

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

beyond to the southern portion of the peninsula, including interpretive signs, benches, and other compatible improvements; and

(2) paragraph (2), shall be for a recreational trail between the Chota and Tanasi Memorials, including interpretive signs, benches, and other compatible improvements.

#### SEC. 5. USE RIGHTS, CONDITIONS.

(a) FLOODING OF LAND AND ROADS.—The Tennessee Valley Authority may temporarily and intermittently flood the lands subject to this Act that lie below the 824-foot (MSL) contour elevation and the road access to such lands that lie below the 824-foot (MSL) contour elevation.

(b) FACILITIES AND STRUCTURES.—The Eastern Band of Cherokee Indians may construct, own, operate, and maintain—

(1) water use facilities and nonhabitable structures, facilities, and improvements not subject to serious damage if temporarily flooded on the land adjoining the Tellico Reservoir side of the lands subject to this Act that lie between the 815-foot and 820-foot (MSL) contour elevations, but only after having received written consent from the Tennessee Valley Authority and subject to the terms of such approval; and

(2) water use facilities between the 815-foot (MSL) contour elevations on the Tellico Reservoir side of the lands subject to this Act and the adjacent waters of Tellico Reservoir and in and on such waters after having received written consent from the Tennessee Valley Authority and subject to the terms of such approval, but may not construct, own, operate, or maintain other nonhabitable structures, facilities, and improvements on such lands.

(c) INGRESS AND EGRESS.—The Eastern Band of Cherokee Indians may use the lands subject to this Act and Tellico Reservoir for ingress and egress to and from such land and the waters of the Tellico Reservoir and to and from all structures, facilities, and improvements maintained in, on, or over such land or waters.

(d) RIVER CONTROL AND DEVELOPMENT.—The use rights under this section may not be exercised so as to interfere in any way with the Tennessee Valley Authority's statutory program for river control and development.

(e) TVA AUTHORITIES.—Nothing in this Act shall be construed to affect the right of the Tennessee Valley Authority to—

(1) draw down Tellico Reservoir;

(2) fluctuate the water level thereof as may be necessary for its management of the Reservoir; or

(3) permanently flood lands adjacent to lands subject to this Act that lie below the 815-foot (MSL) contour elevation.

(f) RIGHT OF ENTRY.—The lands subject to this Act shall be subject to a reasonable right of entry by the personnel of the Tennessee Valley Authority and agents of the Tennessee Valley Authority operating in their official capacities as necessary for purposes of carrying out the Tennessee Valley Authority's statutory program for river control and development.

(g) ENTRY ONTO LAND.—To the extent that the Tennessee Valley Authority's operations on the lands subject to this Act do not unreasonably interfere with the Eastern Band of Cherokee Indians' maintenance of an appropriate setting for the memorialization of Cherokee history or culture on the lands and its operations on the lands, the Eastern Band of Cherokee Indians shall allow the Tennessee Valley Authority to enter the lands to clear, ditch, dredge, and drain said lands and apply larvicides and chemicals thereon or to conduct bank protection work and erect structures necessary in the promotion and furtherance of public health, flood control, and navigation.

(h) LOSS OF HYDROPOWER CAPACITY.—All future development of the lands subject to this Act shall be subject to compensation to the Tennessee Valley Authority for loss of hydropower capacity as provided in the Tennessee Valley Authority Flood Control Storage Loss Guideline, unless agreed to otherwise by the Tennessee Valley Authority.

(i) PROTECTION FROM LIABILITY.—The United States shall not be liable for any loss or damage resulting from—

(1) the temporary and intermittent flooding of lands subject to this Act;

(2) the permanent flooding of adjacent lands as provided in this section;

(3) wave action in Tellico Reservoir; or

(4) fluctuation of water levels for purposes of managing Tellico Reservoir.

