

**H.R. 929, “PUYALLUP TRIBE OF INDIANS
LAND INTO TRUST CONFIRMATION ACT OF
2023”; H.R. 2882, “UDALL FOUNDATION
REAUTHORIZATION ACT OF 2023”; AND
H.R. 3579, “TRIBAL TRUST LAND
HOMEOWNERSHIP ACT OF 2023”**

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
FIRST SESSION

Wednesday, July 12, 2023

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LEGISLATIVE HEARING ON H.R. 929, TO TAKE CERTAIN LAND IN THE STATE OF WASHINGTON INTO TRUST FOR THE BENEFIT OF THE PUYALLUP TRIBE OF THE PUYALLUP RESERVATION, AND FOR OTHER PURPOSES, “PUYALLUP TRIBE OF INDIANS LAND INTO TRUST CONFIRMATION ACT OF 2023”; H.R. 2882, TO REAUTHORIZE THE MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND, AND FOR OTHER PURPOSES, “UDALL FOUNDATION REAUTHORIZATION ACT OF 2023”; AND H.R. 3579, TO REQUIRE THE BUREAU OF INDIAN AFFAIRS TO PROCESS AND COMPLETE ALL MORTGAGE PACKAGES ASSOCIATED WITH RESIDENTIAL AND BUSINESS MORTGAGES ON INDIAN LAND BY CERTAIN DEADLINES, AND FOR OTHER PURPOSES, “TRIBAL TRUST LAND HOMEOWNERSHIP ACT OF 2023”

**Wednesday, July 12, 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 2:25 p.m., in Room 1324, Longworth House Office Building, Hon. Harriet Hageman [Chairwoman of the Subcommittee] presiding.

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

Also present: Representatives Johnson, Ciscomani; and Kilmer.

Ms. HAGEMAN. The Subcommittee on Indian and Insular Affairs will come to order.

Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time.

The Subcommittee is meeting today to hear testimony on three bills: H.R. 929, H.R. 2882, and H.R. 3579.

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 Member’s opening statements to 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 gentleman from Arizona, Mr. Ciscomani; the gentleman from South Dakota, Mr. Johnson; and the gentleman from Washington, Mr. Kilmer 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 meeting to consider three bills: H.R. 929, the Puyallup Tribe of Indians Land Into Trust Confirmation Act, would place 17 acres of land in Pierce County, Washington into trust for the Tribe. The land is currently owned in fee simple, and the Tribe intends to use the land for economic development purposes to benefit the Tribe and local area. Their plans include developing a deepwater port in the Port of Tacoma, a restaurant which would integrate traditional tribal foods, and a sea plane terminal.

The land that would be placed into trust has evidence of environmental contamination, as most industrially-developed land in the Tacoma area has. Because of that likely contamination, the Bureau of Indian Affairs would require a full remediation of the land before taking it into trust through their administrative fee to trust process. However, a full remediation would be prohibitively expensive to the Tribe and should not be necessary for the Tribe to move forward in their plans for the acreage.

The bill also provides that the United States shall not be liable for any environmental contamination that has occurred on the land and prohibits gaming pursuant to the Indian Gaming Regulatory Act from occurring.

Second, we have H.R. 2882, the Udall Foundation Reauthorization Act of 2023. This bill would reauthorize the Morris K. Udall and Stewart L. Udall Foundation and would extend three authorizations of appropriations for the Udall Foundation at their current levels, as subject to appropriations through Fiscal Year 2028.

The Udall Foundation was first established in 1992 and was most recently reauthorized in 2019. The Udall Foundation has four major programs: the Education Trust Fund, the Native Nations Institute for Leadership Management and Policy, the Udall Center for Studies and Public Policy, and the John S. McCain III National Center For Environmental Conflict Resolution.

The Education Trust Fund provides funding for Native American student internships, including the Native American Congressional Internship Program, as well as fellowships for Native American graduate students pursuing advanced degrees in health care. The other Institute and Centers focus on research, science policy connections, leadership resources, and conflict resolution related to natural resource management, public lands, and tribal governments.

Our final bill, H.R. 3579, the Tribal Trust Land Homeownership Act of 2023, this bill would require the BIA to process and complete all mortgage packages on Indian land in a timely manner. This bill would only impact land held in trust because additional approvals from the BIA are generally needed when someone seeks a mortgage on trust lands. Unlike leasehold, rights-of-way, and mortgages, there are currently no statutory time frames for the review and approval of trust land mortgages. This bill would put time frames in place and align them with private industry standards.

Current industry practices process mortgage packages within a month and it is important that the BIA moves to replicate this. The BIA published their mortgage handbook outlining non-binding timelines for each step in the mortgage process. However, we have heard that these timelines are arbitrary and often exceed the guidelines. H.R. 3579 will ensure there are statutory time frames in place and that will help promote opportunities for homeownership on trust lands and in tribal communities.

I want to thank all of the witnesses for appearing before the Committee and I look forward to a robust discussion on these important topics.

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

STATEMENT OF THE HON. RAÚL M. GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. GRIJALVA. Thank very much, Madam Chair. I appreciate the opportunity and the agenda before us in terms of this hearing.

I want to thank the witnesses for joining us to testify before the Subcommittee on three important bills impacting Indian Country. It is only fitting that today's hearing takes place in the Morris K. Udall Hearing Room while we discuss H.R. 2882, a bill that will reauthorize Morris K. and Stewart L. Udall Foundation's Trust Fund through 2028 and introduced by Representative Ciscomani.

Congress established the Udall Foundation in 1992 to honor Morris K. Udall's impact on the nation's environment and his support for rights and self-governance of tribal governments. Moe Udall spent 30 years in the House, including several years as Chair of this Committee. His legacy lives through the Udall Foundation. I was proud to lead a nearly identical bill last Congress that passed out of the House with bipartisan support. I want to thank Mr. Charles Rose, the Foundation's Board of Trustees Chair for being here to testify on this legislation.

The Udall Foundation's Native American Congressional Internship has provided over 300 Native American internships on the Hill and across Government, including many in our respective offices. The Foundation serves as a critical resource for tribal governments, Federal agencies, and the next generation of policy leaders. Greater engagement in public service will only help our ability to serve our communities.

The Udall Foundation provides critical opportunities for Indigenous youth to develop important skills to do just that. Skills that they can take back to their communities or they can use in Federal Government service at agencies like the Bureau of Indian Affairs and across all Federal agencies in the Federal Government.

Which brings me to the next bill on the agenda, H.R. 3579, Representative Johnson's Tribal Trust Land Ownership Act. This bill codifies deadlines for the BIA to process and complete all mortgage packages associated with residential and business mortgages on Indian land. Indian Country experiences serious issues with housing availability and accessibility, so it is critical that BIA works to make sure that they review and process mortgages in a timely and expedited manner.

I will also note that we must also make sure that BIA has the resources and capacity to get that goal done. I look forward to hearing Ms. Vogel's testimony on this important legislation.

The final bill on the agenda is Representative Kilmer's H.R. 929, which will take land into trust from the Puyallup Tribe in Washington. The Tribe seeks to restore 17 acres of their homelands which were taken through misguided acts of Congress. Restoration will allow the Tribe to grow economic opportunities on restored lands, from shipping, to cultural cuisine, to a sea plane terminal. I look forward to hearing about the future the Tribe plans for these lands. And thank you, Council Member Rideout, for being with us today.

From economic support in Indian Country to opportunities to the next generation of tribal leaders, these bills continue to demonstrate this Subcommittee's work to uplift tribal communities across this nation.

With that, Madam Chair, I yield back.

Ms. HAGEMAN. I will now introduce our witnesses for our panel. Ms. Heather Dawn Thompson, Acting Deputy Assistant Secretary, Indian Affairs, U.S. Department of the Interior in Washington, DC; Mr. Charles Rose, Chair of the Board of Trustees, Morris K. Udall and Stewart L. Udall Foundation, Tucson, Arizona; the Honorable James Rideout, Tribal Council Member, Puyallup Tribe of Indians, Tacoma, Washington; and Ms. Sharon Vogel, Executive Director, Cheyenne River Housing Authority, Eagle Butte, South Dakota.

Let me remind the witnesses that under Committee Rules, they must limit their oral statements to 5 minutes, but their entire statement will appear in the hearing record.

To begin your testimony, please press the talk button on the microphone. We use timing lights here. 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 allow all witnesses on the panel to testify before Member questioning.

The Chair now recognizes Ms. Heather Thompson for 5 minutes.

STATEMENT OF HEATHER DAWN THOMPSON, ACTING DEPUTY ASSISTANT SECRETARY, INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR, WASHINGTON, DC

Ms. THOMPSON. Good afternoon, Madam Chair, Ranking Member, and members of the Subcommittee. Thank you for this opportunity.

[Speaking Native language.] I am Heather Dawn Thompson and I am a citizen of the Cheyenne River Sioux Tribe. I am a South Dakotan and a neighbor to Wyoming, and I am delighted to be here with you here today.

I am pleased to testify on these important bills, which together reflect our shared trust and treaty responsibility to Indian tribes and Indian people. Regarding the Puyallup Tribe of Indians Land Into Trust bill, the Department supports H.R. 929. Our trust responsibility is perhaps at its greatest when it comes to protecting the ability of tribes and their citizens to maintain their lifeways on lands the United States holds in trust for their benefit.

Due to the significant legacy pollution, the Department advised the Puyallup Tribe to pursue congressional action to transfer these approximately 17 acres into trust as the anticipated remediation plan to the lands would be cost-prohibitive. This bill would prevent a long and costly remediation process and ensure that the Puyallup Tribe was able to continue to rebuild and develop their homelands. It also stipulates that the Federal Government is not liable for any environmental contamination that occurred on the lands prior.

Balancing our Federal fiscal responsibility regarding liability or our tribal trust responsibility when we are talking about land transfers can be quite challenging, so we very much appreciate Congress' leadership on indemnification and supporting the Puyallup Tribe.

Regarding the Tribal Trust Land Homeownership Act, the Department supports the intent of H.R. 3579. The lack of access to housing and to financial institutions is a long-standing issue with which we all tackle, and it results in a whole host of socioeconomic challenges. The Department welcomes this opportunity to be a good partner in addressing and finding solutions.

We share Congress' interest in ensuring that the mortgage packages are reviewed and processed in a timely manner. The processing deadlines in this bill are consistent with those that exist in our handbooks and our policies. We also support the funded ombudsman position, and we certainly welcome any additional appropriations that Congress sees fit to ensure that we have adequate mortgage staff, IT, and the resources to digitize the records in order to provide the level of customer service that we all seek in this situation.

Regarding access to the TAAMS database, we understand and support the interest in accessing land records relevant to mortgages and we share that. TAAMS, however, is a multi-purpose database that contains much more than land database records. It also includes PII, protected historical documents, private financial information about our tribal members. Oh, hi, Dusty. Hi, Congressman.

So, we would like to work together with Congressman Johnson from my home state of South Dakota to provide some technical assistance to tailor the language a little bit to make sure it is targeting land records specifically, and make sure that the partners that you have listed do, in fact, have access to those land records as well as balancing the Department's privacy act and trust obligations, and protecting our systems from external cyber threats.

Regarding the Udall Foundation's Reauthorization Act, the Department supports H.R. 2882. The Udall Foundation has been instrumental in building expertise and capacity in Indian Country. The Department welcomes Udall interns each summer, and I am

actually accompanied today by one of them, Elise Blasingame, a citizen of the Osage Nation.

The Udall programs have also been instrumental in building the Department's most senior leadership. Our Assistant Secretary for Indian Affairs, Bryan Newland; our Principal Deputy, Wizipan Little Elk Garriot; and the Secretary's own Senior Advisor, Heidi Todacheene are all former Udall interns, among many others at the Department. This bill would extend the authorization of the Udall Foundation and the Department supports that.

In conclusion, Madam Chairwoman, Ranking Member, and members of the Subcommittee, Congressman Johnson, thank you so much for inviting the Department today to have this conversation on these important bills.

[The prepared statement of Ms. Thompson follows:]

PREPARED STATEMENT OF HEATHER THOMPSON, OFFICE OF THE ASSISTANT
SECRETARY—INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

ON H.R. 929, H.R. 3579, AND H.R. 2882

Good morning, Chair Hageman, Ranking Member Leger Fernández and members of the Subcommittee. Thank you for the opportunity to present testimony regarding H.R. 929, the Puyallup Tribe of Indians Land into Trust Confirmation Act of 2023, H.R. 3579, the Tribal Trust Land Homeownership Act of 2023, and H.R. 2882, the Udall Foundation Reauthorization Act of 2023.

H.R. 929, Puyallup Tribe of Indians Land into Trust Confirmation Act of 2023

H.R. 929 directs the transfer of approximately 17.264 acres of Puyallup Tribe fee lands in Pierce County, Washington to be taken into trust for the Tribe's benefit. The lands will be part of the Puyallup Reservation and will not be eligible for class II or III gaming under the Indian Gaming Regulatory Act. Importantly, H.R. 929 stipulates that the federal government is not liable for any environmental contamination that occurred on the lands prior to the date that land is taken into trust.

Environmental assessments conducted by the Puyallup Tribe identified potential soil and ground water contamination from petroleum products, fuels, and wood preservatives that may have been used at the historical mill on the lands. The environmental assessment also identified undocumented fill and potentially "refuse fill", and potential arsenic and metals contamination in the soil possibly associated with the Tacoma Smelter Plume. An additional environmental assessment by the Puyallup Tribe identified gasoline and diesel-range hydrocarbons, various metals, and polycyclic aromatic hydrocarbon contamination in the fill materials, as well as diesel-range hydrocarbons and naphthalene in the groundwater on the lands.

The Department has previously advised the Puyallup Tribe that congressional action to transfer the Pierce County Tribal fee lands into trust is a better option than the Department's fee-to-trust land acquisition process due to legacy pollution identified in the environmental assessments. The anticipated remediation plan on the lands would be cost-prohibitive for the Puyallup Tribe.

