

[CUTTING TIMBER BY LESSEES.] No timber shall be cut upon the reservation by the lessee except for mining purposes and then only after first obtaining a permit from the superintendent of the reservation and upon payment of the fair value thereof.

[EXAMINATION OF BOOKS AND ACCOUNTS OF LESSEES.] The Secretary of the Interior is authorized to examine the books and accounts of lessees, and to require them to submit statements, representations, or reports, including information as to cost of mining, all of which statements, representations, or reports so required shall be upon oath, unless otherwise specified, and in such form and upon such blanks as the Secretary of the Interior may require; and any person making any false statement, representation, or report under oath or in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28 shall be subject to punishment as for perjury.

[DISPOSITION OF RENTALS AND ROYALTIES.] All moneys received from royalties and rentals under the provisions of this section shall be deposited in the Treasury of the United States to the credit of the Indians belonging and having tribal rights on the reservation where the leased land is located, which moneys shall be at all times subject to appropriation by Congress for their benefit, unless otherwise provided by treaty or agreement ratified by Congress: *Provided*, That such moneys shall be subject to the laws authorizing the pro rata distribution of Indian tribal funds.

[PROTECTION OF INTERESTS OF INDIANS.] The Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations not inconsistent with this section as may be necessary and proper for the protection of the interests of the Indians and for the purpose of carrying the provisions of this section into full force and effect: *Provided*, That nothing in this section shall be construed or held to affect the right of the States or other local authority to exercise any rights which they may have to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee.

[MINING LOCATIONS BY AND LEASES TO INDIANS DECLARED COMPETENT.] Mining locations, under the terms of this section, may be made on unallotted lands within Indian reservations by Indians who have heretofore or may hereafter be declared by the Secretary of the Interior to be competent to manage their own affairs; and the said Secretary is authorized and empowered to lease such lands to such Indians in accordance with the provisions of this section.

[MINING LOCATIONS BY AND LEASES TO OTHER INDIANS.] The Secretary of the Interior is authorized to permit other Indians to make locations and obtain leases under the provisions of this section, under such rules and regulations as he may prescribe in regard to the working, developing, disposition, and selling of the products, and the disposition of the proceeds thereof of any such mine by such Indians.

[“METALLIFEROUS” DEFINED.] Wherever the term “metalliferous” is used in this section it shall be defined and construed by the Secretary

of the Interior to include magnesite, gypsum, limestone, and asbestos.

(June 30, 1919, ch. 4, §26, 41 Stat. 31; Mar. 3, 1921, ch. 119, 41 Stat. 1231; Dec. 16, 1926, ch. 12, 44 Stat. 922; Pub. L. 94-550, §10, Oct. 18, 1976, 90 Stat. 2536.)

Editorial Notes

REFERENCES IN TEXT

The mining laws of the United States, referred to in text, are classified generally to Title 30, Mineral Lands and Mining.

AMENDMENTS

1976—Pub. L. 94-550 inserted “or in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28” after “under oath” in paragraph authorizing Secretary of the Interior to examine books and accounts of lessees.

1926—Act Dec. 16, 1926, inserted “and nonmetalliferous minerals, not including oil and gas” after “metalliferous minerals” in first and second paragraphs and reenacted third, fourth, and fifth paragraphs without change.

1921—Act Mar. 3, 1921, which directed amendment of this section followed by a paragraph defining the term “metalliferous”, was executed by adding such paragraph at the end of this section.

Executive Documents

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1,2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 400. Leases for mining purposes of reserved and unallotted lands in Fort Peck and Blackfeet Indian Reservations

Lands reserved for school and agency purposes and all other unallotted lands on the Fort Peck and Blackfeet Indian Reservations, in the State of Montana, reserved from allotment or other disposition, may be leased for mining purposes under regulations prescribed by the Secretary of the Interior.

(Sept. 20, 1922, ch. 347, 42 Stat. 857.)

§ 400a. Lease for mining purposes of land reserved for agency or school; disposition of proceeds; royalty

The Secretary of the Interior is authorized under such rules and regulations as he may prescribe, to lease at public auction upon not less than thirty days' public notice for mining purposes land on any Indian reservation reserved for Indian agency or school purposes, in accordance with existing law applicable to other lands in such reservation, and the proceeds arising therefrom shall be deposited in the Treasury of the United States to the credit of the Indians for whose benefit the lands are reserved subject to appropriation by Congress for educational work among the Indians or in paying expenses of administration of agencies: *Provided*, That a royalty of at least one-eighth shall be reserved in all leases.