

Romney
Rounds
Schmitt
Scott (FL)

Scott (SC)
Sullivan
Thune
Tillis

Tuberville
Wicker
Young

NOT VOTING—2

Rubio

Vance

The PRESIDING OFFICER (Mr. HELMY). On this vote, the yeas are 51, the nays are 47.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant bill clerk read the nomination of Gail A. Weilheimer, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDING THE NATIVE AMERICAN TOURISM AND IMPROVING VISITOR EXPERIENCE ACT

UNLOCKING NATIVE LANDS AND OPPORTUNITIES FOR COMMERCE AND KEY ECONOMIC DEVELOPMENTS ACT OF 2023

ACCEPTING THE REQUEST TO REVOKE THE CHARTER OF INCORPORATION OF THE LOWER SIOUX INDIAN COMMUNITY IN THE STATE OF MINNESOTA

Mr. SCHATZ. Mr. President, the past 4 years have been the most productive ever for the Senate Committee on Indian Affairs. Working on a bipartisan basis, we have secured the largest investment in Native communities in American history and enacted more than two dozen bills into law. The progress we have made is real, it is tangible, and it is meaningful. But there is still a lot of work to do to live up to our responsibilities to these communities, including in the final weeks of this Congress.

There are currently more than a dozen bills that have advanced out of our committee on a unanimous, bipartisan basis but have yet to receive full Senate consideration, and there is no good reason for them to languish for months or even years without action.

My bill, S. 385, makes technical corrections to the Native American Tourism and Improving Visitor Experience Act, which authorizes grants to Indian Tribes, Tribal organizations, and Native Hawaiian organizations for recreational travel and tourism activities. This bill was reported out of committee more than a year and a half ago. There has been more than enough time to raise concerns and rectify any issues. It is time to get this done now.

S. 1322, the Unlocking Native Lands and Opportunities for Commerce and Key Economic Developments, or UNLOCKED, Act would enable Indian Tribes to lease their own land for up to

99 years for business and other purposes and to approve certain rights-of-way on their lands under existing law. Senator MURKOWSKI and I introduced this legislation that will incentivize more businesses to invest in Indian Country. This commonsense legislation will support Tribes and their economic development needs.

Finally, S. 2868 was introduced by Senator SMITH on behalf of the Lower Sioux Indian Community to revoke the Tribe's Indian Reorganization Act, Section 17 Charter of Incorporation. The Tribe testified in committee that the charter is actively hindering its economic development activities because it can't do things without the Interior Secretary's approval. The Tribe's charter has been in place since 1937. Only Congress has the power to revoke such charters and has acted to revoke such charters previously for a number of Tribes.

So, as if in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of the following bills en bloc: Calendar No. 34, S. 385; Calendar No. 342, S. 1322; and Calendar No. 490, S. 2868.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 385) to amend the Native American Tourism and Improving Visitor Experience Act to authorize grants to Indian tribes, tribal organizations, and Native Hawaiian organizations, and for other purposes.

A bill (S. 1322) to amend the Act of August 9, 1955, to modify the authorized purposes and term period of tribal leases, and for other purposes.

A bill (S. 2868) to accept the request to revoke the charter of incorporation of the Lower Sioux Indian Community in the State of Minnesota at the request of that Community, and for other purposes.

The PRESIDING OFFICER. Is there objection to proceeding to the measures en bloc?

The Senator from South Dakota.

Mr. ROUNDS. Mr. President, reserving the right to object, I would like to offer an additional piece of legislation that I think would be very appropriate to include in the proposal.

I ask today for consideration of the Wounded Knee Massacre Memorial and Sacred Site Act; that is, H.R. 3371-S. 2088. This would place 40 acres of tribally purchased land at the massacre site into restricted fee status.

Both the Oglala Sioux Tribe and the Cheyenne River Sioux Tribe hold a very deep connection to this event. This is the Wounded Knee Massacre site. There were relatives coming from the Cheyenne River Tribe down to winter near Pine Ridge. That is where this event occurred, and it is one of the most terrible events in the history of the United States, where Native Americans were killed and they were left to freeze in a snowstorm.

As you all know, the Wounded Knee Massacre not only represents a low point in U.S.-Lakota relations, but it also serves as truly one of the darkest moments in our Nation's history.

To date, the Wounded Knee Massacre grounds remain a symbolic site, with Tribal members regularly visiting the area to honor the deceased.

In 2022, both Tribes purchased the 40 acres from a private owner in an effort to preserve the land. Shortly after the purchase, both Tribes signed a covenant holding that the property shall be held and maintained as a memorial and sacred site without any other development. This legislation, which simply places the 40 acres into restricted fee status, will help preserve the site for future Tribal generations.

