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Series: Saunders, G. Timothy (Tim) - Bill Files

Folder Title: 04/04/2002 [H.R 3985] [771164]

LAW_M**771164**

FG006-01

Barcode Scanning SheetCollection Code: **SECLOG**

Staff Name:

Document Date:

Correspondent: **TIM SAUNDERS**

Subject/Description: **OVERSIZE ATTACHMENT # 9465 NARA # 9356 BOX 1
FOLDER 15C BILL FILL RECEIVED FROM THE OFFICE OF
THE EXECUTIVE CLERK - APR 04 02 ENROLLED BILL H.R.
3985 - GILA RIVER INDIAN COMMUNITY LEASE
AUTHORITY AMENDMENTS**



THE PRESIDENT HAS SEEN
4-4-02
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

APPROVED

APR - 4 2002

THE DIRECTOR

March 28, 2002

02 APR 28 PM 6:55

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3985 - Gila River Indian Community Lease Authority
Amendments
Sponsors: Reps. Hayworth (R) AZ, Kildee (D) MI, and Pastor (D) AZ

Last Day for Action

April 5, 2002 - Friday

Purpose

Authorizes certain binding arbitration disputes regarding the leasing of reservation lands of the Gila River Indian Community in Arizona to be under the jurisdiction of Federal courts rather than tribal courts.

Agency Recommendations

Office of Management and Budget

Approval

Department of the Interior

Approval

Department of Justice

No objection (Informally)

General Services Administration

No comment (Informally)

Discussion

Under current law, conflicts arising from binding arbitration agreements in leases for most restricted or reservation Indian lands must be adjudicated in tribal courts. The Gila River Indian Community in Arizona is seeking a legal exemption to address perceived reluctance by potential business lease tenants to enter into lease contracts with the Community because any disputes arising from the binding arbitration agreements would be subject to tribal court jurisdiction.

513022

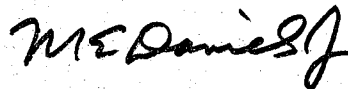
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Specifically, the enrolled bill would allow certain contracts or leases that affect lands within the Gila River Indian Community Reservation to contain provisions for binding arbitration of any dispute arising out of a lease or contract. Refusal by either party to submit to arbitration would provide the basis for a civil action arising under the Constitution, laws, or treaties of the United States, thereby providing Federal courts with jurisdiction to enforce the binding arbitration agreements or resulting arbitration decisions.

Conclusion and Recommendations

The Department of the Interior states that "H.R. 3985 would provide the Community with the opportunity to offer assurance to potential business partners that, if necessary, there is an available forum other than tribal court to enforce an agreement to arbitrate lease disputes."

We join Interior in recommending the approval of H.R. 3985, which passed the House and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

One Hundred Seventh Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

An Act

To amend the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955, to provide for binding arbitration clauses in leases and contracts related to reservation lands of the Gila River Indian Community.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955, (69 Stat. 539; 25 U.S.C. 415) is amended by adding at the end the following new subsection:

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Speaker of the House of Representatives

