Undated: Indian Affairs Committee Speeches (2 of 3): Statement before the Committee on Rules and Administration

STATEMENT OF SENATOR DANIEL K. INOUYE

CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS

BEFORE THE

COMMITTEE ON RULES AND ADMINISTRATION

FEBRUARY 24, 1994

MR. CHAIRMEN AND MEMBERS OF THE COMMITTEE ON RULES AND ADMINISTRATION, I AM PLEASED TO HAVE THE PRIVILEGE OF SHARING MY THOUGHTS WITH YOU ON THE PROPOSALS OF THE JOINT COMMITTEE ON THE REORGANIZATION OF THE CONGRESS AS THEY MAY AFFECT THE STATUS OF THE SENATE COMMITTEE ON INDIAN AFFAIRS.

ALTHOUGH WE LIKE TO THINK OF THIS BODY AS HAVING AN INSTITUTIONAL MEMORY UPON WHICH WE CAN CALL AT ANY TIME, IN FACT, I MUST SADLY REPORT THAT SOME OF THE CHAPTERS OF OUR HISTORY -- THE HISTORY OF THIS NATION AND THE HISTORY OF THIS BODY -- HAVE BEEN FORGOTTEN OVER TIME. AND SO, I AM GRATEFUL TO HAVE BEEN AFFORDED THIS OPPORTUNITY TODAY TO CALL UPON MY COLLEAGUES ON THIS COMMITTEE AND IN THE SENATE, TO REFLECT ON THE ORIGINS OF THE COMMITTEE ON INDIAN AFFAIRS -- THE COMMITMENTS IT REPRESENTS AND IS CHARGED WITH CARRYING OUT -- COMMITMENTS THAT WERE MADE BY OUR FOUNDING FATHERS AND ENSHRINED IN OUR CONSTITUTION.

UNLIKE MANY OTHER COMMITTEES OF THE CONGRESS THAT HAVE BEEN ESTABLISHED TO DEAL WITH MATTERS OF CONTEMPORARY CONCERN OR WHICH REFLECT THE GREAT ISSUES IN THIS DECADE OF THE 1990s, THE RESPONSIBILITY FOR INDIAN AFFAIRS HAS ITS ORIGINS IN THE CONSTITUTION OF THE UNITED STATES -- ARTICLE I, SECTION 3, CLAUSE 8 -- IN WHICH THE CONGRESS IS VESTED WITH PLENARY AUTHORITY OVER INDIAN AFFAIRS AND THE CONDUCT OF COMMERCE WITH THE INDIAN NATIONS.

THIS RESPONSIBILITY OF THE CONGRESS FOR INDIAN AFFAIRS CANNOT THUS BE LIGHTLY TAKEN, NOR CAN THE CONGRESS DIVEST ITSELF OF THIS RESPONSIBILITY IN THE ABSENCE OF AN AMENDMENT TO THE CONSTITUTION. SO THIS IS WHERE WE BEGIN.

FOR OVER 160 YEARS, THE ORGANIZATION OF THE SENATE HAS REFLECTED ITS COMMITMENT TO HONOR THIS CONSTITUTIONAL CHARGE BY MAINTAINING A PERMANENT STANDING COMMITTEE ON INDIAN AFFAIRS. THE ONLY ABERRATION FROM THIS PATTERN WAS THE THIRTY-YEAR HIATUS, FROM 1946 TO 1976, WHEN JURISDICTION OVER INDIAN AFFAIRS WAS DELEGATED TO A SUBCOMMITTEE OF THE PUBLIC LANDS COMMITTEE, WHICH IN 1948, BECAME THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS.

WE BEGIN WITH THE PREMISE THAT INDIAN NATIONS ARE SOVEREIGN -- THE UNITED STATES CONSTITUTION, THE DEBATES OF THE CONTINENTAL CONGRESS, AND THE WRITINGS OF OUR FOUNDING FATHERS HAVE RECOGNIZED THIS SOVEREIGNTY FROM THE EARLIEST DAYS OF OUR UNION.

FOR THE LAST TWENTY-THREE YEARS, EVERY PRESIDENT OF THE UNITED STATES HAS REAFFIRMED THIS PRINCIPLE, IN RECOGNITION OF THE GOVERNMENT-TO-GOVERNMENT RELATIONSHIP THAT THE UNITED STATES HAS HISTORICALLY HAD WITH THE INDIAN NATIONS.

PRESIDENT BUSH EXPRESSED HIS RECOGNITION OF THE SOVEREIGNTY OF INDIAN TRIBAL GOVERNMENTS BY ESTABLISHING AS A MATTER OF FEDERAL POLICY THAT TRIBAL GOVERNMENTS ARE AN INTEGRAL PART OF THE FAMILY OF GOVERNMENTS IN THE UNITED STATES -- A FAMILY CONSISTING OF THE FEDERAL, STATE, AND TRIBAL GOVERNMENTS.

