

The following bills were identified in our previous newsletters; however, we did not identify any new action by the United States Congress:

**U.S. Senate Bills:**

**S. 209: Indian Tribal Energy Development and Self-Determination Act Amendments of 2015.** This bill was incorporated into **S. 2012**, the Energy Policy Modernization Act of 2016. There are many partisan issues with the House bill according to Democrats and the White house has issued a veto threat. NCAI has urged tribal leaders to contact their delegation to support the inclusion of S.209/Title VI of the S.2012 in any final energy legislation. The bill amends the Energy Policy Act of 1992 to direct the Department of the Interior to provide Indian tribes with technical assistance in planning their energy resource development programs. (Last Action: Conference held by both Chambers on 09/08/16. Incorporated into **S. 2012** the Energy Policy Modernization Act as an **amendment** which passed the House on 5/25/16 and passed the Senate on 4/20/16. Referred to the Subcommittee on Energy and Power on 12/18/15. S. 209 **Passed Senate** with an **amendment** by Unanimous Consent on 12/10/15. Placed on Senate Legislative Calendar 9/30/2015 with **report No.114-149**). NCAI has been working on this bill and inclusion into S.2012 since July 2015. NOTE: Please read the Tribal position on this Bill in the **NCAI 2016 Policy Update Briefing** on page 13. ADDITIONAL RESOURCES: **NCAI letter of support for S.209**; **NCAI letter of concern regarding Hydropower Provisions in S.2012**; **White House Statement on S.2012**. Conference committee conference held 09/08/16. Introduced by Sen. John Barrasso (R-WY) on 01/21/15).

**S. 817: A bill to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon.** (Held at the Desk 7/18/16. Received in the House 7/18/16. Passed Senate Committee without amendment by unanimous consent on 7/14/16. Introduced on 3/19/15 by Sen. Ron Whyden (D-OR).

**S. 818. A bill to amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes.** (Passed Senate Committee on 7/14/16. Introduced on 3/19/15 by Sen. Ron Whyden (D-OR)).

**S. 1163: Native American Languages Reauthorization Act of 2015.** Amends the Native American Programs Act of 1974 to reauthorize through FY2020 and revise a grant program administered by the Administration for Native Americans at the Department of Health and Human Services (HHS) to ensure the survival and continuing vitality of Native American languages. (Passed Senate Committee on Indian Affairs on 5/11/16. Introduced by Tom Udall (D-NM) on 4/30/15).

**S. 1443: Indian Employment, Training and Related Services Consolidation Act of 2015.** Amends the Indian Employment, Training and Related Services Demonstration Act of 1992 to make revisions to the program that provides for the integration of employment, training, and related services programs from federal funds. Revises the types of programs that may be integrated pursuant to an approved integration plan. Sets forth requirements regarding the granting or denial of an Indian tribe's request

to waive any applicable statutory, regulatory, or administrative requirements or waive federal agency policies or procedures necessary to efficiently implement the plan. Prescribes for certain hearing and appeal rights for an Indian tribe if the Department of the Interior denies its plan. Revises the authority of tribes to use funds available for a plan to place participants in training positions with employers. (7/18/2016 Received in the House; held at the desk. 07/14/2016 Passed/agreed to in Senate: Passed Senate without amendment by Voice Vote.(consideration: CR [S5187-5190](#); text as passed Senate: CR [S5187-5190](#)) (Introduced by Sen. Lisa Murkowski (R-AK) on 05/21/2015).

**S. 2785: Tribal Youth and Community Protection Act of 2016.** A bill to protect Native children and promote public safety in Indian country. (Passed Senate Committee on Indian Affairs on 6/22/16. Committee hearing on 5/18/16. Introduced 4/12/16 by Sen. Jon Tester (D-MT), read twice and referred to the Committee).

