

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 area is now known as Emmet and Charlevoix Counties, Michigan.

(4) The Little River Band of Ottawa Indians consists of at least 500 eligible members who continue to reside close to their ancestral homeland as recognized in the Manistee Reservation in the 1836 Treaty of Washington and reservation in the 1855 Treaty of Detroit, which area is now known as Manistee and Mason Counties, Michigan.

(5) The Bands filed for reorganization of their existing tribal governments in 1935 under the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the “Indian Reorganization Act”). Federal agents who visited the Bands, including Commissioner of Indian Affairs, John Collier, attested to the continued social and political existence of the Bands and concluded that the Bands were eligible for reorganization. Due to a lack of Federal appropriations to implement the provisions of such

Act, the Bands were denied the opportunity to reorganize.

(6) In spite of such denial, the Bands continued their political and social existence with viable tribal governments. The Bands, along with other Michigan Odawa/Ottawa groups, including the tribes described in paragraph (2), formed the Northern Michigan Ottawa Association in 1948. The Association subsequently pursued a successful land claim with the Indian Claims Commission.

(7) Between 1948 and 1975, the Bands carried out many of their governmental functions through the Northern Michigan Ottawa Association, while retaining individual Band control over local decisions.

(8) In 1975, the Northern Michigan Ottawa Association petitioned under the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the “Indian Reorganization Act”), to form a government on behalf of the Bands. Again in spite of the Bands’ eligibility, the Bureau of Indian Affairs failed to act on their request.

(9) 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 Bands from 1836 to the present.

(Pub. L. 103-324, §2, Sept. 21, 1994, 108 Stat. 2156.)

#### REFERENCES IN TEXT

The Indian Reorganization Act, referred to in pars. (5) and (8), 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.

#### SHORT TITLE

Pub. L. 103-324, §1, Sept. 21, 1994, 108 Stat. 2156, provided that: “This Act [enacting this subchapter] may be cited as the ‘Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act.’”

#### § 1300k-1. Definitions

For purposes of this subchapter—

(1) the term “Bands” means the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians;

(2) the term “member” means those individuals enrolled in the Bands pursuant to section 1300k-5 of this title; and

(3) the term “Secretary” means the Secretary of the Interior.

(Pub. L. 103-324, §3, Sept. 21, 1994, 108 Stat. 2157.)

#### § 1300k-2. Federal recognition

##### (a) Federal recognition

Federal recognition of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians is hereby reaffirmed. All laws and regulations of the United States of general application to Indians or nations, tribes, or bands of Indians, including the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the “Indian Reorganization Act”), which are not inconsistent with any specific provision of this subchapter shall be applicable to the Bands and their members.

**(b) Federal services and benefits****(1) In general**

The Bands and their members shall be eligible for all services and benefits provided by the Federal Government to Indians because of their status as federally recognized Indians, and notwithstanding any other provision of law, such services and benefits shall be provided after September 21, 1994, to the Bands and their members without regard to the existence of a reservation or the location of the residence of any member on or near any Indian reservation.

**(2) Service areas****(A) Little Traverse Bay Bands**

For purposes of the delivery of Federal services to the enrolled members of the Little Traverse Bay Bands of Odawa Indians, the area of the State of Michigan within 70 miles of the boundaries of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs "third" and "fourth" of the Treaty of 1855, 11 Stat. 621, shall be deemed to be within or near a reservation, notwithstanding the establishment of a reservation for the tribe after September 21, 1994. Services may be provided to members outside the named service area unless prohibited by law or program regulations.

**(B) Little River Band**

For purposes of the delivery of Federal services to enrolled members of the Little River Band of Ottawa Indians, the Counties of Manistee, Mason, Wexford and Lake, in the State of Michigan, shall be deemed to be within or near a reservation, notwithstanding the establishment of a reservation for the tribe after September 21, 1994. Services may be provided to members outside the named Counties unless prohibited by law or program regulations.

(Pub. L. 103-324, § 4, Sept. 21, 1994, 108 Stat. 2157.)

## REFERENCES IN TEXT

The Indian Reorganization Act, referred to in subsec. (a), 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.

**§ 1300k-3. Reaffirmation of rights****(a) In general**

All rights and privileges of the Bands, and their members thereof, which may have been abrogated or diminished before September 21, 1994, are hereby reaffirmed.

**(b) Existing rights of Bands**

Nothing in this subchapter shall be construed to diminish any right or privilege of the Bands, or of their members, that existed prior to September 21, 1994. Except as otherwise specifically provided in any other provision of this subchapter, nothing in this subchapter shall be construed as altering or affecting any legal or equitable claim the Bands might have to enforce any right or privilege reserved by or granted to the

Bands which were wrongfully denied to or taken from the Bands prior to September 21, 1994.

(Pub. L. 103-324, § 5, Sept. 21, 1994, 108 Stat. 2158; Pub. L. 104-109, §2(a), Feb. 12, 1996, 110 Stat. 763.)

## AMENDMENTS

1996—Subsec. (b). Pub. L. 104-109 substituted "Bands" for "Tribe" in heading.

**§ 1300k-4. Transfer of land for benefit of Bands****(a) Little Traverse Bay Bands**

The Secretary shall acquire real property in Emmet and Charlevoix Counties for the benefit of the Little Traverse Bay Bands. The Secretary shall also accept any real property located in those Counties for the benefit of the Little Traverse Bay Bands if conveyed or otherwise transferred to the Secretary, if at the time of such acceptance, there are no adverse legal claims on such property including outstanding liens, mortgages or taxes owed.

**(b) Little River Band**

The Secretary shall acquire real property in Manistee and Mason Counties for the benefit of the Little River Band. The Secretary shall also accept any real property located in those Counties for the benefit of the Little River Band if conveyed or otherwise transferred to the Secretary, if at the time of such acceptance, there are no adverse legal claims on such property including outstanding liens, mortgages or taxes owed.

**(c) Additional lands**

The Secretary may accept any additional acreage in each of the Bands' service area specified by section 1300k-2(b) of this title pursuant to his authority under the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act").

**(d) Reservation**

Subject to the conditions imposed by this section, the land acquired by or transferred to the Secretary under or pursuant to this section shall be taken in the name of the United States in trust for the Bands and shall be a part of the respective Bands' reservation.

(Pub. L. 103-324, § 6, Sept. 21, 1994, 108 Stat. 2158.)

## REFERENCES IN TEXT

The Indian Reorganization Act, referred to in subsec. (c), 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.

**§ 1300k-5. Membership**

Not later than 18 months after September 21, 1994, the Bands shall submit to the Secretary membership rolls consisting of all individuals currently enrolled for membership in such Bands. The qualifications for inclusion on the membership rolls of the Bands shall be determined by the membership clauses in such Bands' respective 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