(j) CONTINUING RESPONSIBILITIES.—The Tennessee Valley Authority shall—

(1) retain sole and exclusive Federal responsibility and liability to fund and implement any environmental remediation requirements that are required under applicable Federal or State law for any land or interest in land to be taken into trust under this Act, as well as the assessments under paragraph (2) to identify the type and quantity of any potential hazardous substances on the lands;

(2) prior to the acquisition in trust, carry out an assessment and notify the Secretary of the Interior and the Eastern Band of Cherokee Indians whether any hazardous substances were stored on the lands and, if so, whether those substances—

(A) were stored for 1 year or more on the lands;

(B) were known to have been released on the lands; or

(C) were known to have been disposed of on the lands; and

(3) if the assessment under paragraph (2) shows that hazardous substances were stored, released, or disposed of on the lands, include in its notice under paragraph (2) to the Secretary of the Interior and the Eastern Band of Cherokee Indians—

(A) the type and quantity of such hazardous substances;

(B) the time at which such storage, release, or disposal took place on the lands; and

(C) a description of any remedial actions, if any, taken on the lands.

#### SEC. 6. LANDS SUBJECT TO THE ACT.

For the purposes of this Act, the term "lands subject to this Act" means lands and interests in lands (including easements) taken into trust for the benefit of the Eastern Band of Cherokee Indians pursuant to or under this Act.

#### SEC. 7. GAMING PROHIBITION.

No class II or class III gaming, as defined in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), shall be conducted on lands subject to this Act.

#### SEC. 8. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

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.

H.R. 2088, the Eastern Band of Cherokee Historic Lands Reacquisition Act, introduced by Representative FLEISCHMANN from Tennessee, takes specified lands and easements in Monroe County, Tennessee, into trust for the use and benefit of the Eastern Band of Cherokee Indians.

These areas include the Sequoyah Museum, the Chota Memorial, the Tanasi Memorial, and land to support these properties and cultural programs.

The Eastern Band of Cherokee Indians is one of three federally recognized Cherokee Tribes and is the only federally recognized Tribe in North Carolina.

The Eastern Band's ancestral homeland includes substantial parts of seven eastern States, including Tennessee. The 57,000-acre Qualla Boundary is the name of the Cherokee Indian Reservation in North Carolina.

In 1979, the completion of the Tellico Dam by the Tennessee Valley Authority caused large areas of the Eastern Band's ancestral lands along the Little Tennessee River to be flooded, completely submerging the sacred sites and archaeological remains of the historic Overland Cherokee towns, including the Cherokee capitals of the 1700s.

The Eastern Band can never recover these flooded lands and sites. Especially with that loss in mind, it is important to recognize that there are other locations in the area that require protection and preservation, and we can do that today.

H.R. 2088 helps this cause by transferring approximately 76 acres of historically significant lands from the TVA to the U.S. Government to be held in trust for the Eastern Band of Cherokee Indians. It also grants two permanent easements over TVA property to be held in trust for the Tribe to create recreational trails between the sites.

This legislation will give the Eastern Band greater control over their historic homelands and the opportunity to memorialize the history and culture of the Cherokee people.

I support H.R. 2088, 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 rise in support of H.R. 2088, the Eastern Band of Cherokee Historic Lands Reacquisition Act, as amended.

I thank Chairman GRIJALVA and Chairwoman LEGER FERNANDEZ for their cooperation on this bill.

The Eastern Band of Cherokee Indians is a relatively small Tribe located in the Great Smoky Mountains of western North Carolina. The Tribe's reservation covers over 50,000 acres in a region known as the Qualla Boundary.

After the completion of the Tellico Dam in Loudon County, Tennessee, in 1979, the Tribe explained to the Tennessee Valley Authority that there were areas of historic significance impacted by the dam.

H.R. 2088 would place Tennessee Valley Authority land and permanent easements into trust along the shores of the Little Tennessee River and Tellico Reservoir in Monroe County, Tennessee, for the benefit of the Eastern Band of Cherokee Indians.

The parcels to be placed in trust under the bill would primarily be used for memorializing and interpreting the history of the Eastern Band of Cherokee Indians. Gaming pursuant to the Indian Gaming Regulatory Act would be prohibited, and TVA will be able to continue carrying out river control and development to power the Tennessee Valley region.

Madam Speaker, I urge adoption of the measure, and I recognize the gentleman from Tennessee (Mr. FLEISCHMANN) for his continued work on this important legislation.

Madam Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. FLEISCHMANN).

Mr. FLEISCHMANN. Madam Speaker, I rise in support of my bill, H.R. 2088, the Eastern Band of Cherokee Historic Lands Reacquisition Act.

