

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.