

**H.R. 205, “HEARTH ACT OF 2011”; &  
H.R. 2362 “INDIAN TRIBAL TRADE  
AND INVESTMENT DEMONSTRATION  
PROJECT ACT OF 2011”**

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**LEGISLATIVE HEARING**

BEFORE THE

SUBCOMMITTEE ON INDIAN AND  
ALASKA NATIVE AFFAIRS

OF THE

COMMITTEE ON NATURAL RESOURCES  
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

Thursday, November 3, 2011

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**LEGISLATIVE HEARING ON H.R. 205, TO AMEND THE ACT TITLED “AN ACT TO AUTHORIZE THE LEASING OF RESTRICTED INDIAN LANDS FOR PUBLIC, RELIGIOUS, EDUCATIONAL, RECREATIONAL, RESIDENTIAL, BUSINESS, AND OTHER PURPOSES REQUIRING THE GRANT OF LONG-TERM LEASES,” APPROVED AUGUST 9, 1955, TO PROVIDE FOR INDIAN TRIBES TO ENTER INTO CERTAIN LEASES WITHOUT PRIOR EXPRESS APPROVAL FROM THE SECRETARY OF THE INTERIOR. “HEARTH ACT OF 2011”; AND H.R. 2362, TO FACILITATE ECONOMIC DEVELOPMENT BY INDIAN TRIBES AND ENCOURAGE INVESTMENT BY TURKISH ENTERPRISES. “INDIAN TRIBAL TRADE AND INVESTMENT DEMONSTRATION PROJECT ACT OF 2011.”**

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**Thursday, November 3, 2011  
U.S. House of Representatives  
Subcommittee on Indian and Alaska Native Affairs  
Committee on Natural Resources  
Washington, D.C.**

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The Subcommittee met, pursuant to call, at 2:54 p.m. in Room 1324, Longworth House Office Building, Hon. Don Young [Chairman of the Subcommittee] presiding.

Present: Representatives Young, Boren, Kildee, Faleomavaega, and Luján.

Also Present: Representative Heinrich.

Mr. YOUNG. The Subcommittee will come to order. The Chairman notes the presence of a quorum, which under Committee Rule 3[c] is two Members. Thank you, Mr. Boren, for being here.

The Subcommittee on Indian and Alaska Native Affairs is meeting today to hear testimony on H.R. 205, The HEARTH Act of 2011, and H.R. 2362, The Indian Tribal Trade and Investment Demonstration Project Act of 2011.

Under Committee Rule 4[f], opening statements are limited to the Chairman and Ranking Member of the Subcommittee so we can hear from our witnesses more quickly. However, I ask unanimous consent to include any other Members' opening statements in the hearing record if submitted to the clerk by the end of the day. Hearing no objection, so ordered.

I also ask unanimous consent that the gentleman from New Mexico, Mr. Heinrich, be allowed to join us at the dais and participate in the hearing. Without any objection, so ordered.

**STATEMENT OF HON. DON YOUNG, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF ALASKA**

Mr. YOUNG. Over the years we continue to hear from tribes that it can take months, in some cases years, to approve simple lease agreements with the Bureau of Indian Affairs. These long delays hurt the tribes' ability to spur economic development and create jobs.

Both of these bills will help tribal governments cut through the bureaucratic red tape and allow the tribes to lease their lands without approval of the Secretary of the Interior, pursuant to tribal regulations approved by the Secretary.

H.R. 205, entitled "The HEARTH Act of 2011," amends the long-term Indian leasing acts so tribes can lease their lands for any non-mineral development; and H.R. 2362, "The Indian Tribal Trade and Investment Demonstration Project Act of 2011," creates a pilot project for tribes to participate in economic business development with private entities from the Republic of Turkey. Both bills are supported from Indian country, and I look forward to hearing the testimony of the witness.

If there is no objection, I would like to add the Ambassador of the Republic of Turkey's letter in support of H.R. 2362. I look forward to hearing from our witness, and I now recognize the Ranking Member for five minutes for any statement he may have.

[The prepared statement of Mr. Young follows:]

**Statement of The Honorable Don Young, Chairman, Subcommittee on  
Indian and Alaska Native Affairs, on H.R. 205 and H.R. 2362**

The purpose of today's hearing is to hear testimony on H.R. 205, a bill sponsored by Martin Heinrich and H.R. 2362, a bill introduced by Tom Cole.

Over the years, we continue to hear from tribes that it can take months and in some cases years to approve simple lease agreements at the Bureau of Indian Affairs. These long delays hurt the tribe's ability to spur economic development and create jobs. Both of these bills will help tribal governments cut through the bureaucratic red tape and allow the tribes to lease their lands without approval of the Secretary of the Interior, pursuant to tribal regulations approved by the Secretary.

H.R. 205, entitled the "HEARTH Act of 2011," amends the Long Term Indian Leasing Act, so that tribes can lease their lands for any non-mineral development. And H.R. 2362, the "Indian Tribal Trade and Investment Demonstration Project Act of 2011," creates a pilot project for tribes to participate in economic and business development with private entities from the Republic of Turkey. Both bills have support from Indian Country and I look forward to hearing the testimony from our witnesses. If there is no objection, I would like to add the Ambassador of the Republic of Turkey's letter in support of H.R. 2362.

**STATEMENT OF HON. DAN BOREN, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF OKLAHOMA**

Mr. BOREN. Thank you, Mr. Chairman. Today the Subcommittee meets to hear testimony on H.R. 205, introduced by Mr. Heinrich and co-sponsored by 10 of my colleagues from both sides of the aisle.

H.R. 205, better known as the HEARTH Act, would amend the Indian Long-Term Leasing Act of 1955 to give tribes more control

over their lands. It authorizes sovereign tribes to expedite the land-leasing procedure, encouraging investment and self-sufficiency.

Tribes from across Indian country as well as major tribal organizations, such as the National American Indian Housing Council, have expressed their support for the HEARTH Act. There are debilitating limitations of the Indian Long-Term Leasing Act that must be addressed. The HEARTH Act is needed in order to tackle, among other issues, the long delays currently experienced for travel trust land-lease approvals. Allowing tribes to make decisions about service leasing will curb these delays.

I am proud to be a co-sponsor of this bill, and I look forward to its passage in this Congress.

Also, my good friend, Mr. Cole—he is not here, he should be here shortly—is here today to testify on his bill, H.R. 2362, the Indian Tribal Trade and Investment Demonstration Project Act of 2011. Say that 10 times fast.

This bill adopts the tribal leasing authority under the HEARTH Act and applies them specifically to an economic development program with the Republic of Turkey. The bill allows no more than six tribes to engage in trade with private entities incorporated in the Republic of Turkey. It addresses, as Mr. Cole states in his testimony, an archaic leasing system in the hopes of encouraging this international partnership.

I look forward to hearing from Mr. Cole and the witnesses here today on how important this important bill will positively affect Indian country. As a co-sponsor of both bills, I look forward to today's hearing as the first step forward in passing this legislation.

Again, glad to see you, Mr. Heinrich. Mr. Cole should be here any minute. And I yield back, Mr. Chairman.

[The prepared statement of Mr. Boren follows:]

**Statement of The Honorable Dan Boren, Ranking Member, Subcommittee on Indian and Alaska Native Affairs, on H.R. 205 and H.R. 2362**

Thank you, Mr. Chairman.

Today the Subcommittee meets to hear testimony on H.R. 205, introduced by Mr. Heinrich and co-sponsored by ten of my colleagues from both sides of the aisle. H.R. 205, better known as the HEARTH Act, would amend the Indian Long-Term Leasing Act of 1955 to give tribes more control over their lands. It authorizes sovereign tribes to expedite the land leasing procedure, encouraging investment and self-sufficiency.

Tribes from across Indian country as well as major tribal organizations such as the National American Indian Housing Council have expressed their support for the HEARTH Act.

As tribes become more sophisticated in their management capabilities, the limitations of the Indian Long-Term Leasing Act must be addressed. The HEARTH Act is needed in order to tackle, among other issues, the long delays currently experienced for tribal trust land lease approvals. Allowing tribes to make decisions about surface leasing will curb these delays. I am proud to be a co-sponsor of this bill and look forward to its passage this Congress.

Also, my good friend Mr. Cole is here today to testify on his bill, H.R. 2362, the Indian Tribal Trade and Investment Demonstration Project of 2011. This bill adopts the tribal leasing authorities under the HEARTH Act and applies them specifically to an economic development program with the Republic of Turkey. The bill allows no more than six tribes to engage in trade with private entities incorporated in the Republic of Turkey. It addresses, as Mr. Cole states in his testimony, an "archaic leasing system" in the hopes of encouraging this international partnership.

I look forward to hearing from Mr. Cole and the witnesses here today on how this important bill will positively affect Indian country.

As a co-sponsor of both bills, I look forward to today's hearing as the first step toward passing this legislation. Welcome, Mr. Cole and Mr. Heinrich, and welcome to our witnesses. I yield back.

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Mr. YOUNG. Thank you, gentlemen. And first let me apologize to the witnesses for the delay in this hearing. I have no control over the votes. If I did, we would run this thing a lot faster, I can tell you that right now.

Mr. Cole is not present but should be here in a moment. But we will go ahead with Mr. Heinrich. If you would like to testify, Mr. Heinrich, you have five minutes.

**STATEMENT OF HON. MARTIN HEINRICH, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF NEW MEXICO**

Mr. HEINRICH. Thank you, Chairman Young. And I want to thank Ranking Member Boren as well, both of you, for holding this hearing on H.R. 205.

I introduced the HEARTH Act after meeting with several housing directors from New Mexico's Pueblos where I learned about the owners' process for securing a long-term lease on Trust land.

We all know how important home ownership is to healthy communities, and the last thing the Federal Government should do is to stand in the way of families who are ready and willing to buy a house.

Native families buying a house go through the same process as anyone else: They find a house they like, they work with their lender to gain approval for a mortgage, and they make an offer to the seller. But before these families can close on the sale, they need approval from the Bureau of Indian Affairs to lease the land that the house is built on. That approval can take between six months and in some cases as long as two years, an intolerable delay for most buyers. A seller is rarely able to wait two years to sell their house, and banks are often unable to hold a mortgage approval for anywhere near that long.

I know there are many families who would prefer to stay and raise their children in the communities where their families have lived for generations but instead have moved to nearby cities because they want to own a home. 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.

Similarly, many tribal communities lose out on commercial investment because the process for securing a lease through the BA can take so long. In these tough economic times, we shouldn't be making it harder for businesses to develop on tribal land.

The HEARTH Act would allow tribes to develop their own leasing regulations and make leasing decisions on tribal Trust at the tribal level rather than waiting for BIA approval. Under the bill, tribes would submit their regulations to the Secretary of the Interior for approval. Once the regulations are approved, tribes would be authorized to make their own decisions about how to lease their land in accordance with the approved leases.

This process would be completely voluntary for tribes. A tribe that chooses not to submit leasing regulations for approval would continue under the current system of BIA lease approval.

Many tribes already have a lease approval process through their tribal government that approve land leases before they are sent to the BIA. For those tribes that want the authority and the responsibility for making final leasing decisions at the tribal level, the HEARTH Act would give them the option of doing so.

Our nation is home to a vast diversity of sovereign tribes, and Federal policy should reflect that diversity. Some questions have been raised regarding the minimum requirements outlined in the bill for tribal leasing regulations. Over the past few weeks, I have worked with Ranking Member Markey, interested tribes and the National American Indian Housing Council to agree on a requirement that tribal regulations meet or exceed the requirements of the existing BIA regulations on leases. This will allow tribes to take charge of their leasing programs while ensuring that all tribal regulations meet a consistent standard. And I hope that members of this Subcommittee will support the addition of this provision.

The HEARTH Act will allow tribes to exercise greater control over their lands, support self-determination and eliminate bureaucratic delays that stand in the way of home ownership and economic development in tribal communities. I urge the Subcommittee's support for this important legislation. And thank you, Mr. Chairman, for holding this hearing, and thank you to the Subcommittee for consideration of this legislation.

[The prepared statement of Mr. Heinrich follows:]

**Statement of The Honorable Martin Heinrich, a Representative in Congress from the State of New Mexico, on H.R. 205, The Helping Expedite and Advance Responsible Tribal Homeownership Act of 2011**

Thank you, Chairman Young and Ranking Member Boren, for holding this hearing on H.R. 205.

I introduced the HEARTH Act after meeting with several housing directors from New Mexico's pueblos where I learned about the onerous process for securing a long-term lease on trust land. We all know how important homeownership is to healthy communities, and the last thing the federal government should do is stand in the way of families ready and willing to buy a house.

Native families buying a house go through the same process as anyone else: they find a house they like, work with their bank to gain approval for a mortgage, and make an offer to the seller. But before these families can close on the sale, they need approval from the Bureau of Indian Affairs to lease the land the house is built on. That approval can take between six months and two years—an intolerable delay for most buyers. A seller is rarely able to wait two years to sell their house, and banks are often unable to hold a mortgage approval for that long.

I know there are many families who would prefer to stay and raise their children in the communities where their families have lived for generations—but instead have moved to nearby cities because they want to own a home. 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.

