

Community of Wisconsin, the Prairie Band of Potawatomi Indians of Kansas, and the Citizen Band Potawatomi Indian Tribe of Oklahoma, whose members are also descendants of the signatories to one or more of the aforementioned treaties, have been recognized by the Federal Government as Indian tribes eligible to receive services from the Secretary of the Interior.

(5) Beginning in 1935, the Pokagon Band of Potawatomi Indians petitioned for reorganization and assistance pursuant to the Act of June 18, 1934 (25 U.S.C. 461 et seq., commonly referred to as the "Indian Reorganization Act"). Because of the financial condition of the Federal Government during the Great Depression it relied upon the State of Michigan to provide services to the Pokagon Band. Other Potawatomi bands, including the Forest County Potawatomi and the Hannahville Indian Community were provided services pursuant to the Indian Reorganization Act.

(6) Agents of the Federal Government in 1939 made an administrative decision not to provide services or extend the benefits of the Indian Reorganization Act [25 U.S.C. 461 et seq.] to any Indian tribes in Michigan's lower peninsula.

(7) Tribes elsewhere, including the Hannahville Indian Community in Michigan's upper peninsula, received services from the Federal Government and were extended the benefits of the Indian Reorganization Act [25 U.S.C. 461 et seq.].

(8) The Pokagon Band of Potawatomi Indians consists of at least 1,500 members who continue to reside close to their ancestral homeland in the St. Joseph River Valley in southwestern Michigan and northern Indiana.

(9) In spite of the denial of the right to organize under the Indian Reorganization Act [25 U.S.C. 461 et seq.], the Pokagon Band has continued to carry out its governmental functions through a Business Committee and Tribal Council from treaty times until today.

(10) The United States Government, the government of the State of Michigan, and local governments have had continuous dealings with the recognized political leaders of the Band from 1795 until the present.

(Pub. L. 103-323, §1, Sept. 21, 1994, 108 Stat. 2152.)

REFERENCES IN TEXT

The Indian Reorganization Act, referred to in pars. (5) to (7) and (9), is act June 18, 1934, ch. 576, 48 Stat. 984, as amended, which is classified generally to subchapter V (§461 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

§ 1300j-1. Federal recognition

Federal recognition of the Pokagon Band of Potawatomi Indians is hereby affirmed. Except as otherwise provided in this subchapter, all Federal laws of general application to Indians and Indian tribes, including the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act"), shall apply with respect to the Band and its members.

(Pub. L. 103-323, §2, Sept. 21, 1994, 108 Stat. 2153.)

REFERENCES IN TEXT

The Indian Reorganization Act, referred to in text, is act June 18, 1934, ch. 576, 48 Stat. 984, as amended, which is classified generally to subchapter V (§461 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

§ 1300j-2. Services

Notwithstanding any other provision of law, the Band and its members shall be eligible, on and after September 21, 1994, for all Federal services and benefits furnished to federally recognized Indian tribes without regard to the existence of a reservation for the Band or the location of the residence of any member on or near an Indian reservation.

(Pub. L. 103-323, §3, Sept. 21, 1994, 108 Stat. 2153.)

§ 1300j-3. Tribal membership

Not later than 18 months after September 21, 1994, the Band shall submit to the Secretary membership rolls consisting of all individuals eligible for membership in such Band. The qualifications for inclusion on the membership rolls of the Band shall be determined by the membership clauses in the Band's governing documents, in consultation with the Secretary. Upon completion of the rolls, the Secretary shall immediately publish notice of such in the Federal Register. The Bands shall ensure that such rolls are maintained and kept current.

(Pub. L. 103-323, §4, Sept. 21, 1994, 108 Stat. 2153.)

§ 1300j-4. Constitution and governing body

(a) Constitution

(1) Adoption

Not later than 24 months after September 21, 1994, the Secretary shall conduct, by secret ballot and in accordance with the provisions of section 476 of this title, an election to adopt a constitution and bylaws for the Band.

(2) Interim governing documents

Until such time as a new constitution is adopted under paragraph (1), the governing documents in effect on September 21, 1994, shall be the interim governing documents for the Band.

(b) Officials

(1) Election

Not later than 6 months after the Band adopts a constitution and bylaws pursuant to subsection (a) of this section, the Secretary shall conduct elections by secret ballot for the purpose of electing officials for the Band as provided in the Band's constitution. The election shall be conducted according to the procedures described in subsection (a) of this section, except to the extent that such procedures conflict with the Band's constitution.

(2) Interim government

Until such time as the Band elects new officials pursuant to paragraph (1), the Band's governing body shall be the governing body in place on September 21, 1994, or any new governing body selected under the election procedure.

dures specified in the interim governing documents of the Band.

(Pub. L. 103-323, § 5, Sept. 21, 1994, 108 Stat. 2154.)

