

Calendar No. 459

119TH CONGRESS
2D SESSION**S. 3383****[Report No. 119–130]**

To amend the Act of August 9, 1955, to make improvements to that Act,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 8 (legislative day, DECEMBER 4), 2025

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

JULY 16, 2026

Reported by Ms. MURKOWSKI, without amendment

A BILL

To amend the Act of August 9, 1955, to make improvements
to that Act, 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 2025”.

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

3 (a) LEASES OF TRUST OR RESTRICTED LANDS.—
 4 The first section of the Act of August 9, 1955 (69 Stat.
 5 539, chapter 615; 25 U.S.C. 415) (commonly known as
 6 the “Long-Term Leasing Act”), is amended—

7 (1) in subsection (a), in the second sentence, by
 8 inserting “, land held in trust for any other Indian
 9 tribe, band, pueblo, village, community, component
 10 hand, or component reservation individually included
 11 (including parenthetically) on the most recent list
 12 published by the Secretary pursuant to section
 13 104(a) of the Federally Recognized Indian Tribe
 14 List Act of 1994 (25 U.S.C. 5131(a))” after “Che-
 15 halis Reservation”;

16 (2) by striking “That (a) any” and inserting
 17 the following:

18 **“SECTION 1. LEASES OF TRUST OR RESTRICTED LANDS.**

19 **“(a) AUTHORIZED PURPOSES; TERM; APPROVAL BY**
 20 **SECRETARY.—Any”;** and

21 (3) in subsection (h)(1)—

22 (A) in the matter preceding subparagraph
 23 (A), by striking “and the term of the lease does
 24 not exceed—” and inserting a period; and

25 (B) by striking subparagraphs (A) and
 26 (B).

1 (b) TECHNICAL CORRECTION.—Section 2 of the Act
 2 of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C.
 3 415a) (commonly known as the “Long-Term Leasing
 4 Act”), is amended by inserting “of the Interior” after
 5 “Secretary” each place it appears.

6 (c) MODIFICATIONS OF RIGHTS-OF-WAY ACROSS IN-
 7 DIAN LAND.—The Act of February 5, 1948 (62 Stat. 17,
 8 chapter 45), is amended—

9 (1) in the first section (62 Stat. 17, chapter 45;
 10 25 U.S.C. 323), by striking “That the Secretary of
 11 the Interior be, and he is hereby, empowered to”
 12 and inserting the following:

13 **“SECTION 1. RIGHTS-OF-WAY FOR ALL PURPOSES ACROSS**
 14 **INDIAN LAND.**

15 “(a) RIGHTS-OF-WAY.—The Secretary of the Interior
 16 may”;

17 (2) in section 2 (62 Stat. 18, chapter 45; 25
 18 U.S.C. 324), by striking “organized under the Act
 19 of June 18, 1934 (48 Stat. 984), as amended; the
 20 Act of May 1, 1936 (49 Stat. 1250); or the Act of
 21 June 26, 1936 (49 Stat. 1967),”; and

22 (3) by adding at the end the following:

23 **“SEC. 8. TRIBAL GRANTS OF RIGHTS-OF-WAY.**

24 “(a) RIGHTS-OF-WAY.—

1 “(1) IN GENERAL.—Subject to paragraph (2),
 2 an Indian tribe may grant a right-of-way over and
 3 across the Tribal land of the Indian tribe for any
 4 purpose.

5 “(2) AUTHORITY.—A right-of-way granted
 6 under paragraph (1) shall not require the approval
 7 of the Secretary of the Interior or a grant by the
 8 Secretary of the Interior under the section 1 if the
 9 right-of-way granted under paragraph (1) is exe-
 10 cuted in accordance with a Tribal regulation ap-
 11 proved by the Secretary of the Interior under sub-
 12 section (b).

