



HOUSE COMMITTEE ON  
**NATURAL RESOURCES**  
CHAIRMAN BRUCE WESTERMAN

**To:** House Committee on Natural Resources Republican Members  
**From:** Indian and Insular Affairs Subcommittee staff, Ken Degenfelder  
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**Date:** Monday, May 19, 2025  
**Subject:** Legislative Hearing on 4 Bills

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The Subcommittee on Indian and Insular Affairs will hold a legislative hearing on four bills: H.R. 2130 (Rep. Johnson of SD), “*Tribal Trust Land Homeownership Act of 2025*”; H.R. 2388 (Rep. Randall), “*Lower Elwha Klallam Tribe Project Lands Restoration Act*”; H.R. 2815 (Rep. Begich), “*Cape Fox Land Entitlement Finalization Act of 2025*”; and H.R. 3073 (Rep. Maloy), “*Shivwits Band of Paiutes Jurisdictional Clarity Act*” on **Wednesday, May 21, 2025, at 10:00 a.m. in 1324 Longworth House Office Building.**

Member offices are requested to notify Haig Kadian ([Haig.Kadian@mail.house.gov](mailto:Haig.Kadian@mail.house.gov)) by 4:30 p.m. on Tuesday, May 20, 2025, if their member intends to participate in the hearing.

## **I. KEY MESSAGES**

- House Republicans are holding a hearing on four bills that will support tribal sovereignty and the restoration of tribal homelands, cut bureaucratic red tape, and boost economic development.
- H.R. 2130 would require the Bureau of Indian Affairs (BIA) to process and complete all residential and business mortgage packages on Indian land within 20 or 30 days, depending on the type of application.
- H.R. 2388 would take approximately 1,083 acres of National Park Service (NPS) land into trust for the Lower Elwha Klallam Tribe.
- H.R. 2815 would finalize the Cape Fox Corporation’s Alaska Native Claims Settlement Act (ANCSA) land conveyance while alleviating any future land management concerns associated with the development of the Mahoney Lake power project.
- H.R. 3703 would ensure that the Utah state court has jurisdiction over civil cases involving the Shivwits Band that occur on the tribe’s land, while ensuring that Federal court is an option when resolving disputes arising from contracts in which the Shivwits Band is a party. Additionally, H.R. 3703 follows congressional precedent by amending the Long-Term Leasing Act (LTLA) to allow the Shivwits Band to lease their land for a term of up to 99 years.

## II. WITNESSES

### *Panel I:*

- **Members of Congress TBD**

### *Panel II:*

- **The Hon. Tina Gonzales**, Chairwoman, Shivwits Band of Paiutes, Ivins, UT [H.R. 3073]
- **The Hon. Thomas Harris**, Vice President, Cape Fox Corporation, Ketchikan, AK [H.R. 2815]
- **Mr. Eric Shepherd**, Vice Chairman, South Dakota Native Homeownership Coalition, Sisseton, SD [H.R. 2130]
- **The Hon. Frances Charles**, Chairwoman, Lower Elwha Klallam Tribe, Port Angeles, WA (*Minority Witness*) [H.R. 2388]

## III. BACKGROUND

### [H.R. 2130 \(Rep. Johnson of SD\), “Tribal Trust Land Homeownership Act of 2025”](#)

H.R. 2130 would require the BIA to process and complete all residential and business mortgage packages on Indian land within 20 or 30 days, depending on the type of application. This would more closely align the BIA’s processing of mortgage packages with current industry practices. H.R. 2130 would also require an annual report on mortgages reviewed by the BIA to be submitted to Congress, require the Government Accountability Office (GAO) to review the need for digitization of mortgage records to streamline the mortgage process at BIA, establish a Realty Ombudsman position, and provide read-only access to the BIA’s Trust Asset and Accounting Management System (TAAMS) to relevant agencies and tribes.

Indian lands primarily fall into one of three categories: trust, fee, and restricted fee. H.R. 2130 would only impact land held in trust, which is land owned and managed by the United States through the Department of the Interior (DOI) for the benefit of an Indian tribe or individual Indians. Trust land preempts State tax and regulatory authority and is also inalienable.

When an individual seeks to purchase a property or house, they will take out a loan with a lending institution, usually a bank, to pay for the purchase. That resulting mortgage gives the lending institution the right to repossess the property if the borrower does not repay the loan. However, for mortgages taken out by individual Indians for a tract of trust land, there are additional BIA processes for approval, primarily because the federal government ultimately holds title to trust lands.

