

**H.R. 410, H.R. 412, H.R. 504,
AND H.R. 741**

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON INDIAN AND INSULAR AFFAIRS

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

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HOUSE COMMITTEE ON
NATURAL RESOURCES
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To: House Committee on Natural Resources Republican Members

From: Indian and Insular Affairs Subcommittee staff, Ken Degenfelder (Ken.Degenfelder@mail.house.gov), Jocelyn Broman (Jocelyn.Broman@mail.house.gov), and Kirstin Liddell (Kirstin.Liddell@mail.house.gov) x6-9725

Date: February 3, 2025

Subject: Legislative Hearing on 4 Bills

The Subcommittee on Indian and Insular Affairs will hold a legislative hearing on four bills:

H.R. 410 (Rep. Begich), “*Alaska Native Vietnam Era Veterans Land Allotment Extension Act of 2025*”; H.R. 412 (Rep. Bergman), To authorize the Bay Mills Indian Community of the State of Michigan to convey land and interests in land owned by the Tribe; H.R. 504 (Rep. Gimenez), “*Miccosukee Reserved Area Amendments Act*”; and H.R. 741 (Rep. Stanton), “*Stronger Engagement for Indian Health Needs Act of 2025*” on **Wednesday, February 5, 2025, at 10:15 a.m. in 1324 Longworth House Office Building.**

Member offices are requested to notify Haig Kadian (Haig.Kadian@mail.house.gov) by 4:30 p.m. on Tuesday, February 4, 2025, if their member intends to participate in the hearing.

I. KEY MESSAGES

- H.R. 410 would extend the Alaska Native Vietnam-era Veterans Land Allotment Program for an additional five years to allow more eligible Alaska Native veterans to select their allotments.
- H.R. 412 would authorize the right of the Bay Mills Indian Community to sell land the tribe owns outright without the need for specific federal approval.
- H.R. 504 would add the Osceola Camp tribal village to the Miccosukee Reserved Area and require the Secretary of the Interior to take appropriate actions to protect the structures within the Osceola Camp from flooding.
- H.R. 741 would elevate the Indian Health Service (IHS) Director position to Assistant Secretary for Indian Health within the Department of Health and Human Services (HHS), elevating the position from a Level V to a Level IV within the Executive Service Schedule.

II. WITNESSES

- **Mr. Nelson Angapak**, Alaska Federation of Natives, Anchorage, AK [H.R. 410]
- **Ms. Whitney Gravelle**, President, Bay Mills Indian Community, Brimley, MI [H.R. 412]
- **Mr. Talbert Cypress**, Chairman, Miccosukee Tribe of Indians of Florida, Miami, FL [H.R. 504]

- **Mr. A.C. Locklear**, Interim CEO, National Indian Health Board, Washington, D.C. [*Minority Witness*]

III. BACKGROUND

H.R. 410 (Rep. Begich), “*Alaska Native Vietnam Era Veterans Land Allotment Extension Act of 2025*”

H.R. 410 would extend the Alaska Native Vietnam-era Veterans Land Allotment Program five years to end on December 29, 2030, rather than the current end date of December 29, 2025. This extension would enable the Bureau of Land Management (BLM) to continue outreach to the estimated 150 Alaska Native Vietnam veterans that do not have addresses on file with BLM and who are eligible for up to 160 acres of federal land in Alaska. With President Trump’s 2021 rescission of several Alaska-specific Public Land Orders (PLOs), more federal land may be available to fulfill selected allotments by eligible Alaska Native veterans, necessitating more time to complete the program.¹

When Congress passed the General Allotment Act² in 1887, it was unclear if it applied to Alaska Natives. To clarify, Congress passed the Alaska Native Allotment Act (ANAA) in 1906, which allowed the Secretary of the Interior to allot up to 160-acres of non-mineral federal land in Alaska to any Alaska Native who was at least twenty-one years old.³ This allotted land was to remain with the allottee and their family in perpetuity.⁴

The Alaska Native Claims Settlement Act (ANCSA)⁵ was enacted in 1971 to settle the aboriginal land claims of Alaska Natives, which had gone unresolved for more than 100 years since the U.S. purchased Alaska from the Russian Empire in 1867.⁶ At the time of ANCSA’s enactment, the Department of the Interior (DOI) held a backlog of at least 7,000 applications for allotments under the ANAA.⁷ Because ANCSA repealed the ANAA, eligible Alaska Natives were encouraged to apply for an allotment of land before the ANAA was repealed.⁸ This push was overall successful, as 10,000 individuals applied for an allotment.⁹ However, many Alaska Natives serving overseas in the U.S. Armed Forces during the Vietnam War were unable to submit an application for an allotment or were unaware of the imminent repeal, which resulted in many Alaska Native veterans being unable to select an allotment.¹⁰

In 1998, Congress attempted to rectify this unintended consequence by passing legislation that included a provision in which Alaska Natives, or their heirs, who were eligible under ANAA and served during the Vietnam War (serving between January 1, 1969, and June 2, 1971), or were enlisted or drafted before December 17, 1971, to apply for an allotment of land.¹¹ The opportunities for allotted land came from vacant, unappropriated, and unreserved parcels.¹² These restrictions

¹Public Land Order No. 7899; Partial Revocation of Public Land Orders No. 5169, 5170, 5171, 5173, 5179, 5180, 5184, 5186, 5187, 5188, 5353, Alaska. 86 FR 5236. <https://www.federalregister.gov/documents/2021/01/19/2021-01111/public-land-order-no-97899-partial-revocation-of-public-land-orders-no-5169-5170-5171-5173-5179-5180>.

²25 U.S.C. 331.

³34 Stat. 197 (Pub. Law 59–171). 1906. (repealed 1971). <https://govtrackus.s3.amazonaws.com/legislink/pdf/stat/34/STATUTE-934-Pg197a.pdf>.

⁴1934 Stat. 197 (Pub. Law 59–171). 1906. <https://govtrackus.s3.amazonaws.com/legislink/pdf/stat/34/STATUTE-34-Pg197a.pdf>. In 1956, the Alaska Native Allotment Act was amended to require applicants to prove they had used and occupied the parcel for at least five years in order to qualify for an allotment, but also expanded the allotment eligibility to include national forest land as long as the applicant could prove the necessary occupancy and use. See Alaska Native Lands and the Alaska Native Claims Settlement Act (ANCSA): Overview and Selected Issues for Congress. Tana Fitzpatrick. December 2021. <https://crsreports.congress.gov/product/pdf/R/R46997>.

⁵P.L. 92–203. 85 Stat. 688.

⁶15 Stat. 539.

⁷Alaska Native Lands and the Alaska Native Claims Settlement Act (ANCSA): Overview and Selected Issues for Congress. Tana Fitzpatrick. December 2021. <https://crsreports.congress.gov/product/pdf/R/R46997>.

⁸43 U.S. Code § 1617 and S. Rept. 115–451. Alaska Native Vietnam Era Veterans Land Allotment Act.

⁹S. Rept. 115–451. Alaska Native Vietnam Era Veterans Land Allotment Act. <https://www.congress.gov/congressional-report/115th-congress/senate-report/451/1>.

¹⁰Alaska Native Lands and the Alaska Native Claims Settlement Act (ANCSA): Overview and Selected Issues for Congress. Tana Fitzpatrick. December 2021. <https://crsreports.congress.gov/product/pdf/R/R46997>; and S. Rept. 115–451. Alaska Native Vietnam Era Veterans Land Allotment Act. <https://www.congress.gov/congressional-report/115th-congress/senate-report/451/1>

¹¹1998 Act, Sec. 432 of Public Law 105–276.

¹²*Id.*

proved challenging to navigate, and out of the 3,000 eligible service members, only 500 applied.¹³ Noting the need to address the lack of success following the 1998 legislation, Congress amended the law in 2000 and again in 2004.¹⁴ Despite these changes, approximately 2,800 eligible Alaska Natives had yet to receive their allotment.¹⁵

In the 116th Congress, Congress passed the *John D. Dingell, Jr. Conservation Management, and Recreation Act*, which included a provision establishing the Alaska Native Vietnam-era Veterans Land Allotment Program.¹⁶ The provision authorized eligible Alaska Native Vietnam veterans, or their heirs, to select an allotment of up to 160 acres from certain federal land. To be eligible, the applicant (or their heir) must show proof of service between August 5, 1964, and December 31, 1971, and have not previously received an allotment. This provision authorized an application period of five years beginning after final regulations were issued, which currently is from December 28, 2020, to December 29, 2025.¹⁷

In January 2021, under President Trump, then-Secretary of the Interior David Bernhardt signed the revocation of 11 Public Land Orders (PLOs) initially put in place in 1972 and 1973 for the benefit of Alaska Native Corporations under ANCSA.¹⁸ Then-Secretary Bernhardt's action opened up 28 million acres of BLM land which could be used for allotment purposes.¹⁹ However, in February 2021, the Biden Administration postponed the revocation, prompting a battle that waged throughout the Biden Administration's term.²⁰

In February 2024, Sens. Lisa Murkowski and Dan Sullivan accused then-Secretary of the Interior Deb Haaland of slow-walking the allotment program by ordering further environmental impact statements.²¹ The senators also highlighted that over the three years the program had been up and running, only 18 of the more than 2,000 eligible Alaska Native veterans had received their allotments.²² On February 26, 2024, the BLM website for the Alaska Native Vietnam-era Veterans Land Allotment Program showed that only 15 applications had been certificated or completed during the three years the program operated.²³ BLM data through January 24, 2025, indicated that 41 applications have been certificated, with 378 applications in process. It was also noted that the BLM still needs addresses for 150 eligible veterans.²⁴ Considering how slow the process has been for BLM to review and certify applications, it is unlikely that all eligible Alaska Native Vietnam veterans would receive their promised allotments without extending the program.

On January 20, 2025, President Trump issued an Executive Order (EO) titled *Unleashing Alaska's Extraordinary Resource Potential* in which Public Land Order No. 7899, 7900, 7901, 7902, and 7903 were reinstated as originally issued on

¹³ Sullivan, Murkowski Renew Effort to Deliver Alaska Native Vietnam-Era Veterans Their Rightful Land Allotments. Feb. 13, 2024. <https://www.murkowski.senate.gov/press/release/sullivan-murkowski-renew-effort-to-deliver-alaska-native-vietnam-era-veterans-their-rightful-land-allotments>.

¹⁴ S. Rept. 115–451. Alaska Native Vietnam Era Veterans Land Allotment Act. p. 4–5 <https://www.congress.gov/congressional-report/115th-congress/senate-report/451/1>.

¹⁵ Id.

¹⁶ P.L. 116–9, Sec. 1119 (43 U.S. Code § 1629g–1).

¹⁷ Murray, Mariel. *Alaska Native Lands and the Alaska Native Claims Settlement Act (ANCSA): Overview and Selected Issues for Congress*. CRS. December 2021. <https://www.crs.gov/Reports/R46997?source=search#fn130>.

¹⁸ Public Land Order No. 7899; Partial Revocation of Public Land Orders No. 5169, 5170, 5171, 5173, 5179, 5180, 5184, 5186, 5187, 5188, 5353, Alaska. 86 FR 5236. <https://www.federalregister.gov/documents/2021/01/19/2021-01111/public-land-order-no-7899-partial-revocation-of-public-land-orders-no-5169-5170-5171-5173-5179-5180>.

¹⁹ Sens. Lisa Murkowski and Dan Sullivan, Press Release, “Access Denied: BLM To Revoke 2021 Public Land Orders, Keep Alaska Lands in Highly Restricted Status.” July 2024. <https://www.murkowski.senate.gov/press/release/access-denied-blm-to-revoke-2021-public-land-orders-keep-alaska-lands-in-highly-restricted-status>.

²⁰ Id.

²¹ Sens. Lisa Murkowski and Dan Sullivan, Press Release, “Sullivan, Murkowski Renew Effort to Deliver Alaska Native Vietnam-Era Veterans Their Rightful Land Allotments.” Feb. 13, 2024. <https://www.murkowski.senate.gov/press/release/sullivan-murkowski-renew-effort-to-deliver-alaska-native-vietnam-era-veterans-their-rightful-land-allotments>.

²² Id.

²³ BLM, “Alaska Native Vietnam-era Veterans Land Allotment Program” Feb. 26, 2024, archived at Wayback Machine, <https://web.archive.org/web/20240226002134/https://www.blm.gov/programs/lands-and-reealty/regional-information/alaska/land-transfer/ak-native-allotment-act/alaska-native-vietnam-veterans-land-allotment>.

²⁴ BLM, “Alaska Native Vietnam-era Veterans Land Allotment Program” Jan. 27, 2025. <https://www.blm.gov/programs/lands-and-reealty/regional-information/alaska/land-transfer/ak-native-allotment-act/alaska-native-vietnam-veterans-land-allotment>

January 11, 2021.²⁵ This EO also required the Department of the Interior to review all PLOs to ensure that Interior's actions are consistent with several Alaska related statutes, including the Alaska Native Vietnam-era Veterans Land Allotment Program.²⁶

H.R. 410 would extend the Alaska Native Vietnam-era Veterans Land Allotment Program for five more years beyond its current expiration of December 29, 2025.

H.R. 412 (Rep. Bergman), To authorize the Bay Mills Indian Community of the State of Michigan to convey land and interests in land owned by the Tribe

H.R. 412 would ensure the Bay Mills Indian Community could sell, transfer, lease, encumber, or otherwise convey land the tribe owns outright without seeking federal approval. The bill would not affect any land held in trust for the Bay Mills Indian Community.

The Bay Mills Indian Community of the State of Michigan (Bay Mills) is part of the Chippewa, or Ojibwe, population.²⁷ The tribe's land base is divided into two areas: one near Brimley, Michigan, and the other on Sugar Island in the St. Mary's River.²⁸ The Bay Mills population is approximately 2,200 tribal citizens.²⁹ The tribe adopted a constitution under the Indian Reorganization Act of 1934, and has been recognized by the federal government since 1936.³⁰ In 1977, Bay Mills adopted a community comprehensive plan that the tribe credits with increasing their trust land base, creating over 600 jobs, and reducing unemployment by 50 percent in their community.³¹ Reducing bureaucratic and unnecessary barriers to further economic development will continue to benefit the tribe and its future vision.

The Non-Intercourse Act of 1834 prohibited land transactions with Indians unless authorized by Congress.³² The Act was intended to protect Indian tribes by preventing the loss of their lands except by treaty by preventing the transfer, sale, lease, or other conveyance of land owned by an Indian tribe to third parties without federal approval. Over the centuries, several Acts of Congress providing for the acquisition, conveyance, and leasing of land in trust for Indians have superseded the Non-Intercourse Act even though the Act itself has never been repealed.

In recent years, the Non-Intercourse Act has generally not interfered with the ability of a tribe to buy, sell, or lease land that it owns in fee simple, meaning that land owned outright by the tribe and is subject to taxation and should be freely alienable. However, the extent to which the Non-Intercourse Act should be applied to Indian lands has generated a great deal of litigation throughout history and has resulted in several court decisions. Although the purpose of the Non-Intercourse Act is viewed by some as antiquated and outdated, the U.S. Supreme Court in 2005 said it "remain[s] substantially in force today ... [and] bars sales of tribal land without the acquiescence of the Federal Government."³³ Tribes throughout the country have faced interference with economic development when title insurance companies have interpreted the Non-Intercourse Act to apply to fee simple real estate owned by tribes, thus refusing to provide title insurance.³⁴ Similar bills to H.R. 412 were enacted, allowing tribes in Florida, Minnesota, Oklahoma, and Oregon to lease or transfer fee land the tribe owned.³⁵ Additionally, Congress enacted similar language for two other Michigan Tribes in the early 2000s.³⁶

H.R. 412 would authorize the Bay Mills Indian Community to sell land that the tribe owns outright in fee simple without the need for federal approval.

²⁵ *Unleashing Alaska's Extraordinary Resource Potential*. Executive Order. January 20, 2025. <https://www.whitehouse.gov/presidential-actions/2025/01/unleashing-alaskas-extraordinary-resource-potential/>.

²⁶ Id.

²⁷ "Bay Mills," Tiller's Guide to Indian Country, Veronica E. Velarde Tiller (2015).

²⁸ Id.

²⁹ Bay Mills Tribal Enrollment Department. <https://www.baymills.org/enrollment>.

³⁰ "Bay Mills," Tiller's Guide to Indian Country, Veronica E. Velarde Tiller (2015).

³¹ Bay Mills Indian Community, "Community Engagement Plan 2022 Comprehensive Plan" p. 3 https://www.baymills.org/files/ugd/869f65_8d1060f99c354090b7791423c85eba12.pdf.

³² 25 U.S.C. § 177. Congress passed several statutes in 1790, 1793, 1796, 1799, 1802, and 1834 that collectively are the Nonintercourse Act.

³³ *City of Sherill v. Oneida Indian Nation of New York*, 544 U.S. 197, 204 (2005).

³⁴ Testimony of Chris Osceola of Seminole Tribe of Florida before the House Committee on Natural Resources. September 2020. <https://docs.house.gov/meetings/II/II24/20200924/111048/HHRG-116-II24-Wstate-OsceolaC-20200924.pdf>.

³⁵ See, Pub. L. 117-65; Pub. L. 115-179; Pub. L. 114-127; and Pub. L. 106-127.

³⁶ See, Pub. L. 110-76; and Pub. L. 110-453.

H.R. 504 (Rep. Gimenez), “Miccosukee Reserved Area Amendments Act”

H.R. 504 would amend the Miccosukee Reserved Area Act to include the Osceola Camp tribal village as part of the Miccosukee Reserved Area and would direct the Secretary of the Interior to consult with the tribe and then take appropriate actions to protect the structures within the village from flooding.