13 “(b) REVIEW OF TRIBAL REGULATIONS.—

14 “(1) TRIBAL REGULATION SUBMISSION AND AP-
 15 PROVAL.—

16 “(A) SUBMISSION.—An Indian tribe seek-
 17 ing to grant a right-of-way under subsection (a)
 18 shall submit for approval a Tribal regulation
 19 governing the granting of rights-of-way over
 20 and across the Tribal land of the Indian tribe.

21 “(B) APPROVAL.—Subject to paragraph
 22 (2), the Secretary of the Interior shall have the
 23 authority to approve or disapprove any Tribal
 24 regulation submitted under subparagraph (A).

25 “(2) CONSIDERATIONS FOR APPROVAL.—

1 “(A) IN GENERAL.—The Secretary of the
2 Interior shall approve a Tribal regulation sub-
3 mitted under paragraph (1)(A), if the Tribal
4 regulation—

5 “(i) is consistent with any regulations
6 (or successor regulations) issued by the
7 Secretary of the Interior under section 4;

8 “(ii) provides for an environmental re-
9 view process that includes—

10 “(I) the identification and eval-
11 uation of any significant impacts the
12 proposed action may have on the envi-
13 ronment; and

14 “(II) a process for ensuring—

15 “(aa) that the public is in-
16 formed of, and has a reasonable
17 opportunity to comment on, any
18 significant environmental impacts
19 of the proposed action identified
20 by the Indian tribe under sub-
21 clause (I); and

22 “(bb) the Indian tribe pro-
23 vides a response to each relevant
24 and substantive public comment
25 on the significant environmental

1 impacts identified by the Indian
2 tribe under subclause (I) before
3 the Indian tribe approves the
4 right-of-way.

5 “(B) STATUTORY EXEMPTIONS.—The Sec-
6 retary of the Interior, in making an approval
7 decision under this subsection, shall not be sub-
8 ject to—

9 “(i) the National Environmental Pol-
10 icy Act of 1969 (42 U.S.C. 4321 et seq.);

11 “(ii) section 306108 of title 54,
12 United States Code; or

13 “(iii) the Endangered Species Act of
14 1973 (16 U.S.C. 1531 et seq.).

15 “(3) REVIEW PROCESS.—

16 “(A) IN GENERAL.—Not later than 180
17 days after the date on which the Indian tribe
18 submits a Tribal regulation to the Secretary of
19 the Interior under paragraph (1)(A), the Sec-
20 retary of the Interior shall—

21 “(i) review the Tribal regulation;

22 “(ii) approve or disapprove the Tribal
23 regulation; and

1 “(iii) notify the Indian tribe that sub-
2 mitted the Tribal regulation of the ap-
3 proval or disapproval.

4 “(B) WRITTEN DOCUMENTATION.—If the
5 Secretary of the Interior disapproves a Tribal
6 regulation submitted under paragraph (1)(A),
7 the Secretary of the Interior shall include with
8 the disapproval notification under subparagraph
9 (A)(iii) written documentation describing the
10 basis for the disapproval.

11 “(C) EXTENSION.—The Secretary of the
12 Interior may, after consultation with the Indian
13 tribe that submitted a Tribal regulation under
14 paragraph (1)(A), extend the 180-day period
15 described in subparagraph (A).

16 “(4) FEDERAL ENVIRONMENTAL REVIEW.—
17 Notwithstanding paragraphs (2) and (3), if an In-
18 dian tribe carries out a project or activity funded by
19 a Federal agency, the Indian tribe may rely on the
20 environmental review process of the applicable Fed-
21 eral agency rather than any Tribal environmental re-
22 view process required under this subsection.

23 “(c) DOCUMENTATION.—An Indian tribe granting a
24 right-of-way under subsection (a) shall provide to the Sec-
25 retary of the Interior—

1 “(1) a copy of the right-of-way, including any
2 amendments or renewals; and

3 “(2) if the right-of-way allows for compensation
4 to be made directly to the Indian tribe, documenta-
5 tion of payments that are sufficient, as determined
6 by the Secretary of the Interior, as to enable the
7 Secretary of the Interior to discharge the trust re-
8 sponsibility of the United States under subsection
9 (d).

