



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

**To:** Subcommittee on Indian and Insular Affairs Republican Members  
**From:** Subcommittee on Indian and Insular Affairs Staff: Ken Degenfelder  
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**Date:** Monday, September 8, 2025  
**Subject:** Legislative Hearing on 5 Bills

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The Subcommittee on Indian and Insular Affairs will hold a legislative hearing on five bills: H.R. 681 (Rep. Keating), “To amend the Act of August 9, 1955 (commonly known as the “Long-Term Leasing Act”), to authorize leases of up to 99 years for land held in trust for the Mashpee Wampanoag Tribe and the Wampanoag Tribe of Gay Head (Aquinnah), and for other purposes”; H.R. 3654 (Rep. Randall), “*Tribal Emergency Response Resources Act*” or “*TERRA Act*”; H.R. 3903 (Rep. Begich), “*Chugach Alaska Land Exchange Oil Spill Recovery Act of 2025*”; H.R. 3925 (Rep. Obernolte), “*Yuhaaviatam of San Manuel Nation Land Exchange Act*”; and H.R. 4463 (Rep. Norman), To amend the Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993.

The hearing will take place on **Tuesday, September 9, 2025, at 2:00 p.m. in room 1324 Longworth House Office Building.**

Member offices are requested to notify Jackson Renfro ([Jackson.Renfro@mail.house.gov](mailto:Jackson.Renfro@mail.house.gov)) by 4:30 p.m. on Monday, September 8, 2025, if their member intends to participate in the hearing.

## **I. KEY MESSAGES**

- The three Republican bills included in this hearing support and enhance tribal sovereignty through land management, negotiated land exchanges, and recognition of tribes’ authority to determine their own membership.
- H.R. 3903, the “Chugach Alaska Land Exchange Oil Spill Recovery Act,” allows for a land exchange to resolve a decades-old, split-estate problem in Chugach, Alaska. This legislation restores value to Native shareholders and empowers the Chugach Alaska Corporation to improve conservation in the area.
- H.R. 3925, the “Yuhaaviatam of San Manuel Nation Land Exchange Act,” authorizes an exchange between the U.S. Forest Service and the Yuhaaviatam of San Manuel Nation. This bill reduces checkerboarded ownership, improves land management, and respects tribal stewardship.
- H.R. 4463 strikes a clause restricting the Catawba Indian Tribe from determining who could be a tribal member. This legislation ends a unique federal constraint on Catawba

Indian Nation's membership rolls, thereby reaffirming the tribe's sovereign authority to set membership consistent with its own laws.

## II. WITNESSES

### Panel I (Members of Congress)

- *To Be Announced*

### Panel II (Administration Witnesses)

- **Mr. Bryan Mercier**, Director, Bureau of Indian Affairs, U.S. Department of the Interior, Washington, D.C. [*H.R. 681, H.R. 3654, H.R. 3925, and H.R. 4463*]
- **Mr. John Crockett**, Deputy Chief for State, Private, and Tribal Forestry U.S. Forest Service, U.S. Department of Agriculture, Washington, D.C. [*H.R. 3903 and H.R. 3925*]

### Panel III (Outside Experts)

- **Ms. Sheri Buretta**, Chairman of the Board, Chugach Alaska Corporation, Anchorage, Alaska [*H.R. 3903*]
- **Mr. Joe Maarango**, Councilman, Yuhaaviatam of San Manuel Nation, Highland, California [*H.R. 3925*]
- **The Hon. Brian Harris**, Chief, Catawba Nation, Rock Hill, South Carolina [*H.R. 4463*]
- **The Hon. Cheryl Andrews-Maltais**, Chairwoman, Wampanoag Tribe of Gay Head (Aquinnah), Aquinnah, Massachusetts [*Minority Witness*] [*H.R. 681*]
- **The Hon. Quintin Swanson**, Chairman, Shoalwater Bay Indian Tribe, Tokeland, Washington [*Minority Witness*] [*H.R. 3654*]

