

TO AMEND CERTAIN LAWS RELATING TO NATIVE
AMERICANS, AND FOR OTHER PURPOSES

—————
JUNE 5, 2008.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
—————

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 5680]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 5680) to amend certain laws relating to Native Americans, and for others purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Table of contents.
- Sec. 2. Colorado River Indian Tribes.
- Sec. 3. Gila River Indian Community contracts.
- Sec. 4. Land and interests of the Sault Ste. Marie Tribe of Chippewa Indians of Michigan.
- Sec. 5. Morongo Band of Mission Indians Lease Extension.
- Sec. 6. Cow Creek Band of Umpqua Tribe of Indians leasing authority.
- Sec. 7. New Settlement Common Stock issued to descendants, left-outs, and elders.
- Sec. 8. Miccosukee Tribe of Indians of Florida.

SEC. 2. COLORADO RIVER INDIAN TRIBES.

From revenues deposited into the Treasury after the date of the enactment of this Act pursuant to section 3 of the Act of August 7, 1946 (25 U.S.C. 385c) and disbursed pursuant to Public Law 82-136, from power operations on the reservation of the Colorado River Indian Tribe and earnings derived from such revenues under section 1(b) of the Act of June 24, 1938 (25 U.S.C. 162a(b)), the Secretary of the Interior may make an annual disbursement to the Colorado River Indian Tribes. Funds disbursed under this section—

- (1) shall be used to fund the Office of the Colorado River Indian Tribes Reservation Energy Development;
- (2) shall not affect funds held from any other irrigation project;
- (3) shall not be less than \$200,000 and not to exceed \$350,000 annually; and

(4) shall only be disbursed in years that the revenues deposited exceed the amount required to carry out the purposes for which they were deposited under section 3(1) of the Act of August 7, 1946 (25 U.S.C. 385c(1)).

SEC. 3. GILA RIVER INDIAN COMMUNITY CONTRACTS.

Subsection (f) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(f)), is amended by striking “lease, affecting” and inserting “lease or construction contract, affecting”.

SEC. 4. LAND AND INTERESTS OF THE SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS OF MICHIGAN.

(a) **IN GENERAL.**—Subject to subsections (b) and (c), notwithstanding any other provision of law (including regulations), the Sault Ste. Marie Tribe of Chippewa Indians of Michigan (including any agent or instrumentality of the Tribe) (referred to in this section as the “Tribe”), may transfer, lease, encumber, or otherwise convey, without further authorization or approval, all or any part of the Tribe’s interest in any real property that is not held in trust by the United States for the benefit of the Tribe.

(b) **EFFECT OF SECTION.**—Nothing in this section is intended to authorize the Tribe to transfer, lease, encumber, or otherwise convey, any lands, or any interest in any lands, that are held in trust by the United States for the benefit of the Tribe.

(c) **LIABILITY.**—The United States shall not be held liable to any party (including the Tribe or any agent or instrumentality of the Tribe) for any term of, or any loss resulting from the term of any transfer, lease, encumbrance, or conveyance of land made pursuant to this Act unless the United States or an agent or instrumentality of the United States is a party to the transaction or the United States would be liable pursuant to any other provision of law. This subsection shall not apply to land transferred or conveyed by the Tribe to the United States to be held in trust for the benefit of the Tribe.

(d) **EFFECTIVE DATE.**—This section shall be deemed to have taken effect on January 1, 2005.

SEC. 5. MORONGO BAND OF MISSION INDIANS LEASE EXTENSION.

Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)) is amended in the second sentence by inserting “and except leases of land held in trust for the Morongo Band of Mission Indians which may be for a term of not to exceed 50 years,” before “and except leases of land for grazing purposes which may be for a term of not to exceed ten years”.

SEC. 6. COW CREEK BAND OF UMPQUA TRIBE OF INDIANS LEASING AUTHORITY.