Mortgage applications related to trust lands must be submitted through the regional BIA agency. The applications tend to fall into two categories: leasehold or trust land mortgages. Leasehold mortgages refer to mortgages on trust land owned by another tribal landowner, while trust land mortgages refer to mortgages obtained for trust land that an Indian owns themselves.<sup>1</sup>

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<sup>1</sup> Bureau of Indian Affairs. Mortgages in Indian Country. <https://www.bia.gov/service/mortgages>.

Current law outlines regulatory time frames for reviewing and approving leasehold and rights-of-way (ROW) mortgages.<sup>2</sup> There are no outlined time frames for trust land mortgages.<sup>3</sup> The BIA has published its *Mortgage Handbook*, outlining its mortgage review process.<sup>4</sup> Upon receiving a proposed leasehold mortgage package, the BIA is to input the data into the Realty Tracking System (RTS) and the Mortgage Tracker. The BIA then has 10 days to complete a preliminary review to ensure that the package is complete. The package must contain all required documents, the lease must be encoded, approved, and recorded in the TAAMS, and the required checklist must be included in the case file.<sup>5</sup> Before the 10 days expire, the BIA must send an acknowledgement letter either verifying the preliminary review was completed, or that the package was incomplete with the missing documents specified. The RTS and Mortgage Tracker is then to be updated with the relevant outcome. The BIA then has 20 days from the time it sends the acknowledgment letter to either approve or deny the leasehold mortgage and send a subsequent Decision Letter. For a ROW leasehold mortgage, the BIA has 30 days. Two business days after receiving the approved leasehold mortgage, the BIA must complete all necessary steps to request recordation by the Land Titles and Records Office (LTRO) and request a certified Title Status Report (TSR) using the TAAMS TSR request module. Upon completion, the BIA must update the Mortgage Tracker.<sup>6</sup>

Proponents of H.R. 2130 advocate that, despite the timeline provided in the BIA Mortgage Handbook, there are still extensive delays in reviewing and approving or denying mortgages. One report from the Federal Reserve Bank of Minneapolis highlighted issues mentioned at a U.S. Senate hearing about prospective borrowers from the Fort Belknap tribe waiting over a year for a certified TSR, and that TSR timelines have been cited in multiple reports as a barrier to trust land development.<sup>7</sup>

In the 118<sup>th</sup> Congress, a legislative hearing was held on a similar bill.<sup>8</sup> Tribal testimony supported the bill for “designing new BIA systems”<sup>9</sup> and “streamlining existing processes”<sup>10</sup> to align tribal mortgage practices with private industry mortgage practices.

H.R. 2130 sets clear timelines by which the BIA must process and approve mortgages that relate to property located on tribal trust land. The BIA would need to notify lenders that they have

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<sup>2</sup> 25 CFR 162 and 25 CFR 169.

<sup>3</sup> Bureau of Indian Affairs. Indian Affairs Mortgage Handbook. July 15, 2019. [https://www.bia.gov/sites/default/files/dup/assets/public/raca/handbook/pdf/52%20IAM%204-H%20Indian%20Affairs%20Mortgage%20Handbook\\_FINAL\\_SIGNED\\_cleanedup%20w%20footer\\_508.pdf](https://www.bia.gov/sites/default/files/dup/assets/public/raca/handbook/pdf/52%20IAM%204-H%20Indian%20Affairs%20Mortgage%20Handbook_FINAL_SIGNED_cleanedup%20w%20footer_508.pdf).

<sup>4</sup> Id.

<sup>5</sup> Id.

<sup>6</sup> Bureau of Indian Affairs. Indian Affairs Mortgage Handbook. July 15, 2019. [https://www.bia.gov/sites/default/files/dup/assets/public/raca/handbook/pdf/52%20IAM%204-H%20Indian%20Affairs%20Mortgage%20Handbook\\_FINAL\\_SIGNED\\_cleanedup%20w%20footer\\_508.pdf](https://www.bia.gov/sites/default/files/dup/assets/public/raca/handbook/pdf/52%20IAM%204-H%20Indian%20Affairs%20Mortgage%20Handbook_FINAL_SIGNED_cleanedup%20w%20footer_508.pdf).

