



H.R. 2176 – To provide for and approve the settlement of certain land claims of the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians

EXECUTIVE SUMMARY

These two bills will be considered on the floor under a closed rule on June 25, 2008. The rule for H.R. 2176 will merge H.R. 4115 into H.R. 2176 for consideration on the floor. H.R. 4115 was introduced by Representative John Dingell (D-MI) on November 11, 2007. The House Committee on Natural Resources ordered the bill to be reported, as amended, by a vote of 22-5 on February 13, 2008. H.R. 2176 was introduced by Representative Bart Stupak (D-MI) on May 3, 2007. The House Committee on Natural Resources ordered the bill to be reported, as amended, by a vote of 21-5 on February 13, 2008.

Note: H.R. 4115 and H.R. 2176 were both reported adversely by a unanimous vote of the House Committee on the Judiciary on April 2, 2008.

H.R. 2176 directs the Secretary of Interior to acquire lands on behalf of the Sault Ste. Marie Tribe of Chippewa Indians in exchange for extinguishing certain land claims of the Tribe. The bill also directs the Secretary of Interior to acquire lands on behalf of the Bay Mills Indian Community in exchange for extinguishing certain land claims of the Community. Gaming would be permitted on the lands taken into trust under H.R. 2176.

The Congressional Budget estimates that implementing H.R. 2176 would have "no significant effect on the federal budget."

FLOOR SITUATION

H.R. 2176 is being considered on the floor under a closed rule on June 25, 2008. The rule:

- Provides one hour of debate in the House, with 40 minutes equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Natural Resources, and 20 minutes equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on the Judiciary;
- Waives all points of order against consideration of the bill except clauses 9 (regarding earmark disclosure) or 10 (regarding PAYGO) of rule XXI;
- Provides that in lieu of the committee amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, the amendment in the nature of a substitute printed in the report of the Committee on Rules to accompany the resolution shall be considered as adopted;
- Waives all points of order against provisions of the bill, as amended, and provides that the bill, as amended, shall be considered as read. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure);
- Provides one motion to recommit with or without instructions;
- Provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

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SUMMARY

Title I - Bay Mills Indian Community: This legislation authorizes the Secretary of Interior to acquire land in Port Huron, Michigan on behalf of the Bay Mills Indian Community. The lands must be taken into trust within 30 days of the Secretary receiving a title insurance policy for the lands, and having confirmed that the National Environmental Policy Act of 1969 has been adhered to. These lands will become part of the Bay Mills Indian Community's reservation. Gaming is permitted on this land, as provided for under the Indian Gaming Regulation Act (P.L. 100-497).

This legislation extinguishes any and all claims by the Community to the Charlotte Beach lands or against the United States, the State of Michigan, or any other person or entity. The bill also ratifies the Settlement of Land Claim signed between the State of Michigan and the Bay Mills Indian Community on August 23, 2002, except for a severability clause. This legislation will not be considered precedent for any future agreement between a tribe and State. The U.S. District Court for the Western District of Michigan is granted jurisdiction over enforcement of the settlement agreement.

Title II - Sault Ste. Marie Tribe of Chippewa Indians: The bill directs the Secretary of Interior to acquire land on behalf of the Sault Ste. Marie Tribe of Chippewa Indians. The lands are specified in a Settlement of Land Agreement between the Governor of Michigan and the Tribe, and are located within Monroe County, the City of Romulus, or the city of Flint, Michigan. The Secretary must take these lands into trust within 30 days of receiving a title insurance policy for the lands. Gaming is permitted on this land, as provided for under the Indian Gaming Regulation Act (P.L. 100-497).

This legislation extinguishes all land claims against the United States, the State of Michigan, or any other person or entity by the Tribe. The bill ratifies the Settlement of Land Claim signed between the State of Michigan and the Tribe on December 20, 2002, as well as the Addendum signed on November 14, 2007. This legislation will not be considered precedent for any future agreement between a tribe and State. The U.S. District Court for the Western District of Michigan is granted jurisdiction over enforcement of the settlement agreement.