(a) **AUTHORIZATION FOR 99-YEAR LEASES.**—Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence by inserting “and lands held in trust for the Cow Creek Band of Umpqua Tribe of Indians,” after “lands held in trust for the Confederated Tribes of the Warm Springs Reservation of Oregon,”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to any lease entered into or renewed after the date of the enactment of this Act.

SEC. 7. NEW SETTLEMENT COMMON STOCK ISSUED TO DESCENDANTS, LEFT-OUTS, AND ELDERS.

Section 7 of the Alaska Native Claims Settlement Act, (Public Law 92–203; 85 Stat. 691), is amended—

(1) by amending subsection (g)(1)(B)(iii) (43 U.S.C. 1606(g)(1)(B)(iii)), to read as follows:

“(iii) The amendment authorized by clause (i) may provide that Settlement Common Stock issued to a Native pursuant to such amendment (or stock issued in exchange for such Settlement Common Stock pursuant to subsection (h)(3) of this section or section 1626c(d) of this title) shall be subject to one or more of the following:

“(I) Such stock shall be deemed canceled upon the death of such Native, and no compensation for this cancellation shall be paid to the estate of the deceased Native or to any person holding stock.

“(II) Such stock shall carry limited or no voting rights.

“(III) Such stock shall not be transferred by gift as provided in subparagraph (h)(1)(C)(iii).”; and

(2) in subsection (h)(1)(C) (43 U.S.C. 1606(h)(1)(C)), by striking “Notwithstanding the restrictions” and inserting “Expect as otherwise expressly provided in this chapter and”.

SEC. 8. MICCOSUKEE TRIBE OF INDIANS OF FLORIDA.

As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall, consistent with the National Environmental Policy Act of 1969, take into trust for the benefit of the Miccosukee Tribe of Indians of Florida the land

described as Tract A and Tract B, Kendale Lakes North Section One, according to the Map or Plat thereof, as recorded in Plat Book 93, Page 1, Public Records of Miami-Dade County, Florida. After having been taken into trust, the land described in this section shall be part of the reservation of the Miccosukee Tribe of Indians of Florida.

Amend the title so as to read:

A bill to amend certain laws relating to Native Americans, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 5680, as ordered reported, is to amend certain laws relating to Native Americans, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 5680, as ordered reported, is comprised of seven distinct measures that seek to resolve issues affecting certain Native Americans and Alaska Natives. Specifically, these measures all concern self-governance and economic development needs and authorities of various tribes and Alaska Native corporations.

COLORADO RIVER INDIAN TRIBES

A 1946 Act of Congress provides that electrical power revenues generated from operation of the Bureau of Indian Affairs (BIA) power system on the Colorado River Indian Reservation are to be expended for the Reservation's BIA power system. Furthermore, a 1983 Act of Congress provides that the investment proceeds that accrue from operating the Reservation's BIA power system are to be expended on costs relating to the Reservation's BIA power system. Under federal law, no other Indian tribe has a claim to either the revenue the BIA collects from the power system or investment proceeds.

Colorado River Indian Tribes (CRIT) has had longstanding concerns over the Department's management of the funds and they believe they are capable of overseeing the management and funding of the power system. H.R. 5680 seeks clarification that the Secretary of the Interior may disburse some of the power system proceeds to CRIT in order for CRIT to create the Office of the Colorado Indian Tribes Reservation Energy Development.

GILA RIVER INDIAN COMMUNITY CONTRACTS

In 2005, Congress enacted language to the leasing provisions of Title 25 of the U.S. Code on behalf of the Gila River Indian Community which authorized the Community to allow for binding arbitration of disputes that arise from commercial leases or contracts. The Gila River Indian Community has adopted standard provisions in its commercial agreements which provide for arbitration should any dispute arise relating thereto. These provisions typically provide that the agreement to arbitrate may be enforced in either Federal or Tribal Court. Many non-Indian businesses still lack a complete understanding of tribal courts, however, and remain uncomfortable with the prospect of pursuing disputes in those courts. The Community believes, therefore, that this legislation would encourage business development on the Gila River Reservation by pro-

viding prospective developers certainty and predictability as it pertains to the mechanism for resolving potential contractual disputes.