The great State of Tennessee, my home State, gets its name from the historic Overhill Cherokee village site called Tanasi located in present-day Monroe County, Tennessee. Tanasi served as the capital of the Cherokee people from as early as 1721.

Unfortunately, as a result of misguided Federal policies, the Cherokee people were forcibly removed from their homes in Tennessee and surrounding States. This tragic period in American history led to the Trail of Tears, a journey on which the United States forcibly marched 15,000 Cherokees to the Indian territory.

My bill, the Eastern Band of Cherokee Historic Lands Reacquisition Act, returns important historical sites back to the Eastern Band of Cherokee Indians, the Tribal Nation comprised of descendants of those Cherokees who resisted removal in the Great Smoky Mountains.

It is on these same lands where the Eastern Band of Cherokee Indians have for decades honored the birthplace of Sequoyah, whose likeness we have all had the opportunity to pass as we make our way from the rotunda of our Capitol to this House floor.

H.R. 2088 would return 76.1 acres of TVA land back to the Eastern Band of Cherokees in trust and grant two per-

manent easements over TVA property to be held in trust for the Tribe for creating recreational trails between the sites.

The Tribe is committed to improving the educational resources of the Sequoyah Birthplace Museum and to providing a means for economic development for the local community through cultural tourism.

The Cherokee Nation has a rich history in the Third District of Tennessee, and I am grateful to be engaged in the process to safeguard their story.

This exact piece of legislation has easily passed the House with broad bipartisan support for the last two Congresses. I strongly urge Members of the United States Senate to understand the importance of Cherokee Tribal land preservation and to support H.R. 2088 so that it may be brought to President Biden's desk in an accelerated manner.

November serves as Indigenous People's Month, and I encourage all of my colleagues in both Chambers to join in passing this momentous piece of legislation.

Ms. LEGER FERNANDEZ. Madam Speaker, I reserve the balance of my time.

Mr. WESTERMAN. Madam Speaker, I again thank the gentleman from Tennessee for his work on this legislation. I thank the chairman and the chairwoman for their work on this package of bills.

Madam Speaker, I urge adoption of this bill, and I yield back the balance of my time.

Ms. LEGER FERNANDEZ. Madam Speaker, I yield myself the balance of my time.

I once again thank Ranking Member WESTERMAN for his support of this package of bipartisan bills that we have brought to the floor today.

It is historic that we begin this month with this commitment to these bills and to getting them passed in a bipartisan manner.

I thank the gentleman from Tennessee (Mr. FLEISCHMANN) for his work and for the bipartisan support we have today on this floor for cultural preservation of Tribal sites.

The idea that we are committed to safeguard—that is such a beautiful word he used—the stories and places of sacred importance to Tribes because we know that too often they are overrun with other interests, that they take over, and they lose those sacred sites.

I am so grateful to all of you for the support of this legislation and the other pieces of legislation that we have brought forward today, which we emphasize, and we dedicate ourselves to a new era where we are working to protect sacred sites, where we are making sure that the healthcare of Indian Tribes is maintained and improved in our urban areas.

It is a very good day on the floor.

I urge all my colleagues to support this bill and all eight bills we have brought forward today.

Madam Speaker, 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. 2088, as amended.

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.

#### RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science, Space, and Technology:

HOUSE OF REPRESENTATIVES,  
Washington, DC, June 28, 2021.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR SPEAKER PELOSI: I write to respectfully tender my resignation as a member of the Committee on Science, Space, and Technology. It has been an honor to serve in this capacity.

Sincerely,

PETE SESSIONS,  
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.  
There was no objection.

#### COMMUNICATION FROM DISTRICT STAFF ASSISTANT, THE HONORABLE CHARLIE CRIST, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Abimael Jimenez, District Staff Assistant, the Honorable CHARLIE CRIST, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, October 27, 2021.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I, Abimael Jimenez, have been served with a subpoena for testimony issued by the Small Claims Division of the County Court for Pinellas County, Florida.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

ABIMAEEL JIMENEZ,  
District Staff Assistant.

#### COMMUNICATION FROM CHAIR OF COMMITTEE ON ETHICS

The SPEAKER pro tempore laid before the House the following communication from the chair of the Committee on Ethics: