

**STATEMENT OF  
BRYAN NEWLAND  
ASSISTANT SECRETARY – INDIAN AFFAIRS  
UNITED STATES DEPARTMENT OF THE INTERIOR  
BEFORE THE  
COMMITTEE ON INDIAN AFFAIRS  
UNITED STATES SENATE**

**November 17, 2021**

Aanii (hello) and good afternoon Chairman Schatz, Vice Chairman Murkowski, and members of the Committee. My name is Bryan Newland, and I serve as Assistant Secretary for Indian Affairs at the U.S. Department of the Interior (Department). Thank you for the opportunity to present the Department's testimony in support of S. 1364 - the Lumbee Tribe of North Carolina Recognition Act, H.R. 1975 - the Pala Band of Mission Indians Land Transfer Act of 2021, H.R. 2088 - the Eastern Band of Cherokee Historic Lands Reacquisition Act, and H.R. 4881 - the Old Pascua Community Land Acquisition Act.

**Introduction**

Federal acknowledgment of an Indian tribe is the United States' recognition of sovereignty in an American Indian or Alaska Native tribal government. Tribal sovereignty is the right of self-governance and self-determination as a political entity that pre-dates the founding of the United States. Federal acknowledgment of tribal sovereignty is the bedrock of the nation-to-nation relationship the United States shares with the indigenous tribes, pueblos and villages that have inhabited this country since time immemorial.

In the context of today's hearing, the Department appreciates the opportunity to express support for and provide comment on S. 1364, which provides federal acknowledgment for the Lumbee Tribe of North Carolina.

Another important obligation of the Department is to assist tribes with protecting and restoring their homelands by taking land into trust. The Biden Administration recognizes that tribal trust lands provide the foundation for the exercise of tribal sovereignty and self-determination, and are essential to the ability of tribal governments to provide for the health, safety, and welfare of their communities. To that end, this Administration is fully committed to the restoration and protection of tribal homelands. H.R. 1975, H.R. 2088, and H.R. 4881 align with the Department's goal to restore tribal homelands by transferring land into trust for the Pala Band of Mission Indians, the Eastern Band of Cherokee Indians, and the Pascua Yaqui Tribe.

**S. 1364, the Lumbee Tribe of North Carolina Recognition Act**

The Lumbee Tribe of North Carolina (Lumbee, Lumbee Tribe or Tribe) has worked to obtain federal recognition since 1888. While the Lumbee have been recognized by the State of North Carolina since 1885, they have faced hurdles at the federal level with both legislation and the administrative process. This has been complicated by the complex history of the Lumbee; even

the Department itself in the early 1930's characterized the Lumbee with many different origins and names, including the Croatan Indians, Siouan Indians, Cherokee Indians, and Cheraw Indians. The one constant, however, has been that the Lumbee have been known as *Indians*, namely the Indians of Robeson County.

By 1956, Congress officially designated the Indians then "residing in Robeson and adjoining counties of North Carolina" as the "Lumbee Indians of North Carolina" in the Act of June 7, 1956 (70 Stat. 254). In doing so, Congress explicitly stated that the Act did not make the Lumbee "eligible for any services performed by the United States for Indians because of their status as Indians, and none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable to the Lumbee Indians." This language not only made the Lumbee ineligible for certain services, but the language was later interpreted by the Department to preclude the Lumbee from being considered for federal acknowledgement under the administrative process. While this position has since been reversed in recent years, the Lumbee are certainly in a unique situation and have worked toward federal acknowledgement for over 130 years.

The Administration supports this legislation. S. 1364 will once and for all extend Federal recognition to the Lumbee Tribe of North Carolina and make its members eligible for the same services and benefits provided to all members of Federally recognized tribes. It also allows any group of Indians in Robeson and adjoining counties in North Carolina whose members are not enrolled in the Tribe to petition for recognition under the administrative process. The bill authorizes the Department to take land into trust for the benefit of the Tribe, treating lands located within Robeson County as on reservation trust acquisitions. Finally, S. 1364 grants the State of North Carolina jurisdiction over all criminal offenses committed, and all civil actions that arise, on North Carolina lands owned by, or held in trust for, the Lumbee Tribe or any dependent Indian community of the Tribe unless jurisdiction is transferred to the United States pursuant to an agreement between the Tribe and the State.

