

105TH CONGRESS
1ST SESSION

H. R. 1386

To require uniform appraisals of certain leaseholds of restricted Indian lands,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 1997

Mr. METCALF introduced the following bill; which was referred to the
Committee on Resources

A BILL

To require uniform appraisals of certain leaseholds of
restricted Indian lands, 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. AMENDMENT.**

4 The Act entitled “An Act to authorize the leasing of
5 restricted Indian lands for public, religious, educational,
6 residential, business, and other purposes requiring the
7 grant of long-term leases”, approved August 9, 1955 (25
8 U.S.C. 416 et seq.), is amended by adding at the end the
9 following new section:

1 “SEC. 7. (a) Not more than 6 months before rent
2 for a residential leasehold of restricted Indian lands is es-
3 tablished or the equities of the parties to the lease are
4 reviewed, the Bureau of Indian Affairs shall contract with
5 an independent MAI appraiser who shall prepare a report
6 which includes—

7 “(1) an estimate of the annual market rent of
8 the leasehold;

9 “(2) a narrative appraisal report of the lease-
10 hold which separately identifies the value of the
11 leased fee and the value of the leasehold interest;
12 and

13 “(3) a review of the equity position of the par-
14 ties to the lease.

15 “(b) Appraisals made under this section shall comply
16 with applicable requirements of the Uniform Standards of
17 Professional Appraisal Practice, and the Uniform Ap-
18 praisal Standards for Federal Land Acquisitions.

19 “(c) Contracts required under subsection (a) shall be
20 funded from amounts made available to the real estate
21 service budgets of Bureau of Indian Affairs regional of-
22 fices.

23 “(d) A residential lease of restricted Indian lands and
24 the corresponding report required under subsection (a)
25 shall be made available to the public not later than 2

1 weeks after the date that the lease is approved by the Sec-
2 retary of the Interior.

3 “(e)(1) If a dispute arises regarding a residential
4 lease of restricted Indian lands, the lessee, the lessor, or
5 the Secretary of the Interior may elect to submit the dis-
6 pute to binding arbitration.

7 “(2) An arbitration under this subsection shall be
8 heard by an arbitration board consisting of—

9 “(A) one member selected by the lessee;

10 “(B) one member selected by the lessor; and

11 “(C) one member agreed upon by the members
12 selected pursuant to subparagraphs (A) and (B). If
13 the members selected pursuant to subparagraphs
14 (A) and (B) are unable to agree upon a third mem-
15 ber within 20 days after selection of the second
16 member, the senior judge of the Federal District
17 Court for the district where the leased premises are
18 located shall select the third member.

19 “(3) The administrative costs of an arbitration under
20 this subsection shall be shared equally by the lessee and
21 the lessor.

22 “(f) Prior to approving a residential lease or the as-
23 signment of a residential lease of restricted Indian lands,
24 the Secretary of the Interior shall ensure that all applica-
25 ble State laws relating to disclosure on real estate trans-

1 actions have been complied with, including disclosure of
2 the nature and amount of any present or proposed assess-
3 ments or taxes.

4 “(g) A report by an independent MAI appraiser is
5 not necessary for periodic review purposes when the rent
6 is adjusted on the basis of the Consumer Price Index or
7 other nationally recognized economic index.

8 “(h) For purposes of this section ‘MAI appraiser’
9 means a person who holds a current general membership
10 designation from the Appraisal Institute.

11 **SEC. 2. EFFECTIVE DATE.**

12 This Act shall take effect on the first day of the first
13 fiscal year beginning after the date of the enactment of
14 this Act.

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