

**TESTIMONY OF
TONY DEARMAN,
DIRECTOR OF THE BUREAU OF INDIAN EDUCATION
UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS
ON S. 1285, THE “OREGON TRIBAL ECONOMIC DEVELOPMENT ACT”**

JULY 12, 2017

Good afternoon Chairman Hoeven, Vice Chairman Udall, and members of the Committee. Thank you for the opportunity to provide a statement on behalf of the Department of the Interior (Department) on S. 1285. This legislation would allow the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, the Confederated Tribes of the Grand Ronde Community of Oregon, the Confederated Tribes of Siletz Indians of Oregon, the Confederated Tribes of Warm Springs, and the Cow Creek Band of Umpqua Tribe of Indians to lease or transfer certain lands. The Department supports S. 1285.

The Department is aware that the Tribes listed in this legislation wish to lease, sell, convey, warrant, or otherwise transfer all or any part of their interests in any real property that is *not* held in trust by the United States for the benefit of the Tribes without further approval, ratification, or authorization by the United States. As the language in the bill indicates, such lands do not include any lands held in trust by the United States for the benefit of the Tribes.

The Tribes have expressed their opinion that they cannot lease, sell, convey, warrant, or otherwise transfer all or any part of its interests in any real property *not* held in trust by the United States unless authorized by Congress. The Tribes presumably are referring to federal law, 25 U.S.C. §177, which prohibits any "purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians."

S. 1285 would expressly allow each of the Tribes to lease, sell, convey, warrant, or transfer all or any portion of its interest in *any real property not held in trust status* by the United States for the benefit of the Tribe. Under S.1285, further approval, ratification, or authorization by the United States is not required in order to validate the land transaction. The legislation also clearly states that S. 1285 does not authorize the Tribe to lease, sell, convey, warrant, or otherwise transfer all or any portion of any interest in *any real property that is held in trust by the United States for the benefit of the Tribe*. Given these clear lines, the Department supports S. 1285 and believes this authority should be extended to all Tribes for fee simple lands.

Mr. Chairman and members of the Committee, thank you for the opportunity to appear before you today. I am happy to answer any questions you may have.