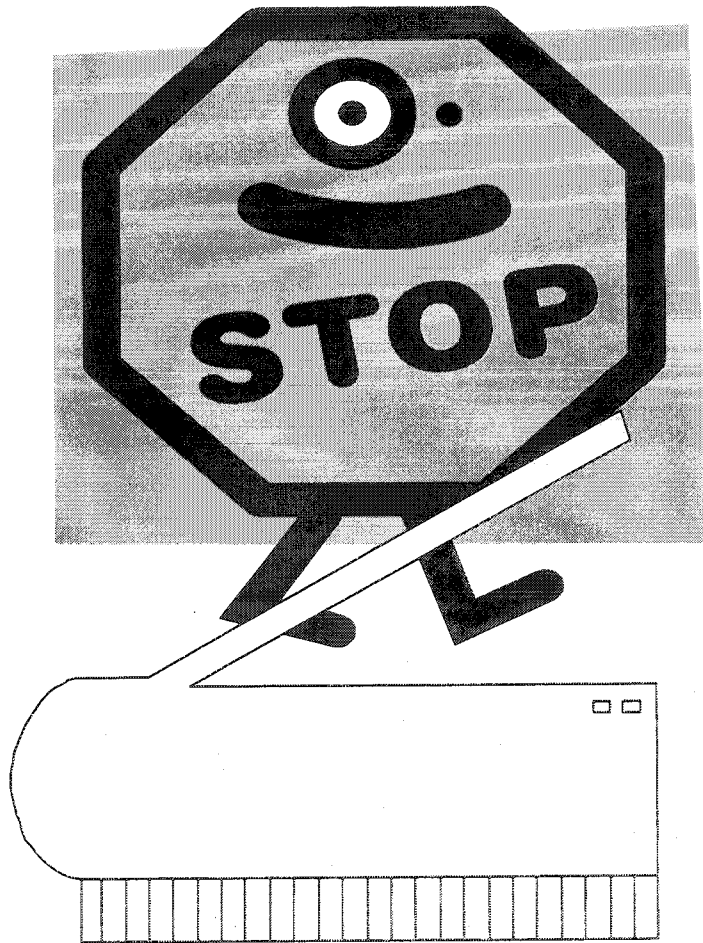
Vice President of the United States and

President of the Senate pro tempore.

APPROVED

APR - 4 2002

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Scanning insert sheet



Remainder of case not scanned

WHITE HOUSE STAFFING MEMORANDUM

Date: 03-28-02 ACTION / CONCURRENCE / COMMENT DUE BY: 03-29-02 5:00 PM

ENROLLED BILL H.R. 3985 -- GILA RIVER INDIAN COMMUNITY LEASE

Subject: AUTHORITY AMENDMENTS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT <i>Coners</i>	☒	☐	HUBBARD	☐	☐
CARD	☐	☐	HUGHES	☐	☐
BARTLETT	☐	☐	IRASTORZA	☐	☐
BLAKEMAN	☐	☐	JOHNSON	☐	☐
BOLTEN <i>✓</i>	☒	☐	LINDSEY	☐	☐
BRIDGELAND	☐	☐	MARBURGER	☐	☐
CALIO	☐	☐	MIERS	☒	☐
CONNAUGHTON	☐	☐	RICE	☐	☐
DANIELS	☒	☐	RIDGE	☐	☐
FLEISCHER	☐	☐	ROVE	☐	☐
GERSON	☐	☐	SPELLINGS <i>✓</i>	☒	☐
GONZALES	☒	☐	CLERK	☐	☒
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD COMMENTS TO INGRID SCHROEDER, X53925, OR FAX 56148, BY 5:00 P.M., FRIDAY, MARCH 29, 2002, WITH A COPY TO THE STAFF SECRETARY'S OFFICE, X62702, OR FAX 62215. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

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WHITE HOUSE STAFFING MEMORANDUM

Date: 03-28-02 ACTION / CONCURRENCE / COMMENT DUE BY: 03-29-02 5:00 PMSubject: ENROLLED BILL H.R. 3985 -- GILA RIVER INDIAN COMMUNITY LEASE
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RESPONSE:

Harriet E. Miers
Assistant to the President
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Ext. 62702



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WASHINGTON, D.C. 20503

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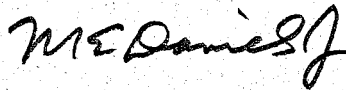
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Bills Received at the White House

Date received and
notification to OMB: 3/25/2002

Last day for action: 4/5/2002

	Official Title	
H.R.1499	An Act to amend the District of Columbia College Access Act of 1999 to permit individuals who enroll in an institution of higher education more than 3 years after graduating from a secondary school and individuals who attend private historically black colleges and universities nationwide to participate in the tuition assistance programs under such Act, and for other purposes.	513020
H.R.2739	An Act to amend Public Law 107-10 to authorize a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2002 in Geneva, Switzerland, and for other purposes.	513021
H.R.3985	An Act to amend the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955, to provide for binding arbitration clauses in leases and contracts related to reservation lands of the Gila River Indian Community.	513022

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Approval

Department of the Interior

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Department of Justice

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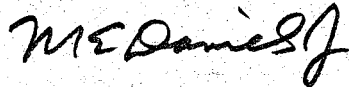
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VP 5/30/22
Spelungas
Gonzales
Molton
Daniels
Hawkins
Miles
L...

Typed Summary
5/31/22
6/2/22



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

MAR 27 2002

Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Attention: Assistant Director for Legislative Reference
Washington, DC 20503

Dear Mr. Daniels:

This letter responds to your request for the views of the Department of the Interior with respect to enrolled bill H.R. 3985, "To amend the Act entitled 'An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases', approved August 9, 1955, to provide for binding arbitration clauses in leases and contracts related to reservation lands of the Gila River Indian Community."

We recommend that the President approve the enrolled bill.