<sup>7</sup> Colombe, James Robert. Shortening TSR timeline; A proposal to end delays that hinder Native homeownership. Federal Reserve Bank of Minneapolis. Sept. 9, 2020. [https://www.minneapolisfed.org/article/2020/shortening-the-tsrl-timeline-a-proposal-to-end-delays-that-hinder-native-homeownership#\\_ftnref9](https://www.minneapolisfed.org/article/2020/shortening-the-tsrl-timeline-a-proposal-to-end-delays-that-hinder-native-homeownership#_ftnref9).

<sup>8</sup> H.R. 3579 (Rep. Johnson of SD) “Tribal Trust Land Homeownership Act of 2023” <https://www.congress.gov/118/bills/hr3579/BILLS-118hr3579ih.pdf>.

<sup>9</sup> Congressional Testimony before the Subcommittee on Indian and Insular Affairs from Sharon Vogel, Board Chair of the South Dakota Native Homeownership Coalition on H.R. 3579. July 12, 2023. [https://naturalresources.house.gov/uploadedfiles/testimony\\_sharon\\_vogel.pdf](https://naturalresources.house.gov/uploadedfiles/testimony_sharon_vogel.pdf).

<sup>10</sup> Id.

received application documentation and perform an initial review no later than 10 days after receipt. Depending on the application in question, the BIA would have 20 or 30 days to provide approval or denial of the documents. Additionally, this bill would establish a specialized position within the BIA to facilitate communication between the BIA, tribes, tribal members, lenders, and federal agencies that operate tribal housing programs.

### **H.R. 2388 (Rep. Randall), “Lower Elwha Klallam Tribe Project Lands Restoration Act”**

The Lower Elwha Klallam Tribe is located within the Olympic Peninsula in Northwest Washington and has approximately 984 enrolled members.<sup>11</sup> The tribe’s land today is around 1,000 acres near the Elwha River.<sup>12</sup> The tribe signed the Treaty of Point No Point in 1855, which entitled them to share a small reservation with their rival tribe that was not on their traditional lands of the Strait of Juan de Fuca and Discovery Bay.<sup>13</sup> After signing the treaty, most tribal members opted not to live on their reservation, but rather by the rivers, shorelines, and sites of their ancestral burial grounds.<sup>14</sup> Through the Indian Reorganization Act of 1934, the Federal Government acquired 372 acres of land and assigned it to fourteen families in the Tribe. In 1968, the Tribe received federal recognition, which included the acres given to the families.<sup>15</sup> As a result of federal recognition, the Lower Elwha Reservation was formally established for the tribe.<sup>16</sup>

H.R. 2388 would take approximately 1,083 acres of National Park Service (NPS) land into trust for the Lower Elwha Klallam Tribe. The NPS acquired most of the land in the 1990s through the *Elwha River Ecosystems and Fisheries Restoration Act* (Elwha Act).<sup>17</sup> Under the Elwha Act, the Elwha and Glines Canyon dams were to be removed in an effort to restore the Elwha River and the native Anadromous fisheries (i.e. species of salmon and trout). The Elwha Dam removal began in 2011 and ended in 2014. The Elwha Act also required the NPS to identify lands to transfer to the Lower Elwha Klallam Tribe for housing, cultural, or economic development purposes and place them into trust.<sup>18</sup> The remaining land was acquired by DOI to construct a surface water pipeline for the tribe’s fish hatchery.<sup>19</sup>

A map of the proposed parcels to be placed into trust can be found [here](#).

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<sup>11</sup> Tiller, Veronica E. Velarde. Tiller’s Guide to Indian Country: Economic Profiles of American Indian Reservations. 3rd ed. Pg. 744.

<sup>12</sup> Elwha Klallam Tribe. The Strong People. <https://www.elwha.org/>.

<sup>13</sup> Tiller, Veronica E. Velarde. Tiller’s Guide to Indian Country: Economic Profiles of American Indian Reservations. 3rd ed. Pg. 744.

<sup>14</sup> Id.

<sup>15</sup> Id.

<sup>16</sup> Id.

<sup>17</sup> P.L. 102-495.

