

if he determines that such lease will substantially affect the governmental interests of a municipality described hereunder, notify the appropriate authorities of any municipality contiguous to the San Xavier or Salt River Pima-Maricopa Reservation, as the case may be, of the pendency of the proposed lease and, in his discretion, furnish them with an outline of the major provisions of the lease which affect such governmental interests and shall consider any comments on the terms of the lease affecting the municipality, or on the absence of such terms from the lease, that such authorities may offer within such reasonable period, but not more than thirty days, as the Secretary may prescribe in his notice to them.

**(b) Development by non-Indian lessees**

It is the intent of the Congress that the terms under which lands located on the San Xavier and Salt River Pima-Maricopa Reservations are developed by non-Indian lessees shall, to the extent reasonably possible, be similar to those applicable under State or local law to the development of non-Indian lands in the municipalities contiguous thereto.

(Pub. L. 89-715, §3, Nov. 2, 1966, 80 Stat. 1112.)

**§ 416c. Lease of lands of deceased Indians for benefit of heirs or devisees**

Trust or restricted lands of deceased Indians located on the San Xavier and Salt River Pima-Maricopa Reservations may be leased under sections 416 to 416j of this title, for the benefit of their heirs or devisees, in the circumstances and by the persons prescribed in section 380 of this title: *Provided*, That if the authority of the Secretary under this section is delegated to a subordinate official, then any heir or devisee shall have the right to appeal the action of any such official to the Secretary under such rules and regulations as he may prescribe.

(Pub. L. 89-715, §4, Nov. 2, 1966, 80 Stat. 1113.)

**§ 416d. Advance payment of rent or other consideration**

No rent or other consideration for the use of land leased under sections 416 to 416j of this title shall be paid or collected more than one year in advance, unless so provided in the lease.

(Pub. L. 89-715, §5, Nov. 2, 1966, 80 Stat. 1113.)

**§ 416e. Approval of leases**

The Secretary of the Interior shall approve no lease pursuant to sections 416 to 416j of this title that contains any provision that will prevent or delay a termination of Federal trust responsibilities with respect to the land during the term of the lease.

(Pub. L. 89-715, §6, Nov. 2, 1966, 80 Stat. 1113.)

**§ 416f. Dedication of land for public purposes**

Individual or tribal owners of trust or restricted Indian land on the San Xavier and Salt River Pima-Maricopa Reservations may, with the approval of the Secretary, dedicate land to the public for streets, alleys, or other public purposes under those laws of the State of Ari-

zona that are applicable to the dedication of land for public purposes.

(Pub. L. 89-715, §7, Nov. 2, 1966, 80 Stat. 1113.)

**§ 416g. Contract for water, sewerage, law enforcement, or other public services**

The Papago Council and the Salt River Pima-Maricopa Community Council, with the approval of the Secretary of the Interior, may contract with the State of Arizona or its political subdivisions for the furnishing of water, sewerage, law enforcement, or other public services on terms and conditions deemed advantageous to the tribe and individual Indian landowners.

(Pub. L. 89-715, §8, Nov. 2, 1966, 80 Stat. 1113.)

**§ 416h. Zoning, building, and sanitary regulations**

The Papago Council and the Salt River Pima-Maricopa Community Council, with the consent of the Secretary of the Interior, are hereby authorized, for their respective reservations, to enact zoning, building, and sanitary regulations covering the lands on their reservations for which leasing authority is granted by sections 416 to 416j of this title in the absence of State civil and criminal jurisdiction over such particular lands, and said councils may contract with local municipalities for assistance in preparing such regulations.

(Pub. L. 89-715, §9, Nov. 2, 1966, 80 Stat. 1113.)

**§ 416i. Restrictions**

Nothing contained in sections 416 to 416j of this title shall—

(a) authorize the alienation, encumbrance, or taxation of any interest in real or personal property, including water rights, held in trust by the United States or held by an individual Indian, the Papago Tribe or the Salt River Pima-Maricopa Community subject to a restriction against alienation imposed by the United States, or any income therefrom: *Provided*, That the foregoing shall not affect the power to lease as provided in section 416 of this title or the power to dedicate as provided in section 416f of this title and shall not affect or abridge any right of the State of Arizona or its political subdivisions to tax non-Indian leasehold and possessory interests, buildings, improvements and personal property located on the San Xavier and Salt River Pima-Maricopa Reservations and not owned by Papago or Pima-Maricopa Indians residing thereon;

(b) confer jurisdiction on the State of Arizona to adjudicate in probate proceedings or otherwise the ownership or right to possession of trust or restricted property or any interests therein;

(c) alter or abridge in any way the authority of public school districts to include areas within the San Xavier and Salt River Pima-Maricopa Reservation;

(d) be construed to repeal any authority to lease or mortgage trust or restricted Indian lands conferred by or pursuant to any other provision of law.

(Pub. L. 89-715, §10, Nov. 2, 1966, 80 Stat. 1113.)

