

Union Calendar No. 345

110TH CONGRESS
2D SESSION

H. R. 2176

[Report No. 110-541, Parts I and II]

To provide for and approve the settlement of certain land claims of the
Bay Mills Indian Community.

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 2007

Mr. STUPAK (for himself and Mrs. MILLER of Michigan) 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

Additional sponsor: Mr. KENNEDY

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 May 3, 2007]

A BILL

To provide for and approve the settlement of certain land
claims of the Bay Mills Indian Community.

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. DEFINITIONS.**

4 *For the purposes of this Act, the following definitions*
5 *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 7,*
13 *T45N, R2E, and Lot 1 of Section 18, T45N, R2E,*
14 *Chippewa County, State of Michigan.*

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

18 (4) *SETTLEMENT OF LAND CLAIM.*—*The term*
19 *“Settlement of Land Claim” means the agreement be-*
20 *tween the Community and the Governor of the State*
21 *of Michigan executed on August 23, 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 13, 2007.*

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

3 **SEC. 2. ACCEPTANCE OF ALTERNATIVE LANDS AND EXTIN-**
4 **GUISHMENT OF CLAIMS.**

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

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

10 (A) *The Secretary has received a title insur-*
11 *ance policy for the alternative lands that shows*
12 *that the alternative lands are not subject to*
13 *mortgages, liens, deeds of trust, options to pur-*
14 *chase, or other security interests.*

15 (B) *The Secretary has confirmed that the*
16 *National Environmental Policy Act of 1969 has*
17 *been complied with regarding the trust acquisi-*
18 *tion of the property.*

19 (2) *PART OF RESERVATION*.—*The alternative*
20 *lands shall become part of the Community’s reserva-*
21 *tion immediately upon attaining trust status.*

22 (b) *GAMING*.—*The alternative lands shall be taken into*
23 *trust as provided in this section as part of the settlement*
24 *and extinguishment of the Community’s Charlotte Beach*
25 *land claims, and so shall be deemed lands obtained in settle-*

1 *ment of a land claim within the meaning of section*
2 *20(b)(1)(B)(i) of the Indian Gaming Regulatory Act (25*
3 *U.S.C. 2719; Public Law 100–497).*

4 *(c) EXTINGUISHMENT OF CLAIMS.—Concurrent with*
5 *the Secretary taking the alternative lands into trust under*
6 *subsection (a), any and all claims by the Community to*
7 *the Charlotte Beach lands or against the United States, the*
8 *State of Michigan or any subdivision thereof, the Governor*
9 *of the State of Michigan, or any other person or entity by*
10 *the Community based on or relating to claims to the Char-*
11 *lotte Beach lands (including without limitation, claims for*
12 *trespass damages, use, or occupancy), whether based on ab-*
13 *original or recognized title, are hereby extinguished. The ex-*
14 *tinguishment of these claims is in consideration for the ben-*
15 *efits to the Community under this Act.*

16 **SEC. 3. EFFECTUATION AND RATIFICATION OF AGREE-**
17 **MENT.**

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

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

1 (c) *ENFORCEMENT.*—*The Settlement of Land Claim*
2 *shall be enforceable by either the Community or the Gov-*
3 *ernor according to its terms. Exclusive jurisdiction over any*
4 *enforcement action is vested in the United States District*
5 *Court for the Western District of Michigan.*

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