H.R. 929 would prevent a long and costly remediation process and ensure that the lands are restored to the Puyallup Tribe as they continue to rebuild and develop their homelands. The Department supports H.R. 929.

H.R. 3579, Tribal Trust Land Homeownership Act of 2023

H.R. 3579 would impose a series of statutory requirements on the Bureau of Indian Affairs (Bureau) related to the processing and review of mortgage packages. This legislation would codify current processing deadlines for mortgages; require an annual report to be submitted to Congress regarding the mortgages reviewed by the Bureau; establish a Realty Ombudsman position reporting directly to the Secretary; and provide access to the Bureau's Trust Asset and Accounting Management System (TAAMS) for relevant agencies and Tribes.

We appreciate Congress' shared interest in ensuring that mortgage packages are reviewed and processed in a timely manner. Notably, the mortgage application review and processing deadlines in this legislation are reflected in the Bureau's existing handbooks and policy.

One specific concern the Department has with H.R. 3579 is that it would mandate read-only access to TAAMS for the Department of Agriculture, Department of Housing and Urban Development, and Department of Veterans Affairs, as well as Tribes. The Bureau currently provides limited TAAMS access to Tribes and relevant agencies after the clearance of a background check. Access to TAAMS should be contingent on IT security training and limited to avoid Privacy Act issues.

The Department supports the intent of H.R. 3579 and looks forward to working with the Committee to provide technical assistance.

H.R. 2882, Udall Foundation Reauthorization Act of 2023

H.R. 2882 would extend the authorization for the Morris K. Udall and Stewart L. Udall Foundation (Udall Foundation) to 2028. The Udall Foundation is an independent executive branch agency created by Congress to carry on the legacy of Morris and Stewart Udall's work on the environment, public lands, and policies in support of the rights and self-governance of Native Americans. The Department supports the Udall Foundation and its mission. Since the Udall Foundation's inception, the Department has had the privilege of hosting Udall Foundation Interns and employs multiple Udall Foundation alumni. In addition, by operation of law the Secretary of the Interior or their designee is a member of the Udall Foundation Board of Trustees.

The Department supports H.R. 2882.

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 HEATHER DAWN THOMPSON, ACTING
DEPUTY ASSISTANT SECRETARY—INDIAN AFFAIRS

Ms. Thompson 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. 2882, one of the four non-appointed board members to the Udall Foundation includes, by statute, the Secretary of Interior, or one of their designees. Currently, Assistant Secretary Bryan Newland, the Assistant Secretary—Indian Affairs, serves on the board.

1a) Please elaborate on the specific role that Mr. Newland has as a board trustee.

1b) Please expand on what the Department's strategy is toward the Udall Foundation noting the responsibility and jurisdiction you hold by being on the board.

Question 2. Regarding H.R. 3579, the Department's testimony states the Department supports the intent, but not H.R. 3579 itself.

2a) Can you go into detail on how the Department thinks that the goals of this legislation can benefit tribes?

2b) What further accountability measures do you think would be helpful to ensure that the BIA meets these mortgage approval timelines that already exist?

Question 3. The Department's testimony states the Department has concerns with H.R. 3579 related to privacy, because the legislation mandates read-only access to the Bureau's Trust Asset and Accounting Management system, or TAAMS. However, during the hearing, you mentioned that you are not objecting to read-only access for TAAMS, just that that the read-only access of non-Bureau entities should be more limited to protect personal identifying information.

3a) What legislative language do you propose to meet this goal?

3b) Are there other aspects of TAAMS needs to be updated to ensure privacy compliance and would assist in meeting private industry standards of best practices for mortgage applications?

Questions Submitted by Representative Grijalva

Question 1. Does the Bureau of Indian Affairs have a process in place to track legacy pollution and the parties responsible for that pollution?

Question 2. What factors are considered when determining the costs of remediation should be borne by a tribe, the federal government, or other involved parties?

Questions Submitted by Representative Leger Fernández

Question 1. Ms. Thompson, your testimony stated, “the Department has previously advised the Puyallup Tribe that congressional action to transfer the Pierce County Tribal fee lands into trust is a better option than the Department’s fee-to-trust land acquisition process due to legacy pollution identified in the environmental assessments.”

Can you expand how the BIA works with Tribes regarding fee-to-trust-acquisitions when legacy pollution is identified? If the cause or the party responsible for the legacy pollution is identified, are they liable? And what role would BIA have with the responsible party once they are identified?

Question 2. Would you please provide any changes to existing statute that would have enabled the Department to more easily place lands into trust for the tribe in this instance?

Question 3. Please provide legislative recommendations to improve the Department’s ability to place land into trust when legacy pollution is present while maintaining safeguards to prevent a tribe or the federal government from assuming an inappropriate level of environmental liability.

Ms. HAGEMAN. Thank you. I apologize for Mr. Johnson running over the witnesses.

The Chair now recognizes Mr. Johnson for 5 minutes for a statement. Thank you for being here.

STATEMENT OF THE HON. DUSTY JOHNSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH DAKOTA

Mr. JOHNSON. Madam Chair, thank you, and I do apologize to Ms. Thompson for distracting her with my boisterous hello as I walked in. And it is an honor to have both she and Ms. Vogel here. They have just been tireless advocates for Indian Country.

I would start by talking about something that I think we all have an emotional connection to, and that is the American dream. I mean, the idea that people can make a better life for themselves, it is really hard to do that if you don’t have a roof over your head and a stable living situation. It is really hard to do. And particularly in this country where it can be so hard to save.

One of the key ways for Americans to get ahead from an equity perspective is to have home ownership. And, Ms. Vogel, what she has done for a lot more years than a lot of has been involved in anything has just been talking about how powerful home ownership can be. And I know that in all of our districts we hear about how housing is a problem, but gang, in Indian Country, it is different. It is much worse. It is much more dire.

And in Ms. Vogel’s testimony she talks about how many families are scratching, trying to get ahead, trying to make it work in Indian Country, in South Dakota, might be living under one roof. And about how even the most dedicated tribal housing agencies, who are working and maintaining hundreds of homes, are meeting

a tiny fraction of the needs of their people. And we have a Federal Government that is making it more difficult, day in and day out, for dedicated professionals to help family realize their dreams.

So, the bill that, Madam Chair, thank you, that is before the members attempts to streamline some of this bureaucracy, because right now out in the private sector, out of Indian Country, you can get the types of records that you need to finalize a mortgage, and you can get that in a matter of hours. It is not hours when you are dealing with Indian Country. It can be days and it can be weeks. I think Ms. Vogel has said that the South Dakota Native Homeownership Coalition has experienced delays anywhere from 30 to 365 days to get the kind of documents that are needed to close these purchases.

This bill attempts to shave off some of the most jagged edges of that bureaucratic delay, and I am just so grateful that there have been dedicated people willing to provide expertise, technical advice, and counsel to us. I am grateful for Senator Thune for really running with this bill, and I am honored to have the House companion. And with that, of course, I would stand by for any questions or comments that my colleagues would have for me, although the real experts are sitting at the other end of the room.

[The prepared statement of Mr. Johnson follows:]

PREPARED STATEMENT OF THE HON. DUSTY JOHNSON, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF SOUTH DAKOTA

Chair Hageman, Ranking Member Leger Fernández, and Members of the Indian and Insular Affairs Subcommittee,

Thank you for the opportunity to testify before the subcommittee today. I am here to speak on my bill, the Tribal Trust Land Homeownership Act.

It is no secret there is a housing availability and affordability crisis across the country. However, this is especially true in Indian Country where poverty rates and lacking housing infrastructure have presented unique challenges.

South Dakota, home to nine tribes, knows this all too well. As Sharon Vogel noted in her testimony, on the Cheyenne River Reservation, a three-bedroom house designed for a family of five or six is often occupied by three or more families—sometimes as many as 15 individuals sharing the house. This challenge is echoed through reservations across South Dakota. The Standing Rock Housing Authority testified before Congress in March, stating they manage 810 housing units throughout their Reservation, but are only able to serve around 12 percent of their population.

This is not acceptable. Congress should be working to address housing insecurity on reservations and uphold our commitment to Indian Country. That is why I joined my colleague Senator Thune to introduce the Tribal Trust Land Homeownership Act.

Currently, mortgages involving property on tribal trust land must be reviewed and approved by the Bureau of Indian Affairs (BIA) in order for the mortgage to be finalized. This pertains to residential, commercial, and right-of-way mortgages, to name a few. The BIA Mortgage Handbook establishes timelines for BIA offices to process and approve these mortgages. However, these timelines are not always adhered to, causing significant delays, and leaving lenders in the dark.

Native people should not have reduced access to homeownership opportunities if they live on tribal trust land. Off reservation, county assessors' records allow title records to be seen within minutes and for title policies issued by title companies that timeline is usually within two to four weeks. The South Dakota Native Homeownership Coalition has experienced delays anywhere from 30 to 365 days to receive comparable documents from the BIA.

This is an important bill, and I want to thank my partners in this effort. I want to thank my friend Senator John Thune for leading this effort in the Senate. Further, Sharon Vogel is here today in her capacity as the Chair of the Board of Directors of the South Dakota Native Homeownership Coalition. She has been a tireless advocate for the Cheyenne River Sioux Reservation and for native

homeownership generally for decades. I am honored she is here to speak in support of my bill.

Thank you again for holding this hearing. I look forward to working with the committee on passing my bill to improve homeownership outcomes for natives.

Ms. HAGEMAN. Thank you, Mr. Johnson.

The Chair now recognizes Mr. Kilmer for 5 minutes for a statement.

STATEMENT OF THE HON. DEREK KILMER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. KILMER. Thank you, Madam Chair, and thanks for holding this hearing and allowing me to join today to share my thoughts on legislation I introduced, and thanks to the witnesses for being here today.

Before we hear from the witnesses, I wanted to briefly introduce Council Member James Rideout, a member of the Puyallup Tribe of Indians and a staunch advocate for his people. As a member of the Puyallup Tribal Council, thank you, Council Member, for being here today. And he is joined by other members of the Tribal Council.

I am here to discuss an issue that is close to my heart, and actually quite crucial for thousands of folks in the district I represent. My legislation, the Puyallup Tribe of Indians Land Into Trust Act, intends to return over 17 acres of land currently owned by the Puyallup Tribe back into trust, restoring a portion of the Tribe's ancestral homeland. This will further enable the Tribe to pursue significant economic development and job creation opportunities at the Port of Tacoma and along the Tacoma Waterfront.

I know members of this Committee are familiar with the concept of land into trust. Essentially, this is when land is transferred to the U.S. Bureau of Indian Affairs to be held in trust for the benefit of the Tribe. The process is fundamental in reinforcing the Tribe's sovereignty and allows them an access to a range of Federal programs and services.

Now, why is this not being handled by the BIA? Unfortunately, there were legacy contamination issues on that site, so the BIA was unable to take this land into trust via the standard process. The Bureau sent a letter to the Tribe in 2022 and said, you can take this land in trust, but it is going to take congressional action, and that would be, in their words, the most viable option.

That is the challenge that brings me here today, seeking your support for this legislation. Restoring this land to the Puyallup Tribe isn't merely a matter of righting historical wrongs, it is about building a better future for our entire region. Our actions here can help ensure that the Puyallup Tribe is able to diversify and expand economic opportunities, which in turn means more jobs, greater economic opportunity throughout the Pacific Northwest.

And we know that we all stand to benefit when part of our community thrives, and the passage of this legislation underscores that belief. I am pleased to report that this proposal has broad regional support. The city of Tacoma, Pierce County, the Port of Tacoma have all backed this initiative, and that unity across various levels

of government demonstrates a shared commitment to supporting the Tribe and the broader community.

This is about fulfilling our Federal Government's trust in treaty obligations. It is about championing the rights of Indigenous communities and ensuring their voices are heard and that their needs are met. To the Puyallup Tribe and to Council Member Rideout, who we will hear from in just a bit, I just want to reiterate, we are committed to working with you to achieve those shared goals. And when we support each other, especially those who have been historically marginalized, we make our entire community stronger.

So, I am here today to just ask your support for the Puyallup Tribe of Indians Land Into Trust Act. It represents a strong step in the right direction for our community, it emphasizes our shared commitment to honor and uphold the rights and sovereignty of Indigenous communities. So, thank you, Madam Chair, for your time and consideration. I look forward to hopefully working with you to get this across the finish line.

I yield back.

Ms. HAGEMAN. Thank you, Mr. Kilmer.

The Chair now recognizes Mr. Charlie Rose for 5 minutes.

**STATEMENT OF CHARLES ROSE, CHAIR, BOARD OF TRUSTEES,
MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION,
TUCSON, ARIZONA**

Mr. ROSE. Good afternoon. Thank you. I appreciate the opportunity to testify, Chair Hageman, and greetings to the Ranking Member and other members of the Subcommittee here. I also want to extend our gratitude on behalf of the Foundation to Representative Ciscomani for supporting H.R. 2882, and to the original co-sponsor, Representative Stansbury.

As the Chair and Ranking Member indicated, the Udall Foundation was established in 1992 by an Act of Congress, and it was established as an independent executive branch agency to honor Morris K. Udall's lasting impact on this nation's environment, public lands, natural resources, and his support of the rights and self-governance of Native Americans and Alaska Natives. In 2009, Congress amended the legislation to add his brother, Stewart L. Udall, to the name of the agency in honor of his accomplishments in Indian Country and on behalf of the nation's environment.

The Udall Foundation is governed by a 13-person board of trustees. Nine are appointed by the President with the advice and consent of the Senate, and then four of our trustees are in place by operation of law, representative from the CQE, the president of the University of Arizona, representative from the Department of the Interior and also from the Department of Education.

The Udall Foundation enabling legislation was most recently amended in 2019, and I want to thank Ranking Member Grijalva for his leadership and support of our reauthorization in 2019. H.R. 2882 will further amend the enabling legislation to extend our authority through Fiscal Year 2028. H.R. 2882 makes no other changes to our law, only to extend the authorization through Fiscal Year 2028.

