

further, That where tribal lands of any Indian tribe organized under section 476 of this title, have been withdrawn or reserved for the purposes hereinbefore mentioned, such lands may be leased or concessions may be granted thereon only by the proper tribal authorities, upon such conditions and subject to such limitations as may be set forth in the constitution and bylaws or charter of the respective tribes: *Provided further*, That concessions for recreation and fish and wildlife purposes on San Carlos Lake may be granted only by the governing body of the San Carlos Apache Tribe upon such conditions and subject to such limitations as may be set forth in the constitution and bylaws of such Tribe.

(Apr. 4, 1938, ch. 63, 52 Stat. 193; Pub. L. 102-575, title XXXVII, §3710(e), Oct. 30, 1992, 106 Stat. 4750.)

AMENDMENTS

1992—Pub. L. 102-575 inserted before period at end “: *Provided further*, That concessions for recreation and fish and wildlife purposes on San Carlos Lake may be granted only by the governing body of the San Carlos Apache Tribe upon such conditions and subject to such limitations as may be set forth in the constitution and bylaws of such Tribe”.

EFFECTIVE AND TERMINATION DATES OF 1992 AMENDMENT

Section 3711(a)-(c) of title XXXVII of Pub. L. 102-575, as amended by Pub. L. 103-435, §13, Nov. 2, 1994, 108 Stat. 4572; Pub. L. 104-91, title II, §202(a), Jan. 6, 1996, 110 Stat. 14; Pub. L. 104-261, §3, Oct. 9, 1996, 110 Stat. 3176; Pub. L. 105-18, title II, §5003(a), (b), June 12, 1997, 111 Stat. 181, provided that:

“(a) EFFECTIVE DATE OF AUTHORIZATION.—The authorization contained in section 3708(b) of this title [106 Stat. 4748] shall become effective as of the date the Secretary causes to be published in the Federal Register a statement of findings [The statement was published in the Federal Register on Dec. 28, 1999, 64 F.R. 72674.] that—

“(1) the Secretary has fulfilled the requirements of sections 3704 and 3706 [106 Stat. 4742, 4745];

“(2) the Roosevelt Water Conservation District subcontract for agricultural water service from CAP has been revised and executed as provided in section 3705(b) [106 Stat. 4744];

“(3) the funds authorized by section 3707(c) [106 Stat. 4748] have been appropriated and deposited into the Fund;

“(4) the contract referred to in section 3707(a)(2) [106 Stat. 4747] has been amended;

“(5) the State of Arizona has appropriated and deposited into the Fund \$3,000,000 as required by the Agreement;

“(6) the stipulations attached to the Agreement as Exhibits ‘D’ and ‘E’ have been approved; and

“(7) the Agreement has been modified, to the extent it is in conflict with this title [amending this section and section 1524 of Title 43, Public Lands, and enacting provisions set out as a note under section 1524 of Title 43], and has been executed by the Secretary.

“(b) CONDITIONS.—(1) If the actions described in paragraphs (1), (2), (3), (4), (5), (6), and (7) of subsection (a) of this section have not occurred by March 31, 1999, subsections (c) and (d) of section 3704 [106 Stat. 4743], subsections (a) and (b) of section 3705 [106 Stat. 4744], section 3706 [106 Stat. 4745], subsections (a)(2), (c), (d), and (f) of section 3707 [106 Stat. 4747], subsections (b) and (c) of section 3708 [106 Stat. 4748], and subsections (a), (b), (c), (d), (e), (g), (h), (j), and (l) of section 3710 of this title [106 Stat. 4750, subsec. (e) amends this section], together with any contracts entered into pursuant to any

such section or subsection, shall not be effective on and after the date of enactment of this title [Oct. 30, 1992], and any funds appropriated pursuant to section 3707(c) [106 Stat. 4748], and remaining unobligated and unexpended on the date of the enactment of this title, shall immediately revert to the Treasury, as general revenues, and any funds appropriated by the State of Arizona pursuant to the Agreement, and remaining unobligated and unexpended on the date of the enactment of this title, shall immediately revert to the State of Arizona.

