

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.)