

**TESTIMONY OF
MICHAEL S. BLACK,
DIRECTOR OF THE BUREAU OF INDIAN AFFAIRS
UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
HOUSE COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON AMERICAN INDIAN AND ALASKA NATIVE AFFAIRS
ON H.R. 2650, THE FOND DU LAC BAND
OF LAKE SUPERIOR CHIPPEWA NON-INTERCOURSE ACT OF 2013**

JULY 23, 2013

Good afternoon, Chairwoman Young, Ranking Member Hanabusa, and members of the Subcommittee. Thank you for the opportunity to provide a statement on behalf of the Department of the Interior (Department) on H.R. 2650, the Fond du Lac Band of Lake Superior Chippewa Non-Intercourse Act of 2013. The Department supports H.R. 2650.

The Department is aware that the Fond du Lac Band of Lake Superior Chippewa (Band) and Carlton County (County) in Minnesota propose to implement an agreement that they have for an exchange of land. The land exchange involves 1,451 acres of land located outside the Fond du Lac Reservation, which are owned in fee simple by the Band. These lands would be exchanged for tax- forfeited lands of equivalent value (approximately 3,200 acres) that are administered by Carlton County, the title to which is held by the State of Minnesota, and which are located within the Fond du Lac Reservation. This proposed land exchange does not involve any lands held in trust by the United States for the benefit of the Band.

However, both the Band and the County are of the opinion that this land exchange is prohibited unless authorized by Congress. The Band and County cite federal law, 25 U.S.C. §177, which prohibits any "purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians" unless authorized by Congress, and therefore the State of Minnesota is of the opinion that they cannot give final approval to the land exchange without an Act of Congress authorizing the Band to convey its title to this land.

H.R. 2650 is not limited to this specific land exchange, but instead is more broad and would allow the Fond du Lac Band of Lake Superior Chippewa in the State of Minnesota (Band) to lease, sell, convey, warrant, or transfer all or any portion of the interest in *any real property not held in trust status* by the United States for the benefit of the Band. The legislation also clearly states that H.R. 2650 does not authorize the Band to lease, sell, convey, warrant, or otherwise transfer all or any portion of any interest in *any real property that is held in trust by the United States for the benefit of the Band*. Thus, H.R. 2650 would allow the Band to do with those lands not held in trust status, likely all lands held in fee simple by the Band, as the Band deems fit. Therefore the Department supports H.R. 2650.

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