

**TESTIMONY OF
MICHAEL BLACK
DIRECTOR, BUREAU OF INDIAN AFFAIRS
UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE
ON
S. 2916**

MAY 18, 2016

Good afternoon Chairman Barrasso, Vice Chairman Tester, and members of the Committee. My name is Mike Black. 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. 2916, 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. 2916 is to amend the Act of August 9, 1955, to authorize the Pueblo of Santa Clara and the Ohkay Owingeh Pueblo a 99-year lease authority for restricted land. The Administration strongly supports the principles of self-determination and self-governance, recognizing that intrinsic to these principles is tribal control over tribal resources, especially over tribal homelands, and the welfare of Native people. In line with these principles, the Administration believes that tribal governments are in the best position to determine the duration of tribal leases. Accordingly, the Department supports S. 2916.

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 over time, leases longer than 25 years were desired. To facilitate economic development on Indian lands, over the years, 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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S. 2916 would further amend the Long-Term Leasing Act by amending the Long-Term Leasing Act to add the Pueblo of Santa Clara and the Ohkay Owingeh Pueblo to the list of tribes that may enter into 99-year leases within the boundaries of their respective Pueblo lands. The Pueblo of Santa Clara and the Ohkay Owingeh Pueblo are currently listed in 25 U.S.C. Section 415(a), but the listing is restricted to “lands held in trust for the Pueblo of Santa Clara” and “lands held in trust for the Ohkay Owingeh Pueblo.” There exists, and in the future there could exist, lands within the boundaries of either Pueblo’s boundaries, owned by either Pueblo, but not held in trust for the Pueblo of Santa Clara or Ohkay Owingeh Pueblo. Thus, S. 2916 seeks to include all the lands within the boundaries either Pueblo. The Department supports S. 2916.

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