

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

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2176**

Strike all after the enacting clause and insert the following:

1 **TITLE I—BAY MILLS INDIAN**
2 **COMMUNITY**

3 **SEC. 101. DEFINITIONS.**

4 For the purposes of this title, the following defini-
5 tions apply:

6 (1) **ALTERNATIVE LANDS.**—The term “alter-
7 native lands” means those lands identified as alter-
8 native lands in the Settlement of Land Claim.

9 (2) **CHARLOTTE BEACH LANDS.**—The term
10 “Charlotte Beach lands” means those lands in the
11 Charlotte Beach area of Michigan and described as
12 follows: Government Lots 1, 2, 3, and 4 of Section
13 7, T45N, R2E, and Lot 1 of Section 18, T45N,
14 R2E, Chippewa County, State of Michigan.

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

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

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

11 **SEC. 102. ACCEPTANCE OF ALTERNATIVE LANDS AND EX-**
12 **TINGUISHMENT OF CLAIMS.**

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

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

18 (A) The Secretary has received a title in-
19 surance policy for the alternative lands that
20 shows that the alternative lands are not subject
21 to mortgages, liens, deeds of trust, options to
22 purchase, or other security interests.

23 (B) The Secretary has confirmed that the
24 National Environmental Policy Act of 1969 has

1 been complied with regarding the trust acqui-
2 sion of the property.

3 (2) PART OF RESERVATION.—The alternative
4 lands shall become part of the Community's reserva-
5 tion immediately upon attaining trust status.

6 (b) GAMING.—The alternative lands shall be taken
7 into trust as provided in this section as part of the settle-
8 ment and extinguishment of the Community's Charlotte
9 Beach land claims, and so shall be deemed lands obtained
10 in settlement of a land claim within the meaning of section
11 20(b)(1)(B)(i) of the Indian Gaming Regulatory Act (25
12 U.S.C. 2719; Public Law 100-497).

13 (c) EXTINGUISHMENT OF CLAIMS.—Concurrent with
14 the Secretary taking the alternative lands into trust under
15 subsection (a), any and all claims by the Community to
16 the Charlotte Beach lands or against the United States,
17 the State of Michigan or any subdivision thereof, the Gov-
18 ernor of the State of Michigan, or any other person or
19 entity by the Community based on or relating to claims
20 to the Charlotte Beach lands (including without limitation,
21 claims for trespass damages, use, or occupancy), whether
22 based on aboriginal or recognized title, are hereby extin-
23 guished. The extinguishment of these claims is in consid-
24 eration for the benefits to the Community under this Act.

1 **SEC. 103. EFFECTUATION AND RATIFICATION OF AGREE-**
2 **MENT.**

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

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

11 (c) **ENFORCEMENT.**—The Settlement of Land Claim
12 shall be enforceable by either the Community or the Gov-
13 ernor according to its terms. Exclusive jurisdiction over
14 any enforcement action is vested in the United States Dis-
15 trict Court for the Western District of Michigan.

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

18 **SEC. 201. ACCEPTANCE OF ALTERNATIVE LANDS AND EX-**
19 **TINGUISHMENT OF CLAIMS.**

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

22 (1) **ALTERNATIVE LANDS.**—The term “alter-
23 native lands” means those lands identified as alter-
24 native lands in the Settlement of Land Claim.

25 (2) **CHARLOTTE BEACH LANDS.**—The term
26 “Charlotte Beach lands” means those lands in the

1 Charlotte Beach area of Michigan and described as
2 follows: Government Lots 1, 2, 3, and 4 of Section
3 7, T45N, R2E, and Lot 1 of Section 18, T45N,
4 R2E, Chippewa County, State of Michigan.

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

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

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

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

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

23 (A) The Secretary has received a title in-
24 surance policy for the alternative lands that
25 shows that the alternative lands are not subject

1 to mortgages, liens, deeds of trust, options to
2 purchase, or other security interests.

3 (B) The Secretary has confirmed that the
4 National Environmental Policy Act of 1969 has
5 been complied with regarding the trust acqui-
6 sition of the property.

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

10 (c) GAMING.—The alternative lands shall be taken
11 into trust as provided in this section as part of the settle-
12 ment and extinguishment of the Tribe's Charlotte Beach
13 land claims, and so shall be deemed lands obtained in set-
14 tlement of a land claim within the meaning of section
15 20(b)(1)(B)(i) of the Indian Gaming Regulatory Act (25
16 U.S.C. 2719(b)(1)(B)(i)).

17 (d) EXTINGUISHMENT OF CLAIMS.—In consideration
18 for the benefits to the Tribe under this Act, any and all
19 claims by the Tribe to the Charlotte Beach lands or
20 against the United States, the State of Michigan or any
21 subdivision thereof, the Governor of the State of Michigan,
22 or any other person or entity by the Tribe based on or
23 relating to claims to the Charlotte Beach lands (including
24 without limitation, claims for trespass damages, use, or

1 occupancy), whether based on aboriginal or recognized
2 title, are extinguished upon completion of the following:

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

6 (2) Congressional acceptance of the extinguish-
7 ment of any and all such claims to the Charlotte
8 Beach lands by the Bay Mills Indian Community.

9 (e) EFFECTUATION AND RATIFICATION OF AGREE-
10 MENT.—

11 (1) RATIFICATION.—The United States ap-
12 proves and ratifies the Settlement of Land Claim.

13 (2) NOT PRECEDENT.—The provisions con-
14 tained in the Settlement of Land Claim are unique
15 and shall not be considered precedent for any future
16 agreement between any Indian tribe and State.

17 (3) ENFORCEMENT.—The Settlement of Land
18 Claim shall be enforceable by either the Tribe or the
19 Governor according to its terms. Exclusive jurisdic-
20 tion over any enforcement action is vested in the
21 United States District Court for the Western Dis-
22 trict 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.”

