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## ***MEMORANDUM***

**TO:** American Indian Tribal Leaders

**FROM:** President Robert Odawi Porter 

**DATE:** February 25, 2011

**RE:** NEW ECONOMIC EMPOWERMENT LEGISLATION FOR INDIAN COUNTRY

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## ***SUMMARY***

A few months ago, I discussed with some of you new Tribal Empowerment initiatives during the White House Tribal Nations Conference. It was clear we all seek a new direction that breaks with the paternalism of the past and opens up a future that empowers tribal governments and promotes self-sustaining tribal economies.

In response to these conversations, I have developed the attached discussion bill drafts to promote Tribal Empowerment. I am eager to hear your reactions and ideas on how these drafts can be improved.

If there is a core of support from Indian Country, I propose that our goal would be to ask members of the bi-partisan House Native American Caucus and Senate Committee on Indian Affairs to introduce and promote this package next month. If you agree, please join us in asking your congressional delegation to co-sponsor and support these bills.

# ***PROBLEM***

*Twisted Policy and Tangled Programs:* American Indian nations and tribes are recognized as sovereign governments as a matter of federal law and treaty, but many have become heavily dependent on transfers of federal monies for their economic survival. This dependence undermines tribal sovereignty. It erodes what is left of traditional tribal economic infrastructure. And it perpetuates a federal paternalism that stifles Indian empowerment. While federal law has promoted Indian self-determination for nearly 40 years, it has not systematically encouraged economic policies or programs that promote Indian self-determination. Instead, federal policy has undermined tribal empowerment.

*Barriers to Indian Economic Development and Empowerment:* Most of our problems arise because outsiders control and tax Indian lands and resources.

Most Indian nations do not own our own lands. Instead, we mostly occupy federal trust lands. As a result, we are unable to exercise sovereign, unilateral control over the use and development of the land we occupy. Federal regulations and federal administration interfere with tribal development control, and make development in Indian Country uneconomic, causing years of delay and millions of dollars in added costs to tribal projects on tribal lands.

Where tribal lands are checker-boarded or are in Pub.L. 83-280 states, state and local governments often assert a jurisdictional influence over tribal lands that imposes an additional layer of procedural delays and expense. While Indian Nations are tax immune, the United States collects income and other federal taxes from economic activity on Indian lands. And some states, despite treaty and other protections, attempt to collect taxes from Indian individuals and others working and trading in Indian Country. The taxes taken by other governments preclude tribal nations from raising revenues and serve to render development in Indian Country uneconomic.

*Result: Indian Islands of Poverty.* All of these government barriers and burdens negatively affect the economic well-being of both Indian nations and Indian individuals. Much of Indian Country is perpetually plagued by unemployment rates far exceeding national and regional averages. With few exceptions, as one drives toward Indian Country, all evidence of economic development withers away. Federal and state policies have combined to repel economic development from Indian Country. While there have been attempts in the past to apply substantial federal subsidies to offset other federal barriers and burdens, they have been misguided or not fit to task.

# ***SOLUTIONS***

*Remove the Barriers.* We should reject the tired old federal approach of spending more federal funds to try to tempt economic interests to jump over these barriers and invest in Indian Country. Instead, we propose a demonstration project to remove these barriers. Much as Reagan said to Gorbachev, we say to Congress: "TEAR DOWN THESE BARRIERS" and let the economic self-interest of big and small business in the private sector be attracted to invest, operate, and hire in Indian Country.

What if Republicans and Democrats, on Capitol Hill and in the Administration, broke history's mold and tried instead a bold new approach, on a pilot project basis, to foster economic growth in Indian Country that uses practical and real incentives in partnership with America's tribal nations? What if we asked the United States to recognize and honor today the sovereign power and authority that each Indian nation exercised at the time the U.S. Constitution was adopted?

*Pilot Projects to Restore Tribal Economic Empowerment Authority.* The Seneca Nation has prepared a package of discussion draft legislation that would authorize and protect the exercise of a combination of tax, land management, and other tribal powers, on a demonstration basis by Indian nations choosing to participate. Our hope is that you support this initiative and that Congress give these bills serious consideration in 2011. Please join the Seneca Nation in asking supportive House and Senate members to introduce these bills as soon as possible.