As we approach the 134th anniversary next month of the Wounded Knee Massacre, it is my hope that we can come together to acknowledge this event and work to amend our history through reconciliation and mutual respect. Although we can't rewrite the past, the Wounded Knee Massacre Memorial and Sacred Site Act is one way to show healing and progress.

This legislation easily passed the House and has languished in the U.S. Senate for months. Passing this legislation during Native American Heritage Month is of great importance to Wounded Knee descendants from my home State.

Look, this is one of those areas where you have two Tribes that lost members, and their relatives are still there; they still honor that site. I agree that the other pieces of legislation that are here in front of us, I think, are good, and I think they represent some of the best work of the United States, where you set aside differences, you come together, and you pass good legislation. I believe this legislation fits that particular sect as well.

So, with that, I would simply ask the Senator that he would modify this request to include H.R. 3371, the Wounded Knee Massacre Memorial and Sacred Site Act.

The PRESIDING OFFICER. Is there objection to the modification?

The Senator from North Carolina.

Mr. TILLIS. Mr. President, reserving the right to object, I want to make this very clear to the members of the Oglala Sioux Tribe and the Cheyenne River Tribe: This is not about you. As a matter of fact, I know you have been seeking this for—it has been 100 years since the event they have memorialized, and you have been seeking this for quite some time. But you need to know that your leadership is playing a game that will ultimately force me to take a position on the modification.

I believe that the Wounded Knee Massacre Memorial is at a sacred site, and the act really does need to come into law—just not yet. The reason is, I have an issue with their Tribal leadership. I have an issue with the Sioux's leadership going after the Lumbee Tribe in Eastern North Carolina.

The Lumbee have been trying to seek recognition for years, and there is a long and sordid trail of racism, the Jim Crow era, and things that I will not talk about today, but I will in the coming weeks.

As many of my colleagues know, I have been working on the Lumbee Fairness Act—getting it passed into law—for quite some time. I acknowledge—I am going to go quicker on this. I am going to submit something for the RECORD, if I may.

Mr. President, the bottom line is, I am not going to get into the history of the Lumbee Tribe. What I am going to do is get into the history of the casino cartel that is trying to prevent the Lumbee Tribe from being recognized. First among them is the largest Indian Tribe east of the Mississippi River. It is the Eastern Band of the Cherokee in North Carolina.

These are my constituents. They are the same constituents where then-Speaker THOM TILLIS made sure they were treated fairly, renegotiated their compact, and it was transformational to them, as a Republican leader, over the objections of a majority of my Republican members.

That is the only bill that I allowed to do—in my 4 years as speaker—to do the right thing for the Cherokee. My reward was to have them use some of the treasure that was gained from my support in the statehouse to pay lobbyists huge sums of money to discredit the application for recognition of the Lumbee Indians.

Now I am going to get into some specifics.

For years, the Eastern Band of Cherokee Indians and their adviser Wilson Pipestem had led the efforts, the punitive efforts, directly against the Lumbee Tribe. Most recently, at the 81st NCAI Convention, a few weeks ago, UINO—sorry for these abbreviations—spread inflammatory information about the Lumbee Tribe. That was on November 1. The Eastern Band publicly thanked the UINO for the distribution of these materials. They were false. Since this stunt, the NCAI president has publicly condemned the distribution of those materials and issued an apology to the Lumbee Tribe.

Now I have been made aware that Eastern Band, Wilson Pipestem, and UINO have been hosting events on Capitol Hill, spending large sums of money to continue spreading those lies.

In the coming weeks and months, I am going to continue to highlight the individuals, the lobbyists, the Tribal leaders, and the groups that are part of this web that are preventing the Lumbee from getting the recognition they have deserved for nearly 130 years.

I want to reiterate to the Oglala Sioux and to the Cheyenne River Sioux: This is not about you. This is about your leaders, and this is about their underhanded, unfair treatment of a Tribal nation that deserves recognition and that this country needs to atone for over a century of racism and neglect.

For that reason, Mr. President, I do object to the modification.

The PRESIDING OFFICER. The objection to the modification is heard.

The Senator from South Dakota.

Mr. ROUNDS. Mr. President, look, I am very disappointed in my friend from North Carolina's approach to this particular issue. As Members of the Senate, we each have a task as to whether or not we will support different pieces of legislation.

I had chosen not to object to his legislation which he has been speaking about, and we have done our best to try to allay any concerns he may have about our future attempts to disrupt his approach. So it is very disappointing that he would hold as hostage this particular piece of legislation, which is of solid intent to help repair relations between the Oglala Lakota, the Cheyenne River Sioux Tribes, and the Government of the United States in a way which does not impact his Tribe or the challenges he has with getting his Tribe recognized whatsoever. In fact, we have felt that by not objecting at this point—and we have not—that he would understand how serious we were about trying to get our piece of legislation attached to this to fix the problem.

