

**STATEMENT OF
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UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE**

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Good morning, Chairman Schatz, Vice Chairman Murkowski, and members of the Committee. My name is Kathryn Isom-Clause and I am the Deputy Assistant Secretary for Policy and Economic Development for Indian Affairs at the Department of the Interior (Department). Thank you for the opportunity to present testimony on S. 2385, Tribal Access to Clean Water Act of 2023; S. 2868, A bill to accept the request to revoke the charter of incorporation of the Lower Sioux Indian Community in the State of Minnesota at the request of that Community, and for other purposes; S.2796, A bill to provide for the equitable settlement of certain Indian land disputes regarding land in Illinois, and for other purposes; and S. 3230, Winnebago Land Transfer Act.

S. 2385, Tribal Access to Clean Water Act of 2023

The Biden Administration recognizes that water is essential for people to lead healthy, safe, and fulfilling lives on Tribal lands. Water is among the most sacred and valuable resources for Tribal nations. The Administration further recognizes that long-standing water crises continue to undermine public health and economic development in Indian Country.

The Tribal Access to Clean Water Act of 2023 seeks to help fund water infrastructure projects in Tribal communities and provide clean water to Native American households who currently lack access by increasing funding through the Indian Health Service, Bureau of Reclamation (BOR), and the United States Department of Agriculture. The bill provides \$90 million over five years for the BOR's Native American Affairs Technical Assistance Program (TAP).

TAP provides technical assistance to Indian Tribes to develop, manage, and protect their water and related resources. The program has supported a broad range of activities in each year since its inception in the early 1990s. Such activities have included water needs assessments, improved water management studies, water quality data collection and assessments, and water measurement studies. In FY 2022 and FY 2023, TAP received approximately \$8 million in each fiscal year, which was a significant increase from the \$3-5 million received annually from FY 2018 to FY 2021.

Work under TAP is carried out in different ways. Sometimes the work is performed by the BOR under cooperative working relationships with Indian Tribes, which provide the Tribes with opportunities to benefit from BOR's technical expertise and resources. Other times, the work is carried out by Indian Tribes. Alternatively, assistance may be provided in the form of training to

enhance Tribal members' knowledge and expertise in the use, protection, and development of water resources. Work may also be carried out in partnership with other governmental or non-governmental entities, thereby enabling assistance provided to Tribes with greater efficiency.

The Department is committed to further developing this program in the coming years, including with the FY 2024 President's budget request of \$23.5 million. We appreciate the interest and support of the sponsors of S. 2385 in TAP.

S. 2868, A bill to accept the request to revoke the charter of incorporation of the Lower Sioux Indian Community in the State of Minnesota at the request of that Community, and for other purposes.

The Lower Sioux Indian Community (Community) is a federally recognized Indian Tribe organized under a Constitution and Bylaws adopted by the Communities membership on May 16, 1936, pursuant to Section 16 of the Indian Reorganization Act (IRA) under which it organizes its businesses. On July 17, 1937, the Community was issued and ratified a corporate charter (Charter) pursuant to Section 17 of the IRA. The IRA requires that, "Any charter so issued shall not be revoked or surrendered except by Act of Congress," (25 U.S.C. § 5124). S. 2868, at the request of the Community, would revoke the Charter.

In a November 2021 resolution, the Community stated that it has not used the Charter since ratification in 1937 and it serves no function. The Department, consistent with the Administration's support for Tribal self-determination and self-governance, believes that the decision whether to maintain or revoke such a charter ultimately should be the Community's and therefore supports S. 2868.

S. 2796, A bill to provide for the equitable settlement of certain Indian land disputes regarding land in Illinois, and for other purposes.

S. 2796 would confer jurisdiction to the United States Court of Federal Claims to hear, determine, and render judgment regarding the Miami Tribe of Oklahoma's land claims under the Treaty of Grouseland (7 Stat. 91), signed August 21, 1805, and would remove legal or equitable defenses based on the passage of time, including the statute of limitations. The jurisdiction conferred to the United States Court of Federal Claims expires unless a claim is filed under paragraph (1) of S. 2796 by the Miami Tribe of Oklahoma within one year of enactment of this legislation. The bill extinguishes all other claims to title of the Miami Tribe of Oklahoma, or any member, descendant, or predecessor in interest to the Miami Tribe of Oklahoma to land in the State of Illinois.

The Department needs to better understand the claims by the Miami Tribe of Oklahoma and the impacts of this legislation on those claims and any remedy sought by the Tribe. The Department therefore takes no position on the legislation at this time.

S. 3230, Winnebago Land Transfer Act.

S. 3230, the Winnebago Land Transfer Act of 2023, would transfer administrative jurisdiction of

certain federal lands from the Army Corps of Engineers to the Bureau of Indian Affairs, to take such lands into trust for the Winnebago Tribe of Nebraska (Winnebago Tribe). S. 3230 would apply to lands on the east side of the Missouri River, located within Woodbury County and Monona County, Iowa—specifically, a portion of Tract No. 119, all of Tract 210, and all of Tract 113. Lands placed into trust by this legislation will not be eligible for Class II and III gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

The Winnebago Reservation was established by the Treaty of March 8, 1865, in exchange for cession of the Winnebago Tribe's lands in the Dakota Territory. The Treaty of 1865 designated that the Winnebago Reservation would be set apart for the occupation and future home of the Winnebago Indians, forever. However, in the 1970s, the tracts identified in S. 3230 were acquired by the U.S. Army Corps of Engineers through an erroneous condemnation action and eminent domain. S. 3230 would rightfully restore the Winnebago Reservation boundaries, insofar as the tracts identified are concerned, and would be in keeping with the United States' promise to the Winnebago Tribe in the Treaty of March 8, 1865.

The Department of the Interior supports S. 3230. This bill is in line with the Administration's commitment to honor treaty rights, respect Tribal sovereignty, and support the right of Tribal governments to acquire land in trust in furtherance of their self-determination.

Conclusion

Chairman Schatz, Vice Chairman Murkowski, and Members of the Committee, thank you for the opportunity to provide the Department's views.