

**H.R. 4524, H.R. 4748, H.R. 6368,
AND H.R. 6443**

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON INDIAN AND INSULAR AFFAIRS

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

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LEGISLATIVE HEARING ON H.R. 4524, TO AMEND THE INDIAN LAW ENFORCEMENT REFORM ACT TO PROVIDE FOR ADVANCEMENTS IN PUBLIC SAFETY SERVICES TO INDIAN COMMUNITIES, AND FOR OTHER PURPOSES, “PARITY FOR TRIBAL LAW ENFORCEMENT ACT”; H.R. 4748, TO PROVIDE FOR THE RECOGNITION OF CERTAIN ALASKA NATIVE COMMUNITIES AND THE SETTLEMENT OF CERTAIN CLAIMS UNDER THE ALASKA NATIVE CLAIMS SETTLEMENT ACT, AND FOR OTHER PURPOSES, “UNRECOGNIZED SOUTHEAST ALASKA NATIVE COMMUNITIES RECOGNITION AND COMPENSATION ACT”; H.R. 6368, TO ASSIST TRIBAL GOVERNMENTS IN THE MANAGEMENT OF BUFFALO AND BUFFALO HABITAT AND THE REESTABLISHMENT OF BUFFALO ON INDIAN LAND, “INDIAN BUFFALO MANAGEMENT ACT”; AND H.R. 6443, TO TAKE CERTAIN LAND IN THE STATE OF CALIFORNIA INTO TRUST FOR THE BENEFIT OF THE JAMUL INDIAN VILLAGE OF CALIFORNIA TRIBE, AND FOR OTHER PURPOSES, “JAMUL INDIAN VILLAGE LAND TRANSFER ACT”

**Tuesday, December 5, 2023
U.S. House of Representatives
Subcommittee on Indian and Insular Affairs
Committee on Natural Resources
Washington, DC**

The Subcommittee met, pursuant to notice, at 10:15 a.m., in Room 1324 Longworth House Office Building, Hon. Harriet M. Hageman [Chairwoman of the Subcommittee] presiding.

Present: Representatives Hageman, LaMalfa, González-Colón; and Leger Fernández.

Also present: Representatives Newhouse, Stauber, Issa; and Peltola.

Ms. HAGEMAN. The Subcommittee on Indian and Insular Affairs will come to order. Without objection, the Chair is authorized to declare recess of the Subcommittee at any time.

The Subcommittee is meeting today to hear testimony on four bills: H.R. 4524, H.R. 4748, H.R. 6368, and H.R. 6443. Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member. I therefore ask unanimous consent that all other Members' opening statements be made part of the hearing record if they are submitted in accordance with Committee Rule 3(o).

Without objection, so ordered.

I ask unanimous consent that the gentlewoman from Alaska, Mrs. Peltola; the gentleman from Minnesota, Mr. Stauber; the gentleman from Washington, Mr. Newhouse; and the gentleman from California, Mr. Issa, be allowed to sit and participate in today's hearing.

Without objection, so ordered.

I will now recognize myself for an opening statement.

STATEMENT OF THE HON. HARRIET M. HAGEMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WYOMING

Ms. HAGEMAN. Today, the Subcommittee is considering four bills. First, we have H.R. 4524, the Parity for Tribal Law Enforcement Act. This legislation would allow tribal law enforcement officers to be considered Federal law enforcement officers for the purposes of Federal benefits, pensions, tort claims coverage, and penalties for crimes committed against them. This would create parity between Federal and tribal law enforcement officers in these areas and it should help with the recruitment and retention of tribal law enforcement officers.

As we saw in our previous oversight committee hearing, recruiting and retaining good law enforcement officers is a huge concern for tribal police departments. This bill would be a step towards improving this situation. Everyone deserves to feel safe in their community, and we will continue to work towards that goal for all Native communities.

Next is H.R. 4748, the Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act. This bill would amend the Alaska Native Claims Settlement Act, or ANCSA, to allow five Alaska Native communities, the Haines, Ketchikan, Petersburg, Tenakee, and Wrangell to form Alaska Native urban corporations in Southeast Alaska.

Each urban corporation would be able to select one township of land equal to 23,040 acres of their historical aboriginal lands in the Tongass National Forest to own in fee simple. This is the same acreage that other Alaska Native urban corporations in Southeast Alaska were allowed to select when ANCSA became law in 1971.

ANCSA settled the land claims of Alaska Natives through a \$962.5 million settlement payment and roughly 44 million acres of land, which was divided between almost 200 village corporations and 12 regional corporations established by the legislation. The five Alaska Native communities considered in H.R. 4748 were excluded from this list of Alaska Native communities allowed to form Alaska

Native corporations in Southeast Alaska. Congress did not include an appeals process for communities excluded in Southeast Alaska, so only an Act of Congress can allow these five communities to form their urban corporations.

The legislation also contains provisions stating the bill would not affect any land entitlements for previously established Alaska Native corporations, does not affect the rights-of-way held by the state of Alaska within the selected parcels, and provides the Forest Service access to National Forest system roads until a mutual use agreement is entered into. Additionally, the parcels to be conveyed would remain open and available to subsistence uses, non-commercial recreational hunting and fishing, and other non-commercial recreational uses with very narrow exceptions.

Next is H.R. 6368, the Indian Buffalo Management Act. This legislation would create a program within the Department of the Interior to support tribes and tribal organizations in the creation and management of their own American Buffalo programs. These programs have benefited American Indians and Alaska Natives both economically and culturally.

Historically, Indian tribes use the buffalo for subsistence purposes for thousands of years, incorporating it into everyday diets and livelihoods. By the end of the 19th century, however, buffalo were near extinction. Conservation efforts were enacted to restore buffalo numbers and the species has had a dramatic recovery. The Department of the Interior already provides some funds to tribes and organizations to promote the tribal management of buffalo. However, there is currently no formal program within the Department. The funding for this program has also fluctuated over the years and a formal program may help with stabilizing funds and provide more oversight.

Last on our agenda is H.R. 6443, the Jamul Indian Village Transfer Act, what would replace approximately 172.1 acres of land owned in fee simple by the Jamul Indian Village into trust for the benefit of the Tribe. Located in San Diego County, California, the Jamul Indian Village is part of the Kumeyaay people of Southern California, otherwise known as the Mission Indians. Despite tracing their history back 12,000 years, the Jamul Indian Village did not receive Federal recognition until 1981. Since then, the Tribe has slowly gained a land base for itself.

The Tribe has submitted fee-to-trust applications to the Department of the Interior with the oldest submitted in August 2015, but these applications have not been finalized. This bill would place the land in a trust legislatively rather than continuing to wait on the administrative process. Additionally, H.R. 6443 would prohibit any Class 2 or Class 3 gaming under the Indian Gaming Regulatory Act on the parcels that are taken into trust.

I am hopeful we can all work together to continue to ensure the bills considered today gain support and move through the legislative process. Thank you to the witnesses for being here today. We appreciate you being here in person. We know that you have traveled quite a distance, but it is extremely important to have live testimony as we go through these bills, so thank you for that.

The Chair now recognizes the Ranking Minority Member for a statement.

**STATEMENT OF THE HON. TERESA LEGER FERNÁNDEZ, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF
NEW MEXICO**

Ms. LEGER FERNÁNDEZ. Thank you, Madam Chair, and thank you once again to the tribal leaders as well as agencies who are here with us today for this important legislative hearing, and to everybody in the audience. I so enjoy always looking out and seeing so many who are invested in the issues that we address here in this Committee. And once again, we are addressing issues that look at how do we make sure we are bring parity, how do we right historic injustices, and move forward on behalf of our Native American, Native Alaskans, and Hawaiians. Although we are not taking up any of those bills today.

But the first bill I would highlight is Representative Newhouse's Parity for Tribal Law Enforcement Act. I am a proud co-sponsor of this key tool to increase police officers in Indian Country. Just last month, the Subcommittee held an important oversight hearing on public safety in Indian Country and heard how hard it was for the BIA and tribes to recruit and retain law enforcement officers. This legislation hopefully makes working the beat on our tribal reservations a bit more enticing by extending Federal benefits and eligibility to tribal law enforcement officers.

BIA has seen a 30 percent vacancy rate across all law enforcement positions. Tribes are seeing similar and sometimes higher rates. Congress needs to do more to support tribes and their public safety needs.

The next bill is H.R. 4748, Representative Peltola's Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act. Once again, our Subcommittee is tasked with addressing historic injustices in how the United States has treated our Alaska Native communities. This time we are called to remember that Congress left out five Alaska Native communities from the settlement of aboriginal land claims in Alaska. The bill would amend the ANCSA of 1971 to authorize the Alaska Native residents of five Southeast Alaska communities to form urban corporations.

The area of land to be conveyed is a very small portion of the Tongass National Forest based on historical and factual records undertaken reported back in 1994. I appreciate the fact that our first Native Alaskan Congresswoman is moving this bill forward, a mere three decades later. I look forward to hearing from you, Mr. Rinehart, on this important issue for our communities.

Next, we have H.R. 6368, the Indian Buffalo Management Act from Representative LaMalfa. My friend and colleague, Congressman Don Young, passed this bill through the House last Congress. I was proud to support. The tradition of buffalo is very strong in New Mexico, so I am glad to see this legislation before us once again. It would enable the Department of the Interior to assist tribal governments in the rehabilitation and management of buffalo herds on tribal lands. Through a permanent buffalo program at the Department of the Interior, tribes will be better equipped to protect and conserve buffalo habitat and really bring tribes into the decision-making process since we know they know so much more than the rest of us on how to deal and manage these magnificent animals.

Lastly, we have H.R. 6443, the Jamul Indian Village Land Transfer Act from Representative Issa. This would integrate 172 acres of land across four parcels into the Tribe's reservation boundary. The bill supports overall government operations, increases tribal housing, and allows tribal members to have a place to come together.

We have four bills on the agenda today that highlight a range of important topics in Indian Country. As any of the 16 pueblos and two Native Nations, the Jicarilla Apache and Navajo in my district can tell you, we know that each of these issues are very important to every Native people because they touch on the things that are crucial, from law enforcement, public safety, the lands that you hold dear and sacred and have called your own, and the need to come together as community.

Every tribe deserves the ability to protect their people, access their historic lands, care for sacred animals, and have a place to come together as a community.

I look forward to the testimony from our witnesses.

With that, I yield back, Madam Chair.

Ms. HAGEMAN. Wonderful, thank you. I will now recognize Mr. Newhouse from Washington for 5 minutes to speak on his legislation.

**STATEMENT OF THE HON. DAN NEWHOUSE, A
REPRESENTATIVE FROM THE STATE OF WASHINGTON**

Mr. NEWHOUSE. Thank you, Chairwoman Hageman, as well as Ranking Member Leger Fernández. Thank you very much for letting me sit in on your Committee as a guest, and let me also thank you for all the vital work you do on behalf of Indian Country. It is very much appreciated.

As you said, I am here today to introduce the Confederated Tribes of the Colville Reservation as well as being here on behalf of my legislation, which is H.R. 4524, the Parity for Tribal Law Enforcement Act, which as you have said is included in today's hearing, so thank you very much for this consideration.

H.R. 4524 aims to improve hiring and also increase retention for tribal law enforcement officers to better protect Native communities and help address the particular crisis of the missing and murdered Indigenous women and girls. Across the country, and particularly in Washington's 4th Congressional District, many tribes have serious problems recruiting and retaining qualified law enforcement officers who serve on reservation lands. Oftentimes, this is a result of training limitations, the bureaucratic nature of credentialing tribal officers, and frankly, subpar pay. This often leaves tribal communities with an inadequate law enforcement presence.

The consequence of this can be fateful as tribal communities work to combat the opioid crisis, as well as the MMIW crisis that I described earlier, and also to protect families and local businesses. And I might say that many of the other local law enforcement agencies also recruit from tribal agencies because they are so well trained, so it is difficult to compete in that kind of a situation.

H.R. 4524 will fix this issue by classifying tribal law enforcement officers as Federal law enforcement officers for the purpose of

Federal benefits and pensions, among several other provisions. As has been noted, it has strong bipartisan support, and I am proud to say strong organizational support as well. Back in July, I introduced this legislation with Representative Kilmer from my state of Washington as well as Representative Davids from the state of Kansas. And today, this legislation boasts 14 bipartisan co-sponsors as well as nine tribes and Native American organizations who support it.

One of the supporters is the Confederated Tribes of the Colville Reservation. Today, they are represented by their Chairman, Jarred Erickson, who is a resident of Nespelem, Washington. Welcome, Chairman Erickson, appreciate you being here and thank you for attending this hearing today. But most importantly, I want to thank you for always being willing to work with me and my office on important policy issues that are so crucial to Indian Country around the United States. Your support of H.R. 4524 has been essential in moving it through the legislative process and I certainly look forward to hearing your testimony on it today.

But I also look forward to the testimony of all the witnesses that are today and thank them very much for making the journey to Washington, DC.

With that, Madam Chair, I yield back, and thank you again.

Ms. HAGEMAN. Thank you, Mr. Newhouse. We just had a hearing a couple of weeks ago about security on our tribal lands, and I think that this is a very important bill and appreciate your willingness to bring this forward and help us to move it through the process.

The Chair now recognizes Mrs. Peltola from Alaska for 5 minutes to speak on her legislation.

STATEMENT OF THE HON. MARY SATTLER PELTOLA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALASKA

Mrs. PELTOLA. Thank you, Madam Chair. And I would like to echo what the Representative from Washington, Mr. Newhouse, has said about both of you and your good works for Indian Country. Thank you.

Good morning. Today, I am thrilled that we are discussing how to write a wrong that has lingered for over half a century, the Alaska Native Claim Settlement Act of 1971, or as we refer to it, ANCSA, enabled economic self-determination for Alaska Native people and has benefited all Alaskans for the last 53 years. However, five communities, Haines, Tenakee, Ketchikan, Wrangell, and Petersburg were left out of this landmark legislation.

A 1994 congressionally authorized study of ANCSA found that there was no substantive reason these communities should have been left out. It was an oversight, but one that has had major consequences. They never got the chance to claim, manage, and benefit from their traditional lands, resulting in decades of lost opportunities for economic growth and cultural grounding.

My predecessor, Congressman Young, knew this was an injustice and championed this bill all his years in the Congress. The landless bill's historic progress in this Congress is a product of his tireless spirit and the hard work of a bipartisan group of Alaskans, including one of our witnesses, Tashee Richard Rinehart. Most

recently, the bill received an endorsement from the Wilderness Society, an important recognition by a leading environmental group, that there is nothing more pro-environment than Alaska Native stewardship of Alaska Native lands.

Additionally, the United States Forest Service, the current manager of the land that this bill would transfer, has expressed their desire to address this long-standing inequity in their testimony for today's hearing. Given the unanimous support for this bill from the Alaska Native communities across the state and especially in Southeast Alaska, it is clear that a consensus has emerged, and it is time for Congress to join.

In the spirit of encouraging Native American management of traditional land and resources, we also have the Indian Buffalo Management Act in front of us today. For hundreds of years, the American Buffalo was central to the culture, spiritual well-being, and livelihoods of our Natives across our nation. The ruthless dissemination of buffalo herds that occurred in the mid-19th century dealt a devastating blow to Native communities that have long relied on these animals.

This bill is an important step toward restoring once flourishing buffalo herds which have been vital to the cultural, spiritual, and subsistence traditions of Native Americans throughout many states. This was another bill that Representative Young felt strongly about. He knew that we must put the future of this majestic animal into the hands of those who have relied on it for nutrition and cultural heritage alike.

The theme connecting these bills is simple self-determination, or I like to say self-agency. The ability to control your own destiny is as American as anything can be. I am grateful for the progress we are making towards that goal today and I look forward to working with my colleagues to advance H.R. 4748 and H.R. 6368.

Madam Chair, I yield back the remainder of my time.

Ms. HAGEMAN. Thank you. The gentlewoman yields back. The Chair now recognizes Mr. Issa from California for 5 minutes to speak on his legislation, and thank you for being here.

**STATEMENT OF THE HON. DARRELL ISSA, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. ISSA. Thank you, Madam Chair, Ranking Member Fernández.