LAND AND INTERESTS OF SAULT STE. MARIE TRIBE OF CHIPPEWA
INDIANS OF MICHIGAN

In 1993, the Sault Ste. Marie Tribe purchased 16 acres of private land in the city of St. Ignace, Michigan and operated a motel on the property for several years. The Tribe donated this fee simple land to the Mackinac Straits Hospital Authority (MSH) for the purpose of constructing a new hospital in 2005. The new hospital construction is backed by a \$35 million loan guarantee from the U.S. Department of Agriculture (USDA). As part of the loan guarantee, the USDA requires title insurance coverage.

The Indian Non-Intercourse Act, 25 U.S.C. § 177, prohibits the sale, grant or lease of land from any Indian nation without the consent of the federal government. Although this does not apply to land held by a tribe in fee simple status, the title insurance company will not issue coverage until either the Bureau of Indian Affairs (BIA) commits in writing that they will not enforce the Indian Non-Intercourse Act or Congress approves the land transfer through legislation. Current administration policy is that the Non-Intercourse Act does not grant the Secretary of the Interior the authority to approve private (fee) land sales without direct authorization from Congress. USDA is holding up the loan guarantee until the title insurance company agrees to the coverage.

This provision will address the title company's concern by making clear the Tribe's right to convey the land for the hospital in 2005 was legal. The title insurance can then be acquired and the USDA loan guarantee secured.

MORONGO TRIBE LEASE EXTENSION

The Morongo Band of Mission Indians' Reservation is located on approximately 36,000 acres of land, bisected by the east-west I-10 corridor near Banning, California. In 2002, the tribe began a program to develop an industrial park using parcels of land south of I-10. To date, the tribe has been successful in securing a long-term lease agreement with the Nestlé company and one of its subsidiary units, Arrowhead Water, for the production and bottling of water for personal consumption. However, the Morongo Tribe believes it necessary to have the ability to enter into lease agreements for periods longer than their current authorized term of 25 years in order to attract additional tenants and diversify their economy. Many of Morongo's neighboring Indian tribes have been granted extended leasing authority, and therefore the Tribe believes that it must seek similar authority in order to remain competitive.

COW CREEK BAND LEASING AUTHORITY

The Cow Creek Band has been actively investing in local infrastructure and economic development with the goals of diversifying their economy and assisting in shaping and recreating the local economy. They continue to seek to attract outside businesses and capital to their under-developed commercial and industrial areas near I-5 in southwestern Oregon. However, during previous business negotiations, the Band's currently authorized 25-year lease

term has been a limiting factor. Many businesses have been reluctant to make large investments when there is no guarantee that they could operate their business beyond 25 years.

Most other tribes located in Oregon have the authority to enter into 99-year leases, and therefore the Band believes they are at a disadvantage. H.R. 5680 provides this authority, which the Band would like to obtain in order to remain competitive with neighboring tribes.

NEW SETTLEMENT COMMON STOCK ISSUED TO DESCENDANTS, LEFT-OUTS AND ELDERS

Pursuant to the Alaska Native Claims Settlement Act (ANCSA), Alaska Natives born before December 18, 1971, were enrolled to one of thirteen Regional Corporations as shareholders, and to the Villages in which they lived or to which they had an historical, cultural, and familial tie. All shareholders enrolled to one of the Regional Corporations received original settlement common stock that carried with it certain rights, such as the right to allocate the shares through inheritance or by gift to family members, or to vote in Board elections or on corporate resolutions at annual meetings.

In 1988, ANCSA was amended to allow a Regional Corporation to authorize the issuance of additional shares of settlement common stock to Shareholder Descendants, Left-Outs and Elders. To issue new stock pursuant to the 1988 amendment, a Regional Corporation was required to have a favorable vote from a majority of all shares of the Corporation. In 2006, the ANCSA voting standards were amended to allow ANCSA Corporations to adopt a resolution to issue new settlement common stock to Shareholder Descendants, Left-Outs and Elders through a simple majority vote of those present and voting.

