

108TH CONGRESS
1ST SESSION

H. R. 954

To confirm Federal recognition of the Miami Nation of Indiana.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2003

Mr. SOUDER introduced the following bill; which was referred to the
Committee on Resources

A BILL

To confirm Federal recognition of the Miami Nation of
Indiana.

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. SHORT TITLE.**

4 This Act may be cited as the “Miami Nation of Indi-
5 ana Recognition Confirmation Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) Historically, the Miami Indians lived in
9 northern and central Indiana.

10 (2) Pursuant to a series of Federal treaties,
11 some Miami Indians were removed to land in Okla-

1 homa. Other Miami Indians remained in Indiana
2 and were authorized by the Federal Government to
3 do so pursuant to the Treaty of 1854.

4 (3) The Treaty of 1854 confirmed reservation
5 of certain lands for the use and benefit of the Miami
6 Indians who remained in Indiana pursuant to that
7 Treaty.

8 (4) As a result, by virtue of the Treaty of 1854,
9 the Miami Indians of Indiana (now known as the
10 Miami Nation of Indiana) were recognized by the
11 Federal Government as a separate tribal entity.

12 (5) In 1897, the Secretary of the Interior,
13 based on an opinion by then Assistant Attorney
14 General Willis Van Devanter (now acknowledged by
15 the Department of the Interior to be erroneous as a
16 matter of law), purported to withdraw the acknowl-
17 edgement of the Miami Nation of Indiana, not with-
18 standing the fact that Congress has never termi-
19 nated the Miami Nation of Indiana, nor has it ever
20 authorized the Department of the Interior to do so.

21 (6) The Department of the Interior has ac-
22 knowledged that the Miami Nation of Indiana has
23 continued to maintain its tribal identity into modern
24 times.

1 **SEC. 3. DEFINITIONS.**

2 For purposes of this Act:

3 (1) MEMBER.—The term “member” means an
4 individual who meets the membership criteria of the
5 Tribe.

6 (2) RESERVATION.—The term “reservation”
7 means those lands acquired and held in trust by the
8 Secretary for the benefit of the Tribe.

9 (3) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior.

11 (4) SERVICE AREA.—The term “service area”
12 means the counties of Allen, Blackford, Carroll,
13 Cass, Grant, Huntington, Miami, Tippicanoe, Wa-
14 bash, and Whitley.

15 (5) STATE.—The term “State” means the State
16 of Indiana.

17 (6) TRIBE.—The term “Tribe” means the
18 Miami Nation of Indiana.

19 **SEC. 4. CONFIRMATION OF FEDERAL RECOGNITION,**
20 **RIGHTS, AND PRIVILEGES.**

21 (a) FEDERAL RECOGNITION.—Federal recognition of
22 the Tribe is hereby confirmed. Except as otherwise pro-
23 vided in this Act, all laws and regulations of general appli-
24 cation to the Indians that are not inconsistent with any
25 specific provision of this Act shall be applicable to the
26 Tribe and its members.

1 (b) FEDERAL SERVICES AND BENEFITS.—

2 (1) IN GENERAL.—Without regard to the exist-
3 ence of a reservation, the Tribe and its members
4 shall be eligible, on and after the date of the enact-
5 ment of this Act, for all Federal services and bene-
6 fits furnished to federally recognized Indian tribes
7 residing on a reservation, and members of the Tribes
8 residing in the Tribe’s service area shall be deemed
9 to be residing on a reservation.

10 (2) SERVICE AREA.—The Tribe’s service area
11 shall be composed of Allen, Blackford, Carroll, Cass,
12 Grant, Huntington, Miami, Tippicanoe, Wabash,
13 and Whitley counties.

14 **SEC. 5. TRANSFER OF LAND TO BE HELD IN TRUST.**

15 (a) LANDS IN ACQUIRED TRUST.—The Secretary
16 shall process the Tribe’s applications for trust status for
17 lands located within the Tribe’s service area under the
18 Secretary’s regulations for “on-reservation” acquisitions.

19 (b) NO RESERVATION LANDS CREATED.—Nothing in
20 subsection (a) shall be interpreted as creating reservation
21 lands.

22 **SEC. 6. MEMBERSHIP; CONSTITUTION.**

23 Upon submission by the Tribe, the Secretary shall ac-
24 cept the membership roll, membership criteria, and con-

1 stitution of the Tribe that were in use by the Tribe on
2 the day before the date of the enactment of this Act.

3 **SEC. 7. MISCELLANEOUS.**

4 (a) GAMING RIGHTS WITHDRAWN.—All laws, ordi-
5 nances, and regulations of the State, and of its political
6 subdivisions, shall govern the regulation of gambling de-
7 vices and the conduct of gambling or wagering by the
8 Tribe on and off reservation lands. The Indian Gaming
9 Regulatory Act (25 U.S.C. 2701 et seq.) shall not apply
10 to the Tribe.

11 (b) HUNTING, FISHING, TRAPPING, GATHERING,
12 AND WATER RIGHTS.—Nothing in this Act shall expand,
13 reduce, or affect in any manner any hunting, fishing, trap-
14 ping, gathering, or water rights of the Tribe or its mem-
15 bers.

16 (c) CERTAIN RIGHTS NOT ALTERED.—Except as spe-
17 cifically provided in this Act, nothing in this Act shall alter
18 any property right or obligation, any contractual right or
19 obligation for taxes levied before the date of the enactment
20 of this Act.

○