

119TH CONGRESS
1ST SESSION

S. 3383

To amend the Act of August 9, 1955, to make improvements to that Act,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 8 (legislative day, DECEMBER 4), 2025

Mr. SCHATZ (for himself and Ms. MURKOWSKI) introduced the following bill;
which was read twice and referred to the Committee on Indian Affairs

A BILL

To amend the Act of August 9, 1955, to make improvements
to that Act, 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. SHORT TITLE.**

4 This Act may be cited as the “Unlocking Native
5 Lands and Opportunities for Commerce and Key Eco-
6 nomic Developments Act of 2025”.

7 **SEC. 2. MODIFICATION OF TRIBAL LEASES AND RIGHTS-OF-**
8 **WAY ACROSS INDIAN LAND.**

9 (a) **LEASES OF TRUST OR RESTRICTED LANDS.—**

10 The first section of the Act of August 9, 1955 (69 Stat.

1 539, chapter 615; 25 U.S.C. 415) (commonly known as
 2 the “Long-Term Leasing Act”), is amended—

3 (1) in subsection (a), in the second sentence, by
 4 inserting “, land held in trust for any other Indian
 5 tribe, band, pueblo, village, community, component
 6 hand, or component reservation individually included
 7 (including parenthetically) on the most recent list
 8 published by the Secretary pursuant to section
 9 104(a) of the Federally Recognized Indian Tribe
 10 List Act of 1994 (25 U.S.C. 5131(a))” after “Che-
 11 halis Reservation”;

12 (2) by striking “That (a) any” and inserting
 13 the following:

14 **“SECTION 1. LEASES OF TRUST OR RESTRICTED LANDS.**

15 “(a) AUTHORIZED PURPOSES; TERM; APPROVAL BY
 16 SECRETARY.—Any”; and

17 (3) in subsection (h)(1)—

18 (A) in the matter preceding subparagraph
 19 (A), by striking “and the term of the lease does
 20 not exceed—” and inserting a period; and

21 (B) by striking subparagraphs (A) and
 22 (B).

23 (b) TECHNICAL CORRECTION.—Section 2 of the Act
 24 of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C.
 25 415a) (commonly known as the “Long-Term Leasing

1 Act”), is amended by inserting “of the Interior” after
 2 “Secretary” each place it appears.

3 (c) MODIFICATIONS OF RIGHTS-OF-WAY ACROSS IN-
 4 DIAN LAND.—The Act of February 5, 1948 (62 Stat. 17,
 5 chapter 45), is amended—

6 (1) in the first section (62 Stat. 17, chapter 45;
 7 25 U.S.C. 323), by striking “That the Secretary of
 8 the Interior be, and he is hereby, empowered to”
 9 and inserting the following:

10 **“SECTION 1. RIGHTS-OF-WAY FOR ALL PURPOSES ACROSS**
 11 **INDIAN LAND.**

12 “(a) RIGHTS-OF-WAY.—The Secretary of the Interior
 13 may”;

14 (2) in section 2 (62 Stat. 18, chapter 45; 25
 15 U.S.C. 324), by striking “organized under the Act
 16 of June 18, 1934 (48 Stat. 984), as amended; the
 17 Act of May 1, 1936 (49 Stat. 1250); or the Act of
 18 June 26, 1936 (49 Stat. 1967),”; and

19 (3) by adding at the end the following:

20 **“SEC. 8. TRIBAL GRANTS OF RIGHTS-OF-WAY.**

21 “(a) RIGHTS-OF-WAY.—

22 “(1) IN GENERAL.—Subject to paragraph (2),
 23 an Indian tribe may grant a right-of-way over and
 24 across the Tribal land of the Indian tribe for any
 25 purpose.

1 “(2) AUTHORITY.—A right-of-way granted
 2 under paragraph (1) shall not require the approval
 3 of the Secretary of the Interior or a grant by the
 4 Secretary of the Interior under the section 1 if the
 5 right-of-way granted under paragraph (1) is exe-
 6 cuted in accordance with a Tribal regulation ap-
 7 proved by the Secretary of the Interior under sub-
 8 section (b).