<sup>18</sup> P.L. 102-495 Sec. 3(c)(3)

<sup>19</sup> Senator Maria Cantwell. Cantwell, Murray, Randall Introduce Legislation to Place Lower Elwha Klallam Tribe and Quinault Indian Nation Lands into Trust. April 18, 2025. <https://www.cantwell.senate.gov/newsroom/press-releases/cantwell-murray-randall-introduce-legislation-to-place-lower-elwha-klallam-tribe-and-quinault-indian-nation-lands-into-trust#:~:text=This%20bill%20would%20transfer%20three,dams%20along%20the%20Elwha%20River.>

## H.R. 2815 (Rep. Begich), “Cape Fox Land Entitlement Finalization Act of 2025”

The Cape Fox Corporation (CFC) serves as the Alaska Native Village Corporation for the communities of Saxman, Alaska, located on the South Tongass Highway, three miles south of Ketchikan.<sup>20</sup> Saxman is a Tlingit community that centers on subsistence activities.<sup>21</sup>

In 1971, ANCSA was enacted to settle the aboriginal land claims of Alaska Natives.<sup>22</sup> Through ANCSA, Alaska Native Corporations (ANCs) were established to receive land under the settlement and disperse the payments to Alaska Natives. Alaska Natives received a \$962.5 million settlement payment and roughly 44 million acres of land, which were divided between almost 200 village corporations and 12 regional corporations established by the legislation.<sup>23</sup>

Under section 16(b) of ANCSA, Alaska Native Villages that fell under the Tlingit-Haida Settlement provision were able to select 23,040 acres of land within the core township of the Native village.<sup>24</sup> For the CFC, this meant lands near the Alaskan towns of Saxman and Ketchikan. Currently, the CFC has received a conveyance of 22,860 acres, with roughly 180 acres remaining.<sup>25</sup> To fulfill the remaining ANCSA entitlements, these 180 remaining acres must be conveyed.

The Bureau of Land Management (BLM), the body responsible for conveying the remaining acres to CFC, has stated that ANCSA and Departmental regulations require the acres to be in the core township. BLM has been in the process of conveying specific parcels of land to the CFC since 2022.<sup>26</sup> These parcels make up 184.57 acres of land. However, the CFC has formally rejected the proposal.<sup>27</sup> The CFC claims that the lands proposed by BLM are not only outside of the “core township” regulations that BLM holds itself to, but are also noncontiguous to the land previously conveyed.<sup>28</sup> Additionally, the CFC is concerned about these acres' lack of economic value.<sup>29</sup>

The CFC has identified 180 acres of alternative land between parcels previously conveyed to the CFC. These 180 acres would allow for the development of the Mahoney Lake Power Project<sup>30</sup> which has been an ongoing project aiming to address the growing power demand in the Ketchikan, Saxman, and Metlakatla area.<sup>31</sup> This past winter, all available power, approximately

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<sup>20</sup> Tiller, Veronica E. Velarde. *Tiller’s Guide to Indian Country: Economic Profiles of American Indian Reservations*. 3rd ed. Pg. 171

<sup>21</sup> *Id.*

<sup>22</sup> 43 U.S.C. 1601, et seq.

<sup>23</sup> *Id.*

<sup>24</sup> 43 U.S.C. 1615(b) and 42 CFR 2651.4 (b).

<sup>25</sup> Briefing Paper and Background on H.R. 2815, the Cape Fox Land Entitlement Finalization Act of 2025. March 2025. On file.

<sup>26</sup> *Id.*

<sup>27</sup> Briefing Paper and Background on H.R. 2815, the Cape Fox Land Entitlement Finalization Act of 2025. March 2025. On file.

<sup>28</sup> *Id.*

<sup>29</sup> Letters of Support for Cape Fox Lands Exchange. May 2025. On file.

<sup>30</sup> FERC #11393

<sup>31</sup> Briefing Paper and Background on H.R. 2815, Fair and Equitable Treatment for the Village of Saxman Alaska Cape Fox Corporation. May 6, 2025. On file.

38 MW, was online. Yet, the power demand exceeded the supply, and scheduled brownouts were required.<sup>32</sup> Additional power is needed to sustain the current demand and provide for economic growth.

The CFC holds the Federal Energy Regulatory Commission (FERC) license needed to develop a power facility at Mahoney Lake in Ketchikan, which would exist on the CFC-owned land. This license includes an easement for a powerline/road corridor from the Mahoney Lake site to the Beaver Falls Substation on the Ketchikan Power Grid. The CFC currently owns the land adjacent to the Beaver Falls substation as well.<sup>33</sup> The 180 acres described in this legislation would connect the properties already owned by CFC and alleviate any access and management issues as the Mahoney Lake power corridor is developed and the power infrastructure is brought online.<sup>34</sup>

H.R. 2815 would finalize the CFC's ANCSA land conveyance while alleviating any future land management concerns associated with the development of the Mahoney Lake power project. This legislation has the support of various Alaska organizations,<sup>35</sup> Government representatives, and impacted groups.<sup>36</sup>

A map of the proposed land conveyance can be found [here](#).