## ***PACKAGE OF DISCUSSION BILLS: PILOT PROJECTS FOR TRIBAL EMPOWERMENT IN INDIAN COUNTRY***

1. **LAND LEASE AUTHORITY:** Restoring Tribal Land Leasing Authority Act of 2011 (to be referred to the House Committee on Natural Resources). The authority of Indian nations and tribes to lease land they occupy that is held in trust is limited by statute to varying lengths of time, from 25 years to 99 years. This approach perpetuates a paternalism inherent in federal trusteeship law that results in uneconomic delays and public citizen procedures. This bill would authorize up to fifty requesting Indian nations and tribes, as a demonstration project, to declare tribal leasing authority over specifically identified lands without federal involvement or approval and the accompanying public citizen procedures.

2. **RESTRICTED FEE LANDS:** Restoring Tribal Restricted Fee Land Title Act of 2011 (to be referred to the House Committee on Natural Resources). Tribes who occupy tribal restricted fee lands (for which they hold fee title subject to a federal

restriction against taxation and alienation) are able to mortgage, lease, and develop without the federal government involvement and interference that accompanies development of land held in trust for the tribe by the federal government. This bill would authorize up to fifty requesting Indian nations and tribes, as a demonstration project, to convert some portion of their tribal trust land into tribal restricted fee land. The bill would clarify that all tribal restricted fee lands, however authorized, are Indian Country over which an Indian nation or tribe may exercise leasing and other land use authority without federal involvement or approval and the accompanying public citizen procedures. The bill would not diminish the federal trust responsibility nor would it amend the Indian Reorganization Act (I.R.A) nor affect the I.R.A. regulations.

3. **TAX-FREE TRIBAL ZONES: Restoring Tribal Employment and Sovereign Empowerment Act of 2011** (to be referred to the House Committee on Ways and Means). In order to jump start economies in Indian Country and create real financial incentives for the creation of private sector jobs, this far-reaching proposal would, on a demonstration basis, declare all Indian reservations choosing to participate to be tax-free zones. All economic activity occurring upon these Indian zones would be declared to be exempt from federal and state tax of every kind. This should cause private sector commerce and trade to move into relatively impoverished Indian Country bringing with it jobs and investment that benefit reservations and their neighbors. The demonstration project would limit the number of participating Indian nations and tribes to fifty in order to contain the federal budget cost score. The bill also would authorize an Indian nation or tribe to raise tribal governmental revenue from non-Indians who conduct otherwise tax-free activity on Indian lands with the nation or tribe's permission.

4. **GENERAL TAX CREDIT: Restoring a Tribal Lands General Tax Credit Act of 2011** (to be referred to the House Committee on Ways and Means). This bill would provide a 100% tax credit against all taxes otherwise imposed by the federal, state and local governments on certain qualified business activity occurring on certain portions of Indian Country with the permission of, and under fee and other terms established by, the governing Indian nation or tribe. The taxes against which this general credit would be applied include all sales, payroll, income, excise, transfer and severance taxes imposed by the United States, the various states, or subdivisions thereof. The demonstration project would limit the number of participating Indian nations or tribes to fifty in order to contain the federal budget cost score. It would be available in those portions of Indian Country suffering unemployment rates higher than twice the national average. To qualify for the credit, a taxpayer must adhere to Indian preference in employment related to the qualified business activity.

5. **INVESTMENT TAX CREDIT: Restoring Tribal Lands Investment Credit Act of 2011** (to be referred to the House Committee on Ways and Means). This bill would provide a 100% investment tax credit against the income tax liability of any

taxpayer equal to the amount that taxpayer invests in certain new equipment and facilities placed in service in certain portions of Indian Country with the permission of, and under fee and other terms established by, the governing Indian nation or tribe. The demonstration project would limit the number of participating Indian nations or tribes to fifty in order to contain the federal budget cost score. It would be available in those portions of Indian Country suffering unemployment rates higher than twice the national average. To qualify for the credit, a taxpayer must adhere to Indian preference in employment related to the investment property.

6. **LABOR SOVEREIGNTY: Restoring Sovereign Tribal Labor Management Authority Act of 2011** (to be referred to House Committee on Education and the Workforce). The National Labor Relations Board more than a decade ago began to assert jurisdiction over tribal labor management authority in Indian Country despite the fact that the law had not changed for decades. Eventually, the NLRB's position was adopted by the courts. Republican friends of Indian Country have joined with Indian nations and tribes in proposing this legislation to clarify and honor sovereign tribal authority over labor relations in Indian Country. This version defines Indian lands consistent with the more expansive definition in the Indian Finance Act.

