the agreement of the Vice Chairman, or the Committee may, by majority vote, authorize the issuance of subpoenas.

AMENDING THE RULES

Rule 13. These rules may be amended only by a vote of a majority of all the Members of the Committee in a business meeting of the Committee; Provided, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least seven (7) days in advance of such meeting.



### III. SUMMARY OF COMMITTEE ACTIVITIES FOR THE 109TH CONGRESS

A. *Overview.* In the 109th Congress, a total of 63 bills and 3 resolutions were referred to the Committee on Indian Affairs for consideration. The Committee reported to the Senate for action a total of 29 bills and 2 resolutions. Fourteen (14) bills reported by the committee became public law. The committee also reported the nomination of one Presidential appointee, whom the Senate did not subsequently confirm.

B. *Legislation Reported and Enacted Into Law.* Fourteen of the bills referred to the Committee were reported by the Committee and signed into law by the President. These included: A bill to direct the Secretary of the Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah (H.R. 680, Public Law 109-126); Colorado River Indian Reservation Boundary Correction Act (H.R. 794, Public Law 109-47); Native American Housing Enhancement Act of 2005 (H.R. 797, Public Law 109-136); A bill to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe (H.R. 854, Public Law 109-421); Native American Technical Corrections Act of 2006 (H.R. 3351, Public Law 109-221 [included: National Indian Gaming Commission Accountability Act of 2005 [S. 1295] and Prairie Island Land Conveyance Act of 2005 [S. 706]]); Esther Martinez Native American Languages Preservation Act of 2006 (H.R. 4766, Public Law 109-394); A bill to amend the Act of June 7, 1924, to provide for the exercise of criminal jurisdiction (S. 279, Public Law 109-133); A bill to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971 (S. 449, Public Law 109-179); A bill to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association, Inc. (S.1219, Public Law 109-410); Pueblo de San Ildefonso Claims Settlement Act of 2005 (S. 1773, Public Law 109-286); A bill to amend Public Law 107-153 to modify a certain date (S. 1892, Public Law 109-158); Fort McDowell Indian Community Water Rights Settlement Act of 2006 (S. 2464, Public Law 109-373).

C. *Legislation Reported by the Committee.* A number of the bills and two resolutions referred to the Committee were reported by the Committee but were not enacted into law. These measures include: An original resolution authorizing expenditures by the Senate Committee on Indian Affairs [S. Res. 19]; A joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United

States [S.J. Res. 15]; A bill to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust [S. 113]; Native Hawaiian Government Reorganization Act of 2005 [S. 147]; Lower Brule and Crow Creek Tribal Compensation Act [S. 374]; Native American Omnibus Act of 2005 [S. 536]; A bill to reauthorize provisions in the Native American Housing Assistance and Self-Determination Act of 1996 relating to Native Hawaiian low-income housing and Federal loan guarantees for Native Hawaiian housing [S. 598]; Lumbee Recognition Act [S. 660]; Prairie Island Land Conveyance Act of 2005 [S. 706]; Tribal Colleges and Universities Faculty Loan Forgiveness Act [S. 731]; Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act [S. 881]; Navajo-Hopi Land Settlement Amendments of 2005 [S. 1003]; Indian Health Care Improvement Act Amendments of 2005 [S. 1057]; National Fund for Excellence in American Indian Education Amendments Act of 2005 [S. 1231]; American Indian Elderly and Disabled Access to Health Care Act of 2005 [S. 1239]; Pascua Yaqui Mineral Rights Act of 2005 [S. 1291]; National Indian Gaming Commission Accountability Act of 2005 [S. 1295]; Reducing Conflicts of Interests in the Representation of Indian Tribes Act of 2005 [S. 1312]; Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2006 [S. 1535]; Indian Child Protection and Family Violence Prevention Act Amendments of 2006 [S. 1899]; Indian Gaming Regulatory Act Amendments of 2006 [S. 2078]; Indian Youth Telemental Health Demonstration Project Act of 2006 [S. 2245]; A bill to amend the Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act to establish an acquisition fund for the water rights and habitat acquisition program [S. 3501]; Indian Land Consolidation Act Amendments of 2006 [S. 3526]; Pueblo of Isleta Settlement and Natural Resources Restoration Act of 2006 [S. 3648]; A bill to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to two Indian tribes in the State of Oregon, and for other purposes [S. 3687].