“(2) Notwithstanding the provisions of paragraph (1) of this subsection, if the provisions of subsections (a) and (b) of section 3705 of this title have been otherwise accomplished pursuant to provisions of the Act of October 20, 1988 [Pub. L. 100-512, 102 Stat. 2549], the provisions of paragraph (1) of this subsection shall not be construed as affecting such subsections.

“(c) EXTENSION FOR RIVER SYSTEM GENERAL ADJUDICATION.—If, at any time prior to March 31, 1999, the Secretary notifies the Committee on Indian Affairs of the United States Senate or the Committee on Resources in the United States House of Representatives that the Settlement Agreement, as executed by the Secretary, has been submitted to the Superior Court of the State of Arizona in and for Maricopa County for consideration and approval as part of the General Adjudication of the Gila River System and Source, the [sic] March 31, 1999, referred to in subsection (b)(1) shall be deemed to be changed to December 31, 1999. [The Secretary notified the Committees on Mar. 30, 1999.]”

[For definitions of terms used in section 3711(a)-(c) of Pub. L. 102-575, set out above, see section 3703 of Pub. L. 102-575, title XXXVII, Oct. 30, 1992, 106 Stat. 4741, as amended.]

[Pub. L. 104-91, title II, §202(b), Jan. 6, 1996, 110 Stat. 14, provided that:

“(1) IN GENERAL.—The amendment made by subsection (a) [amending section 3711 of Pub. L. 102-575, set out above] shall take effect as of December 31, 1995.

“(2) LAPSED PROVISIONS OF LAW AND CONTRACTS.—The provisions of subsections (c) and (d) of section 3704 [106 Stat. 4743], subsections (a) and (b) of section 3705 [106 Stat. 4744], section 3706 [106 Stat. 4745], subsections (a)(2), (c), (d), and (f) of section 3707 [106 Stat. 4747], subsections (b) and (c) of section 3708 [106 Stat. 4748], and subsections (a), (b), (c), (d), (e), (g), (h), (j), and (l) of section 3710 of such Act [106 Stat. 4750, subsec. (e) amends this section], together with each contract entered into pursuant to any such section or subsection (with the consent of the non-Federal parties thereto), shall be effective on and after the date of enactment of this Act [Jan. 6, 1996], subject to the December 31, 1996, deadline specified in such section 3711(b)(1), as amended by subsection (a) of this section [section 3711(b)(1) of Pub. L. 102-575, set out above].”]

CHAPTER 12—LEASE, SALE, OR SURRENDER OF ALLOTTED OR UNALLOTTED LANDS

Sec.	
391.	Continuance of restrictions on alienation in patent.
391a.	Sale for town site; removal of restriction.
392.	Consent to or approval of alienation of allotments by Secretary of the Interior.
393.	Leases of restricted allotments.
393a.	Lands of Five Civilized Tribes.
394.	Leases of arid allotted lands.
395.	Leases of allotted lands where allottee is incapacitated.
396.	Leases of allotted lands for mining purposes.
396a.	Leases of unallotted lands for mining purposes; duration of leases.
396b.	Public auction of oil and gas leases; requirements.
396c.	Lessees of restricted lands to furnish bonds for performance.
396d.	Rules and regulations governing operations; limitations on oil or gas leases.