7. **JURISDICTIONAL SOVEREIGNTY: Restoring Tribal Jurisdiction and Compact Authority Act of 2011** (to be referred to the House Committee on Judiciary). This far-reaching legislation would take the 1968 Act which stopped Pub.L. 83-280 cessions and turn it on its head, allowing an Indian nation or tribe to vote to reject continuing applicability of Pub.L. 83-280, returning at tribal option all criminal and civil jurisdiction within the Indian Country of that Indian nation or tribe to the exclusive control of the Indian nation or tribe and the United States. The bill also would authorize an Indian nation or tribe to enter into a federally-approved Compact of Criminal Jurisdiction with a state government to govern, based on the mutual agreement of the Indian nation or tribe and a state, transfers of jurisdiction, whether reciprocal or otherwise, between them.

## ***CONCLUSION***

The Indian nations we lead now face shriveling federal budgets, tax-starved state governments, and neighbors confused by the gaming-related, recent success of a few Indian nations and tribes. The only path to restoration and survival of tribal sovereignty is through self-sustaining and diversified economic growth in Indian Country. Subsidizing the climb over these barriers with federal dollars is no longer affordable, especially since it has had no enduring success. It is time to remove these barriers and restore economic empowerment to American Indian tribal nations. I encourage you to review these discussion bills, help us improve them and come up with additional new approaches.

Attachments: Seven draft bills for Tribal Economic Empowerment

## **RESTORING TRIBAL LAND LEASING AUTHORITY ACT**

*A bill to establish a model demonstration project to remove limitations on the authority of an Indian tribe to lease land in which it holds beneficial interest, and for other purposes*

### **SEC. 1.—SHORT TITLE.**

This Act shall be called the Restoring Tribal Land Leasing Authority Act of 2011.

### **SEC. 2.—DEMONSTRATION PROJECT TO EMPOWER TRIBES TO LEASE TRIBAL LANDS.**

The Act of August 9, 1955 (c. 615, § 1, 69 Stat. 539) (25 U.S.C. § 415), is amended by adding at the end thereof the following subsection:

"(f) DEMONSTRATION PROJECT TO EMPOWER TRIBES TO LEASE TRIBAL LANDS.----- Notwithstanding the other provisions of this Section 415 or any other law, for purposes of implementing a demonstration project involving no more than the first fifty federally recognized Indian tribes to so request, within sixty days of receiving a written request adopted by the governing body of a federally recognized Indian tribe declaring leasing authority over specifically identified lands in which the Indian tribe holds beneficial interest, the Indian tribe may lease any of such lands for any period of time without approval by the Secretary."

### **SEC. 3.—TRUST RESPONSIBILITY NOT DIMINISHED.**

1            Nothing in this Act shall be construed to diminish the Federal trust responsibility to  
2 Indian tribes or individuals.

# RESTORING TRIBAL RESTRICTED FEE LAND TITLE ACT

*A bill to establish a model demonstration project to restore to tribal ownership in restricted fee title certain lands to certain Indian tribes, and for other purposes*

## SEC. 1.—SHORT TITLE.

This Act shall be called the Restoring Tribal Restricted Fee Land Title Act of 2011.

## SEC. 2.—DEMONSTRATION PROJECT FOR RESTORATION OF RESTRICTED FEE LANDS TO INDIAN TRIBES.

The Act of August 6, 1956, Public Law 84-991 (c. 979, 70 Stat. 1057, 25 U.S.C. 443a) is amended by adding at the end thereof the following new sections:

### SECTION 3. DEMONSTRATION PROJECT FOR CONVEYANCE AND

### CONVERSION OF TRIBAL TRUST LAND TO TRIBAL RESTRICTED FEE

LAND.--- In a demonstration project involving no more than the first fifty Indian tribes to so request, within sixty days of receiving a written request adopted by the governing body of an Indian tribe seeking the conveyance of specifically identified land held in trust by the United States for that Indian tribe to the tribe in restricted fee

1 status, the Secretary of the Interior shall convey, subject to a  
2 restriction against alienation and taxation imposed by the United  
3 States, all right, title and interest held by the United States in such  
4 land to that Indian tribe to be held by the Indian tribe in restricted fee.