Similarly, many tribal communities lose out on commercial investment because the process for securing a lease through the BIA takes so long. In these tough economic times, we should not be making it harder for business to develop on tribal land.

The HEARTH Act would allow tribes to develop their own leasing regulations and make leasing decisions on the tribal level, rather than waiting for BIA approval. Under the bill, tribes would submit their regulations to the Secretary of the Interior for approval. Once the regulations are approved, tribes would be authorized to make their own decisions about how to lease their land, in accordance with the approved leases.

This process would be completely voluntary for tribes—a tribe that chooses not to submit leasing regulations for approval would continue under the current system of BIA lease approval. Many tribes already have a lease approval process through their tribal government that approves land leases before they're sent to BIA. For those tribes that want the authority and responsibility for making final leasing decisions at the tribal level, the HEARTH Act would give them the option of doing so. Our nation is home to a vast diversity of tribes, and federal policy should reflect that diversity.

Some questions have been raised regarding the minimum requirements outlined in the bill for tribal leasing regulations. Over the past few weeks, I have worked with Ranking Member Markey, interested tribes, and the National American Indian Housing Council, to agree on a requirement that tribal regulations meet or exceed the requirements of the existing BIA regulations on leases.

This will allow tribes to take charge of their leasing programs while ensuring that all tribal regulations meet a consistent standard, and I hope that the members of this subcommittee will support the addition of this provision.

The HEARTH Act will allow tribes to exercise greater control over their lands, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in tribal communities. I urge this subcommittee's support for this important legislation.

Thank you, Mr. Chairman, for holding this hearing, and thank you to the subcommittee for your consideration of this bill.

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Mr. YOUNG. I thank the gentleman, Mr. Heinrich, for your testimony. You were doing great until you said you have been working with Mr. Markey, and I got a little bit concerned there for a moment. But I checked with my staff, and apparently you have been working with my staff too, so that is a good sign, I want to tell you ahead of time.

Mr. Cole, I do apologize for letting a freshman go ahead of you or at least a sophomore go ahead of you, but you weren't here. And when you say you snooze, you lose. But, Mr. Chairman, I want to thank you for coming before the Committee and testifying on your bill.

**STATEMENT OF HON. TOM COLE, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF OKLAHOMA**

Mr. COLE. Thank you very much. Actually it was a wise decision on your part, Mr. Chairman. I got here late and without my testimony, which your staff is ably bringing me right now, so unprepared as well as late.

Thank you again, Mr. Chairman. I appreciate very much this hearing. Mr. Chairman, Ranking Member Boren, members of the Committee, thank you for inviting me today to testify about my bill, H.R. 2362, the Indian Tribal Trade and Investment Demonstration Project Act of 2011, and my colleague, Congressman Heinrich's bill, H.R. 205, the HEARTH Act.

Addressing ways to grow and sustain economic development on tribal lands is an important goal that I continue to work with members of this Committee. Statistically Indians are the most impoverished group of people in our country and suffer from the highest rates of unemployment. Enacting policies to facilitate the growth of tribal economies is vital to help alleviate the economic malaise facing Indian country.

The first and most basic step we should take toward this goal is making it easier for Indian tribes to use their own land. These bills will achieve that goal.

H.R. 2362 is designed to facilitate U.S. trade with Turkey and to help economic development on tribal land. Currently economic development on tribal land is hampered by a restrictive and archaic leasing system. This system requires multiple levels of review, including surveys and thorough environmental reviews every time a lease is entered into. At the end of that process, even simple leases that could be concluded in as little as six days on private land can take up to six years to conclude on Trust land.

It is fitting that the Indian Tribal Trade and Investment Demonstration Project Act and the HEARTH Act are being considered together today as my bill, H.R. 2362, is based on provisions of the HEARTH Act. In fact, if the HEARTH Act is enacted, provisions of H.R. 2362 would be facilitated.

As I am sure you will hear from other witnesses today, the HEARTH Act will cut down on the bureaucracy involved with leasing and developing land held in trust for Indian tribes. These same provisions have applied to the Navajo Tribe for over a decade and have helped that tribe with economic development.

H.R. 2362 is another in a long line of demonstration projects being used to evolve Federal policy concerning tribes. Over the years there has been a reluctance to implement new policies which would affect all Federal tribes. Applying the provisions of the HEARTH Act to only the Navajo Nation in 2000 is only one example. We can find other examples in other areas of Indian policy, including self-governance.

Mr. Chairman, today you are considering two bills, one that continues the demonstration model and one that seeks to benefit all of Indian country. And while I strongly support my legislation, I certainly hope that the HEARTH Act is quickly enacted, extending the provisions found in H.R. 2362 to all tribes.

Mr. Chairman, my bill would direct the Secretary of the Interior to create a demonstration project for up to six tribes or groups of tribes engaged in economic development projects with companies based in Turkey. This legislation allows the tribes in the program to develop their own guidelines for leasing, including provisions to protect the environment.

The Secretary would then approve those guidelines, and the tribes would be allowed to operate under those guidelines without required Secretarial approval for every individual release. Essentially tribes in the demonstration project would then enjoy the same regulatory reforms proposed by the HEARTH Act.

Although the Indian Tribal Trade and Investment Demonstration Project would streamline leasing provisions to take Secretarial approval out of every lease, the Secretary of the Interior retains oversight over the project and retains the power to enforce or cancel leases under the project if needed to exercise the United States' Trust responsibility to the tribes.

Additionally, as Federal land, Trust land remains subject to the United States, the same environmental reviews that all Federal lands are subject to. Neither my legislation nor the HEARTH Act are attempts to get around environmental regulations and exploit the land. Instead, they are efforts to bring meaningful change to Indian tribes by allowing them to efficiently develop their lands just like non-Indians are allowed to do.

The single most frequently asked question people ask me about H.R. 2362 is why Turkey. The answer to that is simple. Turkey through their Trade Ministry has shown interest in partnering with tribal economies. Turkey sent the first delegation from a foreign government to the National Center for American Indian Enterprise Development's annual reservation economic summit, commonly known as the RES, in 2011.

People in Turkey have a genuine affinity toward American Indians. Many Turks believe that Indians share a common ancestry with the Turks dating back millennia. And whether you hold this belief or not, there is no denying that many Turks want to help Indians.

H.R. 2362 would capitalize on this affinity to strengthen the ties with a key ally and close friend and help struggling tribal economies at the same time. For a variety of reasons, Mr. Chairman, there is a genuine interest in Native Americans in many parts of the world.

It is my belief that if H.R. 2362 succeeds and innovative legislation like the HEARTH Act is passed, other foreign governments and corporations may well follow the example of Turkey and invest in Indian country. That can only lead to good things for Indian country while strengthening America's ties with historic allies like Turkey. Progress for our most challenged population, Native Americans, is a good thing for our country and will have a positive impact for our image around the world.

Mr. Chairman, thank you again for inviting me to testify before your Committee on these important bills. These pieces of legislation are vital to the development of tribal economies. I encourage this Committee to favorably report both the Indian Tribal Trade and Investment Demonstration Act and the HEARTH Act and move them through the legislative process.

And with that, I thank you again, Mr. Chairman.

[The prepared statement of Mr. Cole follows:]

**Statement of The Honorable Tom Cole, a Representative in Congress from the State of Oklahoma, on H.R. 205 and H.R. 2362**

Mr. Chairman, Ranking Member Boren, Members of the Committee: thank you for inviting me here today to testify on my bill, H.R. 2362 the Indian Tribal Trade and Investment Demonstration Project Act of 2011, and my colleague Congressman Heinrich's bill H.R. 205 the HEARTH Act. Addressing ways to grow and sustain economic development on Tribal lands is an important goal that I continue to work on with members of this committee. Statistically, Indians are the most impoverished group of people in our country and suffer from the highest rates of unemployment. Enacting policies to facilitate growth of Tribal economies is vital to help alleviate the economic malaise facing Indians. The first and most basic step we should take towards that goal is making it easier for Indian Tribes to use their own land. These bills will achieve that goal.

H.R. 2362 is designed to facilitate U.S. trade with Turkey and help economic development on Tribal land. Currently, economic development on Tribal land is hampered by a restrictive and archaic leasing system. This system requires multiple levels of review including surveys and thorough environmental reviews every time a lease is entered into. At the end of that process, even simple leases that could be concluded in as little as six days on private land can take up to six years to conclude on trust land.

It is fitting that the Indian Tribal Trade and Investment Demonstration Project Act and the HEARTH Act are being considered together today, as my bill, H.R. 2362, is based on provisions of the HEARTH Act. In fact, if the HEARTH Act is enacted, provisions of H.R. 2362 would be facilitated. As I am sure you will hear from other witnesses today, the HEARTH Act will cut down on the bureaucracy in-

volved with leasing and developing land held in trust for Indian Tribes. These same provisions have applied to the Navajo tribe for over a decade, and have helped that tribe with economic development.

H.R. 2362 is another in a long line of demonstration projects being used to evolve federal policy concerning Tribes. Over the years there has been reluctance to implement new policies which would affect all federal Tribes. Applying the provisions of the HEARTH act to only the Navajo in 2000 is only one example. We can find other examples in other areas of Indian policy including self governance. Mr. Chairman, today you are considering two bills, one that continues the demonstration model and one that seeks to benefit all Indian Tribes. While I strongly support my legislation, I hope that the HEARTH Act is quickly enacted extending the provisions found in H.R. 2362 to all tribes.

Mr. Chairman, my bill would direct the Secretary of Interior to create a demonstration project for up to six tribes or groups of tribes engaged in economic development projects with companies based in Turkey. This legislation allows the Tribes in the program to develop their own guidelines for leasing, including provisions to protect the environment. The Secretary would then approve those guidelines and the Tribes would be allowed to operate under those guidelines without required Secretarial approval for every individual release. Essentially, Tribes in the demonstration project would then enjoy the same regulatory reforms proposed in the HEARTH Act.

Although the Indian Tribal Trade and Investment Demonstration Project would streamline leasing provisions to take secretarial approval out of every lease, the Secretary of Interior retains oversight over the project and retains the power to enforce or cancel leases under the project if needed to exercise the United States' trust responsibility to tribes. Additionally, as federal land, trust land remains subject to the same environmental reviews that all federal lands are subject to. Neither my legislation, nor the HEARTH Act are attempts to get around environmental regulations and exploit the land. Instead they are efforts to bring meaningful change to Indian Tribes by allowing them to efficiently develop their lands just like non-Indians are allowed to.

The single most frequent question people ask me about H.R. 2362 is: Why Turkey? The answer to that is simple. Turkey, through their trade ministry, has shown interest in partnering with tribal economies. Turkey sent the first delegation from a foreign government to the National Center for American Indian Enterprise Development's annual Reservation Economic Summit, commonly known as RES, in 2011. People in Turkey have a genuine affinity towards American Indians. Many Turks believe that Indians share a common ancestry with the Turks dating back millennia. Whether you hold this belief or not, there is no denying that many Turks want to help Indians. H.R. 2362 would capitalize on this affinity to strengthen ties with a key ally and help struggling tribal economies.

For a variety of reasons, Mr. Chairman, there is a genuine interest in Native Americans in many parts of the world. It is my belief that if H.R. 2362 succeeds and innovative legislation like the HEARTH Act is passed, other foreign government and corporations may well follow the example of Turkey and invest in Indian Country. That can only result in good things for Indian Country while strengthening America's ties with historic allies like Turkey. Progress for our most challenged population—Native Americans—is a good thing for our country and will have a positive impact for our image around the world.

Mr. Chairman, thank you again for inviting me to testify before your committees on these important bills. These pieces of legislation are vital to the development of Tribal economies. I encourage this committee to favorably report both the Indian Tribal Trade and Investment Demonstration Act and the HEARTH Act and move them through the legislative process.

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Mr. YOUNG. Thank you, Congressman Cole. And I want to thank both of the witnesses. These are two good pieces of legislation strongly I am in support of. If I ever get my Empowerment Act, it is going to include these for sure. But we are going to try to move these bills separately and make sure that this is allowed.

I have heard more complaints since I have been Chairman of this Committee of the inactivity of the BIA in responding to the wishes of a tribe and tribal land. I think that is unfortunate. I know we are going to hear from the BIA, and I am not picking on the BIA necessarily, but they haven't functioned correctly. And I have not

seen any progress in that arena since I have been in this Congress as far as expediting the leasing for homes, as you said, Mr. Heinrich, and the leasing, in the HEARTH Act, leasing for industrial means.

I have no questions. Does the gentleman from Oklahoma have any questions?

Mr. BOREN. No questions, just a co-sponsor of both bills. Hope we can get these, you know, passed very quickly, get them to the House.

And I want to thank both Members. I know Mr. Heinrich has been working on this for quite some time and that there have been a lot of different changes in the legislation. He has been working with staff. So we want to thank you for that also.

For Mr. Cole, in Oklahoma we have obviously a large Native American population, but we also have a Turkish community. So I think that is a great partnership, and we look forward to these bills passing. Thank you.

Mr. YOUNG. With that, you are excused. God, I would like to be a schoolteacher again. Oh, boy.