An extension of the Udall Foundation's authority through Fiscal Year 2028 will allow the agency to continue its congressionally-mandated mission to promote public service through research, education, and programs that foster leadership, education, collaboration, and conflict resolution in the areas of environment, public lands, Native Nations, and natural resources. It will also allow us to support the development and self-governance, and to strengthen our Native Nations, and assist Federal agencies and others to resolve environmental conflicts.

Just a few brief examples of our accomplishments over the last several years. We have engaged in over 800 cases, consultations, and trainings through the John S. McCain III National Center for Environmental Conflict Resolution. We have awarded almost \$10 million in scholarships to over 1,800 undergraduate students. We have funded over 300 Native American congressional interns who have served in 70 legislative and executive branch agency offices, and there are a few that are here today. We have funded 36 graduate fellows from 20 colleges and universities, including Representative Stansbury, who was a 2009 Udall fellow.

We have also provided nation-building services to 65 percent of federally recognized tribes in this country and in 35 of the lower 48 states. We have also provided services to over 9 percent of the tribes in Alaska, and we have supplied over 460,000 pages of Indigenous governance database materials for the Udall Senators' Native Nations Institute Program.

With that, I would like to thank the Subcommittee again for inviting us to testify in support of this reauthorization of H.R. 2882, and I am happy to answer any questions that the Subcommittee may have. Thanks again, Madam Chair.

[The prepared statement of Mr. Rose follows:]

PREPARED STATEMENT OF CHARLES P. ROSE CHAIR, BOARD OF TRUSTEES, MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

ON H.R. 2882

Chair Hageman, Ranking Member Leger Fernandez, and Members of the Subcommittee on Indian and Insular Affairs, on behalf of the Board of Trustees and the employees of the Udall Foundation, I want to extend our gratitude to you and the staff of the Subcommittee for scheduling this hearing on H.R. 2882 today. I also want to extend our gratitude to Representative Ciscomani for sponsoring H.R. 2882 and to the original co-sponsor Representative Stansbury.

Overview of the Enabling Legislation

The Morris K. Udall Foundation was established by the U.S. Congress in 1992 as an independent executive branch agency to honor Morris K. Udall's lasting impact on this Nation's environment, public lands, and natural resources, and his support of the rights and self-governance of Native Americans and Alaska Natives. In 2009, Congress enacted legislation to also honor Stewart L. Udall for his half century of distinguished national leadership in environmental and Native American policy. The agency is known today as the Morris K. Udall and Stewart L. Udall Foundation (Udall Foundation) and is headquartered in Tucson, Arizona. The Udall Foundation's enabling legislation is codified at 20 U.S.C. §§ 5601–5609.

The Udall Foundation is governed by a Board of Trustees comprised of 13 members, nine of whom are appointed by the President with the advice and consent of the Senate. The other four are designated by law and include the Chair of the Council on Environmental Quality, the President of The University of Arizona, and the Secretaries of the Department of the Interior and the Department of Education or their designees.

H.R. 2882 amends Section 13 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. § 5609) to extend the authority of the Udall Foundation through Fiscal Year 2028. H.R. 2882 makes no other changes to the Act.

An extension of the Udall Foundation's authority through Fiscal Year 2028 will allow the agency to continue its Congressionally mandated mission to promote public service through research, education, and programs that foster leadership, education, collaboration, and conflict resolution in the areas of environment, public lands, Native Nations, and natural resources to encourage the continued use and appreciation of our Nation's rich resources; support the development of self-governance to strengthen Native Nations; and assist Federal agencies and others to resolve environmental conflicts.

Overview of the Udall Foundation's Programs

The Udall Foundation accomplishes its mission through the following programs:

- **John S. McCain III National Center for Environmental Conflict Resolution** (National Center), which provides impartial collaboration, consensus-building, training, and conflict resolution services on a wide range of environmental, natural and cultural resources, Tribal, and public lands issues, conflicts, and disputes involving the Federal Government. The National Center's range of services includes consultations, assessments, process design, convening, mediation, facilitation, stakeholder engagement, Tribal consultation, and other related collaboration, consensus-building, training, and conflict resolution activities authorized by the Udall Foundation's enabling legislation.

The National Center has been involved in over 800 cases, consultations, and training programs since 1999. In a typical year, the National Center assists about 30 other Federal agencies in the resolution of environmental issues, conflicts, and disputes. It has worked in all 50 states and the District of Columbia, Puerto Rico, and Guam.

- **Education Programs**, including the *Morris K. Udall and John S. McCain III Native American Graduate Fellowship in Tribal Policy* (Native American Graduate Fellowship), which is awarded annually to outstanding Native American and Alaska Native graduate students who intend to pursue advanced degrees in health care and Tribal public policy, including law and medicine; the *Native American Congressional Internship* (Internship), which is awarded annually to deserving and qualified Native American and Alaska Native undergraduate, graduate, and law students in order to provide them with practical experience with the Federal legislative process; the *Stewart L. Udall Parks in Focus® Program* (Parks in Focus®), which fosters greater understanding, appreciation, stewardship, and enjoyment of the Nation's public lands and natural resources by connecting youth to nature through photography, positive outdoor experiences, and environmental education; and the *Udall Undergraduate Scholarship* (Scholarship), which is awarded annually to outstanding students who intend to pursue careers related to the environment, Tribal public policy, or Native health care.

The Udall Foundation has awarded \$9.975 million in Scholarships to 1,843 undergraduate students since 1996. The recipients have been from 374 colleges and universities in all 50 states, the District of Columbia, Guam, Puerto Rico, and 93 different Tribal Nations and Alaska Native villages. Since 1996, the Udall Foundation has provided funding to 306 Native American Congressional Interns from 134 Tribal Nations and Alaska Native villages and 107 colleges and universities, and they have served in 70 participating Congressional and Executive Branch agency offices. The Udall Foundation has also provided funding to 36 Graduate Fellows representing 20 colleges and universities since 1997, including a total of six Morris K. Udall and John S. McCain III Native American Graduate Fellowships in Tribal Policy for the 2021–2022 and 2022–2023 academic years. Parks in Focus® has served 6,071 participants and provided them with 10,732 hours of activities in 11 states and 45 National Parks, Monuments, Refuges, Wilderness Areas, and Federal Public Lands.

- **Udall Center for Studies in Public Policy** (Udall Center), a unit of The University of Arizona under the Senior Vice President for Research, Impact, and Innovation, which supports policy-relevant interdisciplinary research, science-policy dialogues, and other endeavors that link scholarship and education with decision-making. Areas of expertise include water resources, land management, biodiversity, public health, and renewable energy, with a

focus on the Southwest and U.S.-Mexico border region. The Udall Center has produced 431 publications, made 752 public presentations on environmental policy research and new conceptual approaches, and hosted over 75 science-policy meetings since 1996.

- **Native Nations Institute for Leadership, Management, and Policy** (NNI), a program of the Udall Center, which is a resource for self-determination, governance, and economic development for Native Nations. NNI's programs of policy analysis and research, education, digital resources, and Tribal and direct services are grounded in its research findings. The Udall Foundation and The University of Arizona cofounded NNI in 2001, building on the research programs of the then Harvard Project on American Indian Economic Development and extending the legacies of Morris K. Udall and Stewart L. Udall.

NNI has provided nation-building services to individuals and groups representing 65% of Federally Recognized Tribes in 35 of the Lower 48 states and to 9% of Tribes in Alaska. Over 900 Native leaders have participated in NNI's Indigenous Governance programs since 2013, and since 2014 NNI's Indigenous Governance database has had over 184,000 visitors who have reviewed over 460,000 pages of material.

- **Udall Archives** at The University of Arizona Libraries, Special Collections, which provides primary research materials and holds multiple collections relating to political and legislative figures including the papers of Morris K. Udall and Stewart L. Udall. The collections include professional and personal papers and correspondence, legislative and administrative files, media, and memorabilia. The Udall Archives play a leading role honoring the dual legacies of Morris K. Udall and Stewart L. Udall in partnership and ongoing collaboration with the Udall Foundation and Udall Center.

I am attaching a Fact Sheet prepared by the Udall Foundation to provide the Subcommittee and the public with more information on our programs, services, and annual funding.

Conclusion

We thank the Subcommittee and the sponsors of H.R. 2882 for your time and interest in the Udall Foundation, and your support of the work Congress has directed us to undertake. We are available to provide information or to respond to questions at any time. We look forward to continuing to work with the Subcommittee and the Committee on Natural Resources in the months and years ahead.

QUESTIONS SUBMITTED FOR THE RECORD TO CHARLES P. ROSE, CHAIR, BOARD OF TRUSTEES, MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

Questions Submitted by Representative Westerman

Question 1. In your testimony you stated that the John S. McCain III National Center for Environmental Conflict Resolution works to resolve disputes and conflicts among stakeholders and the Federal Government.

Answer.

Background

Since its original Congressional authorization in 1998, the John S. McCain III National Center for Environmental Conflict Resolution (National Center; formerly the U.S. Institute for Environmental Conflict Resolution) has provided nonpartisan collaboration, consensus-building, training, and conflict resolution services to the Federal Government on a wide range of environmental, natural and cultural resources, Tribal, and public lands issues, conflicts, and disputes. The Udall Foundation's enabling legislation defines collaboration as, "to work in partnership with other entities for the purpose of—(A) resolving disputes; (B) addressing issues that may cause or result in a dispute; or (C) streamlining and enhancing Federal, State, or Tribal environmental and natural resource decision-making processes or procedures that may result in a dispute or conflict."

Environmental, public lands, and natural resource-based conflicts are likely to increase in the future as Federal decisions impacting infrastructure, drought, wild-

fire response, energy development, water resources, ocean and coastal management, recreation, transportation, forest management, and other critical environmental and development issues expand in number, complexity, and scale impacting a greater number of Americans. Unresolved conflicts can be costly, lead to Government inefficiencies, and result in unsustainable outcomes that do not serve the interests of impacted stakeholders. These governance challenges led the Office of Management and Budget (OMB) and the Council on Environmental Quality (CEQ) to issue a Memorandum on Environmental Conflict Resolution in 2005 directing Federal agencies to expand collaborative problem solving and the use of environmental conflict resolution. This memorandum was updated and reissued in 2012 to reinforce and expand on this guidance.

The National Center is a leader among Federal programs in the delivery of environmental collaboration and conflict resolution (ECCR) services. This includes work conducted specifically in response to the directives established and updated by OMB and CEQ in 2005 and 2012 as well as through its facilitation of the Federal Forum on Environmental Collaboration and Conflict Resolution (ECCR Forum). As detailed below, the National Center saves the Government time and resources, improves outcomes, and strengthens relationships.

1a) What is the percentage rate of successful conflict resolution by which litigation is avoided?

1b) How successful is the McCain Center in avoiding the costs associated with litigation?

Answer. The National Center works on approximately 30 collaboration and conflict resolution cases annually. Most of the National Center's cases seek to enhance collaborative outcomes outside the threat of litigation or to address potential conflicts and resolve issues collaboratively prior to the threat of litigation.

Because litigation connected to the National Center's work is rare and typically occurs outside of the collaborative process, and because each case involves unique circumstances, there are insufficient data points to conduct a meaningful direct cost comparison between litigation and mediated or facilitated processes and outcomes on specific National Center cases. Rather, the National Center tracks metrics that indicate the success of ECCR processes relative to each of its projects.

A critical measure that is compiled and reported annually in the Udall Foundation's Performance and Accountability Report is an evaluation of agency and stakeholder perceptions of whether the National Center's services supported progress toward prevention or resolution of the environmental issue, conflict, or dispute in question. The National Center has exceeded its 85% performance target in five of the last six fiscal years:

FY 2022:	100%
FY 2021:	100%
FY 2020:	100%
FY 2019:	78%
FY 2018:	95%
FY 2017:	100%

Although ECCR services provided by the National Center and others achieve high settlement rates, ranging from between 66% to 93% of measured cases as reported by the Federal Forum on Environmental Collaboration and Conflict Resolution (Federal Forum) in 2018, we recognize that these services are not successful in reaching agreement in every instance. In many cases, the best hope is to make progress on the issue(s), improve relationships, and push forward toward a future resolution. For example, a study of land use cases highlighted by the Federal Forum suggests that the use of ECCR can help parties make progress even when it does not lead to a complete settlement of a matter. In that study, 64% of survey participants, including those that had participated in cases that did not reach full settlement, indicated they were still able to make significant progress and improve relationships through the collaborative process brought to bear by the National Center.

1c) Please provide the total dollar amount the McCain Center has saved the Federal Government in relation to conflict resolution.

Answer. Environmental conflicts cost the Federal Government millions of dollars annually in project delays, litigation costs, and staff time. In a 2011 report the Government Accountability Office (GAO) found that the Department of Justice spent more than \$43 million on legal fees representing the U.S. Environmental Protection Agency (EPA) between 1998 and 2010, and the Department of Treasury paid \$14.2 million to plaintiffs in environmental cases from 2006 to 2010.

In 2018 the Federal Forum, which is convened by CEQ with assistance from the National Center, published Environmental Collaboration and Conflict Resolution (ECCR): Enhancing Agency Efficiency and Making Government Accountable to the People which highlighted the quantifiable benefits of ECCR tools and techniques in Government processes. Using input from a broad contingent of agencies working with the ECCR Forum, the Federal Forum report articulated ECCR lessons learned and best practices from more than 10 years of experience across the Federal Government. The Federal Forum report highlighted the outcomes of several independent studies evaluating government cost savings and process efficiencies realized through the use of ECCR compared to litigated or conventional decision-making processes, including:

- The State of Florida, local governments, and private parties saved an estimated \$150,000 per enforcement dispute when they used mediation instead of litigation.
- In a study of 123 ECCR participants, 75% of waste management negotiations saved time, compared with the most likely conventional process for making decisions, and 81% of these cases saved money.
- As compared to litigation, EPA found that ECCR cases required 45% less time to reach a decision, 30% fewer staff members, and 79% fewer lead attorney hours than litigation.