*D. Legislation Given Active Consideration.* A wide variety of bills were given active consideration by the committee. In the 109th Congress, the Committee held several hearings addressing the Department of Interior, Bureau of Indian Affairs, and National Indian Gaming Commission regulation. Oversight hearings on lobbying practices involving Indian tribes were held. Health care, Native Hawaiians, the Native American Graves Protection and Repatriation Act, youth suicide protection, federal recognition, the Federal Election Campaign Act, settlement of the Cobell lawsuit, methamphetamine use in Indian Country, and economic development were also the subject of hearings. The committee also held hearings on bills affecting specific tribes, including the Lytton Rancheria, Navajo-Hopi land settlement, Cheyenne River Sioux compensation amendments, and federal recognition of Virginia tribes, Grand River Band of Ottawa Indians and Lumbee.

*E. Legislation Referred to the Committee.* A wide variety of measures were introduced and referred to the committee including:

1. S. Res. 358, A resolution expressing the sense of the Senate that the Secretary of Health and Human Services, acting through

the Director of Indian Health Service, should maintain the current operating hours of the Wagner Service Unit until the Secretary submits to Congress a new report that accurately describes the current conditions at the Wagner Service Unit.

2. S. 147, Native Hawaiian Government Reorganization Act of 2005.

3. S. 215, Native Hawaiian Health Care Improvement Reauthorization Act of 2005.

4. S. 412, A bill to reauthorize the Native American Programs Act of 1974.

5. S. 437, Grand River Band of Ottawa Indians of Michigan Referral Act.

6. S. 474, Mark O. Hatfield-Elizabeth Furse Scholarship and Excellence in Tribal Governance Act of 2005.

7. S. 475, Native American Housing Enhancement Act of 2005.

8. S. 480, Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2005.

9. S. 535, Native American Connectivity Act.

10. S. 623, A bill to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes.

11. S. 630, Tribal Acknowledgment and Indian Bureau Enhancement Act of 2005.

12. S. 631, A bill to provide grants to ensure full and fair participation in certain decision making processes of the Bureau of Indian Affairs.

13. S. 690, American Indian Reservation Transportation Improvement Program Act.

14. S. 692, Bisti PRLA Dispute Resolution Act.

15. S. 972, Albuquerque Indian Health Center Act of 2005.

16. S. 987, Restoring Safety to Indian Women Act.

17. S. 1260, Common Sense Indian Gambling Reform Act of 2005.

18. S. 1501, Crow Tribe Land Restoration Act.

19. S. 1505, Shawnee Tribe Status Act Amendments Act of 2005.

20. S. 1518, A bill to amend the Indian Gaming Regulatory Act to modify a provision relating to the locations in which class III gaming is lawful.

21. S. 1980, Rural Teacher Housing Act of 2005.

22. S. 2174, A bill to permit certain funds made available for the Wagner Service Unit of the Indian Health Service to be used to pay expenses incurred in keeping the emergency room of that Unit open 24 hours per day, 7 days per week, through September 30, 2006.

23. S. 2674, Native American Languages Act Amendment Act of 2006.

24. S. 3635, Albuquerque Indian School Act.

25. S. 3885, Lake Traverse Reservation Act Amendments of 2006.

26. S. 4122, Indian Health Care Improvement Act Amendments of 2006.

27. H.R. 4876, A bill to ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mex-

ico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly.

F. *Oversight activity.* A substantial portion of the Committee's hearing and investigatory energy was devoted to carrying out its authority and responsibility to provide oversight of the executive branch's implementation of Federal Indian law and policy and to investigate all matters pertaining to Indian affairs.

The Committee held 42 hearings, including oversight hearings on Indian gaming, trust reform, health, education, campaign finance, child protection and family violence, methamphetamine, economic development, suicide, housing, federal recognition, and self governance.

The Committee was also extensively involved in a series of investigative hearings into the practices of certain tribal lobbyists, resulting in publication of a report, "'Gimme Five'—Investigation of Tribal Lobbying Matters" released June 22, 2006. The Committee also held hearings as well as many meetings with the Administration and tribes throughout the nation concerning a potential settlement of the on-going litigation, *Cobell v. Norton*, regarding trust activities of the U.S. Department of the Interior.