H.R. 3985 would amend the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases" by providing that any contract or lease entered into under section 2103 of the Revised Statutes, as amended, that affects land within the Gila River Indian Community Reservation, may contain a provision for binding arbitration of any dispute arising out of such lease or contract. Refusal to submit to arbitration would be deemed as a civil action arising under the Constitution, laws or treaties of the United States thereby providing Federal courts with the jurisdiction to enforce agreements to arbitrate and any resulting arbitration decision.

Although the Gila River Indian Community has the authority to enter into binding arbitration agreements while negotiating a contract or a lease, and often does provide for arbitration of disputes in the Community's commercial contracts, businesses are weary of entering into business ventures with the Community because the agreement to arbitrate and any enforcement of that agreement is now subject to tribal court. Federal courts lack the jurisdiction over contract disputes between private business entities and Indian tribes. H.R. 3985 would provide the Community with the opportunity to offer assurance to potential business partners that, if necessary, there is an available forum other than tribal court to enforce an agreement to arbitrate lease disputes.

Accordingly, the Department of the Interior supports this legislation and recommends that the President approve the enrolled bill.

Sincerely,

Assistant Secretary for Indian Affairs

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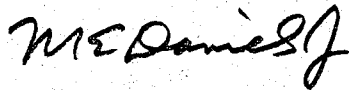
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The Department of the Interior states that "H.R. 3985 would provide the Community with the opportunity to offer assurance to potential business partners that, if necessary, there is an available forum other than tribal court to enforce an agreement to arbitrate lease disputes."

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Mitchell E. Daniels, Jr.
Director

Enclosures



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

March 28, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3985 - Gila River Indian Community Lease Authority
Amendments
Sponsors: Reps. Hayworth (R) AZ, Kildee (D) MI, and Pastor (D) AZ

Last Day for Action

April 5, 2002 - Friday

Purpose

Authorizes certain binding arbitration disputes regarding the leasing of reservation lands of the Gila River Indian Community in Arizona to be under the jurisdiction of Federal courts rather than tribal courts.

Agency Recommendations

Office of Management and Budget

Approval

Department of the Interior

Approval

Department of Justice

No objection (Informally)

General Services Administration

No comment (Informally)

Discussion

Under current law, conflicts arising from binding arbitration agreements in leases for most restricted or reservation Indian lands must be adjudicated in tribal courts. The Gila River Indian Community in Arizona is seeking a legal exemption to address perceived reluctance by potential business lease tenants to enter into lease contracts with the Community because any disputes arising from the binding arbitration agreements would be subject to tribal court jurisdiction.

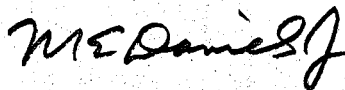
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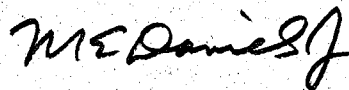
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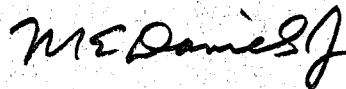
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Director

Enclosures

 *** TX REPORT ***

TRANSMISSION OK

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SS/ RM NO. 513022

WHITE HOUSE STAFFING MEMORANDUM

Date: 03-28-02 ACTION / CONCURRENCE / COMMENT DUE BY: 03-29-02 5:00 PM

Subject: ENROLLED BILL H.R. 3985 -- GILA RIVER INDIAN COMMUNITY LEASE
 AUTHORITY AMENDMENTS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT →	☒	☐	HUBBARD	☐	☐
CARD	☐	☐	HUGHES	☐	☐
BARTLETT	☐	☐	IRASTORZA	☐	☐
BLAKEMAN	☐	☐	JOHNSON	☐	☐
BOLTEN	☒	☐	LINDSEY	☐	☐
BRIDGELAND	☐	☐	MARBURGER	☐	☐
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CONNAUGHTON	☐	☐	RICE	☐	☐
DANIELS	☒	☐	RIDGE	☐	☐
FLEISCHER	☐	☐	ROVE	☐	☐
GERSON	☐	☐	SPELLINGS	☒	☐
GONZALES	☒	☐	CLERK	☐	☒
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

PI FASE FORWARD COMMENTS TO INGRID SCHROEDER, X53925, OR FAX 56148, BY
 WHEN A COPY TO THE STAFF SECRETARY'S OFFICE.