The Miccosukee Tribe is currently located in the Greater Everglades in South Florida. The oral history of the Miccosukee Tribe claims originality in the northern part of Florida,³⁷ and that the tribe’s ancestors used land stretching from the Appalachians to the Florida Keys.³⁸ After the Indian Removal Act of 1830 was implemented, many Miccosukee and other Indian peoples hid in the Everglades and subsequently fought in the second and third Seminole Wars.³⁹ The tribe eventually settled and lived in what became Everglades National Park, but were moved further north when the park was officially created. Following the tribe’s federal recognition in 1962, the villages the tribe occupied in the northernmost area within the park along the Tamiami Trail were managed as a Special Use Permit from 1964 until 1998.⁴⁰ However, as the tribe grew the need for more land was apparent.⁴¹

Congress passed the Miccosukee Reserved Area Act (MRAA) in 1998, replacing the special use permit with a permanent framework for the tribe’s occupancy in the Everglades. The MRAA authorized the tribe’s use of the area, declaring it the Miccosukee Reserve Area (MRA) and noting it as “Indian Country.”⁴² The MRAA maintained that the Federal Government had the right to engage in restoration and protection activities in the area and that any costs associated with those activities fell to the federal government.⁴³

The MRAA did not include the area known as the Osceola Camp, a residential tribal village within the Everglades National Park. The village has a residential community and associated infrastructure, including wastewater treatment and water supply systems. Chairman Cypress identified the Osceola Camp as “one of the only remaining Tribal tree islands inhabited by a substantial residential community.”⁴⁴ Tree islands, formed by sediment caught in roots, within the Everglades provided sanctuary to the Miccosukee and Seminole ancestors during and after the Seminole Wars.⁴⁵ The Osceola Camp is currently subject to a special use permit renewal by the National Park.⁴⁶

The National Park Service is already working with the Miccosukee Tribe to protect the Osceola Camp from flooding caused by the Comprehensive Everglades Restoration Plan and the Central Everglades Planning Project.⁴⁷ By incorporating the Osceola Camp into the Miccosukee Reserved Area, the tribe will have authority over the village area and will work with the Department of the Interior to elevate the area to prevent flooding, preserve village infrastructure, and ensure continued residency by tribal members.⁴⁸

H.R. 504 would amend the Miccosukee Reserved Area Act to include the Osceola Camp as part of the Miccosukee Reserved Area. The bill also would direct the

³⁷ “Miccosukee,” Tiller’s Guide to Indian Country, Veronica E. Velarde Tiller (2015).

³⁸ Miccosukee Casino & Resort, “History of the Miccosukee Tribe,” <https://miccosukee.com/miccosukee-tribe-history/>.

³⁹ “Miccosukee,” Tiller’s Guide to Indian Country, Veronica E. Velarde Tiller (2015).

⁴⁰ Testimony of Talbert H. Cypress, Chairman of the Miccosukee Tribe of Indians of Florida, U.S. Senate Committee on Indian Affairs, July 10, 2024. <https://www.indian.senate.gov/wp-content/uploads/07-10-2024-Cypress-Testimony.pdf>.

⁴¹ H. Rept. 105–708, <https://www.congress.gov/congressional-report/105th-congress/house-report/708/1>.

⁴² S. Rept. 118–245, <https://www.congress.gov/congressional-report/118th-congress/senate-report/245/1>.

⁴³ Id.

⁴⁴ Testimony of Talbert H. Cypress, Chairman of the Miccosukee Tribe of Indians of Florida, U.S. Senate Committee on Indian Affairs, July 10, 2024. <https://www.indian.senate.gov/wp-content/uploads/07-10-2024-Cypress-Testimony.pdf>.

⁴⁵ Jennifer Reed, “Stepping into a Hidden World in the Everglades,” New York Times, Oct. 29, 2024. <https://www.nytimes.com/2024/10/29/travel/everglades-miccosukee-reservation.html>.

⁴⁶ Testimony of Talbert H. Cypress, Chairman of the Miccosukee Tribe of Indians of Florida, U.S. Senate Committee on Indian Affairs, July 10, 2024. <https://www.indian.senate.gov/wp-content/uploads/07-10-2024-Cypress-Testimony.pdf>.

⁴⁷ National Park Service, “Miccosukee Tribe of Indians of Florida Osceola Camp Cure Plan Environmental Assessment,” Oct. 2023, available at: <https://parkplanning.nps.gov/document.cfm?documentID=132461>; and S. Rept. 118–245, <https://www.congress.gov/congressional-report/118th-congress/senate-report/245/1>.

⁴⁸ Congressman Carlos Gimenez Introduces Bill to Incorporate Osceola Camp into the MRA. Congressman Carlos Gimenez. <https://gimenez.house.gov/2025/1/congressman-carlos-gimenez-introduces-bill-to-incorporate-osceola-camp-into-the-mra>.

Secretary of the Interior to consult with the tribe and then take appropriate actions to protect the structures within the area from flooding.

H.R. 741, (Rep. Stanton), “Stronger Engagement for Indian Health Needs Act of 2025”

H.R. 741 would elevate the Director of the IHS to the level of Assistant Secretary within the HHS. This elevates that position from Level V to Level IV on the Executive Schedule and would increase both the visibility and the base rate of pay for the position.

The role of the Federal Government in providing health services to American Indians and Alaska Natives (AI/ANs) is based in the U.S. Constitution’s Indian Commerce Clause.⁴⁹ The Snyder Act of 1921 provided the legislative authority for this trust responsibility to the Bureau of Indian Affairs.⁵⁰ Under the Transfer Act of 1954, the healthcare responsibilities toward AI/ANs was moved to the Department of Health Education and Welfare (which eventually became HHS).⁵¹ The IHS was officially established in 1955.⁵² The modern statutory basis for the federal provision of healthcare to AI/ANs is the Indian Healthcare Improvement Act (IHCA) which was first passed in 1976⁵³ and was permanently reauthorized by the Patient Protection and Affordable Care Act in 2010.⁵⁴

Currently, the Director of the IHS serves under the Secretary of HHS upon being appointed by the President and confirmed by the U.S. Senate.⁵⁵ H.R. 741 would change the IHS Director position to Assistant Secretary for Indian Health within the HHS. This elevation would place the Assistant Secretary for Indian Health on par with that of the Assistant Secretary for Health in HHS’s organization.⁵⁶ The new position of “Assistant Secretary for Indian Health” would also be paid at a Level IV rate, an increase of \$12,100 per year over Level V based on the January 2025 Rates of Basic Pay for the Executive Schedule.⁵⁷ H.R. 741 would also allow the creation of an additional Deputy Assistant Secretary, at the discretion of the HHS Secretary.

Advocates of this change believe that elevating the IHS Director to an Assistant Secretary level would amplify conversations surrounding health in Indian country and bring greater attention to the issues of addressing the healthcare needs for AI/ANs.⁵⁸ However, the bill does not prescribe how healthcare challenges in Indian country would be addressed, aside from the formal elevation of the IHS Director position.

IHS remains on the Government Accountability Office’s High-Risk List, which includes federal programs most vulnerable to waste, fraud, abuse, and mismanagement or that need transformative change. For nearly a decade, the HHS Office of Inspector General and others have indicated that inadequate oversight of healthcare continues to hinder IHS’s ability to provide an adequate quality of care despite continued increases in the agency’s budget.

IHS has continued to work toward improvement. In 2023 and 2024, IHS finalized agency work plans to address agency-wide priorities of patient safety, human capital, operational capacity, financial capacity, compliance and regulatory improvement, and strategic planning.⁵⁹ The Director’s Year 2 Accomplishments Report, released in October 2024, highlighted several improvements at the agency, including that a new data collection and monitoring system has allowed IHS to monitor the flow of Purchased/Referred Care funds across the agency, and that IHS has partnered with tribes across the country to plan and construct new health care fa-

⁴⁹ U.S. Const. Art. I, Sec. 8, Clause 3.

⁵⁰ 25 U.S.C. 13.

⁵¹ P.L. 83–568, act of August 5, 1954, 68 Stat. 674, as amended; 42 U.S.C. § 2001 et seq.

⁵² Indian Health Service. Gold Book. Part One. https://www.ihs.gov/sites/newsroom/themes/responsive2017/display_objects/documents/GOLD_BOOK_part1.pdf.

⁵³ 25 U.S.C. 1611 et seq.

⁵⁴ Indian Health Care Improvement Act. Indian Health Service. <https://www.ihs.gov/IHCA/>.

⁵⁵ 25 U.S.C. 1661(a).

⁵⁶ 25 U.S.C. 1661(a). and HHS Organizational Chart. <https://www.hhs.gov/about/agencies/orgchart/index.html>.

⁵⁷ Office of Personnel Management, “Salary Table No. 2025-EX” <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2025/EX.pdf>.

⁵⁸ National Council of Urban Indian Health. NCUIH-Endorsed Bipartisan Bill to Elevate Native Health Care Within the Federal Government Re-introduced by Representative Stanton and Representative Joyce. April 2023. <https://ncuih.org/2023/04/10/ncuih-endorsed-bipartisan-bill-to-elevate-native-health-care-within-the-federal-government-re-introduced-by-representative-stanton-and-representative-joyce/>.

⁵⁹ “IHS 2023 Agency Work Plan,” *Indian Health Service*, <https://www.ihs.gov/quality/work-plan-summary/> and “IHS 2024 Work Plan Summary,” *Indian health Service*, <https://www.ihs.gov/quality/ihs-2024-work-plan-summary/>.

cilities.⁶⁰ While some improvements have been made at IHS, the agency still has much more to accomplish to fully execute its mission to “raise the physical, mental, social, and spiritual health of AI/ANs to the highest level.”⁶¹

IV. MAJOR PROVISIONS & SECTION-BY-SECTION

H.R. 410 (Rep. Begich), “Alaska Native Vietnam Era Veterans Land Allotment Extension Act of 2025”

Section 2. *Extension of the Alaska Native Vietnam Era Veterans Land Allotment Program.* This section would extend the time program an additional five years.

H.R. 412 (Rep. Bergman), To authorize the Bay Mills Indian Community of the State of Michigan to convey land and interests in land owned by the Tribe

Section 1. *Land and Interests of the Bay Mills Indian Community of Michigan.* This section would allow the Bay Mills Indian Community of Michigan to transfer, lease and otherwise convey fee land without the need for federal approval.

H.R. 504 (Rep. Gimenez), “Miccosukee Reserved Area Amendments Act”

Section 2. *Miccosukee Reserved Area Addition.* This section adds the area known as the Osceola Camp to the Miccosukee Reserved Area.

Section 3. *Protection of the Osceola Camp from Flooding.* This section authorizes the Secretary of the Interior to consult and work with the Miccosukee Tribe to protect the Osceola Camp tribal village from flooding.

H.R. 741, (Rep. Stanton), “Stronger Engagement for Indian Health Needs Act of 2025”

Section 2. *Assistant Secretary for Indian Health.* This section elevates the position of Director of IHS to the level of Assistant Secretary for Indian Health and elevates the basic rate of pay to Level IV of the Executive Service. Additionally, a Deputy Assistant Secretary may be appointed with the approval of the HHS Secretary.

V. CBO COST ESTIMATE

H.R. 410 (Rep. Begich), “Alaska Native Vietnam Era Veterans Land Allotment Extension Act of 2025”

Unknown.

H.R. 412 (Rep. Bergman), “To authorize the Bay Mills Indian Community of the State of Michigan to convey land and interests in land owned by the Tribe”

Unknown.

H.R. 504 (Rep. Gimenez), “Miccosukee Reserved Area Amendments Act”

The Congressional Budget Office (CBO) estimated that a substantially similar bill from the 118th Congress (S. 2783) would have no effect on direct spending or revenues.⁶²

H.R. 741, (Rep. Stanton), “Stronger Engagement for Indian Health Needs Act of 2025”

Unknown.

⁶⁰ Indian Health Service, “Director’s Year 2 Accomplishments Report—2024” Oct. 2024. p. 5, 6–7, 9. https://www.ihs.gov/sites/newsroom/themes/responsive2017/display_objects/documents/2024_Letters/Enclosure_DTLL_DUIOLL_100424.pdf.

⁶¹ Indian Health Service, “About IHS,” <https://www.ihs.gov/aboutihs/>.

⁶² Congressional Budget Office. S. 2783, Miccosukee Reserved Area Amendments Act. <https://www.cbo.gov/publication/60996>.

VI. ADMINISTRATION POSITION

Unknown.

VII. EFFECT ON CURRENT LAW (RAMSEYER)

H.R. 410 (Rep. Begich), “*Alaska Native Vietnam Era Veterans Land Allotment Extension Act of 2025*”

https://naturalresources.house.gov/uploadedfiles/bill-to-law_begich_005_xml.pdf

H.R. 504 (Rep. Gimenez), “*Miccosukee Reserved Area Amendments Act* ”

https://naturalresources.house.gov/uploadedfiles/h.r._504_-_ramseyer.pdf

H.R. 741, (Rep. Stanton), “*Stronger Engagement for Indian Health Needs Act of 2025* ”

https://naturalresources.house.gov/uploadedfiles/bill-to-law_119stanaz_003_xml.pdf

LEGISLATIVE HEARING ON H.R. 410, TO EXTEND THE ALASKA NATIVE VIETNAM ERA VETERANS LAND ALLOTMENT PROGRAM, AND FOR OTHER PURPOSES, “ALASKA NATIVE VIETNAM ERA VETERANS LAND ALLOTMENT EXTENSION ACT OF 2025”; H.R. 412, TO AUTHORIZE THE BAY MILLS INDIAN COMMUNITY OF THE STATE OF MICHIGAN TO CONVEY LAND AND INTERESTS IN LAND OWNED BY THE TRIBE; H.R. 504, TO AMEND THE MICCOSUKEE RESERVED AREA ACT TO AUTHORIZE THE EXPANSION OF THE MICCOSUKEE RESERVED AREA AND TO CARRY OUT ACTIVITIES TO PROTECT STRUCTURES WITHIN THE OSCEOLA CAMP FROM FLOODING, AND FOR OTHER PURPOSES, “MICCOSUKEE RESERVED AREA AMENDMENTS ACT”; AND H.R. 741, TO ELEVATE THE POSITION OF DIRECTOR OF THE INDIAN HEALTH SERVICE WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ASSISTANT SECRETARY FOR INDIAN HEALTH, AND FOR OTHER PURPOSES, “STRONGER ENGAGEMENT FOR INDIAN HEALTH NEEDS ACT OF 2025”

**Wednesday, February 5, 2025
U.S. House of Representatives
Subcommittee on Indian and Insular Affairs
Committee on Natural Resources
Washington, D.C.**

The Subcommittee met, pursuant to notice, at 10:17 a.m., in Room 1324, Longworth House Office Building, Hon. Jeff Hurd [Chairman of the Subcommittee] presiding.

Present: Representatives Hurd, Radewagen, LaMalfa, McDowell, Kennedy; Leger Fernández, Hoyle, Hernández, Randall, and Huffman.

Also present: Representatives Begich, Gimenez; Soto, and Stanton.

Mr. HURD. 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 four bills that are before us.

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 Members' opening statements 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 Alaska, Mr. Begich; the gentleman from Florida, Mr. Soto; the gentleman from Florida, Mr. Gimenez; and the gentleman from Arizona, Mr. Stanton 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. JEFF HURD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Mr. HURD. Welcome, everyone, to the first hearing for the Subcommittee on Indian and Insular Affairs for the 119th Congress. I am honored to serve as the new Chairman of the Subcommittee, and I look forward to working with our American Indian, Alaska Native, and insular partners.

The Subcommittee is meeting today to discuss four bills. First on our agenda is H.R. 410, the Alaska Native Vietnam Era Veterans Land Allotment Extension Act of 2025, sponsored by Congressman Begich. This legislation would extend the Alaska Native Vietnam Era Veterans Land Allotment program for an additional 5 years. This program was authorized in 2019 with the intent to fulfill the promise of the Alaska Native Allotment Act to certain Alaska Native veterans. Currently, the program is set to expire on December 29, 2025. Data from the Bureau of Land Management shows that approximately 378 applications are currently in process, and that the agency still needs addresses for approximately 150 eligible veterans. Extending this program another 5 years is a common-sense solution to ensure effective program administration.

Second, we have H.R. 412, sponsored by Congressman Bergman, which would authorize the Bay Mills Indian community to sell, transfer, lease, encumber, or otherwise convey lands that the Tribe owns in fee simple without needing congressional approval. This would exempt land the Tribe owns in fee simple from the limitations imposed by the Non-Intercourse Act.

While the Non-Intercourse Act was originally was initially enacted to protect Tribes from further loss of land, in recent years the law has generally not interfered with the ability of a Tribe to buy, sell, or lease land that it owns in fee simple. However, in some instances title insurance companies have interpreted the Act to apply to fee simple real estate that is owned by the Tribes, and have refused to provide title insurance, which has encumbered economic development and job creation in those tribal communities. The Bay Mills Indian Community seeks their own individual exemption to

provide clarity on their landownership. Several other Tribes in the United States, including in Michigan, have sought and received similar exemptions.

Third, we have H.R. 504, sponsored by Congressman Gimenez, the Miccosukee Reserved Area Amendments Act, which adds the Osceola Camp to the Tribe's reserved area. The bill also requires the Secretary of the Interior to take actions to protect the structures within the camp from flooding.

In 1998 Congress passed the Miccosukee Reserved Area Act, or MRAA, to authorize the Tribe's permanent residency in the Everglades while maintaining the right of the Federal Government to engage in restoration and protection of the area. However, the MRAA did not include the Osceola Camp, which is still subject to a special use permit. By incorporating the camp into the Tribe's reserved area, the Tribe will have the authority over the village area and be able to work to prevent flooding and preserve village infrastructure.

Our final bill is H.R. 741, Stronger Engagement for Indian Health Needs Act of 2025, sponsored by Congressman Stanton. The bill would elevate the Indian Health Service Director position to an assistant secretary within the Department of Health and Human Services. Advocates of this legislation argue that elevating the Director of the Indian Health Service to an assistant secretary level would bring greater attention and focus on health in Indian Country. The bill, however, does not provide any tangible direction as to how this would address that need beyond elevating the position.

I thank our witnesses for being here with us today, and I look forward to having a robust discussion on these bills.

At this time the Chair will recognize the Ranking Minority Member for any statement.

STATEMENT OF THE HON. TERESA LEGER FERNÁNDEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW MEXICO

Ms. LEGER FERNÁNDEZ. Thank you. Thank you so much, Subcommittee Chair. I have heard great things about you from your colleagues. Democrats say good things about you. And I know that on this Committee we often work in an incredibly bipartisan basis, and so I am very pleased to be with you here at your inaugural Subcommittee meeting.

And as I noted, this Subcommittee has a long history of bipartisanship, regardless of the administration or who happens to be holding the gavel. And this was the case last Committee, it was the last Congress, it was the case when I was Chair and the wonderful Don Young from Alaska was my Ranking Member. I remember his words at one of our very first meetings. He goes, "Madam Chair, let's just do a bill and fix it all." And I actually was young enough as a Congresswoman to think we could do that, right? Which we can't.

But we can address historic injustices, and that is exactly what this Committee is authorized to do. And because of our trust responsibility that is what this Committee must do, and we have done that over the years to address things like making sure we restore land, we address the health crisis, we address law

enforcement needs in Indian Country, and we protect sacred sites. The trust responsibility and the government-to-government relationship is at the heart of the work we do, and for that I am very thankful. And I think the Subcommittee members really love the fact that this Committee does this.

But I will say that at this point in time I do want to raise a slight alarm, and that is last week Tribes across the country found that their access to funds that they were entitled to pay for nurses, to pay for law enforcement, to pay for 638 contracts were frozen. They could not access those funds and it created chaos and confusion. It created worry. We know that that order, Trump's order freezing all funds, was withdrawn. But I am still hearing from Tribes that there are certain programs that they can't access. And I know this must be inadvertent, it must be a consequence of thinking that Tribes might be part of DEI or something, but they are not. They are tribal sovereigns who are entitled to these funds that we are providing to them as part of our trust responsibility.