5 Section 4. ATTRIBUTES OF RESTRICTED FEE LANDS.— Any  
6 land held in restricted fee status by an Indian tribe under Section 3 of  
7 this Act, as amended, or any other Act, shall be subject to a restriction  
8 against alienation and taxation imposed by the United States and shall  
9 be deemed, for all purposes, to be Indian country as defined in 18  
10 U.S.C. § 1151 and to be the Indian lands and reservation of that tribe  
11 and to be subject to the provisions of 25 U.S.C. § 177.

12 Section 5. TRIBAL LEASING AUTHORITY OVER RESTRICTED FEE  
13 LANDS.— Notwithstanding the provisions of 25 U.S.C. § 415, any  
14 land held in restricted fee status by an Indian tribe under Section 3 of  
15 this Act, as amended, or any other Act, may be leased by the Indian  
16 tribe for any period of time without approval by the Secretary.

17 Section 6—. TRIBAL PREEMPTION AUTHORITY OVER  
18 RESTRICTED FEE LANDS. If an Indian tribe enacts laws establishing a  
19 system of land tenure laws governing the use of any land held in

1 restricted fee status by an Indian tribe under Section 3 of this Act, as  
2 amended, or by any other Act, said system of land tenure laws shall  
3 preempt any other provision of federal law or regulation governing the  
4 use of such lands: Provided, That the Secretary of the Interior shall  
5 have first published notice in the Federal Register of the enactment by  
6 the Indian tribe of such laws within sixty days of having been  
7 provided a copy thereof by the Indian tribe.

8 Section 7.— TRUST RESPONSIBILITY NOT DIMINISHED. Nothing  
9 in this Act shall be construed to diminish the Federal trust  
10 responsibility to Indian tribes or individuals.

# RESTORING TRIBAL EMPLOYMENT AND SOVEREIGN EMPOWERMENT ACT

*A bill to establish a model demonstration project to restore tribal employment and sovereign empowerment in Indian country in certain tax-free tribal zones, and for other purposes*

## SEC. 1.—SHORT TITLE.

This Act shall be called the Restoring Tribal Employment and Sovereign Empowerment in Tax-Free Tribal Zones Act of 2011.

## SEC. 2.—DEMONSTRATION PROJECT FOR RESTORATION OF TRIBAL EMPLOYMENT AND SOVEREIGN EMPOWERMENT IN TAX-FREE TRIBAL ZONES.

(a) IN GENERAL.--- From among the first fifty federally recognized Indian tribes to request of the Secretary of the Interior to participate, the Secretary shall, in consultation with the Secretary of the Treasury, designate certain activities on certain lands identified in this section to be free of all otherwise applicable excise, sales, severance, wage, income, payroll, transfer, individual, and corporate taxation by the United States or any State or subdivision thereof.

(b) IDENTIFIED LANDS.--- The tax-exemption authorized in subsection (a) shall apply to designated activities carried out on all lands in

1           which the participating Indian tribe or an Indian individual holds beneficial  
2           interest and which are located within the limits of the Indian reservation of  
3           the participating Indian tribe as said Indian reservation is defined in Section  
4           1452(d), Title 25, United States Code.

5           (c)     DESIGNATED ACTIVITIES.----- The tax-exemption  
6           authorized in subsection (a) shall apply, on lands identified in subsection (b),  
7           to all activities carried out thereon by the Indian tribe or Indian individual  
8           holding beneficial interest in the land, or by any other person or entity  
9           carrying out otherwise taxable activities with the express permission of, and  
10          under terms established in the sole discretion of, the participating Indian  
11          tribe.

12          (d)     TRUST RESPONSIBILITY NOT DIMINISHED.— Nothing  
13          in this Act shall be construed to diminish the Federal trust responsibility to  
14          Indian tribes or individuals.

## TRIBAL LANDS GENERAL TAX CREDIT ACT

*A bill to establish a model demonstration project to apply certain general tax credits to certain new economic activity in Indian country, and for other purposes*

SEC. 1.—SHORT TITLE.

This Act shall be called the Tribal Lands General Tax Credit Act of 2011.

SEC. 2.—DEMONSTRATION PROJECT FOR THE APPLICATION OF GENERAL TAX CREDITS TO CERTAIN ACTIVITY ON CERTAIN TRIBAL LANDS.

(a) IN GENERAL.--- From among the first fifty Indian tribes to request of the Secretary of the Interior to participate, the Secretary shall, in consultation with the Secretary of the Treasury, designate certain qualified business activities of certain qualified business entities on certain qualified Indian lands of the participating Indian tribes to be accorded an Indian lands general tax credit.

