

110th 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 TENTH CONGRESS

2007-2008



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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-1960s, this Termination philosophy was in decline as a failed policy and 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 1970s, 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 1970s, 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 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 co-sponsors, 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. The Senate further amended the membership of the Committee to 16 later in the 104th Congress.

In the 104th Congress, the Senate agreed to amend again the membership of the Committee from 16 to 14 members. In the 107th Congress, the Senate appointed 15 members to the Committee. 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. In the 108th Congress, Senator Campbell re-assumed the Chairmanship and Senator Inouye served as Vice Chairman with 14 members on the Committee. In the 109th Congress, Senator McCain served as Chairman and Senator Byron L. Dorgan became Vice Chairman. In the 110th Congress, Senator Byron L. Dorgan became Chairman of the Committee and Senator Craig Thomas became Vice Chairman. Senator Thomas passed away on June 4, 2007. Senator Lisa Murkowski became Vice Chairman of the Committee on July 19, 2007, and served for the remainder of the Congress. Senator John Barasso was added to the minority membership of the Committee to maintain the total membership of 15 for the 110th Congress.

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 110TH 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 18, 2007, 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 below.

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 Committee 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 subjects 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 or evidence.

BROADCASTING OR 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 LEGISLATIVE ACTIVITIES FOR THE 110TH CONGRESS

A. *Overview.* In the 110th Congress, a total of 54 bills and 4 resolutions were referred to the Committee on Indian Affairs for consideration. The Committee reported or discharged to the Senate for action a total of 26 bills and 4 resolutions. Eight bills reported or discharged by the Committee became public law. The Committee also reported or discharged the nominations of 8 Presidential appointees, all of whom the Senate subsequently confirmed with the exception of 1, which was withdrawn by the President.

B. *Legislation Reported or Discharged and Enacted Into Law.* Eight of the bills referred to the Committee were reported or discharged by the Committee and signed into law by the President. These bills included:

1. 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 (S. 375, Public Law 110-78).
2. An act to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico, and for other purposes (S. 1193, Albuquerque Indian School Act, Public Law 110-453).
3. A bill to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe (S. 2457, Public Law 110-228).
4. A bill to direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project (S. 3128, White Mountain Apache Tribe Rural Water System Loan Authorization Act, Public Law 110-390).
5. A joint resolution to honor the achievements and contributions of Native Americans to the United States, and for other purposes (H.J. RES. 62, Native American Heritage Day Act of 2008, Public Law 110-370).
6. A bill to reauthorize the programs for housing assistance for Native Americans (H.R. 2786, Native American Housing Assistance and Self-Determination Reauthorization Act of 2008, Public Law 110-411).

7. A bill to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes (H.R. 2963, Pechanga Band of Luiseno Mission Indians Land Transfer Act of 2007, Public Law 110–383).
8. A bill to amend the Arizona Water Settlements Act to modify the requirements for the statement of findings (H.R. 3739, Public Law 110–148).

C. *Legislation Reported by the Committee.* Nineteen bills and three resolutions referred to the Committee were reported by the Committee during the 110th Congress but were not enacted into law. These measures included:

1. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs (S. RES. 40) [Referred to the Committee on Rules and Administration; passed the Senate as a combined resolution authorizing expenditures by committees of the Senate, S. RES. 89].
2. A resolution recognizing National American Indian and Alaska Native Heritage Month and celebrating the heritage and culture of American Indians and Alaska Natives and the contributions of American Indians and Alaska Natives to the United States (S. RES. 719).
3. 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. 4).
4. Lower Brule and Crow Creek Tribal Compensation Act (S. 160).
5. Native Hawaiian Government Reorganization Act of 2007 (S. 310).
6. Indian Youth Telemental Health Demonstration Project Act of 2007 (S. 322).
7. Indian Child Protection and Family Violence Prevention Act Amendments of 2007 (S. 398).
8. Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement Act (S. 462).
9. Tribal Colleges and Universities Faculty Loan Forgiveness Act (S. 481).
10. A bill to repeal section 10(f) of Public Law 93–531, commonly known as the “Bennett Freeze” (S. 531).
11. Indian Health Care Improvement Act Amendments of 2008 (S. 1200).
12. Indian Arts and Crafts Amendments Act of 2008 (S. 1255).
13. A bill to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust and to provide for the conduct of certain activities on the land (S. 1347).
14. Tribal Health Promotion and Tribal Colleges and Universities Advancement Act of 2008 (S. 1779).