Now we will call up the second panel. Mr. Michael Black, Director of the Bureau of Indian Affairs; The Honorable John L. Berrey, Business Committee, Quapaw Tribe of Oklahoma; The Honorable Floyd Tortalita, Vice Chairman of the National American Indian Housing Council; Mr. Lincoln McCurdy, President of the Turkish Coalition of America.

And if you, Mr. Ranking Member, my good friend, Dan Boren, would like to introduce your chairman of the tribe from Oklahoma, you are quite welcome.

Mr. BOREN. Thank you, Mr. Chairman. It is an honor to get to introduce someone from my District, a fellow Oklahoman and a good friend, Chairman John L. Berrey.

John Berrey is a member of both the Quapaw Tribe and the Osage Nation. He serves as Chairman of the Quapaw Tribal Business Committee and the Downstream Development Authority. He is also a fourth-generation rancher on the family's original allotment on the Osage Reservation located north of Tulsa, Oklahoma.

Since graduating from the University of Arkansas—we can forgive him for that, we will talk about that later; we have a little football rivalry—with a degree in journalism in 1991, Chairman Berrey has held a number of business positions, including several with the Quapaw Tribe.

I can tell you there are great things going on in the northeastern part of our District because of his leadership. Our office and his administration have worked really well together, and on top of that, he has become a great friend. So we are glad to have you here and look forward to your testimony.

Mr. YOUNG. Good introduction. OK, Mr. Black, you are up first.

**STATEMENT OF MICHAEL S. BLACK, DIRECTOR,  
BUREAU OF INDIAN AFFAIRS**

Mr. BLACK. Good afternoon, Mr. Chairman, members of the Subcommittee. My name is Mike Black, and I am Director of the Bureau of Indian Affairs at the Department of the Interior. Thank you for the opportunity to present the Department's views on

H.R. 205, the Helping Expedite and Advance Responsible Tribal Home ownership Act, also known as the HEARTH Act.

This Administration continues to support tribal self-determination and recognizes that tribal control over tribal resources is intrinsic to this policy. The Department understands that tribal homelands are essential to the health, safety and welfare of the first Americans and that it is important for Indian tribes to have the ability to determine how their homelands will be utilized.

This is why the Department is in the process of revising our own regulations governing leasing on Indian lands. Our revisions will streamline the process by which leases over Indian lands are approved, thereby promoting home ownership, economic development and renewable energy development on tribal lands.

H.R. 205 is consistent with this effort, and we are pleased to strongly support this bill.

H.R. 205 would amend certain Sections of 25 U.S.C. §415, the Indian Long-Term Leasing Act, and would restore tribal authority to govern leasing on tribal lands for those tribes that wish to exercise that authority.

Under H.R. 205, willing tribes would initially submit their own leasing regulations to the Secretary of the Interior for approval. Following Secretarial approval of such leasing regulations, tribal governments would process leases for tribal Trust land at the tribal level pursuant to their own laws, without a requirement for further approval from the Secretary.

This has the potential to significantly reduce the time it takes to approve leases for homes and small businesses. H.R. 205 also ensures that the Department will retain the authority and responsibility to fulfill its trust obligation to protect tribal Trust lands through the enforcement or cancellation of leases approved under tribal regulations or the rescission of Secretarial approval of tribal regulations where appropriate.

The Department anticipates that H.R. 205 will ultimately reduce the costs of implementing tribal leasing programs for the Federal Government by allowing willing tribes to assume control of leasing over their own tribal lands.

By increasing efficiency in the implementation of tribal leasing programs, H.R. 205 will go a great distance in promoting home ownership, economic development and renewable energy development. Again, the Department strongly supports H.R. 205, and we look forward to working with the Subcommittee on continued support of Indian tribes.

As for H.R. 2362, the Indian Tribal Trade and Investment Demonstration Project Act of 2011—and no, I can't say that three times fast—would facilitate economic development by Indian tribes and encourage investment by Turkish enterprises.

The Department supports the principles embodied by H.R. 2362, which would authorize a pilot collaboration between selected Indian tribes and tribal consortia and Turkish business enterprises. The bill would also authorize the tribal approval of leases entered into under the demonstration project in the bill without the Secretary of the Interior's approval of such leases when certain requirements have been met.

While the Department views the bill as a potential job creator that would likely spur economic activity in Indian country, the Department has several concerns with H.R. 2362 and would be pleased to work with the Subcommittee staff to improve language in the legislation.

While we support the concept of H.R. 2362, the Department would like to inform the Subcommittee that the Bureau of Indian Affairs already has several examples of leases between tribes and foreign entities, which cover such economic activities as rights-of-way and oil and gas development.

As stated earlier, the Department supports H.R. 205, the HEARTH Act, which has many provisions in common with H.R. 2362. The Department is not opposed to this proposed demonstration project but believes that the passage of the HEARTH Act would foster many of the same goals identified in H.R. 2362 on a broader scale.

Some of the Department's concerns with H.R. 2362 are that the term "consortium" is not defined in the bill. The Department would find it useful to provide a definition along with more information on how these types of consortium leases would work.

Since the bill provides for the development of tribal regulations as one requirement for non-Secretarial approval for certain leases under H.R. 2362, there does not appear to be a provision that would allow for consortium regulations that would provide the same exception to non-Secretarial approval of such consortium leases.

We are also concerned with Section 3 of H.R. 2362. This Section provides only one year for the tribal approval of tribal leases. This one-year requirement would include submission of the tribal leasing regulations for Secretarial approval, drafting, consulting arm and approving departmental leasing regulations for the purposes in H.R. 2362, the execution of leases and the review of the leases' environmental consequences. In view of these multiple steps, a one-year timeframe would likely be unworkable.

The Department looks forward to working with the bill sponsor and the Subcommittee on H.R. 2362 to identify a more workable timeframe to develop and approve tribal leasing regulations and a definition of "consortium" that meets the goals of the legislation.

I would be happy to answer any questions you may have. Thank you.

[The prepared statements of Mr. Black follow:]

**Statement of Mike Black, Director of the Bureau of Indian Affairs, United States Department of the Interior, on H.R. 205, Helping Expedite and Advance Responsible Tribal Home Ownership Act**

Good afternoon Mr. Chairman and members of the Subcommittee. My name is Mike Black and I am the Director of the Bureau of Indian Affairs (BIA) at the Department of the Interior (Department). I am pleased to be here today to present the Department's views regarding H.R. 205, the Helping Expedite and Advance Responsible Tribal Homeownership Act (HEARTH Act).

This Administration continues to support tribal self-determination, and we recognize that tribal control over tribal resources is intrinsic to this policy.

We understand that tribal homelands are essential to the health, safety, and welfare of the First Americans, and that it is important for Indian tribes to have the ability to determine how their homelands will be utilized. This is why the Department is in the process of revising our own regulations governing leasing on Indian lands. Our revisions will streamline the process by which leases of Indian lands are

approved, thereby promoting homeownership, economic development, and renewable energy development on tribal lands.

The HEARTH Act is consistent with this effort, and we are pleased to strongly support this legislation. H.R. 205 would amend certain sections of 25 U.S.C. § 415 (the Indian Long-Term Leasing Act) which would restore tribal authority to govern leasing on tribal lands, for those tribes that wish to exercise that authority. Under this legislation, willing tribes would initially submit their own leasing regulations to the Secretary of the Interior for approval. Following Secretarial approval of such leasing regulations, tribal governments would process leases for tribal trust land at the tribal level, pursuant to their own laws, without a requirement for further approval of the Secretary. This has the potential to significantly reduce the time it takes to approve leases for homes and small businesses.

Pursuant to the HEARTH Act, leases would be limited to an initial term of 25 years, but could be renewed for up to two additional terms of up to 25 years each. Tribes could also approve leases for public, religious, educational, recreational, or residential purposes for a term of up to 75 years where permitted by tribal regulations. Tribal leasing regulations would not apply to mineral leases or leases of individual Indian allotments.

As noted above, under H.R. 205, tribes that desire to develop and implement their own regulations governing leasing would be able to submit tribal regulations for approval by the Secretary of the Interior. The Secretary would be required to approve tribal regulations that are consistent with the Department's own regulations governing leasing on Indian lands. The HEARTH Act requires the Department to review tribal leasing regulations within 120 days, but does provide us with the flexibility to extend this time period in consultation with the affected tribe.

The HEARTH Act ensures that the Department will retain the authority to fulfill its trust obligation to protect tribal trust lands through the enforcement or cancellation of leases approved under tribal regulations, or the rescission of Secretarial approval of tribal leasing regulations, where appropriate. At the same time, the HEARTH Act ensures that the United States will not be liable for losses incurred as a result of leases approved under tribal leasing regulations.

We anticipate that the HEARTH Act will ultimately reduce the costs of implementing tribal leasing programs for the federal government by allowing willing Tribes to assume control of leasing on tribal lands. By increasing efficiency in the implementation of tribal leasing programs, the HEARTH Act will go a great distance in promoting homeownership, economic development, and renewable energy development by restoring tribal authority over tribal lands. The Department strongly supports H.R. 205, and I look forward to working with this Subcommittee in continued support of Indian tribes.

Thank you for the opportunity to present testimony on H.R. 205. I will be happy to answer any questions you may have.

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**Statement of Mike Black, Director of the Bureau of Indian Affairs, United States Department of the Interior, on H.R. 2362, Indian Tribal Trade and Investment Demonstration Project Act**

Good afternoon, Mr. Chairman, Ranking Member, and members of the Subcommittee. My name is Mike Black and I am the Director of the Bureau of Indian Affairs (BIA) in the Department of the Interior (Department). I am pleased to be here today to provide the Department's views on H. R. 2362, the Indian Tribal Trade and Investment Demonstration Project Act of 2011.

The BIA provides services directly or through contracts, grants, or compacts to a service population of about 1.7 million American Indians and Alaska Natives who are enrolled members of 565 federally recognized tribes living on or near Indian reservations in the 48 contiguous United States and Alaska. In addition, the BIA is responsible for the administration and management of approximately 56 million acres of land held in trust by the United States for American Indians, Indian tribes, and Alaska Natives. Building strong, prosperous, Native American economies is a priority for this Administration. This Administration continues to strongly support tribal self-determination and self governance and we recognize that tribal control over tribal resources is intrinsic to this policy.

H.R. 2362 would "facilitate economic development by Indian tribes and encourage investment by Turkish enterprises." The Department supports the principles embodied by H.R. 2362, which would authorize a pilot collaboration between Secretary of the Interior selected Indian tribes and tribal consortia and Turkish business enterprises. The bill would also authorize the tribal approval of leases entered into under the demonstration project in the bill without the Secretary of the Interior's

approval of such leases, when certain requirements are met for such leases. While the Department views the bill as a potential job creator that would likely spur economic activity in Indian Country, the Department has several concerns with H.R. 2362, and would be pleased to work with the Subcommittee's staff to improve language in the legislation.

The Department is aware that over the past eighteen months the National Center for American Indian Enterprise Development (NCAIED) and other tribal interests have participated in a Native American trade mission to the Republic of Turkey and otherwise encouraged trade relations between Turkish firms and Indian nations. H.R. 2362 has identified that the requirement that certain Indian trust land leases be approved by the Secretary of the Interior is a barrier to the growth of these nascent commercial relations. H.R. 2362 therefore seeks to exempt certain commercial leases from the Secretary's purview as part of a demonstration trade project involving tribes/tribal consortia and private companies incorporated or emanating from the Republic of Turkey, including leases for business and economic development, and public, educational, or residential purposes, grazing and agricultural development involving specialized crops, so long as such leases are executed pursuant to tribal regulations approved by the Secretary.

While we support the concept of H.R. 2362, the Department would like to inform the Subcommittee that the Bureau of Indian Affairs already has several examples of leases between tribes and foreign entities. These leases cover such economic activities as rights of way, and oil and gas development. A number of tribes have existing commercial partnerships with companies/entities that are located in several foreign countries, and nothing in existing law prohibits this type of leasing activity. More specifically, there are instances where companies/entities that are located in a foreign country but have incorporated in a U.S. state, have executed leases with tribes. There are also instances where companies/entities located in a foreign country, such as Canada have a lease with a tribe. In those instances where a Master Business Lease is the main agreement, there could be sub-leases with foreign entities; however, such sub-lease information is not available to the BIA.

The BIA has completed a review of its existing leasing regulations, and will soon propose new regulations geared toward addressing residential leasing, business leasing, and wind and solar energy leasing. The Department is now on record before this Subcommittee in support of the H.R. 205, the Helping Expedite and Advance Responsible Tribal Homeownership Act (HEARTH Act), which has many provisions in common with H.R. 2362. The Department is not opposed to this proposed demonstration project, but believes that the passage of the HEARTH Act would foster the same goals identified in H.R. 2362 on a broader scale.

The Department has concerns with several provisions in H.R. 2362. The Department is concerned that the term "consortium" is not defined in the bill. The Department would find it useful to provide a definition, along with more information on how these types of "consortium" leases would work. Since the bill provides for the development of tribal regulations as one requirement for non-Secretarial approval for certain leases under H.R. 2362, there does not appear to be a provision that would allow for "consortium" regulations that would provide the same exemption to non-Secretarial approval of such "consortium" leases.