(b) QUALIFIED BUSINESS ACTIVITY.--- A qualified business activity for purposes of this section is a commercial activity involving the production, trade, acquisition, sale or provision of services or goods the principal activity of which occurs on qualified Indian lands.

1 (c) QUALIFIED BUSINESS ENTITY.--- A business entity shall  
2 qualify for the Indian lands general tax credit if the business provides a  
3 preference in employment in a qualified business activity on qualified Indian  
4 lands to Indian individuals who are members of an Indian tribe.

5 (d) QUALIFIED INDIAN LANDS.--- For purposes of this  
6 section, qualified Indian lands include all lands located within the limits of  
7 the Indian reservation of an Indian tribe identified in subsection (a) as said  
8 Indian reservation is defined in Section 1452(d), Title 25, United States  
9 Code, for which the unemployment rate was at least twice the national rate  
10 of unemployment for the calendar year immediately preceding the date of  
11 enactment of this provision.

12 (e) INDIAN LANDS GENERAL TAX CREDIT DEFINED.---  
13 An Indian lands general tax credit of 100% shall be accorded to all otherwise  
14 applicable sales, payroll, income, excise, transfer and severance taxes  
15 imposed by the United States, the various states, or subdivisions thereof,  
16 upon qualified business activity of a qualified business entity on qualified  
17 Indian land.

18 (f) TRIBAL REVENUE NOT LIMITED. Nothing in this section  
19 shall be construed to discourage or prohibit the application by the Indian

1           tribe exercising governmental authority within the qualified Indian lands of  
2           permit fees or other charges to any qualified business carrying out otherwise  
3           taxable activities with the express permission of, and under terms established  
4           in the sole discretion of, the participating Indian tribe.

5           (g)    TRUST RESPONSIBILITY NOT DIMINISHED.— Nothing  
6           in this Act shall be construed to diminish the Federal trust responsibility to  
7           Indian tribes or individuals.

## TRIBAL LANDS INVESTMENT TAX CREDIT ACT

*A bill to establish a model demonstration project to apply certain investment tax credits to certain new economic activity in Indian country, and for other purposes*

SEC. 1.—SHORT TITLE.

This Act shall be called the Tribal Lands Investment Tax Credit Act of 2011.

SEC. 2.—DEMONSTRATION PROJECT FOR THE APPLICATION OF INVESTMENT TAX CREDITS TO CERTAIN ACTIVITY ON CERTAIN TRIBAL LANDS.

(a) IN GENERAL.--- From among the first fifty Indian tribes to request of the Secretary of the Interior to participate, the Secretary shall, in consultation with the Secretary of the Treasury, designate certain qualified business activities of certain qualified business entities on certain qualified Indian lands of the participating Indian tribes to be accorded an Indian lands investment tax credit.

(b) QUALIFIED BUSINESS ACTIVITY.--- A qualified business activity for purposes of this section is a commercial activity involving the production, trade, acquisition, sale or provision of services or goods the principal activity of which occurs on qualified Indian lands.

1 (c) QUALIFIED BUSINESS ENTITY.--- A business entity shall  
2 qualify for the Indian lands investment tax credit if the business provides a  
3 preference in employment in a qualified business activity on qualified Indian  
4 lands to Indian individuals who are members of an Indian tribe.

5 (d) QUALIFIED INDIAN LANDS.--- For purposes of this  
6 section, qualified Indian lands include all lands located within the limits of  
7 the Indian reservation of an Indian tribe identified in subsection (a) as said  
8 Indian reservation is defined in Section 1452(d), Title 25, United States  
9 Code, for which the unemployment rate was at least twice the national rate  
10 of unemployment for the calendar year immediately preceding the date of  
11 enactment of this provision.

12 (e) INDIAN LANDS INVESTMENT TAX CREDIT DEFINED.--  
13 An Indian lands investment tax credit shall be accorded to all investment  
14 property placed in service after the date of enactment of this provision on  
15 qualified Indian land by a qualified business entity carrying out qualified  
16 business activity, which credit shall be calculated at the rate of 100% against  
17 all income of the qualified business entity wherever generated.

18 (f) TRIBAL REVENUE NOT LIMITED. Nothing in this section  
19 shall be construed to discourage or prohibit the application by the Indian

1           tribe exercising governmental authority within the qualified Indian lands of  
2           permit fees or other charges to any qualified business carrying out qualified  
3           business activities with the express permission of, and under terms  
4           established in the sole discretion of, the participating Indian tribe.

