Union Calendar No. 346 H.R.4115

110th CONGRESS 2D Session

[Report No. 110-542, Parts I and II]

To provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 2007

Mr. DINGELL (for himself and Mr. STUPAK) introduced the following bill; which was referred to the Committee on Natural Resources

March 6, 2008

Reported with an amendment and referred to the Committee on the Judiciary for a period ending not later than April 4, 2008, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k) of rule X

[Strike out all after the enacting clause and insert the part printed in italic]

April 4, 2008

Reported adversely from the Committee on the Judiciary; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on November 8, 2007]

A BILL

To provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians.

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. ACCEPTANCE OF ALTERNATIVE LANDS AND EX-
4	TINGUISHMENT OF CLAIMS.
5	(a) DEFINITIONS.—For the purposes of this Act, the
6	following definitions apply:
7	(1) Alternative lands.—The term "alter-
8	native lands" means those lands identified as alter-
9	native lands in the Settlement of Land Claim.
10	(2) CHARLOTTE BEACH LANDS.—The term
11	"Charlotte Beach lands" means those lands in the
12	Charlotte Beach area of Michigan and described as
13	follows: Government Lots 1, 2, 3, and 4 of Section 7,
14	T45N, R2E, and Lot 1 of Section 18, T45N, R2E,
15	Chippewa County, State of Michigan.
16	(3) Secretary.—The term "Secretary" means
17	the Secretary of the Interior.
18	(4) Settlement of Land Claim.—The term
19	"Settlement of Land Claim" means the agreement be-
20	tween the Tribe and the Governor of the State of
21	Michigan executed on December 30, 2002, and filed
22	with the Office of Secretary of State of the State of
23	Michigan, including the document titled "Addendum
24	to Settlement of Land Claim", executed by the parties
25	on November 14, 2007.

1	(5) TRIBE.—The term "Tribe" means the Sault
2	Ste. Marie Tribe of Chippewa Indians, a federally
3	recognized Indian tribe.
4	(b) Land Into Trust; Part of Reservation.—
5	(1) LAND INTO TRUST.—The Secretary shall take
6	the alternative lands into trust for the benefit of the
7	Tribe not later than 30 days after both of the fol-
8	lowing have occurred:
9	(A) The Secretary has received a title insur-
10	ance policy for the alternative lands that shows
11	that the alternative lands are not subject to
12	mortgages, liens, deeds of trust, options to pur-
13	chase, or other security interests.
14	(B) The Secretary has confirmed that the
15	National Environmental Policy Act of 1969 has
16	been complied with regarding the trust acquisi-
17	tion of the property.
18	(2) PART OF RESERVATION.—The alternative
19	lands shall become part of the Tribe's reservation im-
20	mediately upon attaining trust status.
21	(c) GAMING.—The alternative lands shall be taken into
22	trust as provided in this section as part of the settlement
23	and extinguishment of the Tribe's Charlotte Beach land
24	claims, and so shall be deemed lands obtained in settlement
25	of a land claim within the meaning of section

20(b)(1)(B)(i) of the Indian Gaming Regulatory Act (25
 U.S.C. 2719(b)(1)(B)(i)).

3 (d) EXTINGUISHMENT OF CLAIMS.—In consideration 4 for the benefits to the Tribe under this Act, any and all claims by the Tribe to the Charlotte Beach lands or against 5 the United States, the State of Michigan or any subdivision 6 7 thereof, the Governor of the State of Michigan, or any other 8 person or entity by the Tribe based on or relating to claims 9 to the Charlotte Beach lands (including without limitation, 10 claims for trespass damages, use, or occupancy), whether based on aboriginal or recognized title, are extinguished 11 upon completion of the following: 12

(1) The Secretary having taken the alternative
lands into trust for the benefit of the Tribe under subsection (b).

16 (2) Congressional acceptance of the extinguish17 ment of any and all such claims to the Charlotte
18 Beach lands by the Bay Mills Indian Community.

19 (e) EFFECTUATION AND RATIFICATION OF AGREE-20 MENT.—

21 (1) RATIFICATION.—The United States approves
22 and ratifies the Settlement of Land Claim.

23 (2) NOT PRECEDENT.—The provisions contained
24 in the Settlement of Land Claim are unique and shall

not be considered precedent for any future agreement 1 2 between any Indian tribe and State. 3 (3) ENFORCEMENT.—The Settlement of Land 4 Claim shall be enforceable by either the Tribe or the Governor according to its terms. Exclusive jurisdic-5 6 tion over any enforcement action is vested in the United States District Court for the Western District 7 of Michigan. 8

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