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HISTORY, JURISDICTION, AND SUMMARY
OF LEGISLATIVE ACTIVITIES

OF THE

UNITED STATES SENATE
COMMITTEE ON INDIAN AFFAIRS

DURING THE

ONE HUNDRED TWELFTH CONGRESS

2011-2012



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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 (S. Res. 4, 105, 95th Congress, 1st Sess. (1977), as amended). The Select Committee on Indian Affairs 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 problems. 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 specifically pertaining to American Indians, Native Hawaiians, or Alaska Natives is under the jurisdiction of the Committee.

B. *History.* The Senate Committee on Indian Affairs had been in existence since the early 19th century, until 1946, when a legislative reorganization act abolished both the House and Senate Committees on Indian Affairs. 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 Congress, the revised arrangement coincided historically with the "Termination Era"—a period in which the prevailing policy of the United States was to terminate the Federal relationship with Indian tribes and to transfer jurisdiction over tribal lands to the states.

By the mid 1960s, the Termination Era 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 ad-

ministration 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 (see Pub. L. No. 93-580) by the President, thus establishing the American Indian Policy Review Commission (Commission). As the work of this Commission progressed, it became 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 in order for Congress 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, as amended, 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. 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 Barrasso was added to the minority membership of the Committee to maintain the total membership of 15 for the 110th Congress. In the 111th Congress, the membership of the Committee remained at 15 members, Senator Byron L. Dorgan continued to serve as Chairman of the Committee, and Senator John Barrasso became Vice Chairman. In the 112th Congress, Senator Akaka served as Chair-

man and Senator Barrasso served as Vice Chairman with 14 members on the Committee.

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 112TH CONGRESS. THE COMMITTEE WAS INITIALLY ESTABLISHED AS THE SELECT COMMITTEE ON INDIAN AFFAIRS. SECTION 25 OF S. RES. 71, 103RD CONGRESS, 1ST SESSION, REDESIGNATES IT AS THE COMMITTEE ON INDIAN AFFAIRS.

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 "select committee"] which shall consist of [15] Members, [9] 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 February 16, 2011, 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 were printed in the Congressional Record on February 16, 2011. The rules, as adopted, are as follows:

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.

MEETING OF THE COMMITTEE

Rule 2. The Committee shall meet on Thursday 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(a). 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.

(b). Except as otherwise provided in the Rules of the Senate, a transcript or electronic recording shall be kept of each hearing and business meeting of the Committee.

HEARING PROCEDURE

Rule 4(a). Public notice, including notice to Members of the Committee, 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, with the concurrence of the Vice Chairman, determines that holding the hearing would be non-controversial or that special circumstances require expedited procedures and a majority of the Committee Members attending 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 submit his or her testimony by way of electronic mail, at least 48 hours in advance of a hearing, 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 of questioning of any witness until such time as all Members attending 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 consideration of such measure or subject 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). Any bill, resolution, or other matter to be considered by the Committee at a business meeting shall be filed with the Clerk of the Committee. Notice of, and the agenda for, any business meeting of the Committee, and a copy of any bill, resolution, or other matter to be considered at the meeting, shall be provided to each Member and made available to the public at least three 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.

(c). Any amendment(s) to any bill or resolution to be considered shall be filed with the Clerk not less than 24 hours in advance. This rule may be waived by the Chairman with the concurrence of the Vice Chairman. This rule may be waived by the Chairman with the concurrence of the Vice Chairman.

QUORUM

Rule 6(a). Except as provided in subsection (b), a majority of the Members shall constitute a quorum for the transaction of business of the Committee. Except as provided in Senate Rule XXVI 7(a), a quorum is presumed to be present unless the absence of a quorum is noted by a Member.

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

VOTING

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

(b). A measure may be reported without a recorded vote from the Committee unless an objection is made by a Member, in which case a recorded vote by the Members shall be required. A Member shall have the right to have his or her additional views included in the Committee report in accordance with Senate Rule XXVI 10.

(c). A Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and conforming changes to the measure.

(d). 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(a). 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.

(b). 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.

