

107TH CONGRESS
2D SESSION

H. R. 5459

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2002

Mr. BONIOR introduced the following bill; which was referred to the
Committee on Resources

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

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) COMMUNITY.—The term “Community”
6 means the Bay Mills Indian Community, a federally
7 recognized Indian tribe.

8 (4) SETTLEMENT OF LAND CLAIM.—The term
9 “Settlement of Land Claim” means the agreement
10 between the Community and the Governor of the
11 State of Michigan executed on August 23, 2002, and
12 filed with the Office of Secretary of State of the
13 State of Michigan.

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

16 **SEC. 2. ACCEPTANCE OF ALTERNATIVE LANDS AND EXTIN-**
17 **GUISHMENT OF CLAIMS.**

18 (a) LAND INTO TRUST; PART OF RESERVATION.—
19 Upon the date of enactment of this Act—

20 (1) the Secretary shall take the alternative
21 lands into trust for the benefit of the Community
22 within 30 days of receiving a title insurance policy
23 for the alternative lands which shows that the alter-
24 native lands are not subject to mortgages, liens,

1 deeds of trust, options to purchase, or other security
2 interests; and

3 (2) the alternative lands shall become part of
4 the Community's reservation immediately upon at-
5 taining trust status.

6 (b) GAMING.—The alternative lands are to 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.—Upon the date of
14 enactment of this Act, any and all claims by the Commu-
15 nity to the Charlotte Beach lands or against the United
16 States, the State of Michigan or any subdivision thereof,
17 the Governor of the State of Michigan, or any other person
18 or entity by the Community based on or relating to claims
19 to the Charlotte Beach lands (including without limitation,
20 claims for trespass damages, use, or occupancy), whether
21 based on aboriginal or recognized title, are hereby extin-
22 guished. The extinguishment of these claims is in consid-
23 eration for the benefits to the Community under this Act.

1 **SEC. 3. EFFECTUATION AND RATIFICATION OF AGREE-**
2 **MENT.**

3 The United States approves, ratifies, and confirms
4 the Settlement of Land Claim. The terms of this Settle-
5 ment of Land Claim are hereby incorporated into this Act
6 and those terms shall be in full force and effect. The Set-
7 tlement of Land Claim is hereby made enforceable by ei-
8 ther the Community or the Governor according to its
9 terms. Exclusive jurisdiction over any such action is here-
10 by vested in the United States District Court for the West-
11 ern District of Michigan. The Secretary shall publish the
12 text of the Settlement of Land Claim in the Federal Reg-
13 ister.

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