I don't get enough opportunities to do things that are win-wins for the American people. The Jamul Indian Village Land Transfer Act is a win-win. It not only brings onto reservation land not just ancestral land but land in which members' multi-generations have been buried. It includes their cemetery, which has long been outside of their hands. It includes the entrances and exits to the existing reservation, but most importantly, for this once landless tribe, it includes most of the 172 acres to be used to rebring the dispersed residents and tribal members back onto the reservation.

The history of the Jamul band of Kumeyaay Indians is one that is very common in California. They were displaced and landless for many years. When they finally received a small parcel of land as a gift from a landowner, they sought to and were able to put it into

trust. They have since that time built enterprise on the land, but six acres was never enough for them to live on the land in entirety.

I think the most important part, and not controversial, is that this piece, the fourth piece of land which is noncontiguous is noncontiguous both because of development that has occurred on their historic land and because, in fact, this historic land had long been a ranch of a non-Native American. But not to say that there hasn't been a connection. Many of the tribal members worked on that land. They have a close association. They walked up the dirt road from their reservation to this land year, after year, after year.

They have now been able to secure the land and buy it, and one of the important things that the Tribe has taken as initiative is to preserve that ranch house and to, in fact, make it suitable to be there in perpetuity in addition to taking what was originally developed and agreed by the county to be 92 parcels for home building but make them a little more generous. Cut down the total number, provide more greenspace, and preserve the nature of the land. All of this is part of a well-orchestrated plan, both the plan that was approved by the county and now is being enhanced by the Tribe.

I have been honored to work with the Tribe throughout the process. This will be my sixth or seventh land in trust for one of my 21 tribes, but this will be one of them that is most essential. Imagine hundreds of family members and six acres. Even if those acres were still only for residents, it wouldn't be sufficient, and that is why this land in trust needs to be moved up so they can quickly begin the construction that they would like to do, knowing that their home for their tribal members will always be in their hands.

And I would like to thank the Chairwoman and the Ranking Member for hearing us and hopefully for helping us get this across the finish line this cycle.

Thank you, and I yield back.

Ms. HAGEMAN. Thank you. And thank you for being here and introducing this important bill.

I think that if you look back over the last year in terms of the hearings that we have held and the people that we have invited to come and talk to us about the issues, primarily the tribal members, righting some of the past wrongs associated with landownership and use has been one of our priorities. Addressing Indian Health Services has been another one.

But I think one of the main priorities with the witnesses that we have come in from tribes all across the country has been to address putting lands in trust as they should be, addressing the situation with the Native Alaskans, attempting to right those wrongs. We have had the Winnebago Tribe. We have had the Oglala Sioux from South Dakota attempting to get some land for them so that they can have a memorial for the Wounded Knee, which is so critically important for our history and remembering that history.

So, I appreciate the opportunity to have these land bills brought before this Subcommittee so that we can address some of those historical wrongs and hopefully move forward with correcting them and addressing other issues from Indian Country and our tribal members.

With that, I am going to now introduce our witnesses. Mr. Freihage, Deputy Assistant Secretary of Management, Bureau of Indian Affairs, U.S. Department of the Interior, Washington, DC; Mr. Chris French, Deputy Chief, U.S. Forest Service, U.S. Department of Agriculture, Washington, DC; the Honorable Jerrad-Michael Erickson, Chairman, Confederated Tribes of the Colville Reservation, Nespelem, Washington; the Honorable Erica M. Pinto, Chairwoman, Jamul Indian Village, Jamul, California; Mr. Richard Rinehart, CEO, Tlingit and Haida Business Corporation, Juneau, Alaska; and Mr. Ervin Carlson, President, InterTribal Buffalo Council, Rapid City, South Dakota.

Let me remind the witnesses that under Committee Rules, they must limit their oral statements to 5 minutes, but your entire statement will appear in our hearing record. To begin your testimony, please press the "talk" button on the microphone. We use timing lights. When you begin, the light will turn green; when you have 1 minute left, the light will turn yellow; and at the end of 5 minutes, the light will turn red, and I will ask you to please complete your statement. I will also allow all witnesses on the panel to testify before Member questioning.

The Chair now recognizes Mr. Jason Freihage for 5 minutes.

STATEMENT OF JASON FREIHAGE, DEPUTY ASSISTANT SECRETARY OF MANAGEMENT, BUREAU OF INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR, WASHINGTON, DC

Mr. FREIHAGE. Chair Hageman, Ranking Member Leger Fernández, and members of the Subcommittee, my name is Jason Freihage, and I serve as the Deputy Assistant Secretary of Management for Indian Affairs at the U.S. Department of the Interior. Thank you for the opportunity to present testimony regarding H.R. 4524, Parity for Tribal Law Enforcement Act; H.R. 6368, Indian Buffalo Management Act; and H.R. 6443, Jamul Indian Village Land Transfer Act.

H.R. 4524 amends the Indian Law Enforcement Reform Act to provide that tribal law enforcement officers acting under a tribe's compact or contract under the Indian Self-Determination Education Assistance Act would have the authority to enforce Federal law within the tribe's jurisdiction provided they complete training, background requirements that are the equivalent to employees of the Bureau of Indian Affairs, Office of Justice Services.

Additionally, under the bill, the tribe must have adopted policies and procedures that meet or exceed those of the BIA OJS for the same contracted activity. The bill also provides that tribal law enforcement officers acting under a contract or compact shall be deemed eligible for benefits applicable to Federal law enforcement, including Federal death and injury, retirement, and pension benefits. Tribes often struggle to recruit and retain law enforcement officers across Indian Country, particularly in remote areas. The provision of Federal benefits to tribal law enforcement officers will help immensely with tribes' ability to recruit and retain law enforcement officers and provide safety in their communities.

Under the leadership of Secretary Haaland, improving public safety in Indian Country and addressing missing and murdered

Indigenous peoples is a top priority. The Department supports H.R. 4524 as a means to strengthen public safety and justice in Indian Country.

The North American Bison, commonly called buffalo, is the official mammal of the United States and plays an important role in the history of the continent. For many tribes, buffalo play a significant role in their identity, subsistence, economic development, conservation, and land management practices. Buffalo sustained many tribes in North America for many centuries before they were exterminated by non-Indian hunters in the mid-1800s.

The successful restoration of buffalo allows an Indian tribe to benefit from the reintroduction of buffalo into diets of members of the Indian tribe. Working to restore buffalo and increase tribal access to buffalo is a priority for the Biden administration and Secretary Haaland. The BIA's branch of Fish, Wildlife, and Recreation funds buffalo restoration and management activities through annual appropriations.

H.R. 6368 would establish a permanent program within the Department to develop and promote tribal ownership, conservation, and management of buffalo on Indian lands. Under H.R. 6368, two entities are eligible for program participation. Indian tribes, as defined by ISDEAA, and tribal organizations under Section 17 of the Indian Reorganization Act. To avoid the exclusion of tribal corporations federally chartered under Section 3 of the Oklahoma Indian Welfare Act, the Department recommends H.R. 6368 use the same definition of tribal organization as ISDEAA.

H.R. 6368 does not provide any funding to support the permanent program that the bill establishes, which will be contractable by tribes under ISDEAA. In the event a tribe utilizing ISDEAA as amended to contract or compact that permanent program, the Secretary may be required to utilize funds from other programs to meet that goal. We support the bill's goals and welcome the opportunity to work with sponsors and the Subcommittee to provide technical assistance.

H.R. 6443 would place approximately 172.1 acres of land in San Diego County, California, owned in fee by the Jamul Indian Village, into trust for the benefit of the Jamul Indian Village. The bill makes the lands part of the reservation for the Jamul Indian Village and includes a prohibition against Class 2 and Class 3 gaming under the Indian Gaming Regulatory Act.

The parcels to be transferred into trust are comprised of a parcel with Daisy Drive, which is the main access road to the Jamul Indian Village's existing trust land, a parcel that contains culturally significant church and cemetery, and the Jamul Indian Village plans to use the two parcels for housing development, a clinic, and an administration building. The department supports H.R. 6443, restoration of tribal homelands, as a priority for the Department and the Biden administration.

Chair Hageman, Ranking Member Leger Fernández, and members of the Subcommittee, thank you for the opportunity to provide the Department's views on these important bills, and I look forward to answering any questions that you may have.

[The prepared statement of Mr. Freihage follows:]

PREPARED STATEMENT OF JASON FREIHAGE, DEPUTY ASSISTANT SECRETARY OF
MANAGEMENT, INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR
ON H.R. 4524, H.R. 6368, AND H.R. 6443

Chair Hageman, Ranking Member Leger Fernández, and members of the Subcommittee, my name is Jason Freihage, and I serve as the Deputy Assistant Secretary of Management for Indian Affairs at the U.S. Department of the Interior (Department). Thank you for the opportunity to present testimony regarding H.R. 4524, “Parity for Tribal Law Enforcement Act,” H.R. 6368, “Indian Buffalo Management Act,” and H.R. 6443, “Jamul Indian Village Land Transfer Act.”

H.R. 4524, Parity for Tribal Law Enforcement Act

H.R. 4524 amends the Indian Law Enforcement Reform Act to provide that Tribal Law Enforcement Officers (LEOs) acting under a Tribe’s contract or compact under the Indian Self Determination and Education Assistance Act would have the authority to enforce Federal law within the Tribe’s jurisdiction provided they complete training and background requirements that are equivalent to employees of the Bureau of Indian Affairs Office of Justice Services (BIA-OJS). Additionally, under the bill the Tribe must have adopted policies and procedures that meet or exceed those of the BIA-OJS for the same compacted or contracted program, service, function, or activity.

Importantly, the bill also provides that Tribal LEOs acting under a contract or compact shall be deemed eligible for benefits applicable to Federal LEOs, including Federal death and injury, retirement and pension benefits. Tribes often struggle to recruit and retain LEOs across Indian country, particularly in remote areas. The provision of Federal benefits to Tribal LEOs will help immensely with Tribes’ ability to recruit and retain LEOs and provide for the overall safety of their communities.

Under the leadership of Secretary Haaland, improving public safety in Indian country and addressing the Missing and Murdered Indigenous Peoples crisis is a top priority for the Department. The Department supports H.R. 4524 as a means to strengthen public safety and justice in Indian country.

H.R. 6368, Indian Buffalo Management Act

The North American Bison, commonly called buffalo, is the official mammal of the United States and plays an important role in the history of this continent. For many Tribes, buffalo play a significant role in their identity, subsistence, economic development, and conservation and land management practices. The historical, cultural, and spiritual connection between buffalo and Tribes cannot be overstated. Buffalo sustained many Indian Tribes in North America for many centuries before they were exterminated by non-Indian hunters in the mid-1800s. Indian Tribes have long desired the reestablishment of buffalo throughout Indian country. The successful restoration of buffalo allows an Indian Tribe to benefit from the reintroduction of buffalo into the diets of the members of the Indian Tribe. Working to restore buffalo and increase tribal access to buffalo is a priority for the Biden administration and for Secretary Haaland. The BIA’s Branch of Fish, Wildlife, and Recreation funds buffalo restoration and management activities through annual appropriations. H.R. 6368, the Indian Buffalo Management Act, would establish a permanent program within the Department to develop and promote Tribal ownership, conservation, and management of buffalo and buffalo habitat on Indian lands.

Under H.R. 6368, two entities are eligible for program participation: Indian Tribes, as defined by the Indian Self-Determination and Education Assistance Act (ISDEAA), and Tribal organizations organized under Section 17 of the Indian Reorganization Act (IRA). To avoid the exclusion of Tribal corporations federally chartered under Section 3 of the Oklahoma Indian Welfare Act, P.L. 74-816, the Department recommends H.R. 6368 use the same definition of “Tribal organization” as ISDEAA.

H.R. 6368 does not provide any funding to support the permanent program that the bill establishes, which will be contractible by Tribes under ISDEAA. In the event of a Tribe utilizing ISDEAA, as amended, to contract or compact that permanent program, the Secretary may be required to utilize funds from other programs to meet the Department’s statutory obligations under ISDEAA.

Buffalo once roamed this continent in the tens of millions and the Department appreciates efforts to improve management of this vital species. The Department recognizes our shared interest in modernizing buffalo management in Indian Country and appreciates Congress’s attention to this effort. We support the bill’s goals and welcome the opportunity to work with the sponsors and subcommittee to provide technical assistance.

H.R. 6443, Jamul Indian Village Land Transfer Act

H.R. 6443 would place approximately 172.1 acres of land in San Diego County, California, owned in fee by the Jamul Indian Village into trust for the benefit of the Jamul Indian Village. The bill makes the lands part of the reservation for the Jamul Indian Village and includes a prohibition against class II and Class III gaming under the Indian Gaming Regulatory Act.

The parcels to be transferred into trust are comprised of a parcel with Daisy Drive which is the main access road to the Jamul Indian Village's existing trust land, a parcel that contains a culturally significant church and cemetery, and the Jamul Indian Village plans to use two parcels for housing development, a clinic, and an administration building.

The Department supports H.R. 6443. Restoration of Tribal homelands is a priority for the Department and Biden Administration.

Conclusion

Chair Hageman, Ranking Member Leger Fernández, and Members of the Subcommittee, thank you for the opportunity to provide the Department's views on these important bills. I look forward to answering any questions that you may have.

QUESTIONS SUBMITTED FOR THE RECORD TO JASON FREIHAGE, DEPUTY ASSISTANT SECRETARY OF MANAGEMENT FOR INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

Mr. Freihage did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative Westerman

Question 1. Regarding H.R. 4524, does the Department of the Interior have information on what percentage of or specified amount of funds within tribal self-determination contracts or compacts for law enforcement services are suggested to be set aside for tribes to provide the pension and benefits for tribal law enforcement officers?

1a) If yes, would that suggest a percentage of or specified amount of funds be the same or a similar amount that the Department of the Interior would set aside per federal law enforcement officers employed by your agency to pay into each of their benefits?

1b) Does the Department extend any other funds that would not be included in the tribal self-determination contracts or compacts to support providing benefits and pensions to federal law enforcement officers?

Question 2. Regarding H.R. 6368, what benefits has the Department of the Interior seen from the current funding it provides to preserve the historical, cultural, traditional, and spiritual relationship between buffalo and Indian tribes?

2a) Please elaborate on how a formal program could help better guide resources.

Ms. HAGEMAN. Thank you.

The Chair now recognizes Mr. Chris French for 5 minutes.

STATEMENT OF CHRIS FRENCH, DEPUTY CHIEF, U.S. FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, WASHINGTON, DC

Mr. FRENCH. Good afternoon, Chair Hageman and Ranking Member Leger Fernández. It is a pleasure to be with you today and the Subcommittee members.

My name is Chris French, and I am the Deputy Chief for the U.S. Forest Service over the National Forest System, and I am pleased to be here today to discuss the United States Department of Agriculture's views regarding the conveyance of lands within the

Tongass National Forest to five Native villages in Alaska as proposed under H.R. 4748.

USDA recognizes the special relationship that Alaska Natives have to their land in Southeast Alaska, which are the homelands of the Tlingit, Haida, and Tsimshian people. We acknowledge the important customary, traditional, and current use of the Tongass National Forest and the contributions of the land and resources to the social and economic well-being of the region's communities. Through our Joint Secretarial Order on fulfilling the trust responsibility to Indian tribes and the stewardship of Federal lands and waters, USDA recognizes that it is the policy of the United States to restore tribal homelands to tribal ownership and to promote tribal stewardship and tribal self-government.

H.R. 4748 would amend the Alaska Native Claim Settlement Act and authorize Alaska Native Residents of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell to form urban corporations. The legislation directs conveyance of specifically identified surface estate lands within the Tongass National Forest in the amount of 23,040 acres to each corporation, totaling approximately 115,000 acres. The bill directs conveyance of subsurface estate of these parcels to the Sealaska Regional Native Corporation.

The USDA supports the intent of the legislation, and we look forward to working with the Committee, bill sponsors, and tribal communities to address this long-standing inequity. We continue to have productive conversations with the relevant stakeholders, and we look forward to discussing with the Subcommittee and the sponsor of the bill's legislation about the potential impacts on the Tongass National Forest program of work as well as opportunities to promote tribal and/or Indigenous stewardship of our Federal lands and waters consistent with the Joint Secretarial Order.

Chairman Hageman, Ranking Member Leger Fernández, that concludes my statement. I would be happy to answer any questions that you may have on this important bill.

