

## GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3830, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

## MINERAL LEASING IN FORT BERTHOLD INDIAN RESERVATION

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2069) to permit the mineral leasing of Indian land located within the Fort Berthold Indian Reservation in any case in which there is consent from a majority interest in the parcel of land under consideration for lease, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

Mr. FALEOMAVAEGA. Mr. Speaker, reserving the right to object, I yield to the gentleman from Utah (Mr. HANSEN) to explain the legislation.

Mr. HANSEN. Mr. Speaker, I appreciate my friend, the gentleman from American Samoa, yielding to me.

Mr. Speaker, S. 2069 would permit the leasing of mineral rights in any case in which the Indian owners of an allotment that is located within the boundaries of the Fort Berthold Indian Reservation and held in trust of the United States have executed leases to more than 50 percent of the mineral estate of that allotment.

S. 2069 would facilitate oil and gas exploration on the Fort Berthold Indian reservation by allowing the Secretary of Interior to approve mineral leases affecting individually owned Indian land if a majority of the owners of the undivided mineral interest consent to that mineral lease.

S. 2069 would supersede a 1909 law which provides that the Secretary may not approve a mineral lease affecting individually owned Indian land unless every single person who has an undivided mineral interest in that land consents.

Approximately 70 percent of the individually owned tracts of land in the Fort Berthold Indian Reservation are owned by groups of 20 or more individuals. Some tracts are owned by 200 individuals. In many instances these individuals have not been identified, nor can they be located.

The requirements of the 1909 law have proven to be so difficult to meet that very little oil production has taken place on individually owned Indian land within a geological basin which has produced over one billion barrels of oil.

The Mandan Indian Nation and Hidatsa Indian Nation and the Arikara

Indian Nation all support S. 2069. The administration supports S. 2069.

The House, on November 12, 1997 passed legislation which contained the language which is now S. 2069. In effect, we will be passing for a second time a bill which can go directly to the White House for the President's signature.

This is a good piece of legislation. It solves a big problem created by an out-of-date law, and I recommend its passage. I appreciate the gentleman yielding to me.

Mr. FALEOMAVAEGA. Further reserving the right to object, Mr. Speaker, this important and bipartisan bill has as its single goal the promotion of economic development on the Fort Berthold Indian Reservation in North Dakota, home to the Mandan, Hidatsa, and Arikara Indian tribes.

Their reservation sits on the oil-rich Williston Basin, and the tribes seek to gain much-needed revenues through a development agreement with the Alberta Energy Company. The lands surrounding the reservation have been the subject of much exploratory activity. That agreement would allow these tribes to develop oil and gas reserves on tribal lands as well as lands allotted to tribal members.

But congressional approval of mineral leasing rights is required in this instance in order to overcome the problem of fractionated heirship, a problem that is widespread throughout Indian country. Basically, fractionated heirship is the result of Federal and Indian policy which provides that lands held in trust for Indians are passed down from generation to generation so that each successive generation of heirs owns an undivided interest in the original lands.

Thus, parcels of lands such as those allotted in Fort Berthold have as many as 200 owners. Seventy percent of the Fort Berthold allotments have 20 owners. So in order to execute a lease, every individual with an ownership interest in a parcel of land has to agree to the lease. If one person objects, the lease will fail. The same thing will happen if one owner cannot be found.

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This arrangement simply creates too much of a headache for interested developers to make it worth their while to bring their activities to allotted Indian lands.

What the Fort Berthold bill does is allow a leasing agreement to go forward when less than 100 percent of the owners of a particular allotment agree to the lease. In this case, the bill requires that at least as many owners as own 50 percent of the ownership interest in an allotment must agree to the lease. Furthermore, the Secretary of the Interior must still approve the leasing arrangements, thus continuing to exercise the United States' trust responsibility. Of course, the bill only applies to the Fort Berthold Reservation.

In a certain sense, Mr. Speaker, there will be a lot of tribes watching this sit-

uation. Fractionated heirship is a widespread problem, and it is a major source of the trust funds problem that also plagues the tribes and the administration. The administration has already sent Congress legislation to consolidate allotment ownership. But if the Fort Berthold situation works out well, I believe other tribes may well look to this legislation for ideas as well.

Mr. Speaker, again I thank the gentleman from Utah, the chairman of the Subcommittee on National Parks and Public Lands, for his leadership and management of this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2069

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. LEASES OF ALLOTTED LANDS OF THE FORT BERTHOLD INDIAN RESERVATION.

(a) IN GENERAL.—

(1) DEFINITIONS.—In this section:

(A) INDIAN LAND.—The term "Indian land" means an undivided interest in a single parcel of land that—

(i) is located within the Fort Berthold Indian Reservation in North Dakota; and

(ii) is held in trust or restricted status by the United States.

(B) INDIVIDUALLY OWNED INDIAN LAND.—The term "individually owned Indian land" means Indian land that is owned by 1 or more individuals.

(C) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) EFFECT OF APPROVAL BY SECRETARY OF THE INTERIOR.—

(A) IN GENERAL.—The Secretary may approve any mineral lease or agreement that affects individually owned Indian land, if—

(i) the owners of a majority of the undivided interest in the Indian land that is the subject of the mineral lease or agreement (including any interest covered by a lease or agreement executed by the Secretary under paragraph (3)) consent to the lease or agreement; and

(ii) the Secretary determines that approving the lease or agreement is in the best interest of the Indian owners of the Indian land.

(B) EFFECT OF APPROVAL.—Upon the approval by the Secretary under subparagraph (A), the lease or agreement shall be binding, to the same extent as if all of the Indian owners of the Indian land involved had consented to the lease or agreement, upon—

(i) all owners of the undivided interest in the Indian land subject to the lease or agreement (including any interest owned by an Indian tribe); and

(ii) all other parties to the lease or agreement.

(C) DISTRIBUTION OF PROCEEDS.—The proceeds derived from a lease or agreement that is approved by the Secretary under subparagraph (A) shall be distributed to all owners of the Indian land that is subject to the lease or agreement in accordance with the interest owned by each such owner.

(3) EXECUTION OF LEASE OR AGREEMENT BY SECRETARY.—The Secretary may execute a