

the local community may have harbored towards seeking this Federal designation.

Madam Speaker, this designation will do more than protect the 23 miles of river which rolls through the shadow of Grandfather Mountain. What also is being affirmed here is an example of how our Federal conservation policy should be administered—from local decisions by local leaders working in partnership with the Federal Government towards a universal goal of preserving the most pristine and natural resources of our country.

I thank Mr. BALLENGER for bringing this bill forward and I ask for its immediate approval.

Mr. FALEOMAVAEGA. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. SHERWOOD. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 1749, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

INDIAN TRIBAL ECONOMIC DEVELOPMENT AND CONTRACT ENCOURAGEMENT ACT OF 1999

Mr. SHERWOOD. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 613) to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes.

The Clerk read as follows:

S. 613

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Tribal Economic Development and Contract Encouragement Act of 1999".

SEC. 2. CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.

Section 2103 of the Revised Statutes (25 U.S.C. 81) is amended to read as follows:

"SEC. 2103. (a) In this section:

"(1) The term 'Indian lands' means lands the title to which is held by the United States in trust for an Indian tribe or lands the title to which is held by an Indian tribe subject to a restriction by the United States against alienation.

"(2) The term 'Indian tribe' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

"(3) The term 'Secretary' means the Secretary of the Interior.

"(b) No agreement or contract with an Indian tribe that encumbers Indian lands for a period of 7 or more years shall be valid unless that agreement or contract bears the approval of the Secretary of the Interior or a designee of the Secretary.

"(c) Subsection (b) shall not apply to any agreement or contract that the Secretary (or a designee of the Secretary) determines is not covered under that subsection.

"(d) The Secretary (or a designee of the Secretary) shall refuse to approve an agree-

ment or contract that is covered under subsection (b) if the Secretary (or a designee of the Secretary) determines that the agreement or contract—

"(1) violates Federal law; or

"(2) does not include a provision that—

"(A) provides for remedies in the case of a breach of the agreement or contract;

"(B) references a tribal code, ordinance, or ruling of a court of competent jurisdiction that discloses the right of the Indian tribe to assert sovereign immunity as a defense in an action brought against the Indian tribe; or

"(C) includes an express waiver of the right of the Indian tribe to assert sovereign immunity as a defense in an action brought against the Indian tribe (including a waiver that limits the nature of relief that may be provided or the jurisdiction of a court with respect to such an action).

"(e) Not later than 180 days after the date of enactment of the Indian Tribal Economic Development and Contract Encouragement Act of 1999, the Secretary shall issue regulations for identifying types of agreements or contracts that are not covered under subsection (b).

"(f) Nothing in this section shall be construed to—

"(1) require the Secretary to approve a contract for legal services by an attorney;

"(2) amend or repeal the authority of the National Indian Gaming Commission under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.); or

"(3) alter or amend any ordinance, resolution, or charter of an Indian tribe that requires approval by the Secretary of any action by that Indian tribe."

SEC. 3. CHOICE OF COUNSEL.

Section 16(e) of the Act of June 18, 1934 (commonly referred to as the "Indian Reorganization Act") (48 Stat. 987, chapter 576; 25 U.S.C. 476(e)) is amended by striking ", the choice of counsel and fixing of fees to be subject to the approval of the Secretary".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, Senate 613, authored by Senator CAMPBELL of Colorado, would amend existing law to provide that the Secretary of Interior approve only those Indian land contracts which encumber Indian lands for a period of 7 or more years. Senate 613 would update Federal laws enacted in 1872 by removing antiquated and unnecessary Indian land contract approval requirements which apply to "all" contracts, irrespective of their brevity or insignificance.

We must maintain some Federal control over contracts which encumber Indian lands for 7 or more years because of the trust responsibility incurred by the Federal Government when the land was initially taken into trust.

Madam Speaker, this bill was passed unanimously in the Senate and is long overdue. I urge my fellow Members to support it and thus forward it to the President for his signature.

Madam Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Madam Speaker, I yield myself such time as I may consume.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Madam Speaker, Senate bill 613 would amend provisions of law requiring certain contracts made with Indian tribes to be approved by the Secretary of the Interior. The current law, commonly referred to as Section 81, was enacted in 1872 in response to concerns that Indian tribes were being taken advantage of by non-Indian attorneys in bringing claims against the United States for treaty violations.

Numerous contracts were signed between attorneys and Indian tribes which provided for exorbitant attorneys' fees. For decades, the Bureau of Indian Affairs interpreted Section 81 as applying solely to such tribe-attorney contracts.

During the 1980's, several Federal Court cases ruled the Secretary of the Interior was required to approve any contract that was found to be, and I quote, "relative to Indian lands." End of quote. Because of the ambiguity of this phrase, more and more contracts were submitted for Secretarial approval. Today, the Secretary of the Interior is asked to approve contracts for everything from construction of a new building to the purchase of tribal office supplies. The Bureau of Indian Affairs is overwhelmed by these unnecessary requests and the process severely hinders economic development on Indian lands.

Madam Speaker, Senate bill 613 would eliminate the current requirement that tribes seek approval for contracts between Indian tribes and attorneys, unless the tribe's constitution requires such approval. The bill instead provides that only contracts that encumber Indian lands for 7 or more years be approved by the Secretary of the Interior. Additionally, this bill explicitly leaves in place the National Indian Gaming Commission's authority to review and approve Indian gaming agreements.