[The prepared statement of Mr. French follows:]

PREPARED STATEMENT OF CHRIS FRENCH, DEPUTY CHIEF, NATIONAL FOREST SYSTEM,
UNITED STATES DEPARTMENT OF AGRICULTURE—FOREST SERVICE

ON H.R. 4748

H.R. 4748 would amend the Alaska Native Claims Settlement Act of 1971 (ANCSA) to authorize Alaska Native residents of five Southeast Alaska communities (Haines, Ketchikan, Petersburg, Tenakee, and Wrangell) to form urban corporations. The legislation directs conveyance of specifically identified surface estate lands within the Tongass National Forest in the amount of 23,040 acres to each corporation, totaling approximately 115,202 acres. The bill directs conveyance of subsurface estate of these parcels to the Sealaska Regional Native Corporation.

The proposed conveyance of 23,040 acres to each new corporation conforms with the acreage provided to the ten Southeast Alaska communities that were recognized and determined to be eligible under ANCSA. Unlike ANCSA, H.R. 4748 does not require that the selected acres include the township in which all or part of the community is located, nor that it be contiguous and in reasonably compact tracts. The selected NFS lands are in 61 named parcels, including some that are split into distinct parts or include adjacent islands. The parcels range in size from 17 to 9,092 acres and are located across seven Forest Service Ranger Districts. All parcels contain old growth and cumulatively approximately 80,000 acres, or 69% of the proposed conveyance, are considered productive old growth. Nearly all the parcels contain inventoried roadless acres and 52% of the cumulative acres proposed for conveyance are roadless.

Background

The Alaska Native Claims Settlement Act effected a final settlement of the aboriginal claims in Alaska through payment of \$962.5 million and conveyances of more than 44 million acres of Federal land. There was a distinction made in ANCSA between the villages in the southeast and those located elsewhere. Prior to the passage of ANCSA, Alaska Natives in the southeast received payments from the United States pursuant to court cases in the 1950s and late 1960s, for the taking of their aboriginal lands. Because Alaska Natives in the Sealaska region benefited from an additional cash settlement under ANCSA, the eligible communities received less acreage than their counterparts elsewhere in Alaska. Congress named the villages in the southeast that were to be recognized in ANCSA. The communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell—the five communities addressed in H.R. 4748—were not among those listed.

Alaska Natives living in the five communities applied to receive benefits under ANCSA and were subsequently determined to be ineligible. Three of the five appealed their status and were denied. Notwithstanding the determination of ineligibility of some communities for corporate status under ANCSA at the time, Alaska Natives in these five communities were enrolled as at-large shareholders in the Sealaska Corporation. The enrolled members of the five communities comprise more than 20 percent of the enrolled membership of the Sealaska Corporation.

Analysis of Identified Conveyance of public lands from the Tongass National Forest lands

Due to the high value of these lands for multiple uses on the National Forest, the Forest Service has concerns that the currently proposed conveyance of lands will affect the ability of the Forest Service to implement the stated goals of the Tongass National Forest Land and Resource Management Plan across program areas, including meeting current timber harvest goals and the transition to young growth timber harvest.

The Federal government manages subsistence harvest of fish and wildlife on federal lands in Alaska. Once lands are conveyed from National Forest System ownership, they no longer fall under the Federal Subsistence Management Program. The proposed legislation generally addresses subsistence, allowing for the lands conveyed to newly established native corporations to remain open and available to subsistence under applicable law and subject to reasonable restrictions by the corporation on public use. As proposed, the state of Alaska would regulate hunting and fishing on the conveyed lands and the newly formed corporations would decide who may access their lands for that purpose.

Summary

USDA recognizes the special relationship that Alaska Natives have to the lands of southeast Alaska, which are the homelands of the Tlingit, Haida, and Tsimshian people. We acknowledge important customary, traditional, and current uses of the Tongass National Forest and the contributions of the land and resources to the social and economic well-being of the region's communities. Through joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters (SO 3403), USDA recognizes that it is the policy of the United States to restore Tribal homelands to Tribal ownership and to promote Tribal stewardship and Tribal self-government. In keeping with the joint Secretarial Order, the Forest Service is entering into co-stewardship agreements with Tribes in Alaska and across the United States.

USDA supports the intent of the legislation, and we look forward to working with the committee, bill sponsors, and tribal communities to address this long-standing inequity. We continue to have productive conversations with the relevant stakeholders and look forward to discussing with the Subcommittee and sponsor of the bill the legislation's impact on the Tongass National Forest's program of work as well as opportunities to promote Tribal and/or Indigenous stewardship of our federal lands and waters, consistent with the Joint Secretarial Order.

Ms. HAGEMAN. I thank the witness for his testimony.

The Chair now recognizes the Honorable Jarred-Michael Erickson for 5 minutes.

**STATEMENT OF THE HON. JARRED-MICHAEL ERICKSON,
CHAIRMAN, CONFEDERATE TRIBES OF THE COLVILLE
RESERVATION, NESPELEM, WASHINGTON**

Mr. ERICKSON. [Speaking Native language.] Hello. Good day, Chair Hageman, Ranking Member Leger Fernández, and members of the Committee.

[Speaking Native language.] My name is Jarred-Michael Erickson. I am the Chairman of the Colville Business Council, the governing body of the Colville Tribes. I am accompanied today by C. Brown, the Colville Tribe's Chief of Police, who is directly behind me.

Thank you for inviting me to testify on H.R. 4524, the Parity for Tribal Law Enforcement Act. I want to thank Congressman Newhouse for introducing this bill and for participating in today's hearing. Half of the Colville Reservation is within Congressman Newhouse's district, and we appreciate his interest in tribal law enforcement and the crisis of missing and murdered Indigenous women.

I would also like to thank Deputy Secretary Freihage for his willingness to meet with our representatives to discuss details about the bill and how the Department would implement it if it were enacted.

As I mentioned in my written statement, on any given shift, the Colville Tribe Police Department has an average of only three police officers on duty to patrol the entire 2,275 square miles, or 1.4 million acres, of the Colville Reservation. This means that an officer's backup is at least 30 minutes away by car at any given time, though usually longer. We currently have 8 tribal officer vacancies out of the 29 police officers in our department, which means we are operating at approximately two-thirds capacity. In September 2022, we had nine vacancies, so we have been able to fill one in just over a year.

This high vacancy rate is mostly due to our challenge of recruiting and retaining police officers in rural areas and the ability of the Colville Tribes and other similarly situated Indian tribes to provide benefits that are competitive with those offered by state and local police departments. Because of this, there is an ongoing pattern in Indian Country of recruiting and training officers only to see them leave for jobs with neighboring towns and municipalities that offer more attractive benefits.

It costs Colville Tribes approximately \$150,000 to put new officers through the academy and train them to be able to handle calls on their own. When officers leave for employment elsewhere, the Tribe must pay these costs again as soon as we can fill the vacancy. I just wanted to also add that we spend about \$4.1 million of our own tribal funds for our law enforcement officers.

The Colville PD officers not only enforce tribal laws and state laws through cross-deputization agreements, they also enforce Federal laws. Our officers possess special law enforcement commissions, or SLECs. SLECs are agreements with the BIA that authorize tribal officers to enforce violations of Federal laws. Neither Colville PD officers nor any other tribal enforcement officers that possess SLECs receive any additional compensation from the BIA for undertaking these duties.

Our tribal PD assumes these Federal duties out of necessity because most major crimes like rape and murder in Indian Country are Federal offenses. We need to have officers that can respond to those types of calls, conduct investigations, and put forward the best case for Federal prosecution.

H.R. 4524 would allow tribal law enforcement officers to be considered Federal law enforcement officers for purposes of certain Federal laws, including for Federal pension and retirement benefits. For the Colville Tribes, allowing our law enforcement officers to begin accruing pension or retirement benefits would have several immediate benefits. For young officers, the bill would provide a more attractive benefit package than the Colville Tribe could otherwise offer. The bill would also allow Federal law enforcement officers that wish to work in Indian Country the ability to do so while maintaining their current benefits.

As I mentioned, the Colville PD and many other tribal law enforcement agencies already perform the duties of Federal law enforcement officers. Making this change would put tribal officers on parity with Federal officer counterparts and recognize the heightened responsibility our officers undertake.

The Colville Tribe strongly supports H.R. 4524 and urges the Committee to approve it quickly. I would be happy to answer any questions that you may have.

[Speaking Native language.] Thank you.

[The prepared statement of Mr. Erickson follows:]

PREPARED STATEMENT OF THE HONORABLE JARRED-MICHAEL ERICKSON, CHAIRMAN,
CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

ON H.R. 4524

As a rural, land-based Indian tribe, the Confederated Tribes of the Colville Reservation ("Colville Tribes" or the "CCT") has unique challenges providing law enforcement services to our tribal community. Many of these challenges are grounded in recruitment and retention of tribal police officers and the inability of the CCT and other similarly situated Indian tribes to provide benefits that are competitive with those offered by state and local police departments.

The Colville Tribes strongly supports H.R. 4524, the "Parity for Tribal Law Enforcement Act," because it would allow tribal law enforcement officers to participate in, on a prospective basis, the federal pension and retirement programs applicable to federal law enforcement officers. Tribal law enforcement for many Indian tribes that have contracted law enforcement from the Bureau of Indian Affairs (BIA) already enforce federal laws and have the same duties as federal law enforcement officers.

Providing tribal law enforcement with the same benefits would put tribal officers in parity with their federal officer counterparts. It would also provide an immediate boost to the CCT and other Indian tribes that for years have recruited and trained officers only to see them depart for positions with local jurisdictions that offer these types of benefits.

Background on the Colville Tribes' Law Enforcement Challenges

Although now considered a single Indian tribe, the Confederated Tribes of the Colville Reservation is a confederation of twelve aboriginal tribes and bands from across eastern Washington state, northeastern Oregon, Idaho, and British Columbia. The present-day Colville Reservation is in north-central Washington state and was established by Executive Order in 1872. The Colville Reservation covers more than 1.4 million acres and its boundaries include portions of both Okanogan and Ferry counties.

Geographically, the Colville Reservation is larger than the state of Delaware and is the largest Indian reservation in the Pacific Northwest. The Colville Reservation is home to more than 5,000 residents, which include both tribal members, their

families, and non-Indians. Approximately 50 percent of the Colville Tribes' 9,300 enrolled members live on or adjacent to the reservation.

As noted above, the Colville Tribes has contracted the law enforcement function from the BIA under the Indian Self-Determination and Education Assistance Act (ISDEAA). BIA data indicates that there are 234 tribal law enforcement programs nationally and that more than 90 percent of those programs have been contracted by the respective tribes under ISDEAA. As a contracted program, the Colville Tribes' law enforcement officers work for the Colville Tribal Police Department ("Colville PD") and are tribal, not federal, employees. In contrast, for those relatively small number of tribes for which the BIA provides direct law enforcement services, those officers are federal employees and receive all federal pension and retirement benefits by default.

Colville PD officers receive full deputy commissions from both Okanogan and Ferry counties once they have successfully completed the police academy, which allows them to enforce all state criminal laws. These commissions enable our officers to better serve the community because they often respond to households that have both tribal members and non-members residing in the same home. The downside to this arrangement is that neither county consistently patrols their respective areas of the Colville Reservation.

Similarly, Colville PD officers also possess Special Law Enforcement Commissions (SLECs). SLECs are agreements with the BIA's Office of Justice Services that authorize tribal officers to enforce violations of federal laws. Neither Colville PD officers nor any other tribal law enforcement officers that possess SLECs receive any additional compensation from the BIA for enforcing federal laws. The Colville Tribes' officers thus enforce tribal, state, and federal laws.

On any given shift, the Colville PD has an average of only three police officers on duty to patrol the entire 2,275 square miles of the Colville Reservation and the more than 250 parcels of off-reservation trust lands. This means that an officer's backup is at least 30 minutes away (by car) at any given time, though usually longer.

Like other tribal police departments, the Colville PD has multiple vacancies that have been and remain difficult to fill. Of the 29 officer positions at the Colville PD, eight of these positions are vacant. Similarly, three of the six dispatch positions are vacant as are two of the eight administrative positions. Collectively, the Colville PD has a 30 percent vacancy rate for both commissioned and non-commissioned officer positions.

BIA law enforcement is funded at only a portion of the actual need. Recruitment and retention remain acute issues even with the Colville Tribes supplementing the BIA funding allocation by more than 200 percent annually.

H.R. 4524 Would Immediately Boost Indian Tribes' Efforts to Recruit and Retain Law Enforcement Officers

For several years, the Colville Tribes and other Indian tribes in the state of Washington have sought to provide a pathway for tribal police officers to receive pension and retirement benefits to assist in recruiting and retaining officers. H.R. 4524 would accomplish this by providing that tribal law enforcement officers can be considered federal law enforcement officers for certain laws, including for federal pension and retirement benefits applicable to federal law enforcement officers.

For the Colville Tribes, allowing our tribal law enforcement officers to begin accruing pension and retirement benefits would have several immediate benefits. First, it would provide a more attractive benefit package to would-be officers and would help us keep officers that the Colville PD trains from leaving for other jurisdictions. Indian tribes nationwide can attest to having recruited and trained law enforcement officers only to see them leave because the tribes cannot compete with benefits that other jurisdictions provide.

By providing tribal officers with access to federal law enforcement benefits, H.R. 4524 would also open the door for tribes to attract law enforcement officers that may be employed by the federal government but may wish to work for an Indian tribe without losing their benefits. It would also make working for Indian tribes an option for those federal law enforcement officers that have reached the federal mandatory retirement age of 57 but desire to continue working as a law enforcement officer for a few more years. In both cases, the federal law enforcement officers could work for tribal police departments without losing their retirement benefits or having to start anew in a different retirement program. This would equally apply to individuals who are leaving the U.S. military, several of whom the Colville PD has employed as tribal officers upon them leaving active duty.

H.R. 4524 is intended as an opt-in for Indian tribes. Tribal officers have varied backgrounds and years of service, often in other state or local jurisdictions or with

the federal government. A small number of states have, under state law, allowed tribal officers to participate in state law enforcement retirement systems. Arizona is one such state. An officer that has several years of service as a law enforcement officer in a non-Indian jurisdiction in one of these states before working as a tribal officer in the same state may wish to keep participating in the state retirement program. As the Committee further refines the bill, the CCT suggests that the bill text clarify that *individual* tribal officers may be treated as federal law officers upon designation by their respective tribal employers.

Finally, and as noted above, the Colville Tribes' officers and presumably those of the more than 90 percent of tribes that have contracted law enforcement from the BIA under the ISDEAA already perform the duties of federal law enforcement officers by enforcing federal laws pursuant to SLECs. Allowing tribal officers to participate in the federal benefits program would put tribal officers in parity with their federal officer counterparts.

The SLEC Provisions of H.R. 4524 Would Address Confusion and Treat Tribal Officers Equitably with Federal Law Enforcement Officers

As introduced, most of the text of the H.R. 4524 was derived from section 104 of the "Tribal Law and Order Reauthorization and Amendments Act," which the Senate Committee on Indian Affairs favorably reported in both the 115th and 116th Congresses. H.R. 4524 would clarify that tribal law enforcement officers will be considered federal law enforcement officers for purposes of enforcing federal criminal laws without being required to obtain SLECs provided they meet certain training, background investigation, and other requirements and are certified to enforce federal laws by the BIA.

We understand that the BIA originally suggested this provision to provide clarity on the legal status of tribal law enforcement officers without SLECs and to ensure that those tribal law enforcement officers are treated equitably when they are carrying out the functions or services contracted from the BIA.

Currently all the Colville PD's officers have SLECs and annual renewals of these agreements proceed smoothly. In past years, however, the CCT had difficulty obtaining SLECs because of regional differences in the boilerplate SLEC agreements that the BIA has utilized which, in the CCT's case, would have confused application of the Federal Tort Claims Act to tribal officers when enforcing federal law.

H.R. 4524 fixes these issues and would provide Indian tribes with an additional mechanism to enable their tribal officers to enforce federal laws and be treated as federal law enforcement officers for liability purposes without obtaining SLECs.

The Colville Tribes strongly supports H.R. 4524 and urges the Committee to approve it as soon as possible.

Ms. HAGEMAN. Thank you for your testimony.

The Chair now recognizes the Honorable Erica Pinto for 5 minutes.

