

**TESTIMONY OF
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DIRECTOR, BUREAU OF INDIAN AFFAIRS
UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON INDIAN, INSULAR AND ALASKA NATIVE AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVE
ON
S. 249**

JUNE 7, 2017

Good afternoon Chairman LaMalfa, Ranking Member Torres, and members of the Subcommittee. My name is Bruce Loudermilk. I am the Director for the Bureau of Indian Affairs at the Department of the Interior (Department). I am here today to provide the Department’s position on S. 249, a bill to provide that the Pueblo of Santa Clara and the Ohkay Owingeh Pueblo may lease for 99 years certain restricted land.

The purpose of S. 249 is to amend the Act of August 9, 1955, to provide the Pueblo of Santa Clara and the Ohkay Owingeh Pueblo with authority to lease for 99 years certain tribal trust and restricted fee lands. Secretary Zinke supports the principles of self-determination and self-governance and, in line with these principles, believes that tribal governments are in the best position to determine the duration of tribal leases such as these. Accordingly, the Department supports S. 249.

Background

Since the enactment of the Act of June 30, 1834, 4 Stat. 730, codified as 25 U.S.C. Sec. 177, and predecessor statutes, land transactions with Indian tribes were prohibited unless specifically authorized by Congress. This law is commonly known as the Non-intercourse Act. Congress enacted the Act of August 9, 1955, codified at 25 U.S.C. Sec. 415, commonly known as the Long-Term Leasing Act, to overcome the prohibition of the Non-intercourse Act. The Long-Term Leasing Act permitted some land transactions between Indian tribes and nonfederal parties--specifically, the leasing of Indian lands. The Act required that leases of Indian lands be approved by the Secretary of the Interior and limited lease terms to 25 years.

As business opportunities and economic considerations changed, leases longer than 25 years were desired. To facilitate economic development on Indian lands, a number of tribes have obtained amendments to the Long-Term Leasing Act so that they could enter into leases for terms longer than 25 years. Approximately 50 tribes have obtained these amendments and all are listed in the Long-Term Leasing Act as having authority to enter into leases for terms as long as 99 years.

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Under current law, the Pueblo of Santa Clara and the Ohkay Owingeh Pueblo are listed in the Long-Term Leasing Act at 25 U.S.C. Section 415(a), but the current statutory language is limited in both cases to “lands held in trust” for the respective Pueblos. That language does not provide authority to address, for example, lands that exist within the boundaries of each Pueblo that are owned by the Pueblo but not held in trust. As a result, neither Pueblo has the ability to enter into long-term leases for these lands that are not held in trust for the Pueblos. S. 249 would amend the Long-Term Leasing Act to rectify this limitation.

Under the scope of the Long-Term Leasing Act, the changes made by S. 249 would include all of the lands held, now or that could be acquired in the future, within the boundary of either Pueblo. Both the Pueblo of Santa Clara and the Ohkay Owingeh Pueblo would be added to the list of tribes that may enter into 99-year leases for all lands within their boundaries. As indicated above, the Department supports this change as it would facilitate economic development opportunities for the Pueblos.

This concludes my prepared statement. I will be happy to answer any questions the Subcommittee may have.