

**TESTIMONY OF
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UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE
ON
S. 2636, THE “RESERVATION LAND CONSOLIDATION ACT OF 2016”.**

SEPTEMBER 14, 2016

Chairman Barrasso, Vice-Chairman Tester, and members of the Committee, my name is Larry Roberts. I am the Principal Deputy Assistant Secretary for Indian Affairs at the Department of the Interior (Department). Thank you for the opportunity to testify before the Committee on S. 2636, the “Reservation Land Consolidation Act of 2016,” a bill to amend section 5 of the Indian Reorganization Act (IRA), to require the Secretary to place land into trust that is wholly within or contiguous to a reservation if a Tribe acquires such lands and applies to have it placed into trust.

The continuing importance of restoring tribal homelands cannot be overstated. The United States’ tragic history with Tribal Nations has shown that the health and well-being of Native people is directly tied to the land. This Administration acknowledged early on that the restoration of tribal homelands is the keystone to tribal self-determination and self-governance. During this Administration, more than 428,000 acres of land have been placed into trust for tribes. S. 2636 is a common sense approach for consolidating and restoring tribal homelands for on-reservation and contiguous trust acquisitions. The Department strongly supports S. 2636.

Current Federal Indian Policy Is to Restore Tribal Homelands

In light of the devastating effects on Indian tribes of prior federal policies, notably the General Allotment Act of 1887, Congress enacted the IRA in 1934. Among Congress’s purposes in enacting the IRA were: to halt the federal policy of allotment and assimilation; to reverse the negative impact of allotment policies; and to secure for all Indian tribes a land base on which to engage in economic development and self-determination. While the ghosts of the allotment policy continue to impact Indian country, the long-standing Federal policy of restoring tribal homelands is working to ameliorate those harms.

Restoring tribal lands is an essential federal responsibility to ensure a meaningful course correction from the tragic policies of the past. The restoration of tribal homelands provides permanent housing to those that haven none. Tribal homelands ensure that current and future generations are able to develop energy resources in a manner that best meets the needs of that community. Most importantly, Tribal homelands ensure that tribes are able to provide for and protect the health and welfare of tribal citizens.

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When the Department acquires land in trust for tribes under section 5 of the IRA, it considers a number of rigorous criteria outlined in 25 C.F.R. Part 151 (151 Regulations) as well as internal guidance and the BIA's Fee-to-Trust Handbook. The Department's criteria are tailored to whether the subject parcel is on-reservation or off, and whether Congress has mandated the Department to take the land into trust.

S. 2636 would mandate the Department to accept land into trust for Indian tribes when the subject lands are wholly within or contiguous to the applicant tribe's reservation. This bill would not change the processing of off-reservation trust acquisitions or acquisitions for individual Indians.

Under S. 2636, the Department will determine whether the subject parcel is within, or contiguous to a tribe's reservation and whether the tribe is on the list of Federally recognized tribes. If so, and Departmental title evidence requirements for mandatory acquisitions are met, the Secretary is required to accept the land into trust. The Department will continue to provide notice to the applicant and the public of the acquisition decision if S. 2636 is enacted.

The effect of S. 2636 would be to restore lands within a tribe's reservation into trust if acquired by the tribe. It would facilitate housing, infrastructure, and economic development as well as reduce over time the "checkerboard" nature of many reservations. It would also aid tribes which still lack meaningful homelands in trust who wish to acquire lands contiguous to their base.

We want to work with the author on technical fixes to address extenuating circumstances such as instances of ownership disputes or contaminated properties.

Conclusion

The Department strongly supports S. 2636. This concludes my prepared statement. I will be happy to answer any questions the Committee may have.