

*SCIP Legislative Hearing on H.R. 437, H.R. 6063, H.R. Draft ANS to
H.R. 6181, S. 314, S. 559, and S. 789*

4.27.22

OPENING STATEMENT

Thank you, Madam Chair.

I am very much looking forward to today's hearing as this is our first hybrid hearing since the start of the COVID-19 pandemic.

I know I have big shoes to fill as the subcommittee's ranking member coming after the late Rep. Don Young but am certainly ready to get to work.

We will certainly remember the positive impacts he had on Indian Country.

Today, we are considering six pieces of legislation.

The first bill, H.R. 437, sponsored by our late colleague, Don Young, would exclude amounts provided to Alaska Native elders, aged 65 and older, from the Alaska Native Settlement

Trust when determining eligibility for certain government benefits.

When Congress amended the Alaska Native Claims Settlement Act in 1988 to authorize Native Corporation's to establish settlement trusts, it did not, however, exclude these benefits for determining eligibility for government assistance programs.

According to several ANC's, the discrepancy between the types of income from ANC's can place many Alaska Native elders in the position of having to choose between accepting the settlement trust income or qualifying for government assistance programs.

The second bill on our agenda, H.R. 6063, seeks to resolve the purported land claims of the Miami tribe of Oklahoma by conferring exclusive jurisdiction over the tribe's claims to the U.S. Court of Federal Claims.

Legislation like H.R. 6063 is relatively uncommon due to the finality of the Indian Claims Commission on historic land claims prior to 1946 and the committee should exercise care with its consideration due on broader implications and that of gaming.

Our third bill, Discussion Draft ANS to H.R. 6181, would reaffirm that the Indian Reorganization Act applies to the Samish Indian Nation.

This Draft ANS would on its face provide for the applicability of the IRA to the Samish Indian Nation.

It is my understanding that several tribes in Washington have voiced concern over the implications H.R. 6181 as introduced, and the ANS, may have on their treaty rights.

While the ANS would not directly ratify a 2018 BIA decision and the accompanying Carcieri analysis as H.R. 6181, as introduced, would, the use of the word “reaffirmed” is ambiguous and could be construed to mean that what is being “reaffirmed” is the 2018 DOI decision.

I think this Committee should exercise caution in consideration of the bill due to implications on settled treaty rights case law spanning the past 40 years.

While I do appreciate the majority working to receive statements from the Department of the Interior on these bills for the record, I do think that based on previous testimony from the Department of the Interior on the Samish Indian Nation Land Reaffirmation Act, and the testimony we have received for today’s hearing, I do think that all parties would benefit if we requested that the

Department of Justice provide this Committee with its views on whether or how H.R. 6181 and the ANS would affect its legal position in the treaty litigation.

Our fourth bill, S. 314, would repeal the Klamath Judgment Fund Act and requires that the remaining \$600,000 in the fund be transferred to the Klamath tribe.

The Congressional Budget Office estimates that there are approximately 200 individuals or their heirs who were on the final 1954 Klamath membership rolls that the Department of the Interior has been unable to locate, who are eligible for the remaining Klamath judgement fund monies.

Our fifth bill, S. 559, would amend current law to reflect that the Grand Ronde tribe's extinguishment of land claims only applies to an 84-acre parcel of land, known as the Thompson Strip.

It is my understanding that two tribes have cited concerns about the gaming prohibition language consistency with the stated intent.

I hope this is something we will be able to address.

Our last bill, S. 789 would repeal eleven statutes related to the treatment of Indians.

While these antiquated statues are no longer enforced, they remain positive law.

Repealing these provisions will remove offensive and immoral provisions from the U.S. code.

Thank you, Madam Chair, I yield back.