(c). 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, or 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 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, Internet, 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 LEGISLATIVE ACTIVITIES FOR THE 112th CONGRESS

A. *Overview.* In the 112th Congress, a total of 52 bills and two resolutions were referred to the Committee on Indian Affairs for consideration. A total of 25 bills were reported or discharged by the Committee. Eighteen bills had no further action and seven bills became public laws. The Committee also reported the nominations of four Presidential appointees, all of whom the Senate subsequently confirmed. In addition, the Committee held a total of 44 hearings, including 36 oversight hearings. The Committee conducted eight legislative hearings on 18 bills for numerous tribes. Finally, the Committee held 17 roundtables and listening sessions.

Throughout the 112th Congress, the Committee's work focused on the themes of cultural identity and tribal homelands. Within these themes, the legislative priorities for the Committee were S. 675, the Native Hawaiian Government Reorganization Act of 2011, and S. 676, a bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes.

Chairman Akaka continued to advocate for parity in Federal policy for Native Hawaiians in the 112th Congress. Since 2000, Chairman Akaka worked with the Native Hawaiian community and many others to develop the Native Hawaiian Government Reorganization Act. Chairman Akaka sponsored the Native Hawaiian Government Reorganization legislation in every Congress since 2000. During the 112th Congress, the Committee conducted outreach on S. 675 and subsequently streamlined the legislation.

The Committee also sought to advance the tribal recognition bills for the Virginia Tribes, the Lumbee Tribe, and the Little Shell Tribe by reporting these three bills from the Committee. Following meetings with the Congressional Budget Office (CBO), the Department of the Interior, and the Indian Health Service, the Committee determined that the CBO scores for these bills were inflated and did not accurately reflect the actual outlays over the five-year period.

Regarding S. 676, the Committee held extensive hearings on the impacts of the Supreme Court's decision in the case of *Carcieri v. Salazar*. In *Carcieri v. Salazar*, the Court decided that the Secretary of the Interior did not have the authority to take land into trust for the Narragansett Tribe under the Indian Reorganization Act (IRA) because the Tribe was not "under federal jurisdiction" in 1934 when the IRA was enacted. Over the course of several hearings, the Committee found that the Supreme Court's *Carcieri* decision ignores dozens of Federal statutes, threatens public safety and tribal law enforcement, creates unequal treatment of Federally recognized tribes, is increasing Federal litigation, affects access to cap-

ital, creates barriers to economic development, and is killing tens of thousands of jobs.

During the 112th Congress, the Committee was also actively involved in measures affecting American Indians, Alaska Natives, and Native Hawaiians through hearings, interactions with other Committees, and floor consideration. One measure referred to the Committee was included as an amendment with another legislative item on the floor of the Senate. In addition, Title VI of the American Taxpayer Relief Act of 2012 contained a one-year reauthorization of the Special Diabetes Program for Indians. The two bills are as follows:

1. S. 1925, the Violence Against Women Act (VAWA) Reauthorization of 2012, which included S. 1763, Stand Against Violence and Empower (SAVE) Native Women Act.
2. The American Taxpayer Relief Act of 2012. (H.R. 8, Pub. L. No. 112–240).

B. *Legislation Reported or Discharged and Enacted Into Law.* Seven bills referred to the Committee were reported or discharged by the Committee and signed into law by the President, including:

1. An Act to amend the Act titled “An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases,” approved August 9, 1955, to provide for Indian tribes to enter into certain leases without prior express approval from the Secretary of the Interior, and for other purposes. (H.R. 205, HEARTH Act of 2012, Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012, Pub. L. No. 112–151).
2. To provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes. (H.R. 1272, Minnesota Chippewa Tribe Judgment Fund Distribution Act of 2012, Pub. L. No. 112–179).
3. 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. 1560, Pub. L. No. 112–157).
4. To take certain Federal lands in Mono County, California, into trust for the benefit of the Bridgeport Indian Colony. (H.R. 2467, Bridgeport Indian Colony Land Trust, Health, and Economic Development Act of 2012, Pub. L. No. 112–212).
5. To allow the Pascua Yaqui Tribe to determine the requirements for membership in that tribe. (H.R. 3319, Pub. L. No. 112–214).
6. Barona Band of Mission Indians Land Transfer Clarification Act of 2012. A bill to make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes. (S. 3193, Pub. L. No. 112–232).