So Mr. Chairman, I look forward to working with you and look forward to working with Chair Westerman because I know you understand these issues very well so that we can make sure that these kinds of constrictions on the funds that Tribes are entitled to can be removed. So I look forward to that.

And now let's get to the great bills we have before us today.

First, I want to thank you all for coming. We know that you come from great distances and that you pay your own way here, right, and it is an economic hardship sometimes to make it here. We know it is a dedication to your communities that bring you here to testify in front of us.

The first bill on the agenda is H.R. 410 from Representative Begich. And we always say to our veterans thank you for their service. It is more important to also provide veterans with the service and the respect that they deserve, and this bill does that by extending the timeline for eligible veterans to apply for the land allotments that they might not have been able to apply for because they were in active military service.

Representative Bergman's bill, H.R. 412, would authorize the Bay Mills Indian Community of the State of Michigan to convey land and interests owned by the Tribe. Sometimes it needs to go the other way, and you need to have the authority to be able to do that.

H.R. 504 from Representative Gimenez helps protect the Miccosukee Tribe's sovereignty over historic tribal village within Everglades National Park while also allowing important restoration, recognizing that Tribes are sometimes doing the most important restoration and conservation work, they have been doing it since millennia. We need to make sure we allow them to continue to do that.

And Representative Stanton, thank you for being here today for your bill to address the elevation of the Indian Health Service position within the Department of Health and Human Services. We know that tribal health is under-funded, and perhaps raising this and raising the issue to a higher level will help it get the attention it deserves.

Thank you very much for holding this hearing on these very important subjects, and I look forward to hearing directly from the witnesses.

And I yield back.

Mr. HURD. Thank you, Mr. Leger Fernández. I too look forward to working with you in this next Congress.

At this point the Chair would recognize the Ranking Member of the House Natural Resources Committee, Mr. Huffman, for an opening statement.

STATEMENT OF THE HON. JARED HUFFMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. HUFFMAN. Thank you, Mr. Chairman, and congratulations to you. And welcome to Congress and to the Committee. I also want to thank our Ranking Member, Teresa Leger Fernández, for her continued leadership on this Subcommittee and commitment to Indian Country. And I want to strongly associate myself with her remarks about the context in which we are meeting.

There has been a barrage of executive orders, I would argue, demagoguing and grandstanding against DEI in ways that need to be thought more carefully about. Because when you do that, especially when you attack equity, you are attacking tribal sovereignty, you are attacking all the progress that we have made for Indian Country in recent years. I don't think that is what many of my colleagues across the aisle actually want to do or intend, but it is absolutely happening.

And I have been talking with tribal leaders throughout my district and around the country; they are deeply concerned about this. There is the potential to freeze critical, critical funding for programs that they depend on. Lives will be lost. Entire communities will be devastated if we are not much, much more careful. We got to reel this back in, folks, and we could use some help across the aisle in that regard.

So I do want to extend my thanks to all the tribal leaders who have traveled. As the Ranking Member said, we appreciate you, your willingness to set aside time, and to be here for this important conversation.

And, you know, we may not always agree on the specific approaches to addressing the challenges faced by Indian Country, but this Subcommittee has a history of bipartisan work and a shared commitment to advancing legislation that benefits tribal communities. And with that in mind, I am really grateful that the first Subcommittee hearing is bringing us back to the work of moving legislation that will actually benefit tribal communities. The bills we are considering cover a range of issues that fall into this Subcommittee's jurisdiction.

Mr. Begich's H.R. 410 extends the Alaska Native Vietnam Era Veterans Land Allotment program to ensure that Alaska Native veterans who served in Vietnam have the opportunity to participate in the allotment process. This is a right that they were previously unable to access due to their service, and so I am grateful for that.

Mr. Bergman's H.R. 412 provides the Bay Mills Indian community with the authority to manage their non-trust lands, giving

them relief from Federal law similar to what we have done for other similarly situated Tribes. And so that is an important step forward for that native community.

And then H.R. 504 expands the Miccosukee Reserved Area to include the Osceola Camp, strengthening the Tribe's ability to self-govern and address flood risks facing that village.

Very importantly, we have Mr. Stanton's Stronger Engagement for Indian Health Needs Act, which would elevate the Director of Indian Health Services IHS to the position of Assistant Secretary for Indian Health. This will ensure a greater focus on the health care needs of tribal communities. That is the point. That is critically important, and it will help ensure that the needs of tribal communities are at the forefront of national health policy decisions. By elevating the IHS director to this position, we are creating a direct and empowered voice for native health at the highest level of the Department of Health and Human Services.

In closing, I want to thank again our witnesses for joining us. I look forward to hearing your invaluable testimony. And to the members and to folks watching at home, as difficult and fractious as our politics are right now, this Subcommittee really can be a place where we get things done for Indian Country. I hope that is the case, but we got to be mindful of this broader context that we are working in, which is absolutely worrisome, and we have got to find ways to come together and reel back some of the threats to Indian Country that are also part of our national discourse right now.

And with that I yield back.

Mr. HURD. Thank you, Ranking Member Huffman, for that opening statement. I will now recognize Mr. Stanton from Arizona for 5 minutes to speak on his legislation.

Mr. Stanton.

STATEMENT OF THE HON. GREG STANTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. STANTON. Thank you very much, Chairman Hurd and Ranking Member Leger Fernández, for allowing me to waive on for this significant hearing.

And before I start on my particular bill, let me just say thank you to Ranking Member Leger Fernández for making that important point on the OMB memo that froze the funds. It treated our tribal nations as if they were an NGO or a political subdivision, and they are not. They are a sovereign nations, and any budget decision should be treated as such.

I want to say thank you to our witnesses for traveling to D.C. and testifying on this important issue before the Committee today providing for Alaska Native veterans, protecting native lands, and what my bill, the Stronger Engagement for Indian Health Needs Act, intends to do: elevating the health care needs of Indian Country.

Specifically, my bipartisan bill, who I partnered with Representative Joyce of Ohio, would elevate the Director of Indian Health Services to Assistant Secretary of Indian Health Service within the Department of HHS.

Under current law, the Director of IHS does not have certain authorities like pay and hiring authorities, which are important for improving employee recruitment and retention. Those are reserved for assistant secretaries. As an assistant secretary, the head of IHS would have these expanded authorities, improving continuity and quality of care provided by its employees. This is crucial for our native populations in Arizona and across the whole country.

Indian health is chronically under-funded. In 2023 the average expenditure for Native American patients under the IHS was about one-third of health care expenditures for non-native individuals. That isn't because native people are less sick. This means they are simply receiving less care.

Report after report from the National Institutes of Health and the U.S. Commission on Civil Rights cite that under-staffing and under-funding of the Indian Health System leaves many basic needs of our Native American community unmet, leading to lower life expectancy and disproportionate rates of disease. The recent Supreme Court ruling in *Becerra versus San Carlos Apache* only adds to the uncertainty of IHS's fiscal future, making action now to add leadership to the IHS so important.

And this is a bipartisan issue. The late, great Senator John McCain from Arizona introduced this legislation originally in 1994 during his time in the Senate. This bill passed five times as a standalone bill and once more in the Indian Health Care Improvement Act of 2007.

And there is precedent for doing an action like this. In 2016 Congress elevated the Director of the Substance Abuse and Mental Health Administration to an assistant secretary to respond to the opioid crisis. I am glad to see Mr. Locklear here, interim CEO of the National Indian Health Board, to testify on this important bill. The NIH has done so much to empower Native American communities to heal, to grow, and to thrive, including their work in the addiction space, combating the opioid and fentanyl epidemics that have a huge impact in Arizona and in our native communities.

I know that elevating the Director of Indian Health Service to an assistant secretary of Indian Health Service will have a tremendously positive impact on their organization, their ability to coordinate, and will better help serve the Tribes and communities.

In closing I want to recognize the leadership of the outgoing Director of Indian Health Services, Roselyn Tso. She worked tirelessly to improve healthy outcomes on native lands, and I thank her for her service. I look forward to working closely with her successor.

My hope is that, with the passage of the Stronger Engagement for Indian Health Needs Act, future leaders at the Indian Health Services will, as assistant secretaries, have a direct line of communication to the Secretary on all matters related to Indian health policy, resulting in better health care delivery and stronger health outcomes for Indian Country.

Thank you. I yield back.

Mr. HURD. Thank you, Mr. Stanton, for that statement. I would now like to recognize Mr. Begich from Alaska for 5 minutes to speak on his legislation.

STATEMENT OF THE HON. NICK BEGICH III, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALASKA

Mr. BEGICH. Thank you for the opportunity to speak on H.R. 410, the Alaska Native Vietnam Era Veterans Lands Allotment Extension Act of 2025. This bill extends the application period for the Alaska Native Vietnam Era Veterans Land Allotment Program by 5 years, ensuring eligible veterans can claim the land they were promised.

For decades, thousands of Alaska Native veterans who served in Vietnam were unfairly denied the ability to apply for land allotments due to their service overseas. While Congress took steps to correct this issue, the previous Administration slow-rolled processing eligibility applications and conveyances, leaving many veterans in limbo. As of January 2025, out of more than 2,000 eligible veterans, only 41 applications have been certified, and only 18 veterans have received their conveyances.

Fortunately, executive orders issued by the current Administration have reinstated Federal land withdrawals previously revoked, unlocking lands that had been closed off under the prior Administration. This expansion of available land increases opportunities for veterans to select and receive their rightful allotments. This bill will give them time to participate in the program with ample land for viable selections. These veterans served our country honorably, and we need to make sure that they are not denied what they were promised.

Thank you for your consideration of H.R. 410. I urge the Committee's support.

And I yield back.

Mr. HURD. Thank you, Mr. Begich. I thought we had Mr. Gimenez here for just a moment, but he seems to have stepped out. So with that, it is now my pleasure to introduce our witnesses for our panel.

First is Mr. Nelson Angapak from the Alaska Federation of Natives in Anchorage, Alaska. Mr. Angapak, welcome. Thank you for your service. I know that you mentioned that you sometimes have a little bit of a hearing issue. Please let us know if you cannot hear any of the questions from us.

Next is the Honorable Whitney Gravelle, who is President of the Bay Mills Indian Community in Brimley, Michigan. Welcome.

Next to her is Mr. Anthony C. Locklear, II, Interim Chief Executive Officer of the National Indian Health Board in Washington, D.C. Welcome, Mr. Locklear.

And last is the Honorable Talbert Cypress, who is Chairman of the Miccosukee Tribe of Indians of Florida from Miami, Florida. Welcome, Mr. Cypress.

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

To begin your testimony, please press the "talk" button on the microphone.

We do use timing lights. When you begin, the light will turn green. When you have 1 minute left, the light will turn yellow. And then at the end of the 5 minutes, the light will turn red and I will ask you to please complete your statement.

I will also allow all witnesses on the panel to testify before Member questioning.

At this time I would like to recognize Mr. Gimenez from Florida for 5 minutes to speak on his legislation.

Mr. Gimenez.

STATEMENT OF THE HON. CARLOS GIMENEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. GIMENEZ. Thank you. Thank you, Mr. Chairman. Thank you to Chairman Hurd and Ranking Member Leger Fernández for holding this hearing today and considering my legislation, H.R. 504, Miccosukee Reserved Area Amendments Act.

For those of you who do not know me, I am Representative Carlos Gimenez, and I proudly represent Florida's 28th congressional district, which runs from Miami-Dade County to the beautiful Florida Keys. My district encompasses the Florida Everglades and the Miccosukee Reserve area.

I have seen firsthand the vital role that the Miccosukee Tribe has played in our great State's history, culture, and environmental stewardship. The Miccosukee Reserved Area Amendments Act ensures that the Miccosukee Tribe has the legal authority to manage and protect their land and preserve their traditional way of life.

Specifically, the bill would amend the Miccosukee Reserve Area Act to include the Osceola Camp as part of the Miccosukee Reserve Area. The Osceola Camp is an inhabited tribal village within the Everglades. It is a site of incredible historical and cultural importance to the Tribe, and the bill aims to allow the Tribe to optimize water flows to the Everglades National Park without affecting residents of the camp. This would allow the Tribe to raze the structures in the camp and safeguard the areas from destructive flooding which threatens the area.

The Miccosukee Tribe has been responsible stewards of the Everglades, and have worked tirelessly to protect the unique and fragile ecosystem that is the integral lifeblood of conservation in Florida. It is only right that we amend the MRA area to allow the Tribe to protect the Osceola Camp. Miccosukee Tribe's leadership and conservation efforts have helped maintain the cultural heritage, natural beauty, and the biodiversity of South Florida. The Tribe should be granted the autonomy to protect their land, and I urge support of this bill.

Lastly, I would like to thank Miccosukee Tribe Chairman Talbert Cypress for being here today. I believe he is here. There he is. His presence highlights the importance of this legislation to the Tribe and South Florida as a whole. Thank you very much.

And I yield back.

Mr. HURD. Thank you very much, Mr. Gimenez. At this time I think we are ready for the witness testimony. The Chair now recognizes Mr. Nelson Angapak for 5 minutes.

Mr. Angapak.

**STATEMENT OF NELSON ANGAPAK, VETERANS COMMITTEE,
ALASKA FEDERATION OF NATIVES VETERANS COMMITTEE,
ANCHORAGE, ALASKA**

Mr. ANGAPAK. Good morning, Mr. Chairman, members of the Committee, Representative Begich. Thank you for giving me an opportunity to testify on H.R. 410.

Before I get to my statement, let's hold a moment of silence in remembrance of our troops who have fallen in the battlefields and since they came back.

[A moment of silence was observed.]

Mr. ANGAPAK. Mr. Chairman, my name is Nelson Angapak, Sr., Vice President Emeritus, Alaska Federation of Natives. I retired from AFN in 2013. However, I remain active on veterans issues and have been since I got involved.

The AFN is the largest Alaska Native organization in the State.

For the record, AFN is in favor of H.R. 410, the proposed amendments regarding the date that our veterans can apply for allotments.

Our Alaska Native veterans population is declining at a very rapid pace. So I think resolution of this issue must be done sooner rather than later.

As you consider H.R. 410, let's keep the following in mind.

The American Indians, including the Alaskan Natives, have the highest percentage of our membership serving in active duty in U.S. armed forces. During the Vietnam War our troops, our members stepped forward, 42,000 of them, 95 percent of them on voluntary basis.

Close to home, Congressman Begich probably knows this, during World War II the Alaska Territorial Guard was formed in 1942. The patriotism of the Alaska Natives were demonstrated because more than 6,000 of us volunteered.

What stands out about ATG is this: our Alaska Native members of ATG served, some up to 5 years, 24/7, and were never compensated by the Department of Defense. They were even refused DD-214s. We lobbied Congress and were successful in passing legislation that mandated the Department of Defense to issue DD 214s for our ATG members who served during that time.

Mr. Chairman, there is a very important element of the present native allotment law. It is a good law. However, the land issue is the issue that we are faced with. Let me use two members, Robert Beans and Jacob Kagak were not able to apply for native allotments because the land available for them were at least 150 to 750 miles. So I think, Mr. Chairman, land must be resolved in such a way that our interests are protected.

Thank you very much for giving me an opportunity to testify on this bill. I ask that my written comments and my stated comments be incorporated into the record.

[The prepared statement of Mr. Angapak follows:]

PREPARED STATEMENT OF NELSON N. ANGAPAK, SR, VICE PRESIDENT EMERITUS,
ALASKA FEDERATION OF NATIVES
ON H.R. 410

My name is Nelson N. Angapak, Sr, Vice President Emeritus, Alaska Federation of Natives (AFN). I officially retired from active duty at AFN on June 30, 2013, but have remained active on some issues, including the Alaska Native Veterans issues.

I am an Alaska Native veteran of the Vietnam War Era; and I served in active duty in the United States Army from 1969 to June 10, 1971. I was discharged honorably.

The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska. Its membership includes 177 federally recognized tribes, 154 village corporations, 9 regional corporations, and 9 regional nonprofit and tribal consortiums that contract and compact to run federal and state programs. AFN is governed by a 38-member board, which is elected by its membership at the annual convention held each October.¹

For the record, AFN is in favor of the proposed amendment to extend the Native Allotment application period by five years to December 31, 2030, if Congress passes this bill. The Native Allotment application period will expire on December 31, 2025, if this bill is not passed.

Our Alaska Native Vietnam War Era population is dwindling; it seems very rapidly. Because of this, there is some urgency in resolving this issue by Congress sooner than later. Many of us are in our seventies and some of us are even octogenarian.

Here are some things that should be noted when Congress considers HR 410.

- It is well recognized that, historically, Native Americans (including Alaska Natives), have the highest record of service on a per capita when compared to other ethnic groups. The reasons behind this disproportionate contribution are complex and deeply rooted in traditional American Indian culture. In many respects, Native Americans are no different from others who volunteer for military service. They do, however, have distinctive cultural values which drive them to serve their country. One such value is their proud warrior tradition.²
- The Native American's strong sense of patriotism and courage emerged once again during the Vietnam War era. More than 42,000 Native Americans, more than 90 percent of them volunteers, fought in Vietnam. Native American contributions in United States military combat continued in the 1980s and 1990s as they served in Grenada, Panama, Somalia, and the Persian Gulf and other areas where they were needed.³
- The Alaska Territorial Guard (ATG), more commonly known as the Eskimo Scouts, was a military reserve force component of the US Army, organized in 1942 in response to attacks on United States soil in Hawaii and occupation of parts of Alaska by Japan during World War II.⁴ ATG members demonstrated their patriotism to the U. S. beyond question at that time. The members served in active duty in the U. S. Armed Forces, some as long as five years, 24/7, without compensation, to wit, U. S. Department of Defense never paid ATG members any kind of compensation for their service during World War II. They were initially denied being issued DD-214, discharge papers. AFN lobbied at least two Congresses to finally get a Congressional law for ATG members to receive their DD-214s.

Please note that the first two points were excerpted from a website of the Department of the Navy, Naval Historical Center; 805 Kidder Breese SE—Washington Navy Yard; Washington DC 20374–5060. This is public information that is readily available for the people of the United States of America.

Land

PL 116–9 is a good statute as it stands presently other than its expiring date and land issue.

¹ AFN Website

² <http://www.history.navy.mil/faqs/faq61-1.htm>

³ Ibid.

⁴ <https://www.bing.com/search?q=alaska+territorial+guard&form=WSHBSh&qs=SC&cvid=950a57884a734ddea462f2f7aaeef077&ppq=&cc=US&setlang=en>

Denial of Native Allotment Applications

One of the primary reasons for the denial of many applications for Native allotments is because lands that were applied for are outside of lands set for allotments by the Department of Interior.