WHITE HOUSE STAFFING MEMORANDUM

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AUTHORITY AMENDMENTS

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HAGIN	☐	☐	_____	☐	☐
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REMARKS:

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RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

March 28, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3985 - Gila River Indian Community Lease Authority
Amendments
Sponsors: Reps. Hayworth (R) AZ, Kildee (D) MI, and Pastor (D) AZ

Last Day for Action

April 5, 2002 - Friday

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Agency Recommendations

Office of Management and Budget

Approval

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No objection (Informally)

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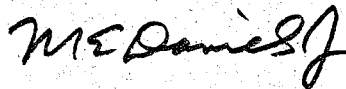
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Mitchell E. Daniels, Jr.
Director

Enclosures

One Hundred Seventh Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

An Act

To amend the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955, to provide for binding arbitration clauses in leases and contracts related to reservation lands of the Gila River Indian Community.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955, (69 Stat. 539; 25 U.S.C. 415) is amended by adding at the end the following new subsection:

"(f) Any lease entered into under the Act of August 9, 1955 (69 Stat. 539), as amended, or any contract entered into under section 2103 of the Revised Statutes (25 U.S.C. 81), as amended, affecting land within the Gila River Indian Community Reservation may contain a provision for the binding arbitration of disputes arising out of such lease or contract. Such leases or contracts entered into pursuant to such Acts shall be considered within the meaning of 'commerce' as defined and subject to the provisions of section 1 of title 9, United States Code. Any refusal to submit to arbitration pursuant to a binding agreement for arbitration or the exercise of any right conferred by title 9 to abide by the outcome of arbitration pursuant to the provisions of chapter 1 of title 9, sections 1 through 14, United States Code, shall be deemed to be a civil action arising under the Constitution, laws or treaties of the United States within the meaning of section 1331 of title 28, United States Code."

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

 *** TX REPORT ***

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WHITE HOUSE STAFFING MEMORANDUM

Date: 03-28-02 ACTION / CONCURRENCE / COMMENT DUE BY: 03-29-02 5:00 PM

ENROLLED BILL H.R. 3985 -- GILA RIVER INDIAN COMMUNITY LEASE
 Subject: AUTHORITY AMENDMENTS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☐	☐	HUGHES	☐	☐
BARTLETT	☐	☐	IRASTORZA	☐	☐
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RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

March 28, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3985 - Gila River Indian Community Lease Authority
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Sponsors: Reps. Hayworth (R) AZ, Kildee (D) MI, and Pastor (D) AZ

Last Day for Action

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Agency Recommendations

Office of Management and Budget

Approval

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Approval

Department of Justice

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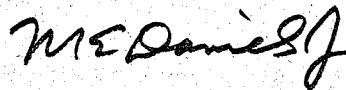
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OFFICE OF THE VICE PRESIDENT
WASHINGTON

02 MAR 29 PM 5:11

March 29, 2002

MEMORANDUM FOR INGRID SCHROEDER

FROM: JONATHAN BURKS 
DEPUTY STAFF SECRETARY TO THE VICE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3985 – Gila River Indian
Community Lease Authority Amendments

The Office of the Vice President has reviewed the above-referenced draft and concurs in the recommendation to sign the enrolled bill.

cc: Harriet Miers
Staff Secretary

WHITE HOUSE STAFFING MEMORANDUM

Date: 03-28-02 ACTION / CONCURRENCE / COMMENT DUE BY: 03-29-02 5:00 PMSubject: ENROLLED BILL H.R. 3985 -- GILA RIVER INDIAN COMMUNITY LEASE
AUTHORITY AMENDMENTS

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CARD	☐	☐	HUGHES	☐	☐
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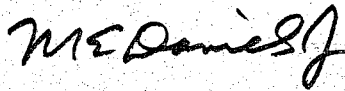
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the twenty-third day of January, two thousand and two*

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To amend the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955, to provide for binding arbitration clauses in leases and contracts related to reservation lands of the Gila River Indian Community.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955, (69 Stat. 539; 25 U.S.C. 415) is amended by adding at the end the following new subsection:

"(f) Any lease entered into under the Act of August 9, 1955 (69 Stat. 539), as amended, or any contract entered into under section 2103 of the Revised Statutes (25 U.S.C. 81), as amended, affecting land within the Gila River Indian Community Reservation may contain a provision for the binding arbitration of disputes arising out of such lease or contract. Such leases or contracts entered into pursuant to such Acts shall be considered within the meaning of 'commerce' as defined and subject to the provisions of section 1 of title 9, United States Code. Any refusal to submit to arbitration pursuant to a binding agreement for arbitration or the exercise of any right conferred by title 9 to abide by the outcome of arbitration pursuant to the provisions of chapter 1 of title 9, sections 1 through 14, United States Code, shall be deemed to be a civil action arising under the Constitution, laws or treaties of the United States within the meaning of section 1331 of title 28, United States Code."