§ 1300j-5. Tribal lands

The Band's tribal land shall consist of all real property, including the land upon which the Tribal Hall is situated, now or on and after September 21, 1994, held by, or in trust for, the Band. The Secretary shall acquire real property for the Band. Any such real property shall be taken by the Secretary in the name of the United States in trust for the benefit of the Band and shall become part of the Band's reservation.

(Pub. L. 103-323, § 6, Sept. 21, 1994, 108 Stat. 2154.)

§ 1300j-6. Service area

The Band's service area shall consist of the Michigan counties of Allegan, Berrien, Van Buren, and Cass and the Indiana counties of La Porte, St. Joseph, Elkhart, Starke, Marshall, and Kosciusko.

(Pub. L. 103-323, § 7, Sept. 21, 1994, 108 Stat. 2154.)

§ 1300j-7. Jurisdiction

The Band shall have jurisdiction to the full extent allowed by law over all lands taken into trust for the benefit of the Band by the Secretary. The Band shall exercise jurisdiction over all its members who reside within the service area in matters pursuant to the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.), as if the members were residing upon a reservation as defined in that Act.

(Pub. L. 103-323, § 8, Sept. 21, 1994, 108 Stat. 2154.)

REFERENCES IN TEXT

The Indian Child Welfare Act of 1978, referred to in text, is Pub. L. 95-608, Nov. 8, 1978, 92 Stat. 3069, as amended, which is classified principally to chapter 21 (§1901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of this title and Tables.

§ 1300j-7a. Membership list

(a) List of members as of September 1994

Not later than 120 days after September 21, 1994, the Band shall submit to the Secretary a list of all individuals who, as of September 21, 1994, were members of the Band.

(b) List of individuals eligible for membership

(1) In general

Not later than 18 months after September 21, 1994, the Band shall submit to the Secretary a membership roll that contains the names of all individuals eligible for membership in the Band. The Band, in consultation with the Secretary, shall determine whether an individual is eligible for membership in the Band on the basis of provisions in the governing documents of the Band that determine the qualifications for inclusion in the membership roll of the Band.

(2) Publication of notice

At such time as the roll has been submitted to the Secretary, the Secretary shall imme-

diately publish in the Federal Register a notice of such roll.

(3) Maintenance of roll

The Band shall ensure that the roll is maintained and kept current.

(Pub. L. 103-323, § 9, as added Pub. L. 103-435, § 20(2), Nov. 2, 1994, 108 Stat. 4574; amended Pub. L. 104-109, § 1, Feb. 12, 1996, 110 Stat. 763.)

PRIOR PROVISIONS

A prior section 9 of Pub. L. 103-323 was renumbered section 10 and is classified to section 1300j-8 of this title.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-109, §1(1), (2), substituted "Band" for "Bands" in two places and struck out "respective" after "members of the".

Subsec. (b)(1). Pub. L. 104-109, §1(1), (3)(A), substituted "Band shall submit" for "Bands shall submit", "a membership roll that contains" for "membership rolls that contain", "membership in the Band" for "membership in such Bands", and "The Band" for "Each such Band".

Subsec. (b)(2). Pub. L. 104-109, §1(3)(B), substituted "roll has" for "rolls have" and "such roll" for "such rolls".

Subsec. (b)(3). Pub. L. 104-109, §1(1), (3)(C), (D), substituted "roll" for "rolls" in heading and substituted "Band shall ensure that the roll is maintained" for "Bands shall ensure that the rolls are maintained" in text.

§ 1300j-8. Definitions

For purposes of this subchapter—

(1) the term "Band" means the Pokagon Band of Potawatomi Indians;

(2) the term "member" means those individuals eligible for enrollment in the Band pursuant to section 1300j-3 of this title; and

(3) the term "Secretary" means the Secretary of the Interior.

(Pub. L. 103-323, § 10, formerly § 9, Sept. 21, 1994, 108 Stat. 2155; renumbered § 10, Pub. L. 103-435, § 20(1), Nov. 2, 1994, 108 Stat. 4574.)

SUBCHAPTER LXXXII—LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS; LITTLE RIVER BAND OF OTTAWA INDIANS

§ 1300k. Findings

Congress finds the following:

(1) The Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians are descendants of, and political successors to, signatories of the 1836 Treaty of Washington and the 1855 Treaty of Detroit.

(2) The Grand Traverse Band of Ottawa and Chippewa Indians, the Sault Ste. Marie Tribe of Chippewa Indians, and the Bay Mills Band of Chippewa Indians, whose members are also descendants of the signatories to the 1836 Treaty of Washington and the 1855 Treaty of Detroit, have been recognized by the Federal Government as distinct Indian tribes.

(3) The Little Traverse Bay Bands of Odawa Indians consists of at least 1,000 eligible members who continue to reside close to their ancestral homeland as recognized in the Little Traverse Reservation in the 1836 Treaty of Washington and 1855 Treaty of Detroit, which