Here are two Examples impacted by land issue:

- The late Col. Robert Beans of Mt. Village initial Native Allotment application was close to his home but was outside of lands set aside for allotments. His application was denied because the closest lands set aside Native allotments for him and others are in the Good News Bay area, about 150 miles from his home. He had no knowledge of those lands.⁵ He eventually complied with the Native Allotment application rules and amended his application for lands located in Good News Bay area.
- The late Jacob Kagak of Barrow served in active duty in the United States Air Force; and he was deployed to Vietnam. He passed several years ago. The closest lands for his heir, to apply for as Native Allotment, are about 750 miles away. This discouraged the heir from applying for Native Allotment so far from home thus far.

Alaska Native Vietnam War Era veterans living along the Aleutian Chain, Kodiak, Southcentral and Southeast Alaska are faced with the same land issue. Lands set aside for allotments for them may be as far as a thousand miles away for them. Congress must authorize the Alaska Native living in these areas to apply for Native allotments in their areas.

Potential Solutions on Land

PL 116-9 is permissive insofar as lands located in wildlife refuges are concerned. That is, the word “may” is used when this statute addressed these lands as lands that may be made available for Native Allotments. Wildlife refuges are located across the State of Alaska. Congress should consider amending the land issue such that it mandates making these lands available as Native Allotments.

Pursuant to Alaska Native Claims Settlement Act (ANCSA), 25 townships, including the core township, where the village corporation is located, were set aside by Section 11; and mandated them to select the core township plus other lands to fulfill their land entitlements. Congress must consider making the former ANCSA Section 11 lands that were not selected to be made available for Native Allotment selections. This would include all former Section 11 lands in Alaska.

Attached herewith, please find a copy of AFN Convention Resolution 23-15 entitled AMENDING PL LAW 116-09 ON LAND FOR NATIVE ALLOTMENTS OF THE VIETNAM WAR VETERANS AND QUALIFIED HEIRS OF THE VIETNAM WAR VETERAN. This AFN Resolution was passed unanimously by the delegates of the 2023 AFN Convention. This demonstrates that there is Alaska statewide support for Native Allotments for the Alaska Native Veterans of the Vietnam War Era.

I ask that my written and spoken comments be incorporated in the record of this public hearing on HR 410. AFN asks the committee to consider keeping the record of this public hearing on HR 410 remain open for at least 2 weeks.

Thank you for giving me an opportunity to testify in front of you. If you have any questions regarding this written statement or my comments, I can try to answer them.

The following document was submitted as a supplement to Mr. Angapak's testimony.

⁵Personal stories

**ALASKA FEDERATION OF NATIVES
2023 ANNUAL CONVENTION
RESOLUTION 23-15**

TITLE: AMENDING PL LAW 116-09 ON LAND FOR NATIVE ALLOTMENTS OF THE VIETNAM WAR VETERANS AND QUALIFIED HEIRS OF THE VIETNAM WAR VETERAN

WHEREAS: The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska, and its membership includes 179 federally recognized tribes, 154 village corporations, 9 regional corporations, and 10 regional non-profit and tribal consortiums that contract and compact to run federal and state programs; and

WHEREAS: The mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and

WHEREAS: The United States Congress overwhelmingly passed S. 47 in February of 2019; and

WHEREAS: John D. Dingell, Jr. Conservation Management and Recreation Act was enacted into law on March 12, 2019; and

WHEREAS: PL 116-09 authorized the qualified Alaska Native Veterans/heirs of the Vietnam War to apply for Native Allotments; and

WHEREAS: PL 116-09 states that certain conservation system lands such as Wildlife Refuge lands and other lands may be made available as lands for the Alaska Native Veterans of the Vietnam War or their heirs; and

WHEREAS: Some Alaska Native Veterans of the Vietnam War and some heirs of the veterans met with the Honorable Interior Secretary Deb Haaland at her request on November 2, 2021, and the main objective of the meeting with the Secretary was to get a very strong commitment of support from the Secretary of the Interior on the Native Allotment land issue for the Alaska Native veterans of the Vietnam/Vietnam War Era and the heirs of the fallen warriors; and

WHEREAS: Some Alaska Native veterans met with the Honorable Denis McDonough, Secretary, Department of Veterans Affairs and Alaska's Congressional Delegation members, the Honorable U.S. Senator Lisa Murkowski, the Honorable U.S. Senator Dan Sullivan, and the Honorable U.S. Representative Mary Peltola, on February 24, 2023, at the VA Clinic, and sought their support in expanding the land base for Native Allotments; and

NOW THEREFORE BE IT RESOLVED that the delegates of the 2023 Alaska Federation of Natives Convention request Alaska's Congressional Delegation consider affirmatively amending PL 116-09 as follows:

1. Incorporate the Congressionally recognized dates of the Vietnam War, as "The period beginning on February 28, 1971, and ending on May 7, 1975; and
2. Extend the application period by at least 10 years; and
3. To avoid claim denials that state that veterans' selected lands that have already been taken, it is important to expand the land base by mandating certain lands such as wildlife refuge lands and national forest lands that were Sections 17(d)(1) and 17(d)(2) of the National Interest Lands Provision of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971, and unselected ANCSA land withdrawals under Section 11 to be made available as Native Allotment selections.
4. Authorize the Alaska Natives of the Vietnam War with Service-Connected Disabilities by a Congressional mandate to be allowed to apply for Allotments close to their homes; and
5. Amend the present law such that the veterans/heirs who applied for Native Allotments exchange their Allotments for lands close to their homes; and
6. If land is not available, other forms developed in consultation with Alaska Native tribes or corporations, including monetary equivalent, be authorized by Congress.

SUBMITTED BY: ALASKA NATIVE VETERANS COUNCIL AND ALASKA FEDERATION OF NATIVES VETERANS COMMITTEE

COMMITTEE ACTION: DO PASS**CONVENTION ACTION: AMENDED AND ADOPTED ON SATURDAY,
OCTOBER 21, 2023**

QUESTIONS SUBMITTED FOR THE RECORD TO NELSON ANGAPAK, SR. AFN VETERANS
COMMITTEE

Questions Submitted by Representative Westerman

Question 1. At the hearing, you testified that lack of land available for selection has slowed down the Alaska Native Vietnam-era Veterans Allotment Programs. There has also been a lot of back and forth from the previous presidential administrations on Public Land Orders in Alaska. The first Trump administration revoked several Alaskan Public Land Orders; however, these were subsequently reinstated by the Biden Administration. The Trump Administration once again revoked several Public Land Orders in January.

1a) Do you think that these revocations will result in more lands being available for eligible Alaska Native Vietnam-era veterans to choose their allotments from?

Answer. No. According to research done by the Alaska Federation of Natives (AFN), if the Trump Administration revokes all Biden-era Public Land Orders and reinstates the orders from 2021, the land available for Alaska Native Vietnam Era Veterans and their heirs to select allotments will decrease by ten million acres. In addition, if the 2021 orders are reinstated, Alaska Native Veterans will face competition from mining and other interests seeking access to the same lands. The Biden-era orders opened approximately 38 million acres lands only to Alaska Native Veteran allotment, and for no other purposes. The 2021 orders opened approximately 28 million acres of lands for all public lands' purposes.

Representative Westerman's questions may have been asked under the assumption that Biden Era PLOs have been revoked. The Trump 2021 PLOs have not yet been reinstated by the Department of the Interior at this time.

Revocation and reinstatements of multiple PLOs regarding land for Native Allotments created confusion for many of our qualified Alaska Native veterans and their heirs regarding land. Some may have decided not to apply for allotments because of this. The confusion created by these revocations and reinstatements delayed our veterans and heirs of veterans from applying for Native Allotments.

1b) What else can be done to ensure that this 5-year extension is the only one that we will need to complete this program for all eligible participants?

Answer. Lands that have reasonable distances and access by the Veterans of the Vietnam War Era and their heirs must be set aside by a Congressional mandate. This will enable our veterans and their heirs to apply for lands as Native Allotments close to their homes; they will have cultural and linguistic ties to these lands.

Section 11, Alaska Native Claims Settlement Act

When Mr. Angapak testified in front of the subcommittee, he testified in favor of HR 410. He recommended that Congress consider setting aside lands that were withdrawn by Section 11 of the Alaska Native Claims Settlement Act as lands for Native Allotments.

Pursuant to Section 11 of the Alaska Native Claims Settlement Act (ANCSA), 25 townships, including the core township, where the village corporation is located were withdrawn. ANCSA mandated the village corporations select the core township plus other lands to fulfill their land entitlements from these withdrawn lands. Not all the withdrawn lands were selected by village corporations. Unselected ANCSA Section 11 lands can be easily identified by the Bureau of Land Management in Alaska.

Congress must consider making all the former ANCSA Section 11 lands that were not selected by ANCSA corporations available for Native Allotments. This recommendation took into consideration that these lands are close to villages, to the veterans and their heirs, and more than likely veterans and their heirs have cultural ties to these lands. Veterans and their heirs living along the Aleutian Chain will have access to the former Section 11 lands that were set aside for their village corporations to select in their areas instead of lands hundreds of miles away.

Alaska Native Veterans of the Vietnam War Era and their heirs reside in all areas of Alaska. To illustrate this point, land in the Goodnews Bay area of south-

western Alaska will be used to answer the questions of the Honorable Westerman. Veterans living in the northern parts of Alaska, the Aleutian Chain, Southeast Alaska, and other parts of the State may be up to a thousand or more miles away from Goodnews Bay. The biggest challenge for these veterans and their heirs is access to Goodnews Bay lands. There are no interconnecting roads between the Alaska Native villages in rural Alaska, including for Goodnews Bay lands.

Even the qualified Alaska Native Veterans of the Vietnam War Era and their heirs living in the nearest Alaska Native Villages of Quinhagak, Goodnews Bay and Platinum may have access issues because there are no roads to the available Goodnews Bay lands from their villages. These three Alaska Native villages are closest communities to the Goodnews Bay lands.

Access to lands on mainland Alaska is a major issue faced by the qualified Alaska Native veterans of the Vietnam War Era and their heirs who live along the Aleutian Chain. The Alaska Native Villages along the Aleutian Chain are separated from each other and the mainland by major bodies of water such as the Bering Sea. Thus, there is no access to any land on the mainland for them other than airplanes.

Veterans living in other parts of Alaska such as Southeast and Southcentral Alaska villages have similar access issues to lands outside of their regions.

To better illustrate the distance and access issue, we looked at the home state of the Honorable Bruce Westerman. Representative Westerman's hometown of Hot Springs, Arkansas is 1,062 miles from Washington, DC; access from Hot Springs to DC includes the I-81 N Route.¹

Representative Westerman has more means of access from his home to Washington DC than our Alaska Native Veterans of the Vietnam War Era and their heirs who live along the Aleutian Chain to the mainland areas of Alaska where the lands for allotments are located.

Congress must also set aside additional lands including the Bureau of Land Management (BLM) and National Forest lands and make them available for Native Allotments. If these lands are set aside by Congress, lands needed for Native Allotments for the veterans and their heirs will be enough.

Implementation of HR 410, if it is enacted into law, will be done by the Bureau of Land Management (BLM). To ensure that the program does not require further extensions and that all eligible Alaska Native Veterans and their heirs are able to receive their allotments, Congress must take the following into consideration:

- BLM's program staffing and budget should be increased. BLM remains in the process of doing outreach to ensure all eligible Alaska Native Veterans are aware of this program and can apply for an allotment.
- The larger area of selectable lands established by Public Land Order 7952 should be retained.
- The Secretary should establish a priority for Alaska Native Veteran allotments over other uses of public land.

This legislation is crucial for recognizing the sacrifices made by our veterans during the Vietnam Era. It provides an opportunity to rectify historical injustices and ensures that Alaska Native veterans and their heirs can secure their rightful land allotments. This legislation is not just about land; it's also about honoring the commitment and service of our veterans and their families to the United States of America. We urge all Members of Congress to support HR 410 to ensure justice and recognition for our brave veterans.

Mr. HURD. Thank you so much, Mr. Angapak. They certainly will, and I thank you for your testimony. The Chair now recognizes the Honorable Whitney Gravelle for 5 minutes.

¹ https://www.distance-cities.com/distance-washington-dc-to-hot-springs-national-park-ar#google_vignette

**STATEMENT OF THE HON. WHITNEY GRAVELLE, PRESIDENT,
BAY MILLS INDIAN COMMUNITY, BRIMLEY, MICHIGAN**

Ms. GRAVELLE. [Speaking native language.] Good morning, honorable Chairman, as well as Ranking Member Fernandez and members of the Committee. My name is Whitney Gravelle, and I currently serve as the President of Bay Mills Indian Community. It is truly an honor to be here today and testify in support of H.R. 412, legislation that is critically important to the future of our Tribe.

First I would like to extend my deepest gratitude to Congressman Bergman for his leadership in introducing this bill and for standing with us to ensure its passage. And I also want to thank this Committee for taking this time to consider this issue. It is a unique issue that doesn't only impact Bay Mills Indian community, but many tribal nations across the country.

For a little bit of background, Bay Mills Indian community has called the shores of Lake Superior home since time immemorial. Our ancestors ceded vast lands to the United States in treaties signed in 1820, 1836, and 1855, lands today that make up nearly 40 percent of the State of Michigan. In return we were promised the ability to govern ourselves and determine our future. Yet today outdated and conflicting legal interpretations hinder that very promise.

H.R. 412 addresses a fundamental issue: the ability of Bay Mills to freely manage and sell our own non-trust fee simple lands without unnecessary Federal oversight. The confusion surrounding the status of these lands has created barriers that prevent us from fully utilizing the land for economic development, housing utilization, public health care, as well as created barriers that prevent us from making sure that they are used in the most productive way possible.

We purchase land, but then are rendered unable to ever sell it again. We pay taxes on land, but then can do nothing with it. Title insurance companies refuse to recognize our clear authority, making it nearly impossible to transfer property. Companies will not purchase land without title insurance, which then leads to land becoming abandoned and not utilized to the best of its ability either for infrastructure development, economic development, land preservation, and sometimes public services that are being provided. This bureaucratic red tape is not only inefficient, it is extremely unjust.

The Department of the Interior has already acknowledged the problem, supporting similar legislation for other Tribes. In fact, Congress has acted on behalf of many other tribal nations: our sister Tribes in Michigan, including the Saginaw Chippewa Indian Tribe, the Sault Sainte Marie Tribe of Chippewa Indians, as well as Tribes in Florida, Minnesota, Louisiana, Oklahoma, and Oregon. And now it is the time to do the same thing for Bay Mills Indian Community.

The solution is simple: H.R. 412 affirms our right to self-determination by removing any ambiguity around our non-trust lands. It ensures that Bay Mills Indian community has the same rights as other Tribes have been granted, the right to make decisions about our land without having to seek congressional approval every time we wish to act.

This process has been something we have worked on for an extremely long time. We have tried many different pathways to resolve this issue over the course of several decades, yet land that was purchased some 50 years ago, 75 years ago is still within our land holdings because we cannot sell it, we cannot develop it, we cannot make sure it is used in the most productive way possible.

At the core of this legislation it is truly about fairness, economic opportunity, and ultimately tribal sovereignty. By passing H.R. 412 Congress will empower Bay Mills Indian Community to invest in our future, to create jobs, and to continue to build a strong and self-sufficient community.

I urge this Committee to support H.R. 412 and move it forward for passage. The time to act is now, and I sincerely appreciate your commitment to Indian Country.

[Speaking native language.], and I welcome any questions that you may have. I will yield the rest of my time. Thank you.

[The prepared statement of Ms. Gravelle follows:]

PREPARED STATEMENT OF HON. WHITNEY GRAVELLE, PRESIDENT, THE BAY MILLS
INDIAN COMMUNITY
ON H.R. 412

INTRODUCTION

Aanii, and good morning Chairman Hurd, Ranking Member Leger Fernandez, and Honorable Members of the House Natural Resources Committee's Indian and Insular Affairs Subcommittee. My name is Whitney Gravelle, and I am the President of the Bay Mills Indian Community. Thank you for giving me the opportunity to provide testimony today on H.R. 412. I also want to express our deep gratitude to our Congressman, the Hon. Jack Bergman, for introducing and championing our legislation, and for being here today to help introduce it.

For the reasons discussed in my testimony below, passage of H.R. 412 is vitally important to the Bay Mills Indian Community. This legislation will free our Tribe to manage land that we hold in fee without further federal oversight, and to sell that land without congressional approval, enabling our Tribe to engage in self-determination and strengthen our tribal economy.

THE BAY MILLS INDIAN COMMUNITY

Gnoozhkekaaning (meaning Place of the Pike), more widely known as the Bay Mills Indian Community, is an Ojibwe Tribal Nation located on the south shore of Lake Superior in Michigan's Upper Peninsula. We have lived in what is now the State of Michigan since time immemorial. In 1836, we and some of our sister Ojibwe (Chippewa) and Odawa (Ottawa) Tribes entered into a treaty with the United States by which we ceded an enormous amount of land that today comprises about 40% of the State of Michigan. Indeed, the name "Michigan" is derived from our Ojibwe word "michigami," meaning Place of many Great Lakes.

OUR NEED FOR PASSAGE OF H.R. 412

In the modern era, federal law provides important protections for tribal lands that are held in trust for us by the federal government. Unfortunately, confusion about whether that same federal law is applicable to our *non-trust* land is materially hindering our Tribe from being able to freely benefit from, and from being able to freely dispose of, non-trust lands. In particular, title insurance companies are so confused about the status of our fee land that we have great difficulty securing clear title, making it nearly impossible to transfer fee property to willing buyers.

This conundrum has been recognized by the Department of the Interior in testimony relating to a similar bill. For example, Interior testified on legislation similar to H.R. 412 for a group of tribes in Oregon:

The Department understands that the Tribes listed in this legislation [H.R. 3225]¹ wish to lease, sell, convey, warrant, or otherwise transfer all or any

¹H.R. 3225 was considered and enacted in the 115th Congress, see Pub. L. 115–179.

part of their interests in any real property that is *not* held in trust by the United States for the benefit of the Tribes without further approval, ratification or authorization by the United States.

Interior expressly supported the legislation: “the Department supports H.R. 3225 and *believes this authority should be extended to all Tribes for fee simple lands.*”² (Emphasis added).

LEGAL BACKGROUND

Congress enacted the Indian Trade and Intercourse Act (also known as the “Non-intercourse Act”), now codified at 25 U.S.C. § 177, to protect Indian lands from being sold without express authorization from Congress. This protection clearly applies to lands held in trust. But there have been conflicting views on whether the Nonintercourse Act’s prohibitions apply to *lands held in fee*.

