

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this motion are postponed.

□ 1700

# AUTHORIZING THE SEMINOLE TRIBE OF FLORIDA TO LEASE OR TRANSFER CERTAIN LAND

Ms. LEGER FERNANDEZ. Madam Speaker, I move to suspend the rules and pass the bill (S. 108) to authorize the Seminole Tribe of Florida to lease or transfer certain land, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 108

*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 CERTAIN LAND TRANSACTIONS OF THE SEMINOLE TRIBE OF FLORIDA.

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

(b) TRUST LAND NOT AFFECTED.—Nothing in this section—

(1) authorizes the Seminole Tribe of Florida 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 Seminole Tribe of Florida; or

(2) affects the operation of any law governing leasing, selling, conveying, warranting, or otherwise transferring any interest in any real property that is held in trust by the United States for the benefit of the Seminole Tribe of Florida.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Mexico (Ms. LEGER FERNANDEZ) and the gentleman from Arkansas (Mr. WESTERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Mexico.

GENERAL LEAVE

Ms. LEGER FERNANDEZ. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Mexico?

There was no objection.

Ms. LEGER FERNANDEZ. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 108, introduced by Senator RUBIO of Florida, will allow the Seminole Tribe of Florida to lease, sell, convey, warrant, or transfer its real property that is not held in trust by the United States.

The Seminole Tribe of Florida is a federally recognized Tribe with its Tribal headquarters located in Hollywood, Florida. It is one of three federally recognized Seminole entities, and many of its enrolled members reside on its six reservations in Florida.

In recent decades, a large portion of the Tribe's economic development strategy has been its investment in commercial real estate properties. So far the Tribe owns one of the largest cattle operations in the U.S., along with the Hard Rock Hotel and Casino franchise and its 74 international properties.

To manage the Tribe's growing portfolio, the Tribal Council established a commercial real estate investment fund to help create generational stability for the Seminole Tribe. Ultimately, the Tribe's hope is to establish a State-chartered subsidiary entity to act as a holding company for certain properties owned by the Tribe.

Unfortunately, the Tribe has been unable to move forward with this project due to concerns raised by lenders and proposed title insurance companies about the Indian Nonintercourse Act.

The act prohibits any "purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from an Indian nation or Tribe of Indians" unless authorized by Congress.

At least two title insurance companies approached by the Tribe have interpreted the act to apply to real estate owned by a State-chartered subsidiary entity of the Tribe. As such, the title companies will not insure the mortgage without an exemption from the act, which in turn effectively kills any ability to finance an acquisition.

S. 108 will, therefore, provide relief from the Indian Nonintercourse Act by clarifying that the Seminole Tribe of Florida has the authority to lease, sell, convey, warrant, or otherwise transfer their interests in property not held in trust by the Federal Government without further approval from the Federal Government.

This bipartisan effort is led in the House by the gentleman from Florida (Mr. SOTO), who is the sponsor of the House companion bill. I congratulate him on his strong advocacy to get this legislation to the President's desk.

S. 108 will allow the Seminole Tribe the ability to continue its economic development, and I urge my colleagues to vote in favor of this bill.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I thank Chairman GRIJALVA and Chairwoman LEGER FERNANDEZ for working together on this bill. I rise in support of S. 108. It is a bill that authorizes the Seminole Tribe of Florida to lease or transfer certain land, and for other purposes.

As Ms. LEGER FERNANDEZ described, this bill would exempt lands held in fee

by the Seminole Tribe of Florida from the limitations imposed by the Indian Nonintercourse Act, which restricts a Tribe from leasing or conveying any lands a Tribe owns without Federal approval.

The act has generated a great deal of confusion and litigation about whether a Tribe can buy, sell, or lease land that it owns. The bill states that the act does not authorize the Tribe to lease, sell, convey, warrant, or otherwise transfer all or any portion of any interest in any real property that is held in trust.

This bill was introduced in response to real estate investment issues encountered by the Seminole Tribe, since at least two title insurance companies would not grant the Tribe insurance.

The bill ensures that the act does not interfere with the ability to convey fee land owned by the Tribe, which would impede the Tribe's economic development activities and hinder job creation.

Madam Speaker, I am prepared to close. I urge adoption of the measure, and I yield back the balance of my time.

Ms. LEGER FERNANDEZ. Madam Speaker, I am grateful for this bipartisan legislation. I also think it gives us a path forward on what we might need to do for all Tribes who encounter this issue, but for now I am very much in support of S. 108 and urge my colleagues to support the legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Mexico (Ms. LEGER FERNANDEZ) that the House suspend the rules and pass the bill, S. 108.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. GOOD of Virginia. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this motion are postponed.

