



Act seeks more tribal control, shorter waits

By Matthew van Buren

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President Obama has signed legislation intended to give tribal governments more control over tribal lands and expedite leases.

Introduced by U.S. Rep. Martin Heinrich, D-NM, in 2009, the Helping Expedite and Advance Responsible Tribal Homeownership (HEARTH) Act passed the U.S. House and Senate by unanimous votes. It aims to “eliminate bureaucratic delays that stand in the way of homeownership and economic development in tribal communities,” an announcement from Heinrich’s office states, by eliminating previously required approval by the Secretary of the Interior for trust land leases.

“Now that it’s law, the HEARTH Act will create needed New Mexico jobs, boost investment in our housing industries and bring much-needed housing and businesses to Indian Country,” Heinrich is quoted as saying in the announcement. “Tribal communities should be able to make their own decisions about how to use their own land, and the HEARTH Act will give them the freedom to do so. The last thing the federal government should do is stand in the way of a family who wants to buy a home, and this bill will help make it easier for Native families to buy and build houses in the communities where their families have lived for generations.”

The act also seeks to promote economic development, according to information from Heinrich’s office, by taking the Bureau of Indian Affairs (BIA) out of the lease process.

“Under current rules, companies often have to wait years before BIA approval of a lease, leading many businesses to choose to locate elsewhere where they can buy or lease a site in a matter of weeks,” the Heinrich announcement states.

The act exempts leases for mineral exploration, development or extraction but allows business and agricultural leases up to 25 years to be entered without approval from the Secretary of the Interior; those leases may be renewed for two additional terms. Leases for public, religious, educational, recreational or residential purposes may be entered for up to 75 years, according to the act.

“There are many Native families who would prefer to stay and raise their children in the communities where their families have lived for generations — but instead have had to move from Indian Country to nearby cities because they want to own a home,” Heinrich is quoted as saying in a May 15 release. “Families shouldn’t be forced to make such an important decision based on how many months or years it will take a federal bureaucracy to approve a mortgage on tribal land.”

Pueblo leaders, including those from Zuni and Isleta, have praised the legislation, according to information from Heinrich’s office, saying expedited leases will help tribal members.

“The HEARTH Act is a statement that Indian people know best how lending should occur on our lands,” Pueblo of Isleta Lieutenant Governor Edward Paul Torres Sr. is quoted as saying.

A representative from the Taos Pueblo Central Management Administration had not returned messages requesting comment by press time.

Twenty members of the U.S. House cosponsored Heinrich’s legislation. They include Reps. Ben Ray Luján, D-NM, and Steve Pearce, R-NM.

“Homeownership is part of the American Dream, and it builds stronger communities and stronger families,” Luján, whose Congressional District includes Taos County, is quoted as saying in a July 17 release from Heinrich’s office. “The passage of the HEARTH Act addresses the needs of tribal communities and allows their members to move forward with economic and housing opportunities by removing the bureaucratic barriers that make it harder to buy a home and start a business on tribal land.”

Sen. John Barrasso, R-WY, introduced the HEARTH Act in the U.S. Senate. Eight senators, including Sens. Jeff Bingaman, D-NM, and Tom Udall, D-NM, cosponsored it. Obama signed the legislation Monday (July 30).



Official White House Photo by Pete Souza

President Barack Obama signs H.R. 205, the HEARTH Act of 2012, in the Oval Office, Tuesday (July 30). Standing behind Obama, from left, are: Bryan Newland, senior policy advisor at the Department of the Interior; Gov. Randall Vicente, Pueblo of Acoma in New Mexico; David Hayes, deputy secretary of the Department of the Interior; Jefferson Keel, president of the National Congress of American Indians; Rep. Martin Heinrich, D-N.M.; Sen. Daniel Akaka, D-Hawaii; interior Secretary Ken Salazar; Cheryl Causley, chairperson of the National American Indian Housing Council; Gov. Gregory Mendoza, Gila River Indian Community of Arizona; and Del Laverdure, acting assistant secretary of the Department of the Interior.