7. To provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska. (H.R. 443, Pub. L. No: 112–262).

C. Legislation Reported or Discharged Not Requiring Presidential Action. Two of the resolutions within the jurisdiction of the Committee were reported or discharged and passed by the Senate and did not require presidential action:

1. A resolution recognizing National Native American Heritage Month and celebrating the heritages and cultures of Native Americans and the contributions of Native Americans to the United States. (S. Res. 329).
2. A resolution recognizing National Native American Heritage Month and celebrating the heritages and cultures of Native Americans and the contributions of Native Americans to the United States. (S. Res. 561).

D. Legislation Reported by the Committee. The legislative action of the Committee was conducted through nine business meetings to mark-up and report bills pending before the Committee. Eighteen bills referred to the Committee were reported by the Committee during the 112th Congress but were not enacted into law:

1. A bill to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians. (S. 65, Hawaiian Homeownership Opportunity Act of 2011).
2. A bill to authorize the Mescalero Apache Tribe to lease adjudicated water rights. (S. 134, Mescalero Apache Tribe Leasing Authorization Act).
3. A bill 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. (S. 379, Indian Tribes of Virginia Federal Recognition Act of 2011).
4. A bill to extend the Federal recognition to the Little Shell Tribe of Chippewa Indians of Montana, and for other purposes. (S. 546, Little Shell Tribe of Chippewa Indians Restoration Act of 2011).
5. A bill to provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes. (S. 636).
6. A bill 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. (S. 675, Native Hawaiian Government Reorganization Act of 2012).
7. A bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes. (S. 676, “Carciere-fix”).
8. A bill to amend the Long-Term Leasing Act, and for other purposes. (S. 703, HEARTH Act of 2011, Helping Expedite and Advance Responsible Tribal Homeownership Act of 2011).

9. A bill to settle land claims within the Fort Hall Reservation. (S. 1065, Blackfoot River Land Settlement Act of 2011).
10. A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes. (S. 1218, Lumbee Recognition Act).
11. A bill to improve Indian education, and for other purposes. (S. 1262, Native Culture, Language, and Access for Success in Schools (CLASS) Act).
12. A bill to amend the Indian Tribal Energy Development and Self-Determination Act of 2005, and for other purposes. (S. 1684, Indian Tribal Energy Development and Self-Determination Act Amendments of 2011).
13. A bill to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and for other purposes. (S. 1763, Stand Against Violence and Empower (SAVE) Native Women Act).
14. A bill to make technical amendment to the T'uf Shur Bien Preservation Trust Area Act, and for other purposes. (S. 2024, Sandia Pueblo Settlement Technical Amendment Act).
15. A bill to amend the Indian Law Enforcement Reform Act to extend the period of time provided to the Indian Law and Order Commission to produce a required report, and for other purposes. (S. 2090).
16. A bill to deem the submission of certain claims to an Indian Health Service contracting officer as timely. (S. 2389).
17. A bill to amend the Native American Programs Act of 1974 to reauthorize a provision to ensure the survival and continuing vitality of Native American languages. (S. 3546).
18. A bill to clarify certain provisions of the Native American Veterans' Memorial Establishment Act of 1994. (S. 3548, Native American Veterans' Memorial Amendments Act of 2012).

E. Legislation Given Active Consideration. The Committee gave active consideration to a variety of bills in the 112th Congress. The Committee held eight legislative hearings on 18 bills addressing the Violence Against Women Act (VAWA), the Native Culture, Language and Access for Success in Schools (CLASS) Act, tribal leasing reform, tribal energy development, tribal membership, Federal acknowledgment, trust funds, and land transfers. The Committee also held hearings on bills affecting specific tribes, including the Quileute Nation, Mescalero Apache Tribe, Blackfeet Nation, Navajo Nation, Little Shell Tribe, Ysleta del Sur Pueblo, Minnesota Chippewa Tribe, Confederated Tribes of Siletz Indians, Confederated Tribes of Grand Ronde, and Lytton Rancheria.

F. Legislation not Reported out of Committee. One bill was ordered to be reported during the 112th Congress but was not reported or enacted into law:

1. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes. (S. 1345, Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act).

