

**TESTIMONY OF
THE HONORABLE FRED CANTU
CHIEF
SAGINAW CHIPPEWA INDIAN TRIBE
Before the House Resources Committee,
July 11, 2007**

Mr. Chairman and members of the House Resources Committee, my name is Fred Cantu and I am the Chief of the Saginaw Chippewa Indian Tribe.

Let me first thank Chairman Rahall for holding this hearing today and allowing me to testify. Our Tribe appreciates all you have done to help Indian Country and we are particularly grateful for the work you have done to pass the Indian Health Care Improvement Act. The passage of this bill is long overdue and we thank you for moving it quickly through this committee. I also want to express my gratitude to Congressman Dale Kildee from our home state of Michigan. Congressman Kildee is an old and dear friend of our Tribe. He has been to our reservation on numerous occasions and I know that he has personally met every Chief of our Tribe for the last 40 years. I want to thank Congressman Kildee for not only introducing this bill on our Tribe's behalf, but for all he has done to improve the quality of life for Indian people across the country. Thank you Congressman.

The Saginaw Chippewa Indian Tribe is headquartered on the Isabella reservation which is adjacent to the city of Mt. Pleasant, Michigan. The Tribe's reservation was established by the Treaties of 1855 and 1864 and we currently has over 3,000 enrolled members.

Our Tribal Government provides over 150 different programs for our tribal members, including health care, housing, educational assistance and cultural programs. We are just completing a unique elderly housing project that will provide living assistance to our elders and allow them to live in dignity. This new facility provides rental units to our elders, assisted care for those who are in need and it is also equipped to assist those tribal elders who may suffer from dementia. Our Tribe is very proud of this project.

I mention these programs, Mr. Chairman, because our Tribe has accomplished great things for our people when we have been able to exercise our sovereign rights as an Indian Tribe.

The legislation before the Committee today will enable the Saginaw Chippewa Tribe to exercise a right that every individual or entity in the United States enjoys – the right to buy and sell land. As you know, the Indian Non-Intercourse Act prohibits third parties from leasing, purchasing or receiving conveyances of land from an Indian Tribe- unless the transactions are approved by Congress. This well-intentioned law was enacted over 170 years ago to prevent non-Indians and the State Governments from stealing Indian lands. While this law was certainly well-meaning, it is overly restrictive to tribes trying to create economic development opportunities in the 21st century.

Mr. Chairman, I want to be clear about why the Non-Intercourse Act can cause problems for modern day tribes. This Act prohibits the sale of *all* lands owned by a tribe, including fee land purchased by a Tribe and upon which they pay taxes and assessments.

As you can imagine, Tribes across the country find themselves in a very unique situation. Under current law, the Tribe can purchase land in fee anywhere it wants. The Tribe pays taxes on the property, pays for maintenance but yet is legally forbidden from selling the land. The Non-Intercourse Act requires Tribes to accept the normal burdens of land ownership without one of its primary benefits – the right to lease, sell or otherwise encumber the land. Not only is this Act burdensome and unfair to the Tribes, I believe it is an infringement on our tribal sovereignty. I am sure the original lawmakers who considered this law never imagined this outcome.

Our Tribe currently has two parcels of fee land that we would like to sell. We pay taxes on these properties and we maintain them. But the Non-Intercourse Act limits the ability of the Saginaw Chippewa Tribe to make important decisions about the lands it owns. It also hinders our Tribe from exercising economic opportunities to buy and sell land like any other individual and business in the United States.

The legislation introduced by Congressman Kildee is very straightforward. It would allow the Saginaw Chippewa Tribe to buy and sell fee land without having to come to Congress to approve every transaction. This legislation is a common sense approach to our problem and will allow the tribe to pursue economic development opportunities it is currently prohibited from pursuing.

Mr. Chairman, I want to again thank you for holding this hearing today and respectfully request the Committee to pass this legislation at their earliest opportunity.

I am available for any questions you may have.