

In the Senate of the United States,

September 26 (legislative day, September 17), 2008.

Resolved, That the bill from the House of Representatives (H.R. 2963) entitled “An Act 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.”, do pass with the following

AMENDMENTS:

1 **(1)**On page 3, line 12, strike **[and the United States Fish**
2 **and Wildlife Service,]** and insert *the Bureau of Land Man-*
3 *agement, and the United States Fish and Wildlife Service*
4 *on November 11, 2005, which shall remain in effect until*
5 *the date on which the Western Riverside County Multiple*
6 *Species Habitat Conservation Plan expires.*

7 (3) *NOTIFICATION.—At least 45 days before ter-*
8 *minating the memorandum of understanding entered*
9 *into under paragraph (2)(B), the Director of the Bu-*
10 *reau of Land Management, the Director of the United*

1 *States Fish and Wildlife Service, or the Pechanga*
2 *Band of Luiseno Mission Indians, as applicable, shall*
3 *submit notice of the termination to—*

4 *(A) the Committee on Natural Resources of*
5 *the House of Representatives;*

6 *(B) the Committee on Indian Affairs of the*
7 *Senate;*

8 *(C) the Assistant Secretary for Indian Af-*
9 *fairs; and*

10 *(D) the members of Congress representing*
11 *the area subject to the memorandum of under-*
12 *standing.*

13 *(4) TERMINATION OR VIOLATION OF THE MEMO-*
14 *RANDUM OF UNDERSTANDING.—The Director of the*
15 *Bureau of Land Management and the Pechanga Band*
16 *of Luiseno Mission Indians shall submit to Congress*
17 *notice of the termination or a violation of the memo-*
18 *randum of understanding entered into under para-*
19 *graph (2)(B) unless the purpose for the termination*
20 *or violation is the expiration or cancellation of the*
21 *Western Riverside County Multiple Species Habitat*
22 *Conservation Plan.*

23 **(2)**On page 3, line 18, strike **[January 12]** and insert
24 *May 2, 2007*

1 **(3)** On page 7, line 11, after “only” insert: *as open space*
2 *and*

3 **(4)** On page 7, after line 16, insert:

4 (3) *DEVELOPMENT PROHIBITED.—*

5 (A) *IN GENERAL.—There shall be no devel-*
6 *opment of infrastructure or buildings on the*
7 *land transferred under subsection (a).*

8 (B) *OPEN SPACE.—The land transferred*
9 *under subsection (a) shall be—*

10 (i) *maintained as open space; and*

11 (ii) *used only for—*

12 (I) *purposes consistent with the*
13 *maintenance of the land as open space;*
14 *and*

15 (II) *the protection, preservation,*
16 *and maintenance of the archaeological,*
17 *cultural, and wildlife resources on the*
18 *land transferred.*

19 (C) *EFFECT.—Nothing in this paragraph*
20 *prohibits the construction or maintenance of*
21 *utilities or structures that are—*

22 (i) *consistent with the maintenance of*
23 *the land transferred under subsection (a) as*
24 *open space; and*

1 (ii) constructed for the protection, pres-
2 ervation, and maintenance of the archae-
3 ological, cultural, and wildlife resources on
4 the land transferred.

5 (4) *GAMING PROHIBITED.*—*The Pechanga Band*
6 *of Luiseno Mission Indians may not conduct, on any*
7 *land acquired by the Pechanga Band of Luiseno Mis-*
8 *sion Indians pursuant to this Act, gaming activities*
9 *or activities conducted in conjunction with the oper-*
10 *ation of a casino—*

11 (A) *as a matter of claimed inherent author-*
12 *ity; or*

13 (B) *under any Federal law (including the*
14 *Indian Gaming Regulatory Act (25 U.S.C. 2701*
15 *et seq.) (including any regulations promulgated*
16 *by the Secretary or the National Indian Gaming*
17 *Commission under that Act)).*

Attest:

Secretary.

110TH CONGRESS
2^D SESSION

H.R. 2963

AMENDMENTS