9 “(b) REVIEW OF TRIBAL REGULATIONS.—

10 “(1) TRIBAL REGULATION SUBMISSION AND AP-
 11 PROVAL.—

12 “(A) SUBMISSION.—An Indian tribe seek-
 13 ing to grant a right-of-way under subsection (a)
 14 shall submit for approval a Tribal regulation
 15 governing the granting of rights-of-way over
 16 and across the Tribal land of the Indian tribe.

17 “(B) APPROVAL.—Subject to paragraph
 18 (2), the Secretary of the Interior shall have the
 19 authority to approve or disapprove any Tribal
 20 regulation submitted under subparagraph (A).

21 “(2) CONSIDERATIONS FOR APPROVAL.—

22 “(A) IN GENERAL.—The Secretary of the
 23 Interior shall approve a Tribal regulation sub-
 24 mitted under paragraph (1)(A), if the Tribal
 25 regulation—

1 “(i) is consistent with any regulations
2 (or successor regulations) issued by the
3 Secretary of the Interior under section 4;

4 “(ii) provides for an environmental re-
5 view process that includes—

6 “(I) the identification and eval-
7 uation of any significant impacts the
8 proposed action may have on the envi-
9 ronment; and

10 “(II) a process for ensuring—

11 “(aa) that the public is in-
12 formed of, and has a reasonable
13 opportunity to comment on, any
14 significant environmental impacts
15 of the proposed action identified
16 by the Indian tribe under sub-
17 clause (I); and

18 “(bb) the Indian tribe pro-
19 vides a response to each relevant
20 and substantive public comment
21 on the significant environmental
22 impacts identified by the Indian
23 tribe under subclause (I) before
24 the Indian tribe approves the
25 right-of-way.

“(B) STATUTORY EXEMPTIONS.—The Secretary of the Interior, in making an approval decision under this subsection, shall not be subject to—

“(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(ii) section 306108 of title 54, United States Code; or

“(iii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

“(3) REVIEW PROCESS.—

“(A) IN GENERAL.—Not later than 180 days after the date on which the Indian tribe submits a Tribal regulation to the Secretary of the Interior under paragraph (1)(A), the Secretary of the Interior shall—

“(i) review the Tribal regulation;

“(ii) approve or disapprove the Tribal regulation; and

“(iii) notify the Indian tribe that submitted the Tribal regulation of the approval or disapproval.

“(B) WRITTEN DOCUMENTATION.—If the Secretary of the Interior disapproves a Tribal regulation submitted under paragraph (1)(A),

1 the Secretary of the Interior shall include with
2 the disapproval notification under subparagraph
3 (A)(iii) written documentation describing the
4 basis for the disapproval.

5 “(C) EXTENSION.—The Secretary of the
6 Interior may, after consultation with the Indian
7 tribe that submitted a Tribal regulation under
8 paragraph (1)(A), extend the 180-day period
9 described in subparagraph (A).

10 “(4) FEDERAL ENVIRONMENTAL REVIEW.—
11 Notwithstanding paragraphs (2) and (3), if an In-
12 dian tribe carries out a project or activity funded by
13 a Federal agency, the Indian tribe may rely on the
14 environmental review process of the applicable Fed-
15 eral agency rather than any Tribal environmental re-
16 view process required under this subsection.

17 “(c) DOCUMENTATION.—An Indian tribe granting a
18 right-of-way under subsection (a) shall provide to the Sec-
19 retary of the Interior—

20 “(1) a copy of the right-of-way, including any
21 amendments or renewals; and

22 “(2) if the right-of-way allows for compensation
23 to be made directly to the Indian tribe, documenta-
24 tion of payments that are sufficient, as determined
25 by the Secretary of the Interior, as to enable the

1 Secretary of the Interior to discharge the trust re-
2 sponsibility of the United States under subsection
3 (d).

4 “(d) TRUST RESPONSIBILITY.—

5 “(1) IN GENERAL.—The United States shall
6 not be liable for losses sustained by any party to a
7 right-of-way granted under subsection (a).