The Department is also concerned with Section 3 of H.R. 2362. This section provides only one year for the tribal approval of tribal leases, which includes submission of the tribal leasing regulations for Secretarial approval, drafting, consulting on, and approving Department leasing regulations for the purposes in H.R. 2362, the execution of the leases, and review of the lease's environmental consequences. In view of these multiple steps, the one year timeframe would likely be unworkable.

The Department looks forward to working with the bill sponsor and this Subcommittee to identify a more workable timeframe to develop and approve tribal leasing regulations, and a definition of "consortium" that meets the goals of the legislation.

Further, the Department is concerned with Section 4 of H.R. 2362, specifically the subsection that establishes the eligibility criteria for a tribe or consortium, to participate under the Act, requires applicants to "demonstrate[], for the 3 fiscal years immediately preceding the fiscal year for which participation is requested, financial stability and financial management capability as demonstrated by a showing by the Indian tribe or consortium that there were no material audit exceptions in the required annual audit of the self-determination contracts of the Indian tribe or consortium." According to this standard, it is possible a number of Indian tribes or Tribal consortia may be ineligible, because such tribes or consortia do not have a P.L. 93-638 Self Determination contract or meet the federal funding threshold that would trigger an audit review. This language would also result in Self Governance Tribes being ineligible for the demonstration project, since the bill leaves out

all self governance compacting Tribes that have only Self Governance agreements. Therefore, the language in Section 4 would result in some Indian Tribes, Tribal Consortia and Self Governance Tribes being ineligible to participate in the demonstration project under H.R. 2362.

Unemployment in Indian Country is more severe than it is in the rest of the United States. Expanded trade relations with the Republic of Turkey offers the potential of creating new income streams and employment for Indian communities. The bill requires the Secretary to submit a report one year after its enactment describing the economic benefits this pilot achieves. We hope the results of the project will encourage broader commercial relations between Indian Country and other interested foreign partners, and encourage those partners to invest in tribal communities here in the United States.

This concludes my prepared statement. I will respond to any questions the Subcommittee may have.

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Mr. YOUNG. Thank you, Mr. Black. The Honorable John Berrey.

**STATEMENT OF JOHN L. BERREY, CHAIRMAN,  
BUSINESS COMMITTEE, QUAPAW TRIBE OF OKLAHOMA**

Mr. BERRY. Thank you, Mr. Chairman. Thank you for the opportunity to speak today in support of H.R. 2362. I also want to thank you, Congressman Boren, for the friendly introduction. I want to thank all of you on the dais for all your hard work over the years to benefit Native Americans and other natives of Alaska. We are very much appreciative of your hard work.

I have submitted my written statement for the record, but I would just like to maybe talk a little bit about my experience with the Turkish, the Republic of Turkey, and a trip I took there.

About a year ago I was fortunate to be able to travel to Istanbul and Ankara with a group of tribal leaders, and I was amazed by the country and the people. And I believe that this is a great opportunity not only for Indian country but for the Turkish Republic.

As Congressman Cole stated, there is a tremendous affinity to tribal people in Turkey. I don't really understand it that much, but I felt it and it was sincere and it really made me comfortable with working with the people there.

It is an Islamic country, very secular. And when you are in downtown Istanbul, you can imagine yourself being in Houston or Dallas or Oklahoma City. It is a beautiful country, it is run very well, and the people are extremely friendly. And I think it is just a great opportunity to help us with an ally that has been very much in support of our country for a long time.

Also, I think we all know there is a large economic need in Indian country. With unemployment running as high as 80 percent on some reservations, any opportunity to improve the economic environment of a reservation is always a positive. And I think, after hearing Mr. Black, I think there are ways to make this palatable to the Secretary, and I think with some conversations we could make this thing work out very well.

I think the pilot project is very possible, and I know there are willing businesses within Turkey that would like the opportunity. I have had a great dialogue with many construction companies and actually some hide importers for the leather industry in Turkey, and I would like to continue that process and maybe have one of the pilot projects at Quapaw.

I also think it is a great opportunity just for us to forge relationships with a country that is very much interested in being our partners. They really truly love Native Americans, and it is refreshing to have a country that is across the globe that really feels that way. And any way we could do to cultivate that relationship, I think that would be fantastic.

And I think we as Native Americans face some mutual challenges. Recently the Quapaw Tribe suffered a devastating blow in the Joplin tornado. We had several tribal members who lost everything and were still part of the Joplin community, going through this healing process, rebuilding process. And there are a lot of analogies with the problems that Turkey is facing with the recent earthquake.

So just based on, you know, we have this joint sort of experience with horrible natural disasters, I think that is something that we can turn around and use this bill to work together to improve the economies of both Native American nations and the Turkish Republic. I just think it is a great idea. I want to go back to Turkey as soon as I can get a ticket, and hopefully it will be soon.

And if you have any questions, I am here for you. Thank you.

[The prepared statement of Mr. Berrey follows:]

**Statement of John L. Berrey, Chairman, Business Committee, Quapaw Tribe of Oklahoma (O-Gah-Pah), on H.R. 2362, The Indian Tribal Trade and Investment Demonstration Project Act**

Good afternoon Chairman Young, Ranking Member Boren, and members of the Subcommittee on Indian and Alaska Native Affairs. My name is John Berrey, and I am the Chairman of the Business Committee of the Quapaw Tribe of Oklahoma (O-Gah-Pah).

Thank you for your invitation to appear before you today and for holding this hearing on the *Indian Tribal Trade and Investment Demonstration Project Act* (H.R. 2362). I also commend Rep. Tom Cole (R-OK) for introducing this importation legislation.

With our current financial crisis and faced with unemployment rates of up to 80 percent in some tribal communities, Indian tribes must find creative ways to encourage economic development and bring prosperity to their communities. H.R. 2362, legislation I strongly support, encourages and expands economic development opportunities in Indian Country; creates investment opportunities by the private sector in the Republic of Turkey; and establishes robust relationships between Turkey and Indian tribal communities.

H.R. 2362 will create the "Indian Tribal Trade and Investment Demonstration Project" within the U.S. Department of the Interior to include up to six Indian tribes or consortia. The measure authorizes participating Indian tribes or consortia to lease land held in trust by the United States without the approval of the Interior Secretary if the lease is in furtherance of a commercial, economic, or business development undertaking with a Turkish entity and is executed under the tribal regulations approved by the Interior Secretary.

Authorized activities to be conducted on such leased lands would include business and economic development; public, educational, or residential purposes; development or use of natural resources in connection with operations under such leases; and grazing and farming activities. The bill would not authorize subsurface mineral development activities.

In addition, the measure requires the Interior Secretary to approve tribal lease regulations if they are consistent with regulations issued by the Secretary, and subjects proposed activities to an environmental review that meets specified requirements. It authorizes participating tribes or consortia to rely on Federal environmental reviews included in the *Indian Long Term Leasing Act* if proposed actions are Federally-funded.

In November 2010, the Turkish Coalition of America (TCA) sponsored an economic, educational, and cultural exchange with various Indian tribes, in which I participated. During my stay in Istanbul, I had the honor to represent the Quapaw Tribe. I met with distinguished high level Turkish officials, including Zafer

Caglayan, the Turkish Minister of Foreign Trade. We were well received by the Republic of Turkey and the exchange established enduring and positive working relationships and investment opportunities between Turkey and American Indian tribes.

Since our trip to Turkey, tribal leaders and Indian organizations continue to work with TCA to help the Government of Turkey and the Turkish private sector develop a more thorough understanding of Federal Indian law and policy regarding business development, the protocols of working with tribal governments, and a better understanding of what projects might be jointly undertaken by these companies and host tribes. Our strategic objective is to establish long-term and lasting commercial ties between Turkey and Indian tribal communities as well as promoting cultural and education relations.

Following the meeting in Istanbul, in March 2011, along with the Honorable Michael Finley, Chairman of the Confederated Tribes of the Colville Reservation; Cemalettin Damlaci, Turkey Deputy State Minister for Foreign Trade; and G. Lincoln McCurdy, President of TCA, I participated in a panel at the Annual Reservation Economic Summit (RES2011) & American Indian Business Trade Fair entitled *Native American Trade Mission Overseas & Free Trade Zones*. This summit has led to deeper and more extensive commercial ties and is the kind of venue that will lead to greater levels of trade and investment.

Over recent decades, many Indian tribes have evolved to become successful owners and managers of sophisticated commercial businesses in various fields such as gaming, energy, finance, and manufacturing. These tribes have also grown to play an important role in the economic stability and future of their communities and regional economies.

Large tribal land bases, abundant natural resources, and often-attractive locations provide prime opportunities for economic development and prosperity. When coupled with sustained and strong tribal leadership and business integrity, it is not surprising that many tribes are experiencing significant economic growth and are increasingly participating in business ventures with private sector entities within the United States and, increasingly, with partners from abroad.

There are available to potential private sector partners significant investment and business development incentives designed to encourage outside investment and job creation in tribal communities. For instance, as part of the 1993 *Omnibus Budget Reconciliation Act* (Pub.L.103-66), Congress enacted two key tax incentives aimed at encouraging private sector employers to locate their business operations on or near Indian lands and to hire and retain qualified Indian employees or their spouses. The incentives are a wage and health care credit to the federal taxpayer for hiring qualified Indian employees and an accelerated depreciation provision for locating qualified physical infrastructure and property on Indian lands. Since 2003, both incentives have been extended for one year periods, and will expire on December 31, 2011. I urge Congress to permanently extend these tax incentives.

Thank you for your leadership and strong support of Indian tribal communities, and for your consideration of my comments. At this time, I would be happy to answer any questions you might have.

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Mr. YOUNG. Thank you, sir. Floyd, you are next.

**STATEMENT OF FLOYD TORTALITA, PUEBLO OF ACOMA, VICE CHAIRMAN, NATIONAL AMERICAN INDIAN HOUSING COUNCIL**

Mr. TORTALITA. [Speaking in native tongue.]

Good afternoon, Chairman Young, Vice Chairman Boren and distinguished members of the House Subcommittee on Indian and Alaska Native Affairs. I want to thank you for your leadership and longstanding support for Indian country.

My name is Floyd Tortalita, and I am the Vice Chairman of NAIHC, which is the National American Indian Housing Council. I am from the Pueblo of Acoma in New Mexico and also an enrolled member of the Pueblo of Acoma and the Executive Director of the Pueblo of Acoma Housing Authority.

Before I present my views on H.R. 205, the HEARTH Act, allow me to describe the framework in which Indian tribes provide housing and housing-related community development.

Grounded in a solid foundation of Indian self-determination, the Native American Housing Assistance and Self-Determination Act was enacted in 1996 as a result of the combined efforts of tribes and tribal housing programs with Federal policy-makers who came together to lay out a new vision for building strong tribal communities by providing quality and affordable housing and related physical infrastructure.

The objective in the housing is to consolidate once-separate Federal housing programs into a single block grant and provide tribes greater decision-making authority over their programs.

While the delivery of housing has improved since 1996, many challenges remain, including working with tribal Trust lands, which are held in common and cannot be collateralized to attract private capital, private capital inadequate or non-existent physical infrastructure, and in weak economic conditions that hinder the development of a robust housing sector. Without a doubt, NAHASDA is the single biggest source of housing capital for Indian people. However, its successes depend on how tribes can adequately address these and other challenges.

Most Indian tribal land is held under trust or restricted status by the United States for the beneficial ownership of Indian tribes or individual Indians. Trust lands may not be sold but may be leased for a variety of purposes under applicable law.

Because tribal Trust lands may not be foreclosed upon, borrowers are obliged to have a valid leasehold, which is also subject to the approval of the Secretary. In the event of a default, the physical structure and leasehold interests are subject to foreclosure. The requirement of the Secretary giving approval for these leases in this instance is time-consuming and is a contributing factor to the low home ownership rate on native communities.

One of the biggest processes that hinders this process dealing with the BIA is the time. I was the Executive Director for the Pueblo of Laguna prior before coming to work for my people, and when we were working on Section 184 loans or any other type of lease that went through the BIA, the BIA agency office was 20 feet away from our office, 20 feet, and it took anywhere from six months to two years to get the lease through. And it was again going through that red tape that was there.

In that time, myself, with that experience and coming back to work with the Pueblo of Acoma, I came with Governor Sanchez at the time and I met with Congressman Heinrich. Congressman Heinrich and Governor Sanchez and I actually had a meeting where we stood out in the hallway and talked for 15 minutes in regards to this. We shared those same concerns again with many of our delegates, with Congressman Luján again at that time, with our Senators, with Senator Domenici at that time.

So those are some of the issues that we dealt with was the long term, the long processes that it took to work as far as getting these leases' approval.

With the 111th Congress, the HEARTH Act was originally introduced by the House of Representatives, by Representative Martin Heinrich, and in the Senate by Senator Byron Dorgan. This bill was modified in the Senate Committee on Indian Affairs to include provisions relating to the tribal environmental review process that

was negotiated by Representative Heinrich's office, the Senate Committee on Indian Affairs' leadership at the BIA and the Department of the Interior Solicitor's office and NAIHC.

The HEARTH Act will offer capable and willing Indian tribes the authority to enact their own tribal leasing regulations and to negotiate and enter into certain leases without the approval of the Secretary. It will go a long way in strengthening tribal self-determination and tribal economies at the same time.

