

Calendar No. 405

112TH CONGRESS
2^D SESSION

S. 676

[Report No. 112-166]

To amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes.

IN THE SENATE OF THE UNITED STATES

MARCH 30, 2011

Mr. AKAKA (for himself, Mr. CONRAD, Mr. FRANKEN, Mr. INOUE, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. TESTER, Mr. UDALL of New Mexico, Mr. BAUCUS, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

MAY 17, 2012

Reported by Mr. AKAKA, with an amendment

[Insert the part printed in *italic*]

A BILL

To amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes.

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. MODIFICATION OF DEFINITION.**

4 (a) MODIFICATION.—

1 (1) IN GENERAL.—The first sentence of section
2 19 of the Act of June 18, 1934 (commonly known
3 as the “Indian Reorganization Act”) (25 U.S.C.
4 479), is amended—

5 (A) by striking “The term” and inserting
6 “Effective beginning on June 18, 1934, the
7 term”; and

8 (B) by striking “any recognized Indian
9 tribe now under Federal jurisdiction” and in-
10 serting “any federally recognized Indian tribe”.

11 (2) EFFECTIVE DATE.—The amendments made
12 by paragraph (1) shall take effect as if included in
13 the Act of June 18, 1934 (commonly known as the
14 “Indian Reorganization Act”) (25 U.S.C. 479), on
15 the date of enactment of that Act.

16 (b) RATIFICATION AND CONFIRMATION OF PRIOR
17 ACTIONS.—Any action taken by the Secretary of the Inte-
18 rior pursuant to the Act of June 18, 1934 (commonly
19 known as the “Indian Reorganization Act”) (25 U.S.C.
20 461 et seq.), for any Indian tribe that was federally recog-
21 nized on the date of that action is ratified and confirmed,
22 to the extent that the action is challenged based on the
23 question of whether the Indian tribe was federally recog-
24 nized or under Federal jurisdiction on June 18, 1934, as

1 if the action had, by prior act of Congress, been specifi-
2 cally authorized and directed.

3 (c) EFFECT ON OTHER LAWS.—

4 (1) IN GENERAL.—Nothing in this Act or the
5 amendments made by this Act affects—

6 (A) the application or effect of any Federal
7 law other than the Act of June 18, 1934 (25
8 U.S.C. 461 et seq.) (as amended by subsection
9 (a)); or

10 (B) any limitation on the authority of the
11 Secretary of the Interior under any Federal law
12 or regulation other than the Act of June 18,
13 1934 (25 U.S.C. 461 et seq.) (as so amended).

14 (2) REFERENCES IN OTHER LAWS.—An express
15 reference to the Act of June 18, 1934 (25 U.S.C.
16 461 et seq.), contained in any other Federal law
17 shall be considered to be a reference to that Act as
18 amended by subsection (a).

19 (d) *STUDY; PUBLICATION.*—

20 (1) *STUDY.*—*The Secretary of the Interior shall*
21 *conduct, and submit to Congress a report describing*
22 *the results of, a study that—*

23 (A) *assesses the effects of the decision of the*
24 *Supreme Court in the case styled *Carcieri v.**

1 *Salazar (129 S. Ct. 1058) on Indian tribes and*
2 *tribal land; and*

3 *(B) includes a list of each Indian tribe and*
4 *parcel of tribal land affected by that decision.*

5 (2) *PUBLICATION.*—*On completion of the report*
6 *under paragraph (1) and by not later than 1 year*
7 *after the date of enactment of this Act, the Secretary*
8 *of the Interior shall publish the list described in para-*
9 *graph (1)(B)—*

10 *(A) in the Federal Register; and*

11 *(B) on the public website of the Department*
12 *of the Interior.*

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