8 “(2) AUTHORITY OF THE SECRETARY.—

9 “(A) IN GENERAL.—Pursuant to the au-
10 thority of the Secretary of the Interior to fulfill
11 the trust obligation of the United States to the
12 applicable Indian tribe under Federal law (in-
13 cluding regulations), the Secretary of the Inte-
14 rior may, on reasonable notice from the applica-
15 ble Indian tribe and at the discretion of the
16 Secretary of the Interior, enforce the provisions
17 of, or cancel, any right-of-way granted by the
18 Indian tribe under subsection (a).

19 “(B) AUTHORITY.—The enforcement or
20 cancellation of a right-of-way under subpara-
21 graph (A) shall be conducted using regulatory
22 procedures issued under section 6.

23 “(e) COMPLIANCE.—

24 “(1) IN GENERAL.—An interested party, after
25 exhaustion of any applicable Tribal remedies, may

1 submit a petition to the Secretary of the Interior, at
2 such time and in such form as determined by the
3 Secretary of the Interior, to review the compliance of
4 an applicable Indian tribe with a Tribal regulation
5 approved by the Secretary of the Interior under sub-
6 section (b).

7 “(2) VIOLATIONS.—If the Secretary of the Inte-
8 rior determines that a Tribal regulation was violated
9 after conducting a review under paragraph (1), the
10 Secretary of the Interior may take any action the
11 Secretary of the Interior determines to be necessary
12 to remedy the violation, including rescinding the ap-
13 proval of the Tribal regulation and reassuming re-
14 sponsibility for approving rights-of-way through the
15 trust land of the applicable Indian tribe.

16 “(3) DOCUMENTATION.—If the Secretary of the
17 Interior determines that a Tribal regulation was vio-
18 lated after conducting a review under paragraph (1),
19 the Secretary of the Interior shall—

20 “(A) provide written documentation, with
21 respect to the Tribal regulation that has been
22 violated, to the appropriate interested party and
23 Indian tribe;

1 “(B) provide the applicable Indian tribe
2 with a written notice of the alleged violation;
3 and

4 “(C) prior to the exercise of any remedy,
5 including rescinding the approval for the appli-
6 cable Tribal regulation or reassuming responsi-
7 bility for approving rights-of-way through the
8 trust land of the applicable Indian tribe, pro-
9 vide the applicable Indian tribe with—

10 “(i) a hearing that is on the record;
11 and

12 “(ii) a reasonable opportunity to cure
13 the alleged violation.

14 “(f) SAVINGS CLAUSE.—Nothing in this section af-
15 fects the application of any Tribal regulations issued
16 under Federal environmental law.

17 “(g) EFFECT OF TRIBAL REGULATIONS.—An ap-
18 proved Tribal regulation under subsection (b) shall not
19 preclude an Indian tribe from, in the discretion of the In-
20 dian tribe, consenting to the grant of a right-of-way by
21 the Secretary of the Interior under the section 1.

22 “(h) TERMS OF RIGHT-OF-WAY.—The compensation
23 for, and terms of, a right-of-way granted under subsection
24 (a) will be determined by—

25 “(1) negotiations by the Indian tribe; or

1 “(2) the regulations of the Indian tribe.

2 “(i) JURISDICTION.—The grant of a right-of-way
3 under subsection (a) does not waive the sovereign immu-
4 nity of the Indian tribe or diminish the jurisdiction of that
5 Indian tribe over the Tribal land subject to the right-of-
6 way, unless otherwise provided in—

7 “(1) the grant of the right-of-way; or

8 “(2) the regulations of the Indian tribe.”.

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