As an example, today—and to the chairman of the committee who has worked so hard to bring these forward, along with the ranking member—I have no intentions of standing in the way of them passing their solid legislation simply as a protest vote. I think we have to move forward and take the best that we can.

I will continue to try to work with the Member from North Carolina to assure him that if he will allow this piece of legislation to move forward, we would not be objecting to his legislation in the future. But if we can't have ours, I guess there is always the possibility that he will not be able to get his, as well.

I will not object to the original proposal.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. TILLIS. Mr. President, Senator ROUNDS—I call him MIKE—we are good friends. We came into the Senate together in 2014. We got to know each other before we even got here. He is a man of honor, and he is a man of his word. I have no doubt that he would not stand in the way should I allow this measure to go forward today.

The problem is, the Tribes that he represents will. They will continue to work to spread the misinformation to smear a Tribe that deserves recognition, and they want the respect that they have been entitled to for over 130 years when they first got recognition, short of Federal recognition.

So if I had a Senate and a Congress—if I had 535 MIKE ROUNDS—I would not have objected to this today. If I had Tribal leaders who were not lying to constituents and misinforming them on the background of the Lumbee Tribe and knowing that they will continue to, I have no other option than what I did today. It gives me no pleasure to do it to one of my favorite people in the U.S. Senate.

The PRESIDING OFFICER. Is there objection to the original request?

Without objection, it is so ordered. The Senate will proceed to the measures en bloc.

There being no objection, the Senate proceeded to consider the bills en bloc, which had been reported from the Committee on Indian Affairs, with an amendment to S. 1322 to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unlocking Native Lands and Opportunities for Commerce and Key Economic Developments Act of 2023".

SEC. 2. MODIFICATION OF TRIBAL LEASES AND RIGHTS-OF-WAY ACROSS INDIAN LAND.

(a) EXTENSION OF TRIBAL LEASE PERIOD.—*The first section of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415) (commonly known as the "Long-Term Leasing Act"), is amended—*

(1) by striking "That (a)" and all that follows through the end of subsection (a) and inserting the following:

"SECTION 1. LEASES OF RESTRICTED LAND.

"(a) AUTHORIZED PURPOSES; TERM; APPROVAL BY SECRETARY.—

"(1) IN GENERAL.—Any restricted Indian lands, regardless of whether that land is tribally or individually owned, may be leased by the Indian owner of the land, with the approval of the Secretary, for—

"(A) a public, religious, educational, recreational, residential, business, or grazing purposes; or

"(B) a farming purpose that requires the making of a substantial investment in the improvement of the land for the production of 1 or more specialized crops as determined by the Secretary.

"(2) INCLUSIONS.—A lease under paragraph (1) may include the development or use of natural resources in connection with operations under that lease.

"(3) TERM.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a lease under paragraph (1) shall be for a term of not more than 99 years, including any renewals.

"(B) EXCEPTION FOR GRAZING PURPOSES.—A lease under paragraph (1) for grazing purposes may be for a term of not more than 10 years, including any renewals.

"(4) REQUIREMENT.—Each lease and renewal under this subsection shall be made in accordance with such terms and regulations as may be prescribed by the Secretary.

"(5) CONDITIONS FOR APPROVAL.—Before the approval of any lease or renewal of an existing lease pursuant to this subsection, the Secretary shall determine that adequate consideration has been given to—

"(A) relationship between the use of the leased lands and the use of neighboring land;

"(B) the height, quality, and safety of any structures or other facilities to be constructed on the leased land;

"(C) the availability of police and fire protection and other services on the leased land;

"(D) the availability of judicial forums for all criminal and civil causes of action arising on the leased land; and

"(E) the effects on the environment of the uses to which the leased lands will be subject.";

(2) in subsection (b)—

(A) by striking "(b) Any lease" and inserting the following:

"(b) EXCEPTION FOR SECRETARY APPROVAL.—Any lease";

(B) by striking "of the Interior" each place it appears; and

(C) by striking "clause (3)" and inserting "paragraph";

(3) by redesignating subsections (a), (b), (c), and (d) as subsections (b), (c), (d), and (a), respectively, and moving the subsections so as to appear in alphabetical order;

(4) by striking "subsection (a)" each place it appears and inserting "subsection (b)"; and

(5) in subsection (h)(1)—

(A) in the matter preceding subparagraph (A), by striking "and the term of the lease does not exceed—" and inserting a period; and

(B) by striking subparagraphs (A) and (B).

(b) TECHNICAL CORRECTION.—Section 2 of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415a) (commonly known as the "Long-Term Leasing Act"), is amended by inserting "of the Interior" after "Secretary" each place it appears.

