

Interior shall proclaim as reservation for the benefit of the Sault Ste. Marie Tribe of Chippewa Indians the parcel of land now held in trust by the United States and having the legal description as follows: That portion of Section 19, Township 41 North, Range 3 West, Michigan Meridian, described as: All of the NW1/4SW1/4 and all of the S1/2SW1/4 Northerly of a line described as beginning 650 feet Northerly along the centerline of Highway "Mackinac Trail" from the intersection of said centerline with the South Section line of Section 19, Township 41 North, Range 3 West, thence Northeasterly to the Southeast corner of the NW1/4SW1/4 of said Section, containing 65 acres, more or less (except the highway right-of-way and easements of record).

(b) **APPLICABLE LAW; EFFECTIVE DATE.**—The Secretary's proclamation shall be pursuant to section 7 of the Act of June 18, 1934 (25 U.S.C. 467) and shall be deemed effective as of April 19, 1988.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment:

Strike out all after the enacting clause and insert:

H.R. 2120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND TO BE PROCLAIMED RESERVATION.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, the Secretary of the Interior shall proclaim as reservation for the benefit of the Sault Ste. Marie Tribe of Chippewa Indians the parcel of land now held in trust by the United States and having the legal description as follows: That portion of Section 19, Township 41 North, Range 3 West, Michigan Meridian, described as: All of the NW1/4SW1/4 and all of the S1/2SW1/4 Northerly of a line described as beginning 650 feet Northerly along the centerline of Highway "Mackinac Trail" from the intersection of said centerline with the South Section line of Section 19, Township 41 North, Range 3 West, thence Northeasterly to the Southeast corner of the NW1/4SW1/4 of said Section, containing 65 acres, more or less (except the highway right-of-way and easements of record).

(b) **APPLICABLE LAW; EFFECTIVE DATE.**—The Secretary's proclamation shall be pursuant to section 7 of the Act of June 18, 1934 (25 U.S.C. 467) and the property shall be deemed a reservation as of April 19, 1988, for purposes of the Indian Gaming Regulatory Act.

Mrs. CHRISTENSEN (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Virgin Islands?

There was no objection.

The committee amendment was agreed to.

Mrs. CHRISTENSEN. Mr. Speaker, this measure addresses an inequity caused by the failure of the Bureau of Indian Affairs to act in a timely manner on a request first made in 1983. Introduced by our colleague, Representative BART STUPAK, this measure would declare land held in trust for a Tribe located in Michigan as part of the Tribe's reservation.

Shortly after the land was placed into trust in 1983, the Tribe made the first of several requests to have the land declared a part of its

reservation. Eventually, the Bureau of Indian Affairs took various actions leading the Tribe to believe that the land was a part of the Tribe's reservation.

However, in February, 2006, the Interior Department reversed course and informed the Tribe that the land placed into trust in 1983 was not part of the Tribe's Reservation. The pending measure clarifies and rectifies the situation.

I urge my colleagues to support this measure.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COQUILLE INDIAN TRIBE, OREGON LAND CONVEYANCE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 2863) to authorize the Coquille Indian Tribe of the State of Oregon to convey land and interests in land owned by the Tribe.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Virgin Islands?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND AND INTERESTS OF COQUILLE INDIAN TRIBE, OREGON.

(a) **IN GENERAL.**—Subject to subsections (b) and (c), notwithstanding any other provision of law (including regulations), the Coquille Indian Tribe of the State of Oregon (including any agent or instrumentality of the Tribe) (referred to in this section as the "Tribe"), may transfer, lease, encumber, or otherwise convey, without further authorization or approval, any land (including fee simple land) or interest in land owned by the Tribe.

(b) **NONAPPLICABILITY TO CERTAIN CONVEYANCES.**—Subsection (a) shall not apply with respect to any transfer, encumbrance, lease, or other conveyance of any land or interest in land of the Tribe that occurred before January 1, 2007.

(c) **EFFECT OF SECTION.**—Nothing in this section invalidates or otherwise alters or affects any restriction on alienation applicable to land held in trust by the United States for the benefit of the Tribe or any member of the Tribe.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment:

Strike out all after the enacting clause and insert:

H.R. 2863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND AND INTERESTS OF COQUILLE INDIAN TRIBE, OREGON.

(a) **IN GENERAL.**—Subject to subsections (b) and (c), notwithstanding any other provision of law (including regulations), the Coquille Indian Tribe of the State of Oregon (including any agent or instrumentality of the

Tribe) (referred to in this section as the "Tribe"), may transfer, lease, encumber, or otherwise convey, without further authorization or approval, any land (including fee simple land) or interest in land owned by the Tribe.