### **[H.R. 3073 \(Rep. Maloy\), “Shivwits Band of Paiutes Jurisdictional Clarity Act”](#)**

The Shivwits Band of Paiutes (Shivwits Band) is a federally recognized tribe residing on a 28,000-acre ancestral reservation just outside of St. George, Utah,<sup>37</sup> and currently has 311 enrolled members.<sup>38</sup> The tribe traditionally inhabited southern Utah, southern Nevada, and southern California, adjacent to the Colorado River.<sup>39</sup> In 1935, the Shivwits Band was officially recognized as a federal tribe under the Indian Reorganization Act.<sup>40</sup> However, the federal government terminated the Shivwits Band and every other Paiute Band in 1954.<sup>41</sup> Nevertheless, the Shivwits performed self-governing functions and leased their land to ranchers in the area.<sup>42</sup> In 1980, Congress passed the “*Paiute Restoration Act*”,<sup>43</sup> which was signed into law and reestablished the trust relations between the federal government and the Paiute Indians of Utah,

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<sup>32</sup> Brownout: A period of reduced electrical voltage due to high demand resulting in reduced illumination. <https://www.merriam-webster.com/dictionary/brownout>.

<sup>33</sup> Id.

<sup>34</sup> Briefing Paper and Background on H.R. 2815, the *Cape Fox Land Entitlement Finalization Act of 2025*. March 2025. On file.

<sup>35</sup> [Letters of Support for H.R. 2815, Cape Fox Corporation, Alaska Native Settlement Act, Settlement of Entitlement, Letters of Support](#).

<sup>36</sup> Letters of Support for H.R. 2815, Cape Fox Corporation, Alaska Native Settlement Act, Settlement of Entitlement, *Letters of Support*. Provided to IIA Staff May 2025. On file.

<sup>37</sup> Briefing Paper on H.R. 3703, Shivwits Band of Paiutes Jurisdictional Clarity Act. Provided to IIA Staff May 2025. On file.

<sup>38</sup> Shivwits Band of Paiutes. Shivwits Band History. <https://shivwits.org/shivwits-band-history/>.

<sup>39</sup> Tiller, Veronica E. Velarde. Tiller's Guide to Indian Country: Economic Profiles of American Indian Reservations. 3rd ed. Pg. 720.

<sup>40</sup> Shivwits Band of Paiutes. Shivwits Band History. <https://shivwits.org/shivwits-band-history/>.

<sup>41</sup> 68 Stat. 1099.

<sup>42</sup> Id.

<sup>43</sup> P.L. 92-227, 94 Stat. 317.

which included restoring trust relations with the Shivwits Band.<sup>44</sup> The Shivwits Band established its constitution in 1981 and has been fully recognized and functioning since then.<sup>45</sup>

While the Shivwits Band intends to further its economic development, a 2022 Tenth Circuit Court of Appeals case stunted that development.<sup>46</sup> In *Ute Indian Tribe of the Uintah and Ouray Reservation v. Lawrence (Lawrence)*, the Tenth Circuit Court of Appeals ruled that Utah state courts lack the jurisdiction to hear cases involving on-reservation conduct.<sup>47</sup> Additionally, the Appellate Court found that even in instances where a tribe has provided a clear and valid waiver of its sovereign immunity, Utah state courts still lack the jurisdiction unless the requirements of 25 U.S.C § 1322<sup>48</sup> and 25 U.S.C § 1326<sup>49</sup> are met.<sup>50</sup> Furthermore, *Lawrence* ruled that for § 1322 to hold, a special election under § 1326 must have been held. This decision dismissed the previous arguments that § 1326 was only required when a tribe wished to permanently authorize the state to assume all jurisdiction over the tribe.<sup>51</sup>

For the Shivwits Band, this ruling under *Lawrence* has led to economic uncertainty for the tribe and potential investors. Under *Lawrence*, the Shivwits Band can no longer consent to state court jurisdiction on a case-by-case basis, which means if an issue arises between the Shivwits Band and an outside investor, there is no guarantee that the state court would be able to intervene. This lack of clarity has caused hesitancy for outside groups to partner with the Shivwits Band.<sup>52</sup>