(c) MODIFICATIONS OF RIGHTS-OF-WAY ACROSS INDIAN LAND.—The Act of February 5, 1948 (62 Stat. 17, chapter 45), is amended—

(1) in the first section (62 Stat. 17, chapter 45; 25 U.S.C. 323), by striking "That the Secretary of the Interior be, and he is hereby, empowered to" and inserting the following:

"SECTION 1. RIGHTS-OF-WAY FOR ALL PURPOSES ACROSS INDIAN LAND.

"(a) RIGHTS-OF-WAY.—The Secretary of the Interior may";

(2) in section 2 (62 Stat. 18, chapter 45; 25 U.S.C. 324), by striking "organized under the Act of June 18, 1934 (48 Stat. 984), as amended; the Act of May 1, 1936 (49 Stat. 1250); or the Act of June 26, 1936 (49 Stat. 1967)."; and

(3) by adding at the end the following:

"SEC. 8. TRIBAL GRANTS OF RIGHTS-OF-WAY.

"(a) RIGHTS-OF-WAY.—

"(1) IN GENERAL.—Subject to paragraph (2), an Indian tribe may grant a right-of-way over and across the Tribal land of the Indian tribe for any purpose.

"(2) AUTHORITY.—A right-of-way granted under paragraph (1) shall not require the approval of the Secretary of the Interior or a grant by the Secretary of the Interior under the section 1 if the right-of-way granted under paragraph (1) is executed in accordance with a Tribal regulation approved by the Secretary of the Interior under subsection (b).

"(b) REVIEW OF TRIBAL REGULATIONS.—

"(1) TRIBAL REGULATION SUBMISSION AND APPROVAL.—

"(A) SUBMISSION.—An Indian tribe seeking to grant a right-of-way under subsection (a) shall submit for approval a Tribal regulation governing the granting of rights-of-way over and across the Tribal land of the Indian tribe.

"(B) APPROVAL.—Subject to paragraph (2), the Secretary of the Interior shall have the authority to approve or disapprove any Tribal regulation submitted under subparagraph (A).

"(2) CONSIDERATIONS FOR APPROVAL.—

"(A) IN GENERAL.—The Secretary of the Interior shall approve a Tribal regulation submitted under paragraph (1)(A), if the Tribal regulation—

"(i) is consistent with any regulations (or successor regulations) issued by the Secretary of the Interior under section 4;

"(ii) provides for an environmental review process that includes—

"(I) the identification and evaluation of any significant impacts the proposed action may have on the environment; and

"(II) a process for ensuring—

"(aa) that the public is informed of, and has a reasonable opportunity to comment on, any significant environmental impacts of the proposed action identified by the Indian tribe under subclause (I); and

"(bb) the Indian tribe provides a response to each relevant and substantive public comment on the significant environmental impacts identified by the Indian tribe under subclause (I) before the Indian tribe approves the right-of-way.

"(B) STATUTORY EXEMPTIONS.—The Secretary of the Interior, in making an approval decision under this subsection, shall not be subject to—

"(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(ii) section 306108 of title 54, United States Code; or

"(iii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

"(3) REVIEW PROCESS.—

"(A) IN GENERAL.—Not later than 180 days after the date on which the Indian tribe submits a Tribal regulation to the Secretary of the Interior under paragraph (1)(A), the Secretary of the Interior shall—

"(i) review the Tribal regulation;

"(ii) approve or disapprove the Tribal regulation; and

"(iii) notify the Indian tribe that submitted the Tribal regulation of the approval or disapproval.

"(B) WRITTEN DOCUMENTATION.—If the Secretary of the Interior disapproves a Tribal regulation submitted under paragraph (1)(A), the Secretary of the Interior shall include with the disapproval notification under subparagraph (A)(iii) written documentation describing the basis for the disapproval.

"(C) EXTENSION.—The Secretary of the Interior may, after consultation with the Indian tribe that submitted a Tribal regulation under paragraph (1)(A), extend the 180-day period described in subparagraph (A).

"(4) FEDERAL ENVIRONMENTAL REVIEW.—Notwithstanding paragraphs (2) and (3), if an Indian tribe carries out a project or activity funded by a Federal agency, the Indian tribe may rely on the environmental review process of the applicable Federal agency rather than any Tribal environmental review process required under this subsection.

"(c) DOCUMENTATION.—An Indian tribe granting a right-of-way under subsection (a) shall provide to the Secretary of the Interior—

"(1) a copy of the right-of-way, including any amendments or renewals; and

"(2) if the right-of-way allows for compensation to be made directly to the Indian tribe, documentation of payments that are sufficient, as determined by the Secretary of the Interior, as to enable the Secretary of the Interior to discharge the trust responsibility of the United States under subsection (d).

"(d) TRUST RESPONSIBILITY.—

"(1) IN GENERAL.—The United States shall not be liable for losses sustained by any party to a right-of-way granted under subsection (a).