The Supreme Court has contributed to the confusion. In *Cass County, Minnesota v. Leech Lake Band of Chippewa Indians*, 524 U.S. 103, 115 n.5 (1998), the Court noted it “has never determined whether the Indian Nonintercourse Act . . . applies to land that has been rendered alienable by Congress [i.e., non-trust land] . . . we decline to consider it for the first time in this Court.” The Court’s pronouncement caused uncertainty because some federal and state courts that addressed the issue before *Cass County* determined that the Nonintercourse Act does not apply to fee lands.³

There has also been uncertainty within Congress. The House Natural Resources Committee and the Senate Committee on Indian Affairs have interpreted the Non-intercourse Act as prohibiting tribes from selling non-trust lands without federal approval.⁴ And the Natural Resources Committee has highlighted the confusion and the need for tribes to seek legislation “for transactions of non-trust land over an abundance of caution by both the tribal and non-tribal parties.”⁵

It is for these reasons that Congress has passed legislation for many tribes confirming those tribes’ authority to sell or encumber non-trust land without the need for federal approval. Two of these are Michigan sister tribes, the Saginaw Chippewa Indian Tribe⁶ and the Sault Ste. Marie Tribe of Chippewa Indians.⁷ Other tribes for which Congress has provided similar clarifying language include the Seminole Tribe of Florida, the Miami Tribe of Oklahoma, the Lower Sioux Indian Community in Minnesota, the Coushatta Tribe of Louisiana, and from Oregon, the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, the Confederated Tribes of the Grand Ronde Community, the Confederated Tribes of the Siletz Indians, the Confederated Tribes of Warm Springs, the Cow Creek Band of Umpqua Tribe, the Klamath Tribes, and the Burns Paiute Tribe.⁸

The Bay Mills Indian Community needs and deserves the same federal legislation that has benefited these other tribes. H.R. 412 is that legislation.

CONCLUSION

We ask that the Subcommittee urge the full House Natural Resources Committee to vote in favor of this bill and to do whatever it can to ensure its enactment.

²Testimony of John Tahsuda, III, Acting Assistant Secretary—Indian Affairs, before the House Natural Resources Subcommittee on Indian, Insular and Alaska Native Affairs on H.R. 3225, The “Oregon Tribal Economic Development Act” (Nov. 15, 2017) (the Department “believes this authority should be extended to all Tribes for fee simple lands.”).

³*See, e.g., Lummi Indian Tribe v. Whatcom County*, 5 F.3d 1355 (9th Cir. 1993), *cert. denied*, 512 U.S. 1228 (1994) (holding that a tribe’s fee land is not subject to the restrictions of the Non-intercourse Act); *Saginaw Chippewa Tribe v. State of Michigan*, 882 F. Supp. 659 (E.D. Mich. 1995), *rev’d on other grounds*, 106 F.3d 130 (6th Cir. 1997), *cert. granted and judgment vacated sub. nom., Michigan v. United States*, 524 U.S. 923 (1998) (holding the same); *Anderson & Middleton Lumber Co. v. Quinalt Indian Nation*, 929 P.2d 379 (Wash. 1996) (holding same).

⁴*See* S. Rept. 117–10, at 2 (Apr. 14, 2021); H. Rept. 115–564, at 2 (Feb. 15, 2018); H. Rept. 115–507, at 2 (Jan. 18, 2018); H. Rept. 110–275, at 2 (July 30, 2007); H. Rept. 110–274, at 2 (July 30, 2007); H. Rept. 106–502, at 1–2 (Feb. 29, 2000).

⁵H. Rept. 114–250, at 1–2 (Sept. 8, 2015); *see also* S. Rept. 115–175, at 2–3 (Oct. 17, 2017) (“The legislation is intended to remove the uncertainties created by the *Indian Non-Intercourse Act* over Indian land transactions involving non-trust real property.”).

⁶Pub. L. 110–76 (2007).

⁷Pub. L. 110–453 (2008).

⁸*See* Pub. L. 117–65 (authorizing the transfer or conveyance of fee lands owned by the Seminole Tribe of Florida); Pub. L. 115–179 (authorizing the same for seven tribes in Oregon); Pub. L. 114–127 (authorizing the same for the Miami Tribe of Oklahoma); Pub. L. 110–75 (authorizing the same for the Coquille Indian Tribe); Pub. L. 106–127 (authorizing the same for the Lower Sioux Indian Community of Minnesota); Pub. L. 106–568 (authorizing the same for the Coushatta Tribe of Louisiana).

Through passage of H.R. 412, Congress will honor our Tribe's right to self-determination and will materially help strengthen our tribal economy.

Thank you for your time, and for your consideration of this important legislation. I am happy to answer any questions you may have or to provide additional information.

QUESTIONS SUBMITTED FOR THE RECORD TO THE HON. WHITNEY GRAVELLE,
PRESIDENT, BAY MILLS INDIAN COMMUNITY

Questions Submitted by Representative Westerman

Question 1. In November 2020, the Bay Mills Indian Community and State of Michigan voluntarily dismissed a longstanding lawsuit that the Tribe brought against the State regarding the legal status of fee lands the Tribe purchases with funds received pursuant to the Michigan Indian Land Claims Settlement Act (See Bay Mills Indian Community v. Snyder, No. 1:11-cv-0729-PLM). In that lawsuit, the Tribe argued that the Non-Intercourse Act restrictions on alienation automatically applied to all its fee land purchases as a matter of law if those lands were purchased with funds received from the Michigan Indian Land Claims Settlement Act (MILCSA). The Tribe argued that fee lands purchased with MILCSA funds are "held as Indian lands are held," which the tribe described in its court filings as meaning tribal ownership of land in fee simple "subject to a federal restraint on alienation."

Answer. The Bay Mills Indian Community very much appreciates the questions you asked in your letter of February 10, 2025, as we think they help further highlight why H.R. 412 is of such crucial importance to us.

As a preliminary matter, I do want to underscore that the fee lands acquired by the Bay Mills Indian Community with Michigan Indian Land Claim Settlement Act (MILCSA) funds are only a small subset of the fee lands we own and for which we seeking clear, federally-confirmed authority to alienate. It is our view and intention that the language of H.R. 412 would provide to our Tribe the authority to alienate all of our fee lands, including lands acquired with MILCSA settlement funds.

Following below are more specific answers to your questions.

1a) Does the Bay Mills Indian Community still support and maintain the legal arguments it made in the prior litigation and continue to hold the view that any fee lands the tribe purchases with funds from the Michigan Indian Land Claims Settlement Act automatically become "held as Indian lands are held" as a matter of law, which are equivalent to Indian Reservation land and subject to federal restraints on alienation?

Answer. It is correct that the Bay Mills Indian Community has interpreted the phrase "held as Indian lands are held" in Section 107(a) of MILCSA as meaning that lands acquired with MILCSA settlement funds have some sort of status beyond being just fee lands, because otherwise Section 107(a)'s "held as Indian lands are held" language appears to be superfluous. But a federal district court that reviewed this question disagreed, and so has the Department of the Interior—both found that land acquired with MILCSA funds are alienable. We have accepted that the executive and judicial branches have not shared our reading of MILCSA, and we have not made any further challenges to the executive and judicial branches reading of MILCSA. Exercising its plenary authority, Congress puts a final end to this debate with enactment of H.R. 412—the bill provides no exception for fee lands purchased with MILCSA settlement funds, and therefore would make all of the Bay Mills Indian Community's fee lands clearly alienable.

Question 2. Your written testimony mentioned being unable to transfer fee land to willing buyers because of confusion about the land title.

2a) Does the Bay Mills Indian Community take the position that all fee lands currently held by the Tribe are freely alienable and that the purpose of H.R. 412 is to clarify that the Non-Intercourse Act does not apply to these fee lands when the tribe chooses to transfer, lease, encumber, or otherwise convey these fee lands?

Answer. The Bay Mills Indian Community owns certain fee lands that were not acquired with MILCSA settlement funds and legally should be "freely alienable," but these have not actually been "freely alienable" because of the confusion caused by the Non-Intercourse Act for local title companies.

The Bay Mills Indian Community also owns other certain fee lands that were acquired with MILCSA settlement funds. Although our view has been that these fee lands should be treated as restricted from alienation as discussed above, a federal court and the Department of the Interior have disagreed, finding that these lands instead are alienable. Yet, *despite the court decision and Interior's position that lands acquired with MILCSA settlement funds are alienable*, we still are not been able to obtain clear title insurance for these lands and so *as a practical matter cannot* alienate them. For these lands, we have been left in an ongoing “damned if we do, damned if we don’t” situation. H.R. 412 will remove all uncertainty, allowing us to alienate these fee lands too. And by making clear that these lands are alienable, H.R. 412 effectively also confirms that they cannot be used for gaming under the Indian Gaming Regulatory Act.

2a) *Does the language of H.R. 412 fully clarify this for the title of the tribally owned fee land, or are there other clarifications that may need to be made considering previous litigation regarding the legal status of fee lands (as mentioned in question 1).*

Answer. H.R. 412 makes *all of our fee lands*, including the subset of fee lands we have purchased with MILCSA funds, freely alienable. We favor H.R. 412’s clear, simple approach to resolving our fee lands issues.

In conclusion, I hope these responses are helpful to you, and of course we are happy to answer any additional questions the Committee might have. I want to thank you again for holding a hearing on H.R. 412, and for giving the Bay Mills Indian Community the opportunity to testify on why passage of the bill is so crucially important for our Tribe.

Mr. HURD. Thank you, Ms. Gravelle, for that testimony. The Chair now recognizes Mr. Anthony C. Locklear for 5 minutes.
Mr. Locklear.

**STATEMENT OF A.C. LOCKLEAR, INTERIM CEO, NATIONAL
INDIAN HEALTH BOARD, WASHINGTON, D.C.**

Mr. LOCKLEAR. Good morning, Chairman Hurd, Ranking Member Leger Fernández, and the distinguished members of the Subcommittee. On behalf of the National Indian Health Board and the 574 sovereign federally recognized American Indian and Alaska Native tribal nations we serve, thank you for this opportunity to provide testimony on H.R. 741, the Stronger Engagement for Indian Health Needs Act of 2025. My name is A.C. Locklear. I am a member of the Lumbee Tribe of North Carolina and serve as the Interim Chief Executive Officer for the National Indian Health Board.

The Indian Health Service, also known as IHS, is an operating division of the U.S. Department of Health and Human Services that delivers culturally competent health services for American Indians and Alaska Natives. IHS is one of four core Federal health delivery systems. The IHS Director oversees an agency of approximately 15,000 employees that provides direct care services to patients. They oversee the parts of the implementation of the Indian Self-Determination and Education Assistance Act, and collaborates with other divisions and agencies of the department.

Additionally, the IHS is the principal Federal entity charged with fulfilling the Federal trust responsibility for Indian health. This legislation seeks to better meet the trust and treaty obligations of the Federal Government by elevating this critical role to an assistant secretary.

Elevating the Director of IHS to an assistant secretary of HHS is a long-time request among tribal leaders, tribal members, and American Indian and Alaska Native health advocates. Elevating the IHS Director to assistant secretary for Indian Health would raise the priority and presence of Indian health matters within the HHS and the Federal Government. The nominee for Secretary of HHS, Robert F. Kennedy, stated, "I am going to bring in a native at the assistant secretary level" during his confirmation hearing in front of the Senate Health Committee. He later commented that all of the agency's decisions will be conscious of their impact on first nations. This is the first time that a secretary nominee for HHS has committed to making these changes within the agency.

Elevating the IHS Director to the assistant secretary would provide appropriate recognition of the Director's role, and would resource the office to address operational needs of Indian health, such as hiring and paying. It would also clearly identify the new assistant secretary as a primary advisor to the Secretary on all Indian health matters that exist broadly across the department's divisions and agencies.

It is time for Congress to commit to the health of tribal people by passing legislation such as H.R. 741. Congress has the constitutional authority and responsibility to provide for Indian health. Indeed, Congress must act to realize the elevation of the IHS Director. Because the director and the duties of the director are established in statute, nominated by the President, and confirmed by the Senate, Congress is the only body with authority to elevate the director to assist the Secretary.

Elevation of the director will also bring necessary attention and focus on Indian health disparities. American Indians and Alaska Native people experience the worst health outcomes compared with the rest of the United States population. Year after year the Federal Government has failed American Indians and Alaska Natives by drastically under-funding Indian Health Service far below the demonstrated need. Due to chronic under-funding, the Centers for Disease Control and Prevention reported that life expectancy for American Indians and Alaska Natives has declined nearly 7 years. That means the life expectancy for our people is now 65 years, the same as the life expectancy of the total U.S. population in 1944.

In 2018 the U.S. Commission on Civil Rights found that Federal funding for Native American programs across the government remains grossly inadequate to meet the most basic needs that the Federal Government is obligated to provide. Generally, a Native American program budget is barely perceptible and are a decreasing percentage of the agency's budget. This legislation would raise the profile of Indian health, which is important to bring education and attention to the health disparities tribal communities face.

An assistant secretary for Indian Health can better support the U.S. Government in meeting its treaty and trust responsibilities for health care. It also brings Indian health in parity with other sister departments which already enjoy the recognition of assistant secretary. To appropriately implement this legislation's purpose, Congress should also fully fund IHS to meet the health care needs of tribal members adequately.

In conclusion, the stronger engagement for Indian Health Needs Act of 2025 is one small step towards meeting the trust and treaty obligation between the Federal Government and Tribes. The Federal Government made its promise in its treaties to provide for, among other things, the health care of tribal members. This legislation will help repair this one portion of broken promises of the Federal Government and will support a step towards healthier tribal communities. Thank you.

[The prepared statement of Mr. Locklear follows:]

PREPARED STATEMENT OF ANTHONY C. LOCKLEAR II, TRIBAL MEMBER OF THE LUMBEE TRIBE OF NORTH CAROLINA AND INTERIM CHIEF EXECUTIVE OFFICER, NATIONAL INDIAN HEALTH BOARD

ON H.R. 741

Chairman Hurd, Ranking Member Leger Fernández, and distinguished members of the Subcommittee, on behalf of the National Indian Health Board (NIHB) and the 574+ sovereign federally recognized American Indian and Alaska Native Tribal nations we serve, thank you for this opportunity to provide testimony on H.R. 741, the Stronger Engagement for Indian Health Needs Act of 2025. My name is A.C. Locklear. I am a member of the Lumbee Tribe of North Carolina and serve as the Interim Chief Executive Officer for the National Indian Health Board (NIHB).

The Indian Health Service (IHS), an operating division of the U.S. Department of Health and Human Services (HHS),¹ delivers culturally competent health services for American Indians and Alaska Natives (AI/ANs). IHS is one of four core federal health delivery systems.² Elevating the Director of the IHS to an Assistant Secretary of the HHS is a long-time request among Tribal Leaders, Tribal members, and American Indian and Alaska Native Health Advocates. The IHS is the principal federal entity charged with fulfilling the federal trust responsibility for Indian health care. Elevating the IHS Director to an Assistant Secretary for Indian Health would raise the priority and presence of Indian health matters within HHS and within the federal government. H.R. 741, the Stronger Engagement for Indian Health Needs Act of 2025, seeks to meet the Trust and Treaty obligations of the federal government by elevating this critical role to an assistant secretary, which would require this individual to be nominated by the President and confirmed in the Senate.

During Robert F. Kennedy's, nominee for Secretary of the Department of Health and Human Services, confirmation hearing in front of the Senate Health, Education, Labor, and Pensions (HELP) Committee, the nominee stated, "I'm going to bring in a native at the assistant secretary level." He later committed that all of the agency's decisions will be conscious of their impacts on the first nations. This is the first time that a Secretary nominee for the HHS has committed to making these changes within the agency. It is time for Congress to take the necessary step of passing legislation, such as H.R. 741, that meets the same level of commitment to the health of Tribal people.

UNIQUE GOVERNMENT-TO-GOVERNMENT RELATIONSHIP

The U.S. Constitution recognizes three sovereigns: the Federal government, States, and Indian Tribes. As sovereigns, Tribes predate the United States, and retain rights of self-government.³ When the United States was established, the Constitution's Indian Commerce Clause granted Congress the authority to pass legislation specific to Indian Affairs.⁴ The Supreme Court has upheld Indian-specific legislation, determining that it is political in nature, rather than based on an unconstitutional racial classification.⁵ Health care reform legislation that reflects the

¹ Congressional appropriations for IHS flow through the Interior, Environment and Related Agencies Appropriations bill.

² Other federal health systems include: Veterans Health Administration; Defense Health Agency; and Bureau of Prisons Health Services Division.

³ *Worcester v. State of Ga.*, 31 U.S. 515, 559 (1832).

⁴ U.S. CONST., art. I, § 8, cl. 3; see also *Morton v. Mancari*, 417 U.S. 535, 552–55 (1974).

⁵ *Morton*, 417 U.S. at 555; see also *Moe v. Confederated Salish & Kootenai Tribes of Flathead Reservation*, 425 U.S. 463, 479–80 (1976); *Washington v. Washington State Commercial Passenger Fishing Vessel Ass'n*, 443 U.S. 658, 673 n.20 (1979); *United States v. Antelope*, 430 U.S. 641, 645–47 (1977); *Am. Fed'n of Gov't Employees, AFL-CIO v. United States*, 330 F.3d 513, 520–21 (D.C. Cir. 2003).

unique federal responsibility to provide health care for American Indians and Alaska Natives is subject to rational basis review and does not violate the equal protection clause so long as it is “tied rationally to the fulfillment of Congress’ unique obligation toward the Indians.”⁶

Congress has the constitutional authority and responsibility to provide for Indian health care. Tribes signed treaties and negotiated other agreements with the United States in which they ceded vast amounts of territory in exchange for certain solemn promises. These promises include protecting Tribal self-government and providing for the health and well-being of Indian peoples.⁷ Indian treaties are the supreme law of the land, and the United States has “moral obligations of the highest responsibility and trust” in carrying out these treaty obligations.⁸

Congress has passed numerous Indian-specific laws to provide for Indian health care, including establishing the Indian health care system and passing the Indian Health Care Improvement Act (IHCIA), 25 U.S.C. § 1601 *et seq.* In the IHCIA, for instance, Congress found that “Federal health services to maintain and improve the health of the Indians are consonant with and required by the Federal Government’s historical and unique legal relationship with, and resulting responsibility to, the American Indian people.” *Id.* § 1601(1). In the Indian Self-determination and Education Assistance Act (ISDEAA), 25 U.S.C. § 5301 *et seq.*, Congress enabled Tribes to contract to run their own health care programs while also preserving Tribes’ right to choose that services continue to be provided directly by the Indian Health Service. Congress has also legislated to provide Indians with access to general health programs, such as Medicaid, while creating Indian-specific protections within those programs that reflect this unique political relationship.

Congress has full constitutional authority to legislate with regard to Indian health care, and should continue to promote Tribal sovereignty and uphold the government-to-government relationship between the United States and Tribes in fulfillment of its trust and legal responsibilities. Elevating the IHS Director to Assistant Secretary for Indian Health, is not just within Congressional purview, it supports increased awareness and elevated status of Indian health within the Department.