As both H.R. 205 and S. 703 provide, it is crucial that such proposals be made available to Indian tribes on a voluntary basis, leaving the decisions as to whether to participate with the tribes themselves.

In addition, we encourage H.R. 205 to include language that directs the BIA to prepare and submit to Congress a report detailing the history and experience of Indian tribes that have chosen to assume responsibility for administering the Indian Land Title and Records Office functions from the BIA. This language was a part of last year's bill and is included in the Senate version this year.

The NAIHC strongly supports H.R. 205 because it respects and fosters Indian tribal decisionmaking, expedites what can often be lengthy Federal administrative processes and will improve the delivery of Federal housing assistance and expand economic opportunity in tribal communities.

Thank you, and if you have any questions, I will be happy to answer them.

[The prepared statement of Mr. Tortalita follows:]

**Statement of The Honorable Floyd Tortalita, Vice-Chairman, National American Indian Housing Council, on H.R. 205, The "Helping Expedite and Advance Responsible Tribal Homeownership Act of 2011"**

**Introduction**

Good morning Chairman Young, Vice Chairman Boren, and distinguished members of the Subcommittee on Indian and Alaska Native Affairs. My name is Floyd Tortalita and I am the Vice-Chairman of the National American Indian Housing Council (NAIHC), the only national Indian non-profit organization dedicated to advancing housing, physical infrastructure, and economic development in tribal communities in the United States. I am also the Executive Director of the Pueblo of Acoma Housing Authority and an enrolled member of the Pueblo of Acoma.

I want to thank Representative Martin Heinrich for his leadership in introducing H.R. 205, and thank you Mr. Chairman, for the opportunity to appear today and provide NAIHC's views regarding the "Helping Expedite and Advance Responsible Tribal Homeownership Act" (H.R. 205), which was introduced in the House of Representatives on January 6, 2011.

**Native American Housing Assistance and Self-Determination Act**

Despite recent improvements in the delivery of housing assistance, Indian housing is still substandard when compared with housing available to other Americans. An estimated 200,000 housing units are needed immediately in Indian Country and approximately 90,000 Native families are homeless or under-housed. Overcrowding on tribal lands is almost 15 percent, and 11 percent of Indian homes lack complete plumbing and kitchen facilities.

Before I present NAIHC's views on H.R. 205, allow me to describe the framework in which Indian tribes provide housing and housing-related community development through the Native American Housing Assistance and Self Determination Act (NAHASDA).

Enacted in 1996, NAHASDA is grounded in the solid foundation of Indian Self-Determination, and was a result of the combined efforts of Indian tribes, tribal housing authorities, key congressional committees, and policymakers who came together to lay out a new vision for building strong tribal communities by providing quality and affordable housing and related physical infrastructure.

The beauty of NAHASDA is its consolidation into a single block grant, once-disparate Federal housing funding programs, and to make tribes—not HUD—the primary decision-maker when it comes to designing, developing and managing a housing and infrastructure plan that meets the unique needs of local tribal communities.

While the delivery of housing has substantially improved since 1996, many challenges remain, including working with Indian tribal trust lands, which are held in common and cannot be collateralized to attract private capital. In most tribal areas, inadequate or non-existent physical infrastructure and weak economic conditions in general are also major impediments to a more robust housing sector.

Without a doubt, NAHASDA is the single largest source of housing capital for Indian people and its success is dependent on how tribes can adequately address these other challenges.

#### **Indian Trust Lands and the Indian Long-term Leasing Act of 1955**

Most Indian tribal land is held in trust or restricted status by the United States for the benefit of Indian tribes or individual Indians. Trust lands may not be sold but may be leased for a variety of purposes under applicable law. The *Indian Long-Term Leasing Act of 1955* (the 1955 Act) requires the approval of the Secretary of the Interior (Secretary) for certain types of leases of Indian trust and restricted Indian lands. Any lease that is not approved by the Secretary is invalid.

Timely processing of lease documents is critical, for not only housing but also for Federal loan guarantee programs. One program—the Indian Home Loan Guaranty Program—also known as the Section 184 Program, addresses the lack of mortgage lending in tribal communities by offering mortgage financing to eligible Native American individuals, families, tribes and tribally-designated housing entities. The Section 184 Program, administered by HUD, guarantees these loans that are made by private sector lenders.

Because lenders cannot foreclose on tribal trust lands, borrowers are obliged to have a valid leasehold, which is also subject to the approval of the Secretary. In the event of a default, the physical structure and leasehold interest are subject to foreclosure. The requirement of secretarial review and approval for these leases, in this instance, is time-consuming and is a contributing factor to the low homeownership rate in Native communities.

Current law authorizes leases for up to 25 years with an option for one additional 25-year term for a total 50-year term for “public, religious, educational, recreational, residential, or business purposes. . .” NAHASDA authorizes lease terms for “housing development and residential purposes” for 50-year terms, but retains the requirement of secretarial approval to render the lease valid.

The Secretary, acting through the Bureau of Indian Affairs (BIA), administers the land leasing process, which can become lengthy, taking months—and sometimes years—hindering housing, infrastructure, and related economic development on trust lands. Because of these delays, and the desire by individual Indian tribes for more authority and tribal control in the leasing of their own lands, 45 Indian tribes have sought relief from the 1955 Act by petitioning Congress for specific, tribe-by-tribe Federal legislation.

Most recently, the Navajo Nation succeeded in amending the 1955 Act to develop and manage its own surface leasing ordinance. The amendments were made in 2000, and as a result, the Navajo Nation may enter into lease agreements and renewals of leases without the Secretary’s review or approval.

#### **The HEARTH Act**

In 111th Congress, the HEARTH Act was introduced in the House of Representatives by Representative Martin Heinrich and introduced in the Senate by Senator Byron Dorgan. During its review and consideration by the Senate Committee on Indian Affairs and House Natural Resource Committee, the bill was modified to include provisions related to tribal environmental review that were negotiated by the Senate Committee on Indian Affairs leadership, the Bureau of Indian Affairs, the U.S. Department of the Interior’s Solicitor’s Office, Representative Heinrich, and the NAIHC. The bill was not enacted in the 111th Congress, and in January 2011, Representative Martin Heinrich re-introduced his bill and Senator John Barrasso, introduced S.703, the Senate companion bill.

We understand minor amendments to H.R. 205 have been considered in recent weeks to clarify the standards tribes must meet and to authorize the Interior Secretary to issue capacity-building grants to interested Indian tribes. NAIHC has reviewed these amendments and supports the amendments being added to H.R. 205.

The HEARTH Act will offer capable and willing Indian tribes the authority to enact their own tribal leasing regulations and to negotiate and enter into certain

leases without the approval of the Secretary. It will go a long way in strengthening tribal self-determination and tribal economies at the same time.

The two HEARTH bills—H.R. 205 and S.703—deal with a fundamental aspect of tribal self-governance: control of tribal resources, in this case control over tribal land.

While NAIHC expects many tribes to seek authority to develop and manage their own surface leasing ordinances, it is appropriate that any such authority be made available to Indian tribes on a voluntary basis, leaving the decision as to whether to participate with the tribes themselves.

In addition, the HEARTH legislation directs the BIA to prepare and submit to the Congress a report detailing the history and experience of Indian tribes that have chosen to assume responsibility for administering the Indian Land Title and Records Office (“LTRO”) functions from the BIA. NAIHC believes the report will provide valuable insight into the challenges tribes have faced in assuming responsibility for the LTRO function, and at the same time illustrate “best practices” for other tribes to consider implementing.

#### **CONCLUSION**

The NAIHC strongly supports H.R. 205 because it respects and fosters Indian tribal sovereignty and decision-making, expedites what can often be lengthy Federal reviews and approvals, will improve the delivery of Federal housing assistance, and will expand economic opportunity in tribal communities.

Thank you and if you have questions, I would be happy to answer them.

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Mr. YOUNG. Thank you, sir. People want to know why we are keeping that door open back there. There is a terrible sound in this room when it is shut. I don’t know if it is pressure or what, but it affects the acoustics of the room. So that door opens it up and lo and behold, maybe it is Halloween. I don’t know. The balcony windows or something, I have no idea.

OK, Mr. Lincoln McCurdy, President of the Turkish Coalition of America.

#### **STATEMENT OF LINCOLN McCURDY, PRESIDENT, TURKISH COALITION OF AMERICA**

Mr. MCCURDY. Chairman Young, Ranking Member Boren, members of the Subcommittee, I want to thank you for inviting me to testify on H.R. 2362. I have provided a copy of my written testimony for the record along with letters from the Turkish Ambassador and the President of the Turkish-American Chamber of Commerce and Industry supporting this innovative legislation.

In my verbal testimony I would like to highlight five key points. Point number one, jobs. H.R. 2362 is legislation that promotes job creation in Indian country, where unemployment ranges from 50 to 80 percent.

Point number two, no Federal funds. This legislation does not rely on Federal funds. Turkish companies take the risk.

Point number three, why Turkey. Turkey is Europe’s fastest-growing economy and ranks 16th in the world. Turkey’s growth rate was second in 2010 to China. Turkish foreign direct investment exceeded \$21 billion in 2010. Countries that received Turkish foreign investment also became some of Turkey’s leading trade partners.

Moreover, Turkey has the second largest construction sector in the world after China with more than 6,000 projects in 91 countries, with project values exceeding \$200 billion. Indian country can benefit from the dynamism of the Turkish private sector. Turkish companies are accustomed to working in challenging conditions.

For example, you find Turkish construction projects in the Balkans, Russia, Central Asia, the Caucuses, the Middle East and Africa. In fact, Turkey has been the largest provider of employment opportunities in Russia, Turkmenistan, Egypt and Kazakhstan. In Egypt alone, Turkish companies created over 40,000 jobs.

Turkey's interest in investing in Indian country comes at a very opportune time as more tribes are looking for opportunities beyond U.S. borders. The educational and cultural ties between Indian country and Turkey can therefore quickly pave the way to economic relations that can help not only bring the U.S. and Turkey closer together but help tribes develop economically.

New solutions need to be considered in addressing the economic woes in Indian country, and Turkey's economic success story can be a model. The U.S. has free trade agreements with various countries, and the concept of this bill is of the same principle but without adversely affecting U.S. industry.

Turkey is an important NATO ally. The United States and Turkey are working together in promoting democracy in the Middle East, and with this bill our two countries will expand the partnership by working together and creating jobs in Indian country.

Secretary Hillary Clinton just this week said we see Turkey's growing leadership holding great potential benefits. I am confident about the state of our alliance and the alignment of our interests, proud of what we have accomplished together and hopeful of what we will achieve in the future together.

The Chairman of the Joint Chiefs of Staff, General Martin Dempsey, also called for the expanding of relations between the United States and Turkey.

Point number four, benefits. Once H.R. 2362 becomes law, we firmly believe that the Turkish companies will seek to establish manufacturing and assembling operations on tribal lands. There are already discussions about joint venture projects in the leather sector.

Point number five, what about American and other international companies. H.R. 2362 is a demonstration project and simply highlights Turkey as a starting point because of Turkey's interest in Indian country. If successful, this bill would pave the way for leasing reform across Indian country and would facilitate business with American and other international companies.

Again, I would like to express my gratitude, Mr. Chairman, in being asked to testify on H.R. 2362. I strongly encourage the Committee to take quick action on this bill. Our country needs legislation that creates more jobs, and Indian country needs jobs. This pilot project is what we need at this time. Thank you.

[The prepared statement of Mr. McCurdy follows:]

**Statement of G. Lincoln McCurdy, President, Turkish Coalition of America, Inc., on H.R. 2362, "The Indian Tribal Trade and Investment Demonstration Project Act of 2011"**

**Introduction**

Mr. Chairman and Members of the Subcommittee:

I would like to thank Chairman Young and Ranking Member Boren for the privilege of testifying before the Indian and Alaska Native Affairs Subcommittee today, and more importantly, for taking up H.R. 2362, the Indian Tribal Trade and Development Act. This innovative legislation holds tremendous potential to reform the archaic leasing system that has hampered economic development on Tribal lands.

The leasing system that's in place today requires multiple levels of review for every lease application on Tribal lands. At the end of the review process, each submission must then be approved by the Secretary of Interior. Even simple leases, therefore, can take up to six years to receive approval, whereas a similar process takes as little as six days on private land.

H.R. 2362 aims to create a demonstration program for up to 6 tribes to develop their own leasing guidelines for economic transactions with Turkish companies. This legislation aims to expand reforms enjoyed by the Navajo Nation to a number of tribes during a yearlong demonstration period while capitalizing on the unique and genuine interest Turkish Americans and Turkish companies have shown in working with Indian Tribes, spurred by TCA's efforts to build bridges between Turkey and Indian Country.

### **Background on the Turkish Coalition of America**

I have served as president of the Turkish Coalition of America (TCA) since its founding in February 2007. TCA is a Washington, DC-based nonprofit organization that aims to foster a better understanding of U.S.-Turkey relations and Turkish American issues through public education.

