

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

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Good afternoon Chairman Hoeven, Vice Chairman Udall, and Members of the Committee. My name is Darryl LaCounte and I am the Director of the Bureau of Indian Affairs (BIA) at the Department of the Interior (Department).

Thank you for the opportunity to provide testimony on behalf of the Department regarding S. 2716, a bill to amend the Grand Ronde Reservation Act; S. 2912, the Blackwater Trading Post Land Transfer Act; and S. 2165, the Safeguard Tribal Objects of Patrimony Act of 2019.

S. 2716, a bill to amend the Grand Ronde Reservation Act

In 1954, the Confederated Tribes of the Grand Ronde Community (Tribe) was congressionally terminated, P.L. 83-588. Twenty-nine years later, Congress restored the Tribe's federal recognition, rights, and privileges with the Grand Ronde Restoration Act, P.L. 98-165. In 1988, Congress established a 9,811-acre reservation for the Tribe, P.L. 100-425, and through subsequent amendments, the Tribe's reservation grew to 9,879 acres. In 1994, the reservation acreage total grew to 10,120 acres, P.L. 103-435 (1994 Act).

After Congress re-established a reservation for the Tribe, the Tribe learned that an 1871 survey used to define the Tribe's original reservation boundaries contained an error, and that an 84-acre parcel known as the "Thompson Strip" was excluded from its reservation. To resolve this exclusion, the Department's Bureau of Land Management (BLM) and Tribe entered into a land claim settlement wherein the BLM exchanged a 240-acre parcel for the Tribe's Thompson Strip. The 1994 Act made that 240-acre parcel part of the Tribe's reservation and extinguished all of the Tribe's land claims in the State of Oregon.

S. 2716 redefines the claims extinguished in the 1994 Act, turning the statewide extinguishment of the Tribe's land claims into a limited extinguishment for the Thompson Strip. S. 2716 also makes land obtained by the Tribe as part of a land claim settlement approved by the United States ineligible for class II and class III gaming under the Indian Gaming Regulatory Act (25 U.S.C. § 2701 *et seq.*).

In general, the Department would not be supportive of measures that might result in additional federal liability for previously extinguished land claims. While the legislative history does not directly address the statewide claims extinguishment section of the 1994 Act, the Tribe had the opportunity to oppose that provision on the record. The Department encourages the Committee

to pursue further investigation of the land claim settlement which resulted in P.L. 103-435 to determine if S. 2716 would be appropriate.

S. 2912, the Blackwater Trading Post Land Transfer Act

S. 2912, the Blackwater Trading Post Land Transfer Act, directs the Secretary of Interior to take approximately 55.3 acres of land located in Pinal County, Arizona into trust for the benefit of the Gila River Indian Community (Community). S. 2912 also prohibits class II and class III gaming under the Indian Gaming Regulatory Act (25 U.S.C. § 2701 *et seq.*) on the land taken into trust for the Community pursuant to this bill. Administering trust lands is an important responsibility that the United States undertakes on behalf of Indian tribes. Through its plenary authority over Indian Affairs, Congress can direct the Department to accept and administer lands to be held in trust as it does in S. 2912. The Department supports S. 2912.

S. 2165, the Safeguard Tribal Objects of Patrimony Act of 2019

The purpose of S. 2165 is to prevent the export of wrongfully acquired items of Native American cultural heritage – including sacred items and items of cultural patrimony – and to encourage repatriation of these items both domestically and abroad. The Department appreciates that S. 2165 is intended to strengthen the legal framework to achieve those ends. The Department has worked with multiple Interior bureaus and offices, as well as the State Department, to provide such support in recent cases that resulted in a successful repatriation from Germany in 2018, New Zealand in 2019, and England in 2020. The Department supports the spirit of S. 2165 and looks forward to working with the Committee on the important issue of preventing the export of wrongfully acquired items of Native American cultural heritage. We have technical concerns regarding certain provisions of S. 2165, as discussed in my September 19, 2019 testimony on the companion bill, H.R. 3846, before the House Natural Resources Committee Subcommittee for Indigenous Peoples of the United States. We welcome the opportunity to work with the Committee to provide technical assistance.

Conclusion

Mr. Chairman, thank you for the opportunity to testify today. I am happy to answer any questions from the Committee.