**S. 2796: Repealing Existing Substandard Provisions Encouraging Conciliation with Tribes Act (RESPECT Act).** (Passed by Committee on 9/14/16. Senate Committee on Indian Affairs hearing held 6/29/16. Introduced by Sen. Mike Rounds (R-MT) on 4/13/16).

**S. 2842: Johnson-O'Malley Supplemental Indian Education Program Modernization Act.** This bill would update existing data on Indian students in public schools eligible to receive federal program funding. (Senate Committee on Indian Affairs heard testimony 5/11/16 from Carla Mann, president of the National Johnson-O'Malley Association on S.2482. Read twice and referred to the Committee on Indian Affairs. Bill Introduced on 04/21/2016 by Sen. Heidi Heitkamp (D-ND)). NCAI has a supporting resolution - [Resolution #ATL-14-039, "Supporting the Utilization of U.S. Census Data for Updating the Johnson-O'Malley Student Count"](#).

**S. 2848** (related bill [S. 2717](#)): **Water Resources Development Act of 2016.** This bill authorizes, deauthorizes, and revises various U.S. Army Corps of Engineers water resources development and conservation projects, feasibility studies, and relationships with nonfederal project sponsors. The Corps of Engineers may carry out final feasibility studies for projects in Arkansas, California, Florida, Illinois, Kansas, Kentucky, Louisiana, Maine, Missouri, New Hampshire, New Jersey, North Carolina, Oregon, South Carolina, Texas, Washington, and Wisconsin. [S. 2848](#) includes the entirety of [S. 2717](#), the Dam Repairs and Improvements for Tribes Act of 2016 (DRIFT Act). The DRIFT Act would address the deferred maintenance needs of Bureau of Indian Affairs (BIA) dams, as well as reform tribal programs within the U.S. Army Corps of Engineers (Army Corps) that focus on flood mitigation and prevention in Native communities. The DRIFT Act was included in S. 2848 as part of a substitute amendment. (09/19/16 Sent to the House, Held at the desk. 09/15/16 Passed Senate and sent to the House. Introduced by Sen. James Inhofe (R-OK) on 04/25/2016).

**S. 2916: Bill to provide that the Pueblo of Santa Clara may lease for 99 years certain restricted land, and for other purposes.** This bill amends the Indian Long-Term Leasing Act to expand the land of the Pueblo of Santa Clara and Ohkay Owingeh Pueblo that may be leased for up to 99 years with the

approval of the Department of the Interior, from lands held in trust, to all of the lands of the Pueblo of Santa Clara and Ohkay Owingeh Pueblo. (Passed Senate Committee on Indian Affairs 6/8/16. Committee received testimony 5/18/16. Introduced into Senate by Tom Udall (D-NM) on 5/10/16.)

**S. 2920: Tribal Law and Order Act Reauthorization and Amendments Act of 2016.** The act reauthorizes several provisions of the Tribal Law and Order Act (TLOA) of 2010. It addresses the needs of public safety in Indian Country by focusing on access to data sharing, coordination, and juvenile justice. (06/22/2016 Committee on Indian Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably. Passed Senate Committee on Indian Affairs on 6/08/16. Committee received testimony 5/18/16. Read twice and referred to the Committee. Bill introduced by Sen. John Barrasso (R-WY) and Sen. John McCain (R-AZ) on 05/11/2016).

**S. 2953: Indian Health Service Accountability Act of 2016.** To promote patient-centered care and accountability at the Indian Health Service and for other purposes. (09/21/2016 Committee on Indian Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably. Committee held hearing 6/17/16. Read twice and referred to the Committee. Sen. John Barrasso (R-WY) and Sen. John Thune (R-SD) introduced bill on 5/19/16).

**S. 3013: Salish and Kootenai Water Rights Settlement Act of 2016.** To authorize and implement the water rights compact among the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation, the State of Montana, and the United States, and for other purposes (Committee hearing 6/29/16. Introduced by Sen. Jon Tester (D-MT) on 5/26/16).