Since its founding, TCA has established outreach to other minority communities in the United States as part of its core mission of increasing person-to-person ties between the U.S. and Turkey. To that end, TCA established a scholarship program in 2008 to provide funding for up to 100 scholarships per calendar year for Native American, African American and Hispanic American undergraduate and graduate students for study abroad in Turkey. TCA has so far awarded 177 scholarships under the auspices of this program.

TCA has sponsored several trips to promote its scholarship programs and to further educational exchanges between the United States and Turkey. In January 2009, TCA brought 22 educators from Tribal Colleges and Universities, Hispanic-Serving Institutions as well as Historically Black Colleges and Universities on an 8-day trip to Turkey. In June 2009, TCA brought 6 professors from Turkish universities on an 8-day trip to visit Minority-Serving Institutions, including Tribal Colleges and Universities, across the United States. The trip included a visit to the Pine Ridge Indian Reservation.

TCA's initial trips helped spur two leading Turkish universities to offer their own scholarship programs for American students. Bahcesehir University, a private social-sciences focused institution in Istanbul, offers 8 tuition scholarships per semester to Native American, African American and Hispanic American students, whereas Istanbul Technical University (ITU), Turkey's oldest university and a leader in engineering education in Europe, offers 10 comprehensive scholarships per semester—including tuition, lodging and a monthly stipend—exclusively to Native American students. Another Istanbul-based private university, Ozyegin, has instituted a 4-week summer program focusing on language, history and literature to attract Native American students to Turkey who cannot commit to a semester-long program.

As a result of TCA's and Turkish universities' efforts, the number of scholarship applicants among African American and Hispanic American students soared. In November 2009, TCA organized another trip, this time focusing solely on Native American educators to increase participation rates among their students. The 3-week Native American Lecture Tour brought 5 Native American educators to 12 colleges in Turkey.

The lecture tour also coincided with a conference on Native American cultures and literature in Turkey, organized by Hacettepe University in Ankara. Held on November 16-17, 'Native American Voices: Languages of Survival' drew hundreds of students and professors to presentations made by Hacettepe's own Native American studies faculty and TCA's guests.

During a follow-up trip to Arizona in January 2010, I had the privilege of visiting the Hopi Tribe and the Navajo Nation in the great state of Arizona. The conditions on those reservations reminded me of the unrealized economic potential of Anatolian villages and other remote parts of Turkey I had witnessed while serving as a commercial officer in Istanbul in the 1980s. This trip confirmed the wisdom in TCA's approach. Having witnessed how Turkey managed to expand its economy to bring benefits to all corners of the country and became the 16th largest economy in the world, I thought TCA could potentially facilitate trade and economic relations between Turkey and Indian Country to help spur development in pockets of America where it unfortunately lags.

When I had the opportunity to discuss this potential partnership with our Native American friends, as well as then Turkish State Minister for Trade Mr. Zafer Caglayan, our project was received enthusiastically. In fact, Minister Caglayan agreed to meet with Native American representatives during his trips to Wash-

ington, DC, Los Angeles and Seattle. Moreover, he offered to meet with members of the first ever Native American Business Cooperation delegation to Turkey. Organized and sponsored by TCA, the Business Cooperation trip brought 20 Tribal leaders and representatives from 17 Tribes in 11 states to Turkey in November 2010 on the inaugural Turkish Airlines direct flight from Washington, DC to Istanbul, Turkey. Participants not only got a chance to meet extensively with Minister Caglayan, but were also hosted by the Minister of Foreign Affairs, Dr. Ahmet Davutoglu. While in Turkey, they also participated in and presented at 'Native American Voices: Tribal Echoes'—Hacettepe University's 2nd conference on Native American cultures and literature.

The growing ties between Turkey and the Tribes paved the way to Turkish government's participation at 25th Annual Reservation Economic Summit (RES 2011) organized in March 2011 by the National Center for American Indian Enterprise Development (NCAIED). The government of Turkey became the first foreign nation to ever send an official delegation to the RES—the premier Native American economic and business development conference— which solidified their interest in doing business with Indian Country.

In May, I was invited to speak at the Information Management Network (IMN)'s 12th annual conference on Native American Finance in Scottsdale, AZ. On May 16th, I gave a special presentation on 'Opportunities to Establish Future Collaborations' and participated in a panel discussion on 'Global Opportunities' to highlight Turkey as a viable partner for Tribes looking to do business beyond the U.S. borders.

Since May, TCA has championed a number of other initiatives to further ties between Turkey and Indian Country. We recently facilitated a workshop organized and sponsored by the Istanbul Technical University (ITU) on infrastructure development. Held in Istanbul on October 18–26, the workshop enabled 5 Native American representatives to meet with ITU's leading engineering departments to be briefed on latest technologies and funding opportunities to foster infrastructure development. Workshop participants also got a chance to enjoy a private screening of *On the Trail of Sitting Bull*—a film about the history and living traditions of the Sioux by the Turkish documentary filmmaker Ms. Ece Soydam. Ms. Soydam, who was present at the screening to answer questions, is the only foreign director whose work is considered for an award at the 36th Annual American Indian Film Festival.

ITU's guests also attended the opening of a special exhibit, 'Native Americans: Memory of an Ottoman Connection,' featuring a selection of photographs presented by the Smithsonian Institute to Sultan Abdulhamid II in 1880s. The exhibition was co-organized by TCA and held at the Center for Islamic History, Art and Culture (IRCICA) in Istanbul. TCA is currently in dialogue with the Institute of American Indian Arts (IAIA) in Santa Fe, NM to organize an exhibit in Istanbul featuring modern American Indian art.

TCA's efforts to build bridges to Indian Country has inspired other Turkish Americans to follow suit. A dynamic Turkish American group in New York has been organizing conferences to highlight cultural ties between the two groups and the Turkish American Chambers of Commerce and Industry (TACCI)—also based in New York—is ready, willing and able to facilitate trade between Turkish and Native American businesses.

### **Why Turkey: Efforts to Cultivate Educational, Political and Economic Ties to Indian Country**

Turkey is rapidly becoming an economic powerhouse. Its GDP growth rate of 9 percent during the first half of 2011 exceeded that of even China. H.R. 2362, therefore, can boost the economies of participating Indian Tribes by attracting investments from one of the fastest growing and most dynamic countries in the world.

Turkey's growing economy has come with an eagerness to invest beyond its borders. In 2008, for example, Turkey's foreign direct investment (FDI) surpassed 2.5 billion dollars. By the end of 2010, Turkey's investments from 2008 to 2010 had totaled 21.6 billion dollars.

Turkey's outward investments have traditionally been in construction, mining, finance, manufacturing and technology/communications sectors, all of which are labor intensive with tremendous potential to create new jobs on Indian lands. In fact, Turkey has been the largest provider of employment opportunities in Russia, Turkmenistan, Egypt and Kazakhstan. Turkey's exports to Egypt alone amounted to 2 billion dollars in 2010, creating over 40,000 jobs.

Turkey's construction sector is worth a closer look. Second largest in the world, Turkish international contracting services have undertaken more than 6,000 projects in 91 countries with project values exceeding 200 billion dollars. Working

in Russia, Libya, Turkmenistan, Kazakhstan, Iraq and Afghanistan, Turkish firms have crucial experience in some of the most challenging locations around the world.

Turkey's aggressive FDI portfolio has paved the way to greater trade volumes with recipient countries. Consequently, countries that have received large Turkish investments have also become Turkey's leading foreign trade partners.

Turkey's interest in investing in Indian Country comes at a very opportune time as more Tribes are looking for opportunities beyond U.S. borders. TCA's outreach to date, furthermore, has helped build a common understanding and mutual interest between Native Americans and Turks. The educational and cultural ties between Indian Country and Turkey can therefore quickly pave the way to economic relations that can help not only bring U.S. and Turkey closer together, but help Tribes develop economically without having to rely on U.S. Federal funds.

#### **TCA's Brief Views of H.R. 2362**

H.R. 2362 holds great potential to capitalize on the interest Turkey has increasingly shown in working with the Tribal Nations. Furthermore, by allowing Tribes to exercise greater autonomy over the lands held in trust by the U.S. government, H.R. 2362 can spur economic development and create jobs in some of the nation's poorest areas without having to rely on funds from the financially strapped Federal government. H.R. 2362 is not only a goodwill gesture that acknowledges the monetary and time commitment various Turkish entities have so far made to Indian Country, but it is also a great opportunity to bring the United States and Turkey closer together. Turkey, as you know, is the second largest force in NATO and a long-standing ally.

#### **What TCA Expects Post-Enactment**

Once H.R. 2362 becomes law, we firmly believe that Turkish companies, long eager to break into the U.S. market, will seek to establish manufacturing and assembly operations on Tribal lands. This remains our biggest motivation as such an approach would help reduce high unemployment rates on reservations while bringing U.S. and Turkey closer together. Consequently, such an arrangement can also turn certain designated areas within Tribal lands into distribution centers for broader trade in the Western Hemisphere.

#### **Conclusion**

By reducing the bureaucratic burden on the participating Tribes, H.R. 2362 can turn Indian lands into attractive investment destinations for Turkish investors. Traditionally, Turkish firms have shied away from investing in locations with overwhelming bureaucracies, lack of legal assurances, limited labor force, as well as political and economic instability. H.R. 2362 therefore plays a pivotal role in reducing an important barrier to receiving Turkish capital.

In sum, a solid foundation has already been built to nurture mutual understanding between Turkey and Indian Country. Now, H.R. 2362 remains a crucial step in improving conditions and eliminating physical barriers to welcoming Turkish investments to Indian Country.

Moreover, this innovative and historic bill will bring the U.S.-Turkey relationship to an entirely new level by accentuating joint commercial interests.

Expanding trade between the United States and Turkey will not only complement the long-standing strategic partnership between the United States and Turkey, but will also enable Turkey's thriving economy to boost U.S. markets amid the ongoing global financial crisis. With this legislation, furthermore, Turkey can help bolster economic growth on otherwise underutilized Indian lands and reduce the participating Tribes' dependence on the U.S. Federal government for funding.

In summary, I would like to re-emphasize the following points:

- U.S. and Turkey have been long-standing allies that have not fully capitalized on their joint economic interests.
- With its economy booming, Turkey can help boost stagnant economies on reservations across Indian Country, thereby reducing Tribal dependence on Federal government funding.
- Turkish investments have created tremendous job and growth opportunities elsewhere and H.R. 2362 can help attract some of the Turkish direct investment into Indian Country.
- Due in part to TCA's efforts to date, a solid understanding and interest have already been built between Turkish firms and Tribes. H.R. 2362 aims to capitalize on the existing mutual enthusiasm by reducing barriers to investing in Tribes.

Chairman Young and Members of the subcommittee, I thank you again for the opportunity to testify before you on this important issue today.

Mr. YOUNG. Thank you, Mr. Lincoln McCurdy. As customary, I am going to yield to the Ranking Member for questions first.

Mr. BOREN. Thank you, Mr. Chairman. I have just got a couple of questions for the panel, and let me start with Mr. Black. As you know, there have been discussions about adding amendments to the HEARTH Act to clarify policy in regards to environmental concerns. Would the Bureau continue to support this bill with the proposed amendments? Have you looked at all of those?

Mr. BLACK. I haven't seen all of the proposed amendments, Mr. Congressman, but the language as it is written is being supported strongly by the Administration at this time. And we have seen some additional language that we are not necessarily opposed to either.

Mr. BOREN. Another question for you. H.R. 205 requires the Secretary to approve tribal regulations before a tribe can commence leasing activities on its own.

The bill sets forth certain parameters for approval, specifically that tribal regulations must be consistent with the Department's own regulations. But what if a tribe seeks to engage in activities that the Department does not have specific regulations, such as a residential lease, that govern those activities? Will the tribe need to come up with those type of regulations on its own or kind of defer to the BIA? How would that work?

Mr. BLACK. OK. Currently, under 25 C.F.R. Part 162, our regulations address agricultural and nonagricultural leases. The residential leases, as mentioned, would fall under the nonagricultural portion of that as long as those would be consistent with that.

Under our new proposed regulations, we do develop specific regulations pertaining to residential leases. And the tribal regulations, that could be used as a framework or a model in the development of the tribal regulations.

Mr. BOREN. OK. Since we have a little time left, I want to go to Chairman Berrey, your testimony on Mr. Cole's bill. In your written statement you indicate that tribal leaders have worked with TCA to develop a better understanding of the types of projects that might be undertaken. Can you give us some examples of potential projects or things when you went on your trip that you kind of visited about?

Mr. BERRY. Sure. There are a couple things that I focused on since I went on the trip. One is construction. The Quapaw Tribe is currently working with Manhattan Construction in Oklahoma to look at teaming together and working with construction companies in Turkey to joint-venture on some projects, whether they are in the United States or in the Middle East. We are trying to get them together to see if there is some potential in working together.

And then we have been also working on trying to source hides and leather products for the Turkish market. There is a large demand for more hides worldwide. And because so many reservations in the United States have a lot of Native American cattlemen, we thought there is an opportunity there to provide hides from the Native American producers to the Turkish market.

Mr. BOREN. Those are great examples. Again, thank you for your testimony. I have one left, a little over a minute and a half, for Floyd there next to you. I have a question for you.