10 “(d) TRUST RESPONSIBILITY.—

11 “(1) IN GENERAL.—The United States shall
12 not be liable for losses sustained by any party to a
13 right-of-way granted under subsection (a).

14 “(2) AUTHORITY OF THE SECRETARY.—

15 “(A) IN GENERAL.—Pursuant to the au-
16 thority of the Secretary of the Interior to fulfill
17 the trust obligation of the United States to the
18 applicable Indian tribe under Federal law (in-
19 cluding regulations), the Secretary of the Inte-
20 rior may, on reasonable notice from the applica-
21 ble Indian tribe and at the discretion of the
22 Secretary of the Interior, enforce the provisions
23 of, or cancel, any right-of-way granted by the
24 Indian tribe under subsection (a).

1 “(B) AUTHORITY.—The enforcement or
 2 cancellation of a right-of-way under subpara-
 3 graph (A) shall be conducted using regulatory
 4 procedures issued under section 6.

5 “(e) COMPLIANCE.—

6 “(1) IN GENERAL.—An interested party, after
 7 exhaustion of any applicable Tribal remedies, may
 8 submit a petition to the Secretary of the Interior, at
 9 such time and in such form as determined by the
 10 Secretary of the Interior, to review the compliance of
 11 an applicable Indian tribe with a Tribal regulation
 12 approved by the Secretary of the Interior under sub-
 13 section (b).

14 “(2) VIOLATIONS.—If the Secretary of the Inte-
 15 rior determines that a Tribal regulation was violated
 16 after conducting a review under paragraph (1), the
 17 Secretary of the Interior may take any action the
 18 Secretary of the Interior determines to be necessary
 19 to remedy the violation, including rescinding the ap-
 20 proval of the Tribal regulation and reassuming re-
 21 sponsibility for approving rights-of-way through the
 22 trust land of the applicable Indian tribe.

23 “(3) DOCUMENTATION.—If the Secretary of the
 24 Interior determines that a Tribal regulation was vio-

1 lated after conducting a review under paragraph (1),
2 the Secretary of the Interior shall—

3 “(A) provide written documentation, with
4 respect to the Tribal regulation that has been
5 violated, to the appropriate interested party and
6 Indian tribe;

7 “(B) provide the applicable Indian tribe
8 with a written notice of the alleged violation;
9 and

10 “(C) prior to the exercise of any remedy,
11 including rescinding the approval for the appli-
12 cable Tribal regulation or reassuming responsi-
13 bility for approving rights-of-way through the
14 trust land of the applicable Indian tribe, pro-
15 vide the applicable Indian tribe with—

16 “(i) a hearing that is on the record;
17 and

18 “(ii) a reasonable opportunity to cure
19 the alleged violation.

20 “(f) SAVINGS CLAUSE.—Nothing in this section af-
21 fects the application of any Tribal regulations issued
22 under Federal environmental law.

23 “(g) EFFECT OF TRIBAL REGULATIONS.—An ap-
24 proved Tribal regulation under subsection (b) shall not
25 preclude an Indian tribe from, in the discretion of the In-

1 dian tribe, consenting to the grant of a right-of-way by
2 the Secretary of the Interior under the section 1.

3 “(h) TERMS OF RIGHT-OF-WAY.—The compensation
4 for, and terms of, a right-of-way granted under subsection
5 (a) will be determined by—

6 “(1) negotiations by the Indian tribe; or

7 “(2) the regulations of the Indian tribe.

8 “(i) JURISDICTION.—The grant of a right-of-way
9 under subsection (a) does not waive the sovereign immu-
10 nity of the Indian tribe or diminish the jurisdiction of that
11 Indian tribe over the Tribal land subject to the right-of-
12 way, unless otherwise provided in—

13 “(1) the grant of the right-of-way; or

14 “(2) the regulations of the Indian tribe.”.

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