

## Calendar No. 459

119TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
119–130

### UNLOCKING NATIVE LANDS AND OPPORTUNITIES FOR COMMERCE AND KEY ECONOMIC DEVELOPMENTS ACT OF 2025

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JULY 16, 2026.—Ordered to be printed

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Ms. MURKOWSKI, from the Committee on Indian Affairs,  
submitted the following

### R E P O R T

[To accompany S. 3383]

[Including cost estimate of the Congressional Budget Office]

The Committee on Indian Affairs, to which was referred the bill (S. 3383) to amend the Act of August 9, 1955, to make improvements to that Act, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill, do pass.

#### PURPOSE

The purpose of S. 3383 is to amend the Act of August 9, 1955, also known as the Long-Term Leasing Act, to authorize all federally recognized Tribes to issue leases of up to 99 years on Tribal lands, and to amend the Act of February 5, 1948 to allow Tribes to directly grant rights-of-way over and across Tribal land pursuant to Tribal regulations approved by the Secretary of the Interior.

#### BACKGROUND AND NEED

Many federally recognized Tribes possess the land and natural resources necessary to support robust economic development. However, outdated leasing and right-of-way requirements that require Bureau of Indian Affairs (BIA) approval often delay projects, limit

Tribal self-determination, and hinder effective use of federal infrastructure and economic development funding.<sup>1</sup>

#### *Long-Term Leasing Authority*

The Long-Term Leasing Act is currently the primary mechanism authorizing federally recognized Tribes to lease Tribal lands.<sup>2</sup> However, leases under the Act require Secretarial approval and are limited to an initial term of 25 years, with one renewal of up to 25 years.<sup>3</sup> These constraints can discourage private developers and lenders from financing or investing in large-scale projects on Tribal lands because they lack longer-term leasing certainty. Currently, Tribes may obtain extended leasing authority only through individual acts of Congress, creating a time-consuming and inconsistent process that limits broad access to long-term leasing needed for economic development for all federally recognized Tribes. To date, Congress has amended the Long-Term Leasing Act to provide 58 Tribes with Tribe-specific long-term leasing authority that differs from the Act's generally applicable framework, which otherwise governs many leases of restricted Tribal and individual Indian lands.<sup>4</sup>

#### *Authority to Grant Rights-of-Way*

In 2012, Congress enacted the Helping Expedite and Advance Responsible Tribal Homeownership (HEARTH) Act to reduce administrative barriers to Tribal economic development. Under the HEARTH Act, once the Secretary of the Interior has approved the Tribe's leasing regulations, the Tribe may approve leases of trust and restricted lands without further case-by-case approval from the BIA.<sup>5</sup> This authority allows Tribes to directly execute leases for residential, business, agricultural, energy, and other development purposes, reducing delays and uncertainty associated with federal review and increasing local control over land-use decisions.

However, implementation of the HEARTH Act revealed a gap in the framework regarding rights-of-way. Specifically, while Tribes may approve and issue leases for business, agricultural, residential, energy, and other development, the statute does not expressly affirm Tribal authority to issue associated rights-of-way for the infrastructure needed to support such development. This gap places Tribes in the position of being able to issue leases for their development projects, but having to wait years for federal approval of associated rights-of-way.<sup>6</sup>

In the contemporary leasing market, prospective lessees and financial institutions require the security of longer term leases, as well as a timely process for obtaining leases and associated rights-of-way for development projects. The Department of the Interior

<sup>1</sup>For example, the Southern Ute Indian Tribe previously testified that review of some of its energy-related rights-of-way took as long as 8 years. See HEARING ON THE INDIAN TRIBAL ENERGY AND SELF DETERMINATION ACT AMENDMENTS (S. 2132), 113th Cong. (April 30, 2014) (statement of the Honorable James M. Olguin, Acting Chairman, Southern Ute Indian Tribal Council on behalf of the Southern Ute Indian Tribe).

<sup>2</sup>Long-Term Leasing Act of 1955, 25 U.S.C. § 415.