Do you have a general sense of how many tribes have the administrative capacity to conduct their own leasing activities in reliance on their own regulations? Can you give us a couple of examples of tribes that currently have such a capacity? I think it was mentioned earlier, Navajo, a while ago, over a decade, have been.

But other tribes, you know, we have a lot of tribes out there, certainly some smaller, some larger and each with different capacities to handle these regulations.

Mr. TORTALITA. There are many tribes throughout the United States that have built this capacity. Again now, with many of the self-determination programs that are out there, many tribes are building that capacity.

For one, I can speak on behalf of the Pueblo of Acoma, which I am part of. We have that capacity. We are one that would be a good representation of many of the tribes out there. We do maintain a land office, which keeps the records of all of the land, of all the lands of the Pueblo, whatever status they may be in.

Land assignments to tribal members, it keeps that identity for them. It maintains all of the land records for the Pueblo of Acoma. So they have built that capacity of maintaining and administering the land statuses and any of the land issues that we do have for the Pueblo. Many tribes have built that capacity. Many tribes have that capacity to administer such programs.

Mr. YOUNG. Thank you, gentlemen. Mr. Kildee.

Mr. KILDEE. Thank you, Mr. Chairman. Pardon my voice, I will try to be heard.

Mr. Black, do the majority of the other Indian tribes and a group like NCAI generally support both H.R. 205 or H.R. 2362, or are there conflicting elements in those bills that would have to be resolved?

Mr. BLACK. Quite honestly, sir, I don't believe there is any strong opposition in Indian country to either one of these bills. I can't really speak as much to H.R. 2362, but H.R. 205, the HEARTH Act, has had pretty strong support from my understanding throughout Indian country.

Mr. KILDEE. Thank you very much. When you deal with kind of a tri-government operation like this with the Indian sovereign government and the United States sovereign government and the Turkish Government, do you consult any with the U.S. State Department on a bill like H.R. 2362?

Mr. BLACK. Sir, I don't have an answer for that. I would have to get back to you on that one.

Mr. KILDEE. OK. If you could get an answer for us, I would appreciate that.

Mr. BLACK. Yes, sir.

Mr. KILDEE. Thank you, Mr. Chairman.

Mr. YOUNG. Eni.

Mr. FALEOMAVEGA. Mr. Chairman, thank you for calling this hearing, and our Ranking Member. I have taken a real interest in reading some of the statements, and I do want to say for the record I fully support my good friend's proposed bill in H.R. 205, but I do have some interesting questions, at least to me they are interesting questions, about H.R. 2362.

First of all, I want to personally commend the Turkish Government for the interest that it has taken with all its resources and the institutions that it is trying to work and dealing with our Native American community. And it always seems to be the repeating question, why Turkey?

I am very curious if Mr. Lincoln, if he is any relation to my good friend, David McCurdy.

Mr. MCCURDY. I have been asked that many a time. No, we are not. My side of the family comes from Pennsylvania.

Mr. FALEOMAVAEGA. Oh, I thought you were from Oklahoma as well. But anyway, if you see Mr. McCurdy, please give him my regards. He is a dear friend, and he formerly served as a member of this Committee I believe.

As I have said earlier, I commend the Turkish Government for its efforts to not only provide economic but as well as educational opportunities for our Native American communities. And the question is, and I want to ask Mr. Black this question, you mentioned earlier in your testimony that there are other foreign governments that have had dealings with tribal governments where the Department is already in the process or have been actively engaged in, whether it is leasing or whatever it is, in this relationship.

And I ask, there are 197, 198 other countries in the world. And not to take anything away from the initiative in terms of Turkey as a good example of working with our Indian tribes, the question is, can't we just say any country that has the capacity similar to what Turkey has been doing with our tribes should also become as a qualifier or the one that could participate as well so that we won't have to be coming every time that another country may have a same, similar expression like Turkey, that we have to pass another piece of legislation? Or can it be done in a generic way, any country that wants to come and do this so that it falls within the parameters of the principles that this proposed bill tries to accomplish? Mr. Black?

Mr. BLACK. As I stated in my testimony, that it is our belief that the HEARTH Act has many of the same provisions that would allow for exactly what you are saying I think.

Mr. FALEOMAVAEGA. And I could fully appreciate Mr. McCurdy's statement, saying that it is just unbelievable, whether it is because of the bureaucratic maze that the tribes have to go through, where the leasing takes six years? And if it was done through a private entity, only six days? I mean, this is ridiculous.

But I suppose that, Mr. Black, you can probably assist us by streamlining the procedure so that these tribes don't take six years to get lease approvals or whatever it is that needs to be done with the Department.

Mr. BLACK. Yes, sir, that is largely one of the main driving factors in the development of our new regulations was to try to start eliminating, streamlining and providing a more clear and consistent regulation dealing with all of the different types of leases that we have and identifying specific timeframes for the review and approval process, which currently aren't in our regulations.

Mr. FALEOMAVAEGA. But is my question out of context in terms of what I am saying is that can we make adjustments to the bill so that countries like Turkey or any other country that may want

to come and commit itself to resources in developing and giving assistance to our tribes, can this be done without having to be so specific? Would it be wrong for me to suggest that if, after Turkey, what happens if another country—maybe Israel, maybe Germany, maybe some other ones—will we have to go through the legislative process every time another country comes in? Mr. Black?

Mr. BLACK. Sir, if you wouldn't mind, I would like to be able to formulate a better response and get back to you on that one.

Mr. FALEOMAVAEGA. OK. But this is not taking anything away from Turkey, which I fully admire and respect in its efforts to give assistance to our tribal governments. I have 100 other questions, Mr. Chairman, but I think I better—I thank you for the 24 seconds I guess.

Here is the key to something that is too dear to my heart. We have 47,000 Native American students attending, over 100 BIA students, from K to grade 12. My question, where do they go from there? What is the level in terms of their pursuits in getting a college education? I notice the Turkish Government is offering scholarships. And my time is up. Thank you, Mr. Chairman. Gee, whiz.

Mr. YOUNG. Thank you.

Mr. FALEOMAVAEGA. Can I, just one statement, Mr. Chairman?

Mr. YOUNG. Oh, absolutely. And then I am going to rap the gavel, but you have one more shot.

Mr. FALEOMAVAEGA. OK. One thing that I love so much recently, and I say God bless her heart, she passed. Mrs. Cobell, who had worked so hard. Part of that settlement as I understand is that there is supposed to be a \$16 million scholarship fund that is going to come out of that funding where they are supposed to provide scholarships and opportunities for Native American students. And I am curious if, Mr. Black, a decision has been made in finding out who this funding is going to be taken out for.

My time is up. Thank you, Mr. Chairman.

Mr. YOUNG. Mr. Luján.

Mr. LUJÁN. Mr. Chairman, thank you very much to yourself and to Ranking Member Boren for bringing us here today and to my colleague as well, Congressman Heinrich of New Mexico, and Congressman Cole, Mr. Chairman, for their presence today as well. It is always nice to have a friend from New Mexico, and our friend, Mr. Tortalita, from Acoma Pueblo. So it is always good to see you and to welcome you as well to our proceedings here. You are always so kind and generous, inviting us in when we have a chance to visit home as well, so I thank you for that.

Mr. Chairman, specifically to Mr. Black. H.R. 205 requires the Secretary to approve tribal regulations before a tribe can commence leasing activities on its own, and the bill sets out certain parameters for approval, specifically that tribal regulations must be consistent with the Department's own regulations.

But what if a tribe seeks to engage in activity that the Department does not have specific regulations, such as residential leases, that govern those activities? Would the tribe need to come up with those types of regulations on their own? I think we have touched on it, but I just want to be clear on it.

Mr. BLACK. Well, as I stated before, Mr. Congressman, you know, we do have our nonagricultural-specific sections in Part 162. It

does not clearly identify the home site leases themselves, but as long as it is consistent with that, they could develop their own regulations to do so.

But under the new proposed regulations, we do have specific residential sections within those regulations that a tribe could adopt or be consistent with those.

Mr. LUJÁN. And I appreciate very much the questions from my colleague, Mr. Faleomavaega, and I share some of those same questions. Mr. Black, your response to one of them raises a question. Does the HEARTH Act accomplish the goals of H.R. 2362?

Mr. BLACK. I can't say that, you know, personally that it accomplishes all the goals. I believe that provisions of H.R. 205 on the face of it would probably meet the goals of H.R. 2362 in allowing, you know. There are no restrictions in H.R. 205 that I see that would restrict another government or another country doing business in the United States from entering into leases with Indian tribes.

Mr. LUJÁN. Very good. And in your written statement you indicate that the Administration believes that H.R. 205 will promote among other industries renewable energy on Indian lands. How can the authorities under the HEARTH Act better encourage renewable energy development than the authorities under existing law?

Mr. BLACK. Under the HEARTH Act, the tribes are able to develop their own regulations, which will add additional flexibility to what they can do and possibly make their lands more attractive to promoting industry in making the regulations more friendly or flexible in how they are dealing with renewable energy companies.

Mr. LUJÁN. And are there any concerns associated with potential partnerships down the road with other nations in the gaming arena? Does that have to be addressed here, or is that something that does not need to be addressed because it is addressed elsewhere?

Mr. BLACK. I don't think it has to be addressed as part of this HEARTH Act.

Mr. LUJÁN. Thank you very much, Mr. Chairman. I very much appreciate the time today.

Mr. YOUNG. Thank you, sir. Martin.

Mr. HEINRICH. Thank you, Mr. Chairman. Vice Chairman Tortalita, I want to ask a question just regarding one of the concerns that I hear raised again and again is that families sometimes choose to move off reservations and oftentimes into communities that are substantially geographically distant from their home communities because it is easier to buy a home in Grant or in Albuquerque than it is in Acoma or Laguna or their home, Pueblo.

Can you just talk a little bit about why it is important for your community for families to be able to continue to live on their home, Pueblo?

Mr. TORTALITA. Yes. It has provided a large obstacle again for many families, the time that it takes again to put the lease together. Again, imagine if a six-month to 24-month cycle was the process that was there in the private sector to close on a home loan. To close on that, could you imagine taking two years to close, what that would do to the housing market right now?

For many tribes, like at the Pueblo of Acoma, we are trying or we are starting to look at building an economy. How do we start to develop an economy? And housing is the key, it is the basis is to develop that economy.

Again, what is always said from our tribal leadership is they tell our young people go out and get an education, learn what you can and come home and bring it to us. Well, many people do that, but now it is very difficult to get housing on the reservation.

Again, if I were to take just a regular straight loan, we can do it at 12 percent, get a 12 percent home loan; I mean, that would be kind of crazy. But going through the 184, which requires certain leases, certain documents in place, it could take right now six months to two years to get that lease.

So the quickest way to get a home is to move into Albuquerque, to move into Grant. Now again, trying to develop that economy within the reservation, it starts to hinder that process because many of those professional people are moving out, taking their expertise and skills away from the reservation and again now leaving the reservation behind because they are away from the reservation.

Mr. HEINRICH. Thank you, Vice Chairman. Mr. Chairman, I yield back.

Mr. YOUNG. Well, again, I want to thank you for introducing this bill because that was one of my pet peeves when I found out it took years to get—a tribe agrees to it, can't get a loan because the BIA didn't do it. I am glad Mr. Black—by the way, I am not going to pick on you because I think you are trying—you are just in a morass of bureaucracy, and if we can help you out with this legislation, I will gladly do that.

You mentioned the HEARTH Act lets the tribes write regulations a little more flexible than existing regulations, is that correct? Is that what you said?

Mr. BLACK. I think it gives them the opportunity to do that, sir, as long as they are consistent with our regulations pertaining to that.

Mr. YOUNG. OK. Now my biggest challenge, and this is something that has been a pet peeve of mine, regulations beget regulations beget more regulations beget more regulations because when you write a regulation and the tribe writes a regulation to meet your needs, you can change your regulations. I would like to have some permanency when they write these regulations if you follow what I am saying.

Mr. BLACK. I do, sir.

Mr. YOUNG. Because that is something very important. This legislation hopefully will have it in it so that once they meet the agreement with you and with the other agencies, you can't willy nilly—the EPA is famous for this by the way, changing a regulation after the fact. And that puts a terrible burden on the tribes, and it is mostly not justified; it is somebody making work.

You said, Mr. Black, timeframe, one year wasn't long enough? Why would not one year be long enough to issue permits or whatever that you were talking about?

Mr. BLACK. No, I was talking about the Turkish bill, H.R. 2362, sir. And according to that bill, in order for a tribe to be able to participate under this bill, they had to actually enter into a lease with-

in a one-year timeframe of the enactment of the bill. And that would require, you know, them developing the regulations, being approved under the Department, actually having the lease negotiated and entered into with the party involved in that lease. There were some other provisions in ensuring that they met the audit requirements. And all of that would have to be done within a one-year timeframe. We are just concerned that we wouldn't be able to meet that.

Mr. YOUNG. Well, that is my biggest concern. What would be the right timeframe? Not two years?

Mr. BLACK. I would most certainly hope not, sir, but we would be more than happy to work with the Committee to look at that.

Mr. YOUNG. OK. Give me an answer because I don't want this thing to get bogged down again in regulation inactivity. That is what has happened. I heard the gentleman, Floyd—I can't pronounce your last name, I do apologize—you said it took was it six years?

