

105TH CONGRESS
2D SESSION

S. 2301

To provide for accountability by Indian tribes under certain Federal environmental laws, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 14, 1998

Mr. GORTON introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To provide for accountability by Indian tribes under certain Federal environmental laws, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tribal Environmental
5 Accountability Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) Federal environmental laws are in effect for
9 the benefit of the citizens of the United States, in-
10 cluding members of Indian tribes;

1 (2) certain Federal environmental laws allow
2 citizens to initiate an action to provide for enforce-
3 ment, including, in some cases, injunctions to pre-
4 vent a proposed activity from occurring until such
5 time as certain procedural and substantive require-
6 ments are met; and

7 (3) the assertion of tribal immunity used to
8 shield an Indian tribe from remedies necessary to
9 achieve compliance with Federal environmental laws
10 impedes the application of those laws for the pur-
11 pose specified in paragraph (1).

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

14 (1) **FEDERAL ENVIRONMENTAL LAW.**—The
15 term “Federal environmental law” means any Fed-
16 eral law affecting the environment, fish and wildlife
17 conservation, or the use of land or water.

18 (2) **INDIAN TRIBE.**—The term “Indian tribe”
19 has the meaning given that term in section 4(e) of
20 the Indian Self-Determination and Education Assist-
21 ance Act (25 U.S.C. 450b(e)).

22 (3) **TRIBAL IMMUNITY.**—The term “tribal im-
23 munity” means the immunity of an Indian tribe
24 from jurisdiction of the courts, judicial review of an
25 action of that Indian tribe, and other remedies.

1 **SEC. 6. APPLICABILITY.**

2 (a) NATIONAL ENVIRONMENTAL POLICY ACT OF
3 1969.—Section 4 applies to any action described in sec-
4 tion 4(a) with respect to any project or activity of an In-
5 dian tribe that has not been completed as of the date of
6 enactment of this Act.

7 (b) CIVIL ACTIONS.—Section 5 applies to any civil
8 action described in that section commenced on or after the
9 date of enactment of this Act.

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