**§ 416j. Mission San Xavier del Bac**

Nothing in sections 416 to 416j of this title shall authorize the Secretary to approve any development which would detract from the scenic, historic, and religious values of the Mission San Xavier del Bac owned by the Franciscan Order of Friars Minor and located on the San Xavier Reservation.

(Pub. L. 89-715, § 11, Nov. 2, 1966, 80 Stat. 1114.)

**CHAPTER 13—CEDED INDIAN LANDS**

Sec.

421 to 423. Transferred.

424. Negotiations for cession of lands.

425. Classification and appraisal of unallotted and unreserved lands.

426. Agreements with Indians not affected.

427. Transferred.

**§ 421. Transferred****Editorial Notes**

## CODIFICATION

Section 421, act May 17, 1900, ch. 479, § 1, 31 Stat. 179, which provided for free homesteads to settlers, commutation rights, and payments to Indians, was transferred to section 179 of Title 43, Public Lands.

**§ 422. Transferred****Editorial Notes**

## CODIFICATION

Section 422, act Jan. 26, 1901, ch. 180, 31 Stat. 740, which related to right of settlers to commute entry, was transferred to section 180 of Title 43, Public Lands.

**§ 423. Transferred****Editorial Notes**

## CODIFICATION

Section 423, act May 22, 1902, ch. 821, § 2, 32 Stat. 203, which related to second homestead entry by certain settlers, was transferred to section 187b of Title 43, Public Lands.

**§ 424. Negotiations for cession of lands**

The Secretary of the Interior is authorized, in his discretion, to negotiate, through any United States Indian inspector, agreements with any Indians for the cession to the United States of portions of their respective reservations or surplus unallotted lands, any agreements thus negotiated to be subject to subsequent ratification by Congress.

(Mar. 3, 1901, ch. 832, § 1, 31 Stat. 1077.)

**Editorial Notes**

## CODIFICATION

Section was formerly classified to section 1195 of Title 43, Public Lands, prior to editorial reclassification and renumbering as this section, where it had originally appeared prior to transfer to Title 43.

**§ 425. Classification and appraisal of unallotted and unreserved lands**

The Secretary of the Interior is authorized to cause to be classified or reclassified and appraised or reappraised, in such manner as he

may deem advisable, the unallotted or otherwise unreserved lands within any Indian reservation opened to settlement and entry but not classified and appraised in the manner provided for in the Act or Acts opening such reservations to settlement and entry, or where the existing classification or appraisal is, in the opinion of the Secretary of the Interior, erroneous.

(June 6, 1912, ch. 155, 37 Stat. 125.)

**Editorial Notes**

## CODIFICATION

Section was formerly classified to section 1196 of Title 43, Public Lands, prior to editorial reclassification and renumbering as this section, where it had originally appeared prior to transfer to Title 43.

**§ 426. Agreements with Indians not affected**

Nothing in this act shall change, repeal, or modify any agreements or treaties made with any Indian tribes for the disposal of their lands, or of land ceded to the United States to be disposed of for the benefit of such tribes, and the proceeds thereof to be placed in the Treasury of the United States; and the disposition of such lands shall continue in accordance with the provisions of such treaties or agreements; except as provided in sections 161 and 162<sup>1</sup> of title 43.

(Mar. 3, 1891, ch. 561, § 10, 26 Stat. 1099.)

**Editorial Notes**

## REFERENCES IN TEXT

This act, referred to in text, means act Mar. 3, 1891, ch. 561, 26 Stat. 1095, which enacted this section and former section 495 of this title, sections 471, 607, 611, 611a, and 613 of Title 16, Conservation, sections 30, 36, 44, 45, 48, and 52 of Title 30, Mineral Lands and Mining, sections 161, 162, 173, 174, 185, 202, 212, 321, 323, 325, 327 to 329, 663, 671, 687a-6, 718, 728, 732, 893, 946 to 949, 989, 2505, and 2506 of Title 43, Public Lands, and former section 1181 of Title 43. For complete classification of this Act to the Code, see Tables.

Sections 161 and 162 of title 43, referred to in text, were repealed by Pub. L. 94-579, title VII, § 702, Oct. 21, 1976, 90 Stat. 2787.

## CODIFICATION

Section was formerly classified to section 1197 of Title 43, Public Lands, prior to editorial reclassification and renumbering as this section, where it had originally appeared prior to transfer to Title 43.

**§ 427. Transferred****Editorial Notes**

## CODIFICATION

Section, act Feb. 9, 1903, ch. 531, 32 Stat. 820, which extended town-site laws to ceded lands in Minnesota, was transferred to section 731 of Title 43, Public Lands.

**CHAPTER 14—MISCELLANEOUS****SUBCHAPTER I—GENERAL PROVISIONS**

Sec.

441 to 449. Repealed or Transferred.

**SUBCHAPTER II—INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE**

450 to 458ddd-2. Repealed or Transferred.

<sup>1</sup> See References in Text note below.