#### IV. COMMITTEE ACTIVITIES

##### 109TH CONGRESS, FIRST SESSION

###### *A. Committee Hearings and Markups*

*January 26, 2005.*—Business Meeting to organize and select a Chairman pursuant to S. Res. 4; consider the Committee budget for the 109th Congress; adopt Committee rules for the 109th Congress; and consider continuing the protocol used in the 108th Congress for the release of information obtained by subpoena in the ongoing Indian lobbying investigation.

*February 16, 2005.*—Oversight Hearing on the President's Fiscal Year 2006 Budget for Indian Programs.

*March 1, 2005.*—Legislative Hearing on S. 147, to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian Governing Entity.

*March 9, 2005.*—Business Meeting to consider S. 147, the Native Hawaiian Government Reorganization Act; S. 536, A bill to make technical corrections to laws relating to Native Americans, and for other purposes.

*March 9, 2005.*—Oversight Hearing on the views of the Administration and Indian Country of how the System of Indian trust management, management of funds and natural resources, might be reformed.

*April 5, 2005.*—Legislative Hearing on S. 113, the date of which certain Tribal land of the Lytton Rancheria of California is deemed to be held in trust.

*April 13, 2005.*—Oversight Hearing on the status of Indian health care.

*April 27, 2005.*—Oversight Hearing on the regulation of Indian gaming, Part I.

*May 2, 2005.*—Field Oversight Hearing on the concerns of teen suicide among American Indian youth, Part I.

*May 11, 2005.*—Oversight Hearing on the Federal recognition of Indian tribes.

*May 18, 2005.*—Oversight Hearing on taking lands into trust.

*May 25, 2005.*—Legislative Hearing on S.J. Res. 15, to acknowledge a long history of official depredations and ill-conceived policies by the United States government regarding Indian tribes and offer an apology to all Native peoples on behalf of the United States.

*June 15, 2005.*—Oversight Hearing on the concerns of teen suicide among American Indian youth, Part II.

*June 16, 2005.*—Oversight Hearing on the status of Indian education.

*June 22, 2005.*—Oversight Hearing regarding Tribal lobbying matters, et. al., Part I.

*June 28, 2005.*—Oversight Hearing on the regulation of Indian gaming, Part II.

*June 29, 2005.*—Business Meeting to consider S.J. Res. 15, A bill to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regrading Indian tribes and offer an apology to all Native Peoples on behalf of the United States; S. 374, A bill to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River; S. 113, A bill to modify the date as of which certain tribal land of the Lytton Rancheria is deemed to be held in trust; S. 881, A bill to compensate the Spokane Tribe of Indians for the use of tribal land for the production of hydro power by the Grand Coulee Dam, and for other purposes; S. 449, A bill to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and persons born after Dec. 18, 1971, and for other purposes; H.R. 797 (S. 475) A bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians; H.R. 680 (S. 623) A bill to direct the Secretary of the Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah and for other purposes.

*July 14, 2005.*—Legislative Hearing on S. 1057, the Indian Health Care Improvement Act Amendments of 2005.

*July 21, 2005.*—Legislative Hearing on S. 1003, the Navajo-Hopi Land Settlement Amendments of 2005.

*July 26, 2005.*—Legislative Hearing on S. 1439, to provide for Indian trust asset management reform and resolution of historical accounting claims.

*July 27, 2005.*—Oversight Hearing on land eligible for gaming pursuant to the Indian Gaming Regulatory Act, Part III.

*July 28, 2005.*—Oversight Hearing on amendments to the Native American Graves Protection and Repatriation Act.

*September 21, 2005.*—Oversight Hearing on the regulation of Indian gaming, Part IV.

*October 27, 2005.*—Business Meeting to consider S. 1057, the Indian Health Care Improvement Act Amendments of 2005; S. 1003, The Navajo-Hopi Land Settlement Amendments of 2005; S. 692, A bill to provide for the conveyance of certain public land in northwestern New Mexico by resolving a dispute associated with coal preference right lease interests on the land; S. 1892, A bill to amend Public Law 107–153 to modify a certain date; S. 1219, A bill to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association, Inc.

