

## House Unanimously Passes Bill Allowing 99-Year Leases on Tribal Trust Land



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The U.S. House of Representatives recently unanimously passed H.R. 5910, legislation that would authorize leases of up to 99 years for land held in trust for federally recognized Indian Tribes. The bill, sponsored by Rep. Harriet Hageman (WY-AL) with bipartisan co-sponsors, represents a potentially significant change to federal leasing rules governing tribal trust lands.

### **Background: Current Leasing Limitations**

Under existing federal law, the Long-Term Leasing Act of 1955 (25 U.S.C. § 415), leases of tribal trust land are generally limited to terms of 25 years, unless specific statutory authority allows longer periods for certain uses or specific tribes.

While some Tribes may choose not to seek a lease term of 99 years for their own sovereign reasons, existing limitations have long been viewed as a constraint on large-scale economic development projects on tribal lands. Many developers, lenders, and investors prefer longer lease terms to support the financing of major infrastructure, commercial, residential, or energy projects.

## What H.R. 5910 Would Do

H.R. 5910 would amend the 1955 Act to authorize lease terms of up to 99 years for land held in trust for federally recognized tribes. The bill would provide tribes with greater flexibility to enter long-term development agreements and would create greater certainty for private-sector investment while expanding tribal governments' ability to structure development projects over longer time horizons.

## Potential Impacts for Tribes and Investors

If enacted, the bill could significantly affect tribal economic development across the United States.

Key potential impacts include:

### Increased Tribal Economic Development Opportunities

Longer lease terms may make tribal lands more attractive for projects such as:

- o Hotels and tourism developments
- o Housing developments
- o Energy projects
- o Industrial and manufacturing facilities
- o Retail and mixed-use developments

### Improved Access to Financing

Developers and lenders often require long-term control over property interests to justify financing large projects. A 99-year lease term aligns more closely with financing structures commonly used in commercial real estate.

### Expanded Tribal Self-Determination

The bill may enhance tribes' ability to plan and execute long-term land use strategies, consistent with federal policy favoring tribal self-determination and economic self-sufficiency. At the same time, if a tribe determines that encumbering its lands for 99 years is not desirable, the tribe maintains the ability to execute or pursue a shorter-term lease.

### Greater Certainty for Public-Private Partnerships

Longer lease horizons could facilitate more stable partnerships between tribal governments and private developers.

## Next Steps

Following its unanimous passage in the House, H.R. 5910 must now be considered by the U.S. Senate before it can be sent to the President for signature.

For questions about the passage and impact of H.R. 5910, please contact Lippes Mathias Indian law team co-leaders Bryan C. Shade ([bshade@lippes.com](mailto:bshade@lippes.com)) or Klint A. Cowan ([kcowan@lippes.com](mailto:kcowan@lippes.com)).

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