

## NATIONAL AMERICAN INDIAN HOUSING COUNCIL POSITION PAPER

### THE HELPING EXPEDITE AND ADVANCE RESPONSIBLE TRIBAL HOMEOWNERSHIP (HEARTH) ACT OF 2011 (H.R. 205)

On January 6, 2011, Rep. Martin Heinrich of New Mexico introduced the Helping Expedite and Advance Responsible Tribal Homeownership, or HEARTH, Act of 2011. The Act would amend the Indian Long Term Leasing Act of 1955 to enhance tribal control over surface site leasing for residential, business, and other purposes in Indian Country. NAIHC fully supports passage of the HEARTH Act for these reasons:

- The current federally-managed surface site leasing process is inefficient and burdensome;
- Tribal control of tribal resources, including land, is key to tribal self-determination and self-governance; and
- HEARTH is a no-cost measure for the federal government.

The HEARTH Act is modeled on the Navajo Nation Leasing Act, legislation that authorized the Navajo Nation to pass surface site leasing regulations and assume control of such process on the Navajo reservation. Through HEARTH, tribes that have the capacity and the willingness to do so can create tribal regulations to govern surface site leasing. These regulations can then be submitted to the Secretary of Interior and, if approved, the tribe could then take over the surface site leasing function currently being performed by the federal government via the Bureau of Indian Affairs (BIA). Under the HEARTH Act, it is solely within the tribe's discretion whether to enact its own surface site leasing regime or continue using the current process through the Bureau of Indian Affairs – a process that is not timely or efficient. **BIA processing and approval of leases can take anywhere from several months to several years, which hinders housing, infrastructure, and economic development in tribal communities across the nation.**

Enhancing tribal control over tribal resources is consistent with the federal government's centuries old trust obligation to tribes and the government's policy goals of tribal self-determination and self-governance.

During the 111<sup>th</sup> session of Congress, both chambers considered versions of the HEARTH Act, but neither version was ultimately enacted. While such legislation was pending, the Congressional Budget Office (CBO) issued a finding that the HEARTH Act would essentially be a no-cost measure for the federal government. Further, NAIHC posits that, if enacted, HEARTH has the potential to unencumber some of the perpetually scant BIA resources that are currently absorbed in managing surface site leasing on behalf of federally-recognized tribes.

For the reasons cited herein, NAIHC fully supports passage and implementation of H.R. 205, the HEARTH Act of 2011.