In addition to substantial process benefits, the Federal Forum report highlights economic and environmental outcomes produced from robust and creative ECCR activities. For example, ECCR cases analyzed by the Department of the Interior, EPA, and the State of Oregon, “showed comparative improvement in improved natural resource management practices, environmental results, and economic benefits.”

The Federal Forum report authors also found that ECCR services often lead to broadly acceptable, better informed, and more sustainable solutions along with improved relationships with stakeholders. Such relationships between Federal agencies and stakeholders serve to enhance decision making, build trust, and create additional efficiencies on future endeavors. The Federal Forum report supported these findings noting that, “in one study, more than 700 participants in collaborative land planning cases had 82% overall agreement that the process improved existing relationships and created new ones.” A second cited study suggested that among Federal and State ECCR cases, “the majority of respondents reported that their ability to work together on the issues and levels of trust increased.”

The ECCR services provided by the National Center over its 25-year history strongly align with the broad findings of the Federal Forum report, including how ECCR services perform as compared to litigated processes and unresolved disputes. Several National Center case studies are cited in the report including a facilitated process between the U.S. Army Corp of Engineers, National Park Service (NPS), and U.S. Fish and Wildlife Service (USFWS) with respect to the Everglades Restoration Transition Plan and a transportation development project between USFWS and the Ohio Department of Transportation that resulted in a broadly beneficial outcome that both streamlined roadway development and improved protections for endangered species.

Additional Information

We thank Representative LaMalfa for his questions during the subcommittee hearing related to the outcomes of the Tulalake Municipal Airport (Tulalake Airport) facilitated process, including the absence of a settlement, lack of progress in improving stakeholder relationships, and eventual decision by one stakeholder group to litigate certain issues that occurred subsequent to the National Center's involvement.

The Tulalake Airport facilitated process arose from an array of stakeholder concerns related to aviation safety, environmental protection, historic preservation, and local economic and community-based interests. The Tulalake Airport, a critical

resource for the local community and the Modoc Nation, is also the site of the Tule Lake Monument which marks the location of one of ten Japanese internment camps that were in operation in the United States between 1942 and 1946.

The National Center convened and facilitated five meetings between April 2016 and March 2017 among Federal agencies (Federal Aviation Administration, USDA Forest Service, NPS, USFWS), California state, county, and municipal agencies and governments, Tribal governments, and stakeholders including agricultural interests, community groups, and Japanese American groups interested in protecting and preserving the legacy of the Monument. The participants agreed to work collaboratively on these challenging and highly sensitive topics until it was clear that consensus would not be achieved.

The National Center concluded its direct involvement in the Tulelake Airport facilitated process after the March 2017 meeting. Litigation was filed in response to the July 2018 sale of the airport from the City of Tulelake to the Modoc Nation of Oklahoma.

We acknowledge that the National Center's efforts did not result in a collective agreement in this instance and recognize the unresolved needs of the impacted stakeholders and decision makers including those with a critical role in helping convene and support these processes. We would be happy to meet with Representative LaMalfa and his team to further address any questions or concerns they may have.

Question 2. In your written testimony, you noted the impact the Udall Foundation has on its native communities, particularly in the youth population.

2a) Can you further expand on that impact and provide specific examples of how the Udall Foundation has benefited Native American youth?

Answer. As I noted in my oral testimony, the Udall Foundation has had a profound impact on youth through its Stewart L. Udall Parks in Focus® program, including on Native American youth.

- Parks in Focus® connects K-12 youth to nature and our Nation's public lands through photography and outdoor learning. Photography inspires the Parks in Focus® curriculum and serves as a relevant and engaging tool for youth to observe, document, and learn about the natural and cultural resources of the sites they visit, hike, camp, and explore. Photography also provides a powerful outlet for youth to express their creativity, connect with each other, and to share stories about their lives and their new outdoor experiences.
- Several key partners of the Parks in Focus® program, including Boys & Girls Clubs, Big Brothers Big Sisters, and YMCAs, are organizations who serve Native American youth either through primary programming or as a component of their broader missions. While we do not collect demographic information directly from our participants and partner organizations, and recognizing that demographics vary among each partner, I can say that most Parks in Focus® participants are 10 to 14 years old, come from low-income households, and/or are experiencing other hardships.
- The impact of Parks in Focus® varies from student to student but almost always includes new experiences, such as visiting a national park, camping in tents, or stargazing for the first time. For many, Parks in Focus® inspires them to pursue and express their creativity and a more active lifestyle. Ultimately, Parks in Focus® experiences aim to spark new interests in public lands, photography, and outdoor recreation, a deeper connection and appreciation of nature, and enhanced confidence through new skills and outlets to express their creativity.

In addition to Parks in Focus®, the Udall Foundation's Scholarship, Internship, and Fellowship Programs have also provided significant benefits to Native American undergraduate, graduate, and law students.

- **Udall Undergraduate Scholarship.** The Udall Foundation has awarded \$9.975 million in Scholarships to 1,843 undergraduate students since 1996. The recipients have been from 374 colleges and universities in all 50 states, the District of Columbia, Guam, Puerto Rico, and 93 different Tribal Nations and Alaska Native villages. The scholarship provides up to \$7,000 for eligible academic expenses as well as the opportunity to attend a five-day networking and skill-building experience alongside their Scholar class.
- **Native American Congressional Internship.** Internships are awarded annually to deserving and qualified Native American and Alaska Native undergraduate, graduate, and law students in order to provide them with

practical experience with the Federal legislative process. Since 1996, the Udall Foundation has provided funding to 306 Native American Congressional Interns from 134 Tribal Nations and Alaska Native villages and 107 colleges and universities, and they have served in 70 participating Congressional and Executive Branch agency offices. The Native American Congressional Internship is the only Federal program of its kind in Washington D.C. The program provides housing, a living allowance, transportation to and from Washington, D.C., and an educational stipend. This support helps eliminate important barriers that may prevent many students from participating in internship programs in Washington, D.C.

- **Morris K. Udall and John S. McCain III Native American Graduate Fellowship.** Fellowships are awarded annually to outstanding Native American and Alaska Native graduate students who intend to pursue advanced degrees in health care and Tribal public policy, including law and medicine. Since the program's inception in 2021, a total of six Morris K. Udall and John S. McCain III Native American Graduate Fellowships in Tribal Policy have been awarded.

Finally, the Native Nations Institute for Leadership, Management, and Policy, a program of the Udall Center for Studies in Public Policy at The University of Arizona, also provides impactful programming throughout the year for Indigenous youth. These include:

- **Native American Youth Entrepreneurship Program:** This five-day intensive workshop for Indigenous high school students builds entrepreneurial skills and allows them to gain real-world experience learning from Indigenous professionals.
- **Project Youth Act:** This program for Native youth ages 13 to 18 helps advocate for social justice and addresses key issues in Native communities by strengthening critical analysis, decision making, and multimedia and communication skills.
- **Future Native Nation Builders:** This two-day seminar for undergraduate degree-seeking students provides a forum to learn how tribal governments work and how to become involved in local Tribal governance.

2b) What further challenges and opportunities is the Foundation looking to address in this area?

Answer. The Udall Foundation plans to expand its Parks in Focus® programming to reach more Native youth and communities in Arizona and beyond. Specifically, we intend to expand the program's existing partnerships with Tribes and Native-youth serving organizations as well as recruit volunteers, interns, and term employees who are interested and able to develop and lead culturally relevant programming with our Native-youth serving partners.

The Udall Foundation also remains committed to providing financial and educational support to Indigenous undergraduate, graduate, and law students through its Scholarship, Internship, and Fellowship programs. One of the most significant challenges for these programs is there is typically more interest and a greater number of qualified candidates than the Udall Foundation can accommodate in a given year; to address this, the Udall Foundation is working to maximize the interest earnings generated on its Trust Fund in future years. We have also seen an increasing number of requests from Member, Committee, and Federal agency and congressional offices to host future Native American Congressional Interns, and to expand the Internship program outside of its traditional 10-week summer session. The Udall Foundation is in the early stages of exploring opportunities to adapt the Internship program to address these interests and needs.

Finally, the Udall Foundation's network of program alumni and its reach continues to grow. Many former Scholars, Interns, Fellows, and Parks in Focus® participants are now leaders across Indian Country; it is vital that they remain connected to the Udall Foundation to help improve its programs to better meet the needs of the next generation of Native youth. The Udall Foundation is in the early stages of piloting its authority to accept, hold, solicit, administer, and utilize grants, gifts, and donations, and will look to Native program alumni in those efforts.

Question 3. The Native Nations Institute for Leadership, Management, and Policy in the Udall Foundation works to provide economic development training to tribal members. Noting the enhanced importance of economic development for tribes and Native Americans, can you elaborate on the specific ways the Institute is providing tribal members economic development training and support?

3a) Please provide the committee with specific examples of how this training and support is evolving into tangible economic development in the real world for tribes and Native Americans.

Answer. Since its establishment in 2001, in partnership with the Udall Foundation, as a program of the Udall Center for Studies in Public Policy at The University of Arizona, NNI has gathered and shared information to equip tribal leaders, program directors, and business professionals with the ideas they need to build more prosperous and self-sufficient futures through local control.

NNI's impact can be understood through the many tribal officials and business leaders who now know and understand the principles of "Native nation building," the central importance of strengthening core governance foundations for community and economic development. Past participants in NNI programming now use this knowledge to make decisions that build the capacity of their tribal governments, businesses, citizens, and workforces.

Examples of NNI services specific to economic development include:

- **Policy analysis and research** providing practical, usable guidance to tribal and other policy makers on governance, economic, and community development topics. NNI's work identifies the conditions under which Native nations successfully initiate and sustain economic, social, and community development, catalog the methods and policies by which Indigenous leaders can continue to improve their tribes' capabilities for self-determination and self-governance, provide practical policy analysis to arm Indigenous decision makers with knowledge and tools for nation building, and educate various publics about the issues affecting Native nations. Notable outcomes of NNI's policy analysis and research efforts include Creating Private Sector Economies in Native America: Sustainable Development through Entrepreneurship, Access to Capital and Credit in Native Communities, and Rebuilding Native Nations.
- **Assessment tools** such the Governance Analysis for Native Nations, which assists Indigenous nations with identifying and assessing governance challenges, goals, planning, and actions, and the Strategic Analysis for Native Nations and Project Selection Filter, an analytical tool for use by Native nations, Native-owned or -operated corporations and companies, Native American entrepreneurs, and other Native entities seeking to promote economic development in Native communities.
- **Tribal and Direct Services** program offering seminars designed to equip tribal leaders and community members with the nation building knowledge necessary to address contemporary needs and lay the foundation for sustained development. Seminars include Native Nation Building Approach general seminars, Remaking Tribal Constitutions designed to assist tribes in assessing their current systems of governance and strengthening their constitutions, and Emerging Leaders focused on understanding the governmental scope, powers and authorities of Native nations, strategies to strengthen Native nations governance, the impact of key Federal Indian laws, and the fiduciary responsibilities of leaders.
- **Facilitation of tribal priorities**, including those focused on economic sufficiency. NNI's direct services to Native governments, organizations, and communities support discussions on making tribal governments and organizations more efficient and effective through critical functions such as finance, executive management, and constitutions, codes, policies, and procedures. NNI regularly facilitates Native leaders in the drafting of action plans for their implementation of priorities, monitoring and accountability.
- **Rebuilding Native Nations** online courses that offer a self-paced professional development-focused curriculum along with group learning activities for classroom and community settings. Courses specific to economic and business development include Tribal Enterprises and Citizen Entrepreneurship.
- **Teaching courses** via NNI's January in Tucson program, which is offered in collaboration with The University of Arizona's Indigenous Peoples Law and Policy program. Courses can be taken for continuing education credit or applied toward a graduate certificate or degree in Indigenous governance; recent offerings have included Native Economic Development, Creating Indigenous Entrepreneurs, and Business Ethics and Indigenous Values.

- **Workshops for Native high school youth** to introduce them to entrepreneurship. Anecdotal reports from former students and their parents indicate that the program was instrumental in decisions to complete high school, pursue business degrees, enhance their micro-businesses, and undertake work for Native nations governments and industries in various capacities.
- **Multimedia resources**, such as policy briefs, scholarly publications, interviews, and seminar videos, made available at no cost through NNI's Indigenous Governance Database and Constitutions Resource Center.

In addition, NNI has engaged in numerous direct educational services to contribute to the economic development of Native nations, such as with the Ysleta del Sur Pueblo (Texas), Osage Nation (Oklahoma), and Yavapai Apache Nation (Arizona). We would be happy to provide the committee with additional information related to NNI's work.

Questions Submitted by Representative Grijalva

Question 1. Mr. Rose, in your written testimony, you state that the John S. McCain III National Center for Environmental Conflict Resolution, "has been involved in over 800 cases, consultations, and training programs since 1999. In a typical year, the National Center assists about 30 other Federal agencies in the resolution of environmental issues, conflicts, and disputes." You also stated at the hearing you are retained for the services provided by the National Center.

1a) Can you provide the committee with a full list of retainees?

Answer. The Udall Foundation's enabling legislation states that Federal agencies, "may use the Foundation and the National Center to provide assessment, mediation, collaboration, or other related services in connection with a dispute or conflict related to the environment, public lands, or natural resources, or with a Federal, State, or tribal process or procedure that may result in a dispute or conflict." In addition, "[n]on-Federal entities, including state and local governments, Native American tribal governments, and nongovernmental organizations and persons . . . may use the Foundation and the National Center to provide assessment, mediation, or other related services in connection with a dispute or conflict involving the Federal Government related to the environment, public lands, or natural resources."