H.R. 3703 addresses these concerns by assuring that Utah state courts hold jurisdiction over civil cases involving the Shivwits Band that occur on their tribal lands, while ensuring that the tribe's sovereign immunity remains intact unless the tribe waives it. This protects the Shivwits Band from any unconsented suit but allows the tribe to consent to Utah state court jurisdiction in contracts and agreements with outside groups. Additionally, H.R. 3703 ensures that the Federal court is an option when resolving disputes arising from contracts in which the Shivwits Band is a party.

H.R. 3703 also amends the Long-Term Leasing Act (LTLA)<sup>53</sup> to authorize the Shivwits Band to lease land held in trust for their benefit for up to 99 years. In 1955, Congress passed the LTLA, which generally authorizes any Indian lands held in trust or land subject to a restriction against alienation to be leased by the Indian owner, subject to the approval of the Secretary of the

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<sup>44</sup> Shivwits Band of Paiutes. Shivwits Band History. <https://shivwits.org/shivwits-band-history/>.

<sup>45</sup> Id.

<sup>46</sup> Letter of Support for H.R. 3073, Washington County, Utah, Letter of Support, Shivwits Band of Paiute Indians. March 18, 2025. [https://naturalresources.house.gov/uploadedfiles/shivwits\\_band\\_of\\_paiutes\\_letter\\_of\\_support.pdf](https://naturalresources.house.gov/uploadedfiles/shivwits_band_of_paiutes_letter_of_support.pdf).

<sup>47</sup> *Ute Indian Tribe of the Uintah & Ouray Reservation v. Lawrence*, No. 18-4013, 2022 WL 54822 (10th Cir. Jan. 6, 2022).

<sup>48</sup> Section 1322 provides that state courts can assume jurisdiction over civil cases between Indians or where Indians are parties with the consent of the tribe. <https://www.law.cornell.edu/uscode/text/25/1322>.

<sup>49</sup> Section 1326 provides that state courts can assume jurisdiction when “a majority vote of the adult Indians voting at a special election held for that purpose” voted in favor. <https://www.law.cornell.edu/uscode/text/25/1326>.

<sup>50</sup> *Ute Indian Tribe of the Uintah & Ouray Reservation v. Lawrence*, No. 18-4013, 2022 WL 54822 (10th Cir. Jan. 6, 2022).

<sup>51</sup> Letter of Support for H.R. 3073, Washington County, Utah, Letter of Support, Shivwits Band of Paiute Indians. March 18, 2025. [https://naturalresources.house.gov/uploadedfiles/shivwits\\_band\\_of\\_paiutes\\_letter\\_of\\_support.pdf](https://naturalresources.house.gov/uploadedfiles/shivwits_band_of_paiutes_letter_of_support.pdf).

<sup>52</sup> Id.

<sup>53</sup> 25 U.S.C. § 415.

Interior, for 25 years, except for grazing purposes.<sup>54</sup> The original 1955 Act also specified that non-grazing leases may be renewed up to one additional term of 25 years, for a total of 50 years.<sup>55</sup>

Lease authority up to 99 years is often needed for long-term commercial leases and some financing contracts. Ensuring tribes can negotiate effectively, and on the same playing field as other landholders, can clear the way for further economic development, especially in rural or extra-rural areas. There is congressional precedent for this amendment, most recently, the LTLA was amended to provide additional leasing authority for the Confederated Tribes of the Chehalis Reservation,<sup>56</sup> the Navajo Nation,<sup>57</sup> and the Pueblo of Santa Clara<sup>58</sup> for terms up to 99 years.

H.R. 3703 would make technical changes to the law to ensure that the Utah state court has jurisdiction over civil cases involving the Shivwits Band that occur on the tribe's land. Also, H.R. 3703 ensures that the Federal court is an option when resolving disputes arising from contracts in which the Shivwits Band is a party. Additionally, H.R. 3703 follows congressional precedent by amending the LTLA to allow the Shivwits Band to lease their land for a term of up to 99 years. The Washington County Commissioners are supportive of H.R. 3703.<sup>59</sup>

#### **IV. MAJOR PROVISIONS & SECTION-BY-SECTION**

##### **H.R. 2130 (Rep. Johnson of SD), “Tribal Trust Land Homeownership Act of 2025”**

Section 3. *Mortgage Review and Processing.* This section creates statutory timelines for the processing and review of mortgage applications, including notifying the lender as soon as possible that the application was received, a ten-day turnaround for the preliminary review of the documents to ensure completion of the application, and a two-day turnaround for acknowledgment of missing documents. The BIA would have up to 20 or 30 days (dependent on the type of mortgage) to approve or deny the application, and ten days post-approval to provide a Title Status Report (TSR). Additionally, if requested, the BIA would have 14 days from the time of the request to provide a first certified TSR.