THE HEALTH STATUS OF AI/ANs AND UNDERFUNDING OF IHS

AI/ANs experience worse health outcomes compared with the rest of the U.S. population. AI/ANs continue to experience historical trauma from damaging federal policies, including those of forced removal, boarding schools, and taking of Tribal lands, and continuing threats to culture, language, and access to traditional foods. These compounding events have resulted in AI/AN populations experiencing high rates of poverty, high unemployment rates, barriers to accessing higher education, poor housing, lack of transportation, geographic isolation, and lack of economic mobility which all contribute to poor health outcomes. Historic and persistent underfunding of the Indian healthcare system has resulted in problems with access to care and has limited the ability of the Indian healthcare system to provide the full range of medications and services that could help prevent or reduce the complications of chronic diseases.

Year after year, the federal government has failed American Indians and Alaska Natives by drastically underfunding the Indian Health Service (IHS) far below the demonstrated need. For example, in 2023, IHS spending for medical care per user was only \$4,078, while the national average spending per user was \$13,493. This correlates directly with the unacceptable higher rates of premature deaths and chronic illnesses suffered throughout Tribal communities.

In 2018, the U.S. Commission on Civil Rights found that: “Federal funding for Native American programs across the government remains grossly inadequate to meet the most basic needs the federal government is obligated to provide. Native American program budgets generally remain a barely perceptible and decreasing percentage of agency budgets.”⁹

Due to chronic underfunding, the Centers for Disease Control and Prevention (CDC) reported that life expectancy for AI/ANs has declined by nearly 7 years, such that the life expectancy for our People is only 65.2 years, which is the same life expectancy of the total U.S. population in 1944. This is 11.2 years less than the non-Hispanic White population’s life expectancy of 76.4 years. It will take a more meaningful investment targeted toward primary and preventative health, including

⁶ *Morton*, 417 U.S. at 555.

⁷ See *United States v. Winans*, 198 U.S. 371, 380–81 (1905).

⁸ *Seminole Nation v. United States*, 316 U.S. 286, 296–97 (1942); see also U.S. CONST., art. VI, cl. 2; *Worcester*, 31 U.S. at 539.

⁹ U.S. Commission on Civil Rights. “Broken Promises: Continuing Federal Funding Shortfall for Native Americans.” December 2018. Available at: <https://www.usccr.gov/files/pubs/2018/12-20-Broken-Promises.pdf>

public health services, in order for Tribes to begin reversing the trend of rising premature death rates and early onset of chronic illnesses.

During the last four years, bipartisan collaboration between Congress and the Administration has resulted in just an 11.6% increase to the IHS budget. In reality, many of the increases in funding over the past several years have barely supported population growth, rising medical inflation, staffing funding for specific new/expanded facilities, and the rightful funding of legal obligations such as Contract Support Costs (CSC). For example, based on the House and Senate budgets drafted for consideration for FY 2025, CSC and section 105(l) leases made up 87–93% of the increase assessed. A more significant funding increase, including necessary investments in inadequate facilities, modernized infrastructure, and a qualified workforce, is needed so that quality healthcare services can be delivered in a safe manner within all AI/AN communities. Only then will we expect to see a noticeable correlating improvement in health outcomes for our people.

This legislation would raise the profile of Indian health, which is important to bringing education and attention to the health disparities Tribal communities face. An Assistant Secretary for Indian Health can better support the U.S. government in meeting its trust and treaty responsibilities to Tribes for health care and it also brings Indian health in parity with other Indian programs in sister Departments which already enjoy the recognition of an Assistant Secretary. To appropriately implement this legislation's purpose, Congress should also fully fund the IHS to meet the healthcare needs of Tribal members adequately. This legislation can be successful, and I urge Congress to take the steps necessary to ensure that success.

CONCLUSION

The Stronger Engagement for Indian Health Needs Act of 2025 is one small step toward meeting the trust and treaty obligation between the federal government and Tribes. The federal government made promises in its Tribal treaties to provide for, among other things, the healthcare of Tribal members. This legislation will help repair this one portion of the broken promises of the federal government and will support a step toward healthier Tribal communities.

QUESTIONS SUBMITTED FOR THE RECORD TO MR. A.C. LOCKLEAR, INTERIM CEO,
NATIONAL INDIAN HEALTH BOARD

Questions Submitted by Representative Westerman

Question 1. In your written testimony, you wrote that elevating the IHS Director to an Assistant Secretary position would “raise the priority and presence of Indian health matters within HHS and within the federal government.”

1a) Please describe how you view the difference between the current Senate-confirmed Director position and a possible Senate-confirmed Assistant Secretary position?

Answer. The Trust responsibilities and Treaty obligations of the U.S. government to provide health care extends beyond the Indian Health Service (IHS or Service) into the other agencies and divisions within the Department of Health and Human Services (HHS). The current IHS Director is currently the operational leader for the Service which focuses on the primary mission to deliver care and improve the health and wellbeing of American Indians and Alaska Natives (AI/ANs). The status of the IHS Director frequently results in Director-nominations to come later into new Administrations and is not often prioritized resulting in difficulties for the Service.

Elevating the current Director to Assistant Secretary would provide a significantly higher profile to the position. An Assistant Secretary would have more direct ability to liaise with the HHS Secretary and advise on Indian health policy more broadly across HHS programs, where the Director is now more limited. The Assistant Secretary's office would also provide for greater administrative resources to address operational capacity with the Indian Health Service. Moreover, there are many authorities and privileges that are reserved for Assistant Secretary level positions, particularly around personnel and hiring. IHS suffers from chronic workforce shortages, having greater flexibilities will allow the IHS to address the current 30% provider vacancy rate.

Question 2. The Indian Health Service has been on the Government Accountability Office's (GAO's) high risk list as an agency vulnerable to waste, fraud, abuse, or mismanagement, or in need of transformation.

2a) How specifically do you think that elevating the Director position to that of Assistant Secretary would help the Indian Health Service resolve any open recommendations from GAO and ultimately contribute to removing the India Health Service from the GAO's High-Risk List?

Answer. Raising the profile of the IHS Director by elevating the position to Assistant Secretary will be key to addressing outstanding concerns identified by the GAO as part of its assessment of IHS on the High-Risk List. Not only will increased operational capacity within Service leadership support addressing outstanding issues identified by the GAO, such as succession planning, particularly for Area Director positions.

Further, the GAO specifically called out the “Acting” status of IHS Directors in its follow up report in 2019.¹ The GAO stated,

“However, IHS still does not have permanent leadership—including a Director of IHS—which is necessary for the agency to demonstrate its commitment to improvement. Additionally, since 2012, there have been five IHS Acting Directors, and there has been leadership turnover in other key positions, such as area directors.”

The GAO also stated in the same report that, “To fully meet the leadership commitment criterion, all agencies [BIA, BIE, and IHS] will need, among other things, stable, permanent leadership that has assigned the tasks needed to address weaknesses and that holds those assigned accountable for progress.”

The nomination of a Director to the Service, is of course the prerogative of the President, and outside the control of the Service, which the GAO does not account for in its assessment. Continuing the IHS Director at its current level and title will perpetuate the slow process of naming a Director-nominee, which during the first Trump Administration, took two full years to fill. Elevating the Director to Assistant Secretary will draw attention to the position and its work on Indian Health broadly at HHS, which will support a timelier appointment—and thus a longer and more stable tenure of the Assistant Secretary. A parallel can be seen with the Assistant Secretary of Indian Affairs at Department of the Interior, which frequently sees an early nomination to fill the position in the early days of a new Administration. This change directly addresses a concern of the GAO keeping the IHS on the High-Risk List.

Question 3. During your testimony, you mentioned concerns with the previous Director of Indian Health Service being excluded from conversations of importance, specifically with Veterans Affairs.

3a) Please elaborate, from your perspective and understanding, as to how the position level of Director contributed to this lack of inclusion and communication.

Answer. The last position to be elevated to Assistant Secretary was that of SAMHSA Administrator, elevated to Assistant Secretary for Mental Health in 2016, following the passage of the 21st Century Cures Act (P.L. 114-255). At the time of the elevation of the Administrator to Assistant Secretary, it was cited that elevating the Administrator brought more responsibilities for cross-government coordination and collaboration, including focusing on supporting behavioral and mental health for veterans, the unhoused, and the armed forces.² It is undeniable that the position of Assistant Secretary is both expected to work with and is received better by their co-equals across other federal Departments.

The IHS Director is already required to work across Departments to improve access to services, such as with the Department of Veterans Affairs to improve both the health outcomes for Native veterans and non-Native veterans alike. Although the IHS has been working for two years to re-sign Reimbursement Agreements with the VA, there have been stops and starts that have slowed the progress of these inter-agency agreements. Collaboration with the VA is not the only instance where this occurs. Collaborative work with the Department of Housing and Urban Development is another, where the Department and IHS must collaborate on new Tribal housing and water/sanitation connections. Elevation of the IHS Director will improve the responsiveness of counterparts across the government in responding to Indian Health needs which currently go unmet.

¹ Government Accountability Office (2019). HIGH RISK Progress Made but Continued Attention Needed to Address Management Weaknesses at Federal Agencies Serving Indian Tribes. (GAO-19-445T). Washington, DC Government Printing Office. Accessed 2/24/25 (<https://www.gao.gov/assets/gao-19-445t.pdf>).

² American Psychiatric Association (2017). Mental Health Reform Provisions in H.R. 34, the 21st Century Cures Act. Accessed 2/24/25 (<https://www.psychiatry.org/File%20Library/Psychiatrists/Advocacy/Federal/Comprehensive-Mental-Health-Reform/APA-Summary-Mental-Health-Reform-Provisions-21st-Century-Cures-Act.pdf>).

Mr. HURD. Thank you very much, Mr. Locklear, for that testimony. The Chair now recognizes the Honorable Talbert Cypress for 5 minutes.

Mr. Cypress.

**STATEMENT OF TALBERT CYPRESS, CHAIRMAN, MICCOSUKEE
TRIBE OF INDIANS OF FLORIDA, MIAMI, FLORIDA**

Mr. CYPRESS. Good morning, Chairman Hurd, Ranking Member Leger Fernández, and members of the Subcommittee. Thank you for the opportunity to appear before you today. I am Talbert Cypress, Chairman of the Miccosukee Tribe of Indians of Florida, a federally recognized Tribe located in the greater Everglades in South Florida. The views expressed herein are those of the Miccosukee Tribe.

I appreciate the opportunity to discuss H.R. 504, the Miccosukee Reserved Area Amendments Act, which would expand the current boundaries of the Miccosukee Reserved Area, or MRA, to include the Osceola Camp.

Thank you also to Rep. Gimenez for sponsoring this legislation.

We strongly support H.R. 504, which would ensure appropriate governance for the Osceola Camp, and call on the Park Service to work with the Tribe to elevate structures in the camp to protect it from flood waters from the Central Everglades Planning Project.

The Miccosukee Tribe was federally recognized in 1962, and after that recognition our villages within the Everglades National Park were managed as a special use permit granted by the National Park Service. In 1998 Congress passed the Miccosukee Reserved Area Act. This Act provided a legal framework under which the members of the Tribe could live permanently and govern their own affairs in the villages set aside for the Tribe's use within the park.

The Miccosukee Reserved Area Act of 1998 has been a resounding success for the Tribe and for the Everglades National Park. Our residential community, the national park, its waters, and its visitor access have all been well protected. However, there remains one special use permit within the Everglades National Park, and this is my father's family's village called the Osceola Camp, named after the descendants of the war leader Osceola who was executed at the Second Seminole War.

My ancestors lived in the Osceola Camp for generations, and H.R. 504 would add Osceola Camp to the Miccosukee Reserved Area, thus completing the protection of tribal communities remaining within Everglades National Park. The incorporation of these 30 acres into the MRA will create a more consistent legal framework for tribal residents and law enforcement personnel. Once the Osceola Camp becomes part of the MRA, residents can be included as residents of tribal lands and can more easily access tribal emergency and infrastructure services.

In addition to expanding the Miccosukee Reserved Area, H.R. 504 requires the National Park Service to carry out necessary work to elevate the camp. The Central Everglades Planning Project, when completed, will restore the natural flow to a three-mile stretch of the Everglades. However, the Osceola Camp is right in the flow-way of that water which will be released under the plan.

Work has already begun by the National Park Service and Florida Department of Transportation to elevate the camp and its traditional structures above the new floodplain height. The work will be done together with the Tamiami Trail Next Steps project, which is elevating the roadway to protect it from rising water levels. As the village is on the border of the Tamiami Trail roadway, this approach is efficient. However, without this work to elevate structures, the village will be under imminent and substantial risk of frequent flooding.

We strongly support H.R. 504 as consistent with the Federal trust responsibility in ensuring continued self-governance. I truly appreciate the opportunity to address this Subcommittee, and thank you for your support you have shown to Tribes and our sovereignty. I look forward to any questions you may have.

[Speaking native language.] Thank you.

[The prepared statement of Mr. Cypress follows:]

PREPARED STATEMENT OF TALBERT H. CYPRESS, CHAIRMAN OF THE MICCOSUKEE
TRIBE OF INDIANS OF FLORIDA

ON H.R. 504

Good morning, Chair Hurd, Ranking Member Leger-Fernández, and members of the Subcommittee, thank you for the opportunity to appear before you today. I am Talbert H. Cypress, Chairman of the Miccosukee Tribe of Indians of Florida, a federally-recognized tribe located in the Greater Everglades in South Florida. The views expressed herein are those of the Miccosukee Tribe, a sovereign tribe recognized pursuant to the Indian Reorganization Act of 1934. I appreciate the opportunity to discuss H.R. 504, the Miccosukee Reserved Area Amendments Act, which would expand the current boundaries of the Miccosukee Reserved Area (or “MRA”) to include the Osceola Camp. Thank you also to Rep. Giménez for sponsoring this legislation. If enacted, H.R. 504 would make amendments to the Miccosukee Reserved Area Act of 1998, legislation that set aside inhabited Tribal lands within Everglades National Park for the benefit of the Miccosukee Tribe of Indians of Florida and our constituents. We strongly support H.R. 504, which would ensure appropriate governance for the Osceola Camp and protect structures in the Osceola Camp from artificial engineered floodwaters from a Congressionally authorized project, the Central Everglades Planning Project.

EXPANSION

The current boundaries of the Miccosukee Reserved Area were delineated by the Miccosukee Reserved Area Act of 1998, Public Law 105–313. This Act brought under Tribal jurisdiction a stretch of land on the northern edge of Everglades National Park which has been inhabited by the Tribe for generations since the original villages and designated state reservation of 99,000 acres within Everglades National Park were evicted as a result of the creation of the Park and subsequent wilderness-style management. Following the Tribe’s 1962 federal recognition, the villages which were established within this strip of land within the borders of the Park were managed as a Special Use Permit of the national park from 1964 until 1998.

In 1998, Congress passed the Miccosukee Reserved Area Act, predicated on the finding that “[t]he interests of both the Miccosukee Tribe and the United States would be enhanced by a further delineation of the rights and obligations of each with respect to the Special Use Permit Area and to the Park as a whole.” Public Law 105–313, § 2. An important goal of this 1998 legislation was to “replace the special use permit with a legal framework under which the Tribe can live permanently and govern the Tribe’s own affairs in a modern community within the Park.” *Id.* at § 3. The Act further provided that “the Tribe shall govern its own affairs and otherwise make laws and apply those laws in the MRA as though the MRA were a Federal Indian reservation.” *Id.* at § 5(a)(3).

This same Act provided for the protection of Everglades National Park alongside the rights of the Tribe within the Miccosukee Reserved Area. Section 6 of the Act provides, among other environmentally protective measures, that the Tribe shall be responsible for “compliance with all applicable laws” and “shall prevent and abate degradation of the quality of surface or groundwater that is released into other

parts of the Park,” and “shall not impede public access to those areas of the Park outside the boundaries of the MRA,” and that no gaming shall be permitted to be conducted on the MRA.

The Miccosukee Reserved Area Act of 1998 has, by all accounts, been a resounding success for the Tribe and for Everglades National Park. Our residential community has been protected and our effective self-government therein has been facilitated. The National Park, its waters, and its visitor access have been well protected and Tribal impacts kept within the borders of the Miccosukee Reserved Area. However, there remains one Special Use Permit within Everglades National Park which still facilitates the occupancy of an outlying village that is approximately six (6) miles down US-41 (the Tamiami Trail) from the Miccosukee Reserved Area.

This is my father’s village, called the Osceola Camp, after descendants of the war leader Osceola who was executed after being captured under a flag of truce by General Thomas Jessup in 1837 during the Second Seminole War. My ancestors have lived in the Osceola Camp for generations, but within its borders our existence continues to be subject to Special Use Permit renewal by Everglades National Park. The proposed Miccosukee Reserved Area Amendments Act introduced here, H.R. 504, would finally complete the protection of the Tribal communities remaining within Everglades National Park. The area proposed to be included into the MRA consists of the tree island on which the Osceola Camp is located and a fire break extending out from the island which will protect the Tribal community and facilitate continued Everglades National Park prescribed burns.

The incorporation of these thirty (30) acres into the MRA will create a much more consistent legal framework for Tribal residents and law enforcement personnel living and working along the northern border of Everglades National Park. Once the Osceola Camp becomes a part of the MRA, residents can be included demographically as residents of Tribal lands and can more effectively avail themselves of Tribal emergency and infrastructure services funded by the Tribal government.

ELEVATION

Our homelands have been significantly impacted and altered by drainage authorized by Congress in 1948 as the Central and Southern Florida Project. Our northern homelands have been flooded and polluted, while our southern homelands have been dehydrated. The Comprehensive Everglades Restoration Plan authorized by Congress in 2000 includes the Central Everglades Planning Project, itself authorized in 2016. This project, when completed, will restore the natural flow to a three mile stretch of the Everglades, where a portion of the Levee 29 will be removed north of a bridge which has been built to span the stretch.

However, the Osceola Camp is right in the flow way of the water which will be released when the levee is degraded. Work has already begun by the National Park Service and Florida Department of Transportation to elevate the camp and its traditional structures above the new floodplain height, in tandem with the Tamiami Trail Next Steps Project which is elevating the roadway to protect it from the rising water levels. As the village is on the border of the US-41 (Tamiami Trail) roadway, this approach is efficient and harmonized with the existing authorized projects. This bill calls upon the Secretary to carry out this important work. Without this engineering work, the village will be under substantial and untenable risk of frequent flooding.

This is one of the only remaining Tribal tree islands inhabited by a substantial residential community. My parents and grandparents’ generation lived on many more tree islands throughout the Greater Everglades. When the Army Corps of Engineers began the dredging and channelization of the Everglades in the 1940s, our elders remember federal officials promising that, should floodwaters over top our traditional tree islands, they would be elevated at the federal government’s expense. They were not. To date, we have lost more than 60% of the land mass of the tree islands within the Miccosukee Water Conservation Area 3-A. Our people mourn this loss, and we call on Congress to not repeat this history as further manipulations of the ecosystem move forward. The projects are positive ones which repair the harms of past drainage, dredging, and channelization, but the Tribe must ensure that this time, our residential communities are protected from floods.

