

**STATEMENT OF
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UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
HOUSE COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE FOR INDIGENOUS PEOPLES OF THE UNITED STATES**

October 5, 2021

Good afternoon Chair Leger Fernández, Ranking Member Young, and Members of the Subcommittee. My name is Darryl LaCounte and I am the Director of the Bureau of Indian Affairs at the Department of the Interior (Department). Thank you for the opportunity to present testimony regarding H.R. 4881, the Old Pascua Community Land Acquisition Act, and H.R. 2402, the Winnebago Land Transfer Act of 2021.

Taking land into trust is one of the most important functions the Department undertakes on behalf of tribes. The Department recognizes that acquiring trust lands is central to strengthening tribal sovereignty and self-determination. Both H.R. 4881 and H.R. 2402 align with the Department’s priorities by transferring land into trust for the Pascua Yaqui Tribe and the Winnebago Tribe of Nebraska.

H.R. 4881, Old Pascua Community Land Acquisition Act

The Pascua Yaqui Tribe (Tribe) is located in Pima County, Arizona. The Tribe currently possesses a combination of lands held in trust by the United States and lands it purchased in fee. On May 24, 2021, the Department of the Interior approved the Pascua Yaqui Tribe—State of Arizona Amended and Restated Compact (Compact). One of the principal functions of the Compact is to identify the specific areas and regions within the state wherein the Tribe may conduct gaming activities. Such activities are authorized under the Indian Gaming Regulatory Act and, as part of the Compact negotiation, agreed to by both the Tribe and the State of Arizona. This area, in the context of H.R. 4881, is referred to as the “Compact Designated Area” which includes the area south of West Grant Road, east of Interstate 10, north of West Calle Adelanto, and west of North 15th Avenue in the City of Tucson, Arizona.

H.R. 4881 directs the Secretary of the Interior to take land into trust within the “Compact-Designated Area” at the request of the Pascua Yaqui Tribe. Any such lands placed into trust shall be a part of the Pascua Yaqui Reservation, shall be deemed to have been acquired into trust on September 18, 1978, and shall be administered in accordance with the laws and regulations generally applicable to lands held in trust by the United States for an Indian tribe.

The Department of the Interior supports H.R. 4881. This bill provides greater opportunity for the Pascua Yaqui Tribe to make investments in the tribal economy, promote community and regional economic development within the greater Tucson region, and is in keeping with the Biden Administration’s commitment to support tribal self-determination – including economic self-determination.

H.R. 2402, Winnebago Land Transfer Act of 2021

H.R. 2402, the Winnebago Land Transfer Act of 2021, is a bill that 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 (Tribe). H.R. 2402 would apply to lands on the east side of the Missouri River – specifically, a portion of Tract No. 119, all of Tract 210, and all of Tract 113 located within Woodbury County and Monona County, Iowa.

The Winnebago Reservation was established by the Treaty of March 8, 1865 in exchange for cession of the 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 H.R. 2402 were acquired by the U.S. Army Corps of Engineers through an erroneous condemnation action and eminent domain. H.R. 2402 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 H.R. 2402. 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

Chair Leger Fernández, Ranking Member Young, and Members of the Subcommittee, thank you for the opportunity to testify. The Department of the Interior expresses support for these two bills. The Department is grateful to work with the Subcommittee to support a more prosperous Indian Country and honor the treaty rights and commitments of the federal government to the indigenous people of this land. I would be honored to answer any questions that you may have.