

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2176) TO PROVIDE  
FOR AND APPROVE THE SETTLEMENT OF CERTAIN LAND CLAIMS OF  
THE BAY MILLS INDIAN COMMUNITY

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JUNE 24, 2008.—Referred to the House Calendar and ordered to be printed

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Mr. HASTINGS of Florida, from the Committee on Rules,  
submitted the following

R E P O R T

[To accompany H. Res. 1298]

The Committee on Rules, having had under consideration House Resolution 1298, by a nonrecord vote report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2176, to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community, under a closed rule providing one hour of debate in the House, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, the amendment in the nature of a substitute printed in this report shall be considered as adopted. The rule waives all points of order against provisions of the bill, as amended, and provides that the bill, as amended, shall be considered as read. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure). The rule provides one motion to recommit with or without instructions. Finally, the rule provides that the Chair may postpone further consideration of the bill to a time designated by the Speaker.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the bill (except for clauses 9 and 10 of rule XXI), the Committee

is not aware of any points of order. The waiver of all points of order is prophylactic. The waiver of all points of order against provisions of the bill, as amended, includes a waiver of clause 7 of rule XVI regarding germaneness.

SUMMARY OF AMENDMENT IN THE NATURE OF A SUBSTITUTE  
CONSIDERED AS ADOPTED

The amendment in the nature of a substitute consists of the text of H.R. 2176, to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community and the text of H.R. 4115, to provide for and approve the settlement of certain land claims of the Sault Ste. Marie Tribe of Chippewa Indians as reported by the Committee on Natural Resources on March 6, 2008.

TEXT OF AMENDMENT IN THE NATURE OF A SUBSTITUTE CONSIDERED  
AS ADOPTED

Strike all after the enacting clause and insert the following:

## **TITLE I—BAY MILLS INDIAN COMMUNITY**

**SEC. 101. DEFINITIONS.**

For the purposes of this title, the following definitions apply:

(1) **ALTERNATIVE LANDS.**—The term “alternative lands” means those lands identified as alternative lands in the Settlement of Land Claim.

(2) **CHARLOTTE BEACH LANDS.**—The term “Charlotte Beach lands” means those lands in the Charlotte Beach area of Michigan and described as follows: Government Lots 1, 2, 3, and 4 of Section 7, T45N, R2E, and Lot 1 of Section 18, T45N, R2E, Chippewa County, State of Michigan.

(3) **COMMUNITY.**—The term “Community” means the Bay Mills Indian Community, a federally recognized Indian tribe.

(4) **SETTLEMENT OF LAND CLAIM.**—The term “Settlement of Land Claim” means the agreement between the Community and the Governor of the State of Michigan executed on August 23, 2002, and filed with the Office of Secretary of State of the State of Michigan, including the document titled “Addendum to Settlement of Land Claim”, executed by the parties on November 13, 2007.

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

**SEC. 102. ACCEPTANCE OF ALTERNATIVE LANDS AND EXTINGUISHMENT OF CLAIMS.**

(a) **LAND INTO TRUST; PART OF RESERVATION.**—

(1) **LAND INTO TRUST.**—The Secretary shall take the alternative lands into trust for the benefit of the Community not later than 30 days after both of the following have occurred:

(A) The Secretary has received a title insurance policy for the alternative lands that shows that the alternative lands are not subject to mortgages, liens, deeds of trust, options to purchase, or other security interests.

(B) The Secretary has confirmed that the National Environmental Policy Act of 1969 has been complied with regarding the trust acquisition of the property.

(2) PART OF RESERVATION.—The alternative lands shall become part of the Community’s reservation immediately upon attaining trust status.

(b) GAMING.—The alternative lands shall be taken into trust as provided in this section as part of the settlement and extinguishment of the Community’s Charlotte Beach land claims, and so shall be deemed lands obtained in settlement 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; Public Law 100–497).

(c) EXTINGUISHMENT OF CLAIMS.—Concurrent with the Secretary taking the alternative lands into trust under subsection (a), any and all claims by the Community to the Charlotte Beach lands or against the United States, the State of Michigan or any subdivision thereof, the Governor of the State of Michigan, or any other person or entity by the Community based on or relating to claims to the Charlotte Beach lands (including without limitation, claims for trespass damages, use, or occupancy), whether based on aboriginal or recognized title, are hereby extinguished. The extinguishment of these claims is in consideration for the benefits to the Community under this Act.

**SEC. 103. EFFECTUATION AND RATIFICATION OF AGREEMENT.**

(a) RATIFICATION.—The United States approves and ratifies the Settlement of Land Claim, except that the last sentence in section 10 of the Settlement of Land Claim is hereby deleted.

(b) NOT PRECEDENT.—The provisions contained in the Settlement of Land Claim are unique and shall not be considered precedent for any future agreement between any tribe and State.

(c) ENFORCEMENT.—The Settlement of Land Claim shall be enforceable by either the Community or the Governor according to its terms. Exclusive jurisdiction over any enforcement action is vested in the United States District Court for the Western District of Michigan.

## **TITLE II—SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS**

**SEC. 201. ACCEPTANCE OF ALTERNATIVE LANDS AND EXTINGUISHMENT OF CLAIMS.**

(a) DEFINITIONS.—For the purposes of this title, the following definitions apply:

(1) ALTERNATIVE LANDS.—The term “alternative lands” means those lands identified as alternative lands in the Settlement of Land Claim.

(2) CHARLOTTE BEACH LANDS.—The term “Charlotte Beach lands” means those lands in the Charlotte Beach area of Michigan and described as follows: Government Lots 1, 2, 3, and 4 of Section 7, T45N, R2E, and Lot 1 of Section 18, T45N, R2E, Chippewa County, State of Michigan.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) SETTLEMENT OF LAND CLAIM.—The term “Settlement of Land Claim” means the agreement between the Tribe and the Governor of the State of Michigan executed on December 30, 2002, and filed with the Office of Secretary of State of the State of Michigan, including the document titled “Addendum to Settlement of Land Claim”, executed by the parties on November 14, 2007.

(5) TRIBE.—The term “Tribe” means the Sault Ste. Marie Tribe of Chippewa Indians, a federally recognized Indian tribe.

(b) LAND INTO TRUST; PART OF RESERVATION.—

(1) LAND INTO TRUST.—The Secretary shall take the alternative lands into trust for the benefit of the Tribe not later than 30 days after both of the following have occurred:

(A) The Secretary has received a title insurance policy for the alternative lands that shows that the alternative lands are not subject to mortgages, liens, deeds of trust, options to purchase, or other security interests.

(B) The Secretary has confirmed that the National Environmental Policy Act of 1969 has been complied with regarding the trust acquisition of the property.

(2) PART OF RESERVATION.—The alternative lands shall become part of the Tribe’s reservation immediately upon attaining trust status.

(c) GAMING.—The alternative lands shall be taken into trust as provided in this section as part of the settlement and extinguishment of the Tribe’s Charlotte Beach land claims, and so shall be deemed lands obtained in settlement 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)).

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

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

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

(e) EFFECTUATION AND RATIFICATION OF AGREEMENT.—

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

(2) NOT PRECEDENT.—The provisions contained in the Settlement of Land Claim are unique and shall not be considered precedent for any future agreement between any Indian tribe and State.

(3) ENFORCEMENT.—The Settlement of Land Claim shall be enforceable by either the Tribe or the Governor according to its terms. Exclusive jurisdiction over any enforcement action is vested in the United States District Court for the Western District of Michigan.

Amend the title so as to read: "A bill to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians."

