

107TH CONGRESS
1ST SESSION

H. R. 2344

To provide for the implementation of an Intergovernmental Agreement between the Southern Ute Indian Tribe and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2001

Mr. MCINNIS introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the implementation of an Intergovernmental Agreement between the Southern Ute Indian Tribe and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation, 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; PURPOSE.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Southern Ute and Colorado Intergovernmental Agree-
6 ment Implementation Act of 2001”.

1 (b) PURPOSE.—The purpose of this Act is to provide
2 for the implementation and enforcement of an Intergov-
3 ernmental Agreement entered into by and between the
4 Southern Ute Indian Tribe and the State of Colorado on
5 December 13, 1999, providing for the regulation of air
6 quality within the exterior boundaries of the Southern Ute
7 Indian Reservation and establishing a Southern Ute In-
8 dian Tribe/State of Colorado Environmental Commission.

9 **SEC. 2. STATEMENT OF FINDINGS.**

10 The Congress, after review and in recognition of the
11 purposes of the Intergovernmental Agreement between the
12 Southern Ute Indian Tribe and the State of Colorado,
13 finds and declares that—

14 (1) the Intergovernmental Agreement is con-
15 sistent with the special legal relationship between
16 Federal Government and federally recognized Indian
17 tribes; and

18 (2) the Intergovernmental Agreement can be
19 implemented in a manner that is consistent with the
20 Clean Air Act (42 U.S.C. 7401 et seq., 91 Stat. 685,
21 Public Law 95–95, Aug. 7, 1977, as amended).

22 **SEC. 3. TRIBAL AUTHORITY.**

23 The Administrator of the Environmental Protection
24 Agency is authorized to treat the Southern Ute Indian
25 Tribe in the same manner as a State under section 301(d)

1 of the Clean Air Act (42 U.S.C. 7601(d), 91 Stat. 685),
2 as amended, for air program applications that the Tribe
3 submits to the Environmental Protection Agency to imple-
4 ment and carry out the Intergovernmental Agreement en-
5 tered into by and between the Southern Ute Indian Tribe
6 and the State of Colorado in a manner consistent with
7 the Clean Air Act. If the Administrator approves any such
8 air program application of the Southern Ute Indian Tribe,
9 the approved program shall become applicable to all air
10 resources within the exterior boundaries of the Southern
11 Ute Indian Reservation. Such treatment as a State au-
12 thorization and any such approval of a tribal air program
13 application shall remain in effect for such time as the
14 Intergovernmental Agreement is in full force and effect.

15 **SEC. 4. CIVIL ENFORCEMENT.**

16 In the event any person fails to comply with a final
17 civil order of the Southern Ute Indian Tribe or the South-
18 ern Ute Indian Tribe/State of Colorado Environmental
19 Commission made pursuant to an air quality program es-
20 tablished under the Intergovernmental Agreement between
21 the Southern Ute Indian Tribe and the State of Colorado,
22 the Tribe or the Commission, as is appropriate, may file
23 a petition for declaratory or injunctive relief, or for other
24 orders in aid of enforcement, only in the United States

1 District Court for the District of Colorado, which court
2 shall have jurisdiction to hear such petition.

3 **SEC. 5. JUDICIAL REVIEW.**

4 A petition for review of a final action of the Southern
5 Ute Indian Tribe State of Colorado Environmental Com-
6 mission made pursuant to an air quality program estab-
7 lished under the Intergovernmental Agreement between
8 the Southern Ute Indian Tribe and the State of Colorado,
9 may be filed only in the United States Court of Appeals
10 for the Tenth Circuit, which court shall have jurisdiction
11 to hear such petition for review. The scope and standard
12 of such review shall be the same as that provided in sec-
13 tion 706 of title 5, United States Code.

14 **SEC. 6. DISCLAIMER.**

15 Nothing in this Act is intended to, nor shall it be
16 construed as, amending, modifying, repealing, or in any
17 other way enlarging or diminishing the provisions of the
18 Clean Air Act (91 Stat. 685), as amended, or the Act of
19 May 21, 1984 (98 Stat. 201, 202, Public Law 98–290;
20 25 U.S.C. 668 note), an Act to Confirm the Boundaries
21 of the Southern Ute Indian Reservation in Colorado, or
22 any lawful administrative rule promulgated pursuant to
23 such statutes, or as affecting or influencing in any manner
24 any past or prospective judicial interpretation or applica-
25 tion of such statutes by the United States, the Southern

- 1 Ute Indian Tribe, or the State of Colorado or any Federal,
- 2 tribal, or State court.

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