STATEMENT OF KEVIN GOVER
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UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE
ON S. 1967

March 29, 2000

Good afternoon, Mr. Chairman and members of the Committee. I am pleased to offer the Administration's views on S. 1967, a bill to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes. The bill provides that: (1) all lands taken into trust for the Mississippi Band of Choctaw Indians on or after December 23, 1944, shall be part of the tribe's reservation; (2) all fee lands owned by the Band within the State of Mississippi shall now be held in trust for the tribe; and (3) lands made part of the tribe's reservation through Section One shall not be considered part of the tribe's initial reservation pursuant to the Indian Gaming Regulatory Act. The Department supports enactment of S. 1967, with an amendment.

Enactment of S. 1967 will automatically place the lands owned by the Mississippi Band of Choctaw Indians (Band) into trust status and the Band's applications to the Bureau of Indian Affairs (BIA) in compliance with 25 CFR Part 151 will no longer need approval from the BIA's Eastern Regional Office to have the land placed into trust. Further, all land taken into trust after December 23, 1944, will automatically be designated as reservation lands of the Band.

We understand that the State of Mississippi Attorney General's Office has provided a letter of support for S. 1967. The Band has become a showcase of American Indian economic development. Its diversified economic enterprises provide employment opportunities for all inhabitants of east central Mississippi. Their economic strength and impact have been noted and praised by both local and state governments. The economic progress of the Band has been highlighted in many national publications and books.

Although S. 1967, would bring these lands into trust status outside the regulatory framework of 25 CFR, we recommend its enactment because of the unusual situation that it would cure. The lands affected by enactment of S. 1967 encompass over 80 parcels in 7 Counties and equal approximately 8,700 acres. The Eastern Regional Office reports that under ideal conditions it would take over a year to process all of the Band's identified parcels, given the regulatory requirements. We can report that work on several parcels is approaching completion. However, if this process moves at the current pace, the economic plans of the Band would come to a standstill. Since enactment of S. 1967 will consolidate some of the Band's land base and make future economic development possible, we believe that enactment of S. 1967 is an economic necessity for the Band. By enacting S. 1967, we can ensure that the Mississippi Band of Choctaws will continue to progress in their achievements in Tribal self-determination.

Our concern with S. 1967 is with the potential environmental conditions on the parcels to be taken

into trust. As a matter of policy, the Secretary will not take contaminated lands into trust. The Department would prefer that the legislation contain an amendment requiring that the lands to be taken into trust do not contain environmental hazards as defined by the federal environmental laws. In the alternative, we have sent an inquiry to the Band requesting an environmental review of the subject parcels. Should this request assure the Department that environmental standards are met, we would not seek an amendment.

In closing, I would add that we are aware that other Tribes may seek to use this bill, if enacted, as a model to bypass the established regulatory process. However, we believe that S. 1967 should be viewed as a rare exception because of the unique situation and current pressing needs of the Mississippi Band of Choctaw.

This concludes my written testimony. I will be happy to answer any questions you may have.