THE TWO HUNDRED YEAR HISTORY OF DEALINGS WITH THE INDIAN NATIONS WHICH PRECEDED THIS ENLIGHTENED POLICY WERE UNHAPPILY, NOT A HISTORY

THAT WE CAN POINT TO WITH ANY PRIDE, BECAUSE OUR DEALINGS WITH THE INDIAN NATIONS HAS BEEN ONE OF DISHONORABLE DEALINGS, DECEPTION AND DECEIT.

IN THE EARLY DAYS OF OUR HISTORY, THE CONDUCT OF OUR RELATIONS WITH THE INDIAN NATIONS WAS A MATTER OF THE HIGHEST PRIORITY IN THE CONGRESS. WE RELIED UPON THE SUPPORT OF THE INDIAN TRIBES IN OUR FIGHT FOR INDEPENDENCE -- IT WAS THE INDIAN PEOPLE WHO PROVIDED FOOD TO OUR TROOPS -- WHO FOUGHT SIDE BY SIDE WITH REVOLUTIONARY SOLDIERS -- AND WHO SUSTAINED GENERAL WASHINGTON AND HIS MEN AT VALLEY FORGE.

YEARS LATER, WE DECLARED WAR ON THE INDIAN NATIONS, AND FOR OVER FIFTY YEARS, WE UNDERTOOK A CONCERTED EFFORT TO EXTERMINATE THE TRIBES -- THIS WAS THE ERA NOW KNOWN AS THE INDIAN WARS -- IN WHICH THE WAR DEPARTMENT BECAME THE INSTRUMENT OF FEDERAL POLICY TOWARD THE INDIAN NATIONS.

ANTHROPOLOGISTS ESTIMATE THAT THERE WERE AS FEW AS 10 MILLION INDIANS AND AS MANY AS 50 MILLION INDIAN PEOPLE OCCUPYING THE TERRITORY THAT CAME TO BE THE UNITED STATES AT THE TIME OF FIRST EUROPEAN CONTACT. THE DECIMATING EFFECTS OF THE INDIAN WARS PERIOD REDUCED THE INDIAN POPULATION TO 250,000.

BUT DESPITE OUR BEST EFFORTS TO WIPE OUT THE NATIVE PEOPLE OF AMERICA, THEY SURVIVED -- AND SO OUR NEXT ATTEMPT TO DEAL WITH THE SO-CALLED "INDIAN PROBLEM" -- THE PROBLEM OF MAKING ROOM FOR WHITE SETTLEMENT IN THE EASTERN UNITED STATES AND LATER WEST OF THE MISSISSIPPI -- WAS THROUGH TREATIES WITH THE INDIAN NATIONS, AND LATER, THE FEDERAL POLICY OF REMOVAL.

AND WHILE THE TREATIES, TOO, WERE A RECOGNITION OF THE SOVEREIGNTY OF THE INDIAN NATIONS AND WERE CONSTRUED TO BE AS MUCH A PART OF THE

SUPREME LAW OF THE LAND AS OUR TREATIES WITH FOREIGN NATIONS -- OF THE 800 TREATIES THAT WE ENTERED INTO WITH THE INDIAN NATIONS, 370 OF THEM WERE NEVER RATIFIED BY THE SENATE.

WE WERE ADAMANT IN OUR INSISTANCE THAT THE INDIANS ABIDE BY THE TERMS OF THE 430 TREATIES THAT WERE RATIFIED, BUT FOR OUR PART, WE PROCEEDED TO -- AND HAVE CONTINUED TO -- VIOLATE PROVISIONS IN EVERY SINGLE ONE OF THEM.

NONETHELESS, IN EXCHANGE FOR THE CESSION OF MILLIONS OF ACRES OF INDIAN LAND TO THE UNITED STATES, WE UNDERTOOK COMMITMENTS -- COMMITMENTS OF HEALTH CARE AND EDUCATION AND THE PROTECTION OF INDIAN LANDS AND RESOURCES -- COMMITMENTS WHICH WERE UNDERSTOOD TO BE "FOR AS LONG AS THE SUN RISES IN THE EAST AND SETS IN THE WEST, AS LONG AS THE RIVERS FLOW FROM THE MOUNTAINS TO THE SEAS, FOR AS LONG AS THE GRASS GROWS GREEN AND THE RIVERS RUN CLEAR".

