

119TH CONGRESS
1ST SESSION

S. 642

To provide compensation to the Keweenaw Bay Indian Community for the taking without just compensation of land by the United States inside the exterior boundaries of the L'Anse Indian Reservation that were guaranteed to the Community under a treaty signed in 1854, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 19, 2025

Mr. PETERS (for himself and Ms. SLOTKIN) introduced the following bill;
which was read twice and referred to the Committee on Indian Affairs

A BILL

To provide compensation to the Keweenaw Bay Indian Community for the taking without just compensation of land by the United States inside the exterior boundaries of the L'Anse Indian Reservation that were guaranteed to the Community under a treaty signed in 1854, 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 “Keweenaw Bay Indian
5 Community Land Claim Settlement Act of 2025”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the Keweenaw Bay Indian Community is a
4 federally recognized Indian Tribe residing on the
5 L’Anse Indian Reservation in Baraga County in the
6 Upper Peninsula of the State of Michigan;

7 (2) the Community is a successor in interest to
8 the Treaty with the Chippewa Indians of the Mis-
9 sissippi and Lake Superior, made and concluded at
10 La Pointe of Lake Superior October 4, 1842 (7
11 Stat. 591) (referred to in this section as the “1842
12 Treaty”), which, among other things, guaranteed the
13 usufructuary rights of the Community over a large
14 area of land that was ceded to the United States,
15 until such time that those usufructuary rights were
16 properly and legally extinguished;

17 (3) the Community is also a successor in inter-
18 est to the Treaty with the Chippewa Indians of Lake
19 Superior and the Mississippi, made and concluded at
20 La Pointe September 30, 1854 (10 Stat. 1109) (re-
21 ferred to in this section as the “1854 Treaty”);

22 (4) article 2, paragraph 1 of the 1854 Treaty
23 created the L’Anse Indian Reservation as a perma-
24 nent reservation;

25 (5) pursuant to article 13 of the 1854 Treaty,
26 the 1854 Treaty became “obligatory on the con-

tracting parties” when ratified by the President and the Senate on January 10, 1855;

(6) in 1850, Congress enacted the Act of September 28, 1850 (sections 2479 through 2481 of the Revised Statutes (43 U.S.C. 982 through 984)) (commonly known and referred to in this section as the “Swamp Land Act”), which authorized the State of Arkansas and other States, including the State of Michigan, to “construct the necessary levees and drains to reclaim” certain unsold “swamp and overflowed lands, made unfit thereby for cultivation” and stating that those lands “shall remain unsold at the passage of this act”;

(7) following enactment of the Swamp Land Act, the State claimed thousands of acres of swamp land in the State pursuant to that Act;

(8) between 1893 and 1937, the General Land Office patented 2,743 acres of land to the State that were located within the exterior boundaries of the Reservation;

(9) the right of the Community to use and occupy the unsold land within the Reservation had not been extinguished when the United States patented the Reservation Swamp Lands to the State;

1 (10) in 1852, Congress enacted the Act of Au-
2 gust 26, 1852 (10 Stat. 35, chapter 92) (referred to
3 in this section as the “Canal Land Act”), to facili-
4 tate the building of the Sault Ste. Marie Canal at
5 the Falls of the St. Mary’s River, to connect Lake
6 Superior to Lake Huron;

7 (11) pursuant to the Canal Land Act, the
8 United States granted the State the right to select
9 750,000 acres of unsold public land within the State
10 to defray the cost of construction of the Sault Ste.
11 Marie Canal;

12 (12) the State identified and selected, among
13 other land, a minimum of 1,333.25 and up to 2,720
14 acres within the exterior boundaries of the Reserva-
15 tion;

16 (13) the Department of the Interior approved
17 the land selections of the State, including the Res-
18 ervation Canal Lands, after ratification of the 1854
19 Treaty;

20 (14) the Secretary noted that the approval de-
21 scribed in paragraph (13) was “subject to any valid
22 interfering rights”;

23 (15) the 1854 Treaty set apart from the public
24 domain all unsold land within the Reservation to the
25 Community as of September 30, 1854, which pre-

1 ceded the date on which the State established legally
2 effective title to the Reservation Canal Lands;

3 (16) the Community made claims to the De-
4 partment of the Interior with respect to the Reserva-
5 tion Swamp Lands and the Reservation Canal
6 Lands, providing legal analysis and ethnohistorical
7 support for those claims;

8 (17) in December 2021, the Department of the
9 Interior stated that “We have carefully reviewed per-
10 tinent documents, including the Tribe’s expert re-
11 ports, and have determined that the Tribe’s claims
12 to the Swamp Lands and Canal Lands have merit”;

13 (18) the United States, through the actions of
14 the General Land Office, deprived the Community of
15 the exclusive use and occupancy of the Reservation
16 Swamp Lands and the Reservation Canal Lands
17 within the Reservation, without just compensation as
18 required under the Takings Clause of the Fifth
19 Amendment to the Constitution of the United
20 States;

21 (19) the loss of the Reservation Swamp Lands
22 and the Reservation Canal Lands without just com-
23 pensation has—

1 (A) impacted the exercise by the Commu-
2 nity of cultural, religious, and subsistence
3 rights on the land;

4 (B) caused a harmful disconnect between
5 the Community and its land;

6 (C) impacted the ability of the Community
7 to fully exercise its economy within the Reserva-
8 tion; and

9 (D) had a negative economic impact on the
10 development of the economy of the Community;

11 (20) certain non-Indian individuals, entities,
12 and local governments occupy land within the
13 boundaries of the Reservation—

14 (A) acquired ownership interests in the
15 Reservation Swamp Lands and the Reservation
16 Canal Lands in good faith; and

