

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 878

To restore Federal services to the Pokagon Band of Potawatomi Indians.

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1993

Mr. UPTON (for himself and Mr. ROEMER) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To restore Federal services to the Pokagon Band of  
Potawatomi Indians.

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. FINDINGS.**

4 The Congress finds the following:

5 (1) The Pokagon Band of Potawatomi Indians  
6 is the descendant of, and political successor to, the  
7 signatories of the Treaty of Greenville 1795 (7 Stat.  
8 49); the Treaty of Grouseland 1805 (7 Stat. 91); the  
9 Treaty of Spring Wells 1815 (7 Stat. 131); the  
10 Treaty of the Rapids of the Miami of Lake Erie  
11 1817 (7 Stat. 160); the Treaty of St. Mary's 1818

1 (7 Stat. 185); the Treaty of Chicago 1821 (7 Stat.  
2 218); the Treaty of the Mississinewa on the Wabash  
3 1826 (7 Stat. 295); the Treaty of St. Joseph 1827  
4 (7 Stat. 305); the Treaty of St. Joseph 1828 (7  
5 Stat. 317); the Treaty of Tippecanoe River 1832 (7  
6 Stat. 399); and the Treaty of Chicago 1833 (7 Stat.  
7 431).

8 (2) In the Treaty of Chicago 1833, the  
9 Pokagon Band of Potawatomi Indians was the only  
10 band that negotiated a right to remain in Michigan.  
11 The other Potawatomi bands relinquished all lands  
12 in Michigan and were required to move to Kansas or  
13 Iowa.

14 (3) Two of the Potawatomi bands later re-  
15 turned to the Great Lakes area, the Forest County  
16 Potawatomi of Wisconsin and the Hannahville In-  
17 dian Community of Michigan.

18 (4) The Hannahville Indian Community of  
19 Michigan, the Forest County Potawatomi Commu-  
20 nity of Wisconsin, the Prairie Band of Potawatomi  
21 Indians of Kansas, and the Citizen Band Pota-  
22 watomi Indian Tribe of Oklahoma, whose members  
23 are also descendants of the signatories to one or  
24 more of the aforementioned treaties, have been rec-  
25 ognized by the Federal Government as Indian tribes

1 eligible to receive services from the Secretary of the  
2 Interior.

3 (5) Beginning in 1935, the Pokagon Band of  
4 Potawatomi Indians petitioned for reorganization  
5 and assistance pursuant to the Act of June 18, 1934  
6 (25 U.S.C. 461 et seq., commonly referred to as the  
7 “Indian Reorganization Act”). Because of the finan-  
8 cial condition of the Federal Government during the  
9 Great Depression it relied upon the State of Michi-  
10 gan to provide services to the Pokagon Band. Other  
11 Potawatomi bands, including the Forest County Pot-  
12 awatomi and the Hannahville Indian Community  
13 were provided services pursuant to the Indian Reor-  
14 ganization Act.

15 (6) Agents of the Federal Government in 1939  
16 made an administrative decision not to provide serv-  
17 ices or extend the benefits of the Indian Reorganiza-  
18 tion Act to any Indian tribes in Michigan’s lower pe-  
19 ninsula.

20 (7) Tribes elsewhere, including the Hannahville  
21 Indian Community in Michigan’s upper peninsula,  
22 received services from the Federal Government and  
23 were extended the benefits of the Indian Reorganiza-  
24 tion Act.

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

6           (9) In spite of the denial of the right to orga-  
7 nize under the Indian Reorganization Act, the  
8 Pokagon Band has continued to carry out its gov-  
9 ernmental functions through a Business Committee  
10 and Tribal Council from treaty times until today.

11           (10) The United States Government, the gov-  
12 ernment of the State of Michigan, and local govern-  
13 ments have had continuous dealings with the recog-  
14 nized political leaders of the Band from 1795 until  
15 the present.

