

96TH CONGRESS
1ST SESSION

H. R. 5619

To clear titles of Indian claims in the counties of Madison and Oneida, New York.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 17, 1979

Mr. HANLEY (for himself and Mr. MITCHELL of New York) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To clear titles of Indian claims in the counties of Madison and Oneida, New York.

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. (a) Any transfer of lands or waters located
4 within the counties of Madison or Oneida, in the State of
5 New York, from, by or on behalf of any Indian, Indian nation
6 or tribe of Indians, including but not limited to a transfer
7 pursuant to any statute of the State of New York, was and
8 shall be deemed to have been made in accordance with the

1 Constitution and all laws of the United States that are spe-
2 cifically applicable to transfers of land or waters from, by or
3 on behalf of any Indian, Indian nation or tribe of Indians
4 (including but not limited to the Trade and Intercourse Act of
5 1790 (ch. 33, sec. 4; 1 Stat. 138), and all amendments there-
6 to and all subsequent versions thereof), and Congress does
7 hereby approve and ratify any such transfer effective as of
8 the date of the said transfer.

9 (b) To the extent that any transfer of lands or waters
10 described in subsection (a) may involve lands or waters to
11 which any Indian, Indian nation or tribe of Indians had ab-
12 original title, subsection (a) shall be regarded as an extin-
13 guishment of such aboriginal title as of the date of said
14 transfer.

15 (c) By virtue of the approval and ratification of a trans-
16 fer of lands or waters effected by subsection (a) or an extin-
17 guishment of aboriginal title effected thereby, all claims
18 against the United States, the State of New York or any
19 subdivision thereof, or any other person or entity, by any
20 Indian, Indian nation or tribe of Indians, including but not
21 limited to claims for trespass damages or claims for use and
22 occupancy, arising subsequent to the transfer and that are
23 based upon any interest in or right involving such lands or
24 waters, shall be regarded as extinguished as of the date of
25 the transfer.

1 (d) As used in this section, the phrase "lands or waters"
2 shall include any interest in or right involving lands or
3 waters, and the term "transfer" shall include but not be lim-
4 ited to any sale, grant, lease, allotment, partition, convey-
5 ance, or any transaction the purpose of which was to effect a
6 sale, grant, lease, allotment, partition or conveyance, or any
7 event or events that resulted in a change in possession or
8 control of lands or waters.