- Sec. 396e. Officials authorized to approve leases.
- 396f. Lands excepted from leasing provisions.
- 396g. Subsurface storage of oil or gas.
- 397. Leases of lands for grazing or mining.
- 398. Leases of unallotted lands for oil and gas mining purposes.
- 398a. Leases of unallotted lands for oil and gas mining purposes within Executive order Indian reservations.
- 398b. Proceeds from rentals, royalties, and bonuses; disposition.
- 398c. Taxes.
- 398d. Changes in boundaries of Executive order reservations.
- 398e. Applications for permits to prospect for oil and gas filed under other statutes; disposition.
- 399. Leases of unallotted mineral lands withdrawn from entry under mining laws.
- 400. Leases for mining purposes of reserved and unallotted lands in Fort Peck and Blackfeet Indian Reservations.
- 400a. Lease for mining purposes of land reserved for agency or school; disposition of proceeds; royalty.
- 401. Leases for mining purposes of unallotted lands in Kaw Reservation.
- 402. Leases of surplus lands.
- 402a. Lease of unallotted irrigable lands for farming purposes.
- 403. Leases of lands held in trust.
- 403a. Lease of lands on Port Madison and Snohomish or Tulalip Indian Reservations in Washington.
- 403a-1. Sale or partition by owners of interests in allotted lands in the Tulalip Reservation; termination of Federal title, trust, and restrictions.
- 403a-2. Acquisition, management, and disposal of lands by Tulalip Tribe.
- 403b. Lease of restricted lands in State of Washington.
- 403c. Identity of lessor; period of lease.
- 404. Sale on petition of allottee or heirs.
- 405. Sale of allotment of noncompetent Indian.
- 406. Sale of timber on lands held under trust.
- 407. Sale of timber on unallotted lands.
- 407a to 407c. Omitted.
- 407d. Charges for special services to purchasers of timber.
- 408. Surrender of allotments by relinquishment for benefit of children.
- 409. Sale of lands within reclamation projects.
- 409a. Sale of restricted lands; reinvestment in other restricted lands.
- 410. Moneys from lease or sale of trust lands not liable for certain debts.
- 411. Interest on moneys from proceeds of sale.
- 412. Payment of taxes from share of allottee in tribal funds.
- 412a. Exemption from taxation of lands subject to restrictions against alienation; determination of homestead.
- 413. Fees to cover cost of work performed for Indians.
- 414. Reservation of minerals in sale of Choctaw-Chickasaw lands.
- 415. Leases of restricted lands.
- 415a. Lease of lands of deceased Indians for benefit of heirs or devisees.
- 415b. Advance payment of rent or other consideration.
- 415c. Approval of leases.
- 415d. Lease of restricted lands under other laws unaffected.
- 416. Leases of trust or restricted lands on San Xavier and Salt River Pima-Maricopa Indian Reservations for public, religious, educational, recreational, residential, business, farming or grazing purposes.

- Sec. 416a. Lease provisions.
- 416b. Development pursuant to lease.
- 416c. Lease of lands of deceased Indians for benefit of heirs or devisees.
- 416d. Advance payment of rent or other consideration.
- 416e. Approval of leases.
- 416f. Dedication of land for public purposes.
- 416g. Contract for water, sewerage, law enforcement, or other public services.
- 416h. Zoning, building, and sanitary regulations.
- 416i. Restrictions.
- 416j. Mission San Xavier del Bac.

§ 391. Continuance of restrictions on alienation in patent

Prior to the expiration of the trust period of any Indian allottee to whom a trust or other patent containing restrictions upon alienation has been or shall be issued under any law or treaty the President may, in his discretion, continue such restrictions on alienation for such period as he may deem best: *Provided, however,* That this shall not apply to lands in the former Indian Territory.

(June 21, 1906, ch. 3504, 34 Stat. 326.)

§ 391a. Sale for town site; removal of restriction

For the purpose of allowing any Indian allottee to sell for townsite purposes any portion of the lands allotted to him, the Secretary of the Interior may, by order, remove restrictions upon the alienation of such lands and issue fee-simple patents therefor under such rules and regulations as he may prescribe.

(June 21, 1906, ch. 3504, 34 Stat. 373.)

§ 392. Consent to or approval of alienation of allotments by Secretary of the Interior

Whenever, in any law or treaty or in any patent issued to Indian allottees for lands in severalty pursuant to such law or treaty, there appears a provision to the effect that the lands so allotted cannot be alienated without the consent of the President of the United States, the Secretary of the Interior shall have full power and authority to consent to or approve of the alienation of such allotments, in whole or in part, in his discretion, by deed, will, lease, or any other form of conveyance, and such consent or approval by the Secretary of the Interior on and after September 21, 1922, had in all such cases shall have the same force and legal effect as though the consent or approval of the President had previously been obtained: *Provided, however,* That the approval by the Secretary of the Interior of wills by Indian allottees or their heirs involving lands held under such patents shall not operate to remove the restrictions against alienation unless such order of approval by said Secretary shall specifically so direct.

(Sept. 21, 1922, ch. 367, § 6, 42 Stat. 995.)

§ 393. Leases of restricted allotments

The restricted allotment of any Indian may be leased for farming and grazing purposes by the allottee or his heirs, subject only to the approval of the superintendent or other officer in charge of the reservation where the land is lo-