WE ALSO ADOPTED A POLICY OF REMOVAL, IN WHICH WE ROUNDED UP THE REMAINING MEMBERS OF INDIAN TRIBES AND FORCIBLY MARCHED THEM ACROSS THE EASTERN HALF OF THE UNITED STATES -- THERE WERE MANY "TRAILS OF TEARS", NOT JUST ONE -- AND THOUSANDS OF INDIANS DIED ALONG THE WAY FROM EXPOSURE AND STARVATION. OKLAHOMA BECAME THE GREAT "DUMPING GROUND" FOR INDIANS.

BECAUSE THE TRADITIONAL WAYS OF INDIAN EXISTENCE WERE ALIEN TO THE EUROPEAN EXPERIENCE, WE ADOPTED A POLICY OF ESTABLISHING RESERVATIONS, FOLLOWED BY POLICIES OF "CIVILIZATION" AND "ALLOTMENT".

WE SOUGHT TO CONTROL THE TRAVERSE OF INDIANS ACROSS THE WIDE EXPANSES THAT WERE THEIR TRADITIONAL HUNTING AND FISHING AND GATHERING GROUNDS, BY PLACING THEM ON RESERVATIONS.

WE THOUGHT WE COULD "CIVILIZE" THE INDIAN BY MAKING HIM A FARMER,

AND GIVING HIM AGRICULTURAL IMPLEMENTS TO TILL THE BARREN LAND ON WHICH WE HAD PLACED HIM.

WE THOUGHT THAT THE TRADITIONAL COMMUNAL EXISTENCE OF THE TRIBES WENT AGAINST THE GRAIN OF WHAT WE CONSIDERED TO BE AMERICAN, SO WE AUTHORIZED THE RESERVATIONS TO BE BROKEN UP INTO SMALL PARCELS FOR ALLOTMENT TO EACH TRIBAL MEMBER.

IT WAS THROUGH THE POLICIES OF TREATY-MAKING AND OF ALLOTMENT THAT THE FIVE HUNDRED AND FIFTY MILLION ACRES OF LAND OVER WHICH INDIANS ONCE EXERCISED DOMINION AND CONTROL WAS REDUCED TO THE FIFTY MILLION ACRES OF LAND HELD IN INDIAN OWNERSHIP TODAY.

ALL DURING THIS TIME OF ATTEMPTING TO "CIVILIZE" THE INDIANS, WE ACTIVELY UNDERTOOK A CAMPAIGN OF ELIMINATING ANY VESTIGE OF INDIAN CULTURE, SONG, DANCE AND ART -- THE SPEAKING OF INDIAN LANGUAGES WAS A PUNISHABLE OFFENSE IN PUBLIC SCHOOLS -- AND FOR YEARS AND YEARS, WE TOOK INDIAN CHILDREN AWAY FROM THEIR PARENTS AND SENT THEM TO BOARDING SCHOOLS, WHERE THEY COULD BE "CLEANSED" OF ANYTHING INDIAN.

FORTY YEARS LATER, RESPONDING TO THE DEVASTATING RESULTS OF THE ALLOTMENT ERA AND OUR EFFORTS TO ASSIMILATE THE INDIAN PEOPLE, WE SHIFTED POLICY DIRECTION ONCE AGAIN, AND THIS TIME, CALLED FOR THE REORGANIZATION OF TRIBAL GOVERNMENTS.

BUT IN LESS THAN TWENTY YEARS, WE ADOPTED YET ANOTHER POLICY -- THIS TIME, A CONCERTED EFFORT AT ASSIMILATION KNOWN AS THE TERMINATION ERA -- IN WHICH RELATIONSHIPS WITH THE FEDERAL GOVERNMENT WERE TO BE SYSTEMATICALLY TERMINATED -- AND ONLY A FEW YEARS LATER, THIS EFFORT WAS COUPLED WITH A POLICY OF RELOCATING INDIANS TO THE MAJOR URBAN CENTERS OF THE COUNTY.

TODAY, AND FOR THE LAST -- ALMOST -- TWENTY-FIVE YEARS, WE HAVE MANAGED TO STEER A SOMEWHAT MORE CONSISTENT COURSE, IN WHICH THE POLICY OF INDIAN SELF-DETERMINATION AND SELF-GOVERNANCE HAS BEEN THE GUIDING PHILOSOPHY.

BUT I BELIEVE IT IS WORTH REVIEWING THIS HISTORY BECAUSE IT REVEALS WHY WE CANNOT LOOK AT COMMITTEE STRUCTURE AND CONGRESSIONAL RESPONSIBILITIES IN THE ABSENCE OF THEIR HISTORICAL CONTEXT.

OUR RELATIONSHIP WITH THE INDIAN NATIONS ARISES OUT OF OUR CONSTITUTIONAL RESPONSIBILITIES -- BUT OUR RECORD IN CARRYING OUT THOSE RESPONSIBILITIES HAS BEEN FAR FROM EXEMPLARY.

