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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To confer jurisdiction on the State of Utah with respect to civil causes of action arising on or within the Indian lands of the Shivwits Band of Paiutes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. MALOY introduced the following bill; which was referred to the Committee
on _____

A BILL

To confer jurisdiction on the State of Utah with respect to civil causes of action arising on or within the Indian lands of the Shivwits Band of Paiutes, 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 “Shivwits Band of Pai-
5 utes Jurisdictional Clarity Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) INDIAN LANDS.—The term “Indian lands”
2 means lands of the Shivwits Band of Paiutes that
3 are—

4 (A) held in trust by the United States for
5 the benefit of the Shivwits Band of Paiutes; or

6 (B) subject to a restriction against alien-
7 ation imposed by the United States.

8 (2) SHIVWITS BAND OF PAIUTES.—The term
9 “Shivwits Band of Paiutes” means—

10 (A) the Shivwits Band of Paiutes, a feder-
11 ally recognized Indian Tribe restored by Con-
12 gress pursuant to the Paiute Indian Tribe of
13 Utah Restoration Act (Public Law 96–227; 94.
14 Stat. 317);

15 (B) the recognized governing body of the
16 Shivwits Band of Paiutes;

17 (C) any Shivwits Tribal enterprise, includ-
18 ing any commercial activity, business, or entity
19 managed, controlled, or operated by the
20 Shivwits Band of Paiutes, and any subsidiaries
21 thereto; and

22 (D) any corporation chartered by the
23 Shivwits Band of Paiutes under section 17 of
24 the Act of June 18, 1934 (commonly known as
25 the “Indian Reorganization Act”) (48 Stat.

1 988, chapter 576; 25 U.S.C. 5124), and any
2 subsidiaries thereto.

3 **SEC. 3. STATE CIVIL JURISDICTION.**

4 The State of Utah shall have jurisdiction over any
5 civil cause of action—

6 (1) to which the Shivwits Band of Paiutes is a
7 party; and

8 (2) that arises on or within the Indian lands.

9 **SEC. 4. FEDERAL COURT JURISDICTION.**

10 (a) IN GENERAL.—Any contract or agreement, in-
11 cluding a lease, affecting or arising on the Indian lands,
12 or to which the Shivwits Band of Paiutes is a party, shall
13 be considered within the meaning of “commerce” as de-
14 fined in section 1 of title 9, United States Code.

15 (b) CAUSES OF ACTION.—Any cause of action arising
16 from any contract or agreement, including a lease, affect-
17 ing or arising on the Indian lands, or to which the
18 Shivwits Band of Paiutes is a party, shall be deemed to
19 be a civil cause of action arising under the Constitution,
20 laws, or treaties of the United States within the meaning
21 of section 1331 of title 28, United States Code.

22 **SEC. 5. SOVEREIGN IMMUNITY NOT ABROGATED.**

23 Nothing in this Act abrogates—

24 (1) the sovereign immunity of the Shivwits
25 Band of Paiutes from unconsented suit; or

1 (2) the authority of the Shivwits Band of Pai-
2 utes to waive that sovereign immunity.

3 **SEC. 6. SHIVWITS BAND OF PAIUTES LEASING AUTHORITY.**

4 Subsection (a) of the first section of the Act of Au-
5 gust 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C.
6 415(a)), is amended, in the second sentence, by inserting
7 “, land held in trust for the Shivwits Band of Paiutes”
8 after “land held in trust for the Confederated Tribes of
9 the Chehalis Reservation”.