G. *Legislation Referred to the Committee.* Twenty-three bills referred to the Committee during the 112th Congress were not reported or enacted into law:

1. To amend the Omnibus Indian Advancement Act to allow certain land to be used to generate income to provide funding for academic programs, and for other purposes. (H.R. 1556).
2. To prohibit certain gaming activities on certain Indian lands in Arizona. (H.R. 2938, Gila Bend Indian Reservation Lands Replacement Clarification Act).
3. A bill to establish a Native American Economic Advisory Council, and for other purposes. (S. 61, Native American Economic Advisory Council Act of 2011).
4. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that Act. (S. 66, Native Hawaiian Health Care Improvement Reauthorization Act of 2011).
5. A bill to amend the Public Health Service Act to provide for health data regarding Native Hawaiians and other Pacific Islanders. (S. 71, Native Hawaiian and Other Pacific Islander Health Data Act of 2011).
6. A bill to amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes. (S. 356).
7. A bill to modify the purposes and operation of certain facilities of the Bureau of Reclamation to implement the water rights compact among the State of Montana, the Blackfoot Tribe of the Blackfoot Indian Reservation of Montana, and the United States, and for other purposes. (S. 399, Blackfoot Water Rights Settlement Act of 2011).
8. A bill to amend the Indian Gaming Regulatory Act to modify a provision relating to gaming on land acquired after October 17, 1988. (S. 771, Tribal Gaming Eligibility Act).
9. 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 considered to be held in trust and to provide for the conduct of certain activities on the land. (S. 872).
10. A bill to extend Federal recognition to the Muscogee Nation of Florida. (S. 880, Muscogee Nation of Florida Federal Recognition Act).
11. A bill to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon. (S. 908).
12. A bill to supplement State jurisdiction in Alaska Native villages with Federal and tribal resources to improve the quality of life in rural Alaska while reducing domestic violence against Native women and children and to reduce al-

- cohol and drug abuse and for other purposes. (S. 1192, Alaska Safe Families and Villages Act of 2011).
13. A bill to direct the Secretary of Commerce to establish a demonstration program to adapt the lessons of providing foreign aid to underdeveloped economies to the provision of Federal economic development assistance to certain similarly situated individuals, and for other purposes. (S. 1293, Native American Challenge Demonstration Project Act of 2011).
 14. A bill to provide for the conveyance of certain property located in Anchorage, Alaska, from the United States to the Alaska Native Tribal Health Consortium. (S. 1298, Alaska Native Tribal Health Consortium Land Transfer Act).
 15. A bill to amend the Act of March 1, 1933, to transfer certain authority and resources to the Utah Dineh Corporation, and for other purposes. (S. 1327).
 16. A bill to clarify the responsibilities of the Secretary of the Interior in making a determination whether to take off-reservation land into trust for gaming purposes. (S. 1424, Off-Reservation Land Acquisition Guidance Act).
 17. A bill to strengthen Indian education, and for other purposes. (S. 1519, Building upon Unique Indian Learning and Development Act).
 18. A bill to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska. (S. 1898).
 19. A bill to provide for the use and distribution of judgment funds awarded to the Minnesota Chippewa Tribe by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes. (S. 1739, Minnesota Chippewa Tribe Judgment Fund Distribution Act of 2011).
 20. A bill to approve the settlement of water rights claims of the Navajo Nation, the Hopi Tribe, and the allottees of the Navajo Nation and Hopi Tribe in the State of Arizona, to authorize construction of municipal water projects relating to the water rights claims, to resolve litigation against the United States concerning Colorado River operations affecting the States of California, Arizona, and Nevada, and for other purposes. (S. 2109, Navajo-Hopi Little Colorado River Water Rights Settlement Act of 2012).
 21. A bill to provide for the settlement of the water rights claims of the Fort Belknap Indian Community, and for other purposes. (S. 3209, Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community Water Rights Settlement Act of 2012).
 22. A bill to help fulfill the Federal mandate to provide higher educational opportunities for Native Americans. (S. 3504, Native American Indian Education Act of 2012).
 23. A bill to create equal footing for tribal economic development. (S. 3654).

G. *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.

During the 112th Congress, the Committee held a total of 36 oversight hearings. The oversight hearings touched on a wide range of issues including emergency preparedness, tribal law enforcement and public safety, education, Internet infrastructure, sacred lands, Indian youth suicide, energy development, economic development, Federal recognition, gaming, Internet gaming, stereotypes and identity, taxation, the Indian Reorganization Act, climate change, Native veterans, telecommunications, probate reform, tribal transportation, job creation, and self-determination.

