

*Legislative Hearing on H.R. 437, H.R. 6063, H.R. 6181 [Discussion Draft ANS], S. 314, S. 559, and S. 789*

## OPENING STATEMENT

Good afternoon. Today’s legislative hearing will be on six bipartisan tribal bills.

H.R. 6063 - To provide for the equitable settlement of certain Indian land disputes regarding land in Illinois and for other purposes, was introduced by our colleague, Representative of Minnesota, Ms. McCollum.

Before forced relocation, the Miami Tribe of Oklahoma, Eel River, and Wea Tribes signed the *Treaty of Grouseland of 1805*, establishing that without the consent of all three signatories, the Tribes had not ceded lands south of the Great Lakes in the Wabash River Watershed.

Following the signing, the United States violated the treaty by placing land in the public domain and transferring parcels to colonial settlers without the consent of all the tribes.

H.R. 6063 will extinguish the Miami Tribe of Oklahoma’s land claim to the Illinois land for one-year to bring its case before the United States Court of Federal Claims.

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Our next piece of legislation is the discussion draft Amendment in the Nature of the Substitute or ANS for H.R. 6181 introduced by Mr. Gallego of Arizona.

H.R. 6181 will take approximately 6.7 acres of land into trust for the Samish Indian Nation, reaffirming a November 2018 decision by the Department of the Interior. The Draft ANS we are deliberating today removes the reference to the November 2018 determination and reaffirms the application of the Indian Reorganization Act to the Nation.

In 1969, the Samish Indian Nation lost federal recognition due to a clerical error by the Bureau of Indian Affairs and regained federal recognition in 1996. Following the re-establishment of federal recognition, the Nation has worked to restore its land base through the fee to trust land process.

However, the 2009 Carcieri decision decided that the Secretary's authority to place land into trust applies to Tribes holding federal recognition in 1934 and complicates the process.

The Secretary approved the decision to take land into trust for the benefit of the Samish Indian Nation in November 2018 after a nine-year analysis in which it was determined the Nation fulfilled the criteria under the Indian Reorganization Act.

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The discussion draft ANS of H.R. 6181 reaffirms the Indian Reorganization Act of 1934 applies to the Samish Indian Nation.

Our colleague, Senator Merkley of Oregon, introduced the following two bills, S. 314 and S. 559.

First, we have S. 314, the Klamath Tribe Judgment Fund Repeal Act. S. 314 will repeal the Klamath Tribe Judgment Fund Act to provide the Klamath Tribes' authority over judgment funds.

During the termination era, Congress passed the Klamath Termination Act of 1954 to terminate the Klamath Tribes. As a requirement of this Act, the Klamath Tribes submitted the final roll of tribal members to the Secretary of Interior to distribute the monetized funds of tribal land and property.

At the time of termination, the Klamath Tribes also had pending lawsuits to seek compensation for the mismanagement or misappropriation of tribal assets before the Indian Claims Commission.

The Klamath Termination Act did not extinguish these claims, leaving tribal members on the final roll eligible for a share of the funds. Final judgment for the claims resulted in the requirement of Congressional authorization and appropriation.

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Rather than addressing each claim, Congress passed the Klamath Tribe Judgement Fund Act to direct the Secretary to make per-capita distributions. The distributions would go to all eligible tribal members and heirs based on the final roll and removed the authority of the Klamath Tribes to self-govern over the funds.

In 1986, the United States restored the federal trust relationship with the Klamath Tribes. As the Klamath Judgement Fund Act did not account for the restoration of federal recognition, it continues to prevent the distribution of funds for the benefit of members and tribal priorities.

S. 314 will restore the Klamath Tribes' right to self-govern the management of their judgment funds.

S. 559 will amend the Grand Ronde Reservation Act to clarify the Tribe's land claim authorities in Oregon by striking language that voids the Tribe's right to bring forth land claims in Oregon.

In 1984, the Bureau of Land Management or BLM identified a survey error from the 1800s that resulted in the BLM managing and holding in trust an 84-acre parcel of land.

The Tribe determined this parcel, the Thompson Strip, was unmanageable as of its narrow boundaries and proximity to land held by other interests.

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Through negotiations with BLM, Grand Ronde reached an agreement to transfer the Thompson Strip in exchange for 240-acres of land adjacent to the reservation.

In codifying this land transfer, language was included in the Act that wrongfully voided the Tribe’s right to bring forth land claims in Oregon.

S. 559 would correct the Grand Ronde Reservation Act to ensure that the Grand Ronde’s relinquishment of land claims applies to the Thompson Strip.

Next, we have S. 789, introduced by Senator Rounds of South Dakota. S. 789, the Repealing Existing Substandard Provisions Encouraging Conciliation with Tribes Act, would repeal eleven antiquated federal laws about American Indians and Alaska Natives.

While today’s laws promote tribal sovereignty and self-determination, at its founding, the policy of the United States to forcibly remove and assimilate tribal communities.

S.789 will address several discriminatory federal laws that reflect the history of violence perpetrated against American Indians and Alaska Natives by the federal government.

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Lastly, we will hear H.R. 437, introduced by our late Dean Young of Alaska, To amend the Alaska Native Claims Settlement Act to exclude certain payments to Alaska Native elders for determining eligibility for certain programs.

In 1971, Congress passed the Alaska Native Claims Settlement Act (ANCSA) to address land claims in the State of Alaska. Under the settlement agreement, the federal government transferred 44 million acres and \$962.5 million in compensation funds to the newly established Alaska Native Corporations (ANCs).

ANCSA expressed that no provision within 2(c) would diminish Alaska Native’s rights as citizens of the United States and the State of Alaska or the obligation of the United States and the State of Alaska to protect the rights and welfare of Alaska Natives as citizens.

Following this provision, ANCSA was amended in 1976 to exclude the first \$2,000 Alaska Natives received from ANCs in the determination of eligibility of the recipient for need-based federal programs and has remained unchanged.

With further amendments, Congress failed to exclude Settlement Trusts in such funding to determine eligibility for need-based federal programs forcing Alaska Native Elders to choose

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between receiving the settlement trust benefits or qualifying for need-based federal benefits.

H.R. 437 would amend ANCSA to exclude ANC benefits provided to Alaska Native Elders when determining eligibility for need-based governmental programs.

I want to thank our witnesses for joining us, and I look forward to hearing the testimony this afternoon.

I would now like to recognize Acting Ranking Member Obernolte for his opening statement.