## III. BACKGROUND

**H.R. 681 (Rep. Keating), To amend the Act of August 9, 1955 (commonly known as the "Long-Term Leasing Act"), to authorize leases of up to 99 years for land held in trust for the Mashpee Wampanoag Tribe and the Wampanoag Tribe of Gay Head (Aquinnah), and for other purposes.**

The Non-Intercourse Act, a series of statutes passed from 1790 to 1834, prohibited land transactions with Indians unless authorized by the federal government.<sup>1</sup> Over time, these restrictions came to apply primarily to 1) lands held in trust by the United States for the benefit of tribes or individual Indians, and 2) lands held in restricted fee status, in which title is vested in tribes or individual Indians, subject to federal limitations on alienation.<sup>2</sup>

In 1955, Congress enacted the Indian Long-Term Leasing Act (LTLA) to provide a general statutory method for leasing Indian lands notwithstanding the prohibitions contained in the Non-

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<sup>1</sup> Murray, Mariel J., "Tribal Land and Ownership Statuses: Overview and Selected Issues for Congress," Congressional Research Service, July 21, 2021, <https://www.congress.gov/crs-product/R46647>.

<sup>2</sup> Subcommittee on Indian, Insular, and Alaska Native Affairs, Hearing Memorandum: Legislative Hearing on S. 249, June 6, 2017. [https://naturalresources.house.gov/uploadedfiles/hearing\\_memo\\_-\\_leg\\_hrg\\_on\\_s\\_249\\_06.07.17.pdf](https://naturalresources.house.gov/uploadedfiles/hearing_memo_-_leg_hrg_on_s_249_06.07.17.pdf).

Intercourse Act.<sup>3</sup> The LTLA authorized the leasing of trust and restricted fee lands by the Indian owners, subject to approval of the Secretary of the Interior (Secretary). The statute originally permitted lease terms not to exceed twenty-five years, with the possibility of one renewal term of equal length.<sup>4</sup>

Since its enactment, the LTLA has been amended by Congress dozens of times. These amendments have generally expanded leasing authority by either extending permissible lease terms or authorizing longer-term leases for specific tribes.<sup>5</sup> In the latter category, Congress has authorized certain tribes to enter into leases of up to 99 years on their trust lands, including the Confederated Tribes of the Chehalis Reservation,<sup>6</sup> the Navajo Nation,<sup>7</sup> and the Pueblo of Santa Clara.<sup>8</sup>

H.R. 681, introduced by Representative Bill Keating (D-MA-09), would add the Mashpee Wampanoag Tribe and the Wampanoag Tribe of Gay Head (Aquinnah) to the list of tribes authorized to enter into 99-year leases. The Mashpee Wampanoag was federally recognized in 2007 and is headquartered in Mashpee on Cape Cod. The Wampanoag Tribe of Gay Head (Aquinnah) was recognized in 1987, and its trust lands are located at the southwestern portion of Martha's Vineyard Island.<sup>9</sup> These are the only two federally recognized tribes in Massachusetts.

#### **H.R. 3654 (Rep. Randall), “Tribal Emergency Response Resources Act” or “TERRA Act”**

Sponsored by Representative Emily Randall (D-WA-06), the “Tribal Emergency Response Resources Act,” or “TERRA Act,” aims to address long-standing challenges tribes face in coordinating federal resources for climate adaptation and disaster response. Congress has appropriated funds for tribal resilience projects; however, these resources are often distributed across multiple agencies with separate application, reporting, and oversight requirements.

The TERRA Act builds on prior efforts to consolidate federal funding for tribes, such as the 1992 “477 program,” which allowed tribes to combine job training and welfare funds under a single plan.<sup>10</sup> The TERRA Act would authorize tribes to integrate funding from multiple eligible federal programs<sup>11</sup> into comprehensive, tribally-designed plans, administered through the U.S. Department of the Interior (DOI) as the lead agency.<sup>12</sup> These tribally designed plans would include waiver authority, deemed approvals, streamlined permitting and National Environmental Policy Act (NEPA) coordination, and expedited fee-to-trust for plan implementation.<sup>13</sup>

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<sup>3</sup> “Hageman Introduces Legislation to Streamline Tribal Land Leasing,” The Office of Congresswoman Harriet Hageman, March 1, 2023, <https://hageman.house.gov/media/press-releases/hageman-introduces-legislation-streamline-tribal-land-leasing>.