"(2) AUTHORITY OF THE SECRETARY.—

"(A) IN GENERAL.—Pursuant to the authority of the Secretary of the Interior to fulfill the trust obligation of the United States to the applicable Indian tribe under Federal law (including regulations), the Secretary of the Interior may, on reasonable notice from the applicable Indian tribe and at the discretion of the Secretary of the Interior, enforce the provisions of, or cancel, any right-of-way granted by the Indian tribe under subsection (a).

"(B) AUTHORITY.—The enforcement or cancellation of a right-of-way under subparagraph (A) shall be conducted using regulatory procedures issued under section 6.

"(e) COMPLIANCE.—

"(1) IN GENERAL.—An interested party, after exhaustion of any applicable Tribal remedies, may submit a petition to the Secretary of the Interior, at such time and in such form as determined by the Secretary of the Interior, to review the compliance of an applicable Indian tribe with a Tribal regulation approved by the Secretary of the Interior under subsection (b).

"(2) VIOLATIONS.—If the Secretary of the Interior determines that a Tribal regulation was violated after conducting a review under paragraph (1), the Secretary of the Interior may take any action the Secretary of the Interior determines to be necessary to remedy the violation, including rescinding the approval of the Tribal regulation and reassuming responsibility for approving rights-of-way through the trust land of the applicable Indian tribe.

"(3) DOCUMENTATION.—If the Secretary of the Interior determines that a Tribal regulation was violated after conducting a review under paragraph (1), the Secretary of the Interior shall—

"(A) provide written documentation, with respect to the Tribal regulation that has been violated, to the appropriate interested party and Indian tribe;

"(B) provide the applicable Indian tribe with a written notice of the alleged violation; and

"(C) prior to the exercise of any remedy, including rescinding the approval for the applicable Tribal regulation or reassuming responsibility for approving rights-of-way through the trust land of the applicable Indian tribe, provide the applicable Indian tribe with—

"(i) a hearing that is on the record; and

"(ii) a reasonable opportunity to cure the alleged violation.

"(f) SAVINGS CLAUSE.—Nothing in this section affects the application of any Tribal regulations issued under Federal environmental law.

"(g) EFFECT OF TRIBAL REGULATIONS.—An approved Tribal regulation under subsection (b) shall not preclude an Indian tribe from, in the discretion of the Indian tribe, consenting to the grant of a right-of-way by the Secretary of the Interior under the section 1.

"(h) TERMS OF RIGHT-OF-WAY.—The compensation for, and terms of, a right-of-way granted under subsection (a) will be determined by—

"(1) negotiations by the Indian tribe; or

"(2) the regulations of the Indian tribe.

"(i) JURISDICTION.—The grant of a right-of-way under subsection (a) does not waive the sovereign immunity of the Indian tribe or diminish the jurisdiction of that Indian tribe over the Tribal land subject to the right-of-way, unless otherwise provided in—

"(1) the grant of the right-of-way; or

"(2) the regulations of the Indian tribe."

Mr. SCHATZ. I further ask that the committee-reported substitute amendment to S. 1322, be considered and agreed to; and that the bills, as amended, where amended, be considered read a third time, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment to S. 1322, in the nature of a substitute, was agreed to.

The bills were ordered to be engrossed for a third reading and were read the third time, en bloc.

Mr. SCHATZ. I know of no further debate on the bills, as amended, where amended, en bloc.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the bills, having been read the third time, the question is, Shall the bills pass, en bloc?

The bills (S. 385; S. 1322, as amended; and S. 2868) were passed, en bloc, as follows:

S. 385

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

SECTION 1. NATIVE AMERICAN TOURISM GRANT PROGRAMS.

The Native American Tourism and Improving Visitor Experience Act (25 U.S.C. 4351 et seq.) is amended—

(1) by redesignating section 6 (25 U.S.C. 4355) as section 7; and

(2) by inserting after section 5 (25 U.S.C. 4354) the following:

"SEC. 6. NATIVE AMERICAN TOURISM GRANT PROGRAMS.

"(a) BUREAU OF INDIAN AFFAIRS PROGRAM.—The Director of the Bureau of Indian

Affairs may make grants to and enter into agreements with Indian tribes and tribal organizations to carry out the purposes of this Act, as described in section 2.

“(b) OFFICE OF NATIVE HAWAIIAN RELATIONS.—The Director of the Office of Native Hawaiian Relations may make grants to and enter into agreements with Native Hawaiian organizations to carry out the purposes of this Act, as described in section 2.

“(c) OTHER FEDERAL AGENCIES.—The heads of other Federal agencies, including the Secretaries of Commerce, Transportation, Agriculture, Health and Human Services, and Labor, may make grants under this authority to and enter into agreements with Indian tribes, tribal organizations, and Native Hawaiian organizations to carry out the purposes of this Act, as described in section 2.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$35,000,000 for the period of fiscal years 2023 through 2027.”.