## OLD PASCUA COMMUNITY LAND ACQUISITION ACT

Ms. LEGER FERNANDEZ. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4881) to direct the Secretary of the Interior to take into trust for the Pascua Yaqui Tribe of Arizona certain land in Pima County, Arizona, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4881

*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 "Old Pascua Community Land Acquisition Act".

### SEC. 2. DEFINITIONS.

In this Act:

(1) **COMPACT-DESIGNATED AREA.**—The term “Compact Designated Area” means the area south of West Grant Road, east of Interstate 10, north of West Calle Adelanto, and west of North 15th Avenue in the City of Tucson, Arizona, as provided specifically in the Pascua Yaqui Tribe—State of Arizona Amended and Restated Gaming Compact signed in 2021.

(2) **TRIBE.**—The term “Tribe” means the Pascua Yaqui Tribe of Arizona, a federally recognized Indian tribe.

(3) **INDIAN TRIBE.**—The term “Indian Tribe”—

(A) means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and

(B) does not include any Alaska Native regional or village corporation.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

### SEC. 3. LAND TO BE HELD IN TRUST.

Upon the request of the Tribe, the Secretary shall accept and take into trust for the benefit of the Tribe, subject to all valid existing rights, any land within the Compact-Designated Area that is owned by Tribe.

### SEC. 4. APPLICATION OF CURRENT LAW.

Gaming conducted by the Tribe in the Compact-Designated Area shall be subject to—

(1) the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.); and

(2) sections 1166 through 1168 of title 18, United States Code.

### SEC. 5. REAFFIRMATION OF STATUS AND ACTIONS.

(a) **ADMINISTRATION.**—Land placed into trust pursuant to this Act shall—

(1) be a part of the Pascua Yaqui Reservation and administered in accordance with the laws and regulations generally applicable to land held in trust by the United States for an Indian Tribe; and

(2) be deemed to have been acquired and taken into trust on September 18, 1978.

(b) **RULES OF CONSTRUCTION.**—Nothing in this Act shall—

(1) enlarge, impair, or otherwise affect any right or claim of the Tribe to any land or interest in land in existence before the date of the enactment of this Act;

(2) affect any water right of the Tribe in existence before the date of the enactment of this Act;

(3) terminate or limit any access in any way to any right-of-way or right-of-use issued, granted, or permitted before the date of the enactment of this Act; or

(4) alter or diminish the right of the Tribe to seek to have additional land taken into trust by the United States for the benefit of the Tribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Mexico (Ms. LEGER FERNANDEZ) and the gentleman from Arkansas (Mr. WESTERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Mexico.

#### GENERAL LEAVE

Ms. LEGER FERNANDEZ. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Mexico?

There was no objection.

Ms. LEGER FERNANDEZ. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4881, the Old Pascua Community Land Acquisition Act, introduced by the gentleman from Arizona (Mr. GRIJALVA), the Natural Resources Committee Chair, will direct the Secretary of the Interior to take approximately 30 acres of land into trust for the Pascua Yaqui Tribe.

The Pascua Yaqui Tribe is located in southern Arizona, near the city of Tucson, and has approximately 22,000 enrolled Tribal members, with a 2,216-acre reservation.

Before the Federal recognition of the Pascua Yaqui Tribe, Yaqui leaders, local leaders, and others worked together to establish a home for Tribal citizens. In 1921 these efforts led to the formal Pascua Village in Tucson, Arizona.

Before the formal Federal recognition and the establishment of a reservation in 1978, former Congressman Mo Udall of Arizona introduced a bill to establish 202 acres of land southwest of Tucson to the Pascua Yaqui Association.

While many families relocated to this new land base, many other families remained in the Pascua Village, known as Old Pascua. With the growing city of Tucson and the geographic distance from the formal reservation, the Tribe has worked to ensure the Tribal members living within the Pascua Village have remained cared for, including working with the Bureau of Indian Affairs to designate Old Pascua as near-reservation lands.

Earlier this year, the Tribe entered into a State-negotiated compact with the State of Arizona to provide gaming activities in the Old Pascua community. The Secretary of the Interior approved the compact in May 2021.

Further, the Tribe signed an intergovernmental agreement with the city of Tucson to transfer a parcel of land within Tucson into trust for the benefit of the Tribe.

This bill ensures the Old Pascua community remains intact with the Tribe's homelands, and the bill will allow the Tribe to conduct gaming activities, expand economic development opportunities, and engage in cultural practices on their historic land.

I am pleased to cosponsor H.R. 4881, which is a bipartisan bill, with support from the Pascua Yaqui Tribe, the city of Tucson, the State of Arizona, and the Arizona delegation. I support the Old Pascua Community Land Acquisition Act, and I urge my colleagues to vote in favor of the bill.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, the Pascua Yaqui Tribe owns several parcels of land that it would like to use for gaming. This bill allows them to do that.

In May of 2021, the Governor of Arizona and 21 Tribes amended the Arizona Tribal State Gaming Compact to build a third gaming facility in the compact-designated area in Tucson.

