

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5561

To provide for and approve settlement of certain land claims of the Wyandotte Nation, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 2002

Mr. MOORE (for himself and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To provide for and approve settlement of certain land claims of the Wyandotte Nation, 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. FINDINGS AND PURPOSES.**

4        (a) FINDINGS.—Congress finds the following:

5                (1) The Wyandotte Nation has a valid interest  
6        in certain lands located in the Fairfax Business Dis-  
7        trict in Wyandotte County, Kansas, that are located  
8        within the Nation's reservation established pursuant  
9        to an agreement between the Wyandotte Nation and  
10       the Delaware Nation dated December 14, 1843,

1 which agreement was ratified by the Senate on July  
2 25, 1848.

3 (2) The Wyandotte Nation filed a lawsuit, Wy-  
4 andotte Nation v. Unified Government of Kansas  
5 City and Wyandotte County, Kansas, U.S. D.C.  
6 Kan., Case No. 012303–CM, against certain land-  
7 owners within the Fairfax Business District to as-  
8 certain and adjudicate ownership of lands that were  
9 once owned and held in trust by the United States  
10 for the benefit of the Wyandotte Nation but were  
11 not conveyed to the United States by the Wyandotte  
12 Nation pursuant to the Treaty of January 31, 1855.

13 (3) The Lawsuit also contends that certain  
14 major roads in Kansas City encroach upon a certain  
15 parcel of land, known as the Huron Cemetery, which  
16 was reserved for the Wyandotte Nation in the Trea-  
17 ty of January 31, 1855.

18 (4) The pendency of this Lawsuit has resulted  
19 in severe economic hardships for the residents of the  
20 Fairfax Business District of Wyandotte County,  
21 Kansas, by clouding title to much of the land within  
22 that District.

23 (5) Congress shares with the residents of the  
24 Fairfax Business District of Wyandotte County,  
25 Kansas, a desire to remove all clouds on title result-

1       ing from the Lawsuit without additional cost or ex-  
2       pense to either the United States, the State of Kan-  
3       sas, the Unified Government of Kansas City and  
4       Wyandotte County, Kansas, and all other land-  
5       owners within the Fairfax Business District of Wy-  
6       andotte County, Kansas.

7               (6) The Wyandotte Nation and the Unified  
8       Government of Kansas City and Wyandotte County  
9       have reached an agreement settling the Lawsuit  
10      which requires implementing legislation by the Con-  
11      gress of the United States.

12      (b) PURPOSES.—The purposes of this Act are as fol-  
13      lows:

14               (1) To settle the Lawsuit.

15               (2) To direct the Secretary to take into trust  
16      for the benefit of the Wyandotte Nation the Settle-  
17      ment Lands in settlement of the Wyandotte Nation’s  
18      Lawsuit and land claims asserted therein.

19      **SEC. 2. DEFINITIONS.**

20      For purposes of this Act, the following definitions  
21      apply:

22               (1) KANSAS LANDS.—The term “Kansas  
23      Lands” means all of the lands described and identi-  
24      fied as Gifted Lands and Accreted Lands in the Wy-  
25      andotte Nation’s complaint filed in the Lawsuit, as

1 well as those portions of Seventh Street and Min-  
2 nesota Avenue located within Kansas City, Kansas,  
3 which the Wyandotte Nation claim in the Lawsuit  
4 were included within the Huron Cemetery under the  
5 Treaty of January 31, 1855.

6 (2) LAWSUIT.—The term “Lawsuit” means  
7 Wyandotte Nation v. Unified Government of Kansas  
8 City and Wyandotte County, Kansas, U.S. D.C.  
9 Kan., Case No. 012303–CM.

10 (3) SECRETARY.—The term “Secretary” means  
11 the Secretary of the Interior.