<sup>4</sup> 25 U.S.C. § 415(a).

<sup>5</sup> Subcommittee on Indian, Insular, and Alaska Native Affairs, Hearing Memorandum: Legislative Hearing on S. 249, June 6, 2017, [https://naturalresources.house.gov/uploadedfiles/hearing\\_memo\\_-\\_leg\\_hrg\\_on\\_s.\\_249\\_06.07.17.pdf](https://naturalresources.house.gov/uploadedfiles/hearing_memo_-_leg_hrg_on_s._249_06.07.17.pdf).

<sup>6</sup> Pub. Law 117-346.

<sup>7</sup> *Id.*

<sup>8</sup> Pub. Law . 115-227.

<sup>9</sup> Tiller, Veronica E. Velarde. Tiller’s Guide to Indian Country: Economic Profiles of American Indian Reservations. 2nd ed. Pg. 577.

<sup>10</sup> Pub. Law 102-477.

<sup>11</sup> *Id.*

<sup>12</sup> H.R. 3654, 119<sup>th</sup> Congress, <https://www.congress.gov/119/bills/hr3654/BILLS-119hr3654ih.pdf>.

<sup>13</sup> *Id.*

Tribal advocates have pursued this legislation as a means of reducing administrative burdens and aligning federal practice with the policy of self-determination. However, questions remain about whether certain provisions of the bill will integrate cohesively into existing federal law. The wisdom of providing a carve-out without addressing the underlying issue of burdensome federal environmental permitting laws and regulations also remains in question.

### H.R. 3903 (Rep. Begich), “Chugach Alaska Land Exchange Oil Spill Recovery Act of 2025”

H.R. 3903, sponsored by Representative Nicholas Begich (R-AK-At Large), resolves a land ownership conflict in the Chugach region of Alaska that originated with the *Exxon Valdez* oil spill of 1989. The spill released approximately 11 million gallons of crude oil into Prince William Sound, resulting in one of the most significant environmental disasters in U.S. history.<sup>14</sup> In response, the *Exxon Valdez* Oil Spill Trustee Council (EVOSTC) was established and directed approximately \$900 million in settlement funds toward environmental restoration and conservation, including the acquisition of more than 600,000 acres of surface estate for permanent protection.<sup>15</sup>

In the Chugach region, these acquisitions created a “split-estate” problem. While the federal government acquired surface title for conservation purposes, Chugach Alaska Corporation (CAC), an Alaska Native Regional Corporation established under the Alaska Native Claims Settlement Act (ANCSA),<sup>16</sup> retained ownership of roughly 231,000 acres of subsurface mineral estate beneath those federal surface lands.<sup>17</sup> This bifurcation of title has precluded Chugach from exercising its property rights, restricted shareholder economic opportunities, and complicated federal land management by dividing surface and subsurface ownership.<sup>18</sup>

In 2019, Congress enacted the John D. Dingell, Jr. Conservation, Management, and Recreation Act, which directed the Secretary of the Interior to study the Chugach split-estate conflict and to identify federal lands suitable for exchange.<sup>19</sup> Pursuant to that directive, the Bureau of Land Management (BLM) issued a 2022 report confirming that the split-estate arrangement undermines both Native self-determination and sound conservation management, and recommending legislative action.<sup>20</sup>

H.R. 3903 is the result of a negotiated resolution to the split-estate arrangement. The legislation authorizes, within one year of enactment, a land exchange whereby the Secretary must accept CAC’s offer of approximately 231,000 acres of subsurface estate and, in return, convey to CAC approximately 65,374 acres of federal land in the Chugach region.

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<sup>14</sup> National Oceanic and Atmospheric Administration, *Exxon Valdez*, <https://darrp.noaa.gov/oil-spills/exxon-valdez>, last accessed September 2, 2025.

<sup>15</sup> *Exxon Valdez* Oil Spill Trustee Council, *Settlement*, <https://evostc.state.ak.us/oil-spill-facts/settlement/>, last accessed September 2, 2025.