The compact-designated area is known as the Old Pascua community, an area with deep historic ties to the Tribe. The compact requires land to be taken into trust by an act of Congress to open the gaming facility. H.R. 4881 does this by requiring the Secretary of the Interior to place any land owned by the Tribe within the compact-designated area into trust for gaming purposes.

Madam Speaker, I reserve the balance of my time.

Ms. LEGER FERNANDEZ. Madam Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. GRIJALVA), the chair of the Natural Resources Committee.

Mr. GRIJALVA. Madam Speaker, I thank the gentlewoman from New Mexico (Ms. LEGER FERNANDEZ) for the time and to Ranking Member WESTERMAN.

I am proud to represent the Pascua Yaqui Tribe in Arizona's Third District. We both call southern Arizona our home. The Yaqui people are an integral and historic part of the fiber of southern Arizona, reflecting our history, our cultures, and our people.

H.R. 4881, the Old Pascua Community Land Acquisition Act, will take a 30-acre parcel of land into trust for the Pascua Yaqui Tribe, the area known locally and to the Tribe as Old Pascua community.

As the gentlewoman from New Mexico outlined in her comments, as well as the ranking member, this was the initial focal point for the Yaqui people as they fled persecution. While some families relocated to this new land base, many families remained in the Pascua Village community, known as Old Pascua.

At the time in 1921, it was an isolated area outside the community and outside of Tucson, but things have grown out around them. I think the Yaqui community in Tucson, Arizona, considers Old Pascua not only the formally recognized area for the community but also a sacred site for the Tribe.

Before receiving Federal recognition and a formal reservation south of Tucson, many Pascua Yaqui families called Old Pascua in Tucson their home.

Today many families still call Old Pascua home, yet they continue to fear losing their Yaqui knowledge, culture, history, and traditions due to the encroachment of the growing city of Tucson. Other areas of concern for Yaqui families include the lack of ownership for sacred, cultural, traditional, and religious grounds.

The Tribe has worked tirelessly to ensure that they take care of their Tribal citizens. Earlier this year, as Mr. WESTERMAN outlined, the State of Arizona and the Tribe negotiated a

State compact. This compact included gaming activities in the Old Pascua community to promote the Tribe's governmental operations, cultural and religious activities, job creation, increased Tribal housing, social and community services, healthcare, and educational facilities.

The Tribe has worked tirelessly with the State of Arizona, the city of Tucson, and the county of Pima to address their concerns, and have entered into an intergovernmental agreement supporting the legislation and the land transfer.

Since this agreement, the State has negotiated a compact that reflects that agreement and approved it, and the Department of the Interior has approved it.

H.R. 4881 is a bipartisan bill that will raise the Tribal standard of living, improve system coordination and integration of service delivery, and promote the ongoing transmission of Yaqui knowledge, culture, history, and traditions for future generations.

This bill is a bipartisan bill. It merits the support of all Members, and I would add that it is for the people in southern Arizona an extension of a reality and a confirmation of something that already exists.

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

□ 1715

Ms. LEGER FERNANDEZ. Madam Speaker, this bill, once again, demonstrates that there is strong bipartisan support for our Native American tribes and indigenous communities. I thank Ranking Member WESTERMAN as well as Ranking Member DON YOUNG on the Subcommittee for Indigenous Peoples of the United States.

The other thing this bill does, as has been highlighted by Chairman GRIJALVA, is it comes out of collaboration and conversation with everybody on the ground, the local communities, the States, the county, the Tribe. The people of southern Arizona are asking us to take action, and that is what we must do today.

Madam Speaker, I urge my colleagues to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Mexico (Ms. LEGER FERNANDEZ) that the House suspend the rules and pass the bill, H.R. 4881.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GOOD of Virginia. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this motion are postponed.

## EASTERN BAND OF CHEROKEE HISTORIC LANDS REACQUISITION ACT

Ms. LEGER FERNANDEZ. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2088) to take certain Federal lands in Tennessee into trust for the benefit of the Eastern Band of Cherokee Indians, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2088

*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 "Eastern Band of Cherokee Historic Lands Reacquisition Act".

### SEC. 2. LAND TAKEN INTO TRUST FOR THE EASTERN BAND OF CHEROKEE INDIANS.

(a) LANDS INTO TRUST.—Subject to such rights of record as may be vested in third parties to rights-of-way or other easements or rights-of-record for roads, utilities, or other purposes, the following Federal lands managed by the Tennessee Valley Authority and located on or above the 820-foot (MSL) contour elevation in Monroe County, Tennessee, on the shores of Tellico Reservoir, are declared to be held in trust by the United States for the use and benefit of the Eastern Band of Cherokee Indians:

(1) SEQUOYAH MUSEUM PROPERTY.—Approximately 46.0 acres of land generally depicted as "Sequoyah Museum", "Parcel 1", and "Parcel 2" on the map titled "Eastern Band of Cherokee Historic Lands Reacquisition Map 1" and dated April 30, 2015.