*November 2, 2005.*—Oversight Hearing regarding Tribal lobbying matters et. al., Part II.

*November 17, 2005.*—Oversight Hearing regarding Tribal lobbying matters et. al., Part III.

## 109TH CONGRESS, SECOND SESSION

### B. Committee Hearings and Mark-ups

*February 1, 2006.*—Oversight hearing for the process for considering gaming applications, Part I.

*February 8, 2006.*—Oversight Hearing Regarding the status and treatment of Indian tribes under the Federal Election Campaign Act.

*February 14, 2006.*—Oversight Hearing on the President's Fiscal Year 2007 Budget Request for Indian programs, Part I.

*February 23, 2006.*—Oversight Hearing on the President's Fiscal Year 2007 Budget Request for Indian programs, Part II.

*February 28, 2006.*—Oversight Hearing on off-reservation gaming: land into trust and the Two-Part Determination, Part II.

*March 1, 2006.*—Oversight hearing on possible mechanisms to settle the *Cobell v. Norton* lawsuit.

*March 8, 2006.*—Legislative Hearing on S. 2078, to amend the Indian Gaming Regulatory Act to clarify the authority of the National Indian Gaming Commission to regulate Class III gaming, to limit the lands eligible for gaming.

*March 15, 2006.*—Legislative Hearing on S. 1899, to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children.

*March 28, 2006.*—Legislative Hearing on Titles II through VI of S. 1439, to provide for Indian trust asset management reform and resolution of historical accounting claims.

*March 29, 2006.*—Business Meeting to consider S. 2078, the Indian Gaming Regulatory Act Amendments; S. 1899, Indian Child Protection and Family Violence Prevention Act Amendments; S. 2245, the Indian Youth Telemental Health Demonstration Project Act; S. 1773, the Pueblo of San Ildefonso Claims Settlement Act of 2005.

*April 5, 2006.*—Oversight Hearing on the problem of methamphetamine in Indian Country.

*May 10, 2006.*—Oversight Hearing on economic development in Indian Country.

*May 17, 2006.*—Oversight Hearing on the tragedy of Indian youth suicide.

*May 25, 2006.*—Oversight Hearing on the status of Indian education.

*June 14, 2006.*—Legislative Hearing on S. 374, to provide compensation to the Lower Brule and Crow Creek Tribes of South Dakota for damage to Tribal land caused by Pick-Sloan projects along the Missouri River; and Legislative Hearing on S. 1535, to amend the Cheyenne River Sioux Tribe Equitable Compensation Act to provide compensation to members of the Cheyenne River Sioux Tribe for damage resulting from the Oahe Dam and Reservoir Project.

*June 21, 2006.*—Legislative Hearing on S. 437, to expedite review of the Grand River Band of Ottawa Indians of Michigan to serve a timely and just determination of whether that group is entitled to recognition as a Federal Indian tribe; and Legislative Hearing on S. 480, to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe.

*June 22, 2006.*—Business Meeting to consider In re Tribal Lobbying Matters Report and Recommendations; S. 2464, the Fort McDowell Water Rights Settlement Revision Act of 2006; S. 3501, the Shivwits Band of Paiute Water Rights Settlement Amendments of 2006; S. 3526, the Indian Land Consolidation Act Amendments of 2006.

*June 28, 2006.*—Oversight Hearing to review the Native American Indian housing programs.

*July 12, 2006.*—Legislative Hearing on S. 660, to provide for the acknowledgment of the Lumbee Tribe of North Carolina.

*August 2, 2006.*—Business Meeting to consider S. 374, the Tribal Parity Act; S. 660, the Lumbee Recognition Act; S. 1535, the Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2005.

*September 14, 2006.*—Business Meeting to consider the Nomination of Carl J. Artman, to be Assistant Secretary–Indian Affairs, United States Department of the Interior; H.R. 854, a bill to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe; S. 3648, the Pueblo of Isleta Settlement and Natural Resources Restoration Act of 2006; S. 3687, a bill to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes.

*September 14, 2006.*—Hearing on the nomination of Carl J. Artman to be Assistant Secretary for Indian Affairs, Department of the Interior.

*September 20, 2006.*—Oversight Hearing on Tribal self-governance: obstacles and impediments to expansion of self-governance.