12 (4) SETTLEMENT LANDS.—The term “Settle-  
13 ment Lands” means the following parcel of real  
14 property located in the City of Edwardsville, Wyan-  
15 dotte County, Kansas, which the United States shall  
16 hold in trust for the Wyandotte Nation as part of  
17 the settlement of the claims of the Wyandotte Na-  
18 tion to the Kansas Lands: Legal description as re-  
19 cited in Quit Claim Deed filed for record as Parcel  
20 I.D. 944806, book 3190 at page 198 and book 4408  
21 at page 789 in the Wyandotte County Register of  
22 Deeds Office.

23 (5) UNIFIED GOVERNMENT.—The term “Uni-  
24 fied Government” means the Unified Government of  
25 Kansas City and Wyandotte County, Kansas.

1           (6) WYANDOTTE NATION.—The term “Wyan-  
2           dotte Nation” means the Wyandotte Nation, a feder-  
3           ally recognized Indian tribe.

4 **SEC. 3. ACCEPTANCE OF SETTLEMENT LANDS.**

5           (a) TRUST STATUS.—Concurrently with the relin-  
6           quishment by the Wyandotte Nation of any and all claims  
7           to the Kansas Lands and dismissal with prejudice of the  
8           Lawsuit, the Secretary shall take the Settlement Lands  
9           into trust for the benefit of the Wyandotte Nation as part  
10          of the settlement of the Wyandotte Nation’s land claims  
11          to the Kansas Lands asserted in the Lawsuit, if there are  
12          no adverse legal claims on the Settlement Lands, including  
13          outstanding liens, mortgages, or taxes owed. The Sec-  
14          retary’s taking of the Settlement Lands into trust for the  
15          benefit of the Wyandotte Nation under this Act is a man-  
16          datory trust acquisition, and the terms and provisions of  
17          the Act of June 18, 1934 (popularly known as the Indian  
18          Reorganization Act; 25 U.S.C. 461 et seq.), and the regu-  
19          lations and standards set forth in part 151 of title 25,  
20          Code of Federal Regulations, shall not apply to the Sec-  
21          retary’s taking of the Settlement Lands into trust for the  
22          benefit of the Wyandotte Nation under this Act.

23          (b) SETTLEMENT OF LAND CLAIMS.—The Settle-  
24          ment Lands are taken into trust as provided in this sec-  
25          tion as part of the settlement of the Wyandotte Nation’s

1 land claims to the Kansas Land asserted in the Lawsuit  
2 within the meaning of section 20(b)(1)(B)(i) of the Indian  
3 Gaming Regulatory Act.

4 (c) STATUS OF SETTLEMENT LAND.—Upon the Sec-  
5 retary taking the Settlement Lands into trust for the ben-  
6 efit of the Wyandotte Nation under this Act, the Settle-  
7 ment Lands shall become a reservation of the Wyandotte  
8 Nation.

9 (d) APPLICATION OF THE KANSAS ACT.—Upon the  
10 Secretary taking the Settlement Lands into trust for the  
11 benefit of the Wyandotte Nation under this Act, the Act  
12 of June 25, 1948 (popularly known as the Kansas Act;  
13 18 U.S.C. 3243), shall apply to the Settlement Lands.

14 **SEC. 4. EXTINGUISHMENT OF TITLE AND CLAIMS.**

15 (a) APPROVAL AND RATIFICATION OF PRIOR TRANS-  
16 FERS.—Any transfer, before the date of enactment of this  
17 Act, of land or natural resources located within the bound-  
18 aries of the Kansas Lands from, by, or on behalf of any  
19 Indian, Indian nation, or tribe or band of Indians or any  
20 member thereof, shall be deemed to have been made in  
21 accordance with the Constitution and all laws of the  
22 United States, including, without limitation, the Trade  
23 and Intercourse Act of 1790, Act of July 22, 1790 (ch.  
24 33, sec. 4; 1 Stat. 137), and Congress hereby does approve

1 and ratify such transfers effective as of the date of such  
2 transfers.