**STATEMENT OF THE HON. ERICA M. PINTO, CHAIRWOMAN,
JAMUL INDIAN VILLAGE, JAMUL, CALIFORNIA**

Ms. PINTO. Good morning, Madam Chair, and distinguished members of the Subcommittee, and good morning to the Jamul Indian Village who is watching, my mom and my nieces. Good morning.

My name is Erica Pinto, and I have the honor to serve as Chairwoman of the Jamul Indian Village of California. Thank you for the opportunity to testify today on H.R. 6443, the Jamul Indian Village Land Transfer Act.

I have submitted testimony that discusses my Tribe's history, our perseverance, and our need for additional trust lands. I plan to focus my remarks this morning on our vital need for trust lands to ensure access to our reservation, to protect our cemetery and church, and to return my people to our ancestral homeland.

My ancestors were a band of Kumeyaay Indians known as the Jamul Band. Our people have continuously resided on a portion of

our aboriginal territory in Southern California since before the arrival of the Spanish. For generations, we were without an officially declared land base until the Catholic Diocese received a grant of our ancestral cemetery for the purpose of an Indian graveyard.

The cemetery is the final resting place for nearly all of our relatives dating back to the 1800s. The Diocese later built a small church on the land in the early 1900s and allowed us to reside together, remain close to each other, our ancestors, and practice our culture and traditions. Our commitment to remain there, despite the poor living conditions and attempts to remove us, speaks to our love and connection to this cemetery and the surrounding lands.

In the 1970s, the Secretary of the Interior initially took 4.6 acres into trust to establish our reservation. Until the early 1980s, our people lacked basic utilities like running water and electricity. One shallow well supplied contaminated drinking water to my people. Our housing was primarily small shacks and trailers. We did without basic amenities in order to remain on our ancestral lands near our cemetery to protect our culture and our way of life.

Living conditions for our people were deplorable. The Department of the Interior last exercised its authority to accept land into trust for our Tribe in 1982 when it approved a 1.3-acre fee-to-trust transfer. Over time, our ancestral lands have diminished from over 1640 acres to only 6 acres, which now comprises our entire land base, one of the smallest reservations in the country.

Since the Tribe's lands were accepted into trust, we have done our very best to maximize the use of our land. In 2005, we made the extremely difficult decision to move off the reservation in hopes of a better life with a dream of becoming self-sufficient and not relying on the Federal Government. We wanted to be able to provide government services to our members. However, the removal from our ancestral lands resulted in a significant loss of culture, life, language, and community since we have been unable to reside together on tribal lands.

H.R. 6443 accepts these four parcels of land into trust for the Tribe's benefit. The land is located within our ancestral territory in rural San Diego County, and since this bill prohibits gaming, it is important for the Subcommittee to know that the Tribe cannot use these lands for gaming purposes once accepted into trust.

The bill protects access to our reservation, preserves our ancestral cemetery and church, and it allows us to bring our people home once and for all. In addition to tribal housing, we plan to build a tribal administration building, a healthcare facility, and a police station. We plan to preserve our culture and historic sites, including our cemetery, and we plan to reinvigorate our culture, including language revitalization and reincorporating our traditional foods into our way of life.

Bringing our members back together will provide them with access to our cultural sites and improve services and resources. It is vital to ensure our continued existence and our right to exercise our self-determination and self-sufficiency.

Thank you again to the Subcommittee for holding this hearing and for your consideration of H.R. 6443, the Jamul Indian Village

Land Transfer Act. I would also like to thank Representative Issa for his tireless work on behalf of my Tribe and all of Indian Country, and I am happy to answer any questions. Thank you.

[The prepared statement of Ms. Pinto follows:]

PREPARED STATEMENT OF CHAIRWOMAN ERICA M. PINTO, JAMUL INDIAN
VILLAGE OF CALIFORNIA
ON H.R. 6443

Chairwoman Hageman and distinguished Members of the House Subcommittee on Indian and Insular Affairs, my name is Erica M. Pinto, and I have the honor to serve as Chairwoman of the Jamul Indian Village of California (the “Tribe or “JIV”). Thank you for the opportunity to provide testimony on H.R. 6443, the Jamul Indian Village Land Transfer Act, and thank you to Representative Issa for his dedication to represent the interests of the Native American tribes in his district, and in particular for his notable efforts on H.R. 6443.

History of the Jamul Indian Village

JIV’s 6-acre Reservation, one of the smallest in the United States, is located in a rural area east of downtown San Diego, California. The Tribe’s ancestors were a band of Kumeyaay (Mission-Diegueño) Indians known as the Jamul Band, who historically occupied their village territory in the Jamul Valley northwest of the San Ysidro Mountains. The Jamul Band were known as Mission Indians of California because at one point, they were under the jurisdiction of Spanish missionaries who established missions throughout Southern California for the purpose of converting and “reducing” the aboriginal population and using them as laborers to facilitate Spanish settlement of the area. Historically speaking, the Jamul Band is a part of the group of Indians who referred to themselves as Kumeyaay people, but were also known politically as the Diegueño people because they were under the jurisdiction of the San Diego Mission de Alcalá during Spanish control of the region. Spanish records as early as 1776 reference an Indian settlement at Jamul. Members of the Jamul Band have continuously resided on a portion of their aboriginal territory since before the arrival of the Spanish until present day, which included land within the Tribe’s present-day Reservation.

Despite the Jamul Band’s legal claim to occupy lands in the Jamul Valley, after the United States government acquired California under the Treaty of Guadalupe Hidalgo, the United States agreed to recognize land grants of Mexican citizens who decided to remain in California. One such land grant was the Jamul Rancho within the Jamul Valley, which was part of the Jamul Band’s ancestral lands. Thereafter, members of the Jamul Band occupying lands located within Jamul Rancho were considered by white settlers to be “squatters,” and were at risk of being displaced from their lands.

In 1891, Congress passed the Mission Indian Relief Act, creating a Commission that came to be known as the “Smiley Commission,” with the mandate to survey and select reservation lands for each band or village of Mission Indians residing within California. Two of the three commissioners were not present in California to fulfill the Act’s mandate, and thus did not participate in the survey and selection process. A single commissioner oversaw the survey and selection of Indian reservations under the Act. Reports from this commissioner make clear that he did not visit any areas south of what is now Interstate 8, and the closest he came to Jamul Rancho was 22 miles east at Campo.

The Smiley Commission created under the Mission Indian Relief Act did not accomplish its legislative mandate to both select a reservation for each band or village, and to include the land and villages that had been in the actual occupation and possession of each band or village of Mission Indians. The Jamul Band was omitted from the Smiley Commission’s work, and evidence shows that the commissioners intended for members of small bands of Indians to move onto other “catch-all” reservations that had been established with what was deemed sufficient capacity to accommodate additional Mission Indians. Although the Smiley Commission thought that the closest reservations would provide for small bands scattered throughout San Diego County, this assumption did not account for cultural norms among these bands to avoid entry onto another band’s lands without a specific invitation from that band, or the Jamul Band’s determination to protect its own culture and way of life.

Therefore, despite the commissioners’ intent to provide the Jamul Band with a home at a nearby reservation, members of the Jamul Band did not move. Rather,

the situation for the Jamul Band remained largely unchanged, with its members living in abject poverty on its ancestral lands but without an officially declared land base, until the Coronado Beach Company granted the land holding the Jamul Band's ancestral cemetery to the Catholic Diocese "for the purpose of an Indian graveyard and approach thereto." The cemetery is the resting place for nearly all of the Tribe's ancestors, dating back to the 1800s. The Jamul Band's ties to this ancestral cemetery and surrounding lands explains their resoluteness to remain there. The Diocese later built a small church for the Jamul Band in the early 1900s, and provided a modicum of legal protection for a portion of its Indian village. The cemetery and church remain a vital part of the Tribe's culture and traditions, and are part of the lands that are the subject of H.R. 6443.

Following failures of the Superintendents of the Office of Indian Affairs in Southern California to effectively engage with scattered Indians beyond reservations that had been created for larger Mission Indian bands prior to and in conjunction with the Mission Indian Relief Act, the federal government appointed a special agent in 1908 whose jurisdiction was over the landless Indians of Southern California, in order to investigate conditions and "secure title" for "landless Indians" like members of the Jamul Band, who did not then reside on a federal reservation, and whose land tenure was uncertain and at risk of encroachment by settlers.

The need for action by the federal government was summarized by Special Agent C.E. Kelsey in a letter to the Commissioner of Indian Affairs, stating, "There are no necessities in California equal to those of the robbed, starving, helpless people for whom [monies for support and civilization of California Indians] are appropriated."

Although the federal government was charged with securing title for landless Indians who had not been afforded their rightful lands under the Mission Indian Relief Act, the federal government's de facto policy eventually became to prioritize those Indians and Indian bands who were homeless, aggressive with respect to their land rights, or in significant conflict with non-Indians who claimed a right to Indian-occupied land. As the Jamul Band was a relatively small band living on aboriginal lands located within the boundaries of privately held land at that time, the Jamul Band was largely ignored. This constituted yet another failure on the part of the federal government to provide land for the Jamul Indians who had steadfastly remained on their ancestral land.

Establishment of the JIV Reservation

As a testament to the Tribe's determination, the Jamul Band's Indian Village was the only non-reservation village that survived up through the 1970s when the Secretary of the Interior took into trust the initial 4.66 acres of the Tribe's Reservation—land that had been occupied by members of the Jamul Band since before the Spanish Mission era, from time immemorial. Until the early 1980s, the Tribe's lands lacked basic utilities like running water and electricity. One shallow well at the low point of the cemetery property supplied drinking water of dubious quality for Tribal members. Members of the Jamul Band did without these modern amenities in order to remain on their lands, near their ancestral cemetery, as a way to protect their culture and way of life. Although their culture survived, living conditions for the Jamul Band were dire, and they severely lacked economic resources to improve their standard of living.

Present-day members of the Tribe are descended from the Jamul Band, and the Tribe's lands have been diminished over time from more than 640 acres to a small 6-acre sliver of land alongside the ancestral cemetery and church. The Tribe was formally organized under the Indian Reorganization Act ("IRA") in 1981, when the Jamul Indians determined that they would pursue organization as a half-blood community under Section 19 of the IRA. Having established its 4.66-acre Reservation, the Jamul Indians held an election in May 1981, and ratified a Constitution that formally established the Jamul Indian Village. The Department of the Interior ("Department") approved the Tribe's Constitution two months later, and the Secretary of the Interior then included the Tribe in the next list of federally recognized tribes published in the Federal Register. The Department last exercised its authority to accept land into trust for the Tribe in 1982, when it approved a 1.372-acre fee-to-trust transfer under a grant deed naming the Jamul Indian Village as beneficiary.

Therefore, two parcels—collectively 6.032 acres—comprise the Tribe's entire trust land base, one of the smallest in the United States. We are thankful that the federal government recognizes that helping tribes to reacquire lands—and the placement of those lands into trust—is key to tribes' future prosperity and is essential to maintain culturally significant areas that are central to tribal identity, religion, and beliefs.

H.R. 6443 and the Tribe's Needs for Additional Trust Lands

As mentioned above, Tribal members endured dire economic conditions for over a century, in order to stay near their ancestors' resting place and to keep their culture strong. Since the Tribe's lands were accepted into trust, the Tribe has done its very best to maximize use of its limited trust acreage. It eventually became clear to Tribal members that, in order to improve living conditions for future generations, sacrifices would need to be made. Beginning in 2005, the Tribe's members voluntarily moved off of the Tribe's 6-acre Reservation, as a sacrifice to ensure that the Tribe would become self-sufficient and less reliant on the federal government. Since this time, the Tribe's small Reservation has been fully and completely developed by the Tribe's economic endeavors, which include a gaming facility. This has helped the Tribe to realize its goals of self-sufficiency and limited reliance on federal resources.

Despite this improvement in the Tribe's economic conditions, Tribal members' sacrifice to move off-Reservation has resulted in the adverse consequence of significant loss of the Tribe's culture, language, and community, since its members have not been able to reside together on Tribal lands.

In short, the Tribe desperately needs additional trust lands so that it may preserve and protect its cultural sites, and develop housing for its members, a health clinic, a grocery store, Tribal administrative offices, law enforcement, educational services, and other community resources in service of the Tribe's members.

Additional trust lands are essential to the Tribe's efforts to restore its ancestral land base, to ensure that its most culturally sacred sites are safeguarded, to bring its members, who are now dispersed throughout San Diego County and beyond, home to reside on Tribal trust lands, and to provide essential services to its people. Development of trust lands is an important piece of the Tribe's overall plan for restoration and protection of its culture. The Tribe believes that bringing its members back together, and providing those members with access to their cultural sites and to improved services and resources, is vital to ensure the Tribe's continued exercise of self-determination.

H.R. 6443 therefore accepts four parcels of land, totaling approximately 172.1 acres located in rural San Diego County, California, into trust for the benefit of the Jamul Indian Village of California. The Tribe purchased and holds fee simple title to these lands.

Fee-to-Trust Parcels

The first of these four parcels totals 161.23 acres of land held in fee by the Tribe. This land is located proximate to the Tribe's Reservation, and is within the Tribe's ancestral territory. The Tribe hopes to use this property to develop housing for Tribal members, and for Tribal administrative offices, a health clinic, child-care center, educational services to Tribal members, a community center, law enforcement offices and other community resources in service of Tribal members. Placement of this land into trust will support the Tribe's efforts in cultural and community restoration, and will bring Tribal members home to a place they can occupy together.

Parcel 2 totals approximately 6 acres, is owned in fee by the Tribe, and lies nearly 1,000 feet north of the Tribe's current Reservation within the Tribe's ancestral territory. Placement of this property into trust would help the Tribe to realize its goal to provide essential services and community resources to Tribal members, which also extends the Tribe's cultural preservation by ensuring the health and welfare of members of the Tribe for generations to come.

The third parcel is the 4.030-acre parcel referred to by the Tribe as the Daisy Drive property. This property is contiguous to the Tribe's Reservation. Daisy Drive runs through this property and provides the only physical access to the Tribe's Reservation, and to the Tribe's church and ancestral cemetery. Placement of this property into trust will preserve the Tribal community's ability to access the Tribe's Reservation, and will preserve Tribal members' ability to access cultural landmarks, all via Daisy Drive.

The fourth and final parcel listed in H.R. 6443 is the Tribe's historical church and ancestral cemetery property. This parcel totals 0.84 acres and is contiguous to the Tribe's Reservation. This parcel holds the Tribe's historical church and ancestral cemetery where the Tribe's ancestors are laid to rest, and is part of the ancestral lands that the Tribe has called home since prehistoric times. The Tribe continues to use this property for cultural ceremonies and it remains an essential part of the Tribe's history. Placement of the church and cemetery property into trust ensures the preservation and protection of this culturally significant property for future generations of Tribal members.

Lastly, it should be noted that the Tribe will not use any of these parcels for gaming purposes, as H.R. 6443 entirely prohibits gaming on these parcels once they are taken into trust. The Tribe will use this land solely for the purposes described above, in an effort to protect the cultural identity, resources and history of the Tribe.

Conclusion

JIV is excited by the opportunities that placement of these parcels into trust present, but restoration and protection of ancestral lands by trust status remains most important. The Tribe has immensely improved conditions for its people since its formal federal recognition in 1981. I have dedicated my life to service of the Jamul Indian Village, and I am exceedingly proud of how far we have come, but it remains the Tribe's primary goal to restore ancestral lands and secure protections for our culturally significant places. By passage of H.R. 6443, the federal government would be helping the Tribe to honor its ancestors and their sacrifices in order to remain and prosper in the place that we have always called home.

Thank you again to this Subcommittee for holding this hearing and for your consideration of H.R. 6443, and to Representative Issa for his tireless work on behalf of the Jamul Indian Village and all of Indian Country. I am happy to answer any questions that you may have.

Ms. HAGEMAN. I thank the witness for her testimony. The Chair now recognizes Mr. Richard Rinehart for 5 minutes.

**STATEMENT OF RICHARD RINEHART, CEO, TLINGIT AND
HAIDA BUSINESS CORPORATION, JUNEAU, ALASKA**

Mr. RINEHART. [Speaking Native language.] Good morning, Madam Chair Hageman, Ranking Member Leger Fernández, members of the Subcommittee, and Representative Peltola. Thank you for your comments this morning, Madam Chair, and Ranking Member, and Mr. French. They actually cover a lot of what we care to say.

