



HOUSE COMMITTEE ON NATURAL RESOURCES

TRIBAL LABOR, WATER, & LANDS PACKAGE (S. 140)

AT A GLANCE

S. 140 combines three separate legislative measures to promote tribal self-governance over tribal resources, lands, and business regulation.

- **Section 1:** Amends the White Mountain Apache Tribe (WMAT) Water Rights Quantification Act of 2010 to clarify that funds in the WMAT Settlement Fund are authorized to plan, design, and construct the rural water system (passed the Senate in May 2017).
- **Section 2:** Consists of the text of S. 249 (Udall) as reported by the House Natural Resources Committee, allowing two tribes in New Mexico, the Pueblo of Santa Clara and the Pueblo of Ohkay Owingeh, to lease certain “restricted fee” land they own for a term of up to 99 years, subject to the approval of the Secretary of the Interior.
- **Section 3:** Consists of the text of H.R. 986 as reported by the House Education and the Workforce Committee, adding tribes to the list of entities that are excluded from the definition of “employer” for purposes of the National Labor Relations Act.

BACKGROUND ON SECTION 2

Title to most Indian lands is held in trust by the Secretary of the Interior. Indian Pueblos (or tribes) in New Mexico generally hold the title to their own land, but the title to such land contains restrictions against alienation. These lands are usually called “restricted fee” lands. In either case, a series of old statutes generally prohibit tribes from leasing their trust or restricted fee lands without the permission of Congress. In 1955, Congress enacted a law commonly called the Indian Long-Term Leasing Act to authorize any tribe, subject to the approval of the Secretary of the Interior, to lease its trust or restricted fee lands if the term of its lease does not exceed 25 years for non-mineral development purposes or 10 years for grazing.

Over the years, several of the pueblos in New Mexico acquired new lands that the Secretary then placed in trust for their benefit, giving the tribes a mix of restricted fee land and trust land.

Since the enactment of the Indian Long Term Leasing Act, Congress has enacted numerous bills to authorize certain tribes to lease their lands for up to 99 years with the approval of the Secretary. Two pueblos in New Mexico, Santa Clara and Ohkay Owingeh, previously acquired such authority with respect to their trust land, but not for land they own in “restricted fee” status.

Section 2 of S. 140 would authorize these two Pueblos to lease their restricted fee land for up to 99 years, subject to the approval of the Secretary of the Interior. The bill thereby gives these two tribes the same leasing authority for their trust land and their restricted fee land.