CONCLUSION

In conclusion, H.R. 504 would allow for the elevation of the village at Osceola Camp, and transition the Osceola Camp from the Special Use Permit model to inclusion within the Miccosukee Reserved Area. We strongly support H.R. 504 because this legislation will enable the United States to fulfill its trust obligation to the Miccosukee Tribe of Indians of Florida by simultaneously protecting this Tribal village from flood impacts and ensuring its perpetual Indigenous self-governance.

I truly appreciate the opportunity to address this Subcommittee and thank you for the support you have shown to tribes and our sovereignty. I look forward to any questions you may have.
Shonabisha (Thank you).

QUESTIONS SUBMITTED FOR THE RECORD TO TALBERT H. CYPRESS, CHAIRMAN OF THE
MICCOSUKEE TRIBE OF INDIANS OF FLORIDA

Questions Submitted by Representative Westerman

Question 1. Your written statement mentions that the Osceola Camp is a residential area and is subject to a special use permit.

1a) Please explain to us how that affects how the tribe and village residents are able to do long-term planning for the village?

Answer. The Special Use Permit limits the capacity of the Tribe and village residents to accomplish effective planning within the Osceola Camp. It is difficult to obtain funding and permits to administer a property that is not directly held by the Tribe, and the permitted status discourages long-term planning and investments. While the Tribe has its own environmental resource and permit review teams, they lack jurisdiction to oversee this permitted space. Emergency response services, like police and fire, are similarly impacted by the lack of jurisdiction, and do not have clear authority with which to respond to incidents occurring within the village. These circumstances are made all the more challenging, because Everglades National Park preserves exclusive federal jurisdiction, and so city, county, and state officials and agents also lack jurisdiction to accomplish permitting, development, or emergency response actions within the boundaries of the village. While the Everglades National Park has been a partner in the management of this property, the National Park Service does not have capacities developed responsive to the needs of residential communities, as the same are generally outside the bounds of the normal operations of the Service.

1b) Please expand from your testimony on any other details of how H.R. 504, the Miccosukee Reserved Area Amendments Act, will change that dynamic to benefit the tribe.

Answer. By including the permitted area within the Miccosukee Reserved Area, the Tribe and village residents will be greatly benefited. Residents will have the ability to vote for and elect officials responsive to their needs, which is not the case in a permitted use space within a Park Unit. Tribal officials will have appropriate permitting, development, and management capacity to install, update, and maintain, as necessary, utilities and lines for potable water and sewage. Emergency response personnel in the Miccosukee Public Safety Department and Miccosukee Police Department will be empowered to enforce Tribal law within the boundaries of the village, and protect the residents from falling prey to criminality which may not otherwise be the focus of Everglades National Park policing efforts. While the Park, rightly, is cautious to involve its officials in the day to day governance of the Tribal village, the Tribal government is ideally situated to be the representative and responsive government body for the needs of the village.

Question 2. Is there any other information that you would like to provide to the Committee regarding cost and/or cost estimates for elevating the Osceola Camp above the new flood plain height that you have received from conversations between the tribe and the National Park Service?"

Answer. The most up to date written cost estimate that we have received from Everglades National Park and their contractors projects \$14,759,129 in expenses. However, oral communications with Service officials indicate that they believe they may be able to achieve cost savings through further coordination with State agencies. We will keep the subcommittee apprised of any updates to the cost estimate provided, which reflects the best understanding of the Service's contractors in November 2024.

Mr. HURD. Thank you, Mr. Cypress, shonabish [Speaking native language.] for that testimony. We are now going to move to the

question portion of this hearing. The Chair now recognizes himself for 5 minutes of questions.

Ms. Gravelle, a couple of questions for you. First, the Non-Inter-course Act waiver legislation will only affect the land that the Tribe owns outright, correct? It doesn't affect any of the land held in trust?

Ms. GRAVELLE. Yes, that is correct, Chairman.

Mr. HURD. OK. And in your written statement you mentioned how confusion from title companies impacts your Tribe's ability to dispose of non-trust lands. If you aren't able to have a title company work with you on a transaction, what happens to that transaction?

Ms. GRAVELLE. Yes, and in many instances where we have engaged with economic development corporations or other business partners, we have found that, without being able to obtain title insurance, the transaction falls through. Many folks are seeking title insurance in order to protect their business transaction. The realty companies seek it in order to protect, you know, them certifying the sale of land or sometimes the lease of land.

And so, without any support from the title insurance companies themselves, we see routine failure of any type of transaction that we try to engage in.

Mr. HURD. And Ms. Gravelle, that is a consistent answer that you get from all the title companies, it is across the board?

Ms. GRAVELLE. Yes, from everyone. And they talk to each other, as well. So as you know, we have been encountering this issue in the State of Michigan. They are very aware of it, and they understand that without this legislation going through that we won't be able to do anything to resolve it.

Mr. HURD. Great, thank you, Ms. Gravelle. My next question is for Mr. Cypress.

Can you tell us, do you know why the Osceola Camp wasn't originally included in the Miccosukee Reserved Area Act?

Mr. CYPRESS. No. Right now I wouldn't have that answer for you, but I know when lands are placed into trust or, as in this case, the Reserved Area, they usually like the land to be contiguous. And the Osceola Camp is six miles away from the residential area and tribal government area.

Mr. HURD. OK, thank you. In your testimony you mentioned how the Miccosukee Reserved Area Act has been successful. Can you expand a little bit on that, particularly on the ability of tribal members to access emergency services?

Mr. CYPRESS. Yes. The Reserved Area Act treats the tribal community as a reservation. So the tribal government is able to provide services for those areas, and it removes the restrictions from the counties or the cities that don't have jurisdiction in our area.

Mr. HURD. OK. Mr. Angapak, in your written statement you mentioned examples of where lands available for selection by Alaska Native Vietnam veterans were a far distance away from their home, and they didn't have knowledge of those lands. Can you help us understand a little bit more about how that impacts these eligible veterans, as well as their heirs?

Mr. ANGAPAK. Mr. Chairman, Alaska Native people value the land as part of their survival. There are family ties and linguistic

ties to the land that we use to live off the land. That is why it is important that the lands that are made available for them be brought closer to home.

Mr. HURD. For those eligible veterans that ultimately choose to select lands that are far away from their home, despite that distance, do you think those individuals get the same value and meaning from that land than from land they could select that is closer to their home?

Mr. ANGAPAK. Mr. Chairman, I don't think so because there are no cultural ties to that land, nor can we understand what those lands mean to people that are living in that area.

Mr. HURD. OK, thank you very much. One last quick question for Mr. Locklear.

Can you help me understand how the need for Indian health funding connects to a position title with the assistant secretary within HHS?

Mr. LOCKLEAR. Yes, Mr. Chairman. I think, as Representative Stanton mentioned earlier, being able to elevate the assistant secretary will provide a direct line of access to the secretary, to elevate those priorities, but also across the department to other issue areas. It will be the principal advisor to the secretary on all Indian health matters.

As I am sure you are aware, there are so many different Indian health needs that are impacted by the agency's decision, whether it is CDC, whether it is HRSA. To be able to have that parity with the rest of the agencies along with that direct line to the secretary would help kind of elevate many of those needs. And absent of increasing the resources to Indian Health Service itself, it would help them be able to coordinate resources with other agencies to be able to better utilize those resources in more efficient ways.

Mr. HURD. Thank you, Mr. Locklear. I see my time has expired. At this time I would like to recognize Ranking Member Leger Fernández for 5 minutes.

Ms. LEGER FERNÁNDEZ. Thank you, Mr. Chairman, and I am going to start my questioning with some observations with regards to the Non-Intercourse Act.

I mean, it really had a particular intent because, as we know, tribal lands were decimated prior to its enactment. But right now it does not suit the purposes of self-determination. And I think that, President Gravelle, your testimony highlighted that of what it feels like for one Tribe to have to go and get an act of Congress to be able to sell a piece of non-trust land that you own outright.

We did this in the 117th Congress on behalf of the Seminole Nation when I was Chair, and on the floor at the time I said we need to get this fixed so that it can apply to all Tribes, that we don't have to come on an individual basis to try, because I want you to share again with us. You had some in your written testimony, you mentioned it here. How much time did you lose? How much economic development did you lose? How much frustration did you gain by having to go through this process?

Ms. GRAVELLE. Yes, for me alone, I have been working on this issue for over a decade. But for Bay Mills Indian Community it has been about 30 years that they have been trying to resolve these land issues. And they have built, as you know, we become more

self-sufficient and have purchased more land. Initially, it would start with one parcel, you know, the inability to be able to sell it. We would acquire additional land.

We actually entered into several agreements with economic development corporations that were intended to invest hundreds of millions of dollars on the land to create housing, to create jobs, manufacturing plants. But due to the inability to sell them the land for that development, and our limited ability to then only lease the land for a period of 25 years, it really hindered the development of those specific parcels that we were trying to negotiate.

So there has been many different paths we have tried to take. We have tried to lease it, we have tried to sell it, you know, we have tried to develop it ourselves and have not been able to. And so now we are here, you know, seeking this legislation so that we can finally be able to sell land. It is truly that simple, you know, to——

Ms. LEGER FERNÁNDEZ. Yes.

Ms. GRAVELLE [continuing]. Purchase land and then want to sell it.

Ms. LEGER FERNÁNDEZ. So thank you very much, and I hope this bill makes it through both this Committee, onto the floor. It should be non-controversial and become law, but I will be working on legislation so that we can make this process available to everybody with, you know, the right safeguards. But it is essential for self-determination.

I really want to give my true appreciation to the recognition by Mr. Angapak for the patriotism of Native Americans. When you point out that Native Americans participate at a higher rate of any other group, I think it is important to recognize that is like almost 20 percent of Native Americans participate in our military service. That is almost one in five Native Americans who are patriotic warriors. And I am thankful that we have this bill to be able to recognize that work and allow you to get those allotments.

I wanted to turn to the issue of the Indian Health Service, somebody mentioned Hamilton. We all saw Hamilton, right? There is the line about you want to be in the room where it happens, right? And is that in essence what we are doing? It is, in some ways, a simple task of saying when you put IHS in that room, I was an assistant to a cabinet secretary once, and that small room where you are at makes a difference because you are not having to go through another layer. Is that kind of, in some senses, a very simple proposal that doesn't take up a lot of space, because all the rest gets worked out within the agency. Is that correct, Mr. Locklear?

Mr. LOCKLEAR. In essence, that is correct. I think one example, just piggybacking off of our native veterans, one of the biggest tasks that the Indian Health Service Director has had in recent years is their relationship with the VA, and the VHA specifically. Being able to coordinate with the Secretary and the Under Secretary for Veterans Health Administration in a meaningful way to complete the IHS VA MOU to ensure that the agencies are coordinating efforts and resources to support our native veterans has been an insurmountable task that has taken years and years and years.

Luckily, we have had directors and secretaries who have made it their mission to come together. But with every new administration, with every new change it becomes increasingly difficult to continue that relationship, to make sure our veterans still have that support whether they go to Veterans Health or whether they go to Indian Health Services.

So those are some of the examples of how that really plays out in real life, is that coordination between the agencies and also within the department itself. I know we talk a lot about some issues recently have been congenital syphilis outbreak in Indian Country and being able to advise the secretary or to ask for a public health declaration. So those are some of the examples of recent issues. But you are correct.

Ms. LEGER FERNÁNDEZ. Yes, thank you very much. And the fact that it is bipartisan, that it was originally brought way too many years ago by Senator McCain, it is a simple elevation of priority, and so I look forward to additional conversation as to whether there are any concerns and how we can make sure we get this across the finish line.

With that I yield back.

Mr. HURD. Thank you, Ranking Member Leger Fernández. The Chair now recognizes Mrs. Radewagen for 5 minutes.

Mrs. RADEWAGEN. Talofa lava, Mr. Chairman. I want to thank you and the Ranking Member for holding this important hearing today. And my question is for Mr. Locklear.

Are you aware of specific privileges an assistant secretary position has that the current Director of IHS does not have? And if so, how would those privileges benefit IHS at large?

Mr. LOCKLEAR. Yes, ma'am. Thank you for that question.

I think one of the primary examples that was recently brought up is hiring and pay. I think that is currently reserved with the assistant secretary level. Workforce is a huge problem in Indian Country generally, especially within our health systems. Being able to attract doctors, nurses is a consistent issue across the board, whether it is a tribal health facility or Indian Health Service facility. So being able to mitigate some of those issues through hiring practices, through pay practices, as is reserved for an assistant secretary-level person, is one example.

And then I just think, in addition to that, just being able to be that principal advisor across the board. Directors are typically directed to execute a specific program such as direct services. The assistant secretary would be able to have more strategy behind a lot of their work in advising the secretary.

Mrs. RADEWAGEN. Thank you, Mr. Chairman. I yield back the balance of my time.

Mr. HURD. Thank you, Mrs. Radewagen. The Chair now recognizes Mr. Hernández for 5 minutes.

Mr. HERNÁNDEZ. Thank you, Chairman Hurd, and I am inspired by the bipartisan support for these bills that respect and strengthen the autonomy, self-government, and Federal participation of tribal nations in spite of the broad authority that the Constitution bestows upon Congress. I hope to see a similar respect towards the Commonwealth of Puerto Rico and U.S. territories in the future. My question is for Mr. Locklear.

Mr. Locklear, how does H.R. 741 align with the Federal Government's trust and treaty responsibilities?

And what would this shift signify in terms of tribal sovereignty in health care decision-making?

Mr. LOCKLEAR. Thank you for that question. As it is clearly recognized through the Constitution through this Congress over and over and over, there is an explicit Federal trust responsibility for health, and that is to provide for the health and well-being of American Indians and Alaska Natives. Indian Health Service has been the principal entity to effectuate that. While it is the entire Federal Government's job, they are the one that is providing direct services to our tribal nations, or they are the ones that are executing the Indian self-determination and education assistance compacts or contracts.

Being able to elevate the director really signifies that the Federal Government is putting priority towards the issues that are still continuing to face Indian Country. So whether that is issues around behavioral health, suicide, and just the general health disparities that we are in a race to the bottom currently in our positions across the board. It really prioritizes those consistent issues and shows that it is just as important as the other areas across HHS and the Federal Government.

Mr. HERNÁNDEZ. Thank you. No further questions. I yield the remainder of my time.

Mr. HURD. Thank you, Mr. Hernández. The Chair now recognizes Mr. LaMalfa for 5 minutes.

Mr. LaMalfa.

Mr. LAMALFA. Thank you, Mr. Chairman. Thank you, panelists, for being with us here today and for convening the hearing.

For Honorable Gravelle from Bay Mills, a couple of questions really quick. As you attempt to do projects do you have specific projects that lack of clarity in the current law and its interpretation that are having a negative effect on your ability to do projects that Tribes are interested in doing?

Ms. GRAVELLE. Yes, that is correct. We have tried to enter into an agreement with a development corporation near one of the lands in lower Michigan. This development agreement was intended to build housing. And initially, when they reached out they wanted to simply purchase the land that we held down there so that they could engage in housing development for local areas and other units of government. We had proceeded towards the final steps of negotiation with them. But as we reached out again for title insurance, that was denied. And without the assurances of title insurance being applied to the land, the agreement ended up falling through.

Mr. LAMALFA. Can you—

Ms. GRAVELLE. We—

Mr. LAMALFA. Can you walk me through why it was denied? Was there some piece of the law that was being misinterpreted or taken wrong? How does that look?

Ms. GRAVELLE. Yes, the title insurance company issued an opinion that specifically cited the Non-Intercourse Act that said, you know, Tribes did not have the ability to sell land without an Act of Congress.

Mr. LAMALFA. Right.

Ms. GRAVELLE. This general confusion is a really gray area of law that exists throughout much of the United States, and has not been actually determined by the U.S. Supreme Court either. And so, even though we were able to cite to other transactions where fee simple sales had occurred, they were also able to cite other examples where it had not occurred.

And so, without the assurances being provided or having a specific bill for Bay Mills Indian Community, they denied title insurance.

Mr. LAMALFA. Yes, OK. Certainly, we have run into this plenty of other times, and it seems very frustrating, I think on both sides of this microphone, that every time a given Tribe wants to do a transaction, it has to be a congressional action. We need to be able to trust them at this point in time that they can handle that, you know. So we do need to clarify that more. I hope, as we legislate on that, we are successful.

So Honorable Chair Cypress now, I am from Northern California where we have a great amount of tribal activity and history there, and currently areas that are flooding in North California. But I see this has an effect on you, as well, an interaction with the National Park Service on flooding affects, in this case, Osceola Camp and some of your other villages. So has the National Park Service been helpful on addressing the flood capabilities or probabilities in that area?

Mr. CYPRESS. Yes, the National Park Service has been a dedicated and willing partner in mitigation, planning, and execution. They have dedicated liaisons to us to work with other agencies. And also, we also have regular monthly meetings with the agencies, as well, and the Park Service.

Mr. LAMALFA. Would you say then overall that that working relationship is positive? Are they able to do things timely and, you know, help you get things done that are beneficial to the Tribe and the lands?

In this case flooding or maybe other aspects, too, are you having the level of cooperation you need, or is there some other legal roadblocks towards that?

Mr. CYPRESS. No, there is a good cooperation, but the threat of the flooding has become more urgent as the project progresses. The roadway is expected to be finished in 2027, I believe, and——

Mr. LAMALFA. How long have you been waiting for that roadway?

Mr. CYPRESS. I would say, like, over 10 years. Like——

Mr. LAMALFA. Yes.

Mr. CYPRESS. —15 years, so——

Mr. LAMALFA. Has it been funding? Has it been permitting? What has been the challenge——

Mr. CYPRESS. Oh, we have been given different excuses every time.

Mr. LAMALFA. From the other side?

Mr. CYPRESS. Yes.

Mr. LAMALFA. Is this Park Service or other regulatory agencies?

Mr. CYPRESS. Other regulatory agencies.

Mr. LAMALFA. Such as Fish and Game, or——

Mr. CYPRESS. Florida Department of Transportation.

Mr. LAMALFA. OK. All right. Very frustrating. We want to help streamline that. So let our Committee know of further efforts because I am very frustrated by these super-long timelines just to do simple things. You know, I work a lot on forestry, and simple projects take forever.

Mr. CYPRESS. Yes.

Mr. LAMALFA. And so it shouldn't have to be that way.

I yield back, Mr. Chairman. Thank you.

Mr. HURD. Thank you, Mr. LaMalfa. The Chair now recognizes Ms. Randall for 5 minutes.

Ms. Randall.

Ms. RANDALL. Thank you so much, Mr. Chairman, and congratulations as well from a fellow freshman. I am excited to serve on this Committee with you.

