

105TH CONGRESS  
1ST SESSION

# S. 1079

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## AN ACT

To permit the mineral leasing of Indian land located within the Fort Berthold Indian Reservation in any case in which there is consent from a majority interest in the parcel of land under consideration for lease.

1       *Be it enacted by the Senate and House of Representa-*  
2   *tives of the United States of America in Congress assembled,*

1 **SECTION 1. LEASES OF ALLOTTED LANDS OF THE FORT**  
2 **BERTHOLD INDIAN RESERVATION.**

3 (a) IN GENERAL.—

4 (1) DEFINITIONS.—In this section:

5 (A) INDIAN LAND.—The term “Indian  
6 land” means an undivided interest in a single  
7 parcel of land that—

8 (i) is located within the Fort Berthold  
9 Indian Reservation in North Dakota; and

10 (ii) is held in trust or restricted status  
11 by the United States.

12 (B) INDIVIDUALLY OWNED INDIAN  
13 LAND.—The term “individually owned Indian  
14 land” means Indian land that is owned by 1 or  
15 more individuals.

16 (C) SECRETARY.—The term “Secretary”  
17 means the Secretary of the Interior.

18 (2) EFFECT OF APPROVAL BY SECRETARY OF  
19 THE INTERIOR.—

20 (A) IN GENERAL.—The Secretary may ap-  
21 prove any mineral lease or agreement that af-  
22 fects individually owned Indian land, if—

23 (i) the owners of a majority of the un-  
24 divided interest in the Indian land that is  
25 the subject of the mineral lease or agree-  
26 ment (including any interest covered by a

1 lease or agreement executed by the Sec-  
2 retary under paragraph (3)) consent to the  
3 lease or agreement; and

4 (ii) the Secretary determines that ap-  
5 proving the lease or agreement is in the  
6 best interest of the Indian owners of the  
7 Indian land.

8 (B) EFFECT OF APPROVAL.—Upon the ap-  
9 proval by the Secretary under subparagraph  
10 (A), the lease or agreement shall be binding, to  
11 the same extent as if all of the Indian owners  
12 of the Indian land involved had consented to  
13 the lease or agreement, upon—

14 (i) all owners of the undivided interest  
15 in the Indian land subject to the lease or  
16 agreement (including any interest owned  
17 by an Indian tribe); and

18 (ii) all other parties to the lease or  
19 agreement.

20 (C) DISTRIBUTION OF PROCEEDS.—The  
21 proceeds derived from a lease or agreement that  
22 is approved by the Secretary under subpara-  
23 graph (A) shall be distributed to all owners of  
24 the Indian land that is subject to the lease or

1           agreement in accordance with the interest  
2           owned by each such owner.

3           (3) EXECUTION OF LEASE OR AGREEMENT BY  
4           SECRETARY.—The Secretary may execute a mineral  
5           lease or agreement that affects individually owned  
6           Indian land on behalf of an Indian owner if—

7                   (A) that owner is deceased and the heirs  
8                   to, or devisees of, the interest of the deceased  
9                   owner have not been determined; or

10                   (B) the heirs or devisees referred to in  
11                   subparagraph (A) have been determined, but 1  
12                   or more of the heirs or devisees cannot be lo-  
13                   cated.

14           (4) PUBLIC AUCTION OR ADVERTISED SALE  
15           NOT REQUIRED.—It shall not be a requirement for  
16           the approval or execution of a lease or agreement  
17           under this subsection that the lease or agreement be  
18           offered for sale through a public auction or adver-  
19           tised sale.

1       (b) RULE OF CONSTRUCTION.—This Act supersedes  
2 the Act of March 3, 1909 (35 Stat. 783, chapter 263; 25  
3 U.S.C. 396) only to the extent provided in subsection (a).

Passed the Senate November 7, 1997.

Attest:

*Secretary.*

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