**S. 3014: The Tribal Forestry Participation and Protection Act of 2016.** To improve the management of Indian forest land and for other purposes. (Passed Senate Committee on Indian Affairs 6/22/16. Introduced by Sen. Steve Daines (R-MT) on 5/26/16).

**S. 3127: Safeguard Tribal Objects of Patrimony Act of 2016.** To amend title 18, United States Code, to enhance protections of Native American cultural objects, and for other purposes. (Introduced by Sen. Martin Heinrich (D-NM) on 07/06/16. Read twice and referred to Senate Committee on Indian Affairs).

**S. 3216: A bill to repeal the Act entitled, "An Act to confer jurisdiction on the State of Iowa over offenses committed by or against Indians on the Sac and Fox Indian Reservation." (09/14/2016 Committee on Indian Affairs. Hearings held. Introduced by Sen. Grassley (R-IA) on 7/14/16.)**

**S. 3222: Columbia River In-Lieu and Treaty Fishing Access Sites Improvement Act.** To authorize the Secretary of the Interior to assess sanitation and safety conditions of BIA facilities constructed to provide certain tribes access to traditional fishing grounds. (09/14/2016 Committee on Indian Affairs. Hearings held. Introduced by Sen. Jeff Merkley (D-OR) on 7/14/16. A House companion bill, H.R. 5811, was introduced the same day by Rep. Blumenauer (D-OR-03)).

**S. 3234: Indian Community Economic Enhancement Act of 2016.** To amend the Native American Business Development, Trade Promotion, and Tourism Act of 2000, the Buy Indian Act, the Indian Trader Act, and the Native American Programs Act of 1974 to provide industry and economic development opportunities to Indian communities. (09/21/2016 Committee on Indian Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably. 09/07/2016 Committee on Indian Affairs. Hearings held. Introduced by Sen. John Barrasso (R-WY) and Sen. John McCain (R-AZ) on 7/14/16).

**S. 3254, H.R. 5871: Spearfish Canyon and Bismarck Lake Land Exchange Act.**

This bill directs the Department of Agriculture (USDA), if South Dakota conveys to it four parcels of specified nonfederal lands, comprising 1,954 acres, to convey to South Dakota in exchange 1,468 acres known as the "Spearfish Canyon Area" and 524 acres known as the "Bismarck Lake Area" in the Black Hills National Forest in South Dakota. The values of the federal and nonfederal lands to be exchanged shall be equal. USDA shall complete any environmental analyses required under the National Environmental Policy Act of 1969 regarding the land exchange carried out under this bill. The nonfederal lands acquired by USDA shall be added to and administered as part of the forest. The federal lands acquired by South Dakota shall be managed by it for public recreation uses and the conservation of natural resources. (On the Senate side, on 9/22/16 the Committee on Energy and Natural Resources held hearings. On the House side, on 08/04/2016 Referred to the Subcommittee on Federal Lands. 07/14/2016 Introduced to House and Senate by Sen. John Thune (R-SD). [Opposed by Rosebud Sioux Tribe.](#))

**S. 3261: Native American Business Incubators Program Act.** To establish a business incubators program within the Department of the Interior to promote economic development on the reservation.

(09/21/2016 Committee on Indian Affairs. Ordered to be reported without amendment favorably. 09/07/2016 Committee on Indian Affairs. Hearings held. Introduced by Jon Tester (D-MT) on 7/14/16).

**S. 3300: Hualapai Tribe Water Rights Settlement Act of 2016** To approve the settlement of water rights claims of the Hualapai Tribe and certain allottees in the State of Arizona, to authorize construction of a water project relating to those water rights claims, and for other purposes. (09/14/2016 Committee on Indian Affairs, Hearings held. Introduced by Sen. Jeff Flake (R-AZ) on 09/08/2016).

