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## United States Senate

COMMITTEES  
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AND ENTREPRENEURSHIP

February 6, 2024

The Honorable Brian Schatz  
Chairman  
Senate Committee on Indian Affairs  
United States Senate  
Washington, D.C. 20510

The Honorable Lisa Murkowski  
Vice Chairman  
Senate Committee on Indian Affairs  
United States Senate  
Washington, D.C. 20510

Dear Chairman Schatz and Vice Chairman Murkowski,

I write today in strong support of the Winnebago Land Transfer Act of 2023. I thank you for bringing this important piece of legislation before the Senate Committee on Indian Affairs.

The Winnebago Tribe of Nebraska (Tribe) and its 5,000 tribal members reside on a reservation along the Missouri River in northeastern Nebraska and northwestern Iowa. Originally, the Winnebago people called present-day Wisconsin home, but in the mid-1800s, they were moved by the U.S. Army to Minnesota, Iowa, South Dakota, and finally to the Winnebago Reservation, as recognized today. Through the Treaty of 1865, the U.S. government promised this land as "...set apart for the occupation and future home of the Winnebago Indians, forever...."

In the 1970s, the United States Army Corps of Engineers (USACE) condemned tracts of the Winnebago Reservation on both sides of the Missouri River through the use of eminent domain to implement flood mitigation and recreational projects. With subsequent litigation and appeals, the courts ultimately ruled in favor of the Tribe and stated that the USACE had illegally taken the land. However, the land on the eastern side of the river could not be returned to the Winnebago people because of a doctrine known as "res judicata." Congressional action is the only option afforded to the Tribe to reclaim their 1,600 acres from the USACE.

As a way to remedy the situation, I helped introduce the Winnebago Land Transfer Act of 2023, alongside Senators Deb Fischer, Chuck Grassley, and Pete Ricketts. This legislation would transfer administrative jurisdiction of the land from the USACE to the Bureau of Indian Affairs to hold in trust for the Winnebago Tribe of Nebraska. This common-sense measure simply corrects a wrong and returns the 1,600 acres of marsh, which the USACE never had the authority to condemn nearly 50 years ago.

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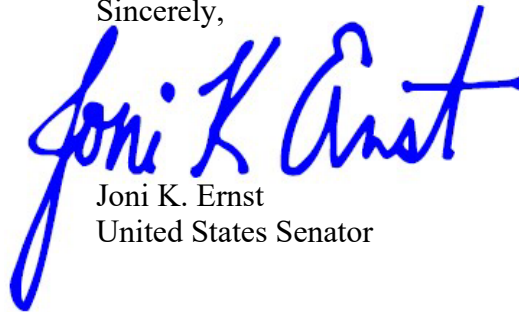
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Under your continued leadership and commitment to the Alaska Natives, Native Hawaiians, and American Indians, I ask the Senate Committee on Indian Affairs to quickly pass the Winnebago Land Transfer Act of 2023. Thank you for your consideration and action.

Sincerely,

A handwritten signature in blue ink that reads "Joni K. Ernst". The signature is written in a cursive style with a large, looping initial "J".

Joni K. Ernst  
United States Senator