I am in front of you here today wearing my traditional tunic. The front of it is representative of Talkuna Gua Sha, the mountain that saved our people in the time of the Great Flood. I put this on to give you some sense of what we mean when we say we have been here since time immemorial. Our people have been on our land since the glaciers first came and glaciers receded 10,000 to 15,000 years ago. We were there at the time of the Great Flood 6,000 to 7,000 years ago. We have been there since the valley floors were formed and before the oldest trees ever grew. It is time immemorial.

I want to talk to you a little bit about three concepts in Tlingit law. Haa Aaní. Haa Aaní literally translates to mean our land, but it is much much more than just land, it is talking about a place. It is talking about the mountains, the valleys, the rivers, the beaches, the trees, the bear, the deer, the salmon, the halibut, the berries, everything. Everything in our place is Haa Aaní. This is our land.

Another concept I want to bring up is at.óow. This tunic is actually the at.óow of my clan, it is owned by my clan. The symbols on it are owned by my clan. Other clans don't dispute this, they know it belongs to us. NAGPRA brings up at.óow and they recognize sacred objects when they are talking about artwork, whether it is totem poles, or blankets, or carved hats. But what it doesn't realize is the most fundamental important thing is the land is part of our at.óow. Oftentimes, land was paid for in blood and that is sacred

to us. Our people are buried there, our people have lived there for generations. The at.óow is important.

Another third concept I want to bring up, and I won't keep going, but this is an important one, too. It is called Haa Shuká. It is kind of a yesterday, today, and tomorrow. But what it is really talking about are our ancestors, all of us here today, and all future generations that are not born.

And the reason I bring this up is because this fight has been going on for a long, long time. It was started by my grandparents, and my father's uncle, my father on to me today, and it will go on to my children and grandchildren, but we hope they never have to be here to testify and fight for this.

I want to quickly run through the legislative history. In 1867, Russia sells Alaska to the United States. In 1890, Chief Jakes VI hires Willoughby Clark and sends him to Washington, DC to lobby the President and Congress for lands improperly taken. In 1920, in the ANB Hall in Haines, Alaska, they pass a resolution to sue for lands improperly taken. In 1930, in Wrangell, the Central Council of the Tlingit and Haida Indian Tribes of Alaska are formed to sue for our land taken.

In the 1940s, Tlingit attorney William Paul sues the United States and wins the case in the appeals court, but that is later overturned by Congress so that in the 1950s, he brings *Tee-Hit-Ton v. United States* to the Supreme Court, but unfortunately loses. In 1968, Tlingit and Haida settles for \$7.5 million for lands improperly taken. All the way up to 1971, the Alaska Native Claims Settlement Act.

The Southeast Tribes are discriminated against and not given land to the level of the other tribes in Northern Alaska where they received three to seven townships, and the 10 tribes in Southeast Alaska do not have appeal rights to appeal. And that is a lot of why I am here today and why we have this bill, because only Congress can fix this. Through the Supreme Court case of *Tee-Hit-Ton v. United States*, we have to come to Congress to settle this.

And in 1972, when three of our communities realized that they had not been included in the bill, they appealed, only to find out they do not have appeal rights under the proper section of the law.

So, we are only asking for half of 1 percent of our original homelands. It is a very, very small piece. You can correct this injustice. This is up to you, and we would appreciate your help and support with our bill.

[Speaking Native language.] I am here to answer any questions you may have.

[The prepared statement of Mr. Rinehart follows:]

PREPARED STATEMENT OF RICHARD (TASHEE) RINEHART, ON BEHALF OF THE
SOUTHEAST ALASKA LANDLESS NATIVE COMMUNITIES

ON H.R. 4748

Chair Hageman, Ranking Member Leger Fernandez, and Members of the Subcommittee:

Thank you for inviting me to speak to you today regarding H.R. 4748, the Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act. I am here representing the Southeast Alaska Landless Native Communities. This legislation would redress a historic injustice in the context of Congress's efforts to settle aboriginal lands claims in Alaska. I look forward to answering any

questions Committee Members may have about our communities, our struggle for justice, or this legislation.

My name is Richard Rinehart. I am Tlingit/Raven, *Kiks.ádi* (Frog clan), *Gagaan Hit* (Sun House), *Teeyhittaan yádi* (child of), and Haida. My Tlingit names are *Du aani Kax Naalei* and *Tashee*.

I was born and raised in *Kaachxana aakw* or Wrangell, Alaska, one of the five “landless” Native communities left out of the Alaska Native Claims Settlement Act of 1971 (ANCSA). I was a child when ANCSA passed. The legislation was debated around my kitchen table. This legislation is deeply personal to me, as it will rectify the injustice that the Native people from my community—along with those from the four other landless communities—have faced for more than 50 years. It will return a tiny sliver of our ancestral homelands to our communities.

Background and Context for Legislation

H.R. 4748, the Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act, would redress the omission of five Alaska Native communities from the settlement of aboriginal land claims in Alaska.

When Congress settled the land claims of the Alaska Native people in 1971, Congress elected to establish 12 “regional” Alaska Native Corporations and approximately 200 “village” and “urban” Alaska Native Corporations throughout the state. Through ANCSA, Congress transferred more than 44 million acres of land to the new Alaska Native Corporations, and these Native Corporations were directed by Congress to provide for the economic, social, and cultural well-being of their Alaska Native owners.

For all regions of Alaska except the Southeast Alaska region, Native villages presumed to be eligible to establish Village Corporations were listed in Section 11 of ANCSA. Section 11 of ANCSA also included language allowing any village not listed in Section 11 to appeal their status to the Secretary of the Interior.

Because the U.S. Court of Claims had previously authorized a small (and partial) monetary settlement for the Tlingit and Haida people of Southeast Alaska in 1968, Congress addressed the Southeast villages in a separate section of ANCSA—Section 16. Ten Southeast Alaska villages were listed in Section 16 and—due to the partial settlement in 1968—each village was limited to receiving just one township (23,040 acres) of land. (Native communities in other regions of Alaska were authorized to select between 3–7 townships of land.) However, unlike Section 11, Section 16 did not include language authorizing any village not listed to appeal their status to the Secretary.

Our five communities—the Alaska Native communities that predated the current municipalities of Haines, Ketchikan, Tenakee, Petersburg, and Wrangell—were left off the list of Native communities authorized to establish Alaska Native Corporations despite the fact that nearly 3500 Alaska Native individuals were enrolled by the Bureau of Indian Affairs (BIA) to our communities. Three of our communities appealed to the Department of the Interior, but the Department concluded that Section 16 of ANCSA did not establish a right of appeal for Southeast communities. Our only recourse was to return to Congress to seek legislation to be included in ANCSA.

In an attempt to understand why our five communities were left out of ANCSA, Congress in 1991 directed the Department of the Interior to produce a study examining the historical and legislative record relevant to each of our five communities. The Department contracted with the University of Alaska’s Institute of Social and Economic Research (ISER) to produce a report. The 128-page ISER report, published in 1994, outlines the long history of each of our communities as a Native community. The report provides no policy recommendations but makes clear that Congress did not give a reason for leaving our five communities out of ANCSA.

The Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act would create “urban” Alaska Native Corporations for each of our five communities and authorize the conveyance of one township (23,040 acres) of land to each, just as ANCSA in 1971 authorized for every other Alaska Native community in Southeast Alaska.

The five townships (115,200 acres) of land involved in this legislation necessarily would be withdrawn from the 17-million acre Tongass National Forest, which comprises most of the federal lands in Southeast Alaska. (Glacier Bay National Park is the only other significant unit of federal land in the region.)

The fact that our five communities all are located within the Tongass National Forest has been a challenge for us in our efforts to seek redress. Our five communities appear to have been excluded from ANCSA because the Forest Service and the timber industry were historically opposed to aboriginal land claims in the

Tongass. We briefly address this history below and we have provided a more detailed history as well, attached.

For decades prior to the passage of ANCSA, the Forest Service opposed the recognition of traditional Indian use and aboriginal title in the Tongass National Forest. As late as 1954, the Forest Service formally recommended that all Native claims to the Tongass be extinguished because of continuing uncertainty affecting the timber industry in Southeast Alaska.¹ Our communities all were located near sawmills and pulp mills in the 1960s, prior to the passage of ANCSA. There was a concern at that time that the Native peoples would lock up the land, blocking access to the timber industry. In other words, our communities were a serious inconvenience in the context of federal efforts to address aboriginal land claims in Southeast Alaska.

In the 1940s, the Tlingit leader and attorney William Paul, who was from Wrangell, won a short-lived legal victory pertaining to Alaska Native aboriginal title in the Ninth Circuit Court of Appeals in *Miller v. United States*, which ruled that Tlingit lands held by original Indian title could not be seized by the government without the consent of the Tlingit landowners and without paying just compensation. 159 F. 2d 997 (9th Cir. 1947). Recognizing that this presented a problem for the Forest Service and the timber industry, Congress passed a Joint Resolution authorizing the Secretary of Agriculture to sell timber and land within the Tongass “notwithstanding any claim of possessory rights” based upon “aboriginal occupancy or title.” Joint Resolution of August 8, 1947, 61 Stat. 920, 921. A timber sale authorized pursuant to this authorization was challenged by the Tlingit people. The action ultimately resulted in the *Tee-Hit-Ton Indians v. United States* decision, in which the U.S. Supreme Court held that Native land rights are subject to the doctrines of discovery and conquest, and “conquest gives a title which the Courts of the Conqueror cannot deny.” 348 U.S. 272, 280 (1955). The Court concluded that Native peoples do not have 5th Amendment rights to aboriginal property and that Congress, in its sole discretion, must decide whether or how to compensate Native peoples for the loss of their lands.

The land at issue in *Tee-Hit-Ton Indians* involved our Tlingit people who settled in Wrangell, one of the five communities that is still seeking a settlement of its aboriginal land claims today.² That litigation stemmed from a decision by the Forest Service to offer up 350,000 acres of land near Wrangell for a timber sale.³ Ironically—and sadly—more than 70 years later the Forest Service is still resisting the conveyance of land to the Native community at Wrangell because—as stated by the Forest Service just six weeks ago—those conveyances “will affect the ability of the Forest Service to . . . meet[] current timber harvest goals.”⁴

It has been suggested by some that our five communities were excluded from ANCSA because the populations of our five communities had become predominantly non-Native by the time ANCSA was enacted in 1971. If that were true, it would be a poor excuse to deny Native communities a just settlement of their land claims. But it is not the case. ANCSA as enacted did not restrict the establishment of Alaska Native Corporations to communities with populations that were predominantly Native. Congress listed all other similarly-situated Alaska Native communities in Alaska, including the predominantly non-Native villages of Kasaan and Saxman (for which Village Corporations were established), the urbanized village of Nome (for which a Village Corporation was established), and the urbanized, predominantly non-Native communities of Sitka, Juneau, Kodiak, and Kenai (for which Urban Corporations were established). Our exclusion from ANCSA simply cannot be justified by ANCSA itself, its legislative history, precedential concerns, or by broader policy considerations relating to aboriginal land claims in the United States.

We have now waited more than 50 years, and more than half of the original “Landless” shareholder population has passed away waiting for the equitable resolution of our omission from ANCSA. That’s not right. In the context of a statewide effort like ANCSA, we are a small group. Perhaps that makes it hard for us to be heard. But nearly 3,500 Alaska Native people—or 22 percent of total enrollment in the Southeast Alaska region—were enrolled by BIA to these five communities.

¹ Robert Baker, Charles Smythe and Henry Dethloff, *A New Frontier: Managing the National Forests in Alaska, 1970–1995* 31 (1995).

² Rashah McChesney, *In Tlingit Land-Rights Loss, a Native American Rights Attorney Lays Out Injustice and Hope for the Future* (Nov. 9, 2019).

³ *Id.*

⁴ See Testimony of Jacqueline Emanuel, Associate Deputy Chief, United States Department of Agriculture Forest Service before the U.S. Senate Committee on Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining 8 (Oct. 25, 2023), available at <https://www.energy.senate.gov/services/files/100D8EEB-E0D6-4926-9FC5-D4E32BA97BB2>.

Despite our losses, our community continues to grow. Our Landless shareholders and the descendants of our original shareholders together have grown to a population of 4,800.

For more information about the history of the five landless Native communities, we direct your attention to two background documents, which are attached and briefly described below.

University of Alaska ISER Report

In 1991, Congress instructed the Secretary of the Interior to investigate the exclusion of our five unrecognized communities from ANCSA. In turn, the Forest Service, the Bureau of Land Management, and BIA contracted with the University of Alaska's Institute of Social Economic Research (ISER) to investigate why our five communities were excluded from ANCSA. This research materialized into a lengthy report titled, "A Study of Five Southeast Alaska Communities" (ISER Report). The ISER Report provides a detailed overview of "how the historical circumstances and conditions of the [five] study communities compare with those of the Southeast communities that were recognized under ANCSA." You will find that the ISER Report, attached, does a good job of detailing the history of the five unrecognized communities as historical Native communities.

Nov. 18, 2020 Landless Testimony before the Senate Committee on Energy and Natural Resources Subcommittee on Public Lands, Forests and Mining

Following a November 18, 2020 hearing before the Senate Committee on Energy and Natural Resources Subcommittee on Public Lands, Forests and Mining on a substantially similar version of this legislation, we prepared lengthy written testimony that provides a thorough analysis of the claims of our five communities in the context of the broader Alaska Native land claims movement; much of our analysis summarizes the findings of the ISER Report. The testimony also provides answers to a range of questions that have been asked over time about the five communities and about legislation introduced on our behalf. The detailed testimony is attached.

Conclusion

The Tongass National Forest is a politically sensitive place. We understand this. But it is also true that the Tlingit and Haida people have been pursuing a fair settlement of aboriginal land claims in the Tongass National Forest for over 100 years.

With respect, we believe that Congress erred in omitting five of our communities from the list of Alaska Native communities eligible to form Alaska Native Corporations in 1971. The ISER Report, prepared at the direction of Congress, provides a more-than-adequate documentation of the history of our communities as historical Native communities.

In the infamous *Tee-Hit-Ton Indians* decision, the U.S. Supreme Court held that the Tlingit and Haida claims to the land are subject to the doctrines of discovery and conquest, and "conquest gives a title which the Courts of the Conqueror cannot deny." The Court concluded that Native peoples do not have 5th Amendment rights to aboriginal property and that Congress, in its sole discretion, must decide whether or how to compensate the Tlingit and Haida people for the loss of their lands. For five Alaska Native communities in Southeast Alaska, Congress has yet to act.

QUESTIONS SUBMITTED FOR THE RECORD TO RICHARD RINEHART, CEO, TLINGIT & HAIDA BUSINESS CORPORATION

Mr. Rinehart did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative Westerman

Question 1. It is understood that local community members have raised concerns around public access to the lands if they were to be conveyed to the five new Alaska Native Urban Corporations that H.R. 4748, would allow to form.

1a) How have you addressed these concerns?

1b) How do you plan to address any future related concerns that may arise from local community members?

Ms. HAGEMAN. Thank you. And thank you for that history. It is very interesting to know how long these things have gone on. And as I said a moment ago, I think that one of the tasks that we have as this Committee is to try to right some of those wrongs, so I thank you for your testimony.

The Chair now recognizes Mr. Ervin Carlson for 5 minutes.

**STATEMENT OF ERVIN CARLSON, PRESIDENT, INTERTRIBAL
BUFFALO COUNCIL, RAPID CITY, SOUTH DAKOTA**

Mr. CARLSON. Thank you, Madam Chair Hageman and esteemed members of the Indian and Insular Affairs Subcommittee. My name is Ervin Carlson, and I am a member of the Blackfeet Nation of Montana, and I serve as the President of the InterTribal Buffalo Council, ITBC.

I appreciate this opportunity to present testimony to the members of this Committee. I am here today to present testimony on H.R. 6368, the Indian Buffalo Management Act, IBMA, and encourage passage of this legislation to create a tribal buffalo restoration and management program within the Department of the Interior.