The Udall Foundation has determined that the National Center should be responsive to such requests to the greatest extent practicable. The below list of agencies or organizations have retained the National Center's services since 2011, when the Udall Foundation created its current electronic project management system. The National Center has worked with many of the listed retainees on more than one occasion.

Federal Agencies

Advisory Council on Historic Preservation
 Bureau of Land Management (BLM)
 BLM Alaska State Office
 BLM Arizona State Office
 BLM Colorado State Office
 BLM Denver Federal Center
 BLM Idaho State Office
 BLM Oregon State Office
 BLM Washington Office
 Bonneville Power Administration
 Bureau of Indian Affairs
 Bureau of Justice Assistance
 Bureau of Ocean Energy Management
 Bureau of Reclamation
 Council on Environmental Quality
 Department of Defense
 Department of Energy
 Department of Health & Human Services
 Department of the Interior
 Department of the Interior Office of Hearing and Appeals
 Department of Justice
 Department of Transportation
 Federal Aviation Administration
 Federal Emergency Management Agency
 Federal Energy Regulatory Commission

Federal Highway Administration
 Federal Highway Administration—Maryland Division
 Federal Highway Administration—Texas Division
 Federal Permitting Improvement Steering Council
 Marine Mammal Commission
 National Marine Fisheries Service
 National Oceanic and Atmospheric Administration (NOAA)
 National Park Service
 NOAA National Marine Fisheries Service
 Nuclear Regulatory Commission
 Occupational Safety and Health Administration
 Office of Surface Mining
 U.S. Air Force
 U.S. Army Corps of Engineers
 U.S. Department of Housing and Urban Development
 U.S. Department of Justice
 U.S. Department of the Interior
 U.S. Environmental Protection Agency
 U.S. Fish & Wildlife Service
 U.S. Geological Survey
 U.S. Marine Corps
 U.S. Navy
 U.S. Army Environmental Command
 U.S. Department of Transportation
 USDA Forest Service
 USDA Natural Resources Conservation Services
 USDA Office of Ecosystem Services
 Western Area Power Administration

State Agencies

Arizona Game and Fish Department
 California Department of Toxics Substances Control
 California Department of Transportation
 California Department of Toxic Substances Control
 Ohio Department of Transportation
 State of New Mexico
 Texas Department of Transportation

Ms. HAGEMAN. Well, and thank you. We look forward to further questioning and answers.

The Chair now recognizes Ms. Sharon Vogel for 5 minutes.

**STATEMENT OF SHARON VOGEL, EXECUTIVE DIRECTOR,
CHEYENNE RIVER HOUSING AUTHORITY, EAGLE BUTTE,
SOUTH DAKOTA**

Ms. VOGEL. Madam Chair, Ranking Member Leger Fernández, and members of the Subcommittee, my name is Sharon Vogel. I am the Executive Director of the Cheyenne River Housing Authority in Eagle Butte, South Dakota. I am here today in my capacity as the chair of the South Dakota Native Homeownership Coalition, which is a membership organization with the mission to increase homeownership opportunities for South Dakota's Native people.

We are a diverse group of public and private institutions, including tribal, state, and Federal agencies, non-profit organizations, lenders, and community development financial institutions. We appreciate the opportunity to express our strong support for H.R. 3579. I would like to thank Representative Dusty Johnson and Senator John Thune, from my home state of South Dakota, for their leadership. This bill and the Senate companion bill, S-70, will

streamline the Bureau of Indian Affairs mortgage-related processes.

Native Americans living in tribal areas experience some of the greatest housing needs in the country. This is why offering opportunities to families who qualify for mortgage financing to build or purchase their home is so important. At Cheyenne River, we are able to leverage our Indian Housing Block Grant funds by providing downpayment assistance to our families to make homeownership more affordable for them. Overall, we applaud H.R. 3579 for prioritizing the mortgage processes within the BIA and setting a tone of accountability.

The following provisions have the potential to offer great solutions:

(1) the bill establishes timelines for reviewing and processing guidelines for leasehold mortgages, right-of-way documents, land mortgages, title status reports, and mandates on annual report to Congress about the volume of mortgage package documents and whether the applicable time frames were met. We appreciate the inclusion of this congressional oversight.

(2) we strongly support the provision that requires BIA to give tribes and Federal agencies read only access to Trust Asset and Accounting Management System, or TAAMS, terminals.

(3) we are pleased to see the requirement for the first certified TSR to be issued within 14 days. Off reservation county assessor records allow one to see title records within minutes, and title policies are issued by title companies for underwriting purposes, usually within 2 to 4 weeks. Receiving comparable documents from the BIA has varied widely by BIA region from 30 days to 365 days or more. This is unacceptable.

(4) we strongly support the bill's mandate for a GAO study about the needs and cost for the digitalization of mortgage-related documents and urge Congress to appropriate the funds necessary to implement the findings of the GAO study as quickly as possible. We also encourage BIA to expand their practice of allowing documents to be submitted electronically through a secured portal, including for uploading and transmitting any mortgage-related documents, residential leases, and TSR requests.

(5) we strongly support the establishment of a realty ombudsman to ensure compliance with time frames and to receive inquiries from tribal citizens, tribes, lenders, and tribal and Federal agencies. We would like to see the ombudsman have the authority to utilize automatic waivers and assumed approval if timelines for reviewing mortgage packages are not being met.

(6) due in part to the duty to serve regulations, the Government Sponsored Enterprise, or GSEs, Fannie Mae and Freddie Mac, are expanding their conventional loan offerings on tribal trust land. In addition, in South Dakota last year, nearly 85 percent of the mortgage loans on tribal land were originated by Native CDFIs. Therefore, we recommend that H.R. 3579 explicitly include the GSEs and Native CDFIs as eligible recipients of services offered to other lenders and Federal agencies in the bill.

Finally, (7) we recommend that the legislation create a mortgage advisory committee, which would include private lenders, Native CDFIs, tribes, TBHEs, Federal agencies, and GSEs to work with

the BIA to identify additional innovative solutions to streamline the mortgage processes in Indian Country.

Thank you once again for the opportunity to testify. We look forward to working with you to provide homeownership opportunities for Native people wherever they may reside. Thank you.

[The prepared statement of Ms. Vogel follows:]

PREPARED STATEMENT OF SHARON VOGEL, BOARD CHAIR, SOUTH DAKOTA NATIVE
HOMEOWNERSHIP COALITION

ON H.R. 3579

Introduction

Madame Chair, Ranking Member Leger Fernandez, and members of the Subcommittee on Indian and Insular Affairs, my name is Sharon Vogel. I am the executive director of the Cheyenne River Housing Authority in Eagle Butte, SD on the Cheyenne River Sioux Reservation. I am here today in my capacity as the Chair of the Board of Directors of the South Dakota Native Homeownership Coalition.

I am also the Chair of the United Native American Housing Association (UNAHA), with 33 member tribally designated housing entities (TDHEs) from the states of North and South Dakota, Nebraska, Montana, Utah, Wyoming, and Colorado. In addition, I am serving my first term on the Board of Directors of the National Low Income Housing Coalition (NLIHC) and continue my service as a Board Member of the National American Indian Housing Council (NAIHC).

Started in 2013, the South Dakota Native Homeownership Coalition is a membership organization with a mission to increase homeownership opportunities for South Dakota's Native people to build strong and healthy communities. We're a diverse group of public agencies and private institutions. Our stakeholders include approximately 75 representatives of South Dakota's tribes, federal and state agencies, TDHEs, nonprofit organizations, housing developers, residential construction professionals, lenders, and community development financial institutions (CDFIs).

We appreciate the opportunity to express our strong support for H.R. 3579, the Tribal Trust Land Homeownership Act of 2023. Before I begin, I would like to thank Representative Dusty Johnson and Senator John Thune from my home state of South Dakota for their leadership on H.R. 3579 and the Senate companion bill S. 70 to streamline the Bureau of Indian Affairs' (BIA's) mortgage-related processes in order to promote homeownership opportunities for Native people living on tribal land. We are so appreciative that they both recognize that a strong housing development strategy in Indian Country must include homeownership as a component.

Background

Native Americans living in tribal areas and remote Alaskan villages experience some of the greatest housing needs in the country, with high poverty rates, low incomes, overcrowding, lack of plumbing and heat, and unique development issues. Overcrowding of available housing stresses both the occupants and the structures themselves. Homes on the Cheyenne River Reservation require much more maintenance than the average wear-and-tear to remain safe and livable. This is not for lack of property management; it is because there are not enough homes to go around.

A three-bedroom house is designed for a family of five or six, but often because of overcrowding these units are occupied by three or more families—sometimes as many as 15 individuals sharing the house. This is why offering opportunities for families who qualify for mortgage financing to build or purchase their own home is so important in Native communities. At Cheyenne River, we are able to leverage our Indian Housing Block Grant funds by providing downpayment assistance to our families to make homeownership more affordable for them.

Feedback on H.R. 3579

Now, I'd like to talk more specifically about H.R. 3579. We commend the emphasis this bill places on designing new BIA systems and streamlining existing processes in a way that is compatible with private mortgage industry practices. Native people should be able to enter mortgage transactions just as any other citizen in this country. Unfortunately, that is not always the case due to extreme and unjustifiable delays and inconsistencies within the BIA's processes. As our trustee, the BIA has a fiduciary duty to protect tribal land and prevent it from leaving its trust status.

However, this trust responsibility should not impede tribal members' ability to utilize their property rights to achieve their dreams of homeownership.

H.R. 3579 will go a long way to build on the momentum we are seeing across Indian Country to increase the homeownership rates of Native families. Overall, we applaud the legislation for prioritizing the mortgage processes within the BIA and setting a tone of accountability. The following provisions have the potential to offer some great solutions:

Review and Processing Timeframes. The bill establishes timelines for review and processing guidelines for leasehold mortgages, right-of-way documents, land mortgages, and Title Status Reports (TSRs). It also mandates an annual report to Congress about the volume of mortgage package documents and whether the applicable timeframes were met. We appreciate the inclusion of this congressional oversight and hope that it is adequate to ensure compliance with these statutory requirements. To date, the BIA's administrative Mortgage Handbook (52 IAM 4-H) issued in 2019 sets out similar timeframes, which have not been adhered to in many cases.

We recommend that the Congressional oversight committees monitor compliance closely and consider more stringent enforcement mechanisms, as appropriate.

TAAMs Terminals. We strongly support the provision that requires BIA to give tribes and the federal agencies "read only" access to Trust Asset and Accounting Management System (TAAMS) terminals. It is critical for the BIA to take the steps necessary to provide access to TAAMs terminals as expeditiously as possible to ensure that mortgage processes are not unnecessarily stalled, including to tribes who have adopted their own leasing processes under the Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012 (HEARTH Act).

1st Certified Title Status Report. Another key element we are pleased to see is the requirement for the 1st certified TSR to be issued within 14 days. Off reservation, county assessors' records allow one to see title records within minutes, and title policies are issued by title companies for underwriting purposes usually within two to four weeks. Receiving comparable documents from the BIA has varied widely by BIA Region from 30 days to 365 days or more in many cases. Lenders require certified Title Status Reports to document title for underwriting purposes. These reports are submitted to loan underwriters along with the loan application and traditional underwriting information. Requiring a 14-day timeline for obtaining the 1st certified TSR moves the process one step closer to the timing of the industry experiences on fee simple land for home loan transactions.

Shift Toward Digitization. We strongly support the bill's mandate for a GAO study about the need and cost for digitization of mortgage-related documents. The BIA must modernize and enter today's world of technology so that it can provide the appropriate level of service necessary to support homeownership transactions for Native families. We urge Congress to appropriate the funds necessary to implement the findings of the GAO study as quickly as possible. We also encourage BIA to expand their practice of allowing documents to be submitted electronically through a secure portal, including for uploading and transmitting any mortgage-related documents, residential leases, and TSR requests.

Realty Ombudsman. Often, homebuyers on trust land feel like their mortgage packages fall into a "black hole" somewhere within the depths of the BIA. Therefore, we strongly support the establishment of a Realty Ombudsman to ensure compliance with timeframes and to receive inquiries from tribal citizens, tribes, lenders, and tribal and federal agencies. It will be important, however, for this position to have the authority to take action where appropriate. For example, we would like to see the Ombudsman have the authority to utilize *automatic waivers* and *assumed approval* if timelines for reviewing mortgage packages are not being met.

Recommendations

The South Dakota Native Homeownership Coalition once again commends Representative Johnson for introducing H.R. 3579, and we would like to offer two additional suggestions.

1. **Include Government Sponsored Enterprises (GSEs) and Native CDFI Lenders.** Due in part to the Duty to Serve regulations, the GSEs—Fannie Mae and Freddie Mac—are expanding their conventional loan offerings on tribal trust land. Specifically, Fannie Mae offers its Native American Conventional Lending Initiative, and Freddie Mac recently announce its new HeritageOne mortgage program for Native borrowers living in tribal areas. In

addition, in South Dakota last year, nearly 85% of the mortgage loans on tribal land were originated by Native CDFIs. These local lenders are certified by the U.S. Department of the Treasury and are critical players in the mortgage lending industry on tribal land.

Therefore, we recommend that H.R. 3579 explicitly include the GSEs and Native CDFIs as eligible recipients of:

- TSR reports in Section 3(c),
 - Read-only access to the Trust Asset and Accounting Management System (TAAMS) in Section 3(d), and
 - services from the proposed “Realty Ombudsman” in Section 4(b).
2. **Create BIA Mortgage Advisory Committee.** We recommend that the legislation create a Mortgage Advisory Committee which includes private lenders, Native CDFIs, tribes, TDHEs, federal agencies, and the GSEs (Fannie Mae and Freddie Mac) to work with the Bureau of Indian Affairs to identify additional innovative solutions to streamline the mortgage processes in Indian Country. The Committee could also make recommendations about potential improvements to bring BIA systems into the 21st century with the technology needed to support residential mortgage transactions.

Thank you once again for the opportunity to testify. We look forward to continuing to work with our South Dakota delegation, this Subcommittee, and all of Congress to improve homeownership opportunities for Native people wherever they may reside.

