

**STATEMENT OF
DONALD "DEL" LAVERDURE
PRINCIPAL DEPUTY ASSISTANT SECRETARY – INDIAN AFFAIRS
DEPARTMENT OF THE INTERIOR
BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS**

HEARING ON S. 703

APRIL 14, 2011

Good afternoon Mr. Chairman and members of the Committee. My name is Del Laverdure and I am the Principal Deputy Assistant Secretary for Indian Affairs at the Department of the Interior. I am pleased to be here today to present the Department's views regarding S. 703, the Helping Expedite and Advance Responsible Tribal Homeownership (HEARTH) Act.

This Administration continues to support tribal self-determination, and we recognize that tribal control over tribal resources is intrinsic to this policy.

We understand that tribal homelands are essential to the health, safety, and welfare of the First Americans, and that it is important for Indian tribes to have the ability to determine how their homelands will be utilized. This is why the Department is in the process of revising our own regulations governing leasing on Indian lands. Our revisions will streamline the process by which leases of Indian lands are approved, thereby promoting homeownership, economic development, and renewable energy development on tribal lands.

The HEARTH Act is consistent with this effort, and we are pleased to strongly support this legislation. S. 703 would amend certain sections of 25 U.S.C. § 415 (the Indian Long-Term Leasing Act) to permit tribes that choose to develop their own leasing program to approve and enter into certain leases without prior express approval from the Secretary of the Interior. Under this legislation, willing tribes would initially submit their own leasing regulations to the Secretary of the Interior for approval. Following Secretarial approval of such leasing regulations, tribal governments would process leases for tribal trust land at the tribal level, pursuant to their own laws, without a requirement for further approval of the Secretary. This has the potential to significantly reduce the time it takes to approve leases for homes and small businesses.

Pursuant to the HEARTH Act, leases would be limited to an initial term of 25 years, but could be renewed for up to two additional terms of up to 25 years each. Tribes could also approve leases for public, religious, educational, recreational, or residential purposes for a term of up to 75 years where permitted by tribal regulations. Tribal leasing regulations would not apply to mineral leases or leases of individual Indian allotments.

As noted above, under S. 703, tribes that desire to develop and implement their own regulations governing leasing would be able to submit tribal regulations for approval by the Secretary of the Interior. The Secretary would be required to approve tribal regulations that are consistent with the Department's own regulations governing leasing on Indian lands. The HEARTH Act requires the Department to review tribal leasing regulations within 120 days, but does provide us with the flexibility to extend this time period in consultation with the affected tribe.

The HEARTH Act ensures that the Department will retain the authority to fulfill its trust obligation to protect tribal trust lands through the enforcement or cancellation of leases approved under tribal regulations, or the rescission of Secretarial approval of tribal leasing regulations, where appropriate. At the same time, the HEARTH Act ensures that the United States will not be liable for losses incurred as a result of leases approved under tribal leasing regulations.

Finally, the HEARTH Act would require the BIA to prepare and submit a report to Congress regarding the history and experience of Indian tribes that have chosen to assume responsibility for operating certain Indian Land Title and Records Office (LTRO) functions from the BIA. Such review would include consultation with the Department of Housing and Urban Development Office of Native American Programs, and those Indian tribes managing LTRO functions. The Department agrees with the factors to be considered in the review.

We anticipate that the HEARTH Act will ultimately reduce the costs of implementing tribal leasing programs for the federal government by allowing willing Tribes to assume control of leasing on tribal lands. By increasing efficiency in the implementation of tribal leasing programs, the HEARTH Act will go a great distance in promoting homeownership, economic development, and renewable energy development by restoring tribal authority over tribal lands. The Department strongly supports S. 703 and wants to continue our conversations with the Committee on further refinements to the bill text. In closing, I look forward to working with this Committee in continued support of Indian tribes.

Thank you for the opportunity to present testimony on S. 703. I will be happy to answer any questions you may have.