<sup>16</sup> Chugach Alaska Corporation, “History,” <https://www.chugach.com/about-us/history/>.

<sup>17</sup> U.S. Department of the Interior, Statement of Karen Kelleher before the Senate Committee on Energy and Natural Resources on S. 4310, <https://www.doi.gov/ocl/pending-legislation-78>, last accessed September 2, 2025.

<sup>18</sup> *Id.*

<sup>19</sup> Pub. Law 116-9.

<sup>20</sup> Bureau of Land Management, Chugach Region Land Study Report, <https://www.blm.gov/alaska/foia/records-released-under-foia/foia-request-doi-blm-2024-000269-chugach-region-land-study>, last accessed September 2, 2025.

### **H.R. 3925 (Rep. Obernolte), “Yuhaaviatam of San Manuel Nation Land Exchange Act”**

The San Manuel Reservation, established in 1983, is located in southern California amid lands managed by the BLM and the U.S. Forest Service (USFS).<sup>21</sup> The Yuhaaviatam of San Manuel Nation has long worked to consolidate its land base.

Specifically, the Yuhaaviatam began pursuing an administrative land exchange in 2017 to link their reservation with their adjoining Arrowhead Springs property. The tribe submitted a formal proposal in 2019 and, at USFS’s request, acquired a series of private inholdings inside the boundaries of the San Bernadino National Forest to assemble an exchange package. An Agreement to Initiate was signed in 2022, followed by a public scoping in 2023.<sup>22</sup> According to the tribe, however, the agreement floundered under the Biden administration, which shifted its parcel preferences and delayed appraisals.

H.R. 3925, introduced by Representative Jay Obernolte (R-CA-23), directs a mutual exchange of approximately 1,475 acres of USFS land in the San Bernadino National Forest for approximately 1,460 of tribal land. This is intended to reduce the checkerboard and create a more contiguous land base connecting the San Manuel Reservation and Arrowhead Springs, a culturally significant site for the Yuhaaviatam of San Manuel.

### **H.R. 4463 (Rep. Norman), To amend the Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993.**

The Catawba Indian Nation is located by the town of Rock Hill, South Carolina, close to the North Carolina border. In the 1800s, the Catawba Indian Nation was left landless. In 1943, South Carolina purchased 630 acres for the tribe within the boundaries of the tribe’s original 15,326 square mile reservation.<sup>23</sup> In 1942, the Catawba Indian Nation began a federal trust relationship, which Congress terminated in 1962 as part of a government-wide effort to terminate tribes and push Indians to integrate into mainstream society.<sup>24</sup> After litigation and the federal government’s shift towards supporting tribal self-determination, Congress restored the Catawba Indian Nation as a federally recognized tribe. It did this through the Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993 (Settlement Act).<sup>25</sup>

The Settlement Act approved, ratified, and confirmed the Tribe-State Settlement Agreement between the Catawba Indian Nation and the State of South Carolina. It also resolved Catawba’s claims, provided a financing structure, and defined land, leasing, and gaming frameworks. The statute also explicitly restricted future tribal membership to individuals who were lineal descendants of people on the final base membership roll and who continued to maintain political relations with the tribe.<sup>26</sup> A review of 74 tribal settlement acts enacted since 1975 indicated that

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<sup>21</sup> Tiller, Veronica E. Velarde. Tiller’s Guide to Indian Country: Economic Profiles of American Indian Reservations. 2nd ed. Pg. 470-471.

<sup>22</sup> Briefing with IIA Staff from Yuhaaviatam of San Manuel Nation, August 30, 2025.

<sup>23</sup> Tiller, Veronica E. Velarde. Tiller’s Guide to Indian Country: Economic Profiles of American Indian Reservations. 2nd ed. Pg. 913.

<sup>24</sup> *Id.*

<sup>25</sup> Congressional Record. H.R. 2399 – 103rd Congress (1993-1994): Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993.

<sup>26</sup> Pub. Law 103-116, 107 Stat. 1124.

fewer than 10 percent included any provision addressing future tribal membership.<sup>27</sup> The provisions identified generally stated that future membership was to be governed by tribal constitutions or ordinances.

