

Calendar No. 422

111TH CONGRESS
2^D SESSION**H. R. 1061**

IN THE SENATE OF THE UNITED STATES

JUNE 9, 2010

Received; read twice and placed on the calendar

AN ACT

To transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, 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.**

4 This Act may be cited as the “Hoh Indian Tribe Safe
5 Homelands Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **FEDERAL LAND.**—The term “Federal land”
9 means the approximately 37-acre parcel of land—

1 (A) administered by the National Park
2 Service;

3 (B) located in sec. 20, T. 26N, R. 13W,
4 W.M., south of the Hoh River; and

5 (C) depicted on the Map.

6 (2) MAP.—The term “Map” means the map en-
7 titled “Hoh Indian Tribe Safe Homelands Act Land
8 Acquisition Map” and dated May 14, 2009.

9 (3) NON-FEDERAL LAND.—The term “non-Fed-
10 eral land” means the approximately 434 acres of
11 land—

12 (A) owned by the Tribe; and

13 (B) depicted on the Map.

14 (4) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior.

16 (5) TRIBE.—The term “Tribe” means the Hoh
17 Indian Tribe.

18 **SEC. 3. LAND TAKEN INTO TRUST FOR BENEFIT OF TRIBE.**

19 (a) FEDERAL LAND.—

20 (1) IN GENERAL.—Effective beginning on the
21 date of enactment of this Act—

22 (A) all right, title, and interest of the
23 United States in and to the Federal land are
24 considered to be held in trust by the United
25 States for the benefit of the Tribe, without any

1 action required to be taken by the Secretary;
2 and

3 (B) the Federal land shall be excluded
4 from the boundaries of Olympic National Park.

5 (2) SURVEY BY TRIBE.—

6 (A) IN GENERAL.—The Tribe shall—

7 (i) conduct a survey of the boundaries
8 of the Federal land; and

9 (ii) submit the survey to the Director
10 of the National Park Service for review
11 and concurrence.

12 (B) ACTION BY DIRECTOR.—Not later
13 than 90 days after the date on which the survey
14 is submitted under subparagraph (A)(ii), the
15 Director of the National Park Service shall—

16 (i) complete the review of the survey;
17 and

18 (ii) provide to the Tribe a notice of
19 concurrence with the survey.

20 (C) AVAILABILITY OF SURVEY.—Not later
21 than 120 days after the date on which the no-
22 tice of concurrence is provided to the Tribe
23 under subparagraph (B)(ii), the Secretary
24 shall—

1 (i) submit a copy of the survey to the
2 appropriate committees of Congress; and
3 (ii) make the survey available for pub-
4 lic inspection at the appropriate office of
5 the Secretary.

6 (b) NON-FEDERAL LAND.—

7 (1) IN GENERAL.—On fulfillment of each condi-
8 tion described in paragraph (2), and upon compli-
9 ance with the National Environmental Policy Act of
10 1969, the Secretary shall take the non-Federal land
11 into trust for the benefit of the Tribe.

12 (2) CONDITIONS.—The conditions referred to in
13 paragraph (1) are that the Tribe shall—

14 (A) convey to the Secretary all right, title,
15 and interest in and to the non-Federal land;
16 and

17 (B) submit to the Secretary a request to
18 take the non-Federal land into trust for the
19 Tribe.

20 (c) CONGRESSIONAL INTENT.—It is the intent of
21 Congress that—

22 (1) the condition of the Federal land as in ex-
23 istence on the date of enactment of this Act should
24 be preserved and protected;

1 (2) the natural environment existing on the
2 Federal land on the date of enactment of this Act
3 should not be altered, except as otherwise provided
4 by this Act; and

5 (3) the Tribe and the National Park Service
6 shall work cooperatively regarding issues of mutual
7 concern relating to this Act.

8 (d) AVAILABILITY OF MAP.—Not later than 120 days
9 after the survey required by subsection (a)(2)(A) has been
10 reviewed and concurred in by the National Park Service,
11 the Secretary shall make the Map available to the appro-
12 priate congressional committees. The Map also shall be
13 available for public inspection at the appropriate offices
14 of the Secretary.