<sup>3</sup>*Id.*

<sup>4</sup>See 25 U.S.C. 415(a)–(e) (codifying each Tribal exception, including Tribes mentioned twice to include reservation and then lands held in trust for the Tribe).

<sup>5</sup>Helping Expedite and Advance Responsible Tribal Homeownership (HEARTH) Act of 2012, Pub. L. No. 112–151 (2012).

<sup>6</sup>See Legislative Hearing on S. 195, S. 382, and S. 1322 Before the S. Comm. on Indian Affairs, 118th Cong. 14–15, 16 (2023).

has testified in favor of amending the Long-Term Leasing Act to extend 99-year leasing authority to all federally recognized Tribes,<sup>7</sup> and to affirm Tribal authority to grant rights-of-way without Secretarial approval pursuant to Tribal leasing regulations.<sup>8</sup>

#### SUMMARY

S. 3383 would amend the Act of August 9, 1955, (Long-Term Leasing Act), to authorize federally recognized Tribes that are not currently authorized to lease lands under the Act to issue leases of up to 99 years on Tribal lands. The bill also makes a technical correction to clarify that “Secretary” refers to the Secretary of the Interior in section 415a. S. 3383 would also amend the Act of February 5, 1948 to authorize Tribes to directly grant rights-of-way over and across Tribal lands pursuant to Tribal regulations approved by the Secretary of the Interior.

#### LEGISLATIVE HISTORY

S. 3383 was introduced by Senators Schatz and Murkowski on December 8, 2025. The Committee held a business meeting on December 17, 2025, to consider S. 3383 and ordered the bill to be reported favorably, without amendment.

In the 118th Congress, Senators Schatz and Murkowski introduced a similar bill, S. 1322, on April 26, 2023. The Committee held a legislative hearing on S. 1322 on May 3, 2023 (S. Hrg. 118–105). The Committee held a business meeting to consider S. 1322 on March 12, 2024, and ordered the bill reported with an amendment in the nature of a substitute favorably (S. Rept. 118–159). S. 1322, as amended, passed the Senate by voice vote on November 21, 2024.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Indian Affairs in an open business meeting on December 17, 2025, by a voice vote of a quorum present, recommends that the Senate pass S. 3383, without amendment.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1—Short title*

This section provides the short title of the bill as the “Unlocking Native Lands and Opportunities for Commerce and Key Economic Developments Act of 2025.”

##### *Section 2—Modification of Tribal leases and rights-of-way across Indian lands*

Section 2(a) amends the Long-Term Leasing Act to clarify that the leasing authority under the Act applies to land held in trust for all federally recognized tribes as listed under the Federally Recognized Indian Tribe List Act of 1994 and strikes the existing sub-

<sup>7</sup> *Id.* (statement of Bryan Newland, Assistant Secretary-Indian Affairs, U.S. Department of the Interior).

<sup>8</sup> *Id.* See also, Oversight Hearing on Buy Native American: Federal Support for Native Businesses Capacity Building and Success Before the S. Comm. on Indian Affairs, 117th Cong. 20 (2022).

sections in the Act that limited leases to specific 25-year and renewal terms, to allow for longer lease terms up to 99 years.

Section 2(b) makes a technical correction to clarify that “Secretary” refers to the Secretary of the Interior in section 415a of the Long-Term Leasing Act.

Section 2(c) amends the Act of February 5, 1948 (62 Stat. 17, chapter 45) to authorize Indian Tribes to issue rights-of-way without Secretarial approval pursuant to approved Tribal regulations, establishes a process and timeline for Secretarial review and approval of such Tribal regulations, requires Tribes granting rights-of-way to submit copies of such rights-of-way to the Secretary, clarifies that the United States is not liable for economic losses sustained as a result of Tribally-granted rights-of-way, provides for Secretarial enforcement of Tribally-granted rights-of-way in specified circumstances, clarifies that related terms of compensation are to be determined by Tribal regulations or negotiations, and preserves the applicability of other existing regulations and Tribal sovereign immunity.

