

OPENING STATEMENT

Good morning to you all, and a warm welcome to all our witnesses here today.

Today we will be examining legislation that furthers our commitment to tribal sovereignty and self-determination.

H.R. 733, introduced by Representative McCollum of Minnesota, directs the Department of Agriculture to transfer approximately 11,760 acres of federal land in the Chippewa National Forest to the Department of the Interior to be held in trust for the benefit of the Leech Lake Band of Ojibwe [*oh-JIB-way*].

The Leech Lake Band has the largest population of all the Minnesota Tribes, yet the smallest amount of land available for its use.

Much of the Tribe's land was lost when many of its members were illegally dispossessed of their land via "secretarial transfers" during the 1950s.

The return of this land through H.R 733 will assist the Tribe in rebuilding its land base, enable the protection of sacred sites, and allow the construction of housing on some of the tracts near the Tribe's existing communities.

H.R. 1031, introduced by Representative Vargas of California, will take approximately 700 acres located in San Diego County, California into trust for the benefit of the Pala Band of Mission Indians.

The Pala Band is located in northern San Diego County on a reservation that is home to a majority of the 918 enrolled members.

The Tribe recently completed the purchase of land on Gregory Mountain, as well as land in the Gregory Canyon that includes sacred and culturally important sites.

By taking the land into trust, the Tribe will be able to protect and preserve the land and those sites for future generations.

H.R. 1803, introduced by Representative Walden of Oregon, will nullify the supplemental treaty of 1865 between the United States and the Confederated Tribes and Bands of Indians of Middle Oregon.

The Warm Springs Confederated Tribes signed a Treaty with the United States in 1855 in which they relinquished millions of acres of their land but reserved the Warm Springs Reservation for their exclusive use as well as off-reservation fishing, hunting, and gathering rights.

After the treaty signing, the Tribes maintained their accustomed practice of traveling regularly to the Columbia River to harvest salmon.

However, non-Indian settlers in the area convinced the Oregon Superintendent of Indian Affairs to pursue efforts to keep the Tribes away.

As a result, in 1865, a small number of Warm Springs members were fraudulently made to sign a “supplemental” treaty that, in practice, stripped the Tribe’s off-reservation rights and prohibited their members from leaving the reservation without a written “permit” issued by the Indian Agent.

Both the Indians of the Warm Springs Reservation and the United States government recognized that this was a deceptive action and have consistently ignored the 1865 agreement while also reaffirming the Tribe’s off-reservation treaty rights.

Passage of H.R. 1803 will finally officially correct this historic injustice and nullify the 1865 treaty.

Lastly, H.R. 2961, introduced by Representative Larsen of Washington, will reaffirm the November 2018 decision by the Department of the Interior to take approximately 6.7 acres of land into trust for the benefit of the Samish Indian Nation of Washington.

After regaining its federally recognized status in 1996, the Samish Nation has worked hard to restore its land base through the federal fee to trust process at the Department of the Interior.

However, the ability for the Tribe to acquire lands has been complicated by the U.S. Supreme Court's 2009 *Carciere* decision.

In November 2018, the Department of the Interior, acting through the Bureau of Indian Affairs, finally approved Samish's application to take 6.7 acres of undeveloped land into trust on behalf of the Tribe.

The BIA reached this decision after completing a nine-year "*Carciere* analysis" in which they determined that the Tribe fulfilled the criteria under the *Carciere* decision and is therefore eligible to have land taken into trust under the Indian Reorganization Act.

Despite this favorable decision by the BIA, the Tribe still faces *Carciere* challenges.

The Majority of this House, and of both parties, believe the Supreme Court was incorrect in its interpretation of the IRA in the *Carciere* decision. We showed that recently by passing a “clean” *Carciere* fix on the House floor by an overwhelming majority.

My hope is that the *Carciere* fix can move quickly through the Senate and be enacted into law so that all tribes can once again be treated equally when it comes to trust land acquisition.

Until that time, however, we must continue to pass stand-alone legislation, like H.R. 2961, to ensure that Tribes are not hampered by frivolous claims and lawsuits regarding their rightfully acquired lands.

All of these bills are important to the health and security of each Tribes and I look forward to passing them out of Committee and the House and soon as possible.

I would now like to recognize Mr. Curtis for any opening remarks.