If the BIA fails to adhere to these timelines, they must provide notice of delays to the party that submitted the mortgage package, and the lender. If requested, the BIA would have to respond to inquiries about the status of the application, as well as any requests related to certified status reports.

Additionally, relevant Federal agencies and Tribal Nations will have read-only access to portals containing relevant land documents from TAAMS.

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<sup>54</sup> P.L. 255. Ch. 615, Sec. 1, 69 Stat. 539.

<sup>55</sup> Id.

<sup>56</sup> P.L. 117-346.

<sup>57</sup> P.L. 115-325.

<sup>58</sup> P.L. 115-227.

<sup>59</sup> Washington County, Utah letter of support. March 18, 2025.

[https://naturalresources.house.gov/uploadedfiles/shivwits\\_band\\_of\\_paiutes\\_letter\\_of\\_support.pdf](https://naturalresources.house.gov/uploadedfiles/shivwits_band_of_paiutes_letter_of_support.pdf).

The BIA would be required to provide a report to the Senate Indian Affairs Committee and the House Committee on Natural Resources that details all requests received, those approved and denied, any situation in which the timelines were not met, and the length of time it took each BIA office to provide notice of delays.

One year after enactment, a GAO report detailing the need for digitizing mortgage packages and the estimated costs must be submitted to the Senate Indian Affairs Committee and the House Committee on Natural Resources.

Section 4. *Establishment of Realty Ombudsman Position.* This section directs the BIA Director to create a Realty Ombudsman in the Bureau's Division of Real Estate Services to facilitate all necessary changes and serve as the point of contact for all associated BIA realty services.

### **H.R. 2388 (Rep. Randall), “Lower Elwha Klallam Tribe Project Lands Restoration Act”**

Section 2. *Land Taken into Trust for the Lower Elwha Klallam Tribe.* This section would place 1,082.63 acres of Federal land into trust for the Lower Elwha Klallam Tribe.

### **H.R. 2815 (Rep. Begich), “Cape Fox Land Entitlement Finalization Act of 2025”**

Section 3. *Waiver of Core Township Requirement for Certain Land.* This section waives the requirement of CFC to select and receive the 185 acres of land proposed by the BLM for conveyance.

Section 4. *Selection Outside Exterior Selection Boundary.* This section directs the Secretary of the Interior to convey to CFC the land they choose upon the submission of written notice. Additionally, it establishes that while CFC will hold the surface estate, Sealaska Corporation will hold the subsurface estate.

Section 5. *Public Access Easement.* This section allows for continued public access to the National Forest System land near Revillagigedo Island.

### **H.R. 3073 (Rep. Maloy), “Shivwits Band of Paiutes Jurisdictional Clarity Act”**

Section 3. *State Civil Jurisdiction.* This section establishes that the State of Utah has jurisdiction over any civil case that involves the Shivwits Band on tribal land.

Section 4. *Federal Court Jurisdiction.* This section establishes that any contract or agreement, including a lease, shall fall under “commerce” as defined in section 1 of title 9, U.S. Code, and fall under the jurisdiction of a district court as noted in section 1331 of title 28, U.S. Code.

Section 5. *Sovereign Immunity Not Abrogated.* This section maintains the Shivwits Band’s sovereign immunity unless explicitly waived by the tribe.

Section 6. *Shivwits Band of Paiutes Leasing Authority*. This section amends the LTLA to allow the Shivwits Band to lease their land for a term of up to 99 years.

**V. CBO COST ESTIMATE**

Unknown.

**VI. ADMINISTRATION POSITION**

Unknown.

**VII. EFFECT ON CURRENT LAW (RAMSEYER)**

[H.R. 3073 \(Rep. Maloy\), “Shivwits Band of Paiutes Jurisdictional Clarity Act”](#)