Testimony of Bryan Mercier
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Department of the Interior
Before the
Senate Committee on Indian Affairs
Legislative Hearing
on
S.3859, A bill to amend the Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993 with respect to future membership in the Catawba Indian Nation
S.1750, Poarch Band of Creek Indians Parity Act
S.4053, A bill to take certain land in the State of California into trust for the benefit of the Pechanga Band of Indians, and for other purposes
H.R.226, Eastern Band of Cherokee Historic Lands Reacquisition Act

September 23, 2026

Chairman Murkowski, Vice Chairman Schatz, and Members of the Committee, my name is Bryan Mercier, and I serve as the Director of the Bureau of Indian Affairs (BIA) within the United States Department of the Interior (Department). Thank you for the opportunity to testify today on legislation affecting Tribal Nations.

S. 3859, A bill to amend the Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993 with respect to future membership in the Catawba Indian Nation

S. 3859 would amend the Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993 with respect to membership in the Catawba Indian Nation. The bill would remove the requirement under current law that, after the establishment of the Tribe's base membership roll, a person may be eligible for membership only if the individual is a lineal descendant of a person on the base membership roll and has maintained political relations with the Tribe. The Department supports S. 3859, which would modernize membership criteria by removing the requirement of "continued political relations." Membership is a matter of inherent tribal sovereignty, and this amendment provides clarity and fairness without affecting the Tribe's government-to-government relationship, land base, or federal funding. The bill reflects a respectful update to tribal enrollment consistent with self-determination.

S. 1750, Poarch Band of Creek Indians Parity Act

The Indian Reorganization Act (IRA) provides the Secretary with discretion to acquire land in trust for Tribes which promotes sovereignty and self-determination in Indian Country. Congress may also separately authorize the Secretary to acquire specific land or interests in land in trust under statutes other than the IRA. In *Carcieri v. Salazar*, 555 U.S. 379 (2009), the United States

Supreme Court held that the Secretary's authority under the IRA to acquire land in trust is limited to Tribes that were "under Federal jurisdiction" when the IRA was enacted in 1934.

Since that decision, as part of the Department's fee-to-trust process, the Department must determine whether a Tribe satisfies this requirement. These determinations require substantial time and resources from both the Department and Tribes, creating administrative burdens and uncertainty in the trust-acquisition process.

S. 1750 would designate the Poarch Band of Creek Indians to have been under Federal jurisdiction as of 1934, for purposes of the IRA. The bill would also ratify and confirm lands previously taken into trust for the Poarch Band of Creek Indians.

We recognize the Tribe's interest in obtaining certainty regarding its lands. However, the Department notes that the impacts of the *Carcieri* decision extend beyond any single Tribe and raises broader questions regarding the Secretary's land-into-trust authority under the Indian Reorganization Act.

The Department supports a comprehensive legislative solution related to the Secretary's authority to take land into trust for Tribes and welcomes the opportunity to work with the Committee to discuss potential legislative approaches to provide greater clarity and certainty in the broader land-into-trust process. Congress, in exercising its plenary authority over Indian affairs, has the authority to evaluate and amend the Indian Reorganization Act, including determining whether the Secretary's existing land-into-trust authority should be clarified, expanded, or otherwise modified. The Department looks forward to working with the Committee, the bill's sponsors, and Tribes on these important issues.

S. 4053, A bill to take certain land in the State of California into trust for the benefit of the Pechanga Band of Indians, and for other purposes

S.4053 would direct the Secretary of the Interior to transfer approximately 1,261 acres of Bureau of Land Management lands in Riverside County, California, and place those lands into trust for the benefit of the Pechanga Band of Indians. The bill would also prohibit gaming activities on the land.

The Pechanga Band of Indians has long sought to protect and preserve lands of cultural, historical, and environmental significance adjacent to their existing reservation. These lands include sacred sites, wildlife corridors, and open space that are integral to the Tribe's identity and traditional practices. The Department acknowledges the importance of these lands in advancing Tribal sovereignty, cultural preservation, and environmental stewardship.

The Department notes the Tribe's engagement with local stakeholders and its stated intentions to preserve the land for future generations. The Department recognizes the intent of S. 4053 as consistent with our trust responsibilities and the federal policy of promoting Tribal self-determination. The Department looks forward to working with the sponsor and the Committee to ensure effective implementation of the legislation.

H.R. 226, Eastern Band of Cherokee Historic Lands Reacquisition Act

H.R. 226 directs the transfer of approximately 76 acres of federal land managed by the Tennessee Valley Authority (TVA) in Monroe County, Tennessee, into trust status for the Eastern Band of Cherokee Indians. These parcels encompass sites of cultural, religious, and historical significance, including the Sequoyah Birthplace Museum and the historic Cherokee capital sites of Chota and Tanasi.

The Department supports H.R. 226. Returning ancestral and historic lands to tribal stewardship honors the enduring legacy and sacred traditions of the Eastern Band of Cherokee Indians. The Department has coordinated closely with the TVA and notes that the bill appropriately preserves TVA flowage and flood-control easements while ensuring continued public access to memorial facilities. The Department stands ready to execute the administrative trust conveyance upon enactment.

Conclusion

The Department looks forward to continuing to work with the Committee, the bills' sponsors, and affected Tribes on these measures. I am available to address any questions the Committee may have.