3 (b) ABORIGINAL TITLE EXTINGUISHED.—Any ab-  
4 original title held by any Indian, Indian nation, or tribe  
5 or band of Indians or any member thereof to any land  
6 or natural resources located within the boundaries of the  
7 Kansas Lands, the transfer of which was approved and  
8 ratified by subsection (a), shall be regarded as extin-  
9 guished as of the date of such transfer.

10 (c) EXTINGUISHMENT OF CLAIMS.—The transfer of  
11 the Settlement Lands to the Secretary in trust for the ben-  
12 efit of the Wyandotte Nation as part of the settlement  
13 of the Nation’s land claims asserted in the Lawsuit of the  
14 Wyandotte Nation under this Act shall be conditioned  
15 upon receipt by the Secretary of a duly enacted resolution  
16 of the elected tribal council or business committee of the  
17 Wyandotte Nation agreeing to the extinguishment of all  
18 claims (including any claims based upon aboriginal title)  
19 against the United States, the Unified Government, or any  
20 person or entity by the Wyandotte Nation in connection  
21 with the Kansas Lands (including, without limitation,  
22 claims for hunting, trapping, trespass, damages, use, or  
23 occupancy) as provided in this Act, and agreeing to the  
24 extinguishment of any claims against the United States  
25 based upon the enactment of this Act. The extinguishment

1 of these claims is in consideration for the benefits to the  
2 Wyandotte Nation under this Act.

3 **SEC. 5. COMPACT WITH THE STATE OF KANSAS.**

4 (a) COMPACT PROCEDURES.—If the State of Kansas  
5 and the Wyandotte Nation have not entered into a tribal-  
6 State compact under section 11(d) of the Indian Gaming  
7 Regulatory Act within 90 days after the date of enactment  
8 of this Act, the Secretary shall, in consultation with the  
9 Wyandotte Nation and the State of Kansas, prescribe pro-  
10 cedures for the conduct of gaming activities on the Settle-  
11 ment Lands which are consistent with the provisions of  
12 the Indian Gaming Regulatory Act (25 U.S.C. 2701 et  
13 seq.) and the relevant provisions of the laws of the State  
14 of Kansas.

15 (b) SURRENDER OF CERTAIN OTHER RIGHTS.—The  
16 prescription of procedures under subsection (a) shall be  
17 conditioned upon the Secretary's receipt of a duly enacted  
18 resolution of the elected tribal council or business com-  
19 mittee of the Wyandotte Nation agreeing that upon com-  
20 mencement of the Wyandotte Nation's operations on the  
21 Settlement Lands as contemplated under section 11(d) of  
22 the Indian Gaming Regulatory Act, the Wyandotte Nation  
23 will permanently renounce, surrender, and forgo any and  
24 all rights the Wyandotte Nation may have under the In-  
25 dian Gaming Regulatory Act with respect to any Indian

1 lands of the Wyandotte Nation, within the scope of section  
2 4 of the Indian Gaming Regulatory Act, located within  
3 the external boundaries of Wyandotte County, Kansas,  
4 with the exception of the Settlement Lands.

5 **SEC. 6. PRACTICE AND PROCEDURE.**

6 (a) LIMITATION OF ACTION.—Notwithstanding any  
7 other provision of law, any action to contest the constitu-  
8 tionality or validity under law of this Act shall be barred  
9 unless the action is filed on or before the date which is  
10 180 days after the date of the enactment of this Act. Ex-  
11 clusive jurisdiction over any such action is hereby vested  
12 in the United States District Court for the District of  
13 Kansas.

14 (b) ACTIONS BY THE SECRETARY.—When admin-  
15 istering this Act, the Secretary shall be aware and mindful  
16 of the trust responsibility of the United States to the Wy-  
17 andotte Nation and shall take such actions as may be nec-  
18 essary or appropriate to carry out this Act.

19 (c) SEPARABILITY OF PROVISIONS.—In the event  
20 that any provision of this Act is held invalid, it is the in-  
21 tent of Congress that the entire Act be invalidated.

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