15. Native American Housing Assistance and Self-Determination Reauthorization Act of 2007 (S. 2062); *see* H.R. 2786, which became Public Law 110–411 on 10/14/2008.
16. Native American Omnibus Technical Corrections Act of 2007 (S. 2087).
17. Oglala Sioux Tribe Angostura Irrigation Project Modernization and Development Act (S. 2489).
18. Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act (S. 2494).
19. A bill to amend the Act of August 9, 1955, to authorize the Cow Creek Band of Umpqua Indians of Oregon, the Coquille Tribe of Oregon, and the Confederated Tribes of the Siletz Reservation, Oregon, to obtain 99-year lease authority for trust land, and to authorize the Morongo Band of Cahuilla Mission Indians of the Morongo Reservation, California, to obtain 50-year lease authority for trust land (S. 3192).
20. Lumbee Recognition Act (H.R. 65).
21. Hawaiian Homeownership Opportunity Act of 2007 (H.R. 835).
22. To amend certain laws relating to Native Americans, and for other purposes (H.R. 5680).

D. *Legislation Given Active Consideration.* A variety of bills were given active consideration by the Committee. In the 110th Congress, the Committee held 10 legislative hearings addressing the Indian Health Care Improvement Act, the Native American Housing Assistance and Self-Determination Act, tribal law enforcement, Native Hawaiian reorganization, federal recognition, water rights, regulation of Class III gaming, and economic development. The Committee also held hearings on bills affecting specific tribes, including the Muscogee Nation of Florida; the Little Shell Tribe of Chippewa Indians; the Grand River Bands of Ottawa Indians of Michigan; the White Mountain Apache Tribe; the Crow Tribe; the Pueblos of Nambe, Pojoaque, San Ildefonso, Tesuque, and Taos; the Sault Ste. Marie Tribe of Chippewa Indians; the Spokane Tribe of Indians; the Pechanga Band of Luiseno Mission Indians; the Navajo Nation; the Hopi Tribe; and the Shoshone-Paiute Tribes of Duck Valley.

E. *Legislation Referred to the Committee.* A variety of measures were introduced and referred to the committee during the 110th Congress, including:

1. A bill to provide for certain land to be held in trust for the Burns Paiute Tribe (S. 16).
2. Lumbee Recognition Act (S. 333).
3. Native Hawaiian Health Care Improvement Reauthorization Act of 2007 (S. 429).
4. Muscogee Nation of Florida Federal Recognition Act (S. 514).
5. Hawaiian Homeownership Opportunity Act of 2007 (S. 710).
6. Little Shell Tribe of Chippewa Indians Restoration Act of 2007 (S. 724).
7. A bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Pub-

- lic Policy Act of 1992 to provide funds for training in tribal leadership, management, and policy, and for other purposes (S. 952).
8. Grand River Bands of Ottawa Indians of Michigan Referral Act (S. 1058).
 9. Crow Tribe Land Restoration Act (S. 1080).
 10. A bill to authorize the Coquille Indian Tribe of the State of Oregon to convey land and interests in land owned by the Tribe (S. 1286).
 11. Reclamation Water Settlements Fund Act of 2007 (S. 1643).
 12. Lake Traverse Reservation Heirship Act of 2007 (S. 1901).
 13. American Indian Veteran Health Care Improvement Act (S. 2145).
 14. Tribal Water Resources Innovative Financing Act (S. 2200).
 15. Foreign Aid Lessons for Domestic Economic Assistance Act of 2007 (S. 2232).
 16. Common Sense Indian Gambling Reform Act of 2008 (S. 2676).
 17. Mark O. Hatfield Scholarship and Excellence in Tribal Governance Act of 2008 (S. 2949).
 18. Oregon Surplus Federal Land Act of 2008 (S. 3194).
 19. Tribal Law and Order Act of 2008 (S. 3320).
 20. Crow Tribe Water Rights Settlement Act of 2008 (S. 3355).
 21. A bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, Tesuque, and Taos (S. 3381).
 22. White Mountain Apache Tribe Water Rights Quantification Act of 2008 (S. 3473).
 23. Pyramid Lake Paiute Tribe Fish Springs Ranch Settlement Act (S. 3734).
 24. Cheyenne River Sioux Tribe Equitable Compensation Amendments Act of 2007 (H.R. 487).
 25. Cocopah Lands Act (H.R. 673).
 26. Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2007 (H.R. 1294).
 27. To amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo tribe to determine blood quantum requirement for membership in that Tribe (H.R. 1696).
 28. To direct the Secretary of the Interior to proclaim as reservation for the benefit of the Sault Ste. Marie Tribe of Chippewa Indians a parcel of land now held in trust by the United States for that Indian tribe (H.R. 2120).
 29. To authorize the Secretary of the Interior to provide an annual grant to facilitate an iron working training program for Native Americans (H.R. 6685).

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 28 hearings, including oversight hearings on backlogs at the Department of the Interior, the state of facilities in Indian Country, Indian Health Service property mismanagement, tribal law enforcement, trust reform, health, housing, education, violence against Indian women, Indian gaming, energy development, economic development, financial lending and literacy, federal recognition, and self-determination.