In the area of gaming, the Committee held numerous oversight hearings on the regulation of the Indian Gaming Regulatory Act and the future of Internet gaming. As discussions about various Internet gaming proposals ensued, the Committee sought to ensure that tribal nations were a part of the dialogue by examining the potential impacts Internet gaming may have on tribal nations.

Five field hearings were held on issues such as youth suicide, empowering tribal youth, tribal irrigation projects, economic development, and Native Hawaiian homeownership. These hearings took place in Alaska, Hawaii, Montana, and Wyoming.

The Committee also held two nomination hearings. The first was for three Presidential nominees for the Institute of American Indian and Alaska Native Culture and Arts Development Board, and the second was for the Assistant Secretary of Indian Affairs. The Senate confirmed all of these nominations.

In addition, the Committee held 17 roundtables and listening sessions which were led or moderated by the Committee's staff director. Each of the roundtables provided three hours of dialogue between committee staff, administration officials and representatives, tribal leaders, and interested parties. Topics included water rights, the environment, Indian education, Internet gaming, taxation, Federal acknowledgment, sacred lands, and tribal transportation. The roundtables were used to identify issues that may need oversight, and legislative or administrative attention. Many roundtables were followed up with oversight hearings and others led to the development of legislation.

Finally, the Committee held five listening sessions on draft tribal energy legislation and draft Internet gaming legislation. Listening sessions on the draft Tribal Online Gaming Act were held at several locations, including the National Congress of American Indians conference in Sacramento, the United South and Eastern Tribes conference in Connecticut, and the National Indian Gaming Association's conference in Florida. The Committee also held a listening session on the draft tribal energy bill in Washington, D.C. Comments and ideas received at the listening sessions were used to strengthen and/or modify the draft legislation. Approximately 1,000 tribal leaders, representatives of native organizations, and interested parties participated in the committee's roundtables and listening sessions.

IV. COMMITTEE ACTIVITIES

112TH CONGRESS, FIRST SESSION

A. Committee Hearings, Business Meetings, Roundtables, and Listening Sessions

February 16, 2011—Business Meeting to organize for the 112th Congress by electing the Chairman and Vice Chairman of the Committee and to adopt the rules of the Committee and any other organizational business the Committee needs to consider.

March 15, 2011—Oversight Hearing on the President's Fiscal Year 2012 Budget for Tribal Programs.

April 7, 2011—Business Meeting on S. 675, the Native Hawaiian Government Reorganization Act of 2011; and S. 676, a bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes.

April 7, 2011—Oversight Hearing on Promise Fulfilled: The Role of the SBA 8(a) Program in Enhancing Economic Development in Indian Country.

April 14, 2011—Legislative Hearing on S. 636, A bill to provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes; S. 703, the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2011; and S. 546, the Little Shell Tribe of Chippewa Indians Restoration Act of 2011.

April 19, 2011—Legislative Hearing on S. 1684, the Indian Tribal Energy Development and Self-Determination Act Amendments of 2012.

April 20, 2011—Oversight Field Hearing on The Wind River Irrigation Project-Issues Arising From and Contributing to Deferred Maintenance and Other Project Management Problems.

April 28, 2011—Roundtable on Native Education.

May 5, 2011—Oversight Hearing on Stolen Identities: The Impact of Racist Stereotypes on Indigenous People.

May 12, 2011—Roundtable on Tribal Transportation.

May 19, 2011—Listening Session on Tribal Energy Draft Bill.

May 26, 2011—Oversight Hearing on In Our Way: Expanding the Success of Native Language & Culture-Based Education.

June 9, 2011—Oversight Hearing on Setting the Standard: Domestic Policy Implications of the UN Declaration on the Rights of Indigenous Peoples.

June 16, 2011—Oversight Hearing on Finding Our Way Home: Achieving the Policy Goals of NAGPRA.

June 23, 2011—Oversight Hearing on The Indian Reorganization Act-75 Years Later: Renewing our Commitment to Restore Tribal Homelands and Promote Self-Determination.