I want to express my appreciation to Congressman Doug LaMalfa as the primary sponsor of this bill, to Congressmen Cole and Obernolte, as well as to Congresswomen Peltola and Torres for their co-sponsorship. I must also express my thanks and admiration to the late Congressman Don Young, the Dean of the House, and a hero to the American Indian and Alaska Native people on so many issues, including the passage of this legislation through the House in the last Congress. We should pass this bill because the Indian people need it, but also as a tribute to our dear friend, Don Young, as a lasting testament to his legacy.

Finally, we are so pleased to see this legislation endorsed by the National Wildlife Federation, the Wildlife Conservation Society, the World Wildlife Fund, the Nature Conservancy, the National Congress of American Indians, and the National Bison Association, among other Indian and conservation organizations that we have out there.

As many as 60 million buffalo once roamed these lands. The Indian and the buffalo co-existed, and the sacred spiritual relationship developed. To this day, you will hear many Indian people refer to buffalo as my relative. Buffalo provided food, shelter, essential tools, and clothing, and became an important component of Indian culture and religion.

With the westward expansion combined with philosophy of manifest destiny took root in this country, buffalo hunters began first killing buffalo by the tens of thousands. By the early 1900s, less than 500 buffalo remained. Indians lost their primary food source, cultural practices, and independence. Sitting Bull, the great and eloquent Sioux Chief, once said, "A cold wind blew on the prairie on the day the last buffalo fell. A death wind for my people."

Fast-forwarding to 1991 when approximately 10 tribes came together and formed the InterTribal Buffalo Council for the purpose of re-establishing buffalo herds on our lands. An important supporter was Senator Conrad Burns of Montana who used his position on the Appropriations Committee to help secure funding

for the ITBC. Unfortunately, in succeeding years, that funding has been very minimal and left to the whims of whoever happened to be in control of the BIA in any given year.

Today, our organization has 84 Tribal Nations in 21 states. More tribes are joining every year, and I think we will have one joining after today. These tribes want herds for various reasons ranging from food security and a source of protein to job creation, but perhaps must fundamentally for cultural purposes.

I wish you could see what happens when we take a trailer load of buffalo to an Indian reservation that has had no buffalo for over a century. When we back that trailer up, open the gate, and release those magnificent animals to a pasture, you can look around and see grown men, Indian men and women, in tears. You will hear yells of joy, elders singing buffalo songs that have never been heard by their children or grandchildren. It is the most emotional cultural reawakening I have ever seen.

H.R. 6368, the Indian Buffalo Management Act will create a program in the Bureau of Indian Affairs to assist tribes in re-establishing buffalo herds on Indian reservation lands. It will also direct the Secretary to consult with tribes on matters affecting buffalo policy on Federal lands. We hope it will lead to funding so we can increase buffalo herd development grants. This can help with on-reservation buffalo-related jobs and infrastructure, including water development, range management, fence construction and repair, construction of corrals, and handling equipment, and pay for supplemental fee.

The IBMA will allow tribes to reintroduce buffalo into the diets of our people to address health issues. My submitted testimony provides much more detail on how the enactment of this legislation will benefit tribes in helping us bring back our sacred buffalo herds.

This is another bill to correct the wrong. I urge the enactment of this legislation, and I thank you for being here today.

[The prepared statement of Mr. Carlson follows:]

PREPARED STATEMENT OF ERVIN CARLSON, PRESIDENT, INTERTRIBAL
BUFFALO COUNCIL

ON H.R. 6368

INTRODUCTION AND BACKGROUND

Chairman Hageman and esteemed members of the Indian and Insular Affairs Subcommittee, my name is Ervin Carlson, and I am a member of the Blackfeet Nation of Montana and serve as the President of the InterTribal Buffalo Council (ITBC). Please accept my sincere appreciation for this opportunity to present testimony to the members of this committee.

I am here today to present testimony on H.R. 6368, the Indian Buffalo Management Act (IBMA), and encourage passage of this legislation to create a Tribal buffalo restoration and management program within the Department of Interior. I also want to express our deep appreciation to Congressman Doug LaMalfa as the prime sponsor of this bill, to Congressmen Cole, and Obernolte as well as to Congresswomen Peltola and Torres for their co-sponsorship. We understand the LaMalfa and Peltola offices are reaching out to other offices to also co-sponsor and for that we extend our further appreciation. While he is no longer with us, I must also express my thanks and admiration to the late Congressman Don Young, the Dean of the House, and a hero to the American Indian and Alaska Native people on so many issues including the passage of this legislation through the House in the last Congress. We should pass this bill because the Indian people need it but also as a tribute to our dear friend Don Young as a lasting testament to his legacy.

Finally, I wish to thank Chair Hageman for taking time in her busy schedule to meet with me the last time I was here in DC. We are also most pleased to see this legislation endorsed by the National Wildlife Federation, the Wildlife Conservation Society, the World Wildlife Fund, the Nature Conservancy, the National Congress of American Indians and the National Bison Association, among others.

Historical records indicate that in the 1840s the buffalo population in North America was estimated at 30 million and, at its peak, experts believe there may have as many as 60 million buffalo across the vast landscape of what would become the United States. At the time of Christopher Columbus' arrival in the New World, somewhere between 7 to 18 million American Indians populated North America. During these early years, Indians and buffalo successfully co-existed and, a sacred, spiritual relationship developed between them. Indians were dependent on buffalo for food, shelter, essential tools and clothing, and the buffalo became an integral component of Indian culture and religion. To this day, you will hear many Indian people refer to a buffalo as "my relative."

As Indians were forced onto reservations, buffalo were slaughtered by the thousands. Much of the slaughter was undertaken by the greed of the buffalo hunters who stripped the buffalo for its hide as the factories of the east could not get enough. More often than not, the meat was not even harvested, while Indians forced onto reservations could have used every ounce of it. Imagine what our ancestors must have thought about allowing all that protein to simply rot on the prairie. We must be honest and point out that the U.S. military believed that if the buffalo could be eliminated, the "Indian problem" in America could be solved. A US military leader who was deeply involved in the so-called Indian Wars of the Great Plains brutally stated, "If I could learn that every buffalo in the northern herd were killed, I would be glad . . . The destruction of the herd would do more to keep Indians quiet than anything else that could happen." The greed of the buffalo hunters and the strategy of the government were successful and, in the last three to four decades of the 1800s literally tens of millions of buffalo were slaughtered resulting in less than 500 buffalo remaining at the turn of the century. With the demise of the buffalo and the confinement of Indian Tribes to reservation lands, Indians lost their primary food source, lifestyle, and independence. Sitting Bull, the great and eloquent Sioux Chief said, "A cold wind blew on the prairie on the day the last buffalo fell. A death wind for my people."

By the early 1900s, a growing number of Americans realized the error of trying to eliminate the buffalo. President Teddy Roosevelt played a significant role in buffalo conservation efforts in the early 1900s and then conservation began on a wider scale in the mid-1900s. By 1990, approximately 25,000 buffalo were held in public herds and approximately 250,000 buffalo were in private herds. A small number of Indian Tribes had also established small herds on Tribal lands. In 1991, approximately 10 Indian Tribes, committed to buffalo restoration with approximately 1,500 buffalo among them, organized the ITBC and approached Congress for federal funding. An early supporter was Senator Conrad Burns of Montana. In 1992, ITBC began receiving federal funding through Congressional earmarks. Sometimes we were included in the President's budget and other times supported administratively but only at the discretion of whomever was in a senior position at the Bureau of Indian Affairs in any given year. With very small appropriations, and funding that was never ensured from one year to the next, ITBC has nonetheless assisted many Tribes to restore buffalo, enhance existing herds and provide necessary technical assistance.

In an effort to formalize as a national Indian organization, ITBC petitioned for and was granted a federal charter in 2009 under Section 17 of the Indian Reorganization Act. Today, ITBC is comprised of 84 federally recognized Indian Tribes in twenty-one (21) states with sixty-four (64) buffalo herds, including some that are quite small. In just the last year six more tribes have passed resolutions and requested membership including the Bays Mills Indian Community and the Lac Vieux Desert Band of Lake Superior Chippewa both of Michigan, the Eastern Shawnee Tribe, the Comanche Nation and the Pawnee Nation, all of Oklahoma, and the Micosukee Tribe of Florida. The member tribes of the ITBC currently have a combined population nearing one million tribal members.

For Indian Tribes, the restoration of buffalo to Tribal lands signifies much more than simply conservation of the national mammal. Tribes enter buffalo restoration efforts to counteract the near extinction of buffalo that was analogous to the tragic history of American Indians in this country. Today's resurgence of buffalo on Tribal lands, largely through the efforts of ITBC, signifies the survival of the revered Tribal buffalo culture as well as the survival of American Indians and their culture.

FUNDING HISTORY

As indicated above, ITBC has received appropriated funding since 1992 in varying amounts and through various methods including the President's budget, Congressional earmarks, or administrative action. ITBC has approached Congress annually for funding, but actual allocations of funding awards have been at the discretion of the Bureau of Indian Affairs from various line items. However, the annual Congressional appropriation to ITBC does illustrate long-standing Congressional support and provides evidence that buffalo restoration and management is not a limited or one-time project but is more akin to a recurring program. Presently, ITBC enters into annual Indian Self Determination and Education Assistance Act contracts with the Bureau of Indian Affairs for Tribal buffalo restoration and management. However, this contractual relationship remains tenuous without an actual statutorily authorized buffalo program within the BIA and at times BIA officials have recommended that we seek a Congressional authorization for this program.

FEDERAL COMMITMENT TO TRADITIONAL FOOD SOURCES

Article XI of the 1868 Treaty of Fort Laramie guarantees Tribes access to buffalo "so long as buffalo may range." The Tribes considered this language as a perpetual guarantee. Unfortunately, like many other treaty provisions, the Federal Government failed to live up to this promise. Congressional adoption of the IBMA now provides an opportunity for the Federal government to honor a commitment to American Indians to access buffalo, similar to the commitment to Tribal fish commissions. Recently, the U.S. Supreme Court examined the 1868 Fort Laramie Treaty and upheld Tribal hunting rights in the *Herrera* decision.

The Federal government has had a long-standing and justifiable commitment to Tribal fish commissions and treaty fishing rights following the well-known *Boldt* decision. That federal district court case gave the fishing Tribes co-management authority over salmon with the States, access to half of the returning salmon and steelhead each year and declared the security of Indian fishing rights was a trust obligation of the United States. This case stands for the proposition that all American Indians have a right to their traditional foods, and therefore, this ruling supports a Federal trust responsibility to return buffalo to Tribes, in the same manner the Federal government has protected the security of Tribes to access fish. It would be helpful if ITBC and the buffalo tribes had some degree of parity, funding-wise, relative to the tribal fish commissions and their tribes.

INDIAN BUFFALO MANAGEMENT ACT

Adoption of the Indian Buffalo Management Act will create a program within the Bureau of Indian Affairs that will truly help our Tribes. While funding will depend on annual appropriations, the IBMA should create some degree of parity with other Tribal wildlife programs. Additionally, the IBMA will solidify the contractual relationship between the BIA and ITBC, or individual Tribes should they choose to seek an ISDEAA contract. Hopefully this will eliminate our present situation where funding is so uncertain. Without funding, many current buffalo herds would undergo a devastating impact and possibly liquidation. Years of effort to restore and develop herds could be lost as many ITBC Tribes have few alternate resources to assist with buffalo programs.

The IBMA will allow ITBC to provide more meaningful Tribal Herd Development Grants to create the necessary infrastructure to provide buffalo to a larger segment of the Indian community. This in turn will lead to greater self-determination and food-sovereignty opportunities for Tribes through production of their own traditional foods and creation of economic opportunities. An expansion of the Herd Development Grants will increase on-reservation buffalo related jobs and infrastructure development including water development, range management, fence construction and repair, construction of corrals, and handling equipment, and will help pay for supplemental feed. Increased herd development grants will further allow Tribes to market buffalo for economic development through branding, advertising, and developing enough product to meet consumer demands. Tribes, unlike off-reservation agriculture producers, have limited access to traditional financing due to limitations of utilizing Tribal trust land for collateral. Thus, without enhanced Herd Development Grants, Tribes remain at a disadvantage in herd expansion and marketing.

The Indian Buffalo Management Act will enhance ITBC's ability to serve as a meaningful partner to Federal agencies involved in buffalo management. ITBC collaborates with the National Park Service, the U.S. Forest Service, and the USDA Animal and Plant Health Inspection Service on buffalo management issues.

However, this involvement is limited by a scarcity in resources. The IBMA will enhance population management through roundups and distribution of surplus buffalo to Tribes from the Badlands, Theodore Roosevelt, Grand Canyon, Yellowstone and Wind Cave National Parks. Translocation of surplus buffalo from those parks (including quarantine at Yellowstone) to Tribes prevents needless slaughter when the parks reach their carrying capacity and fulfills restoration objectives. However, ITBC and Tribal participation is often limited due to a lack of resources for transport.

The IBMA will enhance the objective to reintroduce buffalo into the diets of Indian populations to prevent and treat diet related diseases including diabetes which is prevalent. An increase in funding will allow Tribes to have sufficient product for cultural purposes, product to sell at reasonable costs for Tribal members and product to market hopefully on a larger scale. Further, enhanced funding will allow ITBC to develop concrete evidence of health benefits that will facilitate ITBC partnerships with health programs to prevent and treat diet related diseases in Native populations. We have built one trailer for cultural harvest and have funding for a second trailer. The first trailer has been very well received by Indian people on whose reservations we have taken it. It is providing a source of protein and connecting Indians people to cultural and harvest practices that in some cases had almost disappeared with the demise of the buffalo.

The IBMA will reinforce on-going technical services from ITBC to Tribes, which are currently provided by a very limited staff of three people, for wildlife management, ecological management, range management, buffalo health, cultural practices, and economic development. Adoption of the IBMA will allow ITBC to enhance current training sessions (national and regional) designed to enhance Tribal buffalo handling and management.

Additionally, the IBMA will support ITBC staff educational presentations to school-age youth, tribal buffalo managers, and others. The topics of these presentations range from buffalo restoration, conservation efforts, and the historical, cultural relationship between buffalo and American Indians. Current funding limits outreach, educational efforts, and staff training.

Indian buffalo herds are grass-fed and, hormone and antibiotic free. This creates a lean final product that would help fill a niche in meat production markets. ITBC strives to develop these markets for buffalo meat and products for interested member-Tribes at the local and national level. The IBMA would facilitate creation a centralized herd—made from the member-Tribes' buffalo—in a centralized location to create a steady source of buffalo for markets. This herd could also be used to exchange buffalo among the member-Tribes to enhance each herd's genetic diversity.

When Don Young first introduced the legislation, a couple of offices asked us to meet with representatives of the cattle industry to see if they had concerns. As a result of those meetings, we made a number of changes to the legislation and were pleased that the industry then told us and those congressional offices that their concerns had been met. Further changes have been made to the bill this year to make it consistent with the Rules of the House of Representatives adopted at the beginning of the 118th Congress.

CONCLUSION

H.R. 5153, the Indian Buffalo Management Act, will further efforts to restore buffalo to Tribes on a broader scale and to establish a Tribal buffalo industry for job creation and new revenue for Tribal economies. ITBC ultimately hopes to restore Tribal herds large enough to support local Tribal health needs and achieve economically self-sufficient herds.

ITBC and its member Tribes are appreciative of past and current support from Congress and the Administration. However, we urge the Committee to adopt the IBMA to create a buffalo restoration program and demonstrate Congressional commitment to Tribes to access this critical, traditional food source.

I would like to thank this Committee for the opportunity to present testimony and I invite you to visit ITBC Tribal buffalo projects and experience firsthand their successes. The ITBC leadership and staff would be pleased to respond to any questions Committee members of staff may have.

QUESTIONS SUBMITTED FOR THE RECORD TO ERVIN CARLSON, PRESIDENT,
INTERTRIBAL BUFFALO COUNCIL

Mr. Carlson did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative Westerman

Question 1. It is understood that the InterTribal Buffalo Council has constructed two cultural harvest trailers.

- 1a) Can you please explain how these trailers are being used?*
- 1b) Can you provide details on the benefits of these trailers?*

Ms. HAGEMAN. Thank you for being here, and I thank you for your testimony.

The Chair will now recognize Members for 5 minutes of questions beginning with myself.