### **H.R. 1975, the Pala Band of Mission Indians Land Transfer Act of 2021**

H.R. 1975 directs the Secretary of the Interior to take approximately 721 acres of land located in San Diego County, California into trust for the benefit of the Pala Band of Mission Indians (Pala Band) and makes the land part of the Pala Band's reservation. The land is currently owned in fee by the Pala Band and is contiguous to their reservation. H.R. 1975 prohibits gaming on the land under the Indian Gaming Regulatory Act or any other federal law.

Importantly, the land includes Chokla, a mountain that is of great sacred and cultural significance to the Pala Band and many tribes throughout Southern California. The Pala Band purchased the land in 2016 in an effort to stop the construction of a landfill at the foot of Chokla in Gregory Canyon. The land also includes the site of an ancestral village, rock art paintings, cultural artifacts, and is home to culturally important plants and animals. Once the land is in trust, the Pala Band intends to preserve this sacred land in its natural state.

The Department supports H.R. 1975. During our recent consultations on the restoration of tribal homelands and the protection of sacred sites and treaty rights, we continually heard from tribes

regarding the importance of restoring tribal homelands to protect sacred sites located on those lands. This Administration recognizes the vital importance of protecting and preserving tribal sacred sites for future generations and we are committed to working with tribes on sacred sites issues.

### **H.R. 2088, the Eastern Band of Cherokee Historic Lands Reacquisition Act**

The Eastern Band of Cherokee Historic Lands Reacquisition Act would take certain federal lands managed by the Tennessee Valley Authority (TVA) into trust for the benefit of the Eastern Band of Cherokee Indians (Eastern Band). H.R. 2088 would place approximately 76.1 acres of land, and 19.9 acres of permanent easements, into trust for the Eastern Band.

The Eastern Band is one of three federally recognized Cherokee tribes. The ancestral homeland of all three Cherokee tribes includes substantial parts of seven eastern states, including Alabama, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia. In 1979, the construction of the Tellico Dam by the TVA caused large areas of Cherokee ancestral lands along the Little Tennessee River to be flooded. Although the Eastern Band opposed the construction of the Tellico Dam, the Eastern Band and the TVA were able to work together to cooperatively manage impacted areas that were of historic significance to the Cherokee people.

Today, the Eastern Band manages most of the properties subject to this bill under permanent easements granted in the mid-1980s. H.R. 2088 would formalize the Eastern Band's stewardship of this property by permanently transferring these parcels to be held in trust by the Department on behalf of the Eastern Band.

If enacted, the lands subject to this bill will be used principally for memorializing and interpreting the history and culture of Cherokee Indians and recreational activities, to include: a birthplace memorial and museum for the eminent Cherokee leader, Sequoyah; memorials to Chota and Tanasi as former capitals of the Cherokees; and a memorial and place of reinternment for the remains of Eastern Band Cherokee and other Cherokee Indians.

The Department supports H.R. 2088 which aligns with the Biden Administration's commitment to restoration of homelands to federally recognized tribes. The Eastern Band will have greater ability to honor and cherish their history and traditions in Monroe County, Tennessee and the property transferred under this bill would honor the historic and cultural significance of this area to Cherokee citizens nationwide.

### **H.R. 4881, the 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 approved the Pascua Yaqui Tribe—State of Arizona Amended and Restated Compact (Compact). One of the core 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. In the context of

H.R. 4881, the specific areas where gaming is authorized 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 15<sup>th</sup> 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. The Compact Designated Area includes Old Pascua, an ancestral community of the Pascua Yaqui Tribe at which the Tribe conducts many sacred rituals. Under H.R. 4881, any of the 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 supports H.R. 4881. A critical component of the Biden Administration’s commitment to restoring tribal homelands is ensuring that tribes may pursue economic self-determination on their lands. H.R. 4881 is squarely in line with this commitment as it provides the Pascua Yaqui Tribe the opportunity to grow its tribal economy and to contribute to community and regional economic development within the greater Tucson region.

## **Conclusion**

Restoring tribal homelands is a top priority for the Biden Administration and the Department is committed to ensuring all federally recognized tribes have a land base over which they can exercise their sovereign authority and provide for their citizens. We also recognize the importance of Federal acknowledgement for tribes and appreciate the opportunity for this Administration to publicly state its full support for the Federal recognition of the Lumbee Tribe of North Carolina.

Thank you again for the opportunity to appear before this Committee to provide the Department’s views on and support for S. 1364, H.R. 1975, H.R. 2088, and H.R. 4881. We look forward to continuing to work with the Committee in support of federal recognition and land into trust efforts.