16 **SEC. 2. FEDERAL RECOGNITION.**

17           Federal recognition of the Pokagon Band of Pota-  
18 watomini Indians is hereby affirmed. Except as otherwise  
19 provided in this Act, all Federal laws of general applica-  
20 tion to Indians and Indian tribes, including the Act of  
21 June 18, 1934 (25 U.S.C. 461 et seq.), shall apply with  
22 respect to the Band and its members.

23 **SEC. 3. SERVICES.**

24           Notwithstanding any other provision of law, the Band  
25 and its members shall be eligible, on and after the date

1 of the enactment of this Act, for all Federal services and  
2 benefits furnished to federally recognized Indian tribes  
3 without regard to the existence of a reservation for the  
4 Band or the location of the residence of any member on  
5 or near an Indian reservation.

6 **SEC. 4. TRIBAL MEMBERSHIP.**

7 Not later than 18 months after the date of the enact-  
8 ment of this Act, the Band shall submit to the Secretary  
9 membership rolls consisting of all individuals eligible for  
10 membership in such Band. The qualifications for inclusion  
11 on the membership rolls of the Band shall be determined  
12 by the membership clauses in the Band's governing docu-  
13 ments, in consultation with the Secretary. Upon comple-  
14 tion of the rolls, the Secretary shall immediately publish  
15 notice of such in the Federal Register. The Bands shall  
16 ensure that such rolls are maintained and kept current.

17 **SEC. 5. CONSTITUTION AND GOVERNING BODY.**

18 (a) CONSTITUTION.—

19 (1) ADOPTION.—Not later than 24 months  
20 after the date of the enactment of this Act, the Sec-  
21 retary shall conduct, by secret ballot and in accord-  
22 ance with the provisions of section 16 of the Act of  
23 June 18, 1934 (25 U.S.C. 476), an election to adopt  
24 a constitution and bylaws for the Band.

1           (2) INTERIM GOVERNING DOCUMENTS.—Until  
2 such time as a new constitution is adopted under  
3 paragraph (1), the governing documents in effect on  
4 the date of enactment of this Act shall be the in-  
5 terim governing documents for the Band.

6           (b) OFFICIALS.—

7           (1) ELECTION.—Not later than 6 months after  
8 the Band adopts a constitution and bylaws pursuant  
9 to subsection (a), the Secretary shall conduct elec-  
10 tions by secret ballot for the purpose of electing offi-  
11 cials for the Band as provided in the Band’s con-  
12 stitution. The election shall be conducted according  
13 to the procedures described in subsection (a), except  
14 to the extent that such procedures conflict with the  
15 Band’s constitution.

16           (2) INTERIM GOVERNMENT.—Until such time  
17 as the Band elects new officials pursuant to para-  
18 graph (1), the Band’s governing body shall be the  
19 governing body in place on the date of the enact-  
20 ment of this Act, or any new governing body selected  
21 under the election procedures specified in the in-  
22 terim governing documents of the Band.

23 **SEC. 6. TRIBAL LANDS.**

24           The Band’s tribal land shall consist of all real prop-  
25 erty, including the land upon which the Tribal Hall is situ-

1 ated, now or hereafter held by, or in trust for, the Band.  
2 The Secretary shall acquire real property for the Band.  
3 Any such real property shall be taken by the Secretary  
4 in the name of the United States in trust for the benefit  
5 of the Band and shall become part of the Band's reserva-  
6 tion.

7 **SEC. 7. SERVICE AREA.**

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

12 **SEC. 8. JURISDICTION.**

13 The Band shall have jurisdiction to the full extent  
14 allowed by law over all lands taken into trust for the bene-  
15 fit of the Band by the Secretary. The Band shall exercise  
16 jurisdiction over all its members who reside within the  
17 service area in matters pursuant to the Indian Child Wel-  
18 fare Act, 25 U.S.C. 1901 et seq., as if the members were  
19 residing upon a reservation as defined in that Act.

20 **SEC. 9. DEFINITIONS.**

21 For purposes of this Act—

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

1           (2) the term “member” means those individuals  
2 eligible for enrollment in the Band pursuant to sec-  
3 tion 4; and

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

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