I would be happy to answer any questions you may have.

QUESTIONS SUBMITTED FOR THE RECORD TO SHARON VOGEL, BOARD CHAIR, SOUTH DAKOTA NATIVE HOMEOWNERSHIP COALITION

Questions Submitted by Representative Westerman

Question 1. The Bureau of Indian Affairs published their Mortgage Handbook on their website, detailing a step-by-step timeframe for processing mortgages. However, tribal members have stated often that these guidelines are not met.

1a) During which specific steps in the process have you seen the longest wait times and, in your professional opinion, why are these steps stalled?

Answer. We have seen delays occur during every step of the process including residential lease approvals, mortgage encumbrance approvals, and the issuance of initial and certified Title Status Reports (TSRs). The BIA is not following the timelines published in the Mortgage Handbook. BIA has never been transparent or accountable with these review processes, and there are often unexplained gaps in timing. One national lender partner shared that lease approvals can take anywhere from three months to five years. One tribe requested a meeting with its BIA Agency Office to see what the tribe could do to expedite the steps in the process. They found 25 mortgage-related documents stalled on the desk of the BIA Agency Superintendent.

Reasons for delays in these steps of the process include:

- Most BIA offices do not accept electronic copies so there are delays as packages are mailed within BIA offices from the Agency Office to the Regional Office and back to the Agency office and eventually back to the requester.
- Most BIA offices have inadequate staffing levels and capacity to support mortgage-related transactions.
- BIA does not provide adequate training for staff involved with mortgage-related transactions. They don't understand the time sensitivity involved with mortgage-related transactions. Borrowers could be impacted by rising interest rates due to delays or may have to resubmit their loan application materials if the loans take too long to process.
- Many leases are rejected by the BIA because the legal descriptions are not accurate. Increased read-only access to the TAAMS for tribes and lenders may help to mitigate this problem.

1b) Where should the BIA focus their efforts to improve the mortgage process and ensure mortgages are processed in a timelier manner?

Answer. The BIA should focus their efforts on improving the entire process, streamlining reviews between the Agency Offices, Regional Offices, and Land Title Records Offices (LTROs). Generally, this process should be electronic and should eliminate unnecessary stops in the review process. For example, BIA should not require requests for TSRs to be routed through Agency Offices. Similarly, LTROs should be able to send TSRs directly to the requester instead of sending them through the Agency Office. One lender received a certified TSR in July 2023 with a certification stamp dated March 2023. That means it took four months for the requester to get the certified TSR because it had to go through the Agency Office from the LTRO instead of directly to the requester.

More specifically, the BIA should focus its efforts on improving the issuance of certified TSRs. This delay has significant implications for the lenders. To perfect a mortgage loan, the lender must receive a certified TSR from the BIA. If the loan is not perfected within 12 months of closing, the secondary market investor requires the lender to indemnify the loans. If the delay exceeds 36 months, the lender will have to repurchase the loans. One of our lending partners is still waiting for certified TSRs for 33 loan files closed back in 2022. This delayed process definitely has a chilling effect on future lending opportunities on tribal land.

Another area of focus should be on the front end of the lending process when the homebuyer requests information from the BIA including approved lease documents and initial TSRs. The BIA Mortgage Handbook does not even cover this stage in the process which can be very frustrating for tribal members who may have to wait years before they can apply for a mortgage loan. If they were off reservation, they could close their mortgage loan in days or weeks rather than years.

Question 2. During the 116th Congress, members of the Fort Belknap Indian Community testified in front of the U.S. Senate Committee on Indian Affairs that it took over a year to obtain a certified Title State Report. Yet at the same hearing, the BIA stated that TSRs are processed in a timely manner.

2a) In relation to TSRs, what is the average timeframe you have seen recently?

Answer. The timeframe to receive both original TSRs at the beginning of the loan process and subsequent certified TSRs after the loan is closed and recorded is anywhere from six to 18 months and in some cases up to two years. Part of the challenge is that there is no consistency across the country. One Regional Offices may be faster than others, but this changes frequently due to staff turnover.

2b) What solutions would you like the BIA to implement in order to decrease the timeframe that TSRs are received?

Answer. We recommend that the BIA create a flow chart for each type of document required for a specific BIA transaction. This flow chart should be provided to any entity submitting a request. The flow chart would include each desk required to receive the document, required action (review, signatures), allowed time for each desk, and an estimate of total time for approval for each type of document. Existing Title Status Reports should be nearly immediate, while certified TSRs and final recording might have more steps. The exercise of creating the flow chart should require the BIA to determine if any of the approvals can be delegated to local BIA staff.

We recommend that the BIA take the following additional actions:

- Create a senior position within the BIA Central Office to oversee all mortgage related transactions nationwide and designate a mortgage specialist position in every region with knowledge of the mortgage lending process.
- Provide adequate training and capacity building for staff at all levels. Tie staff performance reviews to adhering to review deadlines with penalties for non-compliance.
- Digitize the process so that mortgage related paper documents are not sitting on someone's desk. Expand and improve the use of electronic portals for submission of documents.
- Give tribes, tribally designated housing entities (TDHEs), lenders, and government sponsored enterprises (GSEs) read-alone access to the land records in TAAMs.
- Explore collaborating with the National American Indian Housing Council to provide HUD-funded training and technical assistance on the local level to

tribes and TDHEs about the leasing and mortgage lending processes and include BIA staff in the training.

- Create an Ombudsman, as proposed by H.R. 3579, to provide accountability and assist tribes, TDHES, tribal members, lenders, and federal agencies to track down and expedite mortgage related documents. Give the Ombudsman the authority to issue “assumed approval” if deadlines aren’t met.

2c) How do you see H.R. 3579 helping to alleviate the problems?

Answer. H.R. 3579 establishes a level of accountability that the BIA has not had during the 25-year history of mortgage lending on Tribal Trust and Restricted Lands. As the title company for Indian Country, the BIA has a responsibility to all Native Americans who aspire for the American dream of homeownership to meet industry standards for providing accurate title information. H.R. 3579 codifies timeframes that the lending industry can rely on which creates an environment of predictability and encourages the flow of mortgage capital. Our best estimate for FY2022 is that there was less than one mortgage loan per Federally Recognized Tribe from all Federal Agencies and GSEs.

We also acknowledge that to accomplish this predictable environment that some additional investments may be required in technology, human resources, and training through adequate levels of congressional appropriation.

Question 3. H.R. 3579 would create a specialized position at the BIA to facilitate communication between the BIA, tribes, tribal members, lenders, and federal agencies who operate tribal housing programs.

3a) Can you further elaborate on the necessity of this proposed position?

Answer. The proposed Ombudsman position would provide a dedicated staff person within the BIA to assist lenders and borrowers to locate missing and delayed mortgage packages. The Ombudsman would have the authority to escalate the requests to provide a level of accountability. There are supposed to be mortgage contacts in every BIA region, but this structure has not been fully implemented due to understaffing and suffers from high turnover and a lack of understanding about the mortgage process. Having an Ombudsman would provide lenders and borrowers with a central place to go to get help. In addition, this position could also help to identify causes for delays and propose solutions and consistency across every region.

3b) Could you provide examples of past situations in which this position would have facilitated the mortgage process in a timelier manner?

Answer. Mortgage packages are lost all the time within the BIA, especially since they are most often paper submissions. In one case, a mortgage package was sitting on the desk of an agency office staff person from March until July, when the person finally opened their mail from the area office.

Another example occurred when a tribal member wanted to take a parcel of land out of trust to be able to transfer it to her grandson who was not enrolled. The process went on for two years with no results. Sadly, the tribal member passed away before the transfer occurred and the land is now up in probate. Another tribal member waited over two years for a BIA area office to approve a land transfer to a family member. If these transactions were off reservation, they could have happened in a few weeks.

An Ombudsman within the BIA certainly would have been able to help in each of these situations.

Thank you once again for the opportunity to respond to follow-up questions from the July 12 hearing. We look forward to continuing to support your efforts to see this legislation through to enactment in order to assist Native homebuyers with achieving their dream of homeownership no matter where they live, including on tribal land.

Ms. HAGEMAN. Thank you, Ms. Vogel.

The Chair now recognizes Council Member James Rideout for 5 minutes.

**STATEMENT OF THE HON. JAMES RIDEOUT, TRIBAL COUNCIL
MEMBER, PUYALLUP TRIBE OF INDIANS, TACOMA,
WASHINGTON**

Mr. RIDEOUT. [Speaking Native language.] Good afternoon. I am Councilman James Rideout. I bring to you the greetings of our Chairman, Bill Sterud, and our Vice Chairwoman, Sylvia Miller, who could not be with us today. But I want to acknowledge my fellow Council Members, Council Member Fred Dillon and Council Member Annette Bryant who are here today.

I would like to thank Chairwoman Hageman and Ranking Member Fernández for the opportunity to present this testimony. I also want to thank Chairman Westerman for visiting the Puyallup Tribe last year, for seeing firsthand our territory and the land that is the issue with this legislation. I would like to thank Congressman Kilmer for the support of the Puyallup Tribe, and H.R. 929 specifically. Finally, I would like to thank Congressman Strickland for being an original co-sponsor of this legislation.

The Puyallup Tribe is a signatory to the Treaty of Medicine Creek. Under this treaty, the Tribe reserved a 20,000-acre reservation, which was a permanent homeland for my tribe. However, in ink barely dried, the treaty and the efforts undertaken to take the Tribe's lands over the next 50 years after the treaty, most of the lands within the reservation were taken.

But in 1983, the Tribe's title to the bed of the Puyallup River, including lands within the Port of Tacoma, was confirmed by the Federal court. This decision gave to the rise of the historic Puyallup Settlement Agreement, which was enacted by Congress in the Settlement Act and restored to the Tribe nearly 1,000 acres of land, including lands within the Port of Tacoma.

And today, while the Puyallup Reservation consists of approximately 28 square miles, 1,200 acres are now held in trust. Our efforts to restore our homeland to the trust is complicated by the fact that the city of Tacoma was the location of major industrial activity. Thus, most of the Tribe's territory is contaminated by legacy pollution, which means while the land is now cleaned up to the Federal, tribal, and state standards, some measures of contaminants can still be detected.

When our land was taken from us, it was clean, and it breaks our elders' hearts that the land had any contamination on it. H.R. 929 will restore the Tribe's place along Commencement Bay and will expand the Tribe's presence along the Blair Waterway, which we have the support of the city of Tacoma, Pierce County, and Port of Tacoma, and the state of Washington.

Our plans for these lands are exciting. The property along Blair Waterway will fulfill the promise of the Puyallup Land Claims Settlement Act, which recognized the Tribe's right to engage in foreign trade. This land is adjacent to our existing Settlement Act trust land, which is designated as a Foreign Trade Zone. By adding this land into the port, the Tribe will be well-positioned to develop a 21st century shipping terminal and become the first international travel trade center in modern times.

The property along the Commencement Bay will be the first Puyallup Tribe Trust land along the sacred waters in more than 100 years. On this property, we are planning for an Indigenous

food-inspired restaurant, which will introduce the food of my people to the people from around the world. Celebrated chef Roy Yamaguchi is a partner in this venture.

We will have an inaugural flight for our newly designated sea plane terminal this summer, a first for Indian Country. We are so excited about the opportunities, but it is the restoration of the lands to the tribal trust status that means the most to us. We have lost so much in our land; it is the Tribal Council's goal to restore as much as we can in our lifetime. By doing this, we are fulfilling the hopes and the dreams of our ancestors. When we signed the treaty, that reserved these lands and our permanent homelands.

Thank you, and I will be open for questions.

[The prepared statement of the Puyallup Tribe follows:]

PREPARED STATEMENT OF SYLVIA MILLER, VICE-CHAIRWOMAN,
PUYALLUP TRIBE OF INDIANS

ON H.R. 929

Good afternoon, my name is Sylvia Miller. I am the Vice-Chairwoman of the Puyallup Tribe of Indians. I would like to thank Chairwoman Hageman and Ranking Member Leger Fernandez for the opportunity to present this testimony on H.R. 929. I would also like to thank Congressman Kilmer and Congresswoman Strickland for their support of this bill and the Tribe.

The Puyallup Tribe is a federally recognized Tribe located in Pierce County, Washington along the shores of Commencement Bay, a large inlet of the Puget Sound. The Tribe is a signatory to the Treaty of Medicine Creek, Dec. 26, 1854, 10 Stat. 1132. Under this Treaty, the Tribe reserved the lands for its Reservation, which was established by two subsequent Executive Orders. Exec. Order Jan. 20, 1857; and Exec. Order Sept. 6, 1873. Pursuant to the Treaty, the Puyallup Tribe secured its approximately 20,000-acre Reservation as a permanent homeland for our Tribe. However, the ink had barely dried on the Treaty and the Executive Orders when concerted efforts were undertaken to take the Tribe's lands. Over the next fifty years after the Treaty, most of the land within our Reservation was taken as a result of spurious Acts of Congress, illegal sales of reservation land, and outright theft. See H.R. Rep. No. 101-57, at 3 (1989).

Despite these land takings, in 1983, the Tribe's title to the bed of the Puyallup River and adjacent exposed lands, including lands within the Port of Tacoma, was confirmed by the federal court. *Puyallup Tribe v. Port of Tacoma*, 717 F.2d 1251 (9th Cir. 1983). This decision gave rise to a historic Settlement Agreement between 12 parties including the Tribe, the City of Tacoma, the Port of Tacoma, the State of Washington, and the Federal Government, which was enacted by Congress. Puyallup Tribe of Indians Settlement Act of 1989, Pub. L. 101-41 (1989). The Settlement Act restored to the Tribe nearly 1,000 acres of land, including lands within the Port of Tacoma. Today, the Puyallup Reservation consists of approximately 28 square miles in Pierce County, Washington, and includes parts of six cities including the cities of Tacoma, Fife, and Puyallup. Unfortunately, only 6% or 1,200 acres of the Tribe's Reservation land is held in federal trust by the United States for the Tribe and its nearly 6,000 members.

