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106TH CONGRESS, 2d Session | HOUSE OF REPRESENTATIVES | REPORT 106–502

PROVIDING THAT LAND WHICH IS OWNED BY THE LOWER SIOUX INDIAN COMMUNITY IN THE STATE OF MINNESOTA BUT WHICH IS NOT HELD IN TRUST BY THE UNITED STATES FOR THE COMMUNITY MAY BE LEASED ON TRANSFERRED BY THE COMMUNITY WITHOUT FURTHER APPROVAL BY THE UNITED STATES

FEBRUARY 29, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources, submitted the following

REPORT

[To accompany H.R. 2484]

The Committee on Resources, to whom was referred the bill (H.R. 2484) to provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 2484 is to provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2484 would provide that land, which is owned in fee by the Lower Sioux Indian Community in Minnesota and thus is not held in trust by the United States for the Community, may be leased or alienated by the Community without further approval by the United States.

Existing federal law (25 U.S.C. 177) provides that Indian tribes may not lease, sell or otherwise convey land which they may have title to unless the conveyances are approved by Congress. This prohibition, enacted into law in 1834 to prevent the unfair, improvi-

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dent or improper disposition of Indian-owned land, has been interpreted by the courts to apply even though the land was purchased by the Tribes with their own money and even though the land is not held in trust by the federal government.

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

COMMITTEE ACTION

H.R. 2484 was introduced on July 12, 1999, by Congressman David Minge (D–MN). The bill was referred to the Committee on Resources. On February 16, 2000, the Resources Committee met to consider the bill. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. At the time of filing this report, the Committee had not yet received a cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974; the Committee will publish the cost estimate in the Congressional Record when it becomes available. However, the Committee does not believe that enactment of the bill will entail any costs or have any effect on the federal budget.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

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