THE VACILLATIONS IN FEDERAL LAW AND POLICY OVER THE LAST TWO CENTURIES ARE TESTAMENT TO THE FACT THAT WE HAVE EXPENDED CONSIDERABLE EFFORT IN DEVELOPING "WASHINGTON" SOLUTIONS TO PROBLEMS IN INDIAN COUNTRY.

IT HAS ONLY BEEN IN THIS ERA OF SELF-DETERMINATION THAT THE FEDERAL GOVERNMENT HAS BEGUN TO LISTEN AND BE GUIDED BY THOSE WHO HAVE THE REAL AND WORKABLE SOLUTIONS TO THE PROBLEMS WHICH CONFRONT INDIAN COMMUNITIES -- THE INDIAN PEOPLE THEMSELVES.

SCHOLARS OF OUR HISTORY WITH THE INDIAN NATIONS ARE CONSISTENT IN THEIR VIEW THAT THERE NEEDS TO BE A FOCAL POINT IN THE CONGRESS -- A STEADY KEEL TO GUIDE THE SHIP OF STATE IN INDIAN MATTERS -- BOTH IN THE FORMULATION OF POLICY AND IN THE OVERSIGHT AND MONITORING OF THE WORK OF THE FEDERAL AGENCIES.

THE INDIAN PROGRAM RESPONSIBILITIES WITH WHICH WE HAVE CHARGED EXECUTIVE BRANCH AGENCIES ARE WIDELY DISPERSED -- THEY INVOLVE ALMOST EVERY DEPARTMENT OF THE FEDERAL GOVERNMENT -- THERE IS NO CENTRAL POINT

OF COORDINATION AND OVERSIGHT OF THESE EFFORTS, OTHER THAN IN THE INDIAN COMMITTEES OF THE CONGRESS.

WE PRIDE OURSELVES AS A NATION THAT HONORS THE HUMAN RIGHTS OF ALL PEOPLE, AND YET THE HISTORY OF OUR RELATIONS WITH OUR OWN NATIVE PEOPLE IS A SAD AND EMBARRASSING ONE.

EVEN IF WE WERE NOT CHARGED WITH LEGAL OBLIGATIONS AND A TRUST RESPONSIBILITY, WE WOULD STILL HAVE TO RECOGNIZE THE MORAL IMPERATIVE THAT WE, AS A NATION, ARE CHARGED WITH -- WHEN IT COMES TO IMPROVING THE CONDITIONS OF LIFE IN RESERVATIONS COMMUNITIES.

AS TO THAT LATTER OBJECTIVE, I DON'T THINK I NEED TO CITE STATISTICS TO ANY ONE HERE. MOST OF US KNOW THAT INDIAN COMMUNITIES HAVE THE HIGHEST UNEMPLOYMENT RATES IN THE NATION -- WITH AN AVERAGE OF 57 PERCENT AND A HIGH OF 90 PERCENT IN MANY AREAS OF INDIAN COUNTRY.

THE ATTENDANT SOCIAL PROBLEMS THAT ACCOMPANY EXTREME POVERTY -- SUICIDE AND ALCOHOLISM, HOPELESSNESS AND DESPAIR -- ARE HIGHER THAN IN ANY OTHER SEGMENT OF OUR POPULATION.

ELEVEN PERCENT OF ALL INDIAN HOUSING HAS NO POTABLE WATER. AN ALARMING 56 PERCENT OF INDIAN HOMES HAVE INADEQUATE WATER SYSTEMS OR SEWER SYSTEMS NOT IN COMPLIANCE WITH POLLUTION CONTROL LAW, OR HAVE NO SOLID WASTE DISPOSAL FACILITY. HOUSING NEEDS ARE GREATER THAN THOSE OF ANY OTHER GROUP OF AMERICANS. HEALTH CARE EXPENDITURES REPRESENT ONLY ONE-TENTH OF WHAT IS AVAILABLE TO OTHER AMERICANS. THESE ARE THE VESTIGES OF OUR PAST.