Thus, the recent history of the Puyallup Tribe is largely a history of a people struggling to overcome the adverse effects of losing most of our lands. Having suffered for generations from the loss of lands caused by the federal government, the Tribe's top priority is restoring our homelands, in particular land that is along Commencement Bay and the Blair Waterway.

Our efforts to restore our homeland to trust is complicated by the City of Tacoma being the location of multiple kinds of industrial activities, including timber mills and a copper smelter, that took place throughout the 19th and 20th century. Thus, most of the Tribe's territory is contaminated by legacy pollution, so while the land is now cleaned up to Tribal, Federal and State standards, there remains some measure of the contaminants that can still be detected. I would like to include for the record of this hearing a letter on this issue from Assistant Secretary Newland to Chairman Sterud. This remnant of legacy pollution is one reason this legislation is needed as it will let us begin to heal the wounds of the 19th century and have our land fully protected by trust status.

H.R. 929 concerns approximately 17.2 acres of land that will restore the Tribe's place along Commencement Bay and expand the Tribe's presence along the Blair Waterway. The Tribe's acquisition of these lands was historic. But restoring these lands to federally protected trust status will be monumental. It will help correct some of the many wrongs that the United States inflicted on the Puyallup Tribe. This legislation is supported by the City of Tacoma, the Port of Tacoma, Pierce County, and the State of Washington. The Tribe has built relationships with these stakeholders. I would like to include these letters in the record of this hearing.

Our plans for these lands are exciting. The property along the Blair Waterway is a critical component of fulfilling the promise of the Puyallup Land Settlement, which recognized the Tribe's right to engage in foreign trade. These lands are adjacent to our existing Settlement Act trust land which is designated a Foreign Trade Zone. By adding these lands in the Port, the Tribe is well positioned to develop a 21st century shipping terminal that will help address the backlog facing our Nation's ports. Placing this land into trust will make this land the first international tribal trade center in modern times. We want to thank Chairman Westerman for visiting the site last summer. We look forward to welcoming anyone else who wants to visit and hear about our exciting economic development plans.

The property along Commencement Bay will be the first Puyallup Trust land along these sacred waters in more than 100 years. On this property we are planning a first of its kind Northwest Indigenous/internationally inspired restaurant, which will introduce the food of my people to people from around the world. Celebrated Chef Roy Yamaguchi is our partner in this exciting venture. We are also proud to be working with key stakeholders, including Kenmore Air, to bring a seaplane terminal to our lands. This will be the first seaplane terminal in the south Puget Sound. This terminal will further open the beautiful Puget Sound to visitors from around the country and around the world. We will take our inaugural flights from this terminal this summer.

We are so excited about these opportunities, but it is the restoration of these lands to Tribal trust status that means the most to us. We lost so much of our land. It is the Tribal Council's primary goal to restore as much as we can in our lifetime. By doing this, we are fulfilling the hopes of our ancestors when they signed the Treaty that reserved these lands as our permanent homelands.

I again want to thank the Committee for your tireless work on behalf of the Puyallup Tribe and all of Indian Country. I am happy to answer any questions that you might have.

QUESTIONS SUBMITTED FOR THE RECORD TO JAMES RIDEOUT,
COUNCILMEMBER, PUYALLUP TRIBE OF INDIANS

Questions Submitted by Representative Westerman

Question 1. In your written testimony, you noted that the H.R. 929 enjoys the support of the City of Tacoma, the Port of Tacoma, Pierce County, and the State of Washington. Are you aware of any opposition to the H.R. 929 legislation, and if so from who?

Answer. I am not aware of any opposition to the legislation and am grateful by the amount of support from our neighboring jurisdictions and each of the elected officials that have written on our behalf and offered positive encouragement in our efforts.

Question 2. The legacy environmental contamination on the land of the Puyallup Tribe is seeking to place into trust has complicated the process and lengthened the timeline for these acres to be placed into trust. Could you please elaborate further on the impact and challenges your tribe has faced by seeking to put land that has legacy environmental contamination into trust?

Answer. These are extremely important issues that get at the heart of the matter and I appreciate your asking and willingness to address each of these in part below.

2a) How has that affected the trust process for the tribe in regards to timeline and finances?

Answer. Legacy contamination is an issue for a majority of our properties. It is a normal part of our practice to clean the lands we acquire back, but as you can imagine this does have a significant impact on both our timelines and finances. Each of our property acquisitions go through a lengthy and arduous process to

determine all risks associated with purchasing the property. Additionally, we have to assess how much it will cost to clean the property to our standards, which often-times exceed other governmental standards. It is during this process that we decide whether to pursue placing the land into trust, the major factor in this decision is if the property could pass the environmental testing.

Due to our location, as an urban tribe in the heart of an industrial boom, our homelands are riddled with legacy contamination caused by other parties. Despite our best efforts to clean the properties, this naturally limits our ability to buy back our land as it is not only costly to acquire, but also to clean the property as well. Timelines are also impacted as shown with the property in question: the original fee-to-trust application was started in 2015. After the legacy contamination issues were raised, the BIA staff sought feedback from the Tribe, but ultimately informed us their hands were tied as there was not a process in place to resolve this issue.

2b) What would you recommend Congress do to assist in remedying these issues?

Answer. We humbly ask that you approve H.R. 929 and encourage others to support it to remedy the immediate issue. However, that does not fix the larger issues. As I have testified, the current federal regulations do not allow for a process for the BIA to take land into trust. This hinders our ability to acquire our homelands and adds a burden that the bad actors/polluters do not have to meet. While we have shown with our track record, we are proud stewards of the land and will go to great lengths to clean the lands, we would recommend:

- A process be adopted for the BIA to take the issues defined above into consideration and approve for lands to be brought into trust status.
- Since each Tribe is unique, we recommend allowing flexibility in the process for the BIA and Tribes to find a pathway forward to allow for land to be taken into trust.
- The process involve maintaining current environmental reports detailing the cleanup efforts and the contaminants on the site.

Thank you for your consideration in this sensitive matter.

Ms. HAGEMAN. All right. The Chair now recognizes Mr. Ciscomani for 5 minutes for his statement to discuss your bill. Thank you so much for being here.

STATEMENT OF THE HON. JUAN CISCOMANI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. CISCOMANI. Thank you so much, Madam Chair, and thank you all for allowing me to speak real quick.

Congressman, good to see you, my fellow Congressman from Arizona. We share a city, share a region in southern Arizona. Good to see you, sir.

And also thank you to all the Subcommittee members for allowing me to speak and participate today, and thank you to the witnesses for taking the time to speak on each of these bills as well.

I am here in support of my bill, H.R. 2882, the Udall Foundation Reauthorization Act of 2023. This bill provides a clean reauthorization to the Udall Foundation for the next 5 fiscal years. Since 1992, the Udall Foundation has continued the lasting legacy in mission of former Representatives Moe and Stewart Udall. Through their advocacy, they made a meaningful impact in conserving our natural lands and empowering the next generation of Native American leaders.

The Foundation, which is headquartered in my hometown of Tucson, is doing incredible work. From their undergraduate scholarships, which has awarded over \$9 million, almost \$10 million to over 1,800 scholars, to their congressional internship and

fellowship programs, they are helping to prepare our next generation of success and leadership. And with the John McCain III National Center for Environmental Conflict Resolution, they help improve collaboration and resolve environmental, public lands, and natural resource issues, conflicts, and disputes.

These programs and resources are vital to our tribal and Native communities. That is why I am proud to sponsor legislation to continue the life-changing work of the Udall Foundation. Our partners in the Senate have passed this legislation unanimously, and I am committed to getting ours across the finish line. I am proud of the bill's bipartisanship, having introduced this bill with Representative Stansbury, who herself is a Udall Foundation alumni.

Thank you so much for the time, Madam Chair, and I yield back.

Ms. HAGEMAN. Thank you. I want to thank the witnesses for their testimony. The Chair will now recognize Members for 5 minutes for questioning, beginning with myself.

My first question is for Ms. Heather Dawn Thompson. Beginning with H.R. 929, my understanding is that the BIA's fee to trust acquisition process prohibits the agency from acquiring land into trust that is environmentally contaminated without first having full remediation. If Congress were not to pass H.R. 929, what steps would the Tribe need to take to make the land eligible to be taken into trust through BIA's regulatory process?

Ms. THOMPSON. Thank you for the question, Madam Chair. If you were not to pass, the Tribe would be required to mediate, and thus far, the estimates go as high as \$10 million. So, it is quite cost prohibitive. We run into this situation very frequently, as you can imagine, with tribes that do want to put land into trust because of that regulatory requirement. And we certainly welcome a TA request for a conversation for a path forward beyond the Puyallup Tribe.

Ms. HAGEMAN. Well, I sure like the idea of the economic development that you have described, Mr. Rideout, and the projects that you are proposing. The idea of another deep-water port, and the other things, the restaurant all sound very exciting. I think it is fantastic. I am a strong advocate for additional economic opportunities for our tribal members and appreciate this particular bill for doing that.

Again, Ms. Thompson, turning to H.R. 3579, your testimony mentions that the BIA's mortgage handbook lays out clear timelines for the mortgage review process and that this bill would essentially codify the current timelines. Does BIA meet all of those timelines for all mortgage applications at this time?

Ms. THOMPSON. Madam Chair, we do not meet all of the timelines at this time, but we have dramatically improved them. And we certainly welcome the challenge to have it codified.

Ms. HAGEMAN. Do you have any information you can share with the Committee about how BIA has or hasn't met the handbook timelines? What are some of the problems?

Ms. THOMPSON. There are probably four general challenges that we meet, Madam Chairwoman. The first one is staffing, which is an appropriation not an authorization issue. But we estimate that we need approximately 80 FTEs in order to provide the customer

service that we would really like to. We are also trying to improve our technology, and we are doing that without the appropriations, but we are doing it nonetheless and providing some portals.

Then there is one that is rather systemic which is challenging, which you are probably aware of in Wyoming, which is the fractionization of land.

Ms. HAGEMAN. Yes.

Ms. THOMPSON. So, unfortunately, it is just not as efficient as in the private sector. And then, finally, probably the last one is that sometimes we get from lenders the lease and the mortgage at the same time, and it just takes a moment to do the lease first and then get caught up with the mortgage.

Ms. HAGEMAN. Well, we definitely encourage the agency to be able to process these in a timely manner. I think that Ms. Vogel made some very good points in her testimony, and we want to encourage the homeownership that provides certainty, stability, and all of those things. So, thank you for your efforts in that regard.

Mr. Rose, in December 2012, the DOI's office of the Inspector General found that the Foundation was not meeting certain Federal requirements in relation to monitoring and assessing spending and creating safeguards against fraud and mistakes. A follow up on it completed by the Governmental Accountability Office found various deficiencies across the Foundation's accountability procedures. How did the Foundation respond to these findings?

Mr. ROSE. The Foundation I think responded in two respects: (1) the Foundation engaged in a concerted effort to overhaul its internal procedures and policies in order to respond to the GAO findings; and (2) the Foundation embraced the audits that were performed by the Department of the Interior Inspector General, and we implemented the findings and corrected some of the recommendations that the IG from Interior made along the way. And, in fact, in the last reauthorization, 2019, there was an audit requirement, and the IG from Interior came out and, during a 1½- to 2-year period, issued a report with no material weaknesses and no major findings.

There were 11 recommendations, primarily process documentation, which we responded to, and the Interior IG determined that we satisfactorily resolved and implemented the recommendations.

Ms. HAGEMAN. We appreciate the efforts of the Foundation to meet the audit concerns and to address those and hope that you can continue to stay in compliance as you need to.

With that, I am out of time. I had some other questions for Ms. Vogel, but perhaps some of the other Members will allow me to do that, but if not, I know they have some good questions, too.

With that, I yield back, and I am going to call on Ms. Leger Fernández for her questioning.

Ms. LEGER FERNÁNDEZ. Thank you so very much. And my apologies for not being here at the beginning of the hearing, but I actually had a markup in another committee and had to be there to vote. But I rushed right over because this is an exciting panel because what it is doing is looking at what do we need in Indian Country to make sure that we provide economic opportunity, that

we grow the middle class in Indian Country, which is needed more than perhaps elsewhere because we have been underserved, under-sourced for too long, so you range from homeownership, which is key if you are going to sort of build wealth and stability, as noted.

So, thank you very much for coming and sharing the experience that you have had with homeownership and things that can be done to make it better, to make it faster, we should not be slowing those down. It is too important. Interest rates can go up or down in the meantime.

You did point out that it would be very useful to have read-only TAAMS access for the CDFIs and for some of the other organizations. The Federal agencies are already covered, but it would be nice to have that.

And I would ask you Ms. Thompson, whether you have any objection to that, because I can see the focus of it, where are the places that, if this is already done, it can be easily accessed to those outside of the Federal agency?

Ms. THOMPSON. Thank you so much for the question. We would like to offer language to narrow it to the land records. No objection to accessing the land records. The challenge is that TAAMS itself is just much bigger, it has a lot of private information. But we welcome the opportunity to provide access to the land records and narrow that language with the Committee.

Ms. LEGER FERNANDEZ. OK, that would be great, and perhaps we can work on that so that we can expedite the mortgages in the future.

I also wanted to ask a bit about the Udall Foundation. And it is great, right. We have all received the benefits. If you live in New Mexico, if you live in Arizona, if you work in Indian Country, you know what the benefits are. And part of the issue is that Native Americans have many barriers to interning in DC. I want to work on maybe creating more opportunities in addition to the Udall Foundation.

But can you tell us why some of those barriers will limit the ability of students to intern here? And then that limits kind of what we might call the pipeline so that we could see our Native Americans working in all of our offices, leading and running for Congress, and doing everything that they might want to do in the future, creating the opportunity. Mr. Rose, can you speak to that?