H.R. 4463, introduced by Representative Ralph Norman (R-SC-05), strikes the clause in the Settlement Act related to future membership criteria. The process for recognizing tribal membership would instead be governed by the Catawba Indian Nation's Constitution.

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

**H.R. 681 (Rep. Keating), To amend the Act of August 9, 1955 (commonly known as the "Long-Term Leasing Act"), to authorize leases of up to 99 years for land held in trust for the Mashpee Wampanoag Tribe and the Wampanoag Tribe of Gay Head (Aquinnah), and for other purposes.**

##### **Section 1. Mashpee Wampanoag Tribe and Wampanoag Tribe of Gay Head (Aquinnah) Leasing Authority.**

- Authorizes Mashpee Wampanoag Tribe and the Wampanoag Tribe of Gay Head (Aquinnah), both of Massachusetts, to lease their land held in trust for up to 99 years.

**H.R. 3654 (Rep. Randall), "Tribal Emergency Response Resources Act" or "TERRA Act"**

##### **Section 4. Lead Agency.**

- Designates DOI as the lead agency. The Secretary has sole decision-making authority over all federal actions under the Act.

##### ***Title I – Program Components; Plan Development and Approval:***

##### **Section 101. Integration of Federal Programs Authorized.**

- Allows a tribe, once its Plan is approved, to integrate eligible programs, reallocate funds, operate under granted waivers, and submit a single, consolidated annual report.

##### **Section 102. Eligible Federal Programs.**

- Sets eligibility criteria. Programs must support environmental resiliency and must be funded via formula, specific designation, competitive processes, or block grants.

##### **Section 103. Activities Authorized under a Plan.**

- Allows Plan funds to support the integrated programs' core services or to finance community-driven relocation.

##### **Section 104. Plan Requirements.**

- Specifies what the Plan must contain. It also clarifies that Traditional Ecological Knowledge is exempt from disclosure requirements.

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<sup>27</sup> Email between the Congressional Research Service and Rep. Norman's Staff. March 13, 2024.



**Section 105. Technical Assistance.**

- Requires the Secretary to provide technical assistance for planning and draft Plan review.
- Directs federal agencies to consult with the Secretary as needed on waivers, funding frameworks, and project scheduling.

**Section 106. Plan Submission and Review.**

- Directs tribes to submit a letter of intent prior to preparing a proposed Plan.
- Requires the Secretary, on receipt of notice from a tribe, to consult on eligible programs and needed waivers before reviewing the Plan for statutory compliance.

**Section 107. Waiver Authority.**

- Authorizes tribes to request waivers of statutory, regulatory, or administrative requirements from affected agencies.
- Requires affected agencies to decide within 45 days and deems the waiver granted if the agency does not provide written notice of their decision within that time period.

**Section 108. Plan Approval or Denial.**

- Gives the Secretary exclusive authority to approve or disapprove a Plan but requires the Secretary to apply a presumption of approval.
- Directs the Secretary to issue a written decision within 90 days but allows a one-time extension of an additional 90 days, if the tribe gives its written consent.
- Approval authorizes fund transfers.
- Requires denials to be supported by specific legal reasons listed in writing and directs the Secretary, after any denial, to provide technical assistance and, on request, a hearing.
- Permits tribes to seek judicial review of plan denials, waiver denials, or agency noncompliance.
- Allows the Secretary to grant partial approvals; for example, if a waiver is pending, unaffected parts must be approved, and affected parts must be approved within 45 days after the waiver is resolved.
- Establishes that if no decision is issued by the deadline, the Plan is deemed approved.
- Requires final agency action to be made by a DOI official at a higher organizational level than the component that issued the decision under appeal.

***Title II – Plan Implementation; Funding Administration; Interdepartmental Memorandum of Agreement; Report*****Section 201. Reduced Reporting Requirements.**

- Replaces program-by-program reporting with a single annual Plan report.
- Directs the Secretary to provide a model report, a unified monitoring system, and a public list of programs and waivers approved or denied.

**Section 202. Streamlined Permitting and Review Implementation.**

- Requires DOI to identify relevant agencies as participating in a Plan.
- Directs DOI to create a coordinated project schedule within 60 days and establish an environmental review timetable not to exceed one year.

