

**§ 416a. Lease provisions****(a) Covenant not to cause waste, etc.**

Every lease entered into under section 416 of this title shall contain a covenant on the part of the lessee that he will not commit or permit on the leased land any act which causes waste or a nuisance or which creates a hazard to health of persons or to property, wherever such persons or property may be.

**(b) Judicial enforcement**

The State of Arizona, or any political subdivision thereof contiguous with the San Xavier or Salt River Pima-Maricopa Indian Reservation, may bring suit, without regard to the amount in controversy, in the United States District Court for the District of Arizona to abate or enjoin any violation of the covenant required under subsection (a) of this section: *Provided*, That if, by reason of the citizenship of the parties and the law applicable to the cause of action, the District Court finds it lacks jurisdiction to hear and determine such suit, it may be brought in any court of competent jurisdiction of the State of Arizona.

**(c) Binding arbitration of disputes**

Any lease entered into under sections 416 to 416j or 415 to 415d of this title or any contract entered into under section 81 of this title, affecting land within the Salt River Pima-Maricopa Indian Reservation may contain a provision for the binding arbitration of disputes arising out of such lease or contract. Such leases or contracts entered into pursuant to such sections shall be considered within the meaning of "commerce" as defined and subject to the provisions of section 1 of title 9. 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, 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.

(Pub. L. 89-715, § 2, Nov. 2, 1966, 80 Stat. 1112; Pub. L. 98-163, Nov. 22, 1983, 97 Stat. 1016.)

## AMENDMENTS

1983—Subsec. (c). Pub. L. 98-163 added subsec. (c).

**§ 416b. Development pursuant to lease****(a) Notice requirements prior to approval of lease**

The Secretary of the Interior shall, before he approves any lease under sections 416 to 416j of this title for public, religious, educational, recreational, business, or residential purposes and 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 Arizona that are applicable to the dedication of land for public purposes.

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

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 416i of this title.

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

The Papago Council and the Salt River Pima-Maricopa Community Council, with the ap-