June 28, 2011—Roundtable on Channeling the Discourse: Examining the Future of Water in Indian Country.

June 30, 2011—Legislative Hearing on S. 1262, the Native Culture, Language, and Access for Success in Schools (CLASS) Act.

July 14, 2011—Business Meeting to consider the Institute of American Indian and Alaska Native Culture and Arts Development Board Nominations.

July 14, 2011—Oversight Hearing on Native Women: Protecting, Shielding, and Safeguarding Our Sisters, Mothers, and Daughters.

July 19, 2011—Roundtable on Taxation: Raising Revenues for our Future.

July 21, 2011—Oversight Hearing on Facing Floods and Fires: Emergency Preparedness for Natural Disasters in Native Communities.

July 26, 2011—Roundtable on the Future of Internet Gaming: What's at Stake for Tribes?

July 28, 2011—Business Meeting on S. 546, A bill to extend the Federal recognition to the Little Shell Tribe of Chippewa Indians of Montana, and for other purposes; S. 379, A bill 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; S. 1218, A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes; S. 703, A bill to amend the Long-Term Leasing Act, and for other purposes; and S. 636, A bill to provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes.

July 28, 2011—Oversight Hearing on Enforcing the Indian Gaming Regulatory Act: The Role of the National Indian Gaming Commission and Tribes as Regulators.

August 4, 2011—Oversight Hearing on The American Indian Probate Reform Act: Empowering Indian Land Owners.

August 9, 2011—Oversight Field Hearing on Empowering Native Youth to Reclaim their Future.

August 17, 2011—Oversight Field Hearing on Strengthening Self-Sufficiency: Overcoming Barriers to Economic Development in Native Communities.

August 22, 2011—Roundtable on Building a Financial Foundation: Access to Capital in Native Communities.

September 8, 2011—Roundtable on Building Secure Homelands: Housing and Infrastructure Development in Native Communities.

September 15, 2011—Oversight Hearing on Tribal Transportation: Paving the Way for Jobs, Infrastructure, and Safety in Native Communities.

September 22, 2011—Oversight Hearing on Tribal Law and Order Act One Year Later: Have We Improved Public Safety and Justice Throughout Indian Country?

October 6, 2011—Oversight Hearing on Internet Infrastructure in Native Communities: Equal Access to E-Commerce, Jobs and the Global Marketplace.

October 13, 2011—Oversight Hearing on the *Carciari* Crisis: The Ripple Effect on Jobs, Economic Development and Public Safety in Indian Country.

October 20, 2011—Business Meeting to consider S. 1262, the Native Culture, Language, and Access for Success in Schools Act.

October 20, 2011—Legislative Hearing on S. 134, Mescalero Apache Tribe Leasing Authorization Act; S. 399, Blackfeet Water Rights Settlement Act of 2011; S. 1327, A bill to amend the Act of March 1, 1933, to transfer certain authority and resources to the Utah Dineh Corporation, and for other purposes; and S. 1345, Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act.

October 22, 2011—Oversight Field Hearing on H.O.P.E. for the Future: Helping Our People Engage to Protect Our Youth.

October 31, 2011—Listening Session on Pending Legislation.

November 1, 2011—Listening Session on Senate Committee on Indian Affairs Meetings with Tribal Leaders.

November 10, 2011—Legislative Hearing on S. 1763, Stand Against Violence and Empower (SAVE) Native Women Act; S. 872, Lytton Rancheria; and S. 1192, AK Safe Families and Villages Act

November 17, 2011—Oversight Hearing on the Future of Internet Gaming: What's at Stake for Tribes.

December 1, 2011—Oversight Hearing on Deficit Reduction and Job Creation: Regulatory Reform in Indian Country.

December 8, 2011—Business Meeting on S. 1763, Stand Against Violence and Empower (SAVE) Native Women Act; and S. 1065, the Blackfoot River Land Settlement Act.

December 8, 2011—Oversight Hearing on State and Federal Tax Policy: Building New Markets Indian Country.

112TH CONGRESS, SECOND SESSION

B. Committee Hearings, Business Meetings, Roundtables, and Listening Sessions

February 2, 2012—Legislative Hearing on S. 1739, A bill to provide for the use and distribution of judgment funds awarded to the Minnesota Chippewa Tribe by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes; S. 356, A bill to amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes; and S. 908, A bill to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon.