Mr. Freihage, I would like to begin with you and with reference to H.R. 4524. In your testimony, you mentioned that this bill can be a means to strengthen public safety in Indian Country. Can you expand on that and how exactly the Department thinks that this bill will improve public safety?

Mr. FREIHAGE. I think it will improve public safety starting with streamlining the process to make it easier to recognize tribal law enforcement. It is ensuring the tribes have a process that is similar to what BIA does. That will speed up the process to ensure they have law enforcement who can be on the streets supporting public safety.

Second, as noted, just the issue of pay and benefits is really critical in terms of competing in a really tough market. There are law enforcement shortages all over the country. Every jurisdiction deals with it. By increasing the benefits that tribal law enforcement can offer to their officers, especially for things such as pension and retirement, that is going to help with their ability to compete with other employers.

Ms. HAGEMAN. I thank you for that. And then I also want to ask you a question about H.R. 6443. We have heard from the Jamul tribal leadership that one of the one of the parcels at issue within that particular bill has been pending in the administrative land into trust process at the Bureau since August 2015. That seems like an enormous amount of time. Is that the usual amount of time for parcels to be waiting to be placed into trust and what could be done to speed up this process?

Mr. FREIHAGE. Yes, it will obviously depend across different applications. I believe when the Administration started, the average time was close to 3 years for the fee-to-trust. Right now, we are at about a 2-year level, and the goal is to get down to 1 year. The reason that it can be slow can be related to things such as litigation, the cost of title insurance for tribes can sometimes be challenging, sometimes the cost-related environmental reviews.

So, the actions we are taking which have led to some progress to date and hopefully continued progress include a couple of things. One is we are prioritizing filling vacancies for realty positions. And in addition to that, extra funding for more realty positions would

be helpful. The President's Fiscal Year 2024 budget requested additional funding for realty staff.

But we are also taking management actions. One of them is proposed amendments to the 151 rule for fee-to-trust which includes changes such as bringing some surveying activities from BLM back to BIA so that you have fewer hand-offs in the process. By having it with one organization we hope that streamlines it. Similarly, our trust services team has developed a tracker for every fee-to-trust application so that all Indian Affairs leadership can track that and share compliance and hold people accountable, and there is also an external portal so that tribal leaders can see where their application is, so that enables their ability to ask questions.

So, we are hoping these and some other efforts will continue to bring that time down.

Ms. HAGEMAN. And I encourage you to continue with those types of actions because I think that this is incredibly important that we speed up that process for our tribes around the country.

Mr. Michael Erickson, I would like to ask you a question. In your testimony, you mentioned the financial cost that the Colville Tribe pays to recruit and train officers so that these officers are able to conduct patrols on their own. When an officer that you pay to train leaves, what kind of secondary budget impact does this have on the Tribe?

Mr. ERICKSON. Thank you for that question. Essentially it is just money that you are, I wouldn't say throwing down the drain, but they go to some other municipality, so you just have to reinvest that money again. Hence, our budget goes up, and a lot of those end up being travel funds we don't get otherwise, so it is just when you continue to have to reinvest in new employees, this recruitment and retention with this new bill hopefully keeps those employees around so we are not just training them up.

Like Congressman Newhouse mentioned, we have really well-trained police officers that end up going to these other agencies because they are so well-trained and they have all the money we invested into them, so I think it is just costlier. Then you have a new recruit come in and have to reinvest that money.

Ms. HAGEMAN. Well, I hope that we can avoid that by passing this legislation and giving you some additional tools to retain your officers.

Ms. Pinto, I am running out of time, but I just want to quickly ask you, what would it mean to your tribal members to be able to return to their community and have services available to them there?

Ms. PINTO. Thank you for the question, Madam Chair. It would mean everything. It would mean survival, it would mean continuing our culture and traditions, it would mean our elders having a place to come back to, to practice in language revitalization. It would mean the world to us.

And I know time is of the essence here and you want to do the right thing. I feel that I am hurrying and my Council is hurrying. I brought an elder here and we want this done, we want the wrongs of the past to be corrected, as you continue to state, and I appreciate that so much.

It would mean our survival and continued existence. Thank you very much.

Ms. HAGEMAN. Well, thank you for that.

The Chair now recognizes the Ranking Member, Ms. Leger Fernández, for 5 minutes of questioning.

Ms. LEGER FERNÁNDEZ. Thank you, witnesses. And may I say, the testimony was so powerful, so very powerful, and the themes that you played, the need to restore the land for everything that it means, which you beautifully highlighted what it means. The idea that time immemorial is not simply two words, they are when the valleys were formed. Very, very powerful.

The need to reinvigorate, reinvigorate, what a beautiful word, about what getting the land and having it as yours would mean for culture and community. The need to respect the safety of community members, and that without this we are disrespecting the need for that safety. And to restore those buffalo who we know were destroyed because there was a desire to destroy the Native people. So, thank you, it was very, very powerful.

I hope I say this right. Haa Aaní. Thank you for that. And I think when we look about the need to restore the Haa Aaní, that we are talking about a very small portion of the aboriginal lands of the five communities. I don't want to call it the land list. Those were your lands, so you are not the land list, it is your Haa Aaní taken from you.

Can you just describe to us, so we have that concept of how much was the aboriginal lands and how much of that are you seeking to get restored, Mr. Rinehart?

Mr. RINEHART. Thank you for the question, Ranking Member Leger Fernández. We are talking about half of 1 percent, and to just try to give some context, the Tongass National Forest is a little over 17 million acres, it is roughly the size of West Virginia. And then if you throw in Glacier Bay National Park and other properties around Southeastern Alaska, we are talking about over 20 million acres.

115,000 acres total for the five communities would be smaller than a small county in West Virginia. You could walk across 115,000 acres in a relatively short period of time, but it would take you hours and hours to drive around 20 million acres. It is really just a very, very small, small piece.

And that is hard for a lot of people to get that perspective of what we are talking about here, that we are only asking for a little tiny bit of our land. And, unfortunately, a lot of our land has been taken away and it has been taken up over the last 50 years by the city in boroughs, by the state of Alaska, put into conservation for wilderness areas or special use districts, and we are not touching any of that. So, we have been pushed further and further away and have less and less choice as time goes by. Every year that goes by, there is less land available to select.

Ms. LEGER FERNÁNDEZ. Thank you. And I think that does give us the picture.

Mr. French, I know that you have those other 17 million other acres that you are going to need to manage, so what would your answer be to whether or not you think that this transfer would

make sense given the small amount of land, and are you going to still be able to manage the rest of those 17 million acres?

Mr. FRENCH. Yes, thank you. Of course, I think this is critically important. We recognize and support that we should be restoring these lands. It is a very, very small amount.

Ms. LEGER FERNÁNDEZ. Thank you.

Mr. FRENCH. Does it have implications to our management? Sure, but that doesn't change the right and wrong of doing this.

Ms. LEGER FERNÁNDEZ. And that is what Federal agencies are supposed to be doing, right? It is not static. We need to not be worried about change but say some change needs to be welcomed and brought in.

Chairman Erickson, thank you so very much for coming in and describing what does it mean on the ground. And I think that this vacancy rate, like what happens when something happens? I think you said, was it three officers at a time? So, that means that if there are emergencies in two different parts of your community, how does a call get made as to who gets taken care of and who doesn't?

Mr. ERICKSON. Thank you for the question. You end up with safety issues, too, for our officers. Response time could be 30 minutes to an hour, hour-and-a-half from one side of the reservation to the other. Our reservation is a little larger than Delaware, just as example for everyone. So, the response time, officer safety, and our tribal member safety, if something is going on, like domestic violence or whatever it may be, that leads to the officer having no backup as well. So, recruiting and retaining officers, we are about two-thirds our total police force right now. If we get fully staffed, that helps with safety for everybody.

Ms. LEGER FERNÁNDEZ. Yes, thank you so very much. And my time has expired. Thank you for bringing it to light and giving visual to what you are all facing.

With that, Madam Chair, I yield back.

Mrs. GONZÁLEZ-COLÓN [presiding]. Thank you, Ranking Member Leger Fernández. I will recognize myself for the next 5 minutes. And thank you all the witnesses for coming here today.

My first question will be for the Chairwoman of the Jamul Indian Village. Chairwoman Pinto, in your testimony, you mentioned the plans the Tribe has for the parcels that will be taken into trust, including building housing for tribal members. My question will be, what will having a larger land base mean to the Tribe and how will this promote homeownership and community?

Ms. PINTO. I appreciate the question, Madam Chair. Currently, right now, my members are scattered throughout the San Diego area and have been unable to live in community together for 18 years. This will mean for us to be able to revitalize our community, reinvigorate our culture, be able to borrow sugar from one another. I don't eat sugar, but the rest of the Council does.

COVID actually amplified the need for our social gatherings, our cultural gatherings, and the need to be next to one another because we can certainly feel it now. And as you may be aware, San Diego is super, super expensive, so we need to have this land taken into trust in order to build homes for our people, for stability, to exercise our sovereignty, protect our culture.

Mrs. GONZÁLEZ-COLÓN. Thank you, Chairwoman Pinto.

My question will now be to Chairman Erickson. In your testimony, you mentioned that the Colville Tribe currently has 8 tribal officer vacancies out of a total staff of 29 officers. Being in a rural community, what kind of challenges does this present to the public safety of your reservation?

Mr. ERICKSON. Thank you for that question. It creates a lot of issues with safety for our membership, safety for our officers. Also, if something happens with one of those individuals, where do they go? We had an incident last year, a murder, where the response time was not very quick, and catching those suspects, we had officers get injured. Luckily, we had a lot of help with other municipalities after the incident, but it creates just a lot of issues with safety for our officers, safety for our membership.

Mrs. GONZÁLEZ-COLÓN. OK, thank you. Last month, this Committee heard testimony from two Washington State tribes that in recent years the Washington State Legislature has made it difficult for state and local law officers to make arrests for drug possession and has instead required that these offenders be diverted to treatment multiple times before they can be arrested. What kind of impact have these policies had on your reservation?

Mr. ERICKSON. Because of the state and local law enforcement in our area, they have not been allowed to enforce drug possession laws with arrest. This activity bleeds over onto the Colville Reservation and we end up being the ones that have to deal with it. Tribal police forces are having to deal with an influx of drug-related offenses because our neighboring jurisdictions, until very recently, have not been able to make the arrest for drug possessions.

I will also just add that a lot of the drug dealers seem to find the reservation as like a safe haven where we can't end up prosecuting them if they are on fee land and they are not on tribal, so we are trying to get some of these things corrected as we move forward with other stuff. But that is one of the big things, there seems to be an influx onto the reservation. I think every reservation struggles with something similar, when I have talked to other tribal leaders.

Mrs. GONZÁLEZ-COLÓN. Thank you, Chairman, for your answer.

With that, I yield back. And now I will recognize Mrs. Peltola from Alaska for her 5 minutes.

Mrs. PELTOLA. Thank you, Madam Chair.

I would like to ask Mr. French and Tashee some questions, and I think I will start with you, Tashee Rinehart. You described the ways in which you and other community members have worked with the five communities of the landless tribes in order to address concerns that they have regarding the bill, and I wondered if you could speak more to that?

Mr. RINEHART. Thank you, Congresswoman Peltola. The reference you make I believe is with the communities of Ketchikan, Wrangell, Petersburg, Haines, and Tenakee. And we have met dozens and dozens of times with representatives from those towns, we are from those towns, and the primary concern that came up over and over again was access. People were worried about can I still go pick berries in my favorite blueberry bush, can I fish from

my favorite fishing stream, can I camp where I like to camp, can I hunt where I like to hunt, do I have access for subsistence use.

The bill, as it is presented, has I think a little over six pages on access, and easements, and guarantees in perpetuity that people will continue to have access for recreational, hunting, fishing, subsistence uses, and that is in this legislation, and that makes this differ from ANCSA back in 1971 where those provisions were not there.

Mrs. PELTOLA. Thank you. And as just a little follow-up, have your organizations been working with national and local environmental groups?

Mr. RINEHART. Thank you again for that question. We have met dozens and dozens of times. Primarily, we started with the SEACC, the Southeast Alaska Conservation Council, and it took a long time for us to kind of sit and talk back and forth listening to each other and for them to understand that this really is not about logging, which is their main worry and concern, that this is really about social justice and returning land back to its rightful owners.

And they understand something of Native stewardship. They also understand they can't say, and I don't just mean SEACC when I say they, excuse me, I mean the environmental conservation community. And they realize on one side they can't say that they are supportive of Natives and tribal governments for backing some of the things that they are after and some of their goals and objectives, and then on the other hand not support this. So, I think they have all come around a long way.

Most recently, there was a letter of support from the Wilderness Society with over a million members, and they didn't just come out and support, they came out in very strong support and apologized for their past positions.

Mrs. PELTOLA. I want to add to your comments. Wrangell, one of our Southeast communities, experienced a terrible mudslide/landslide, and they lost a number of lives, and folks from their municipal government came in last week to DC. They had had a trip planned; they weren't sure if they were going to come. They did come, and I want to say they were saying very good things behind your back about the work that the tribe in Wrangell has done, they were instrumental in helping with the emergency afterwards and making sure there was a disaster declaration and just helpful in every way.

So, I think that is a really good reflection of the tribes that we are talking about in these five landless communities. And I wonder if you could just explain briefly how long you have been working on this issue.

Mr. RINEHART. Thank you for that. Wrangell is a very, very strong community. They recently lost a whole family, a mother who grew up there, the father, teenage daughter in high school, and two elementary school children, and then there was at least one other person missing. So, it was very sad, but the whole community comes together very strong and supports each other.

I grew up in that community. I grew up where one of our leaders, really the father of ANCSA, William Paul, Sr., the one that brought suit for *Tee-Hit-Ton v. United States*, was my father's uncle. And I grew up with him coming to our house and listening to them

argue about land claims when I was a child. I promised my father on his deathbed, literally, that I would fight, and I would continue this fight.

Part of what I was explaining when I was explaining earlier about Haa Shuká, the past, the present, and the future, goes back to William Paul in his fight, clear back into the 1930s when they formed the Central Council of Tlingit and Haida Indian Tribes of Alaska in front of the ANB Hall in Wrangell on a winter day, kind of dark, windy, wet, Peter Simpson looks at William Paul and says, Willie, whose land is this. And he says, it is ours. He said, whose land is it. It is our land. Then fight for it. And William Paul took that fight, took it serious, and took it to his deathbed.

Haa Shuká has to do with recognizing my grandmother, Gagee and my granddaughter who carries her name, Gagee, into the future. It has to do with recognizing my father, Yakook Ravenbox. I am talking about the box of daylight story. It has to do with Yakook my father and the promise I made him, and Yakook my grandson who carries that name today. And it has to do with this fight.

I am trying to explain to you this is something that has been my whole life. I am 64 years old. I was 12 years old when ANCSA passed, and I am still here fighting this today, and I don't want my son, Gushplain or my grandchildren to have to come fight this. We need you to pass this, please.

Mrs. PELTOLA. Thank you. Madam Chair, I know I am just over my time, but I am going to forego the question to Mr. French because it was touched on a moment ago, but I do want to thank Mr. Carlson for his recognition of Congressman Young, and we know that your people are made of buffalo, and we know that every part of that buffalo is sacred, the bone marrow, the bone, I know that you eat everything, the cartilage, everything. So, I just want to thank you for the work that you are doing on behalf of your people.

Mrs. GONZÁLEZ-COLÓN. Thank you to the sponsor of the bill, H.R. 4748. And, Mrs. Peltola, your time has expired. We will now recognize Mr. LaMalfa for 5 minutes to speak on his legislation, H.R. 6368.

STATEMENT OF THE HON. DOUG LAMALFA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. LAMALFA. Thank you, Madam Chair. My apologies for simultaneous committees I was in that kept me out of here early on here, so anyway, I was able to get my stuff done there and do something right today, so I appreciate your indulgence.

I did want to speak on H.R. 6368, the Indian Buffalo Management Act, and I am glad to work on that with Mrs. Peltola, and I was also picking up the pieces from our great friend, Don Young, who carried it previously.

As we know, the American Bison has had an amazing place in our country's history, and it is certainly a complicated history as well. Our national mammal once roamed from east of the Mississippi well into the Western United States and more until the 1880s, then they were hunted from an estimated population of

somewhere between 30 and 60 million down to under 1,000. The last herds of bison only existed in Yellowstone.

