

Pub. L. 90-335 inserted “the Spokane Reservation,” after “the Fort Mojave Reservation”.

1967—Pub. L. 90-184 inserted “the San Carlos Apache Reservation” after “Fort Mojave Reservation”.

Pub. L. 90-182 inserted “the Gila Reservation,” after “Pyramid Lake Reservation”.

1966—Pub. L. 89-408 inserted “the Pyramid Lake Reservation” after “Fort Mojave Reservation”.

1963—Pub. L. 88-167 inserted “the Fort Mojave Reservation,” after “Southern Ute Reservation”.

1962—Pub. L. 87-785 authorized leases for not more than 99 years of lands on Southern Ute Reservation.

1961—Pub. L. 87-375 authorized longer term leases of Indian lands on Dania Reservation and excepted from renewal leases the initial term of which extends for more than 74 years.

1960—Pub. L. 86-505 authorized leases for not more than 99 years of lands on Navajo Reservation.

1959—Pub. L. 86-326 substituted “except leases of land on the Agua Caliente (Palm Springs) Reservation which may be for a term of not to exceed ninety-nine years, and except leases of land for grazing purposes which may” for “excepting leases for grazing purposes, which shall”, in second sentence.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-216, §1(b), June 20, 2000, 114 Stat. 343, provided that: “The amendment made by subsection (a) [amending this section] shall apply to any lease entered into or renewed after the date of the enactment of this Act [June 20, 2000].”

EFFECTIVE DATE OF 1986 AMENDMENT

Section 6(a) of Pub. L. 99-575 provided in part that the amendment made by Pub. L. 99-575 is effective Oct. 28, 1986.

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-568, title XII, §1201, Dec. 27, 2000, 114 Stat. 2933, provided that: “This title [amending this section and enacting provisions set out as a note under this section] may be cited as the ‘Navajo Nation Trust Land Leasing Act of 2000’.”

SHORT TITLE OF 1985 AMENDMENT

Section 1 of Pub. L. 99-221 provided that: “This Act [amending this section, section 450i of this title, section 3121 of Title 26, Internal Revenue Code, and section 410 of Title 42, The Public Health and Welfare, and enacting a provision set out as a note under section 410 of Title 42] may be cited as the ‘Cherokee Leasing Act’.”

CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES

Pub. L. 106-568, title XII, §1202, Dec. 27, 2000, 114 Stat. 2933, provided that:

“(a) FINDINGS.—Recognizing the special relationship between the United States and the Navajo Nation and its members, and the Federal responsibility to the Navajo people, Congress finds that—

“(1) the third clause of section 8, Article I of the United States Constitution provides that ‘The Congress shall have Power * * * to regulate Commerce * * * with Indian tribes’, and, through this and other constitutional authority, Congress has plenary power over Indian affairs;

“(2) Congress, through statutes, treaties, and the general course of dealing with Indian tribes, has assumed the responsibility for the protection and preservation of Indian tribes and their resources;

“(3) the United States has a trust obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency;

“(4) pursuant to the first section of the Act of August 9, 1955 (25 U.S.C. 415), Congress conferred upon the Secretary of the Interior the power to promulgate regulations governing tribal leases and to approve tribal leases for tribes according to regulations promulgated by the Secretary;

“(5) the Secretary of the Interior has promulgated the regulations described in paragraph (4) at part 162 of title 25, Code of Federal Regulations;

“(6) the requirement that the Secretary approve leases for the development of Navajo trust lands has added a level of review and regulation that does not apply to the development of non-Indian land; and

“(7) in the global economy of the 21st Century, it is crucial that individual leases of Navajo trust lands not be subject to Secretarial approval and that the Navajo Nation be able to make immediate decisions over the use of Navajo trust lands.

“(b) PURPOSES.—The purposes of this title [see Short Title of 2000 Amendment note above] are as follows:

“(1) To establish a streamlined process for the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior for individual leases, except leases for exploration, development, or extraction of any mineral resources.

“(2) To authorize the Navajo Nation, pursuant to tribal regulations, which must be approved by the Secretary, to lease Navajo trust lands without the approval of the Secretary of the Interior for the individual leases, except leases for exploration, development, or extraction of any mineral resources.

“(3) To revitalize the distressed Navajo Reservation by promoting political self-determination, and encouraging economic self-sufficiency, including economic development that increases productivity and the standard of living for members of the Navajo Nation.

“(4) To maintain, strengthen, and protect the Navajo Nation’s leasing power over Navajo trust lands.

“(5) To ensure that the United States is faithfully executing its trust obligation to the Navajo Nation by maintaining Federal supervision through oversight of and record keeping related to leases of Navajo Nation tribal trust lands.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 415a, 415b, 415c, 415d, 416a, 941j, 1724, 1771e of this title.

§ 415a. Lease of lands of deceased Indians for benefit of heirs or devisees

Restricted lands of deceased Indians may be leased under sections 415 to 415d of this title, for the benefit of their heirs or devisees, in the circumstances and by the persons prescribed in section 380 of this title: *Provided*, That if the authority of the Secretary under this section is delegated to any subordinate official, then any heir or devisee shall have the right to appeal the action of any such official to the Secretary under such rules and regulations as he may prescribe.

(Aug. 9, 1955, ch. 615, §2, 69 Stat. 539.)

§ 415b. Advance payment of rent or other consideration

No rent or other consideration for the use of land leased under sections 415 to 415d of this title shall be paid or collected more than one year in advance, unless so provided in the lease.

(Aug. 9, 1955, ch. 615, §4, 69 Stat. 540.)

§ 415c. Approval of leases

The Secretary of the Interior shall approve no lease pursuant to sections 415 to 415d of this title that contains any provision that will prevent or delay a termination of Federal trust responsibilities with respect to the land during the term of the lease.

(Aug. 9, 1955, ch. 615, §5, 69 Stat. 540.)