Several ANCSA Regional Corporations would like to now bring this issue to a vote, but would like to have the option of issuing new settlement common stock with voting limitations and limitations on the ability to transfer the stock by gift. The current law as written in ANCSA is not clear regarding the ability to limit voting rights or transfer by gift with regards to issuance of new stock. The language of H.R. 5680 allows ANCSA corporation shareholders to determine the type of new settlement stock that could be issued.

SEC. 8. MICCOSUKEE TRIBE OF INDIANS OF FLORIDA

In 2003, the Miccosukee Tribe of Indians submitted an application to the Department of the Interior to place its Miccosukee Golf and Country Club enterprise land in south Florida into trust for the benefit of the Tribe. According to the Tribe, the entire application, including environmental studies, is complete and has been pending for 5 years. The land is near, but not contiguous to the Miccosukee Reservation and is well within the geographic range of the Tribe's traditional and ancestral lands.

COMMITTEE ACTION

H.R. 5680 was introduced on April 2, 2008 by Representative Raúl Grijalva (D-AZ), and referred to the Committee on Natural Resources. On April 9, 2008, the Committee on Natural Resources held a hearing on the bill.

On May 14, 2008, the Committee on Natural Resources met to mark up the bill. Rep. Grijalva (D–AZ) offered an amendment in the nature of a substitute to make several technical corrections to the bill, such as using the full title for the Morongo Band of Mission Indians as well as the Cow Creek Band of Umpqua Tribe of Indians. Language pertaining to the Colorado River Indian Tribes was revised to specify a minimum and maximum amount of money that may be disbursed by the Secretary to the Tribe to develop an Office of Energy Development. Two provisions were dropped from the bill, one pertaining to the Columbia River Inter-Tribal Fish Commission and one pertaining to the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin. Finally, the substitute seeks to ensure that the land into trust acquisition authorized by H.R. 5680 for the Miccosukee Tribe of Indians of Florida is consistent with the National Environmental Policy Act of 1969 (NEPA). The amendment in the nature of a substitute was adopted by unanimous consent. The bill as amended was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Table of contents

Section 2. Colorado River Indian Tribes

Section 2 authorizes the Secretary of the Interior to use revenues deposited in the Treasury from power operations on the Colorado River Indian Tribes Reservation to establish the Office of the Colorado Indian Tribes Reservation Energy Development.

Section 3. Gila River Indian Community contracts

Section 3 clarifies that construction contracts are included in those to which the Gila River Indian Community is authorized to enter into agreements for binding arbitration.

Section 4. Land and interests of the Sault Ste. Marie Tribe of Chippewa Indians of Michigan

Section 4 clarifies the right of the Sault Ste. Marie Tribe of Chippewa Indians of Michigan to transfer land owned by the Tribe in fee simple status.

Section 5. Morongo Band of Mission Indians Lease Extension

Section 5 amends the Indian Long-Term Leasing Act, 25 U.S.C. 415, to authorize the Morongo Band of Mission Indians to lease lands held in trust for up to 50 years. Currently, the Indian Long-Term Leasing Act authorizes tribes to enter into 25 year leases, with the option to renew for an additional 25 years.

Section 6. Cow Creek Band of Umpqua Tribe of Indians leasing authority

Section 6 amends the Indian Long-Term Leasing Act, 25 U.S.C. §415, to authorize the Cow Creek Band of Umpqua Indians, Oregon to lease lands held in trust for up to 99 years. Currently, the Indian Long-Term Leasing Act authorizes tribes to enter into 25 year leases, with the option to renew for an additional 25 years.

Section 7. New settlement common stock issued to descendants, left-outs, and elders

Section 7 would clarify that an ANCSA Regional Corporation could issue additional settlement stock to Shareholder Descendants, Left-outs, and Elders, with certain limitations on voting rights and the right to transfer by gift.

