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(Original Signature of Member)

114TH CONGRESS
2D SESSION

H. R. _____

To establish requirements relating to rights-of-way on Indian lands, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BEN RAY LUJÁN of New Mexico introduced the following bill; which was
referred to the Committee on _____

A BILL

To establish requirements relating to rights-of-way on 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. IMPROVING RIGHTS-OF-WAY RECORD KEEPING**
4 **ON INDIAN LANDS.**

5 (a) RIGHTS-OF-WAY.—

6 (1) PROVISION OF DOCUMENTATION.—Not later
7 than 120 days after the date of receipt of a request
8 from a tribal government of an Indian tribe, the
9 Secretary of the Interior (hereafter in the Act re-

1 ferred to as the “Secretary”) shall provide to the
2 tribal government documentation of valid right-of-
3 way for all existing facilities on Indian Lands, which
4 require right-of-way under specified Federal laws.

5 (2) FAILURE TO PROVIDE DOCUMENTATION.—

6 If, after receiving a request from a tribal govern-
7 ment under paragraph (1), the Secretary is unable
8 to provide documentation of valid right-of-way for all
9 existing facilities on Indian Lands, as such terms
10 are defined in specified Federal laws—

11 (A) not later than 30 days after the date
12 of receipt of the request, the Secretary shall no-
13 tify the tribal government of the Secretary’s in-
14 ability to provide the documentation;

15 (B) not later than 120 days after such
16 date of receipt, the Secretary, in consultation
17 with the tribal government and based on tribal
18 consent, shall develop a schedule and a plan for
19 acquiring, by purchase or otherwise, a valid
20 right-of-way for the facility; and

21 (C) not later than 1 year after such date
22 of receipt, the Secretary shall acquire, by pur-
23 chase or otherwise, a valid right-of-way for the
24 facility in accordance with the schedule and
25 plan developed under subparagraph (B).

1 (3) TRIBAL AUTHORITY TO ACQUIRE RIGHT-OF-
2 WAY.—

3 (A) IN GENERAL.—If a tribal government
4 has requested documentation of a valid right-of-
5 way for a facility under paragraph (1) and has
6 received notice under paragraph (2)(A) of the
7 Secretary's inability to provide the documenta-
8 tion or the Secretary has failed to meet any of
9 the deadlines under paragraph (2)(A), (B), or
10 (C) the tribal government may assume, at the
11 option of the tribal government and upon writ-
12 ten notice to the Secretary, the responsibility of
13 the Secretary under subparagraph (B) to ac-
14 quire a valid right-of-way for the facility under
15 existing agreements under the Indian Self De-
16 termination and Education Assistance Act (in-
17 cluding title VII of that Act) and section
18 202(b)(7) of title 23, United States Code.

19 (B) FUNDING; DEADLINES.—In any case
20 in which a tribal government assumes, under
21 subparagraph (A), the responsibility of the Sec-
22 retary to acquire a valid right-of-way for a facil-
23 ity under this subsection—

1 (i) the costs of acquiring the right-of-
2 way shall be payable from funds authorized
3 to carry out this Act; and

4 (ii) the tribal government shall not be
5 subject to any deadline specified in para-
6 graph (2).

7 (4) LIMITATION.—In acquiring a right-of-way
8 under this paragraph, the Secretary shall not require
9 a tribal government to use tribal funds or Federal
10 funds made available to the tribal government under
11 any other Federal program.

12 (5) RIGHTS-OF-WAY RECORDS.—

13 (A) IN GENERAL.—Not later than 3 years
14 after the date of enactment of this Act, the Sec-
15 retary shall complete a comprehensive national
16 update of rights-of-way records for all existing
17 facilities located on Indian Lands as of the date
18 of enactment of this Act to ensure compliance
19 with specified Federal laws.

20 (B) REQUIREMENTS.—In completing the
21 update of records under subparagraph (A), the
22 Secretary shall—

23 (i) computerize and organize all
24 rights-of-way records described in subpara-
25 graph (A); and

1 (ii) establish a system for ensuring
2 that documentation of any new right-of-
3 way under specified Federal laws is
4 promptly added to the rights-of-way
5 records database.

6 (C) AVAILABILITY.—The Secretary shall
7 make each updated record under this paragraph
8 available to the public in a commonly used map-
9 ping format.

10 (6) SPECIFIED FEDERAL LAWS.—For the pur-
11 poses of this subsection, the term “specified Federal
12 laws” means the following:

13 (A) The Act of March 3, 1901 (25 U.S.C.
14 311).

15 (B) Sections 1–4 and 6–8 of the Act of
16 March 2, 1899 (25 U.S.C. 312 - 318).

17 (C) The Act of May 26, 1928 (25 U.S.C.
18 318a).

19 (D) The Act of March 3, 1901 (25 U.S.C.
20 319).

21 (E) The Act of March 3, 1909 (25 U.S.C.
22 320).

23 (F) Section 1 of the Act of March 11,
24 1904 (25 U.S.C. 321).

1 (G) The Act of April 21, 1928 (25 U.S.C.
2 322 - 322a).

3 (H) The Act of February 5, 1948 (5
4 U.S.C. 323 - 328).

5 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to carry out this section
7 \$10,000,000 for each of fiscal years 2017 through 2022.

8 (c) CLARIFICATION FOR TRIBALLY ADMINISTERED
9 PROJECTS CARRIED OUT ON LANDS OWNED BY TRIBAL
10 GOVERNMENT.—A tribal government shall not be required
11 to obtain a right-of-way for any portion of a tribally-ad-
12 ministered project that crosses Indian Lands if the tribal
13 government owns 100 percent of the beneficial interest of
14 the Indian Lands. Upon request of the tribal government,
15 the Secretary shall record a tribal government's dedication
16 of such land for a public purpose and facilitate the inclu-
17 sion of the dedication on the Secretary's right-of-way
18 record database.