AT A TIME WHEN WE ARE EFFECTIVELY ENGAGED IN A CONCERTED, FOCUSED EFFORT TO ADDRESS THESE PERVASIVE PROBLEMS --

AND AT A TIME WHEN WE ARE FURTHER CHALLENGED WITH THE REALITY

THAT THE RESOURCES TO DO SO GROW MORE SCARCE WITH EACH PASSING DAY --

WE SIMPLY CANNOT AFFORD TO RETURN TO THE OUTMODED ORGANIZATIONAL STRUCTURE OF TWENTY YEARS AGO THAT DISPERSED THE INDIAN RESPONSIBILITIES OF THE SENATE ACROSS NUMEROUS COMMITTEES, FRAGMENTING ITS FOCUS, UNDERMINING ANY EFFECTIVE COMPREHENSIVE OVERSIGHT OF INDIAN PROGRAMS, AND THEREBY ENABLING THE EXECUTIVE BRANCH TO LOSE SIGHT OF THE GOAL OF COORDINATING PROGRAMS AND SERVICES DESIGNED TO ADDRESS THE GRAVE CONDITIONS IN RESERVATION COMMUNITIES.

EVEN ASSUMING THERE WAS SOME MERIT TO THE JURISDICTIONAL ARRANGEMENT OF THE 1970s, INDIAN ISSUES ARE NO LONGER NATURAL RESOURCE ISSUES.

TODAY, THE FUTURE OF INDIAN PEOPLE LIES IN THE STRENGTH OF INDIAN GOVERNMENTS, AND THE CONSOLIDATION OF GOVERNMENTAL AUTHORITY IN A MANNER THAT IS DESIGNED TO FOSTER ECONOMICALLY-HEALTHY INDIAN COMMUNITIES.

TWENTY YEARS OF INDIAN SELF-DETERMINATION AND SELF-GOVERNANCE HAS CHANGED THE LANDSCAPE OF THE FEDERAL-INDIAN RELATIONSHIP. THE ROLE OF THE FEDERAL GOVERNMENT HAS CHANGED AND MUST CONTINUE TO CHANGE TO ADAPT TO THESE CHANGED CIRCUMSTANCES. THE OLD PATERNALISTIC GUARDIAN-WARD RELATIONSHIP NO LONGER OBTAINS.

TODAY, INDIAN GOVERNMENTS ADMINISTER THE VAST MAJORITY OF FEDERAL PROGRAMS THROUGH THE MECHANISM OF SELF-DETERMINATION CONTRACTS. TODAY, TRIBAL GOVERNMENTS HAVE ASSUMED TOTAL RESPONSIBILITY FOR THE OPERATION OF THE BUREAU OF INDIAN AFFAIRS AGENCY OFFICES, AND ARE NOW PREPARING TO ASSUME RESPONSIBILITY FOR THE ADMINISTRATION OF B.I.A. AREA OFFICE FUNCTIONS.

TODAY, TRIBAL GOVERNMENTS OPERATE 8 HOSPITALS AND 332 OUTPATIENT HEALTH CARE FACILITIES, 59 SMALLER HEALTH STATIONS AND SATELLITE CLINICS, AND 172 ALASKA NATIVE VILLAGE CLINICS.

TODAY, INDIAN GOVERNMENTS OPERATE 87 SCHOOLS AND DORMITORIES, SLIGHTLY OVER HALF OF ALL B.I.A. FACILITIES, AND ADMINISTER A FAR GREATER NUMBER OF EDUCATION PROGRAMS. TODAY, THERE ARE 21 TRIBALLY-CONTROLLED COMMUNITIES COLLEGES AND ONE TRIBAL UNIVERSITY.

TODAY, THE CONDUCT OF GAMING ACTIVITIES ON INDIAN LANDS HAS BECOME A MAJOR SOURCE OF ECONOMIC GROWTH IN INDIAN COUNTRY -- A $5 BILLION DOLLAR INDUSTRY AND GROWING. TODAY, INDIAN GOVERNMENTS AND TRIBALLY-CHARTERED BUSINESSES ARE ACTIVELY ENGAGED IN DEFENSE CONTRACTING AND MANUFACTURING.

TODAY, INDIAN GOVERNMENTS ARE FORGING NEW RELATIONSHIPS WITH STATE GOVERNMENTS -- TO PROVIDE A COMPREHENSIVE FRAMEWORK FOR THE EXERCISE OF CIVIL AND CRIMINAL JURISDICTION -- FOR THE TAXATION OF BUSINESS ACTIVITIES CONDUCTED ON TRIBAL LANDS -- AND FOR THE SETTLEMENT OF COMPETING CLAIMS TO WATER RESOURCES AND LAND.

TODAY, FEDERAL LAW RECOGNIZES THE AUTHORITY OF TRIBAL GOVERNMENTS TO REGULATE ENVIRONMENTAL QUALITY ON INDIAN LANDS, TO REGULATE HUNTING AND FISHING ON INDIAN LANDS, AND TO REGULATE ENERGY DEVELOPMENT ON TRIBAL LANDS.