17 (B) have an interest in possessing clear
18 title to that land;

19 (21) this Act allows the United States—

20 (A) to secure a fair and equitable settle-
21 ment of past inequities suffered by the Commu-
22 nity as a result of the actions of the United
23 States that caused the taking of the Reserva-
24 tion Swamp Lands and the Reservation Canal
25 Lands without just compensation; and

1 (B) to ensure protection of the ownership
 2 of the Reservation Swamp Lands and the Res-
 3 ervation Canal Lands by non-Indian occupants
 4 of the Reservation, through the settlement of
 5 the claims of the Community to that land, and
 6 through that action, the relief of any clouds on
 7 title;

8 (22) a settlement will allow the Community to
 9 receive just compensation and the local landowners
 10 to obtain clear title to land, without long and pro-
 11 tracted litigation that would be both costly and det-
 12 rimental to all involved; and

13 (23) this Act achieves both justice for the Com-
 14 munity and security for current landowners through
 15 a restorative and non-confrontational process.

16 **SEC. 3. PURPOSES.**

17 The purposes of this Act are—

18 (1) to acknowledge the uncompensated taking
 19 by the Federal Government of the Reservation
 20 Swamp Lands and the Reservation Canal Lands;

21 (2) to provide compensation to the Community
 22 for the uncompensated taking of the Reservation
 23 Swamp Lands and the Reservation Canal Lands by
 24 the Federal Government;

1 (3) to extinguish all claims by the Community
 2 to the Reservation Swamp Lands and the Reserva-
 3 tion Canal Lands and to confirm the ownership by
 4 the current landowners of the Reservation Swamp
 5 Lands and the Reservation Canal Lands, who ob-
 6 tained that land in good faith;

7 (4) to extinguish all potential claims by the
 8 Community against the United States, the State,
 9 and current landowners concerning title to, use of,
 10 or occupancy of the Reservation Swamp Lands and
 11 the Reservation Canal Lands; and

12 (5) to authorize the Secretary—

13 (A) to compensate the Community; and

14 (B) to take any other action necessary to
 15 carry out this Act.

16 **SEC. 4. DEFINITIONS.**

17 In this Act:

18 (1) **COMMUNITY.**—The term “Community”
 19 means the Keweenaw Bay Indian Community.

20 (2) **COUNTY.**—The term “County” means
 21 Baraga County, Michigan.

22 (3) **RESERVATION.**—The term “Reservation”
 23 means the L’Anse Indian Reservation, located in—

24 (A) T. 51 N., R. 33 W.;

25 (B) T. 51 N., R. 32 W.;

- 1 (C) T. 50 N., R. 33 W., E $\frac{1}{2}$;
 2 (D) T. 50 N., R. 32 W., W $\frac{1}{2}$; and
 3 (E) that portion of T. 51 N., R. 31 W.
 4 lying west of Huron Bay.

5 (4) RESERVATION CANAL LANDS.—The term
 6 “Reservation Canal Lands” means the 1,333.25 to
 7 2,720 acres of Community land located within the
 8 exterior boundaries of the Reservation that the Fed-
 9 eral Government conveyed to the State pursuant to
 10 the Act of August 26, 1852 (10 Stat. 35, chapter
 11 92).

12 (5) RESERVATION SWAMP LANDS.—The term
 13 “Reservation Swamp Lands” means the 2,743 acres
 14 of land located within the exterior boundaries of the
 15 Reservation that the Federal Government conveyed
 16 to the State between 1893 and 1937 pursuant to the
 17 Act of September 28, 1850 (sections 2479 through
 18 2481 of the Revised Statutes (43 U.S.C. 982
 19 through 984)) (commonly known as the “Swamp
 20 Land Act”).

21 (6) SECRETARY.—The term “Secretary” means
 22 the Secretary of the Interior.

23 (7) STATE.—The term “State” means the State
 24 of Michigan.

1 **SEC. 5. PAYMENTS.**

2 (a) TRANSFER OF FUNDS.—As soon as practicable
 3 after the date on which the amount authorized to be ap-
 4 propriated under subsection (c) is made available to the
 5 Secretary, the Secretary shall transfer \$33,900,000 to the
 6 Community.

7 (b) USE OF FUNDS.—

8 (1) IN GENERAL.—Subject to paragraph (2),
 9 the Community may use the amount received under
 10 subsection (a) for any lawful purpose, including—

11 (A) governmental services;

12 (B) economic development;

13 (C) natural resources protection; and

14 (D) land acquisition.

15 (2) RESTRICTION ON USE OF FUNDS.—The
 16 community may not use the amount received under
 17 subsection (a) to acquire land for gaming purposes.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
 19 authorized to be appropriated to the Secretary to carry
 20 out subsection (a) \$33,900,000 for fiscal year 2026, to
 21 remain available until expended.

22 **SEC. 6. EXTINGUISHMENT OF CLAIMS.**

23 (a) IN GENERAL.—Effective on the date on which the
 24 Community receives the payment under section 5(a), all
 25 claims of the Community to the Reservation Swamp

1 Lands and the Reservation Canal Lands owned by persons
2 or entities other than the Community are extinguished.

3 (b) CLEAR TITLE.—Effective on the date on which
4 the Community receives the payment under section 5(a),
5 the title of all current owners to the Reservation Swamp
6 Lands and the Reservation Canal Lands is cleared of all
7 preexisting rights held by the Community and any of the
8 members of the Community.

9 **SEC. 7. EFFECT.**

10 Nothing in this Act authorizes—

11 (1) the Secretary to take land into trust for the
12 benefit of the Community for gaming purposes; or

13 (2) the Community to use land acquired using
14 amounts received under this Act for gaming pur-
15 poses.

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