Section 8. Miccosukee Tribe of Indians of Florida

Section 8 takes land into trust for the Miccosukee Tribe of Indians of Florida.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend certain laws relating to Native Americans.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 5680—A bill to amend certain laws relating to Native Americans, and for other purposes

H.R. 5680 would amend various laws concerning Native Americans. CBO estimates that implementing this legislation would have no significant impact on the federal budget. Enacting H.R. 5680 would increase direct spending by roughly \$300,000 annually but would not affect revenues.

H.R. 5680 contains no intergovernmental or private-sector mandates as defined in the Unfunded Reform Mandates Act and would

impose no costs on State, local, or tribal governments. The provisions would benefit several Indian tribes.

The bill would authorize the Secretary of the Interior to make payments of between \$200,000 and \$350,000 annually to the reservation of Colorado River Indian Tribes for a new local energy department. The payments would be made from receipts earned from the sale of electricity generated by the federally owned Colorado River power system on that reservation.

Under current law, such receipts from electricity sales—an estimated \$10 million a year—may be used without further appropriation to operate and maintain generating facilities, transmission lines, and other infrastructure. Under the bill, receipts collected in excess of amounts needed for those purposes would be available, also without further appropriation, for payments to the tribe. Assuming that receipts will be available for the new energy department, CBO estimates that the additional direct spending under the bill would total around \$300,000 a year.

Other sections of the bill would have no significant impact on the federal budget. Those sections would:

- Authorize the Secretary to take lands into trust for the Miccosukee Tribe of Indians of Florida;
- Allow certain tribes to lease lands held in trust for more than 25-year terms; and
- Permit the Sault Ste. Marie Tribe of Chippewa Indians of Michigan to lease, transfer, or convey, without the approval of the Secretary, any interest in land not held in trust by the United States.

The CBO staff contact for this estimate is Leigh Angres. The estimate was approved by Theresa Gullo, Deputy Assistance Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 5680 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF AUGUST 9, 1955**(Commonly referred to as the "Long-Term Leasing Act")**

AN ACT To authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) any restricted Indian lands, whether tribally or individually owned, may be leased by the Indian owners, with the approval of the Secretary of the Interior, for public, religious, educational, recreational, residential, or business purposes, including the development or utilization of natural resources in connection with operations under such leases, for grazing purposes, and for those farming purposes which require the making of a substantial investment in the improvement of the land for the production of specialized crops as determined by said Secretary. All leases so granted shall be for a term of not to exceed twenty-five years, except leases of land located outside the boundaries of Indian reservations in the State of New Mexico, leases of land on the Agua Caliente (Palm Springs) Reservation, the Dania Reservation, the Pueblo of Santa Ana (with the exception of the lands known as the "Santa Ana Pueblo Spanish Grant"), the reservation of the Confederated Tribes of the Warm Springs Reservation of Oregon, the Moapa Indian Reservation, the Swinomish Indian Reservation, the Southern Ute Reservation, the Fort Mojave Reservation, the Confederated Tribes of the Umatilla Indian Reservation, the Burns Paiute Reservation, the Kalispel Indian Reservation, the pueblo of Cochiti, the pueblo of Pojoaque, the pueblo of Tesuque, the pueblo of Zuni, the Hualapai Reservation, the Spokane Reservation, the San Carlos Apache Reservation, the Yavapai-Prescott Community Reservations, the Pyramid Lake Reservation, the Gila River Reservation, the Soboba Indian Reservation, the Viejas Indian Reservation, the Tulalip Indian Reservation, the Navajo Reservation, the Cabazon Indian Reservation, the Muckleshoot Indian Reservation and land held in trust for the Muckleshoot Indian Tribe, the Mille Lacs Reservation with respect to a lease between an entity established by the Mille Lacs Band of Chippewa Indians and the Minnesota Historical Society, leases of the the lands comprising the Moses Allotment Numbered 8 and the Moses Allotment Numbered 10, Chelan County, Washington, and lands held in trust for the Las Vegas Paiute Tribe of Indians, and lands held in trust for the Twenty-nine Palms Band of Luiseno Mission Indians, and lands held in trust for the Reno Sparks Indian Colony, lands held in trust for the Torres Martinez Desert Cahuilla Indians, lands held in trust for the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria, lands held in trust for the Confederated Tribes of the Umatilla Indian Reservation, lands held in trust for the Confederated Tribes of the Warm Springs Reservation of Oregon, *and lands held in trust for the Cow Creek Band of Umpqua Tribe of Indians*, land held in trust for the Prairie Band Potawatomi Nation, lands held in trust for the Cherokee Nation of Oklahoma, land held in trust for the Fallon Paiute Shoshone Tribes, lands held in trust for the Pueblo of Santa Clara, land held in trust for the Yurok Tribe, land held in trust for the Hopland Band of Pomo Indians of the Hopland Rancheria, lands