#### **U.S. House Bills:**

**H.R. 872: Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2015.** Extends federal recognition to the following Indian tribes of Virginia and establishes their relationship with the federal government as described below: (1) the Chickahominy Tribe, (2) the Chickahominy Indian Tribe--Eastern Division, (3) the Upper Mattaponi Tribe, (4) the Rappahannock Tribe, Inc., (5) the Monacan Indian Nation, and (6) the Nansemond Indian Tribe. Makes the tribes and their members eligible for all services and benefits provided by the federal government to federally recognized Indian tribes. Establishes the service area of each tribe and requirements for each tribe regarding its membership roll, governing documents, and governing body. Requires the Department of the Interior, on request of any of the tribes, to take specified lands into trust for the benefit of that tribe, to be considered part of that tribe's reservation. Prohibits the tribes from conducting gaming activities. Prohibits this Act from affecting the hunting, fishing, trapping, gathering, or water rights of the tribes and their members. Prohibits the use of eminent domain to acquire lands in fee or in trust for an Indian tribe recognized under this Act. (09/29/15 Subcommittee Hearings Held. Introduced by Rep. Robert J. Wittman (R-VA-1) on 02/11/15).

**H.R. 1157: Santa Ynez Band of Chumash Mission Indian Land Transfer Act of 2015.** This bill would authorize the Secretary of the Interior to take certain land located in Santa Barbara County, California into trust for the benefit of the Tribe. The bill also explicitly prohibits gaming on any land taken into trust. (09/06/2016 Placed on the Union Calendar, Calendar No. 554. Passed House Committee on Natural Resources 7/13/16. Introduced 2/15 by Rep. Doug LaMalfa (R-CA-01)).

**H.R. 2009: Pascua Yaqui Tribe Land Conveyance Act of 2015.** Declares that, in the event that the Tucson Unified School District No. 1 conveys to the United States all of its interest in and to approximately 39.65 acres of land depicted as Parcel A on the map titled "PYT Land Department/2015/BLM Congressional Bill," that parcel shall be accepted by the United States and held in trust for the benefit of the Pascua Yaqui Tribe of Arizona as part of its reservation. Requires that all interest of the United States in and to approximately 13.24 acres of federal lands generally depicted on the map as Parcel B be conveyed to the District by patent without reservation of rights by the United States. Waives and gives up all U.S. reversionary interest in and to the approximately 27.50 acres of the land generally depicted on the map as Parcel C. Deems those lands to be held by the District free and clear of any U.S. claims. Prohibits gaming on the lands taken into trust pursuant to this Act. Prohibits the forfeiture or abandonment of any water rights that are appurtenant to such lands. (09/22/2016 Committee on Energy and Natural Resources. Hearings held.)

**H.R. 2577: Military Construction, Veterans Affairs, and Related Agencies Appropriation Act, 2017.** A key amendment [3909](#) was added to H.R. 2577 to allow Indian tribes to use certain funds to construct housing for certain skilled workers. The amendment 3909, offered by Senator John Barrasso (R-WY), expands the eligible use of the Indian Community Development Block Grant program (ICDBG) funds from the U.S. Department of Housing and Urban Development's Office of Native American Programs. The amendment will now allow ICDBG funds to be used for the construction of housing facilities for certain skilled professionals. These include law enforcement, health, educational, technical, and other skilled professionals. (09/06/2016 Second cloture on the conference report not invoked in Senate by Yea-Nay Vote. 52 - 46. [Record Vote Number: 135](#). (consideration: CR [S5229-5240](#); text: CR [S5239](#)) Conference report considered in Senate. (consideration: CR [S5229-5240](#)) Type of Action: Resolving Differences. Submitted Amendment [SA 3909](#) 05/16/16 and agreed to in Senate by Voice Vote. Introduced by Rep. Mario Diaz-Balart (R-FL-25) on 05/27/15).