I have the great honor of representing the Olympic Peninsula in the far northwest corner of the lower 48, and I serve my constituents alongside the tribal councils and leaders of the Quinault, the Quileute, the Hoh, the Makah, the Chehalis, the Jamestown S'klallam Tribe, the Port Gamble S'klallam Tribe, the Lower Elwha Klallam, the Suquamish Tribe, the Squaxin, the Puyallup, and the Skokomish. And learning alongside and serving alongside leaders from those sovereign nations is a very powerful honor.

And one of the things that has most impressed me in my time as a resident of Washington and as a fellow elected leader has been the tribal health centers initiative in serving not only their tribal members to the best of their ability, but also meeting the needs in community health deserts that exist in so many of our rural communities across the country. From combating the opioid epidemic to mental health crises to filling primary care deserts, I am so, so grateful.

But I hear from concerned directors of health services and elected leaders that they are still facing many challenges. And you pointed out, Mr. Locklear, to Chairman Hurd's question that having an assistant secretary would allow the priorities of Indian Health Services to be elevated in the cabinet level. But can you speak some to the unmet budgetary needs and what additional funding, if an assistant secretary was able to advocate for that, might allow Indian Health Services to accomplish?

Mr. LOCKLEAR. Yes, thank you for that question. The unmet need is astronomical based on most estimates. It is currently \$50-some billion dollars, and it is currently funded at a significant amount less.

One of the benefits of having an elevated director to assistant secretary would also be in the absence of that increase. As you mentioned, there are so many cross-cutting issues. Obviously, Tribes have often taken these responsibilities on to provide health through self-determination contracts or compacts. So beyond just direct services, the Indian Health Service Director is also tasked with those other issue areas, whether it is health disparities or those things, and to work across the department to address them.

So I think that one of the barriers often is, and we see this across many different departments, is being able to understand what various agencies and entities are doing and being able to utilize those

resources in more efficient ways. I think that is one of the biggest benefits there, and also being able to understand where those resources are going so that the budgets are then more accurate to the needs of Indian Country so that those budgets can speak to more than just the health care delivery and the systems and those contracts and contracts, but also they can speak to the needs beyond just those Indian Health Service and throughout the entire department.

Ms. RANDALL. Thank you so much.

Mr. Chairman, I yield the balance of my time.

Mr. HURD. Thank you, Ms. Randall. The Chair now recognizes Mr. Begich for 5 minutes.

Mr. Begich.

Mr. BEGICH. Thank you, Mr. Chairman. I would just like to thank Mr. Angapak for your service to our Nation and for your long-standing commitment to supporting Alaska Native Vietnam-era veterans in this issue. It is very important.

In my own family we have at least two Vietnam veterans, one of which is an uncle of mine who was a POW who served in Vietnam. He was a POW for over 5 years. And we certainly appreciate your service, and understand how important that has been to our Nation.

One thing that I would like to highlight for the Committee and for those present is, in Alaska, we have 23 distinct native languages, 229 federally recognized Tribes. So when we talk about land being distant in its location and availability for selection, it really is important that Alaska Native veterans have the opportunity to select lands that are near their community and are culturally congruent to their community.

So my question, Mr. Angapak is, in your view, having been attached to this issue for such a long period of time, what has been the primary reason that the conveyances have been delayed?

And I will remind those present 2,000 eligible Alaska Native Vietnam veterans, but only 18 conveyances have been completed. So why do you think these conveyances have been so delayed?

Mr. ANGAPAK. Mr. Chairman, Representative Begich, I heard only part of your question because I have lost my hearing, a good part of it. So I think your question—correct me if I am wrong, your question deals with land selections. Are we talking about the villages or the veterans?

Mr. BEGICH. We are talking about the veterans. And I am wondering, in your opinion, why has this taken so long to get these conveyances completed? Because we have 2,000 veterans who should be eligible, and only 18 conveyances complete. So any thoughts or insight that you can provide to the Committee?

Mr. ANGAPAK. Thank you very much for the clarification.

One of the primary reasons why the veterans are hesitant to apply for native allotments, for example, Jacob Kagak lives up in Barrow. The nearest land that were set aside from which he can apply for a native allotment is about 750 miles away. Take the veterans from southeast. They are similarly affected because of the distance of the land that were set aside from which they can apply for allotments.

The late Colonel Robert Beans, a friend of mine, Vietnam War-era veteran, initially was not going to apply for a native allotment because the land that was set aside for him to select was 150 miles away. You know, from lower Yukon to where that is you have to cross Bering Sea. The people from Barrow have to fly down to Bethel, and people from southeast would have to fly to Bethel and then another flight down to where the lands are located from which they can apply for allotments.

That is why there has been such a slow application by our veterans: the distance from the land.

Mr. BEGICH. Thank you for that additional information, and I do think that that context is very important for the Committee to understand, just how vast Alaska is. Alaska is two-and-a-half times the size of Texas. It is a very large place with a very diverse set of cultures, and it is important that those lands that people are selecting have some geographic relationship with where they live and where they have grown up.

And just again, to underscore the idea, the recent decisions by the new Administration have reopened up lands that are now available for selection that are closer in proximity to these Vietnam veterans, and we need to ensure that we are taking care of this before we lose the remaining Vietnam veterans who served our country so honorably.

And with that I yield back.

Mr. HURD. Thank you, Mr. Begich. The Chair now recognizes Mr. Soto for 5 minutes.

Mr. Soto.

Mr. SOTO. Thank you so much, Chairman.

You know, in Florida we have had native Tribes in our State for over 12,000 years. I have the honor of living in and representing Osceola County, and Kissimmee started as a trading post with both our Seminole and Miccosukee Tribes.

The landmark Miccosukee Reserve Area Act was critical for tribal rights, as we saw many folks flee to the Tree Islands like Big Cypress and other areas and, of course, the Miccosukee being from north Florida and beyond finding refuge there.

Chairman Cypress, thank you for being here. It is an honor to have you in front of our Committee. And it would be great to learn a little bit more about the history of Osceola Camp, but what was the original reason it was never included to begin with in the MRAA?

Mr. CYPRESS. Well, the original MRAA mainly addressed the core residential areas for the Miccosukee Tribe, which is six miles away from where the camp is situated. Residents there moved there, my ancestors, when the national park was established and they needed to move closer to the Tamiami Trail in order to survive. And that is where a lot of our community gatherings are held now, many events throughout the year, and it is core to our community to keep it safe from flood waters.

Mr. SOTO. And as we see the Comprehensive Everglades Restoration Plan progress forward, we have we seen flooding or threats of flooding to the Osceola Camp?

Mr. CYPRESS. Yes. Just at our last Christmas gathering there was a significant flooding that was starting to occur at the camp.

We are in favor of the restoration. We understand that water needs to flow that way, and we are trying to be cooperative and supportive of the plan while at the same time protecting our tribal members and our community.

Mr. SOTO. Is Florida giving you enough input as the Comprehensive Everglades Restoration Plan is proceeding?

Mr. CYPRESS. Yes. We have been in close contact with different agencies in Florida, as well as the Federal Government.

Mr. SOTO. And have we seen an increase in flooding because of more extreme hurricanes over the past couple of years?

Mr. CYPRESS. It is more about management of the water, I believe, that the flooding has increased.

Mr. SOTO. Well, thank you for being here. I am excited to be able to support the bill by my fellow Floridian, Representative Gimenez, and plan to co-sponsor it. I appreciate you testifying, and we need to get this done. Thanks for being here.

Mr. CYPRESS. Thank you.

Mr. SOTO. And I yield back.

Mr. HURD. Thank you, Mr. Soto. The Chair now recognizes Mr. Gimenez for 5 minutes.

Mr. Gimenez.

Mr. GIMENEZ. Thank you, Mr. Chairman. I am not going to take much time. I just want to say that the Miccosukees have been great stewards of the environment, especially the Everglades and the portion of the Everglades that I represent. It is beautiful. If anybody hasn't gone down there, I would invite you to go down there and take a trip through the Everglades, and they probably will guide you through there, OK?

And so the Osceola Camp has been inhabited for many, many years. It is central to the Miccosukee way of life, and it is only right that we allow them to put this in the MRA. And I know that they will—again, they have just been great stewards of the environment and the Everglades to protect the Everglades.

They provide great services, too. You know, I used to be the Mayor of Miami-Dade County, and their services of police and fire and fire-rescue are second to none. And so this is a good move, and this is something that we should do.

And so do you have anything else you want to add, Chairman Cypress?

Mr. CYPRESS. No, just to thank you also for your support for the Tribe. We greatly appreciate it. And from the Committee, as well. Thank you.

Mr. GIMENEZ. Well, thank you very much.

I yield back the balance of my time.

Mr. HURD. Thank you, Mr. Gimenez. The Chair now recognizes Dr. Kennedy for 5 minutes.

Dr. Kennedy.

Dr. KENNEDY. Thank you, Mr. Chair, and thank you to the witnesses. I appreciate you being here and being willing to testify in front of us.

And to the Chairman, I thank you for your leadership on Indian and insular affairs, and thank everybody for being here and willing to take on these important issues. I hope to use my time as a member of this Committee to listen to and learn about the Tribes across

the United States. Of course, in Utah we have a number of Tribes and tribal issues, as well, and I look forward to cultivating strong relationships with all the Tribes and trying to resolve the issues that you confront, and I am with you on that.

I wanted to start, actually, with Mr. Locklear. Thank you very much for being here. As a family doctor myself, I am interested in healthcare generally, many of my native patients that are recipients of health care in tribal circumstances, there are sometimes less-than-ideal circumstances that they confront. And what can we do, as a Committee or as Congress looks at the health care of our tribal individuals, what can we do to promote the health and well-being of these individuals?

And in this case, in your purview, what are what are your recommendations for what we could do to help in those areas?

Mr. LOCKLEAR. Thank you so much for that question.

I think the first natural answer is advancing the IHS Director to assistant secretary. The elevation of those issues across HHS and the Federal Government, and being able to work inter-departmentally to address many of these priorities are paramount.

I think most notably is in funding of the Indian Health Service. It is roughly funded at about 60 percent of its actual need. I think Fiscal Year 2025, the need was around \$50 billion. It is currently funded around seven to eight billion.

Dr. KENNEDY. Wow.

Mr. LOCKLEAR. Most of that is made up from third-party revenue. However, it really causes a strain, which then leads to workforce issues. It leads to other things like the inability to provide specialty services, inability to provide a lot of the necessary needs for communities. So we often have issues such as our maternal health deserts, which is one of the issues that are really facing Indian Country right now, and then the inability to react on a public health level because that is not a function of Indian Health Services currently.

So really looking at those issues, and I think having a more holistic look at how the various agencies across HHS are responding to those. So one of the other primary, I think, things that would help, which is very proven, is the expansion of self-governance across HHS, looking at allowing Tribes to contract or compact for the programs that are being provided outside of just Indian Health Services. So whether that is through Substance Abuse and Mental Health Services Administration, being able to provide for their own behavioral health initiatives to address things like the opioid and fentanyl, or to be able to address suicide in their communities in the way that best suits their communities and really being able to use that funding in a manner that is the best the Tribe needs to address that, so I think those would be the primary areas that I would say.

Dr. KENNEDY. Thanks. To be clear, so you are saying that when the funding is allocated, that it is constrained in how it is used, and that if we were to loosen up that regulatory framework, that the Tribes could actually use the money in a more flexible fashion to address the health care challenges that they confront. Is that what you are saying?

Mr. LOCKLEAR. Correct. Indian Health Services and the Direct Services currently is able to be contracted and compacted, and we can see Tribes across the country who have some of the most sophisticated health systems in their rural areas. Alaska is a great example of that. But those programs are isolated to just the Indian Health Services and those services that they provide. So the services outside of that across HHS do not have that flexibility.

So being able to do that same process for those other agencies, we saw during COVID that that was exactly what Tribes needed to be able to respond to COVID in a quick fashion. So to be able to have those, whether it is public health infrastructure, whether it is infectious disease, what have you.

Dr. KENNEDY. Thank you for that. I wasn't aware of that, and I would love to continue conversations. If myself and my team could potentially help move that forward, whether it is regulation or statutory, I think that kind of flexibility could be an important way for us using our leverage here to enhance the health care of these sometimes vulnerable individuals.

Diabetes has been devastating for this population. Our country as a whole has suffered terribly with diabetes, but I know my friends and neighbors in the tribal circumstances are particularly affected by that. So if there is some way that I could open the door to continue conversations, I would love to do it.

For Mr. Angapak, thank you very much, Chairman Angapak, for being here. I was curious about the possibility that the 5 years wouldn't be enough for people to take advantage of the opportunities here. Is the 5-year extension, will that be sufficient to give these Vietnam veterans time to respond to this possible benefit that they and their heirs can receive, or should the time be longer than that?

Mr. ANGAPAK. Mr. Chairman, sir, let me respond to you as I thought you asked.

Insofar as resolving the time issue, that is critical because our non-veterans are dying at an extremely high rate.

Insofar as land is concerned, our recommendation is Congress considers the lands that were set aside for the villages to make their land selections through section 11 of that law because every village in Alaska had section 11 land withdrawals, and a good part of that land was not selected. So I think if those lands are made available and be made available by mandate from Congress, it would allow our veterans to apply for allotments for lands that they are familiar with and have used.

Dr. KENNEDY. Thank you very much—

Mr. ANGAPAK. Thank you.

Dr. KENNEDY [continuing]. For that answer.

And I see, Mr. Chair, my time has expired. I yield back. Thank you very much.

Mr. HURD. Thank you very much, Dr. Kennedy.

I want to thank our witnesses for coming here this morning and for your valuable testimony. I know you traveled from far to get here. We sincerely appreciate it.

I also want to thank my fellow members of the Subcommittee for their questions.

Members of the Committee may have some additional questions for you witnesses, and we would ask that you respond to those in writing. Under Committee Rule 3, members of the Committee must submit questions to the Committee Clerk by 5 p.m. on Monday, February 10, 2025. The hearing record will be open for 10 business days for these responses.

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

[Whereupon, at 11:43 a.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

PREPARED STATEMENT OF THE HON. CARLOS GIMENEZ, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF FLORIDA

Good morning—Thank you to Chairman Hurd and Ranking Member Leger Fernandez for holding this hearing today and considering my legislation H.R. 504—The Miccosukee Reserved Area Amendments Act. For those of you who do not know me, I am Representative Carlos Gimenez, and I proudly represent Florida's 28th Congressional District which runs from Miami Dade County to the beautiful Florida Keys. My district encompasses the Florida Everglades and the Miccosukee Reserve Area.

I have seen firsthand the vital role that the Miccosukee Tribe has played in our great State's history, culture, and environmental stewardship. The Miccosukee Reserved Area Amendments Act ensures that the Miccosukee Tribe has the legal authority to manage and protect their land and preserve their traditional way of life. Specifically, the bill would amend the Miccosukee Reserved Area Act to include the Osceola Camp as part of the Miccosukee Reserved Area. The Osceola Camp is an inhabited tribal village within the Everglades. It is a site of incredible historical and cultural importance to the tribe, and the bill aims to allow the tribe to optimize water flows to the Everglades National Park without affecting residences of the camp. This would allow the Tribe to raise the structures in the camp and safeguard the area from destructive flooding which threatens the area.

The Miccosukee Tribe has been responsible stewards of the Everglades and have worked tirelessly to protect the unique and fragile ecosystem that is an integral lifeblood for conservation of Florida. It is only right that we amend the MRA area to allow the Tribe to protect the Osceola Camp. The Miccosukee Tribe's leadership in conservation efforts have helped maintain the cultural heritage, natural beauty, and biodiversity of South Florida. The Tribe should be granted the autonomy to protect their land, and I urge support of this bill. Lastly, I would like to thank Miccosukee Tribe Chairman Talbert Cypress for being here today—his presence highlights the importance of this legislation to the tribe and South Florida as a whole.

Thank you for your consideration, and I yield back.

PREPARED STATEMENT OF THE HON. GREG STANTON, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF ARIZONA

Thank you, Chairman Hurd and Ranking Member Leger Fernández, for allowing me to waive on for this significant hearing.

And thank you to our witnesses, for traveling to D.C. and testifying on the important issues before the committee today—providing for Alaska Native veterans, protecting native lands, and—what my bill, the Stronger Engagement for Indian Health Needs Act intends to do—elevating the health care needs of Indian Country.

Specifically, my bipartisan bill with Rep. Joyce of Ohio would elevate the Director of the Indian Health Service to the Assistant Secretary of the Indian Health Service within the Department of Health and Human Services.

Under current law, the Director of the IHS does not have certain authorities like pay and hiring authorities which are important for improving employee recruitment and retention . . . but are reserved for Assistant Secretaries. As an Assistant Secretary, the head of IHS would have these expanded authorities—improving continuity and quality of care provided by its employees.

This is crucial for our native populations in Arizona and across the whole country. Indian health is chronically underfunded. In fact, in fiscal year 2023, the IHS care expenditures were slightly over \$4 thousand per person versus over \$13,400 per person nationwide in 2022. That isn't because Native people are less sick. This means they are receiving less care. Report after report from the National Institutes of Health to the U.S. Commission on Civil Rights cite that understaffing and underfunding of our Indian health system leaves many basic needs in the Native American community unmet, leading to lower life expectancy and disproportionate rates of disease.

The recent Supreme Court ruling in *Becerra vs. San Carlos Apache* only adds to the uncertainty of IHS's fiscal future making action NOW to add leadership to the IHS so important.

And this is a deeply bipartisan issue. The late, great, John McCain introduced this legislation originally in 1994, and during his time in the Senate this bill passed FIVE TIMES as a standalone bill and once more in the Indian Health Care Improvement Act in 2007.

There's even precedent—in 2016, Congress elevated the director of the Substance Abuse and Mental Health Services Administration (SAMHSA) to assistant secretary to respond to the opioid crisis.

I am glad to see Mr. Locklear, interim CEO of the National Indian Health Board, here to testify on this bill today. The NIHB has done so much to empower Native communities to heal, grow, and thrive—including their work in addiction space . . . combating the opioid and fentanyl epidemics that have had a huge impact in Arizona and in our Native communities.

I know that elevating the Director of the Indian Health Service to the Assistant Secretary of the Indian Health Service will have a huge impact on their organization, their ability to coordinate, and will better help them serve their tribes and communities.

In closing, I want to recognize the leadership of the outgoing Director of the Indian Health Service, Roselyn Tso. She worked tirelessly to improve health outcomes on Native lands, and I thank her for her service. I look forward to working with her successor.

My hope is that, with the passage of the Stronger Engagement for Indian Health Needs Act, future leaders at the Indian Health Service will . . . as Assistant Secretaries . . . have a direct line of communication to the Secretary on all matters related to Indian health policy—resulting in better care delivery and stronger health outcomes for Indian country.

Thank you, I yield back.

