

# POWERS

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## Update on Federal Legislative and Policy Developments

Affiliated Tribes of Northwest Indians  
2015 Mid-Year Conference

May 19, 2015

# Overview

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- I. Where we are
- II. Budget and Appropriations
- III. Pending Indian-Related Legislation
- IV. Administrative Developments

# Where We Are

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- Midway through the 1st Session of the 114th Congress
- Approximately 70 legislative days left this year
- Committees of jurisdiction in both chambers have been active
- Many of the same bills and issues as the last Congress

# Budget and Appropriations

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- FY 2016 appropriations season is underway
- House and Senate agreed to Budget Resolution that adheres to Budget Control Act
- In the House, desire to get as many spending bills passed through “regular order” as possible
  - House passed two spending bills, five more considered by their respective Subcommittees
  - Senate Appropriations Committee will consider its first spending bill tomorrow
- Earmark ban still in effect

# Budget and Appropriations

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- Interior-Environment-Related Agencies spending bill funds BIA, IHS, and other Indian programs
  - Draft bill has yet to unveiled in either House or Senate
  - House Interior Subcommittee has about \$250 million less to spend, so floor consideration uncertain
- In House, Labor-HHS bill saw \$3.6 billion reduction
- Spending levels for Subcommittees in Senate have yet to be determined

# New Faces in Committee Leadership

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- House Committee on Natural Resources

Has primary jurisdiction over legislation related to public lands, natural resources, and Indian affairs



Rob Bishop (R-UT)  
Chairman



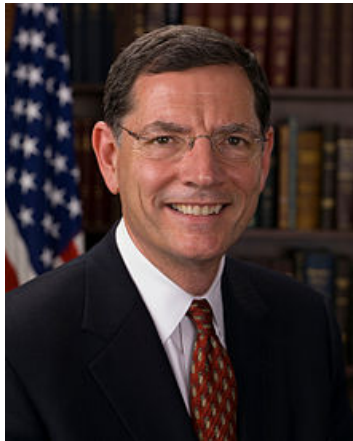
Raúl Grijalva (D-AZ)  
Ranking Member

# New Faces in Committee Leadership

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- Senate Committee on Indians Affairs

Has primary jurisdiction over Indian issues in the Senate



John Barrasso (R-WY)  
Chairman



Jon Tester (D-MT)  
Vice-Chairman

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# Indian-related Bills that Have Seen Movement

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- **NAHASDA Reauthorization**
  - Law that governs most Indian housing programs
  - H.R. 360 passed House on March 23, 2015
  - S.710 ordered reported by SCIA on April 22, 2015
- Last year reauthorization of Native Hawaiian housing programs presented obstacles
- Unclear how issue will unfold in Senate this Congress



# Indian Energy Legislation

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- Indian energy
  - Indian Tribal Energy Development and Self-Determination Act (S.209)
    - One of the first bills reported by SCIA
  - Native American Energy Act (H.R. 538)
    - Likely to be considered soon
- Both bills contain provisions that would streamline energy development on Indian lands

# ATNI bill – Indian Trust Asset Reform Act

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- Developed by ATNI Trust Reform Committee
- Would authorize tribes to have trust assets managed under tribal standards, require report to Congress on OST, and authorize expedited appraisals and valuations
- House bill (H.R. 812) has 8 cosponsors, 4 Republicans and 4 Democrats
  - House hearing held on April 14, 2015; mark-up expected soon
- Senate bill (S.383) introduced by Senators Crapo and Risch
- NCAI endorsed

# Other Pending Indian-related Bills

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- **“IRRIGATE” Act (S.438)**
  - Would provide for repair and maintenance of Indian irrigation projects
  - SCIA ordered reported March 18, 2015
- **Department of the Interior Tribal Self-Governance Act (S.286)**
  - SCIA ordered reported on February 4, 2015
  - House bill has yet to be introduced

# *Carcieri* “Fix”

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- House – 2 bills introduced
  - Cole bill (H.R. 249) would be a clean fix
  - McCollum bill (H.R. 407) would be a clean fix and would reaffirm past trust acquisitions
- Senate bill (S.732) similar to H.R. 407
- House subcommittee oversight hearing on May 14, 2015
  - “Inadequate Standards for Trust Land Acquisition in the Indian Reorganization Act of 1934”
  - Some believe that hearing is first step to a different legislative approach to *Carcieri*

# Administration Initiatives

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- Proposed rule to revise regulations at 25 CFR Part 83 relating to federal acknowledgement of Indian tribes
  - Public comments closed September 30, 2014
  - House oversight hearing held April 22, 2015
    - “The Obama Administration's Part 83 Revisions and How They May Allow the Interior Department to Create Tribes, Not Recognize Them”
- Proposed rule to overhaul regulations at 25 CFR Part 169 relating to rights-of-way on Indian lands
  - Public comments closed November 28, 2014

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