(b) **NONAPPLICABILITY TO CERTAIN CONVEYANCES.**—Subsection (a) shall not apply with respect to any transfer, encumbrance, lease, or other conveyance of any land or interest in land of the Tribe that occurred before January 1, 2007.

(c) **EFFECT OF SECTION.**—Nothing in this section invalidates or otherwise alters or affects any restriction on alienation applicable to land held in trust by the United States for the benefit of the Tribe or any member of the Tribe.

(d) **LIABILITY.**—The United States shall not be held liable to any (including the Tribe or any agent or instrumentality of the Tribe) for any term of, or any loss resulting from the term of any transfer, lease, encumbrance, or conveyance of land made pursuant to this Act unless the United States or an agent or instrumentality of the United States is a party to the transaction or the United States would be liable pursuant to any other provision of law. This subsection shall not apply to land transferred or conveyed by the Tribe to the United States to be held, in trust for the benefit of the Tribe.

Mrs. CHRISTENSEN (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Virgin Islands?

There was no objection.

The committee amendment was agreed to.

Mrs. CHRISTENSEN. Mr. Speaker, in 1790, the Non-Intercourse Act was enacted reserving the right to acquire land, or an interest in land, owned by an Indian tribe in the United States. It was intended to prevent third parties from taking advantage of Indians by prohibiting the lease, transfer, encumbrance or conveyance of lands from an Indian tribe without Federal approval.

Our colleague, Representative PETER DEFAZIO, introduced the pending measure to exempt the conveyance of non-trust lands made by a Tribe located in Oregon. In this particular case, the law is preventing this Tribe from fully engaging in non-gaming economic development on fee land because Federal approval is required for leases between the Tribe and third parties.

I urge my colleagues to support this measure.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SAGINAW CHIPPEWA TRIBE OF INDIANS OF MICHIGAN LAND CONVEYANCE

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 2952) to authorize the Saginaw Chippewa Tribe of Indians of the State of Michigan to convey land and interests in land owned by the Tribe.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Virgin Islands?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND AND INTERESTS OF THE SAGINAW CHIPPEWA INDIAN TRIBE OF MICHIGAN.

(a) IN GENERAL.—Subject to subsections (b) and (c), notwithstanding any other provision of law (including regulations), the Saginaw Chippewa Indian Tribe of Michigan (including any agent or instrumentality of the Tribe) (referred to in this section as the “Tribe”), may transfer, lease, encumber, or otherwise convey, without further authorization or approval, fee simple land owned by the Tribe.

(b) EFFECT OF SECTION.—Nothing in this section is intended to authorize the Tribe to sell any lands that are held in trust by the United States for the benefit of the Tribe.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment:

Strike out all after the enacting clause and insert:

H.R. 2952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND AND INTERESTS OF THE SAGINAW CHIPPEWA INDIAN TRIBE OF MICHIGAN.

(a) IN GENERAL.—Subject to subsections (b) and (c), notwithstanding any other provision of law (including regulations), the Saginaw Chippewa Indian Tribe of Michigan (including any agent or instrumentality of the Tribe) (referred to in this section as the “Tribe”), may transfer, lease, encumber, or otherwise convey, without further authorization or approval, all or any part of the Tribe’s interest in any real property that is not held in trust by the United States for the benefit of the Tribe.

(b) EFFECT OF SECTION.—Nothing in this section is intended to authorize the Tribe to transfer, lease, encumber, or otherwise convey, any lands, or any interest in any lands, that are held in trust by the United States for the benefit of the Tribe.

(c) LIABILITY.—The United States shall not be held liable to any party (including the Tribe or any agent or instrumentality of the Tribe) for any term of, or any loss resulting from the term of any transfer, lease, encumbrance, or conveyance of land made pursuant to this Act unless the United States or an agent or instrumentality of the United States is a party to the transaction or the United States would be liable pursuant to any other provision of law. This subsection shall not apply to land transferred or conveyed by the Tribe to the United States to be held in trust for the benefit of the Tribe.

Mrs. CHRISTENSEN (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Virgin Islands?

There was no objection.

The committee amendment was agreed to.

Mrs. CHRISTENSEN. Mr. Speaker, this legislation is similar to the bill we just considered in that it also deals with an exemption from the Non-Intercourse Act.