Mr. ROSE. Sure. Thank you very much for the question. I think there are three points we would like to make in response that. One, is overcoming a barrier through exposure, and even before interns and scholars are eligible for Udall programs, finding ways to expose them to Washington. Our Parks and Focus Program I think is a good way that we work with youth in the area to expose them to our national parks and through curriculum and the like. But I think exposure is one.

Second, is that we try to remove barriers at the Foundation through supporting financially the 10 weeks that they are here so it doesn't cost them anything. And then supporting their transition and experiences in Washington through a full-time aide from the foundation. So, more of those support programs.

And then third, is working with our partners in the Federal Government, from Interior, to CEQ, to Education, and the like, to

really expose the interns and scholars that are here to the benefit of the programs that they have experienced and the opportunities that present to them.

Ms. LEGER FERNÁNDEZ. Thank you.

And, Council Member Rideout, thank you for bringing to our attention the great interesting economic development opportunities. We all are going to want to go see them. But I think this issue of saying you are willing to take on the liability of the properties because you see what the potentials are, and you understand that. Your tribe is completely comfortable with that, knowing exactly what is on that land, is that correct?

Mr. RIDEOUT. Yes, that is correct. It would cost billions to buy back all of our land, and has cost us a significant amount of money to get to this point. And we are truly committed to always cleaning up the land that is there, and we are asking for Congress to put in this Congressional Act.

Keep in mind, it suppresses us from our usual and accustomed area where it primarily would be the Indigenous presence we want it to be. So, as we do this today, it also opens up other opportunities to take and reacquire our aquatic properties and land base back so we can always maintain a food source for our lineage and accustomed to our way of life, and our shellfish and our other species that have been forced out of this area. So, economic diversity gives the opportunity to expand and maintain our cultural foods in our region.

Ms. LEGER FERNÁNDEZ. Thank you very much. My time is expired. I may submit additional questions in writing. Thank you.

Ms. HAGEMAN. Thank you. The Chair now recognizes Mr. LaMalfa for 5 minutes of questions.

Mr. LAMALFA. Thank you, Madam Chair.

I would like to direct my questions on H.R. 2882 to Mr. Rose on some of the aspects of what is being sought in the appropriations. It looks like according to my notes you have it divided into four divisions: Education, Trust Fund, Native Nations Center for Studies and Public Policy, and the Environmental Conflict Resolution Center. And I think that is where it comes in with our experience in my office is that an issue where Udall was brought in on a land issue up in my district.

Essentially, Udall came in and convened several meetings in order to establish I guess a dialogue with some sides on an issue, and it was supposed to head off litigation, which ended up happening anyway and is just now being resolved after 8 years over a simple land issue, over something that was actually being mandated by the Federal Government. So, my office's experience is that one of my staffers attended the first preliminary meeting, which my understanding is there were actually no Udall folks there in order to stand in for a different staffer whose area this was.

The staffer who then tried to attend the meetings on an ongoing basis was told, oh no, you can't come in, we have already established the group, even though Udall wasn't directly involved at the first meeting, because we built a "trust," OK? Even though it was a preliminary meeting where hardly anything happened. So, we couldn't put the staffer in the meeting that we chose to, they had to say, oh, we have to stick with this staffer who was just there

as a substitute. So, that wasn't very productive nor really establishing a dialogue with our office and the people involved, our constituents, trying to get something done.

So, after 2 years of meetings, basically talking about each other's feelings and things like that, no consensus was reached besides basically we are farther apart after than what they started with. And I believe that came out of the purview of the McCain National Center for Conflict. Would that be its type of jurisdiction? Am I reading that right, sir?

Mr. ROSE. I think so, yes. I am not familiar, to be honest with you, with the situation, but yes, that sounds like the jurisdiction of the——

Mr. LAMALFA. Well, what is the success ratio of heading off litigation? I suppose you are looking for resolutions.

Mr. ROSE. Right.

Mr. LAMALFA. What kind of success ratio have you shown for that?

Mr. ROSE. Congressman, I don't have a specific percentage for you, but my——

Mr. LAMALFA. Well, you are asking for \$4 million to continue doing that in that division, correct?

Mr. ROSE. That is correct.

Mr. LAMALFA. OK. So, you can't give us an idea of the success ratio or whatever?

Mr. ROSE. I can give you a general idea. My understanding is that the center reaches resolutions more often than not without litigation. That is certainly the effort that the McCain Center for Environmental Dispute Resolution is engaged in, that is how they are trained, and that is how they work with the constituents that are retaining the Udall Foundation's services in order to achieve a resolution to a particular environmental dispute.

Mr. LAMALFA. Environmental dispute. All right. In our experience, it did not remove anybody in the room. Instead brought a greater angst and litigation for somebody from outside of the area that really has no stake in it, other than they wanted to establish one. And there was at least 2 years of delay caused by everybody, like well, let's see what comes from that. Does that sound like a win to you?

Mr. ROSE. Well, Congressman, what I would like to do, if it is OK with you, is talk with our team at the Udall Foundation and then respond in writing to your question. Because I don't think that I can fairly respond to the situation that you are describing, including the role of the Udall Foundation without that kind of information. But I do consider it an obligation on my part to respond to your question, and I will do that.

Mr. LAMALFA. OK. Well, the group purports to be helping tribes and ended up in this particular situation of going against the Tribe that was trying to establish an enterprise there that was opposed by out-of-towners for some really very flimsy reasoning.

So, the other areas of issue you have in your mission here look OK to me, but I would like to recommend to my Committee colleagues that the \$4 million portion of the appropriation for the environmental conflict resolution be struck because it was not productive and indeed drove people farther apart.

With that, Madam Chair, I would like to yield back.

Ms. HAGEMAN. Thank you, Mr. LaMalfa. The Chair now recognizes Mr. Grijalva for 5 minutes of questioning.

Mr. GRIJALVA. Thank you, Madam Chair.

Assistant Secretary Thompson, one of the questions that I have on the trust side of the issue is the very real case that you run into a lot with legacy pollution. Finding liability in who is responsible is almost an impossible task, who then shifts it either to the agency to do the remediation or in this instance the Tribe to do the remediation, that is cost-wise almost impossible to meet.

Are efforts conducted to trace responsible parties so that they have some responsibility for that legacy pollution left behind?

Ms. THOMPSON. I don't know the answer to that specific question, Congressman, so I will ask and get you the answer that you are requesting.

Mr. GRIJALVA. You can't just walk away sometimes and shift the costs, whether it is a tribe or most of the time if it is a trust land issue, it is a tribe that you shift the cost to. But the legislation is good, Councilman, and I support it very much.

The other issue, Secretary, has to do with capacity that I mentioned in my opening statement. As we expedite more efficient, and you mentioned the FTEs that are needed, a mandated, codified law that sets the timelines, which I support, without the capacity to meet those guidelines, aren't we in the same situation, with a codified law, the pressure to meet those deadlines and the capacity not there to deliver?

Ms. THOMPSON. It is a challenge, sir. It is certainly a challenge. And we would welcome any additional appropriations to make sure that we have the appropriate staffing and technology to serve our customers.

Mr. GRIJALVA. I think the intent is excellent. I think the mandate codified into law is appropriate and right, but you have to set up not just the agency but the expectations in Indian Country that now with this mandated timeline, things will move faster, they will be more efficient, and yet we are going to lack the capacity to actually keep our promise with that regard to Indian Country.

I would, Madam Chair, think that that is an important adjacent letter that this Committee can send to appropriators relative to this very important question so we can back up this very good piece of legislation.

Mr. Rose, thank you for being here, and I am a fan of Udall and a beneficiary of interns and fellows and the Institute as well, and they have been great contributors to policy and to legislation on this Committee, and I congratulate you and the Udall Foundation for the generations of Indigenous people that are assuming leadership across this country.

My question is kind of following up on Mr. LaMalfa on the conflict resolution issue. I think it is an important function. You said we are retained for those services. For the information of the Committee, a list of the retainees, who are the people that retain your services? Is it private sector, is it governments, is it tribes, is it non-profits? What is that list of retainers? I think it is important to see the breadth of who is asking for the services. And sometimes, at least my experience with a conflict matter in Arizona

having to do with perpetual conflicts having to do with a mine, the Udall Center was brought in at the behest of parties at the most embittered part of the conflict. And their chance of success at that point was limited. The conversations occurred, there was no resolution, because the lines had been drawn already.

Mr. ROSE. Right.

Mr. GRIJALVA. And I think the conflict resolution that I have seen work from the Udall Foundation early on, the meeting, the collaboration, and work that out. When you come into a situation that is already embittered and divided, and the lines have been drawn, I don't know how you do that.

Mr. ROSE. Yes, it is very difficult to move forward. And, Congressman, in response to your request, we will provide you with a list.

Mr. GRIJALVA. I appreciate it.

I yield back now, Chairwoman.

Ms. HAGEMAN. Thank you. The Chair now recognizes Mr. Moylan for 5 minutes of questioning.

Mr. MOYLAN. Thank you, Madam Chair, and thank the witnesses for their explanations on these three measures. That is very helpful and understanding that these 17 acres will save money by going through the trust for residential and business usage. Hopefully through the conflict resolution, that these families were able, and businesses would be able to get their mortgage to build the economy and help the families put a roof over their heads. So, I thank you very much.

With that, Madam Chair, I wish to yield the remainder of my time to you. Thank you.

Ms. HAGEMAN. Thank you very much.

I do want to say one thing about the conflict resolution as a long-term trial attorney and someone who tends to represent landowners, resource producers, and things like that. I do think that is extremely important for an organization that is dedicated to dispute resolution, that you understand the local issues that are involved with many of these things. And, oftentimes, when outside environmental groups come in and attempt to dictate the outcome on some of these, I think it is extremely important that the local tribal issues, the local landowner issues, the local water issues are kind of front and center in the efforts to resolve those matters because they are critical to the success of those areas in the long term. And in the long term, they are critical to our ability to protect our environment as well. So, I would follow-up with Mr. LaMalfa on that.

Ms. Vogel, I just have a couple of questions for you. Again, I appreciate your testimony. I also think that homeownership is so critically important, and it is always frustrating to me when I read about or learn about there being barriers to people being able to obtain the housing that they need, and I get especially frustrated when those barriers are from the government. And I understand the challenges there and encourage you to continue to work with folks like Ms. Vogel to resolve them.

In your testimony, you mentioned long delays and inconsistencies with the BIA mortgage process that have been experienced by

tribal members. Can you further elaborate on what those experiences have been like for tribal members?

Ms. VOGEL. Thank you for the question, Madam Chair. As we know, the mortgage process is time sensitive, and when you start the process, your financial records may only be good for 3 months, and then you have to renew everything. That is where the frustration comes in is having to renew the time sensitive documents that your lender may require.

But also, I am encouraged by something, and it happened with our own BIA agency staff, is as more tribal members become homeowners and go through that process, they have an appreciation for it, and they understand it, and then they know the importance of getting it done. So, a lot of work has to be done to make home ownership possible, opportunities possible. And as more and more professional staff, that before didn't own their home, and step into that, then they become our supporters. So, in those areas where you have had that happening, you see better results.

Ms. HAGEMAN. Success begets success.

Ms. VOGEL. Yes.

Ms. HAGEMAN. Well, that is wonderful to hear. I think that is fantastic to know that just the personal experience is making a difference there where people can help the next generation into homeownership. Can you give us an average time that it takes for a tribal member to obtain a mortgage?

Ms. VOGEL. As I stated, it really varies from region to region. And where you have partnerships at the local level that are working to do homebuyer readiness and getting families ready and help them understand the mortgage process so that they know what to expect on what their responsibilities are, they understand what the lender is expecting, so as they move through that process, they understand the time frame, and it just works when you have that active engagement by partners.

So, with the South Dakota Native Homeownership Coalition, our work is all around that, making sure that lenders understand the processes on tribal lands, identify more lenders to enter in so that you have better competition, and when you have Federal and state agencies working alongside tribal agencies, then we all are able to help each other and advocate for policy change or what other changes are needed. So, there is progress being made, and there is still work that has to be done, but it is worth the effort. Thank you.

Ms. HAGEMAN. Well, I appreciate that.

And very quickly, Councilman Rideout, could you please give us a timeline in terms of your restaurant, because I am kind of a foodie, and I would like to come and visit it.

[Laughter.]

Mr. RIDEOUT. Yes, we are looking at the first quarter of next year.

Ms. HAGEMAN. Fabulous.

Mr. RIDEOUT. That is what Roy Yamaguchi says.

Ms. HAGEMAN. All right.

Mr. RIDEOUT. And along with the sea plane, too, so if you want to take a ride.

Ms. HAGEMAN. I will take a sea plane before dinner. And then I will come and eat at the restaurant.

Mr. RIDEOUT. But I will leave you with this, and it is really critical to our Vice Chair. When it comes to our youth, our vocational training is the most imperative thing that we could possibly do because our future is in our youth. So, as we develop this and encourage them to take this opportunity in a very grid-locked reservation. I was talking to Ms. Vogel, and the size of her reservation is astronomical.

And like it was stated in the record, there were 1,200 acres of land on our reservation. And all of these are opportunities to make sure we can acquire everything that we potentially can back and do it the right way. But we work well with all the municipalities. And I want to thank each and every one of you today.

Ms. HAGEMAN. And I want to thank you for your dedication to your tribe, and your area, and for the next generation.

With that, I want to thank the witnesses for your valuable testimony, and I also want to thank all the Members for your questions today.

The members of the Committee may have some additional questions for the witnesses, and we will ask you to respond to those in writing. And Mr. Rose, I think you are going to be providing some additional information. And Ms. Thompson, there might have also been a request for you.

Under Committee Rule 3, members of the Committee must submit questions to the Subcommittee Clerk by 5 p.m. on Monday, July 17, 2023, and the hearing record will be open for 10 business days for those responses.

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

[Whereupon, at 3:31 p.m., the Subcommittee was adjourned.]