S. 1322

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 “Unlocking Native Lands and Opportunities for Commerce and Key Economic Developments Act of 2023”.

SEC. 2. MODIFICATION OF TRIBAL LEASES AND RIGHTS-OF-WAY ACROSS INDIAN LAND.

(a) EXTENSION OF TRIBAL LEASE PERIOD.—The first section of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415) (commonly known as the “Long-Term Leasing Act”), is amended—

(1) by striking “That (a)” and all that follows through the end of subsection (a) and inserting the following:

“SECTION 1. LEASES OF RESTRICTED LAND.

“(a) AUTHORIZED PURPOSES; TERM; APPROVAL BY SECRETARY.—

“(1) IN GENERAL.—Any restricted Indian lands, regardless of whether that land is tribally or individually owned, may be leased by the Indian owner of the land, with the approval of the Secretary, for—

“(A) a public, religious, educational, recreational, residential, business, or grazing purposes; or

“(B) a farming purpose that requires the making of a substantial investment in the improvement of the land for the production of 1 or more specialized crops as determined by the Secretary.

“(2) INCLUSIONS.—A lease under paragraph (1) may include the development or use of natural resources in connection with operations under that lease.

“(3) TERM.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), a lease under paragraph (1) shall be for a term of not more than 99 years, including any renewals.

“(B) EXCEPTION FOR GRAZING PURPOSES.—A lease under paragraph (1) for grazing purposes may be for a term of not more than 10 years, including any renewals.

“(4) REQUIREMENT.—Each lease and renewal under this subsection shall be made in accordance with such terms and regulations as may be prescribed by the Secretary.

“(5) CONDITIONS FOR APPROVAL.—Before the approval of any lease or renewal of an existing lease pursuant to this subsection, the Secretary shall determine that adequate consideration has been given to—

“(A) relationship between the use of the leased lands and the use of neighboring land;

“(B) the height, quality, and safety of any structures or other facilities to be constructed on the leased land;

“(C) the availability of police and fire protection and other services on the leased land;

“(D) the availability of judicial forums for all criminal and civil causes of action arising on the leased land; and

“(E) the effects on the environment of the uses to which the leased lands will be subject.”;

(2) in subsection (b)—

(A) by striking “(b) Any lease” and inserting the following:

“(b) EXCEPTION FOR SECRETARY APPROVAL.—Any lease”;

(B) by striking “of the Interior” each place it appears; and

(C) by striking “clause (3)” and inserting “paragraph”;

(3) by redesignating subsections (a), (b), (c), and (d) as subsections (b), (c), (d), and (a), respectively, and moving the subsections so as to appear in alphabetical order;

(4) by striking “subsection (a)” each place it appears and inserting “subsection (b)”;

and

(5) in subsection (h)(1)—

(A) in the matter preceding subparagraph (A), by striking “and the term of the lease does not exceed—” and inserting a period; and

(B) by striking subparagraphs (A) and (B).

(b) TECHNICAL CORRECTION.—Section 2 of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415a) (commonly known as the “Long-Term Leasing Act”), is amended by inserting “of the Interior” after “Secretary” each place it appears.

(c) MODIFICATIONS OF RIGHTS-OF-WAY ACROSS INDIAN LAND.—The Act of February 5, 1948 (62 Stat. 17, chapter 45), is amended—

(1) in the first section (62 Stat. 17, chapter 45; 25 U.S.C. 323), by striking “That the Secretary of the Interior be, and he is hereby, empowered to” and inserting the following:

“SECTION 1. RIGHTS-OF-WAY FOR ALL PURPOSES ACROSS INDIAN LAND.

“(a) RIGHTS-OF-WAY.—The Secretary of the Interior may”;

(2) in section 2 (62 Stat. 18, chapter 45; 25 U.S.C. 324), by striking “organized under the Act of June 18, 1934 (48 Stat. 984), as amended; the Act of May 1, 1936 (49 Stat. 1250); or the Act of June 26, 1936 (49 Stat. 1967).”; and

(3) by adding at the end the following:

“SEC. 8. TRIBAL GRANTS OF RIGHTS-OF-WAY.

“(a) RIGHTS-OF-WAY.—

“(1) IN GENERAL.—Subject to paragraph (2), an Indian tribe may grant a right-of-way over and across the Tribal land of the Indian tribe for any purpose.

“(2) AUTHORITY.—A right-of-way granted under paragraph (1) shall not require the approval of the Secretary of the Interior or a grant by the Secretary of the Interior under the section 1 if the right-of-way granted under paragraph (1) is executed in accordance with a Tribal regulation approved by the Secretary of the Interior under subsection (b).