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

WHITE HOUSE STAFFING MEMORANDUM

Date: 03-28-02 ACTION / CONCURRENCE / COMMENT DUE BY: 03-29-02 5:00 PM 25 PM 17

ENROLLED BILL H.R. 3985 -- GILA RIVER INDIAN COMMUNITY LEASE
 Subject: AUTHORITY AMENDMENTS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☐	☐	HUGHES	☐	☐
BARTLETT	☐	☐	IRASTORZA	☐	☐
BLAKEMAN	☐	☐	JOHNSON	☐	☐
BOLTEN	☒	☐	LINDSEY	☐	☐
BRIDGELAND	☐	☐	MARBURGER	☐	☐
CALIO	☐	☐	MIERS	☒	☐
CONNAUGHTON	☐	☐	RICE	☐	☐
DANIELS	☒	☐	RIDGE	☐	☐
FLEISCHER	☐	☐	ROVE	☐	☐
GERSON	☐	☐	SPELLINGS	☒	☐
GONZALES	☒	☐	CLERK	☐	☒
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE FORWARD COMMENTS TO INGRID SCHROEDER, X53925, OR FAX 56148, BY 5:00 P.M., FRIDAY, MARCH 29, 2002, WITH A COPY TO THE STAFF SECRETARY'S OFFICE, X62702, OR FAX 62215. THANK YOU.

RESPONSE:

cc Kristine / Aguilera

talked to Margaret
 she said
 OK
 26

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

March 28, 2002

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 3985 - Gila River Indian Community Lease Authority
Amendments
Sponsors: Reps. Hayworth (R) AZ, Kildee (D) MI, and Pastor (D) AZ

Last Day for Action

April 5, 2002 - Friday

Purpose

Authorizes certain binding arbitration disputes regarding the leasing of reservation lands of the Gila River Indian Community in Arizona to be under the jurisdiction of Federal courts rather than tribal courts.

Agency Recommendations

Office of Management and Budget

Approval

Department of the Interior

Approval

Department of Justice

No objection (Informally)

General Services Administration

No comment (Informally)

Discussion

Under current law, conflicts arising from binding arbitration agreements in leases for most restricted or reservation Indian lands must be adjudicated in tribal courts. The Gila River Indian Community in Arizona is seeking a legal exemption to address perceived reluctance by potential business lease tenants to enter into lease contracts with the Community because any disputes arising from the binding arbitration agreements would be subject to tribal court jurisdiction.

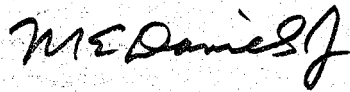
The enrolled bill would allow any potential disputes regarding binding arbitration agreements between the Community and future lessees of reservation lands to be subject to Federal court jurisdiction rather than the tribal courts. According to a House floor statement by Rep. Hayworth, "[p]roviding potential tenants with a Federal court remedy if the Community refuses to arbitrate according to agreed-to lease provisions will cause quality developers to be more interested in leasing land . . . because leases will be more financeable and marketable."

Specifically, the enrolled bill would allow certain contracts or leases that affect lands within the Gila River Indian Community Reservation to contain provisions for binding arbitration of any dispute arising out of a lease or contract. Refusal by either party to submit to arbitration would provide the basis for a civil action arising under the Constitution, laws, or treaties of the United States, thereby providing Federal courts with jurisdiction to enforce the binding arbitration agreements or resulting arbitration decisions.

Conclusion and Recommendations

The Department of the Interior states that "H.R. 3985 would provide the Community with the opportunity to offer assurance to potential business partners that, if necessary, there is an available forum other than tribal court to enforce an agreement to arbitrate lease disputes."

We join Interior in recommending the approval of H.R. 3985, which passed the House and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

One Hundred Seventh Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

An Act

To amend the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955, to provide for binding arbitration clauses in leases and contracts related to reservation lands of the Gila River Indian Community.

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WHITE HOUSE STAFFING MEMORANDUM

Date: 03-28-02 ACTION / CONCURRENCE / COMMENT DUE BY: 03-29-02 5:00 PM

ENROLLED BILL H.R. 3985 -- GILA RIVER INDIAN COMMUNITY LEASE
 Subject: AUTHORITY AMENDMENTS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☐	☐	HUGHES	☐	☐
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GERSON	☐	☐	SPELLINGS	☒	☐
GONZALES	☒	☐	CLERK	☐	☒
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RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

March 28, 2002

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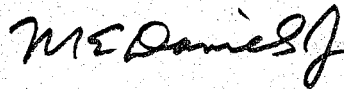
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