

Union Calendar No. 121

106TH CONGRESS
1ST SESSION

H. R. 562

[Report No. 106-207]

To approve and ratify certain transfers of land and natural resources by or on behalf of the Delaware Nation of Indians, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 1999

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

JUNE 29, 1999

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To approve and ratify certain transfers of land and natural resources by or on behalf of the Delaware Nation of Indians, 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,*

1 **SECTION 1. RATIFICATION OF TRANSFER; EXTINGUISH-**
2 **MENT OF TITLE AND CLAIMS.**

3 (a) **APPROVAL AND RATIFICATION OF PRIOR TRANS-**
4 **FER.**—Any transfer of land or natural resources located
5 anywhere within what is now the boundaries of the State
6 of New Jersey, from, by, or on behalf of the Delaware
7 Nation of Indians or any of its members, which occurred
8 prior to 1833, including any transfer pursuant to any
9 treaty, compact, deed, Act, or statute of the State of New
10 Jersey, shall be deemed to have been made in accordance
11 with the Constitution and all laws of the United States
12 that are specifically applicable to transfer of land or nat-
13 ural resources from, by, or on behalf of any Indian, Indian
14 nation, or tribe or band of Indians (including, but without
15 limitation, the Trade and Intercourse Act of 1790 (ch. 33,
16 sec. 4 Stat. 137, 138)) and all amendments thereto and
17 all subsequent reenactments and versions thereof, and
18 Congress does approve and ratify such transfer effective
19 as of the date of the transfer.

20 (b) **ABORIGINAL TITLE EXTINGUISHED AS OF DATE**
21 **OF TRANSFER.**—To the extent that any transfer of land
22 or natural resources described in subsection (a) involves
23 land or natural resources to which the Delaware Nation
24 of Indians or any of its members, or any other Indian,
25 Indian nation, or tribe or band of Indians had aboriginal
26 title, subsection (a) shall be regarded as an extinguish-

1 ment of such aboriginal title as of the date of such trans-
 2 fer.

3 (c) ~~CLAIMS EXTINGUISHED AS OF DATE OF TRANS-~~
 4 ~~FER.~~—By virtue of the approval and ratification of a
 5 transfer of land or natural resources under subsection (a)
 6 or the extinguishment of aboriginal title under subsection
 7 (b), all claims against the United States, the State of New
 8 Jersey or subdivision thereof, or any other person or enti-
 9 ty, by the Delaware Nation of Indians or any of their
 10 members or any predecessors or successors in interest
 11 thereof, arising at the time of or subsequent to the trans-
 12 fer and based on any interest in or right involving such
 13 land or natural resources, including but without limita-
 14 tions, claims for trespass damages or claims for use and
 15 occupancy, shall be deemed extinguished as of the date
 16 of transfer.

17 **SECTION 1. RATIFICATION OF TRANSFERS; EXTINGUISH-**
 18 **MENT OF TITLE AND CLAIMS.**

19 (a) *APPROVAL AND RATIFICATION OF PRIOR TRANS-*
 20 *FERS.*—Any transfer of land or natural resources located
 21 within what is now the boundaries of the State of New Jer-
 22 sey or any transfer of hunting or fishing rights related
 23 thereto, from, by, or on behalf of the Delaware Nation of
 24 Indians, which occurred prior to 1833, including any
 25 transfer pursuant to any treaty, compact, deed, Act, or stat-

1 *ute of the State of New Jersey, shall be deemed to have been*
2 *made in accordance with the Constitution and all laws of*
3 *the United States that are specifically applicable to trans-*
4 *fers of land or natural resources from, by, or on behalf of*
5 *any tribe, nation, pueblo, or band of Indians, or any mem-*
6 *ber thereof (including without limitation, the Trade and*
7 *Intercourse Act of 1790 (ch. 33, sec. 4; 1 Stat. 137, 138)),*
8 *and Congress does approve and ratify any such transfer*
9 *effective as of the date of the transfer.*

10 *(b) ABORIGINAL TITLE EXTINGUISHED.—To the extent*
11 *that any transfer described in subsection (a) involves land,*
12 *natural resources, or hunting or fishing rights to which the*
13 *Delaware Nation of Indians had aboriginal title, subsection*
14 *(a) shall be regarded as an extinguishment of such aborigi-*
15 *nal title.*

16 *(c) CLAIMS EXTINGUISHED.—All claims against the*
17 *United States, the State of New Jersey or subdivision there-*
18 *of, or any other person or entity, by the Delaware Nation*
19 *of Indians arising before December 31, 1832, and based on*
20 *any interest in or right to land or natural resources within*
21 *the boundaries of the State of New Jersey, (including with-*
22 *out limitation, claims for trespass damages, claims for use*
23 *and occupancy, or claims involving hunting or fishing*
24 *rights) shall be deemed to have been extinguished as of De-*
25 *cember 31, 1832.*

1 (d) *DEFINITION.*—*For the purposes of this section, the*
2 *term “Delaware Nation of Indians” means the Delaware*
3 *Nation of Indians, the Delaware Tribe of Indians, the Dela-*
4 *ware Tribe of Western Oklahoma, any member of those*
5 *tribes, and any descendant, predecessor, or successor in in-*
6 *terest of those tribes and any member thereof.*

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