TODAY, THE RELEVANT EXPERTISE IN THE FIELD OF INDIAN AFFAIRS IS NOT A KNOWLEDGE OF FEDERAL-INDIAN PROGRAMS OR NATURAL RESOURCES, BUT AN UNDERSTANDING OF THE GOVERNMENTAL STATUS OF INDIAN NATIONS -- THEIR SOVEREIGNTY AND HOW IT IS EXERCISED -- AND THE RELATIONSHIP OF INDIAN GOVERNMENTS TO THE STATE AND FEDERAL GOVERNMENTS.

IN SHORT, THE FUNCTION OF THE COMMITTEE ON INDIAN AFFAIRS IN TODAY'S SENATE IS ONE OF ASSURING THAT THE RELATIONSHIP OF THE UNITED STATES GOVERNMENT AND THE INDIAN TRIBAL GOVERNMENTS IS PREMISED UPON AND IS CARRIED OUT IN A MANNER THAT IS CONSISTENT WITH THE POLITICAL AND LEGAL FOUNDATIONS THAT WERE FIRST RECOGNIZED IN THE CONSTITUTION.

IT IS IN THIS DYNAMIC CLIMATE THAT THE COMMITTEES OF THE CONGRESS MUST RISE TO THE CHALLENGE OF ADAPTING FEDERAL POLICY, DEVELOPING AND OVERSEEING FEDERAL PROGRAMS, TO MEET THE GROWING DEMANDS OF THE SIGNIFICANT METAMORPHOSIS THAT IS GOING ON IN INDIAN COUNTRY TODAY.

WITHIN THIS BODY, THERE IS ALSO A HISTORY OF WHICH WE SHOULD BE EVER MINDFUL.

FOR THE FIRST 150 YEARS, THERE WERE STANDING COMMITTEES ON INDIAN AFFAIRS IN BOTH THE HOUSE AND THE SENATE.

THEN, FOR THIRTY YEARS, FROM 1946 UNTIL 1976, THE INDIAN AFFAIRS FUNCTION WAS ORGANIZED AS A SUBCOMMITTEE OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS. IN 1976, THE PROPOSED LEGISLATIVE REORGANIZATION PLAN WOULD HAVE PLACED THE INDIAN AFFAIRS COMMITTEE IN THE COMMITTEE ON LABOR AND HUMAN RESOURCES.

HOWEVER, THE SENATE CHOSE TO OVERRIDE THE LEGISLATIVE REORGANIZATION RECOMMENDATIONS WITH RESPECT TO INDIAN AFFAIRS AND INSTEAD AUTHORIZED THE ESTABLISHMENT OF A SELECT COMMITTEE ON INDIAN AFFAIRS, PRIMARILY TO OVERSEE THE ENACTMENT OF THE RECOMMENDATIONS JUST ISSUED BY A JOINT COMMISSION OF THE CONGRESS -- THE AMERICAN INDIAN POLICY REVIEW COMMISSION, WHICH HAD BEEN ESTABLISHED IN THE 94TH CONGRESS AND SUBMITTED IT REPORT TO THE 95TH CONGRESS IN 1977. IN THE YEARS WHICH FOLLOWED, THE LOGIC OF CONSOLIDATING JURISDICTION OVER ALL OF INDIAN

MATTERS IN ONE COMMITTEE SOON BECAME EVIDENT.

FROM THE TIME OF ITS RE-ESTABLISHMENT IN 1976, THE INDIAN AFFAIRS COMMITTEE, UNLIKE MOST SELECT COMMITTEES, WAS GIVEN LEGISLATIVE AUTHORITY OVER VIRTUALLY ALL ASPECTS OF INDIAN AFFAIRS.

AND, MR. CHAIRMAN, AS YOU WELL KNOW, THE COMMITTEE ON INDIAN AFFAIRS WAS MADE A PERMANENT COMMITTEE OF THE SENATE IN 1984, NEARLY TEN YEARS AGO.

PERHAPS THE AUTHORS MISUNDERSTOOD THE SENATE'S ACTION IN FEBRUARY OF THIS YEAR, WHEN IT ACTED TO REMOVE THE WORD "SELECT" FROM THE NAME OF THE COMMITTEE -- AN ACTION WHICH WAS TAKEN TO REFLECT THE REALITY THAT THE COMMITTEE ON INDIAN AFFAIRS IS A PERMANENT COMMITTEE OF THE SENATE WITH SUBSTANTIVE LEGISLATIVE AUTHORITY OVER ISSUES OF CONCERN TO INDIAN COUNTRY.

