

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 immediately 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 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.