But through a lot of great efforts, they have rebounded. Many private citizens under the Lacey Act and especially Native American tribes, many of whom are now members of the Inter-Tribal Buffalo Council. The Department of the Interior and the Forest Service already carry out some buffalo habitat programs, including transfers of their surplus bison to private owners and to tribes, but it is an ad hoc program that without congressional authorization, could create problems that our witnesses have been discussing here today.

Our bill would seek to create a bison and bison habitat management program at the Department of the Interior and grant them authority to transfer surplus bison as well. It includes substantial protections for state and local landowners and ranchers to protect their existing herds. This legislation will solidify the relationship between Interior and the tribes for the management of bison herds while allowing tribes to pursue new commercial offerings for bison products.

So, Madam Chairwoman, from the doldrums of less than 1,000, the American Bison has rebounded so far to around 250,000 today. I look forward to engaging in this ongoing effort and continuing our work to restore the American Bison with continuing responsible land management and providing new economic markets to our tribes.

Seeing I have a little bit of time here under my 5 minutes, I think I would launch into a question to the President of the Inter-Tribal Buffalo Council, Ervin Carlson. You have seen that the Council faces a lack of a formal restoration program at the Department of the Interior, so could you speak more about how a formal program can help give financial security and more dexterity to maintaining and starting even new tribal buffalo herds?

Mr. CARLSON. Thank you, Congressman LaMalfa. Creating a permanent funding within the Department of the Interior would help. Many years we have been here just at the whim, I guess, of whatever funding there is available for the program coming from different parts within the Interior and never knowing if it is going to be solidified or be there every year. We have to work with that as to the tribes that are asking for funding to help their operations.

So, creating that funding there or that program within the Interior, making that permanent, would help us to increase hopefully in knowing that every year we do have that funding.

Mr. LAMALFA. Stability.

Mr. CARLSON. The stability is really what we need there to keep the program ongoing, as right now we are up to 84 tribes. Every year, we have three or four tribes joining, and with the funding that we do have and don't know if we are going to have it, that they are asking for funding to build their programs.

Mr. LAMALFA. You are at 84 members, that leads to my next question. What does the growth say in the last few years? How long has the Council been around or what has your growth been last—

Mr. CARLSON. We have been in existence since 1992. Started with 10 tribes. Throughout the years, we have grown now to 84

tribes. There is a tribe sitting here that is going to talk to us, join right again.

Mr. LAMALFA. So, there is a lot of interest because that is what the growth is and being part of this is a possibility.

Mr. CARLSON. It is just, the interest is there, the need is there. Every year, we are having three to six tribes that are joining.

Mr. LAMALFA. Great. All right, I will try to follow up with another question a little bit later, on what are the considerations tribes are looking at if they were starting their own herd.

I will yield for now. We will come back to that. Thank you, Madam Chair.

Mrs. GONZÁLEZ-COLÓN. Thank you, Mr. LaMalfa. Now I recognize my good friend, Mr. Stauber, for 5 minutes.

Mr. STAUBER. Thank you very much, Madam Chair, and I appreciate being waived on to the Committee today.

I would like to take a few minutes to address my support for H.R. 4748, the Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act, which I am proud to co-sponsor. I want to also thank my colleague and good friend from the great state of Alaska, Representative Peltola, for her leadership in introducing this legislation.

This legislation was something that our former colleague, the late Representative Don Young, long championed. Following his passing last year, I was honored to assume first sponsorship of the bill, and I did not hesitate to co-sponsor the legislation when Representative Peltola asked me to do so earlier this summer.

Mr. Rinehart, can you share how the Southeast Alaska Native Communities have been negatively affected by their inability to incorporate under the 1971 law? In other words, in what ways have these communities been short-changed because they have not been able to incorporate?

Mr. RINEHART. Thank you, Congressman Stauber. Thank you for the co-sponsorship. Thank you for taking up the mantle when Don Young passed. Don was somebody I have known for decades, for a lot of my life. And thank you for making this a bipartisan bill, we really appreciate that.

How are we impacted? I touched on a lot about the spiritual part already, about how that affects us by being separated from our land and how taking it away has really left us spiritually destitute and how this can be restored. But beyond that, there is also the economic side that really needs to be spoke about.

When you look at the other communities around Southeastern Alaska that have their lands and the amount of dividends, scholarships, profits, and money that they have had for their people and their communities compared to ours, if you go to Huna, a very successful corporation there, I look up to them as a leading shining star, they have built a port facility for cruise ships to come in. There are so many jobs in Huna that everybody that wants to work has a job. And they have to bring people in. They have a hard time with housing.

Mr. STAUBER. Yes, Mr. Rinehart, just because of time, would it be safe to say that hundreds of millions of dollars of economic benefit did not come your way because—

Mr. RINEHART. At least, yes.

Mr. STAUBER. At least. Yes. Thank you.

In his testimony, Chief Deputy French shared a concern from the Forest Service that the land conveyances outlined in H.R. 4748 would inhibit the ability for the Forest Service to meet its timber harvest goals. I just want to remind Deputy French that in the Superior and Chippewa National Forest in northern Minnesota, you are not even allowing and putting forth the maximum, allowable sale. Respectfully, I don't think it is a valid excuse. To fail to finally correct this 50-year wrong, to fail to properly recognize and compensate the Alaska Native communities across Southwest Alaska simply because doing so will make it harder for the Forest Service to meet its timber harvesting goals to me is unacceptable.

These are vast tracts of forest under management by the Forest Service, whether it be in other areas of Alaska, my home state of Minnesota, or other parts of the country that can be utilized to meet timber harvesting goals. It is not right to deny these communities what they deserve.

Mr. Rinehart, do you have confidence that the Southwest Alaska communities we are discussing today would be able to adequately manage the forest, take part in necessary logging activity, and otherwise properly and responsibly manage the land conveyed to them by the Forest Service if this bill were to pass and be signed into law?

Mr. RINEHART. Thank you for that question, Congressman. I have no doubt.

Mr. STAUBER. Neither do I.

Mr. RINEHART. We have been stewarding the land for 10,000 years, and I am sure that we can manage for a few more years.

Mr. STAUBER. Yes.

Mr. RINEHART. And we have experience from the other communities. For instance, myself, I am the President and CEO of Tlingit Haida Tribal Business Corporation, and I sit on the Board of Sealaska Corporation. We have a lot of experience within our tribe and within other communities that would be helpful. I have no doubt that we could manage it.

Mr. STAUBER. Mr. Rinehart, I would just say you are a tremendous communicator and a tremendous advocate. I have only watched you for just a few minutes. You are in the right place at the right time.

Mr. RINEHART. I appreciate it.

Mr. STAUBER. I am sure your father would be very proud of you right now.

Madam Chair, I just have one more question for Chairman Erickson.

In your testimony, you mentioned that out of the 234 tribal law enforcement programs across the nation, more than 90 percent of them have been contracted out under the Indian Self-Determination and Educational Systems Act. The officers in that 90 percent are tribal employees and not Federal employees, thus they do not receive the benefits of Federal pension and retirement. Can you elaborate on the constraints the Colville tribal law enforcement has faced as a result of this disparity between Federal and tribal employee benefits?

Mr. ERICKSON. Thank you for that question. Yes, I guess losing a lot of our officers to other municipalities, I mentioned that earlier. If this is passed, having this would help with recruiting a lot of younger officers.

We have a lot of younger tribal officers that are becoming PD officers now. I think this will help with enticing them to come and work for us and have a whole career. That is the whole idea is to get more tribal members, too, in these positions because they want to stay home, they want to be there, they want to help their communities.

Mr. STAUBER. As a former law enforcement officer myself, I totally agree with you.

Madam Chair, thanks for being gracious, and I yield back.

Mrs. GONZÁLEZ-COLÓN. Thank you, Mr. Stauber. Thank you to the witnesses.

Now we are going to finish with the questions of Mr. LaMalfa. You are allowed 5 minutes.

Mr. LAMALFA. Am I the only one? All right, I will go quick then.

Well, you kind of heard it already, Mr. Carlson, so I will re-up that. When you find people applying or wanting to be part of the program, what impediment is there, what are you hearing from tribes that are interested in adding to herds or creating new herds? What are the challenges or speedbumps in that process?

Mr. CARLSON. One of the biggest challenges that they do have is the funding for all of the infrastructure that they need to have in place to house buffalo. And one of the big things bringing back buffalo is bringing back a big part of their culture but also for health reasons. But the infrastructure that I mentioned in my testimony, like fencing, and for grass range management, waterways for these animals, all of those infrastructures that they need is one of the big things that having that in place, the funding for that.

Mr. LAMALFA. OK, so mainly a funding issue is what you are hearing, mostly from tribes that would want to be part of an expansion.

Mr. CARLSON. Well, the biggest part of really bringing back buffalo to them is the cultural part of it. That is first and foremost. It is a part of them that has been taken away. Also with that, a lot of issues, they want to create employment for their tribes. A lot of tribes, there are not that many employments within the reservations. One part of that is to create some revenue for their tribe to help out along with being the cultural part of it.

Mr. LAMALFA. All right, we look forward to working more with all the tribes and expanding upon that and being successful with this legislation. I appreciate my colleague from Alaska, Mrs. Peltola, being a partner on it, too, especially in memory of my good pal, Mr. Don Young.

I guess with that, the whole conversation reminds me of a Roger Miller song from the late 1960s called, "You Can't Roller Skate in a Buffalo Herd." And we will have more opportunities to test that hopefully with this. Anyway, I had to do it, I am sorry.

I yield back. Thank you, Madam Chair.

Mrs. GONZÁLEZ-COLÓN. Thank you, Mr. LaMalfa.

With that, I want to thank all the witnesses for their valuable testimony and the Members for the questions as well.

The members of the Committee may have some additional questions for the witnesses, and we will ask you to respond to these in writing. Under Committee Rule 3, members of the Committee must submit questions to the Committee Clerk by 5 p.m. on Friday, December 8, 2023, and the hearing record will be held open for 10 business days for these responses.

If there is no further business, without objection, the Committee stands adjourned. Thank you.

[Whereupon, at 11:46 a.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

Statement for the Record
Bureau of Land Management
on H.R. 4748

H.R. 4748, the Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act, would amend the Alaska Native Claims Settlement Act (ANCSA) (P.L. 92-203) to authorize the Southeast Alaska Native communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell to organize as Urban Corporations under Sealaska Corporation, the regional corporation for Southeast Alaska. The bill also directs the Secretary to convey approximately 23,040 acres of surface estate in the Tongass National Forest to each urban corporation, and to convey the subsurface estate underlying the same lands to Sealaska Corporation. H.R. 4748 further notes that Congress intends such conveyances to be made within two years from the date the corporations are formed.

Analysis

In 1971, Congress passed ANCSA, which settled aboriginal land claims in Alaska by entitling Alaska Native communities to select and receive title to 46 million acres of Federal land. The Act established a corporate structure for Native landownership in Alaska under which Alaska Natives would become shareholders in one of over 200 private, land-owning Alaska Native village, group, urban, and reserve corporations and/or one of 12 private, for-profit, land-owning regional corporations. Most Alaska Natives are enrolled in two corporations; the corporation representing the community where they lived in 1970 and a regional corporation.

Each regional corporation encompasses a specific geographic area and is associated with Alaska Natives who had traditionally lived in the area. For each corporation, whether village or regional, ANCSA provided at least two potential acreage entitlements through which it could select and receive ownership of Federal lands. For Alaska Natives who were non-residents of the state at the time the Act was signed into law, ANCSA authorized a non-landowning 13th Regional Corporation.

Due to a monetary settlement prior to ANCSA (*Tlingit and Haida Indians of Alaska and Harry Douglas, et al. v. United States*, 182 Ct. Cl., 130, 389 F.2d 778, 1968), land entitlements in Southeast Alaska differ from those in the rest of the state. Section 16(a) of ANCSA withdrew lands for 10 specific Native villages located in Southeast Alaska, which did not include the communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell.

The communities of Haines, Ketchikan, and Tenakee have previously applied for eligibility for lands and benefits under ANCSA. The Bureau of Indian Affairs (BIA) originally determined Haines as eligible to receive land and benefits under ANCSA but reversed its decision in February 1974. The BIA also determined Tenakee and Ketchikan to be ineligible.

All three appealed the BIA's decisions to the Alaska Native Claims Appeal Board (ANCAB), an ad hoc Interior appellate board established specifically to hear appeals on ANCSA matters. The ANCAB found that Congress intended to grant benefits only to the 10 villages listed in Sec. 16(a) of ANCSA and affirmed BIA's decisions. Petersburg and Wrangell did not apply for eligibility, and none of the five villages filed land selection applications.

As the Secretary of the Interior's designated survey and land conveyance agent, the BLM is the Federal agency tasked with transferring to Alaska Native corporations title to the 46 million acres as required by ANCSA. The BLM's Alaska Land Transfer program administers the transfer of lands to individual Alaska Natives under the Alaska Native Allotment and Alaska Native Veterans Allotment Acts, the transfer of 46 million acres to Alaska Native communities under ANCSA, and the conveyance of 104.5 million acres to the State of Alaska under the Alaska Statehood Act.

The BLM appreciates the Sponsor's efforts to resolve this long-standing dispute regarding ANCSA eligibility for the Alaska Native communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell. The BLM would like to work with the Sponsor on several technical modifications to address potential issues, including conveyance of land with valid existing rights, and potentially contaminants, to the new Alaska Native Corporations. Additionally, the BLM would like to ensure all parcels identified are available to be transferred; and that previous and future allocations to regional corporations are unaffected by the bill. The BLM defers to the U.S. Forest Service on issues related to the land designated by the bill to be transferred, as the designated lands are all within the Tongass National Forest.

Submission for the Record by Rep. Peltola

The Wilderness Society

December 5, 2023

Hon. Harriet Hageman, Chair
 Hon. Teresa Leger Fernandez, Ranking Member
 House Natural Resources Committee
 Subcommittee on Indian and Insular Affairs
 Washington, DC 20515

Dear Chair Hageman, Ranking Member Leger Fernandez, and Members of the Indian and Insular Affairs Subcommittee:

On behalf of our more than one million members and supporters, The Wilderness Society (TWS) writes to express views on H.R. 4748, which is being heard before the Subcommittee on December 5, 2023. We respectfully request that this letter be included in the hearing record.

H.R. 4748, Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act

The Wilderness Society has a long, established history of advocating for the conservation and protection of our country's invaluable, natural places, including areas like Alaska's Tongass National Forest. Our advocacy has evolved to include prioritizing inclusivity and intersectionality, as well as Tribal Sovereignty and Tribal Self-determination, acknowledging that Indigenous Peoples are a foundational partner in stewardship and conservation of our public lands.

While our defense of the Tongass continues, we must correct the injustices faced by certain Native communities in Southeast Alaska. We acknowledge that the Tongass is the ancestral homelands of the Tlingit, Haida, and Tsimshian peoples. We acknowledge the fact that five Native communities were wrongfully excluded from the Alaska Native Claims Settlement Act when the bill was passed in 1971, and we must, at a minimum, support efforts to correct this. As a result, we support H.R. 4748, the Unrecognized Southeast Alaska Native Communities Recognition and Compensation Act, sponsored by Rep. Peltola, in recognition of important equity issues that must be addressed.

We ask Congress to ensure proper capitalization of these corporations at the outset to avoid forcing the corporations to rely on extractive industries to fund their startup costs. Adequate initial funding will also attempt to compensate these five communities for the earning potential they were denied for the past 50 years.

We apologize to our Native partners for the hurt our past opposition to this bill has caused; we continue to do the necessary work of centering our Native partners and reflecting on how we can better support them; and we trust in the communities of Haines, Ketchikan, Petersburg, Tenakee Springs, and Wrangell to continue to steward this land as they have since time immemorial through their newly formed corporations.

Despite this long-standing injustice, several Southeast Alaska Tribes, including some of the Alaska Native communities affected by this issue, continue to partner with us, including in defense of Roadless Rule protections in the Tongass. We hope this shift from The Wilderness Society is the first step in restoring balance in Southeast Alaska, and we hope we can continue to build trust with our Native partners, both in Alaska and across the country. We urge the Committee to support this legislation.

Thank you for considering our views.

Sincerely,

KARLIN ITCHOAK, J.D.,
Senior Regional Director, Alaska Region