IN ONE OF THE REPORTS THAT WAS SUBMITTED TO THE JOINT COMMITTEE ON THE REORGANIZATION OF THE CONGRESS, THE AUTHORS RECOMMEND THAT COMMITTEES BE ORGANIZED TO: (1) ENABLE THE SIMULTANEOUS CONSIDERATION OF MANY IMPORTANT SUBSTANTIVE MATTERS; (2) ENABLE THE CONGRESS TO LEGISLATE, INVESTIGATE, AND OVERSEE EXECUTIVE BRANCH BEHAVIOR ACROSS THE RANGE OF ISSUE AREAS AND EXECUTIVE BRANCH AGENCIES AND DEPARTMENTS; AND (3) ASSURE THE DEVELOPMENT OF IN-DEPTH KNOWLEDGE AND EXPERTISE. THE AUTHORS NOTE FURTHER THAT BY STRUCTURING COMMITTEES AND CREATING CENTERS OF JURISDICTION, THE CONGRESS CAN SET PRIORITIES AND INDICATE AREAS OF GREATER OR LESSER IMPORTANCE.

EACH OF THESE OBJECTIVES HAS BEEN ACHIEVED BY THE SENATE IN RECOGNIZING THE NEED FOR A PERMANENT STANDING COMMITTEE ON INDIAN AFFAIRS.

THIS REPORT ALSO NOTES THAT "JURISDICTIONAL ALIGNMENTS ARE CRITICAL -- IF AN IMPORTANT PRIORITY IS TOO FRAGMENTED, OR GETS NO ATTENTION AT ALL, IT WILL BE IGNORED OR DELAYED". I FULLY AGREE.

DISMANTLEMENT OF THE JURISDICTION OF THE COMMITTEE ON INDIAN AFFAIRS WOULD RESULT IN PRECISELY THE KIND OF FRAGMENTATION THAT THE REPORT'S AUTHORS WARN AGAINST.

FOR TO ASSURE THAT THE CONGRESS DID NOT ABDICATE ITS CONSTITUTIONALLY-MANDATED RESPONSIBILITIES FOR INDIAN AFFAIRS --

-- THE OVERSIGHT OF INDIAN EDUCATION AND HEALTH AND SOCIAL SERVICES AND WELFARE AND EMPLOYMENT WOULD HAVE TO GO TO THE COMMITTEE ON LABOR AND HUMAN RESOURCES AND THE COMMITTEE ON FINANCE;

-- THE OVERSIGHT OF THE EXERCISE OF CIVIL AND CRIMINAL JURISDICTION BY TRIBAL GOVERNMENTS WOULD HAVE TO GO TO THE COMMITTEE ON THE JUDICIARY;

-- THE OVERSIGHT OF INDIAN HOUSING PROGRAMS WOULD HAVE TO GO TO THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS;

-- THE OVERSIGHT OF THE EXERCISE OF TRIBAL GOVERNMENTAL REGULATORY AUTHORITY OVER ENVIRONMENTAL MATTERS WOULD HAVE TO GO TO THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS;

-- THE OVERSIGHT OF INDIAN AGRICULTURE, NUTRITION AND INDIAN FORESTRY PROGRAMS WOULD HAVE TO GO TO THE COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY;

-- THE OVERSIGHT OF INDIAN TREATY FISHING RIGHTS AS THEY AFFECT THE REGULATION OF FISHING IN INTERNATIONAL WATERS OR AS THEY ARE AFFECTED BY THE MAGNUSON ACT OR AS ALASKA NATIVES ARE AFFECTED BY THE MARINE MAMMAL PROTECTION ACT WOULD HAVE TO GO TO THE COMMITTEE ON SCIENCE, COMMERCE AND TRANSPORTATION;

-- THE OVERSIGHT OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN WITHIN THE SMITHSONIAN INSTITUTION WOULD HAVE TO GO TO THE COMMITTEE ON RULES AND ADMINISTRATION; AND

-- THE OVERSIGHT OF INDIAN LANDS AND NATURAL RESOURCES AND WATER RIGHTS WOULD HAVE TO GO TO THE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

HAVING SERVED ON A FEW OF THESE COMMITTEES IN MY 34 YEARS IN THE CONGRESS, I KNOW THAT THESE OTHER COMMITTEES ARE ALREADY OVERBURDENED. I DOUBT THAT EVEN WITH THE BEST OF INTENTIONS, THEY COULD AFFORD THE KIND OF ATTENTION AND FOCUS THAT IS ENABLED BY CONSOLIDATING THIS JURISDICTION IN ONE COMMITTEE.

