

Statement of the Honorable Nancy L. Johnson (R-CT)

Testimony before the Committee on Resources

Hearing on H.R. 992

September 25, 2002

Mr. Chairman, members of the Committee, thank you for holding this hearing today, and for your interest in this issue.

I would also like to thank my colleague Congressman Rob Simmons for testifying in support of my bill and for incorporating my legislation into his broader bill reforming the tribal recognition process. Also here to testify today are Mark Boughton, the mayor of Danbury, Connecticut, who faces the possibility of having a casino built in his city, and Dolores Schiesel, the first selectwoman of Kent, Connecticut, who faces losing a large portion of her town's tax base should the Schaghticoke tribe, which is based in Kent, receive federal recognition. I thank them for their leadership on this issue and for joining me before the committee today.

Across Connecticut, and the nation, tribal recognition and land claims cases are undermining the economic stability of our towns. With every tribe that petitions the federal government, questions arise regarding the tribe's lineage and land claims. Towns, who face a possible loss of their tax base and a multitude of environmental and congestion issues due to casinos, inevitably are concerned with whether a tribe's claims are legitimate. In order to properly analyze a tribe's claims, towns are having to spend hundreds of thousands of dollars, stretching their resources to the limit. On the other hand, those seeking recognition are often being bankrolled by casino interests.

The town of Kent in my district is the perfect example of a small town embroiled in tribal recognition and land claim issues. The Schaghticoke tribe, which currently has a 400-acre reservation in Kent, filed a lawsuit claiming nearly 2000 acres in Kent and seeking to bypass the tribal acknowledgment process by having a judge decide the recognition question. In response to the legal claim, the small, rural town of 2,858 people voted in October to spend \$200,000 to finance their defense.

This is an extreme financial commitment for such a small town. I firmly believe Kent, and any other city or town, should be spending their money on infrastructure, and the education of their children, not lawyers and genealogists. That is why I have introduced my legislation, H.R. 992, to help offset just some of the costs incurred by towns as part of tribal recognition and land claims cases. Towns should be able to investigate and respond to tribal claims without undermining their financial stability.

Often the impact of tribal acknowledgment and land claims cases goes beyond the town's legal costs. When a tribe receives official recognition, it becomes, in effect, a sovereign nation. As sovereign nations, tribes are not required to pay property taxes on land they hold. This means that if a tribe adds land to its reservation that was previously privately held within the town, the town loses that portion of its tax base. Depending on the size of the land claims, the cost to towns could be enormous.

With my legislation towns will be able to cover their expenses incurred in land claims or the tribal

acknowledgment cases. With \$8 million allocated annually under the bill, and towns eligible to receive up to \$500,000, it would have a significant impact on residents of Connecticut and the rest of the nation. It would ensure that towns have at least the initial resources needed for dealing with these tribal issues.

When it comes to tribal recognition and land claims, towns need to be able to fully participate in the process. These grants would allow full participation and ensure that the Bureau of Indian Affairs or the courts see all sides of the cases before them. It is crucial to ensure that we get it right the first time because, when it comes to land and recognition, there is no going back.

My legislation is not designed to stop tribes from receiving fair treatment under the tribal recognition process. Tribes with proper ancestry or legitimate land claims would not be affected, but towns would have the resources to fully participate in the process. I believe that towns and tribes need to be on equal footing.

Thank you for your consideration of this important legislation.

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