15 **SEC. 4. USE OF FEDERAL LAND BY TRIBE; COOPERATIVE**
16 **EFFORTS.**

17 (a) USE OF FEDERAL LAND BY TRIBE.—

18 (1) RESTRICTIONS ON USE.—The use of the
19 Federal land by the Tribe shall be subject to the fol-
20 lowing conditions:

21 (A) BUILDINGS AND STRUCTURES.—No
22 commercial, residential, industrial, or other
23 building or structure shall be constructed on
24 the Federal land.

1 (B) NATURAL CONDITION AND ENVIRON-
2 MENT.—The Tribe—

3 (i) shall preserve and protect the con-
4 dition of the Federal land as in existence
5 on the date of enactment of this Act; and

6 (ii) shall not carry out any activity
7 that would adversely affect the natural en-
8 vironment of the Federal land, except as
9 otherwise provided by this Act.

10 (C) LOGGING AND HUNTING.—To main-
11 tain use of the Federal land as a natural wild-
12 life corridor and provide for protection of exist-
13 ing resources of the Federal land, no logging or
14 hunting shall be allowed on the Federal land.

15 (D) ROADS.—

16 (i) ROUTINE MAINTENANCE.—Routine
17 maintenance may be conducted on the 2-
18 lane county road that crosses the Federal
19 land as in existence on the date of enact-
20 ment of this Act.

21 (ii) EXPANSION.—The county road
22 described in clause (i) may not be widened
23 or otherwise expanded.

24 (iii) RECONSTRUCTION.—If the coun-
25 ty road described in clause (i) is com-

1 promised due to a flood or other natural or
2 unexpected occurrence, the county road
3 may be reconstructed to ensure access to
4 relevant areas.

5 (iv) OTHER ACCESS ROUTES.—Except
6 as provided in clause (iii) and subsection
7 (b)(2), no other road or access route shall
8 be permitted on the Federal land.

9 (2) USES APPROVED BY TREATY.—

10 (A) IN GENERAL.—The Tribe may author-
11 ize any member of the Tribe to use the Federal
12 land for—

13 (i) ceremonial purposes; or

14 (ii) any other activity approved by a
15 treaty between the United States and the
16 Tribe.

17 (B) NO EFFECT ON TREATY RIGHTS OF
18 TRIBE.—Nothing in this Act affects any treaty
19 right of the Tribe in existence on the date of
20 enactment of this Act.

21 (b) COOPERATIVE EFFORTS.—The Secretary and the
22 Tribe—

23 (1) shall enter into cooperative agreements—

1 (A) for joint provision of emergency fire
2 aid, on completion of the proposed emergency
3 fire response building of the Tribe; and

4 (B) to provide opportunities for the public
5 to learn more regarding the culture and tradi-
6 tions of the Tribe;

7 (2) may develop and establish on land taken
8 into trust for the benefit of the Tribe pursuant to
9 this Act a multipurpose, nonmotorized trail from
10 Highway 101 to the Pacific Ocean; and

11 (3) shall work cooperatively on any other issues
12 of mutual concern relating to land taken into trust
13 for the benefit of the Tribe pursuant to this Act.

14 **SEC. 5. TREATMENT OF TRUST LAND AS PART OF RESERVA-**
15 **TION.**

16 All land taken into trust for the benefit of the Tribe
17 pursuant to this Act shall be a part of the reservation of
18 the Tribe.

19 **SEC. 6. GAMING PROHIBITION.**

20 The Tribe may not conduct on any land taken into
21 trust pursuant to this Act any gaming activities—

22 (1) as a matter of claimed inherent authority;
23 or

24 (2) under any Federal law (including the Indian
25 Gaming Regulatory Act (25 U.S.C. 2701 et seq.)

1 (including any regulations promulgated by the Sec-
2 retary or the National Indian Gaming Commission
3 pursuant to that Act)).

Passed the House of Representatives June 8, 2010.

Attest: LORRAINE C. MILLER,
Clerk.

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