

forty years. The term of any other lease shall not exceed ninety-nine years. No lease shall contain an option to renew which, if exercised, will extend the total term beyond the maximum term permitted by sections 416 to 416j of this title. The Secretary of the Interior shall not approve any lease with a term that is longer than is necessary in his judgment to obtain maximum economic benefits for the Indian owners.

(Pub. L. 89-715, §1, Nov. 2, 1966, 80 Stat. 1112.)

#### § 416a. Lease provisions

##### (a) Covenant not to cause waste, etc.

Every lease entered into under section 416 of this title shall contain a covenant on the part of the lessee that he will not commit or permit on the leased land any act which causes waste or a nuisance or which creates a hazard to health of persons or to property, wherever such persons or property may be.

##### (b) Judicial enforcement

The State of Arizona, or any political subdivision thereof contiguous with the San Xavier or Salt River Pima-Maricopa Indian Reservation, may bring suit, without regard to the amount in controversy, in the United States District Court for the District of Arizona to abate or enjoin any violation of the covenant required under subsection (a): *Provided*, That if, by reason of the citizenship of the parties and the law applicable to the cause of action, the District Court finds it lacks jurisdiction to hear and determine such suit, it may be brought in any court of competent jurisdiction of the State of Arizona.

##### (c) Binding arbitration of disputes

Any contract, including a lease, affecting land within the Salt River Pima-Maricopa Indian Reservation may contain a provision for the binding arbitration of disputes arising out of such contract. Such contracts shall be considered within the meaning of "commerce" as defined and subject to the provisions of section 1 of title 9. Any refusal to submit to arbitration pursuant to a binding agreement for arbitration or the exercise of any right conferred by title 9 to abide by the outcome of arbitration pursuant to the provisions of chapter 1 of title 9, sections 1 through 14, shall be deemed to be a civil action arising under the Constitution, laws or treaties of the United States within the meaning of section 1331 of title 28.

(Pub. L. 89-715, §2, Nov. 2, 1966, 80 Stat. 1112; Pub. L. 98-163, Nov. 22, 1983, 97 Stat. 1016; Pub. L. 108-329, §1(a), Oct. 16, 2004, 118 Stat. 1274.)

#### AMENDMENTS

2004—Subsec. (c). Pub. L. 108-329, in first sentence, substituted "Any contract, including a lease, affecting land" for "Any lease entered into under sections 416 to 416j or 415 to 415d of this title or any contract entered into under section 81 of this title, affecting land" and "such contract" for "such lease or contract" and, in second sentence, substituted "Such contracts" for "Such leases or contracts entered into pursuant to such sections".

1983—Subsec. (c). Pub. L. 98-163 added subsec. (c).

#### EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-329, §1(b), Oct. 16, 2004, 118 Stat. 1274, provided that: "The amendments made by this section

[amending this section] shall take effect as if included in the Indian Tribal Economic Development and Contract Encouragement Act of 2000 (Public Law 106-179)."

#### § 416b. Development pursuant to lease

##### (a) Notice requirements prior to approval of lease

The Secretary of the Interior shall, before he approves any lease under sections 416 to 416j of this title for public, religious, educational, recreational, business, or residential purposes and if he determines that such lease will substantially affect the governmental interests of a municipality described hereunder, notify the appropriate authorities of any municipality contiguous to the San Xavier or Salt River Pima-Maricopa Reservation, as the case may be, of the pendency of the proposed lease and, in his discretion, furnish them with an outline of the major provisions of the lease which affect such governmental interests and shall consider any comments on the terms of the lease affecting the municipality, or on the absence of such terms from the lease, that such authorities may offer within such reasonable period, but not more than thirty days, as the Secretary may prescribe in his notice to them.

##### (b) Development by non-Indian lessees

It is the intent of the Congress that the terms under which lands located on the San Xavier and Salt River Pima-Maricopa Reservations are developed by non-Indian lessees shall, to the extent reasonably possible, be similar to those applicable under State or local law to the development of non-Indian lands in the municipalities contiguous thereto.

(Pub. L. 89-715, §3, Nov. 2, 1966, 80 Stat. 1112.)

#### § 416c. Lease of lands of deceased Indians for benefit of heirs or devisees

Trust or restricted lands of deceased Indians located on the San Xavier and Salt River Pima-Maricopa Reservations may be leased under sections 416 to 416j 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 a 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.

(Pub. L. 89-715, §4, Nov. 2, 1966, 80 Stat. 1113.)

#### § 416d. Advance payment of rent or other consideration

No rent or other consideration for the use of land leased under sections 416 to 416j of this title shall be paid or collected more than one year in advance, unless so provided in the lease.

(Pub. L. 89-715, §5, Nov. 2, 1966, 80 Stat. 1113.)

#### § 416e. Approval of leases

The Secretary of the Interior shall approve no lease pursuant to sections 416 to 416j 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.

(Pub. L. 89-715, §6, Nov. 2, 1966, 80 Stat. 1113.)

**§ 416f. Dedication of land for public purposes**

Individual or tribal owners of trust or restricted Indian land on the San Xavier and Salt River Pima-Maricopa Reservations may, with the approval of the Secretary, dedicate land to the public for streets, alleys, or other public purposes under those laws of the State of Arizona that are applicable to the dedication of land for public purposes.

