

118TH CONGRESS
1ST SESSION

S. 1322

To amend the Act of August 9, 1955, to modify the authorized purposes and term period of tribal leases, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2023

Mr. SCHATZ (for himself and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To amend the Act of August 9, 1955, to modify the authorized purposes and term period of tribal leases, 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 “Unlocking Native
5 Lands and Opportunities for Commerce and Key Eco-
6 nomic Developments Act of 2023”.

7 **SEC. 2. MODIFICATION OF TRIBAL LEASES AND RIGHTS-OF-**
8 **WAY ACROSS INDIAN LAND.**

9 (a) EXTENSION OF TRIBAL LEASE PERIOD.—The
10 first section of the Act of August 9, 1955 (69 Stat. 539,

1 chapter 615; 25 U.S.C. 415) (commonly known as the
2 “Long-Term Leasing Act”), is amended—

3 (1) by striking “That (a)” and all that follows
4 through the end of subsection (a) and inserting the
5 following:

6 **“SECTION 1. LEASES OF RESTRICTED LAND.**

7 “(a) AUTHORIZED PURPOSES; TERM; APPROVAL BY
8 SECRETARY.—

9 “(1) IN GENERAL.—Any restricted Indian
10 lands, regardless of whether that land is tribally or
11 individually owned, may be leased by the Indian
12 owner of the land, with the approval of the Sec-
13 retary, for—

14 “(A) a public, religious, educational, rec-
15 reational, residential, business, or grazing pur-
16 poses; or

17 “(B) a farming purpose that requires the
18 making of a substantial investment in the im-
19 provement of the land for the production of 1
20 or more specialized crops as determined by the
21 Secretary.

22 “(2) INCLUSIONS.—A lease under paragraph
23 (1) may include the development or use of natural
24 resources in connection with operations under that
25 lease.

1 “(3) TERM.—

2 “(A) IN GENERAL.—Except as provided in
3 subparagraph (B), a lease under paragraph (1)
4 shall be for a term of not more than 99 years,
5 including any renewals.

6 “(B) EXCEPTION FOR GRAZING PUR-
7 POSES.—A lease under paragraph (1) for graz-
8 ing purposes may be for a term of not more
9 than 10 years, including any renewals.

10 “(4) REQUIREMENT.—Each lease and renewal
11 under this subsection shall be made in accordance
12 with such terms and regulations as may be pre-
13 scribed by the Secretary.

14 “(5) CONDITIONS FOR APPROVAL.—Before the
15 approval of any lease or renewal of an existing lease
16 pursuant to this subsection, the Secretary shall de-
17 termine that adequate consideration has been given
18 to—

19 “(A) relationship between the use of the
20 leased lands and the use of neighboring land;

21 “(B) the height, quality, and safety of any
22 structures or other facilities to be constructed
23 on the leased land;

24 “(C) the availability of police and fire pro-
25 tection and other services on the leased land;

1 “(D) the availability of judicial forums for
2 all criminal and civil causes of action arising on
3 the leased land; and

4 “(E) the effects on the environment of the
5 uses to which the leased lands will be subject.”;

6 (2) in subsection (b)—

7 (A) by striking “(b) Any lease” and insert-
8 ing the following:

9 “(b) EXCEPTION FOR SECRETARY APPROVAL.—Any
10 lease”;

11 (B) by striking “of the Interior” each
12 place it appears; and

13 (C) by striking “clause (3)” and inserting
14 “paragraph”;

15 (3) by redesignating subsections (a), (b), (c),
16 and (d) as subsections (b), (c), (d), and (a), respec-
17 tively, and moving the subsections so as to appear
18 in alphabetical order; and

19 (4) by striking “subsection (a)” each place it
20 appears and inserting “subsection (b)”.

21 (b) TECHNICAL CORRECTION.—Section 2 of the Act
22 of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C.
23 415a) (commonly known as the “Long-Term Leasing
24 Act”), is amended by inserting “of the Interior” after
25 “Secretary” each place it appears.

1 (c) MODIFICATION OF RIGHTS-OF-WAY ACROSS IN-
 2 DIAN LAND.—The first section of the Act of February 5,
 3 1948 (62 Stat. 17, chapter 45; 25 U.S.C. 323), is amend-
 4 ed—

5 (1) by striking “That the Secretary of the Inte-
 6 rior be, and he is empowered to” and inserting the
 7 following:

8 **“SECTION 1. RIGHTS-OF-WAY FOR ALL PURPOSES ACROSS**
 9 **INDIAN LAND.**

10 “(a) RIGHTS-OF-WAY.—Except as provided in sub-
 11 section (b), the Secretary of the Interior may”; and

12 (2) by adding at the end the following:

13 “(b) EXCEPTION.—A right-of-way granted by an In-
 14 dian tribe for the purposes authorized under this section
 15 shall not require the approval of the Secretary of the Inte-
 16 rior, subject to the condition that—

17 “(1) the right-of-way approval process by the
 18 Indian tribe substantially complies with subsection
 19 (h) of the first section of the Act of August 9, 1955
 20 (69 Stat. 539, chapter 615; 25 U.S.C. 415(h)); or

21 “(2) the Indian tribe has tribal regulations ap-
 22 proved by the Secretary of the Interior under that
 23 subsection.”.

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