

Union Calendar No. 395

105TH CONGRESS
2^D SESSION

H. R. 3797

[Report No. 105–696]

To compensate the Wyandotte Tribe of Oklahoma for the taking of certain rights by the Federal Government, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 1998

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Resources

SEPTEMBER 9, 1998

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To compensate the Wyandotte Tribe of Oklahoma for the taking of certain rights by the Federal Government, 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 “Wyandotte Tribe Set-
5 tlement Act of 1998”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) pursuant to the Treaty of January 31, 1855
4 (10 Stat. 1159), the United States has held land in
5 trust in Wyandotte County, Kansas, for the benefit
6 of the Wyandotte Tribe, a federally recognized In-
7 dian tribe, continuously since 1855;

8 (2) the United States Supreme Court, in *Conley*
9 *v. Ballinger* (216 U.S. 84 (1910)), determined that
10 under the Treaty of 1855 the only rights in and to
11 the Wyandotte trust land in Wyandotte County,
12 Kansas, were tribal rights;

13 (3) since 1855, the United States has permitted
14 a variety of permanent encroachments upon the Wy-
15 andotte trust land, including, without limitation, the
16 construction of nontribal buildings and a road on
17 Wyandotte trust land;

18 (4) the United States Government has, through
19 the enactment of section 125 of Public Law 105–83,
20 taken from the Wyandotte Tribe the right of exclu-
21 sive use and occupancy, including, without limita-
22 tion, the right to conduct gaming on Wyandotte
23 trust land in Wyandotte County, Kansas, and other-
24 wise restricted the trust land’s use;

25 (5) the Wyandotte Tribe and the Unified Gov-
26 ernment of Wyandotte County, Kansas, and Kansas

1 City, Kansas, have entered into a Memorandum of
2 Understanding, dated March 13, 1998 (hereinafter
3 referred to as the “Settlement Agreement”), which
4 among other things, resolves any and all disputes
5 arising from encroachments upon the Wyandotte
6 Tribe’s trust land; and

7 (6) the parties to the Settlement Agreement
8 have agreed, that to implement the Settlement
9 Agreement, it is in the best interests of both govern-
10 ments for the Wyandotte Tribe to secure additional
11 trust land within Wyandotte County, Kansas.

12 (b) PURPOSES.—The purposes of this Act are—

13 (1) to acknowledge the taking by the Federal
14 Government of the valuable right held by the Wyandotte
15 Tribe to exclusive use and occupancy of Wyandotte
16 trust lands; and

17 (2) to compensate the Wyandotte Tribe for the
18 taking by the Federal Government of the Tribe’s
19 rights of exclusive use and occupancy of Wyandotte
20 trust lands by directing that the Secretary of the Interior
21 shall take into trust, in settlement of any and
22 all land claims the Tribe may have arising out of the
23 Federal Government’s taking of the Tribe’s right of
24 exclusive use land occupancy of Wyandotte trust
25 land, other land located within Wyandotte County,

1 Kansas, to be acquired by the Wyandotte Tribe at
2 the Wyandotte Tribe's own expense.

3 **SEC. 3. TRANSFER OF LAND; TAKING OF LAND INTO TRUST.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, upon transfer of title from the Wyandotte
6 Tribe to the Secretary of the Interior of a single parcel
7 of contiguous real property located within Wyandotte
8 County, Kansas, purchased by the Wyandotte Tribe, the
9 Secretary of the Interior shall take such real property into
10 trust for gaming purposes pursuant to section
11 20(b)(1)(B)(i) of the Indian Gaming Regulatory Act, to
12 be held for the benefit of the Wyandotte Tribe. Except
13 for those actions authorized to be taken by the Secretary
14 of the Interior pursuant to this section, nothing in this
15 Act shall exempt the Wyandotte Tribe from any require-
16 ments or provisions of any Federal law.

17 (b) SETTLEMENT OF CLAIMS.—The transaction and
18 taking into trust of land by the Secretary under subsection
19 (a) shall be in settlement of any and all land claims the
20 Wyandotte Tribe may have arising out of the Federal Gov-
21 ernment's taking of that tribe's right of exclusive use land
22 located within Wyandotte County, Kansas.

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