The Committee also held five field hearings on issues such as fuel prices in rural Alaska and sustainable alternatives; Operation Dakota Peacekeeper; tribal law enforcement; health care for Alaska Native veterans; and Indian health care.

In addition, the Committee held three nomination hearings for the Assistant Secretary of Indian Affairs and the Directors of the Indian Health Service. The Senate confirmed two of these nominations, one of the nominations for the Director of the Indian Health Service was withdrawn by the President.

IV. COMMITTEE ACTIVITIES

110TH CONGRESS, FIRST SESSION

A. Committee Hearings and Markups

January 18, 2007—Business Meeting to consider the selection of a Chairman and Vice Chairman of the Committee.

January 25, 2007—Business Meeting to consider changes to the Committee rules and a funding resolution for the Committee budget for the 110th Congress.

February 1, 2007—Nomination Hearing on the President's nomination of Mr. Carl Joseph Artman, to be Assistant Secretary-Indian Affairs, U.S. Department of the Interior.

February 8, 2007—Business Meeting to consider S. 322, Indian Youth Telemental Health Demonstration Project Act of 2007; S. 375, 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; S. 398, Indian Child Protection and Family Violence Prevention Act Amendments of 2007; S. 481, The Tribal Colleges and Universities Faculty Loan Forgiveness Act.

February 8, 2007—Oversight Hearing on diabetes in Indian Country, with particular focus on the Special Diabetes Program for Indians.

February 15, 2007—Oversight Hearing on the President's Fiscal Year 2008 Budget Request for Tribal Programs.

March 8, 2007—Legislative Hearing on the Indian Health Care Improvement Act.

March 22, 2007—Oversight Hearing on Indian Housing Issues in Indian Country.

March 29, 2007—Oversight Hearing on Indian trust fund litigation.

April 12, 2007—Oversight Hearing on Tribal Colleges and Universities.

April 26, 2007—Legislative Hearing on S. 462, Shoshone-Paiute Tribes of Duck Valley Water Rights Settlement Act.

May 3, 2007—Legislative Hearing on S. 310, the Native Hawaiian Government Reorganization Act of 2007.

May 10, 2007—Business Meeting to consider S. 1200, the Indian Health Care Improvement Act Amendments of 2007; S. 310, the Native Hawaiian Government Reorganization Act of 2007; H.R. 835, Hawaiian Homeownership Act of 2007; and S. J. Res. 4, Native American Apology.

May 17, 2007—Oversight Hearing on law enforcement in Indian Country.

June 21, 2007—Oversight Hearing on law enforcement in Indian Country.

June 28, 2007—Legislative Hearing on discussion draft legislation regarding the regulation of class III gaming.

July 12, 2007—(Rescheduled from 06/07/07) Legislative Hearing on transportation issues in Indian Country.

July 19, 2007—Business Meeting to consider the approval of Committee Vice Chairman; and S. 462, Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement Act.

July 19, 2007—Legislative Hearing on a discussion draft legislation to amend and reauthorize the Native American Housing Assistance and Self-Determination Act.

July 26, 2007—Nomination Hearing on the nomination of Charles W. Grim to be Director of the Indian Health Service.

August 15, 2007—Field Hearing on Indian health.

September 19, 2007—Oversight Hearing on the process of federal recognition of Indian tribes.

September 27, 2007—Business Meeting to consider S. 2087, the Native American Omnibus Technical Corrections Act of 2007; S. 2062, the Native American Housing Assistance and Self-Determination Reauthorization Act of 2007; S. 1347, a bill to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust and to provide for the conduct of certain activities on the land; and Nominations to be Members of the Board of Trustees, Institute of American Indian and Alaska Native Culture and Arts Development.

September 27, 2007—Oversight Hearing on the prevalence of violence against Indian women.

October 4, 2007—Oversight Hearing on Backlogs at the Department of the Interior: Land in to Trust Applications; Environmental Impact Statements; Probate; Appraisals and Lease Approvals.

November 1, 2007—Oversight Hearing on the Impact of the Flood Control Act of 1944 on Indian Tribes along the Missouri River.

November 30, 2007—Field Hearing on Health Care for Alaska Native Veterans Returning from Kuwait and Iraq and Other Native Veterans Living in Alaska Native Villages: Access to and Delivery of Services.

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B. Committee Hearings and Markups

February 7, 2008—Nomination Hearing on the nomination of Robert G. McSwain, to be Director of the Indian Health Service.

February 27, 2008—Legislative Hearing on S. 2232, the Foreign Aid Lessons for Domestic Economic Assistance Act of 2007.

March 6, 2008—Oversight Hearing on The State of Facilities in Indian Country—Jails, Schools, and Health Facilities.