(2) SUPPORT PROPERTY.—Approximately 11.9 acres of land generally depicted as "Support Parcel" on the map titled "Eastern Band of Cherokee Historic Lands Reacquisition Map 2" and dated April 30, 2015.

(3) CHOTA MEMORIAL PROPERTY AND TANASI MEMORIAL PROPERTY.—Approximately 18.2 acres of land generally depicted as "Chota Memorial 1" and "Tanasi Memorial" on the map titled "Eastern Band of Cherokee Historic Lands Reacquisition Map 3" and dated April 30, 2015, and including the Chota Memorial and all land within a circle with a radius of 86 feet measured from the center of the Chota Memorial without regard to the elevation of the land within the circle.

(b) PROPERTY ON LANDS.—In addition to the land taken into trust by subsection (a), the improvements on and appurtenances thereto, including memorials, are and shall remain the property of the Eastern Band of Cherokee Indians.

(c) REVISED MAPS.—Not later than 1 year after the date of a land transaction made pursuant to this section, the Tennessee Valley Authority, after consultation with the Eastern Band of Cherokee Indians and the Secretary of the Interior, shall submit revised maps that depict the land taken into trust under this section, including any corrections made to the maps described in this section to the Committee on Natural Resources of the House of Representatives and the Committee on Indian Affairs of the Senate.

(d) CONTOUR ELEVATION CLARIFICATION.—The contour elevations referred to in this Act are based on MSL Datum as established by the NGS Southeastern Supplementary Adjustment of 1936 (NGVD29).

(e) CONDITIONS.—The lands taken into trust under this section shall be subject to the conditions described in section 5.

## SEC. 3. PERMANENT EASEMENTS TAKEN INTO TRUST FOR THE EASTERN BAND OF CHEROKEE INDIANS.

(a) PERMANENT EASEMENTS.—The following permanent easements for land below the 820-foot (MSL) contour elevation for the following Federal lands in Monroe County, Tennessee, on the shores of Tellico Reservoir, are declared to be held in trust by the United States for the benefit of the Eastern Band of Cherokee Indians:

(1) CHOTA PENINSULA.—Approximately 8.5 acres of land generally depicted as "Chota Memorial 2" on the map titled "Eastern Band of Cherokee Historic Lands Reacquisition Map 3" and dated April 30, 2015.

(2) CHOTA-TANASI TRAIL.—Approximately 11.4 acres of land generally depicted as "Chota-Tanasi Trail" on the map titled "Eastern Band of Cherokee Historic Lands Reacquisition Map 3" and dated April 30, 2015.

(b) REVISED MAPS.—Not later than 1 year after the date of a land transaction made pursuant to this section, the Tennessee Valley Authority, after consultation with the Eastern Band of Cherokee Indians and the Secretary of the Interior, shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Indian Affairs of the Senate revised maps that depict the lands subject to easements taken into trust under this section, including any corrections necessary to the maps described in this section.

(c) CONDITIONS.—The lands subject to easements taken into trust under this section shall be subject to the use rights and conditions described in section 5.

### SEC. 4. TRUST ADMINISTRATION AND PURPOSES.

(a) APPLICABLE LAWS.—Except as described in section 5, the lands subject to this Act shall be administered under the laws and regulations generally applicable to lands and interests in lands held in trust on behalf of Indian tribes.

(b) USE OF LAND.—Except the lands described in section 2(a)(2), the lands subject to this Act shall be used principally for memorializing and interpreting the history and culture of Indians and recreational activities, including management, operation, and conduct of programs of and for—

(1) the Sequoyah birthplace memorial and museum;

(2) the memorials to Chota and Tanasi as former capitals of the Cherokees;

(3) the memorial and place of reinterment for remains of the Eastern Band of Cherokee Indians and other Cherokee tribes, including those transferred to the Eastern Band of Cherokee Indians and other Cherokee tribes and those human remains and cultural items transferred by the Tennessee Valley Authority to those Cherokee tribes under the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); and

(4) interpreting the Trail of Tears National Historic Trail.

(c) USE OF SUPPORT PROPERTY.—The land described in section 2(a)(2) shall be used principally for the support of lands subject to this Act and the programs offered by the Tribe relating to such lands and their purposes including—

(1) classrooms and conference rooms;

(2) cultural interpretation and education programs;

(3) temporary housing of guests participating in such programs or the management of the properties and programs; and

(4) headquarters offices and support space for the trust properties and programs.

(d) LAND USE.—The principal purposes of the use of the land described in section 3(a)—

(1) paragraph (1), shall be for a recreational trail from the general vicinity of the parking lot to the area of the Chota Memorial and