**H.R. 3080 and S. 1771: Tribal Employment and Jobs Protection Act.** This bill amends the Internal Revenue Code to exclude from the definition of "applicable large employer" for purposes of the employer health care mandate under the Patient Protection and Affordable Care Act (PPACA) any tribal employer. The bill defines "tribal employer" as: (1) any Indian tribal government or subdivision, (2) any tribal organization, or (3) any corporation or partnership if more than 50% of the equity interest of such an entity is owned by an Indian tribal government or tribal organization. (Reported (Amended) by the Committee on Ways and Means. [H. Rept. 114-656](#) on 07/05/16 and placed on the Union Calendar, Calendar No. 507. Committee Consideration and Mark-up Session Held 6/15/16. Introduced into Senate by Sen. Steve Daines (R-MT) on 7/15/2015 and read twice and referred to the Senate



Committee on Finance. Referred to the House Committee on Ways and Means on 7/15/2015).

**H.R. 3764: Tribal Recognition Act of 2015.** This bill replaces the process for federal recognition of Indian tribes. Indian groups may only be recognized as an Indian tribe by Congress. Groups that are not federally recognized may submit a petition for federal recognition to the Bureau of Indian Affairs (BIA) and may file a letter of intent in advance. Groups may not be factions of recognized Indian tribes and may not have been denied federal recognition. The BIA must publish guidelines for the preparation of petitions and provide petitioners with suggestions and advice. The bill specifies criteria for a group to be considered an Indian tribe, including that the group has been identified as an Indian entity on a substantially continuous basis since 1900, comprises a distinct community, and consists of individuals who descend from a historical Indian tribe. Previous federal recognition is acceptable evidence of the tribal character of a group to the date of the last such recognition. (09/08/2016 Ordered to be Reported (Amended) by the Yeas and Nays: 23 – 13. Introduced by Rep. Rob Bishop (R-UT-1) 10/20/15).

**H.R. 4685: Tule River Indian Reservation Land Trust, Health, and Economic Development Act.** The bill will take certain Federal lands located in Tulare County, California, into trust for the benefit of the Tule River Indian Tribe, and for other purposes. (09/07/2016 Committee on Indian Affairs. Hearings held. Received in the Senate on 7/6/16 and read twice and referred to Senate Committee on Indian Affairs. On 07/01/16, reported by the Committee on Natural Resources [H. Rept. 114-649](#) and placed on the Union Calendar, Calendar No. 501. On 06/15/16, House Committee Consideration and Mark-up Session Held, ordered to be Reported by Unanimous Consent. On 06/14/16, Subcommittee on Indian, Insular and Alaska Native Affairs Discharged, Committee Consideration and Mark-up Session Held, and Subcommittee Hearing held. Referred to Subcommittee on Indian, Insular and Alaska Native Affairs on 03/08/16. Introduced 03/03/16 by Rep. Kevin McCarthy (R-CA-23) and referred to the House Committee on Natural Resources).

**H.R. 4744, S.2468: Safe Academic Facilities and Environments for Tribal Youth Act or the SAFETY Act.** This bill directs the Department of the Interior to carry out a Tribal School Construction Demonstration Program to award grants to Indian tribes for the construction of replacement tribal schools. The program provides additional funding and opportunities for tribes to construct schools. Tribes on the Interior priority list for construction of tribal schools receive the highest priority for a grant under this program. This bill amends the Tribally Controlled Colleges and Universities Assistance Act of 1978 to revise the grant program for construction at tribal colleges and universities. The bill eliminates the requirements for Interior to identify the need for construction and tribal colleges and universities to provide matching funds. Restrictions on grant amounts and the use of constructed facilities are removed. This bill amends the Housing Act of 1949 to authorize the Department of Agriculture to award grants to Indian tribes, tribal organizations, and tribal housing entities for the construction or renovation of housing in rural areas for educators at Indian schools and schools where at least 25% of the students are Indian. (09/19/2016 Referred to the Subcommittee on Higher Education and Workforce Training. Introduced by Ann Kirkpatrick (D-AZ-1) on 03/15/2016).