5                   (g)    TRUST RESPONSIBILITY NOT DIMINISHED.— Nothing  
6           in this Act shall be construed to diminish the Federal trust responsibility to  
7           Indian tribes or individuals.

# RESTORING SOVEREIGN TRIBAL LABOR MANAGEMENT AUTHORITY ACT

*A bill to remove limitations on the authority of an Indian tribe to manage labor relations on its Indian lands, and for other purposes*

## SEC. 1.—SHORT TITLE.

This Act shall be called the Restoring Tribal Labor Management Authority Act of 2011.

## SEC. 2.— AMENDMENT.

Section 2 of the National Labor Relations Act (29 U.S.C. 152) is amended--

(1) in paragraph (2), by inserting "or any enterprise or institution owned and operated by an Indian tribe and located on its Indian lands," after "subdivision thereof"; and

(2) by adding at the end the following:

"(15) The term 'Indian tribe' means any Indian tribe, band, nation, pueblo, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

1                                   "(16) The term `Indian' means any individual who  
2 is a member of an Indian tribe.

3                                   "(17) The term 'Indian lands' means--

4   "(A) all lands within the limits of any  
5 Indian reservation as defined in Section  
6 1452(d), Title 25, United States Code;

7   "(B) any lands title to which is either  
8 held in trust by the United States for the  
9 benefit of any Indian tribe or individual or  
10 held by any Indian tribe or individual  
11 subject to restriction by the United States  
12 against alienation;

13   "(C) any lands in the State of  
14 Oklahoma that are within the boundaries of  
15 a former reservation (as defined by the  
16 Secretary of the Interior) of a federally  
17 recognized Indian tribe; or

18   "(D) any lands within the definition of  
19 Section 1151, Title 18, United States Code."

# RESTORING TRIBAL JURISDICTION AND COMPACT AUTHORITY ACT

*A bill to permit the democratic vote of the Indians affected to determine whether the United States should restore tribal jurisdiction and authority taken from the Indians without their consent, to foster Tribal-State Compact agreements, and for other purposes*

SEC. 1.—SHORT TITLE.

This Act shall be called the Restoring Tribal Jurisdiction and Compact Authority Act of 2011.

SEC. 2.— AMENDMENT TO ALLOW DEMOCRATIC VOTE OF INDIANS AFFECTED TO REMOVE STATE JURISDICTION FROM INDIAN LANDS, AND TO AUTHORIZE TRIBE-STATE JURISDICTION COMPACTS.

Section 406 of the Act of April 11, 1968 (Pub.L. 90-284, 82 Stat. 80, 25 U.S.C. 1326) is amended by --

(1) inserting an "(a)" before the first sentence; and

(2) inserting the following subsections after the second sentence:

"(b) Applicability.

(i) State jurisdiction acquired pursuant to this subchapter or under Public Law 83-280 with respect to any criminal offenses or civil causes of action or

1 regulatory authority, shall have no continuing  
2 applicability in Indian country, as defined in Section  
3 1151, Title 18, United States Code, where the Indians  
4 enrolled in the tribe governing the affected area of such  
5 Indian country have rejected such jurisdiction by a  
6 majority vote of the adult Indians voting at a special  
7 election held for that purpose.

8 "(ii) Special Election. When requested to do so  
9 by the governing body of the tribe governing the affected  
10 area of Indian country identified in subparagraph (i), or  
11 by 20 per centum of the adult Indians eligible to vote in  
12 the elections of such tribe, the Secretary of the Interior  
13 shall promptly call the special election described in  
14 subparagraph (i) under such rules and regulations as he  
15 may prescribe.

16 "(iii) Tribe-State Jurisdiction Compact. The  
17 governing body of any Indian tribe is authorized to  
18 execute, at any time, a Tribe-State Jurisdiction Compact  
19 with a state in which the tribe transfers to the state, or the

1 state transfers to the tribe, criminal jurisdiction authority  
2 and responsibility, in part or in whole, over their  
3 respective citizens while present in their respective  
4 geographic territory, whether reciprocal or otherwise:  
5 Provided, that such Compact shall be enforceable as a  
6 matter of federal law subject to approval by the Attorney  
7 General of the United States, which approval shall not be  
8 unreasonably withheld.