

**STATEMENT FOR THE RECORD  
UNITED STATES DEPARTMENT OF THE INTERIOR  
HOUSE COMMITTEE ON NATURAL RESOURCES  
SUBCOMMITTEE ON INDIAN AND INSULAR AFFAIRS**

**May 21, 2025**

Chairman Hurd, Ranking Member Leger Fernández, and Members of the Subcommittee, the Department of the Interior (Department) is pleased to provide this statement for the record on the following legislation: H.R. 2388, Lower Elwha Klallam Tribe Project Lands Restoration Act; H.R. 3073, Shivwits Band of Paiutes Jurisdictional Clarity Act; H.R. 2130, Tribal Trust Land Homeownership Act of 2025; and H.R. 2815, Cape Fox Land Entitlement Finalization Act.

**H.R. 2388, Lower Elwha Klallam Tribe Project Lands Restoration Act**

H.R. 2388 would place approximately 1,082.63 acres of Federal lands managed by the National Park Service into trust for the benefit of the Lower Elwha Klallam Tribe and become part of the Tribe's existing reservation. The bill prohibits gaming on the land under the Indian Gaming Regulatory Act.

The parcels to be placed into trust were part of the Elwha Hydroelectric Project. The Elwha River Ecosystem and Fisheries Restoration Act granted the National Park Service jurisdiction of the lands and management of the excess lands is costly in administration, liability, resource management, and law enforcement. Sections of the lands that include the Elwha River must be managed in accordance with the Wild and Scenic Rivers Act with certain exceptions subject to the Elwha River Ecosystem and Fisheries Restoration Act.

The bill requires the Secretary of the Interior (Secretary) to conduct a survey to define the boundaries of the land taken into trust and gives the Secretary authority to correct minor errors and make minor boundary adjustments consistent with the Bureau of Indian Affairs (BIA) defined procedures for transferring lands into trust status per 25 CFR Part 151. H.R. 2388 also ensures that the land transfer does not affect the treaty rights of the S'Klallams Indians under the Treaty of Point No Point.

Through its plenary authority, Congress can direct the Secretary to accept and administer lands to be held in trust for the benefit of a Tribe through legislation. Acquisition of land in trust for the benefit of Indian Tribes is essential to Tribal sovereignty and empowers Tribal self-determination in the use of Tribal lands to best serve their communities and create economic growth. The Department supports conveying these lands into trust for the Lower Elwha Klallam Tribe.

**H.R. 3073, Shivwits Band of Paiutes Jurisdictional Clarity Act**

H.R. 3073 confers jurisdiction on the State of Utah over certain civil cases involving the Shivwits Band of Paiutes (Band). This legislation will ensure the Shivwits Band and third-party businesses will have access to state and federal court forums to resolve contract disputes.

The legislation maintains the Band's sovereign immunity unless the Band explicitly waives it. This protects the Band from unconsented lawsuits while allowing them to agree to Utah State court jurisdiction for contracts and agreements they participate in. This legislation also expands existing law so the Band can agree to leases of their lands for extended terms to provide the Band with more opportunities for economic development.

The Department takes no position on the grant of jurisdiction to the State of Utah. However, the Department supports the authority for the Band to enter into leases for 99 years. Tribal governments are in the best position to determine the duration of such leases in pursuit of economic development.

### **H.R. 2130, Tribal Trust Land Homeownership Act of 2025**

H.R. 2130 would impose a series of statutory requirements on the BIA related to the processing and review of mortgage packages. This legislation would codify current processing deadlines for mortgages; require an annual report to be submitted to Congress regarding the mortgages reviewed by the BIA; establish a Realty Ombudsman position reporting directly to the Secretary; and provide access to the Department's Trust Asset and Accounting Management System (TAAMS) for relevant agencies and Tribes.

The Department shares Congress' interest in ensuring that mortgage packages are reviewed and processed in a timely manner. We look forward to working with the sponsor and Subcommittee to ensure that the bill aligns with the Administration's priorities to enhance government efficiency. Another concern the Department has with H.R. 2130 is the mandate for read-only access to TAAMS for the Department of Agriculture, Department of Housing and Urban Development, and Department of Veterans Affairs, as well as Tribes. The BIA currently provides limited TAAMS access to Tribes who have contracted or compacted certain trust programs and relevant Department agencies after the clearance of a background check to protect personally identifiable information. The Tribes with TAAMS access may only access information related to their Tribal members and the Tribe's ownership and for those programs that are contracted or compacted. Access to TAAMS should continue to be limited to the information related to the Tribal members and the Tribe's own ownership for those Tribes who have contracted or compacted a trust program and certain federal agencies. Accordingly, access to TAAMS by the Department of Agriculture, Department of Housing and Urban Development, and the Department of Veterans Affairs must also be limited to the mortgage information relevant to their particular agency. Access to TAAMS is limited and the BIA needs to ensure that access to information subject to the Privacy Act will remain limited.

The Department supports the intent of H.R. 2130 and looks forward to working with the sponsor and the Subcommittee to provide technical assistance.

### **H.R. 2815, Cape Fox Land Entitlement Finalization Act**

H.R. 2815 would waive the core township requirement for land selection under the Alaska Native Claims Settlement Act (ANCSA) for the Cape Fox Corporation, the ANCSA Corporation for the Native Village of Saxman. Under the bill, Cape Fox would not be required to receive the

approximately 185 acres that the corporation previously selected in the township where Saxman is located pursuant to ANCSA. Instead, Cape Fox would be able to select lands outside of its ANCSA-established exterior selection boundary, approximately 180 acres within the Tongass National Forest. In addition, the bill requires that Cape Fox submit its selections to the Secretary via written notice within 90 days of enactment. The Bureau of Land Management (BLM) would then be required to convey the selected surface lands to Cape Fox and the subsurface estate to the Sealaska Corporation as soon as practicable. These conveyances would fulfill Cape Fox's entitlement under ANCSA.

ANCSA was enacted in 1971 to settle aboriginal land title claims with Alaska Natives. ANCSA section 12(a)(1) requires Alaska Native Villages to select Federal lands in the township in which any part of the village is located. The selection process was completed in the early 1970s, and the BLM continues to work through some of the more complicated conveyances and patents. While the BLM is currently ready to convey Cape Fox's remaining entitlement, the corporation has stated that the selected Federal lands in the township where the village falls – i.e., its “core township” – are unsuitable and that it is seeking this legislative solution.

Based on an initial review of the legislative text and legal land descriptions, there appear to be areas identified for conveyance that are currently encumbered by a Federal Energy Regulatory Commission powersite classification. We recommend that the legislation clarify whether or not the Cape Fox conveyance is subject to this existing encumbrance.

The Department supports fulfilling Cape Fox's remaining entitlement. The Department defers to the U.S. Department of Agriculture regarding disposition of lands managed by Forest Service under the bill. The Department would like to work with the Sponsor on technical edits to clarify the existing land status and description of the lands to be conveyed to Cape Fox and Sealaska. Once these items are resolved, the Department stands ready to complete these conveyances and looks forward to fulfilling Cape Fox's remaining entitlement under ANCSA.

## **Conclusion**

Thank you for the opportunity to provide this statement for the record.