**H.R. 4943: Tribal Tax and Investment Reform Act of 2016**

This bill amends the Internal Revenue Code (IRC) to include Indian tribal governments in an annual allocation of a national tax-exempt bond volume cap. The bill repeals provisions that limit an Indian tribal government's eligibility to issue tax-exempt bonds or to be exempt from specified excise taxes to transactions involving the exercise of an essential government function customarily performed by state and local governments. The bill amends the IRC and the Employee Retirement Income Security Act of 1974 (ERISA) to treat employee benefit or pension plans maintained by Indian tribes and domestic relations orders issued pursuant to tribal law in the same manner as plans maintained by states and domestic relations orders issued pursuant to state law. The bill treats tribal charities and foundations in the same manner as charities and foundations funded and controlled by other governmental entities for purposes of the tax-exempt status of, and deduction for contributions to, such organizations. The bill amends the Social Security Act to give Indian tribes or tribal organizations access to the Federal Parent Locator Service if they are eligible for a grant to operate a child support enforcement program. It makes those tribes and tribal organizations eligible to participate in the program that collects past-due support from individual tax refunds. (09/19/2016 Referred to the Subcommittee on Health, Employment, Labor, and Pensions. Introduced by Rep. Ron Kind (D-WI-3) on 04/14/2016).

**H.R. 5072: Tribal Early Childhood, Education, and Related Services Integration Act of 2016**

This bill amends the Native American Programs Act of 1974 to require the Department of Health and Human Services (HHS) to establish a demonstration program to support tribal early childhood education demonstration projects. Funding for projects is through existing programs that have a purpose consistent with the purpose of the demonstration program. HHS may waive certain provisions of law, policy, or procedure related to the programs providing funding for projects. Demonstration projects must be: (1) carried out by an Indian tribe, a tribal organization, or a consortium with a tribe or tribal organization as its primary member; (2) designed around new approaches that address tribal community needs and improve early childhood education and services; and (3) focused on Native culture, culturally based early childhood education, and related services. (09/19/2016 Referred to the Subcommittee on Early Childhood, Elementary, and Secondary Education. Introduced by Norma J. Torres (D-CA-35) on 04/26/2016).

**H.R. 5406: Health Act.** To amend the Indian Health Care Improvement Act to improve access to tribal health care by providing for systemic Indian Health Service workforce and funding allocation reforms, and for other purposes. (09/21/2016 Ordered to be Reported (Amended) by Voice Vote. Introduced by Rep. Kristi L. Noem (R-SD-At Large) on 06/08/2016).

**H.R. 5412: To provide the right of American Indians born in Canada or the United States to pass the borders of the United States to any individual who is a member, or is eligible to be a member, of a Federally recognized Indian tribe in the United States or Canada, and for other purposes.** This bill amends the Immigration and Nationality Act to provide the right to pass the borders of the United States (which includes other privileges pursuant to the Jay Treaty) to an American Indian born in the United States or Canada who is a member, or is eligible to be a member, of a federally recognized Indian tribe in the United States or Canada. (Current law provides such right to only an American Indian



born in Canada who has at least 50% American Indian blood.) (06/15/2016 Referred to the Subcommittee on Immigration and Border Security. Introduced by Rep. Derek Kilmer (D-WA-6) on 06/08/16).

**H.R. 5700: Native Educator Support and Training Act or the NEST Act**

This bill amends the Higher Education Act of 1965 to establish scholarships, loan forgiveness plans, and training programs for educators who commit to teaching in Native American or Bureau of Indian Education (BIE) schools. (09/19/2016 Referred to the Subcommittee on Higher Education and Workforce Training. Introduced by Rep. Raul Ruiz (D-CA-36) on 07/08/16).

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**Arizona Legislature**

No bills reported.

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