AND OF COURSE THERE ARE OTHER ISSUES, SUCH AS THE CONDUCT OF GAMING ACTIVITIES ON INDIAN LANDS, INDIAN SOVEREIGNTY, THE EXERCISE OF TAXATION AUTHORITY BY TRIBAL GOVERNMENTS, THE PROTECTION OF NATIVE AMERICAN RELIGIOUS FREEDOM RIGHTS, THE ECONOMIC DEVELOPMENT OF RESERVATION COMMUNITIES, BORDER ISSUES OF INDIAN TRIBES LOCATED ON THE BORDERS OF MEXICO AND CANADA, INDIAN GRAVE PROTECTION AND REPATRIATION OF SACRED ARTIFACTS, TO MENTION BUT A FEW, THAT WOULD NOT EASILY LEND THEMSELVES TO THE JURISDICTION OR EXPERTISE OF THE EXISTING STANDING COMMITTEES.

FINALLY, THE AUTHORS OF THIS REPORT HAVE ASKED US TO CONSIDER THE FOLLOWING OBJECTIVES FOR CONGRESSIONAL REFORM -- (1) WHETHER THEY IMPROVE CONGRESS' CAPACITY TO DELIBERATE; (2) WHETHER THEY IMPROVE CONGRESS' ABILITY TO IDENTIFY AND HIGHLIGHT IMPORTANT PROBLEMS IN SOCIETY AND TO OVERSEE THE PERFORMANCE OF OTHER INSTITUTIONS, INCLUDING THE EXECUTIVE BRANCH; AND (3) WHETHER THEY ARE ABLE TO ACT ON CONGRESS' AGENDA WITH COMPETENCE, REPRESENTATIVENESS AND APPROPRIATE DISPATCH.

IN ADDITION, THE AUTHORS OBSERVE THAT: (1) LARGER COMMITTEES HAVE MORE DIFFICULTY DELIBERATING; (2) THE APPROPRIATE FOCUS FOR CONGRESSIONAL COMMITTEES SHOULD BE ON SUBSTANTIVE AREAS OF POLICY; (3) COMMITTEES SHOULD BE MORE EQUAL IN BREADTH AND WORKLOAD; (4) THERE IS VALUE IN CONSOLIDATING CURRENTLY DIVIDED JURISDICTION IN IMPORTANT COMPREHENSIVE POLICY AREAS; (5) IT IS IMPORTANT FOR COMMITTEES TO BE ABLE TO IDENTIFY AND PULL TOGETHER IMPORTANT NEW POLICY AREAS; (6) COMMITTEE MEMBERSHIP MUST BE RESPRESENTATIVE OF THE INSTITUTION AS A WHOLE; AND (7) WE SHOULD NOT PUNISH ARBITRARILY COMMITTEES THAT HAVE BEEN ASSERTIVE AND EFFECTIVE.

I BELIEVE THAT EACH OF THESE OBJECTIVES AND CONSIDERATIONS ARE COMPELLING REASONS TO MAINTAIN THE COMMITTEE ON INDIAN AFFAIRS AS A PERMANENT STANDING COMMITTEE OF THE SENATE.

OVER THE PAST SIXTEEN YEARS, THE COMMITTEE HAS GROWN FROM A COMMITTEE OF FIVE MEMBERS TO A COMMITTEE OF EIGHTEEN MEMBERS IN THE 103RD SESSION OF THE CONGRESS. I BELIEVE THAT THIS GROWTH IN MEMBERSHIP IS A DIRECT REFLECTION OF THE INTEREST AND IMPORTANCE THAT MEMBERS NOW PLACE ON ASSURING THAT THIS NATION DEALS HONORABLY AND EFFECTIVELY WITH ITS NATIVE PEOPLE.

AND, WHILE THE COMMITTEE ON INDIAN AFFAIRS RANKS 16TH IN AMOUNT OF FUNDS ALLOCATED FOR THE OPERATION OF THE 19 SENATE COMMITTEES, THE COMMITTEE RANKS FIFTH IN THE NUMBER OF REPORTED BILLS AND RESOLUTIONS.

THE RESPONSIBILITIES OF THE CONGRESS ARE TO THE INDIAN GOVERNMENTS, NOT TO INDIVIDUAL INDIAN CITIZENS AS A CONSTITUENT GROUP. THIS IS REFLECTED IN THE FACT THAT THERE IS A WHOLE TITLE OF THE UNITED STATES CODE THAT SPELLS OUT THE NATURE OF THIS GOVERNMENT-TO-GOVERNMENT RELATIONSHIP.

SO, LET US BALANCE 30 YEARS OF INDIAN AFFAIRS AS A SUBCOMMITTEE

AGAINST 160 YEARS OF INDIAN AFFAIRS AS A PERMANENT STANDING COMMITTEE OF THE SENATE AND OPT FOR THE LATTER.

OUR CONSTITUTIONALLY-MANDATED RESPONSIBILITIES IN THE FIELD OF INDIAN AFFAIRS SHOULD DICTATE THIS RESULT. THIS NATION'S FIRST AMERICANS DESERVE NO LESS.