Mr. TORTALITA. It takes anywhere from six months to two years to get the documents in place.

Mr. YOUNG. OK. Now were you working with the BIA office across the street from you?

Mr. TORTALITA. Yes, we were actually 15 feet from them.

Mr. YOUNG. Now was that where the roadblock was, or was it in Washington, D.C.?

Mr. TORTALITA. It was the process in getting the approval from the Secretary. From the time we submit to the BIA office, which was the Agency office right next door, I can honestly say I am not sure exactly what channels it goes through once it is submitted to the BIA. I just wait for the information to come back to me from the BIA.

So from the time it leaves my office to the BIA, I don't know what channels are there, what other red tape. I am assuming there are other channels and a lot of red tape it must go through if it is going to take 24 months to get through its process and back.

Mr. YOUNG. Yes. That is what we are trying to do with these two pieces of legislation, expedite that process.

I believe Mr. McCurdy, in your written remarks you mentioned you visited the Navajo and Hopi reservations. What similarities did you see there between the Turkish village and the reservations?

Mr. MCCURDY. I had the great honor of traveling in Navajo lands and Hopi lands in January of 2010, and the landscape is almost identical to Anatolia. And the Turkish people have developed Anatolia since the establishment of the Republic, so the problems confronting the Hopis and the Navajos are issues that the Turks have overcome and bringing prosperity to the countryside in Anatolia. So I think the Turkish people have a lot to share with the Native Americans there.

Mr. YOUNG. Well, I think Eni brought up a good point about, I am all for the Turks because I sort of like them to have a leg up because they were the first interested. And I have to mention this to you, Mr. McCurdy. You can check in with my Chiulista Corporation in Alaska; it is a Native corporation. I am putting a little plug in now. Don't worry.

[Laughter.]

Mr. YOUNG. They have a grand idea that will work. You know, we are going to start working with our climate instead of against it. Facebook, Google, all these huge internet operations, they have to pay to cool their buildings off. And I am saying my Natives have the land and they have the natural cooling capability.

It is a good thing. I mean, take a little time to go look, you know, tell the Turks to do that because it is a way that we can set up this fighting the climate—work with the climate, because this computer age, you don't realize how much energy it takes to keep the computers cool. And so just keep that in mind.

Last, I will say one thing about the Turkish people. My connection with them is very limited. But during Korea, the one U.N. force that was the most feared was the Turkish troops. The Chinese were extremely frightened of them. I liked that. Believe me, I liked it a lot.

These are two good pieces of legislation. Mr. Black and all of you, we will be working with it. I think they are pretty well put together. If there are some things you think you want, get it to the staff on both sides of the aisle and let us see if we can't move this legislation relatively quickly because all of you mentioned the need for it. We know the problems on the reservations. We are working on our legislation. We have to try to eliminate these problems, quick leasing, development of natural resources, employment.

And I love you for saying housing because we have found this even in Alaska. If I don't have housing in the clinics we build, I can't keep the doctors and the nurses. If I don't have housing, I can't keep the VOPs. Housing is a key to keeping your people available who have that education. Otherwise, they are going to go to the big city. Our biggest villages in Alaska now are Anchorage and Fairbanks because we don't have the capability when they come back to keep them on the land which is theirs, and that is not the right thing.

Any other questions? Yes, Eni.

Mr. FALEOMAVAEGA. Mr. Chairman, I just have one question that I want to certainly ask our panel for a response.

I have served as a member of the Foreign Affairs Committee now for over 20 years and see how the movements have been in transitioning of different governments from all different regions of the world. I am being selfish to the extent that I want absolute assurances that our Indian communities aren't going to be given any problems in case there is some political uncertainty in those regions and any of those countries that our tribes may be dealing with.

I am not taking anything away from Turkey, but they live in a very tough neighborhood. In fact, it is a very, very sensitive area where our foreign policies are hiding part of the mix that is going on right now in the Middle East with Syria. And we are having strained relations with Turkey too in many aspects because of dealing with Israel.

So what I am saying is that this is an area that I wanted—and I thank my good friend, Mr. Kildee, for asking Mr. Black do you conduct consultations with our State Department because this ties in on a government-to-government relationship, what is our foreign policy to those entities. And like I said, I am not saying that Tur-

key is our enemy. I am just saying that things change as they come. We may be friends today and we may be enemies tomorrow. You know, the next thing you hear the enemy of my enemy is my friend.

So I just wanted to put that little sense of caution, that sometimes we look and I think Mr. McCurdy's foundation is doing a fantastic job. I wish I had a foundation that had a \$30 million operating fund in terms of all the things that you are doing for the good of our Native American tribes, and I commend you for that. But I just want to make sure that in the years to come we don't know what is going to happen, nothing is for sure. But in dealing with foreign governments, this is just something I just wanted to pass on. And I think Mr. Berrey may have a comment.

Mr. BERRY. Yes, sir. Thank you, sir. I have just been listening to the conversation that has been taking place, and there is still this sort of war mentality I am hearing from the Bureau. You know, the Quapaw Tribe just within the last few years, we have raised over \$600 million on Wall Street. We do leases, we do business contracts on a daily basis. This is just a pilot project to let tribes like mine prove themselves to be able to do a lease that is typical in other segments of the world.

Mr. FALEOMAVAEGA. What I would like to just, Mr. Berrey, I didn't mean to interrupt you, why do you have to prove it as a pilot project if you already have the capability and capacity to do the work that you are most capable of doing?

Mr. BERRY. Because of the delays that are currently there within the Bureau. And even though they may be rewriting the policies and procedures of the regulations now, we want to act today, not tomorrow, when they are going to complete the process. And we think this pilot project offers that opportunity, and we are not going to sign a lease that is going to create liability for the tribe or for the U.S. Government.

Mr. FALEOMAVAEGA. But why not just say not just six tribes, let us just say any tribe that qualifies whatever measurements or whatever requirements that can be made should function and not say well, we are going to use only six tribes just as a starter? I suggest that we ought to just go right ahead and do it.

Mr. BERRY. Well, I think that is a great idea, and I would support that. But I think if we start with a small bite, show the progress and the success of the process, then it is easier to step into a broader environment.

You know, the tribes are going to be protective of their assets and of any potential liability that may be created for not only the tribe but for the Secretary. So all we are asking is the Secretary to step back a little bit and let us enter into these leases so we can provide an economic environment that will produce some dollars for our people. We are not going to give away the farm just to let the Turks come in and build something. We want to create an opportunity with a government that is willing to bring people in an investment and just take a hold, do a pilot project, get success and then move forward.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I think Mr. McCurdy may have a comment in reply.

Mr. MCCURDY. Thank you, Mr. Congressman. I just want to add, you mentioned about the State Department. The U.S. Ambassador and the U.S. Embassy have been fully briefed about this bill by the Turkish Coalition of America. And the U.S. Government promotes U.S. investment big time in Turkey and they would like to see greater Turkish investment in the United States to increase.

Turkey is one of the few countries in the world where the U.S. has a favorable balance of trade, and so there are efforts trying to balance that a bit more and there is an effort trying to encourage Turkish investment in the United States.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

Mr. YOUNG. I appreciate those comments, and I want to thank the panel. I mean, I think we are all on the same page here, and we will see if we can't get these pieces of legislation moving. I am still working. I have some ideas on my Empowerment Act. I hope you have been contacted. It was big, and now it has gotten little. Little is good I think, you know, simple.

I want to thank the Committee. This meeting is adjourned.

[Whereupon, at 4:05 p.m., the Subcommittee was adjourned.]

[Additional material submitted for the record follows:]

[The prepared statement of Mr. Markey follows:]

**Statement of The Honorable Edward J. Markey, Ranking Member,  
Committee on Natural Resources, on H.R. 205 and H.R. 2362**

Thank you, Mr. Chairman.

There is no doubt that new business opportunities should be made available to Indian tribes and that leasing of their trust lands for certain purposes, independent of the Secretary's approval, is good policy aimed at achieving that goal. I commend Mr. Heinrich for introducing H.R. 205, a bill that would authorize willing Indian tribes to manage leasing activities on their own lands without unnecessary and burdensome federal oversight.

Versions of H.R. 205 have been introduced and considered by the Natural Resources Committee since 2009, but none have been acted upon by the Congress for a variety of reasons, most notably the uncertainty regarding how to strike the right balance between economic development and providing for adequate environmental review associated with that development on tribal trust lands. Accordingly, this Subcommittee's Minority staff has worked with Mr. Heinrich's office, as well as national and regional tribal organizations including the National American Indian Housing Council, to strike this balance. We are confident that enhancement of the bill to provide for an environmental review process that enables tribes to meet or exceed federal standards already in place, as well as provides for tribes to seek the Secretary's technical assistance to tailor such process to their own business development needs, will improve an already excellent bill and advance its passage by the House.

Subcommittee Majority and Minority staff has discussed the possibility of an agreed-upon future amendment of the bill reflecting these changes, and I hope that I may rely on the chairman's full cooperation to that end.

Thank you. I yield back.

[A letter submitted for the record by His Excellency Namik Tan, Ambassador, Republic of Turkey, on H.R. 2362 follows:]

*Ambassador*

The Honorable Don Young  
Chairman  
Subcommittee on Indian & Alaska Native Affairs  
House Natural Resources Committee  
1337 Longworth House Office Building  
Washington, DC 20515

*Embassy of Turkey  
Washington, D. C.*

October 30, 2011

Dear Chairman Young,

I am writing on behalf of the government of the Republic of Turkey in support of H.R. 2362 – the Indian Tribal Trade and Development Act.

Introduced by Congressman Tom Cole on June 24, 2011, this innovative legislation holds paramount potential to further economic ties between the Republic OF TURKEY and the United States, while capitalizing on the genuine interest Turkey and Turkish Americans have shown in engaging in cultural, educational and commercial relations with Indian Country.

Historically, the U.S.-Turkey relationship has been driven predominantly by political and military interests. The second largest standing army in NATO and a close, long-standing ally in an increasingly unstable region, Turkey plays a key role in assisting U.S. efforts for stability and to combat terrorism. Most recently, Turkey contributed -alongside the United States, the United Kingdom and France- to the NATO intervention in Libya, has taken up several times the lead-nation role in the International Security Assistance Force in Afghanistan and recently announced that it would continue to command the Kabul Regional Command for a third consecutive year. The agreement by Turkey to host the NATO defence shield's early warning radar system is the most recent example of Turkey's lead role in joint efforts for international security and stability.

H.R.2362, however, can bring the U.S.-Turkey relationship to an entirely new level by accentuating joint commercial interests. Turkey is the world's 16<sup>th</sup> largest and fastest growing economy with a staggering 11 percent growth performance during the first quarter and 9 percent for the first half of 2011. By the Republic's 100<sup>th</sup> anniversary in 2023, Turkey is looking to be the 10<sup>th</sup> largest economy in the world.

Expanding trade between our nations now will not only complement the long-standing partnership between the United States and Turkey, but will also enable Turkey's thriving economy to boost U.S. markets amid the ongoing global financial crisis. With this legislation, furthermore, Turkey can help bolster economic growth in otherwise stagnant Indian lands and reduce participating Tribes' dependence on the U.S. Federal government for funding.

I sincerely hope that you will give H.R. 2362 serious consideration – for it also presents a unique and great opportunity to spur development on Tribal lands while strengthening ties between our nations.

Sincerely, *Best regards,*



Namik Tan

[A letter submitted for the record by Turkish American Chamber of Commerce and Industry, on H.R. 2362 follows:]



31 October 2011

*The Honorable Don Young  
Chairman  
Subcommittee on Indian & Alaska Native Affairs  
House Natural Resources Committee  
1337 Longworth House Office Building  
Washington, DC 20515*

Dear Chairman Young,

I am writing on behalf of the Turkish American Chamber of Commerce and Industry (TACCI) - a private membership organization based in New York that aims to promote and increase bilateral trade and investment between the United States and Turkey - to express support of H.R. 2362, the Indian Tribal Trade and Investment Act, introduced by Rep. Tom Cole on June 24, 2011.

As you are well aware, Native American communities continue to struggle with high unemployment and poverty, and we believe the demonstration project authorized by H.R. 2362 could stimulate increased investment and economic activity in tribal communities.

This legislation holds great promise to reform some of the current legal barriers that inhibit tribal economic development. Moreover, H.R. 2362 will help Tribes, Turkish companies and the U.S. government alike. It gives Tribes the tools they need to ensure economic development and implement improved standards of living for their members. It also enables the U.S. government to strengthen economic ties with the Republic of Turkey while relying on private activity to stimulate tribal economies.

As the leading Turkish American independent business support and networking organization that has both The Union of Chambers and Commodity Exchanges of Turkey (TOBB) and Under Secretariat of the Turkish Prime Ministry for Foreign Trade (DTM) represented on its board, TACCI looks forward to being an enabler of sound, mutually beneficial trade between Indian Country and Turkey.

In these tough economic times, both the United States and Turkey need innovative solutions to strengthen our economic ties and long-standing partnership. To that end, we urge you to give serious consideration to H.R. 2362.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Celal Secilmis', is written over a light blue circular stamp.

Celal Secilmis, PhD.  
President