#### COST AND BUDGETARY CONSIDERATIONS

| <b>S. 1322, Unlocking Native Lands and Opportunities for Commerce and Key Economic Developments Act of 2025</b> |      |                                           |               |
|-----------------------------------------------------------------------------------------------------------------|------|-------------------------------------------|---------------|
| As As ordered reported by the Senate Committee on Indian Affairs on December 17, 2025                           |      |                                           |               |
| By Fiscal Year, Millions of Dollars                                                                             | 2026 | 2026-2031                                 | 2026-2036     |
| Direct Spending (Outlays)                                                                                       | 0    | 0                                         | 0             |
| Revenues                                                                                                        | 0    | 0                                         | 0             |
| Increase or Decrease (-) in the Deficit                                                                         | 0    | 0                                         | 0             |
| Spending Subject to Appropriation (Outlays)                                                                     | *    | *                                         | not estimated |
| Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2037?          | No   | Statutory pay-as-you-go procedures apply? | No            |
|                                                                                                                 |      | <b>Mandate Effects</b>                    |               |
| Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2037?           | No   | Contains intergovernmental mandate?       | No            |
|                                                                                                                 |      | Contains private-sector mandate?          | No            |
| * = between zero and \$500,000.                                                                                 |      |                                           |               |

S. 3383 would allow Indian tribes to lease any restricted tribal land (tribal or individually owned) to third parties for up to 99 years with the approval of the Department of the Interior (DOI). Under current law, the tribes cannot lease their trust land for more than 25 years, with an option to renew the lease once for another 25 years. The bill also would allow tribes to grant rights-of-way on tribal land for any purpose without the approval of DOI. Any proceeds from leases or rights-of-way would accrue to the tribes.

Using information from DOI, CBO estimates that the cost to implement S. 3383 would be insignificant; any related spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Julia Aman. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,  
*Director, Congressional Budget Office.*

#### REGULATORY AND PAPERWORK IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 3383 will have minimal impact on regulatory or paperwork requirements.

#### EXECUTIVE TESTIMONY AND COMMUNICATIONS

The testimony provided by the Department of the Interior from the May 3, 2023, hearing on S. 1322 follows:

STATEMENT OF BRYAN NEWLAND, ASSISTANT SECRETARY,  
INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

S. 1322, UNLOCKING NATIVE LANDS AND OPPORTUNITIES FOR  
COMMERCE AND KEY ECONOMIC DEVELOPMENTS ACT OF 2025

Thank you, Mr. Chairman, and Madam Vice Chair, and members of the Committee. I often take third billing in my own house, so I appreciate the chance to do so here before the Committee. I serve as the Assistant Secretary for Indian Affairs and I appreciate the opportunity to present the Department's views on . . . the UNLOCKED Act, Unlocking Native Lands and Opportunities for Commerce and Key Economic Developments. . . .

The UNLOCKED Act would amend the Long-Term Leasing Act. The Long-Term Leasing Act provides authority for tribes to enter into surface leases for up to 50 years. This maximum term often limits the ability of tribes to engage in long-term planning and economic development.

Over the years, as the Vice Chair noted, Congress has amended this act to permit individual tribes to enter into leases for longer than 50 years. Each addition has required separate legislation, which is time consuming and resource draining for tribes.

The UNLOCKED Act makes three significant amendments to the Long-Term Leasing act. It increases the maximum lease term for tribes up to 99 years. It clarifies that the Long-Term Leasing Act authorizes leases for certain purposes, and they can include the necessary utilization of natural resources. And it would authorize tribes to approve rights-of-way without further approval of the Secretary of the Interior, if a tribe's rights-of-way approval process is consistent with the department's leasing regulations or if a tribe has regulations approved by the Secretary under that section.

The UNLOCKED Act will build upon the success of the HEARTH Act, which restored tribes' ability to control the leasing of their own lands. The department welcomes this

Congressional action to enhance tribal sovereignty and self-determination, and we support the UNLOCKED Act. We are ready to provide any technical assistance to the Committee that you may request.

CHANGES IN EXISTING LAW

In the opinion of the Committee, it is necessary to dispense with subsection 12 of rule XXVI of the Standing Rules of the Senate to expedite the business of the Senate.