Madam Speaker, I am concerned about one provision of the bill which affects the sovereign immunity of Indian tribes. This bill requires that contracts which continue to be approved include remedies for breach of contract, disclosure of tribe sovereign immunity, or express waiver of the right to assert immunity as a defense.

Recent Supreme Court cases have strongly affirmed that notions of sovereignty that existed when the Constitution was formed have lost none of their relevance in the subsequent two centuries. A most basic component of sovereignty is the right to decide for itself when and under what circumstances a sovereign will be sued. These provisions would force Indian tribes to address, disclose, or waive their sovereign immunity in basic contracts, where a State or the Federal

Government would not be required to do so.

Madam Speaker, I also note that this bill defines the term "Indian tribes" using the definition from the Indian Self-Determination and Education Assistance Act. That definition of the tribe includes, and I quote, "any Alaska native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Act." End of quote.

Senate bill 613 has no application on Alaska, and the Alaska Corporation does not possess "Indian lands" as such lands are defined in this bill. It is unfortunate that the Senate has not been more careful in the drafting of Senate bill 613. There is no reason to confuse the matters by references to tribes and the corporations in Alaska, especially since the bill has no impact or application to the State of Alaska and the treatment of the Native Alaskans.

However, Madam Speaker, since this bill does have the support of the administration and the National Congress of the American Indians, I urge support of this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. SHERWOOD. Madam Speaker, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the Senate bill, S. 613.

The question was taken.

Mr. SHERWOOD. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 396

Mr. BLUMENAUER. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of H. Res. 396.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Oregon?

There was no objection.

LOWER SIOUX INDIAN COMMUNITY LAND TRANSFER

Mr. SHERWOOD. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2484) to provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States.

The Clerk read as follows:

H.R. 2484

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

SECTION 1. APPROVAL NOT REQUIRED TO VALIDATE LAND TRANSACTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, without further approval, ratification, or authorization by the United States, the Lower Sioux Indian Community in the State of Minnesota, may lease, sell, convey, warrant, or otherwise transfer all or any part of the Community's interest in any real property that is not held in trust by the United States for the benefit of the Community.

(b) TRUST LAND NOT AFFECTED.—Nothing in this section is intended or shall be construed to—

(1) authorize the Lower Sioux Indian Community in the State of Minnesota to lease, sell, convey, warrant, or otherwise transfer all or any part of an interest in any real property that is held in trust by the United States for the benefit of the Community; or

(2) affect the operation of any law governing leasing, selling, conveying, warranting, or otherwise transferring any interest in such trust land.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 2484, legislation which will give the Lower Sioux Indian Community in Minnesota the right, without further approval from the Federal Government, to lease or sell land which the tribe has bought but which has not been taken into trust.

Existing Federal law enacted in 1834 provides that an Indian tribe may not lease, sell, or otherwise convey land which it has acquired unless conveyance is approved by Congress. This antiquated law applies even though the land was purchased by the tribe with its own money, and even though the land is located outside the tribe's reservation, and even though the land has never been taken into trust for the tribe.

The Lower Sioux Community has found this law to be a major detriment to economic development. The law puts the tribe at a distinct disadvantage, because it finds that it cannot develop or use land which it has acquired to its full advantage.

H.R. 2484 will allow the Lower Sioux Indian Community to use the fee land it has purchased just like any other landowner, without having to come to Congress any time it wants to sell, lease, or even mortgage that land.

Madam Speaker, this is important to this small Minnesota tribe and I recommend its adoption.

Madam Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Madam Speaker, I yield myself such time as I may consume.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Madam Speaker, I certainly want to commend the gentleman from Minnesota (Mr. MINGE), my good friend, for sponsoring of this legislation. This legislation would permit the Lower Sioux Indian Community in Minnesota to lease or sell certain lands the tribe currently holds in fee status without further approval by the United States Government.

This provision would apply only to lands held in fee by the tribe and not lands held in trust by the United States for the tribe's benefit.

Current law and regulations established to protect Indian lands from alienation have been, in some instances, interpreted in a very restrictive manner. The Lower Sioux Indian Community has had trouble leasing and selling land which is not held in trust but in fee status without receiving prior approval of the Secretary of the Interior. This legislation would allow the tribe to make decisions and use land it has purchased and holds in fee status in the same manner as any other landowner, without having to commit to additional congressional or Secretarial approval.

Madam Speaker, although no formal administration views have been received by us on this legislation, I have been told informally by the Bureau of Indian Affairs that they do support the legislation, provided it does deal solely with lands held in fee status.

Not all tribes have encountered problems like this, Madam Speaker, when selling or leasing fee land. However, we need to address the problems faced by the Lower Sioux Indian Community of Minnesota, and I do urge my colleagues to support this legislation.

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Mr. FALEOMAVAEGA. Madam Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. MINGE) in response to this bill.

(Mr. MINGE asked and was given permission to revise and extend his remarks.)

Mr. MINGE. Madam Speaker, I would like to thank the Speaker and I would like to thank the Chair and the ranking member of the subcommittee for moving this legislation through the committee.

I would also like to report that I am familiar with the Indian tribe that is involved here, the Lower Sioux community. It is in my congressional district. It is a relatively small Indian community, Native American community; but I would like to emphasize it is very well administered. It has acquired this land and feels that, in order to remove a cloud from title, this act of Congress is necessary.

I would like to suggest to the subcommittee that it consider legislation that deals with this type of situation