held in trust for the Yurok Tribe, lands held in trust for the Hopland Band of Pomo Indians of the Hopland Rancheria, lands held in trust for the Confederated Tribes of the Colville Reservation, lands held in trust for the Cahuilla Band of Indians of California, lands held in trust for the confederated Tribes of the Grand Ronde Community of Oregon, and the lands held in trust for the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, and leases to the Devils Lake Sioux Tribe, or any organization of such tribe, of land on the Devils Lake Sioux Reservation, which may be for a term of not to exceed ninety-nine years, and except leases of land held in trust for the Morongo Band of Mission Indians which may be for a term of not to exceed 50 years, and except leases of land for grazing purposes which may be for a term of not to exceed ten years. Leases for public, religious, educational, recreational, residential, or business purposes with the consent of both parties may include provisions authorizing their renewal for one additional term of not to exceed twenty-five years, and all leases and renewals shall be made under such terms and regulations as may be prescribed by the Secretary of the Interior. Prior to approval of any lease or extension of an existing lease pursuant to this section, the Secretary of the Interior shall first satisfy himself that adequate consideration has been given to the relationship between the use of the leased lands and the use of neighboring lands; the height, quality, and safety of any structures or other facilities to be constructed on such lands; the availability of police and fire protection and other services; the availability of judicial forums for all criminal and civil causes arising on the leased lands; and the effect on the environment of the uses to which the leased lands will be subject.

* * * * *

(f) An contract, including a [lease, affecting] *lease or construction contract, affecting* land within the Gila River Indian Community 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, United States Code. 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, United States Code, 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, United States Code.

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ALASKA NATIVE CLAIMS SETTLEMENT ACT

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REGIONAL CORPORATIONS

SEC. 7. (a) * * *

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(g)(1) SETTLEMENT COMMON STOCK.—(A) * * *

(B)(i) * * *

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[(iii) The amendment authorized by clause (i) may provide that Settlement Common Stock issued to a Native pursuant to such amendment (or stock issued in exchange for such Settlement Common Stock pursuant to subsection (h)(3) or section 37(d)) shall be deemed canceled upon the death of such Native. No compensation for this cancellation shall be paid to the estate of the deceased Native or to any person holding the stock.]

(iii) The amendment authorized by clause (i) may provide that Settlement Common Stock issued to a Native pursuant to such amendment (or stock issued in exchange for such Settlement Common Stock pursuant to subsection (h)(3) of this section or section 1626c(d) of this title) shall be subject to one or more of the following:

(I) Such stock shall be deemed canceled upon the death of such Native, and no compensation for this cancellation shall be paid to the estate of the deceased Native or to any person holding stock.

(II) Such stock shall carry limited or no voting rights.

(III) Such stock shall not be transferred by gift as provided in subparagraph (h)(1)(C)(iii).

* * * * *

(h)(1) RIGHTS AND RESTRICTIONS.—(A) * * *

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(C) [Notwithstanding the restrictions] *Expect as otherwise expressly provided in this chapter and set forth in subparagraph (B), Settlement Common Stock may be transferred to a Native or a descendant of a Native—*

(i) * * *

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