

## [H.R. 487, to allow the Miami Tribe of Oklahoma to lease or transfer certain lands](#)

### FLOOR SITUATION

On Wednesday, September 16, 2015, the House will consider [H.R. 487](#), a bill to allow the Miami Tribe of Oklahoma to lease or transfer certain lands, under suspension of the rules. H.R. 487 was introduced on January 22, 2015 by Rep. Markwayne Mullin (R-OK) and was referred to the Committee on Natural Resources, which ordered the bill reported by unanimous consent on July 9, 2015.

### SUMMARY

H.R. 487 allows the Miami Tribe of Oklahoma to lease or transfer certain lands not held in trust by the federal government for the benefit of the tribe.

### BACKGROUND

The Non-Intercourse Act “reserves to the United States the exclusive right to acquire Indian lands.”<sup>1</sup> The Act was designed “to protect Indian tribes by preventing the loss of their lands, except by treaty,” and “does so by preventing the transfer, sale, lease, or other conveyance of land owned by an Indian tribe to third parties without federal approval.”<sup>2</sup> The prohibition “applies to both trust and fee lands, regardless of the source of money used to obtain the lands.”<sup>3</sup>

Although the Non-Intercourse Act has “generally not interfered with a tribe’s ability to buy, sell, or lease land that it owns in fee simple,” over the centuries, “a number of laws providing for the acquisition, conveyance, and leasing of land in trust for Indians have had the effect of superseding the Non-Intercourse Act even though this Act has never been repealed.”<sup>4</sup>

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<sup>1</sup> [House Report 114-250](#) at 1.

<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> Id. at 2.

H.R. 487 allows the Tribe to have more control over land it owns in fee without further congressional approval and ensures that the Non-intercourse Act does not interfere with the ability to convey such land, “which is viewed by the tribe as an interference with economic development and the creation of jobs.”<sup>5</sup>

### **COST**

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 487 would have no effect on the federal budget. Enacting H.R. 487 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

### **STAFF CONTACT**

For questions or further information please contact [Jerry White](#) with the House Republican Policy Committee by email or at 5-0190.

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<sup>5</sup> Id.