

OPENING STATEMENT

Good morning and thank you all for being here.

Today we will be hearing from witnesses on two pieces of legislation aimed at removing barriers to Tribal economic development opportunities.

First up, we have H.R. 7565, introduced by our colleague from Florida and member of the Subcommittee, Mr. Soto.

As part of the Seminole Tribe of Florida's economic development strategy, the Tribal Council established a fund to invest in commercial real estate properties in order to create generational wealth for their people.

Ultimately, the Tribe plans to establish a state-chartered subsidiary to act as a holding company for subsidiary entities to hold title to the properties, enter into financing transactions, and grant any lender a mortgage interest in the properties.

Unfortunately, the Tribe has been unable to move forward with this project due to concerns raised by lenders and proposed title insurance companies about the Indian Nonintercourse Act.

The Indian Nonintercourse Act prohibits any "purchase, grant, lease or other conveyance of lands, or of any title or claim thereto, from an Indian nation or tribe of Indians" unless authorized by Congress.

Lenders require that they be granted a mortgage on the property, and that the mortgage be insured with a mortgagee title insurance policy.

At least two title insurance companies approached by the Seminole Tribe have interpreted the Indian Nonintercourse Act to apply to real estate owned by a state-chartered subsidiary entity of the Tribe.

As such, the title companies will not insure the mortgage without an exception from the Act, which in turn effectively kills any ability to finance an acquisition.

Relief from the Indian Nonintercourse Act is sometimes necessary to allow tribes to effectively manage lands and put them to productive use, and we have passed similar legislation allowing Tribes to do so in the past.

H.R. 7565 clarifies that the Seminole Tribe of Florida has the authority over their property not held in trust by the federal government; thereby clearing the way for their development strategy to move forward.

Second, we will examine H.R. 8255, the *Catawba Indian Nation Lands Act*, introduced by our colleague from North Carolina, Mr. G.K. Butterfield.

The Catawba Indian Nation is the only federally recognized tribe in the state of South Carolina, and its members primarily reside in the Catawba River Valley in North and South Carolina.

Not unlike other tribes that suffer from historical trauma, their membership experiences high unemployment and poverty rates, and many rely upon the federal and state governments for basic social services.

In an effort to improve their economy and provide for their citizens, the Catawba Nation petitioned the Department of Interior to place approximately 16.57 acres of land, known as the Kings Mountain Site, into trust in Cleveland County, North Carolina, for gaming and other purposes.

These lands, located just north of the North Carolina-South Carolina state line, are part of Catawba's ancestral homelands and are within Catawba's service area.

On March 12, 2020, the U.S. Department of the Interior accepted the Catawba Indian Nation's request to transfer these lands into trust.

Alongside this request, the Nation also sought a formal determination on whether the site would be eligible for gaming, as the Nation has plans to construct a casino and mixed-use entertainment complex on the property.

That request was also granted by the Department, a decision stemming from the terms of the Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993.

The Act not only restored the federal trust relationship between the Nation and the federal government, but it also contained provisions pertaining to Catawba's trust land acquisition process and the applicability of the Indian Gaming Regulatory Act.

Despite the language contained in the Settlement Act and the Department's decision in this case, suits have been filed to halt the acquisition of the land in order to halt the Catawba's project. This is why this legislation is before us today.

Passage of H.R. 8255 would reaffirm both the Department's recognition of the Nation's historical and ancestral ties to the lands in Kings Mountain and the Nation's right to conduct gaming operations on those lands under the terms of IGRA.

As a strong supporter of Tribal economic development, I look forward to hearing all the witnesses' testimony on the two bills before us today.

I would now like to recognize Ranking Member Cook for any opening remarks.