

108TH CONGRESS  
1ST SESSION

# S. 521

To amend the Act of August 9, 1955, to extend the terms of leases of certain restricted Indian land, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 5, 2003

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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## A BILL

To amend the Act of August 9, 1955, to extend the terms of leases of certain restricted Indian land, and for other purposes.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Indian Land Leasing  
5       Act of 2003”.

6       **SEC. 2. AUTHORIZATION OF 99-YEAR LEASES.**

7       (a) IN GENERAL.—Subsection (a) of the first section  
8       of the Act of August 9, 1955 (25 U.S.C. 415(a)) is amend-  
9       ed in the second sentence—

1 (1) by inserting “the reservation of the Confed-  
 2 erated Tribes of the Umatilla Indian Reservation,”  
 3 before “the Burns Paiute Reservation,”;

4 (2) by inserting “the” before “Yavapai-Pres-  
 5 cott”;

6 (3) by striking “Washington,,” and inserting  
 7 “Washington,”; and

8 (4) by inserting “land held in trust for the  
 9 Yurok Tribe, land held in trust for the Hopland  
 10 Band of Pomo Indians of the Hopland Rancheria,”  
 11 after “Pueblo of Santa Clara,”.

12 (b) EFFECTIVE DATE.—The amendments made by  
 13 subsection (a) shall apply to any lease entered into or re-  
 14 newed after the date of enactment of this Act.

15 **SEC. 3. LEASE OF TRIBALLY-OWNED LAND BY ASSINIBOINE**  
 16 **AND SIOUX TRIBES OF THE FORT PECK RES-**  
 17 **ERVATION.**

18 The first section of the Act of August 9, 1955 (25  
 19 U.S.C. 415) is amended by adding at the end the fol-  
 20 lowing:

21 “(g) LEASE OF TRIBALLY-OWNED LAND BY ASSINI-  
 22 BOINE AND SIOUX TRIBES OF THE FORT PECK RESERVA-  
 23 TION.—

24 “(1) IN GENERAL.—Notwithstanding subsection  
 25 (a) and any regulations under part 162 of title 25,

1 Code of Federal Regulations (or any successor regu-  
 2 lation), subject to paragraph (2), the Assiniboine  
 3 and Sioux Tribes of the Fort Peck Reservation may  
 4 lease to the Northern Border Pipeline Company trib-  
 5 ally-owned land on the Fort Peck Indian Reservation  
 6 for 1 or more interstate gas pipelines.

7 “(2) CONDITIONS.—A lease entered into under  
 8 paragraph (1)—

9 “(A) shall commence during fiscal year  
 10 2011 for an initial term of 25 years;

11 “(B) may be renewed for an additional  
 12 term of 25 years; and

13 “(C) shall specify in the terms of the lease  
 14 an annual rental rate—

15 “(i) which rate shall be increased by  
 16 3 percent per year on a cumulative basis  
 17 for each 5-year period; and

18 “(ii) the adjustment of which in ac-  
 19 cordance with clause (i) shall be considered  
 20 to satisfy any review requirement under  
 21 part 162 of title 25, Code of Federal Regu-  
 22 lations (or a successor regulation).”.

23 **SEC. 4. CERTIFICATION OF RENTAL PROCEEDS.**

24 Notwithstanding any other provision of law, any ac-  
 25 tual rental proceeds from the lease of land acquired under

1 section 1 of Public Law 91–229 (25 U.S.C. 488) certified  
 2 by the Secretary of the Interior shall be deemed—

3 (1) to constitute the rental value of that land;

4 and

5 (2) to satisfy the requirement for appraisal of  
 6 that land.

7 **SEC. 5. MONTANA INDIAN TRIBES; AGREEMENT WITH DRY**  
 8 **PRAIRIE RURAL WATER ASSOCIATION, IN-**  
 9 **CORPORATED.**

10 (a) IN GENERAL.—The Assiniboine and Sioux Tribes  
 11 of the Fort Peck Indian Reservation (referred to in this  
 12 section as the “Tribes”) may, with the approval of the  
 13 Secretary of the Interior, enter into a lease or other tem-  
 14 porary conveyance of water rights recognized under the  
 15 Fort Peck-Montana Compact (Montana Code Annotated  
 16 85–20–201) for the purpose of meeting the water needs  
 17 of the Dry Prairie Rural Water Association, Incorporated  
 18 (or any successor entity), in accordance with section 5 of  
 19 the Fort Peck Reservation Rural Water System Act of  
 20 2000 (114 Stat. 1454).

21 (b) CONDITIONS OF LEASE.—With respect to a lease  
 22 or other temporary conveyance described in subsection  
 23 (a)—

24 (1) the term of the lease or conveyance shall  
 25 not exceed 100 years; and

1           (2)(A) the lease or conveyance may be approved  
 2           by the Secretary of the Interior without monetary  
 3           compensation to the Tribes; and

4           (B) the Secretary of the Interior shall not be  
 5           subject to liability for any claim or cause of action  
 6           relating to the compensation or consideration re-  
 7           ceived by the Tribes under the lease or conveyance.

8           (c) NO PERMANENT ALIENATION OF WATER.—Noth-  
 9           ing in this section authorizes any permanent alienation of  
 10          any water by the Tribes.

11   **SEC. 6. LEASES OF RESTRICTED INDIAN LAND; NON-INDIAN**  
 12                           **BUSINESS PARTNERS ON INDIAN LAND.**

13          Subsection (a) of the first section of the Act of Au-  
 14          gust 9, 1955 (25 U.S.C. 415(a)) is amended by adding  
 15          at the end the following: “Notwithstanding any other pro-  
 16          vision of law, no Indian tribe shall be required to obtain  
 17          the approval of the Secretary to enter into a lease of re-  
 18          stricted Indian land (not including any lease for explo-  
 19          ration, development, or extraction of any mineral re-  
 20          source) under this subsection for a term that does not ex-  
 21          ceed 99 years if the Indian tribe provides written notice  
 22          in original leasing documents that the Indian tribe has the  
 23          unilateral right to terminate the lease in any case in which  
 24          the Indian tribe does not waive sovereign immunity from  
 25          any civil action brought by a party to the lease for just

1 compensation as a result of such a termination. Any per-  
2 son that is a party to a lease described in the preceding  
3 sentence may bring a civil action to enforce the lease.”.

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