February 9, 2012—Oversight Hearing on the U.S. Department of Justice Opinion on Internet Gaming: What's at Stake for Tribes.

February 16, 2012—Oversight Hearing on Energy Development in Indian Country

March 1, 2012—Roundtable on Protecting our Ancestral Remains, Religious Freedoms, and Sacred Places.

March 8, 2012—Oversight Hearing on the President's Fiscal Year 2013 Budget for Native Programs.

March 15, 2012—Oversight Hearing on Indian Water Rights: Promoting the Negotiation and Implementation of Water Settlements in Indian Country.

March 22, 2012—Legislative Hearing on S. 1898, A bill to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska; and H.R. 1560, A bill 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 requirements for membership in that tribe.

March 29, 2012—Roundtable on Stewards of our Homelands: The Role of Native Peoples in Environmental Protection.

April 10, 2012—Roundtable on Community Development on the Hawaiian Home Lands: Understanding the Challenges and Opportunities.

April 13, 2012—Legislative Field Hearing on S. 65, the Hawaiian Homeownership Act of 2011.

April 19, 2012—Legislative Hearing on S. 1684, Indian Tribal Energy Development and Self-Determination Act Amendments of 2011.

April 24, 2012—Roundtable on Protecting our Fish and Wildlife Resources.

April 26, 2012—Roundtable on Federal Recognition: Political and Legal Relationship between Governments.

May 17, 2012—Oversight Hearing on Fulfilling the Federal Trust Responsibility: The Foundation of the Government-to-Government Relationship.

May 19, 2012—Listening Session on the Tribal Energy Draft Bill.

May 24, 2012—Oversight Hearing on Programs and Services for Native Veterans.

June 7, 2012—Oversight Hearing on Universal Service Fund Reform: Ensuring a Sustainable and Connected Future for Native Communities.

June 14, 2012—Oversight Hearing on New Tax Burdens on Tribal Self-Determination.

June 28, 2012—Business Meeting on H.R. 443, To provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska; H.R. 1560, 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. 1272, To provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes; S. 134, A bill to authorize the Mescalero Apache Tribe to lease adjudicated water rights; S. 1065, A bill to settle land claims within the Fort Hall Reservation; S. 2389, A bill to deem the submission of certain claims to an Indian Health Service contracting officer as timely; and S. 3193, A bill to make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes.

July 12, 2012—Oversight Hearing on Federal Recognition: Political and Legal Relationship between Governments.

July 19, 2012—Oversight Hearing on Impacts of Environmental Changes on Treaty Rights, Traditional Lifestyles, and Tribal Homelands.

July 26, 2012—Oversight Hearing on Regulation of Tribal Gaming: From Brick & Mortar to the Internet.

September 13, 2012—Business Meeting on S. 675, the Native Hawaiian Government Reorganization Act of 2011; S. 1345, the Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act; and S. 1684, the In-

dian Tribal Energy Development and Self-Determination Act Amendments of 2011.

September 13, 2012—Oversight Hearing on Addressing the Costly Administrative Burdens and Negative Impacts of the *Carciari* and *Patchak* Decisions.

September 14, 2012—Nomination Hearing on the President's Nomination of Kevin K. Washburn to be Assistant Secretary-Indian Affairs, Department of the Interior.

September 18, 2012—Listening Session on Draft Tribal Online Gaming Act.

September 20, 2012—Oversight Hearing on Advancing the Federal-Tribal Relationship through Self-Governance and Self-Determination.

September 20, 2012—Business Meeting on S. 65, A bill to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians; S. 2024, A bill to make technical amendment to the T'uf Shur Bien Preservation Trust Area Act, and for other purposes; S. 3546, Esther Martinez Language Preservation Act Reauthorization; S. 3548, To clarify certain provisions of the Native American Veterans' Memorial Establishment Act of 1994; and H.R. 2467, To take certain Federal lands in Mono County, California, into trust for the benefit of the Bridgeport Indian Colony.

October 24, 2012—Listening Session on Draft Tribal Online Gaming Act.

November 29, 2012—Oversight Hearing on Reclaiming Our Image and Identity for the Next Seven Generations.