- Encourages concurrent reviews and a single interagency Environmental Impact Statement where practicable, establishes a presumption that “no action” has negative impacts, and permits court-ordered deadlines if agencies miss schedule dates.

**Section 203. Expedited Fee-to-Trust Process for Plan Implementation.**

- Mandates trust acquisition when a tribe requests if the land is purchased using Plan funds or is needed due to imminent relocation risk.
- Authorizes discretionary trust acquisitions for Plan purposes regardless of when the tribe acquired the land and waives standard part 151 documentation.
- Directs the Secretary to evaluate requests under on-reservation or initial-acquisition criteria, to apply the streamlined environmental review process, and to divide within the Section 108 timelines.

**Section 204. Streamlined Funding Framework Implementation.**

- Designates DOI as lead to develop a Plan-specific streamlined funding framework listing agency roles and a timetable for apportionment, transfer to the Secretary, and disbursement to the tribe.

**Section 205. Transfer and Distribution of Funds.**

- Makes the Secretary responsible for receiving all Plan funds and disbursing them within 45 days.
- Permits affected agencies to create tribal set-asides of at least 10 percent of program appropriations and requires those agencies to transfer apportioned funds to the Secretary within 30 days, via a non-expenditure transfer.

**Section 206. Administration of Funds.**

- Allows tribes to reallocate, reprogram, consolidate, or re-budget Plan funds without additional approvals.
- Permits no-year carryover, 100% recovery for indirect costs, non-Federal matching status, and retention of interest.

**Section 207. No Reduction in Amounts.**

- Bars reductions in federal funding to an Indian tribe due to the enactment of the Act or because the tribe seeks approval or implementation of a Plan.
- Preserves contracting ability under the Indian Self-Defense and Education Assistance Act.

**Section 208. Interdepartmental Memorandum of Agreement.**

- Requires the Assistant Secretary for Indian Affairs, within 180 days and with tribal consultation, to execute an interdepartmental Memorandum of Agreement covering interagency cooperation on approvals and waivers.
- Prohibits the interdepartmental memorandum from adding eligibility criteria or limiting the role of the Secretary as the sole and exclusive decision-making authority for all Federal actions under the Act.



**Section 209. Report Required.**

- Requires the Secretary to issue a report, written in consultation with agencies and tribes, within two years.

**H.R. 3903 (Rep. Begich), “Chugach Alaska Land Exchange Oil Spill Recovery Act of 2025”****Section 4. Land Exchange.**

- Authorizes a land swap to be completed within one year of enactment.
- If CAC offers approximately 231,000 acres of its subsurface estate to the Secretary, Section 4 requires the Secretary to accept the offer and convey about 65,374 acres of federal land in the Chugach Region to CAC.
- Treats lands received by CAC as if conveyed under ANCSA and remaining subject to valid existing rights.

**Section 5. Maps, Estimates, and Descriptions.**

- Allows the Secretary and CAC to correct minor errors in maps, acreage, or description.

**H.R. 3925 (Rep. Obernolte), “Yuhaaviatam of San Manuel Nation Land Exchange Act”****Section 2. Exchange of Land.**

- Directs the Secretary of Agriculture to exchange 1,475 acres of federal land in the San Bernardino National Forest for 1,460 acres owned by the Yuhaaviatam of San Manuel Nation. USFS retains easements for certain roads.
- Requires the tribe, within 120 days of enactment, to enter into an agreement to preserve the Arrowhead Landmark.

**H.R. 4463 (Rep. Norman), To amend the Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993.****Section 1. Future Membership of the Catawba Indian Tribe of South Carolina.**

- Strikes the requirement for lineal descendancy and continued political relations in determining eligibility for membership in the Catawba Indian Tribe.

**V. CBO COST ESTIMATE**

A formal cost estimate from the Congressional Budget Office (CBO) is not yet available for any of the bills.

**VI. ADMINISTRATION POSITION**

The Trump administration’s position on any of the bills is unknown at this time.

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

**H.R. 681**

**H.R. 4463**