Our colleague, Representative DALE KILDEE, introduced this measure to exempt the conveyance of non-trust lands made by Tribe located in Michigan. In this particular case, the law is preventing this Tribe from fully engaging in non-gaming economic development. The pending measure is necessary so that the Tribe can sell fee lands bought for investment purposes and to otherwise engage in real estate investment.

I urge my colleagues to support this measure.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PECHANGA BAND OF LUISENO MISSION INDIANS LAND TRANSFER ACT OF 2007

Mrs. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that the Committee on Natural Resources be discharged from further consideration of the bill (H.R. 2963) to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Virgin Islands?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pechanga Band of Luiseno Mission Indians Land Transfer Act of 2007”.

SEC. 2. TRANSFER OF LAND IN TRUST FOR PECHANGA BAND OF LUISENO MISSION INDIANS.

(a) TRANSFER AND ADMINISTRATION.—

(1) TRANSFER.—Effective on the date of the enactment of this Act and subject to valid existing rights, all right, title, and interest of the United States in and to the Federal lands described in subsection (b) (including all improvements thereon, appurtenances thereto, and rights to all minerals thereon or therein, including oil and gas, water, and related resources) shall be held by the United States in trust for the Pechanga Band of Luiseno Mission Indians, a federally recognized Indian tribe. Such transfer shall not include the 12.82 acres of lands more or less, including the facilities, improvements, and appurtenances associated with the existing 230 kV transmission line in San Diego County and its 300 foot corridor, more particularly described as a portion of sec. 6, T. 9 S., R. 2 W., San Bernardino Base and Meridian, which shall be sold by the Bureau of Land Management for fair market value to San Diego Gas & Electric Company not later than 30 days after the completion of the cadastral survey described in subsection (c) and the appraisal described in subsection (d).

(2) ADMINISTRATION.—The land transferred under paragraph (1) shall be part of the Pechanga Indian Reservation and administered in accordance with—

(A) the laws and regulations generally applicable to property held in trust by the United States for an Indian tribe; and

(B) a memorandum of understanding entered into between the Pechanga Band of Luiseno Mission Indians and the United States Fish and Wildlife Service.

(b) DESCRIPTION OF LAND.—The lands referred to in subsection (a) consist of approximately 1,178 acres in Riverside County, California, and San Diego County, California, as referenced on the map titled, “H.R. 28, the Pechanga Land Transfer Act” and dated January 12, 2007, which, before the transfer under such subsection, were administered by the Bureau of Land Management and are more particularly described as follows:

(1) Sections 24, 29, 31, and 32 of township 8 south, range 2 west, San Bernardino base and meridian.

(2) Section 6 of township 9 south, range 2 west, lots 2, 3, 5 and 6, San Bernardino Base and Meridian.

(3) Mineral Survey 3540, section 22 of township 5 south, range 4 west, San Bernardino base and meridian.

(c) SURVEY.—Not later than 180 days after the date of the enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall complete a survey of the lands transferred and to be sold under subsection (a) for the purpose of establishing the boundaries of the lands.

(d) CONVEYANCE OF UTILITY CORRIDOR.—

(1) IN GENERAL.—The Secretary shall convey to the San Diego Gas & Electric Company all right, title, and interest of the United States in and to the utility corridor upon—

(A) the completion of the survey required under subsection (c);

(B) the receipt by the Secretary of all rents and other fees that may be due to the United States for use of the utility corridor, if any; and

(C) the receipt of payment by United States from the San Diego Gas & Electric Company of consideration in an amount equal to the fair market value of the utility corridor, as determined by an appraisal conducted under paragraph (2).

(2) APPRAISAL.—

(A) IN GENERAL.—Not later than 90 days after the date on which the survey of the utility corridor is completed under subsection (c), the Secretary shall complete an appraisal of the utility corridor.

(B) APPLICABLE LAW.—The appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) COSTS.—The San Diego Gas & Electric Company shall pay the costs of carrying out the conveyance of the utility corridor under paragraph (1), including any associated survey and appraisal costs.

(4) DISPOSITION OF PROCEEDS.—The Secretary shall deposit any amounts received under paragraph (1)(C) of this section in the Federal Land Disposal Account established under section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)).

(e) MAP ON FILE.—The map referred to in subsection (b) shall be on file in the appropriate offices of the Bureau of Land Management.

(f) LEGAL DESCRIPTIONS.—

(1) PUBLICATION.—On approval of the survey completed under subsection (c) by the duly elected tribal council of the Pechanga Band of Luiseno Mission Indians, the Secretary of the Interior shall publish in the Federal Register—

(A) a legal description of the boundary lines; and

(B) legal description of the lands transferred under subsection (a).