“(b) REVIEW OF TRIBAL REGULATIONS.—

“(1) TRIBAL REGULATION SUBMISSION AND APPROVAL.—

“(A) SUBMISSION.—An Indian tribe seeking to grant a right-of-way under subsection (a) shall submit for approval a Tribal regulation governing the granting of rights-of-way over and across the Tribal land of the Indian tribe.

“(B) APPROVAL.—Subject to paragraph (2), the Secretary of the Interior shall have the authority to approve or disapprove any Tribal regulation submitted under subparagraph (A).

“(2) CONSIDERATIONS FOR APPROVAL.—

“(A) IN GENERAL.—The Secretary of the Interior shall approve a Tribal regulation submitted under paragraph (1)(A), if the Tribal regulation—

“(i) is consistent with any regulations (or successor regulations) issued by the Secretary of the Interior under section 4;

“(ii) provides for an environmental review process that includes—

“(I) the identification and evaluation of any significant impacts the proposed action may have on the environment; and

“(II) a process for ensuring—

“(aa) that the public is informed of, and has a reasonable opportunity to comment on, any significant environmental impacts of the proposed action identified by the Indian tribe under subclause (I); and

“(bb) the Indian tribe provides a response to each relevant and substantive public comment on the significant environmental impacts identified by the Indian tribe under subclause (I) before the Indian tribe approves the right-of-way.

“(B) STATUTORY EXEMPTIONS.—The Secretary of the Interior, in making an approval decision under this subsection, shall not be subject to—

“(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(ii) section 306108 of title 54, United States Code; or

“(iii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

“(3) REVIEW PROCESS.—

“(A) IN GENERAL.—Not later than 180 days after the date on which the Indian tribe submits a Tribal regulation to the Secretary of the Interior under paragraph (1)(A), the Secretary of the Interior shall—

“(i) review the Tribal regulation;

“(ii) approve or disapprove the Tribal regulation; and

“(iii) notify the Indian tribe that submitted the Tribal regulation of the approval or disapproval.

“(B) WRITTEN DOCUMENTATION.—If the Secretary of the Interior disapproves a Tribal regulation submitted under paragraph (1)(A), the Secretary of the Interior shall include with the disapproval notification under subparagraph (A)(iii) written documentation describing the basis for the disapproval.

“(C) EXTENSION.—The Secretary of the Interior may, after consultation with the Indian tribe that submitted a Tribal regulation under paragraph (1)(A), extend the 180-day period described in subparagraph (A).

“(4) FEDERAL ENVIRONMENTAL REVIEW.—Notwithstanding paragraphs (2) and (3), if an Indian tribe carries out a project or activity funded by a Federal agency, the Indian tribe may rely on the environmental review process of the applicable Federal agency rather than any Tribal environmental review process required under this subsection.

“(c) DOCUMENTATION.—An Indian tribe granting a right-of-way under subsection (a) shall provide to the Secretary of the Interior—

“(1) a copy of the right-of-way, including any amendments or renewals; and

“(2) if the right-of-way allows for compensation to be made directly to the Indian tribe, documentation of payments that are sufficient, as determined by the Secretary of the Interior, as to enable the Secretary of the Interior to discharge the trust responsibility of the United States under subsection (d).

“(d) TRUST RESPONSIBILITY.—

“(1) IN GENERAL.—The United States shall not be liable for losses sustained by any party to a right-of-way granted under subsection (a).

“(2) AUTHORITY OF THE SECRETARY.—

“(A) IN GENERAL.—Pursuant to the authority of the Secretary of the Interior to fulfill the trust obligation of the United States to the applicable Indian tribe under Federal law (including regulations), the Secretary of the Interior may, on reasonable notice from the applicable Indian tribe and at the discretion of the Secretary of the Interior, enforce the provisions of, or cancel, any right-of-way

granted by the Indian tribe under subsection (a).

“(B) AUTHORITY.—The enforcement or cancellation of a right-of-way under subparagraph (A) shall be conducted using regulatory procedures issued under section 6.

“(e) COMPLIANCE.—

“(1) IN GENERAL.—An interested party, after exhaustion of any applicable Tribal remedies, may submit a petition to the Secretary of the Interior, at such time and in such form as determined by the Secretary of the Interior, to review the compliance of an applicable Indian tribe with a Tribal regulation approved by the Secretary of the Interior under subsection (b).

“(2) VIOLATIONS.—If the Secretary of the Interior determines that a Tribal regulation was violated after conducting a review under paragraph (1), the Secretary of the Interior may take any action the Secretary of the Interior determines to be necessary to remedy the violation, including rescinding the approval of the Tribal regulation and reassuming responsibility for approving rights-of-way through the trust land of the applicable Indian tribe.