March 17, 2008—Field Hearing on Law and Order in Indian Country.

April 17, 2008—Oversight Hearing of the National Indian Gaming Commission.

April 24, 2008—Business Meeting to consider the nomination of Bob McSwain to be Director of the Indian Health Service; H.R. 65, the Lumbee Recognition bill; S. 1779, the Tribal Health Promotion and Tribal College and Universities Advancement Act; H.J. RES.

62, Native American Heritage Day; and S. 1193, the Albuquerque Indian School Act.

April 24, 2008—Oversight Hearing on Recommendations for Improving the Federal Acknowledgment Process.

May 1, 2008—Oversight Hearing on Indian Energy Development—Regaining Self-Determination Over Reservation Resources.

May 13, 2008—Oversight Hearing on The Success and Shortfall of Self-Governance under the Indian Self-Determination and Education Assistance Act after Twenty Years.

May 15, 2008—Legislative Hearing on the following bills: S. 1080, Crow Tribe Land Restoration Act; H.R. 2120, To direct the Secretary of the Interior to proclaim as reservation for the benefit of the Sault Ste. Marie Tribe of Chippewa Indians a parcel of land now held in trust by the United States for that Indian tribe; S. 2494, Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Act; H.R. 2963, A bill to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes; and S. 531, A bill to repeal section 10(f) of Public Law 93-531, commonly known as the “Bennett Freeze”.

May 22, 2008—Oversight Hearing to follow up on the Status of Backlogs at the Department of the Interior.

June 5, 2008—Oversight Hearing on Predatory Lending in Indian Country.

June 19, 2008—Business Meeting to consider a Subpoena to order the Secretary of the U.S. Department of the Interior to release the Tribal Jails Report; S. 1255, the Indian Arts and Crafts Amendments Act of 2007; S. 531, a bill to repeal section 10(1) of Public Law 93-531, commonly known as the “Bennett Freeze”; S. 1080, the Crow Tribe Land Restoration Act; S. 2489, the Oglala Sioux Tribe Angostura Irrigation Project Modernization and Development Act; S. 160, the Lower Brule and Crow Creek Tribal Compensation Act; and S. 2494, Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act.

June 19, 2008—Legislative Hearing on a draft bill to address law and order in Indian Country.

June 26, 2008—Oversight Hearing on Access to Contract Health Services in Indian Country.

July 17, 2008—Oversight Hearing on Tracking Sex Offenders in Indian Country: Tribal Implementation of the Adam Walsh Act.

July 24, 2008—Oversight Hearing on Tribal Courts and the Administration of Justice in Indian Country.

July 31, 2008—Business Meeting to consider S. 952, A bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to provide funds for training in tribal leadership, management, and policy, and for other purposes; and S. 3192, A bill to amend the Act of August 9, 1955, to authorize the Cow Creek Band of Umpqua Tribe of Indians, the Coquille Indian Tribe, and the Confederated Tribes of the Siletz Indians of Oregon to obtain 99-year lease authority for trust land.

July 31, 2008—Oversight Hearing on Indian Health Service Management: Lost Property, Wasteful Spending and Document Fabrication.

August 4, 2008—Field Hearing on the progress and future of Operation Dakota Peacekeeper.

August 28, 2008—Field Hearing to determine the effects of high fuel prices in rural Alaska and explore sustainable energy solutions that include conventional and renewable energy investments, as well as energy efficiency and conservation.

September 11, 2008—Legislative Hearing on the following bills: S. 3128, White Mountain Apache Tribe Rural Water System Loan Authorization Act; S. 3355, Crow Tribe Water Rights Settlement Act of 2008; and S. 3381, A bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, Tesuque, and Taos.

September 18, 2008—Oversight Hearing to examine Federal declinations to prosecute crimes in Indian Country.

September 23, 2008—Business Meeting to consider H.R. 5680, To amend certain laws relating to Native Americans, and for other purposes; H.R. 2963, Pechanga Band of Luiseno Mission Indians Land Transfer Act of 2007; S. 3194, Oregon Surplus Federal Land Act of 2008; S. 3128, White Mountain Apache Tribe Rural Water System Loan Authorization Act; S. 3355, Crow Tribe Water Rights Settlement Act of 2008; and S. 3381, A bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, Tesuque, and Taos.

September 25, 2008—Business Meeting to consider S. 3355, A bill to authorize the Crow Tribe of Indians water rights settlement, and for other purposes.

September 25, 2008—Legislative Hearing on the following bills: H.R. 1294, Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2007; S. 514, Muscogee Nation of Florida Federal Recognition Act; S. 724, Little Shell Tribe of Chippewa Indians Restoration Act of 2007; and S. 1058, Grand River Bands of Ottawa Indians of Michigan Referral Act.