(Pub. L. 89-715, §7, Nov. 2, 1966, 80 Stat. 1113.)

**§ 416g. Contract for water, sewerage, law enforcement, or other public services**

The Papago Council and the Salt River Pima-Maricopa Community Council, with the approval of the Secretary of the Interior, may contract with the State of Arizona or its political subdivisions for the furnishing of water, sewerage, law enforcement, or other public services on terms and conditions deemed advantageous to the tribe and individual Indian landowners.

(Pub. L. 89-715, §8, Nov. 2, 1966, 80 Stat. 1113.)

**§ 416h. Zoning, building, and sanitary regulations**

The Papago Council and the Salt River Pima-Maricopa Community Council, with the consent of the Secretary of the Interior, are hereby authorized, for their respective reservations, to enact zoning, building, and sanitary regulations covering the lands on their reservations for which leasing authority is granted by sections 416 to 416j of this title in the absence of State civil and criminal jurisdiction over such particular lands, and said councils may contract with local municipalities for assistance in preparing such regulations.

(Pub. L. 89-715, §9, Nov. 2, 1966, 80 Stat. 1113.)

**§ 416i. Restrictions**

Nothing contained in sections 416 to 416j of this title shall—

- (a) authorize the alienation, encumbrance, or taxation of any interest in real or personal property, including water rights, held in trust by the United States or held by an individual Indian, the Papago Tribe or the Salt River Pima-Maricopa Community subject to a restriction against alienation imposed by the United States, or any income therefrom: *Provided*, That the foregoing shall not affect the power to lease as provided in section 416 of this title or the power to dedicate as provided in section 416f of this title and shall not affect or abridge any right of the State of Arizona or its political subdivisions to tax non-Indian leasehold and possessory interests, buildings, improvements and personal property located on the San Xavier and Salt River Pima-Maricopa Reservations and not owned by Papago or Pima-Maricopa Indians residing thereon;
- (b) confer jurisdiction on the State of Arizona to adjudicate in probate proceedings or otherwise the ownership or right to possession of trust or restricted property or any interests therein;
- (c) alter or abridge in any way the authority of public school districts to include areas

within the San Xavier and Salt River Pima-Maricopa Reservation;

(d) be construed to repeal any authority to lease or mortgage trust or restricted Indian lands conferred by or pursuant to any other provision of law.

(Pub. L. 89-715, §10, Nov. 2, 1966, 80 Stat. 1113.)

**§ 416j. Mission San Xavier del Bac**

Nothing in sections 416 to 416j of this title shall authorize the Secretary to approve any development which would detract from the scenic, historic, and religious values of the Mission San Xavier del Bac owned by the Franciscan Order of Friars Minor and located on the San Xavier Reservation.

(Pub. L. 89-715, §11, Nov. 2, 1966, 80 Stat. 1114.)

**CHAPTER 13—CEDED INDIAN LANDS**

**§§ 421 to 427. Transferred**

CODIFICATION

Section 421, act May 17, 1900, ch. 479, §1, 31 Stat. 179, which provided for free homesteads to settlers, commutation rights, and payments to Indians, was transferred to section 179 of Title 43, Public Lands.

Section 422, act Jan. 26, 1901, ch. 180, 31 Stat. 740, which related to right of settlers to commute entry, was transferred to section 180 of Title 43.

Section 423, act May 22, 1902, ch. 821, §2, 32 Stat. 203, which related to second homestead entry by certain settlers, was transferred to section 187b of Title 43.

Section 424, act Mar. 3, 1901, ch. 832, §1, 31 Stat. 1077, which related to negotiations for cession of lands, was transferred to section 1195 of Title 43.

Section 425, act June 6, 1912, ch. 155, 37 Stat. 125, which related to classification and appraisalment of unallotted and unreserved lands, was transferred to section 1196 of Title 43.

Section 426, act Mar. 3, 1891, ch. 561, §10, 26 Stat. 1099, which provided that act Mar. 3, 1891, ch. 561, not affect agreements with any Indian tribe to dispose of land, was transferred to section 1197 of Title 43.

Section 427, act Feb. 9, 1903, ch. 531, 32 Stat. 820, which extended town-site laws to ceded lands in Minnesota, was transferred to section 731 of Title 43.

**CHAPTER 14—MISCELLANEOUS**

**SUBCHAPTER I—GENERAL PROVISIONS**

Sec.	
441.	Repealed.
442.	Livestock loans; cash settlements.
443.	Disposition of cash settlements.
443a.	Conveyance to Indian tribes of federally owned buildings, improvements, or facilities; disposition of property by Indians; forfeiture; "Indian" defined.
443b.	Indian goods and supplies.
443c.	Emergency plan for Indian safety and health.
443d.	Service of traditional foods in public facilities.
444 to 449.	Repealed.
<b>SUBCHAPTER II—INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE</b>	
450.	Congressional statement of findings.
450a.	Congressional declaration of policy.
450a-1.	Tribal and Federal advisory committees.
450b.	Definitions.
450c.	Reporting and audit requirements for recipients of Federal financial assistance.
450d.	Criminal activities involving grants, contracts, etc.; penalties.