“(3) DOCUMENTATION.—If the Secretary of the Interior determines that a Tribal regulation was violated after conducting a review under paragraph (1), the Secretary of the Interior shall—

“(A) provide written documentation, with respect to the Tribal regulation that has been violated, to the appropriate interested party and Indian tribe;

“(B) provide the applicable Indian tribe with a written notice of the alleged violation; and

“(C) prior to the exercise of any remedy, including rescinding the approval for the applicable Tribal regulation or reassuming responsibility for approving rights-of-way through the trust land of the applicable Indian tribe, provide the applicable Indian tribe with—

“(i) a hearing that is on the record; and

“(ii) a reasonable opportunity to cure the alleged violation.

“(f) SAVINGS CLAUSE.—Nothing in this section affects the application of any Tribal regulations issued under Federal environmental law.

“(g) EFFECT OF TRIBAL REGULATIONS.—An approved Tribal regulation under subsection (b) shall not preclude an Indian tribe from, in the discretion of the Indian tribe, consenting to the grant of a right-of-way by the Secretary of the Interior under the section 1.

“(h) TERMS OF RIGHT-OF-WAY.—The compensation for, and terms of, a right-of-way granted under subsection (a) will be determined by—

“(1) negotiations by the Indian tribe; or

“(2) the regulations of the Indian tribe.

“(i) JURISDICTION.—The grant of a right-of-way under subsection (a) does not waive the sovereign immunity of the Indian tribe or diminish the jurisdiction of that Indian tribe over the Tribal land subject to the right-of-way, unless otherwise provided in—

“(1) the grant of the right-of-way; or

“(2) the regulations of the Indian tribe.”.

S. 2868

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

SECTION 1. REVOCATION OF CHARTER OF INCORPORATION OF THE LOWER SIOUX INDIAN COMMUNITY.

The request of the Lower Sioux Indian Community in the State of Minnesota to surrender the charter of incorporation issued to that community and ratified on July 17, 1937, pursuant to section 17 of the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (48 Stat. 988, chapter 576; 25

U.S.C. 5124), is hereby accepted and that charter of incorporation is hereby revoked.

Mr. SCHATZ. I ask that the motions to reconsider be considered made and laid upon the table, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHATZ. Mr. President, I took the floor today to pass several Indian Affairs bills that have been languishing for months and, some, for even years. I continue to intend to fight to pass several bipartisan bills, so it is good that we passed three of them. But there is a lot more work to do.

Senators PADILLA, LUJÁN, HEINRICH, SMITH, and others all have bills that are ready for consideration today and can end up as Federal law by the end of this Congress. They would improve the lives of Tribes and their communities from water rights settlements to protecting children from abuse and neglect. All of these bills have to be considered.

I am told additional time will be needed to clear these bills over the Thanksgiving break, and so I will stand down for now. I just want to make it clear to everybody: We are going to spend a lot of time on the floor together. There will be no cheap holds. There will be no convenient holds. We will give people a chance to work out their problems. But we are going to do this on the floor live like a real legislature and we are going to get this done. I yield the floor.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Sharad Harshad Desai, of Arizona, to be United States District Judge for the District of Arizona.

NOMINATION OF SHARAD H. DESAI

Mr. DURBIN. Mr. President, today, the Senate will vote to confirm Sharad Desai to the U.S. District Court for the District of Arizona.

Born in Phoenix, Mr. Desai received his B.A. and B.S. from the University of Arizona and his J.D. from New York University School of Law. After law school, he served as a law clerk to Justice Rebecca White Berch on the Arizona Supreme Court.

From 2007 to 2015, Mr. Desai worked as an attorney with the Phoenix law firm Osborn Maledon, P.A., first as an associate and later as a partner. He spent nearly a decade litigating cases in State and Federal courts on a broad range of topics.

Since 2015, Mr. Desai has worked in senior legal counsel roles at Honeywell International, Inc., a Fortune 150 technology and innovation company in Phoenix. He has been vice president and general counsel for the company's integrated supply chain and information technology divisions since 2023.

Mr. Desai has deep ties to the Grand Canyon State, and he enjoys the strong

support of both of his home State Senators, Ms. SINEMA and Mr. KELLY. The American Bar Association rated Mr. Desai as “qualified” to serve on the District of Arizona. If confirmed, he will be Arizona's first South Asian Federal district judge.

Mr. Desai's significant litigation background and experience in State and Federal courts ensure that he will be a valuable addition to the district court. I strongly support his nomination, and I urge my colleagues to join me.

The PRESIDING OFFICER. The Senator from Wyoming.

NATIONAL RURAL HEALTH DAY

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 909, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 909) designating November 21, 2024, as “National Rural Health Day”.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 909) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under “Submitted Resolutions.”)

I yield the floor.

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. SMITH. Mr. President, I ask unanimous consent that the scheduled vote begin immediately.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON DESAI NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Desai nomination?

Ms. SINEMA. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. FETTERMAN) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the