BACKGROUND

This legislation is intended to settle contested land claims between the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians to the same land in the Charlotte Beach area of Michigan. The Bay Mills Indian Community filed suits in state and federal court to vindicate their land claims, but lost both cases. The federal court case was dismissed on procedural grounds. In the state case, the Michigan Court of Appeals rejected the land claim for lack of merit. The Tribe appealed the decision to the U.S. Supreme Court, which denied hearing the claim. Congress has the sole authority and responsibility to extinguish a land claim brought by an Indian tribe.

The Indian Reorganization Act of 1934 authorizes the Secretary of Interior to acquire land in trust for individual Indian Tribes. The Indian Gaming Regulatory Act (P.L. 100-497) was enacted in 1988 to provide a legal framework for regulating the operation of gaming on Indian lands. 'Indian lands' in this Act refer to Indian reservations, as well as lands held in trust for the benefit of Indian Tribes by the United States. There are currently 19 Tribal casinos in the State of Michigan, operated by 10 Indian Tribes.

The Bay Mills Indian Community is a federally recognized Indian tribe with approximately 1,500 members. The Community's ancestors lived on the shores of the Great Lakes in what is currently



Michigan and Ontario, Canada. Two Governors of the State of Michigan have previously signed a settlement agreement with the Bay Mills Indian Community. Governor John Engler (R) signed a settlement agreement on behalf of the state in August, 2002. Additionally, Governor Jennifer Granholm (D) signed an addendum to that settlement agreement on November 13, 2007. This settlement agreement ratified by H.R. 2176 settles a longstanding land claim of the Community to 110 acres in Charlotte Beach, Michigan.

The Saulte Ste. Marie Tribe of Chippewa Indians is a federally recognized tribe with about 29,000 members. The Tribe's ancestors lived in present-day Michigan and Ontario, Canada. The settlement agreement ratified by this legislation would settle a longstanding land claim of the Tribe to 110 acres in Charlotte Beach, Michigan. Two Governors of the State of Michigan have previously signed a settlement agreement with the Sault Ste. Marie Tribe. Governor John Engler (R) signed a settlement agreement on behalf of the state on December 20, 2002. Governor Jennifer Granholm (D) signed an addendum to that settlement agreement on November 14, 2007.

ADDITIONAL VIEWS

According to Committee on Judiciary Ranking Member Lamar Smith:

"We oppose H.R. 4115...The agreement between the State and the Tribe allows for Indian gaming casinos to be operated on land that is located near the metropolitan area of Detroit, Michigan, roughly 350 miles away from the Sault Ste. Marie reservation...We share the Majority's concern that this land transfer circumvents Michigan state laws regulating the establishment and expansion of Indian gaming operations...We are also concerned that this legislation represents an expansion of the Indian Gaming Regulatory Act (IGRA) beyond Congress' original intent...We note that the Department of the Interior opposes this legislation as well."

[\(Additional Views, House Report 110-542\)](#)

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[\(Additional Views, House Report 110-541\)](#)

According to Committee on Natural Resources Ranking Member Don Young:

"This bill [H.R. 2076 and H.R. 4115] settles an Indian land claim without costing any federal or state dollars and without imposing taxes or fees on anyone. In fact, under the settlement deal, the tribe is going to share revenues with the State of Michigan and local communities... We have a land claim settlement voluntarily negotiated, and signed, by a Governor of Michigan and a tribe without a limitation on gaming...the Bay Mills land claims settlement enjoys the support of every elected official, on every level, representing the tribe, the Charlotte Beach landowners, and the city of Port Huron." (Markup Opening Statement, 2/13/2008)

COST

The Congressional Budget Office (CBO) estimates that implementing H.R. 2176 would have "no significant effect on the federal budget." [Full CBO Cost Estimate](#)

STAFF CONTACT

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