

111TH CONGRESS  
1ST SESSION

# H. R. 3120

To extend the Federal relationship to the Little Shell Tribe of Chippewa Indians of Montana as a distinct federally recognized Indian tribe, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 7, 2009

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

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## A BILL

To extend the Federal relationship to the Little Shell Tribe of Chippewa Indians of Montana as a distinct federally recognized Indian tribe, and for other purposes.

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 “Little Shell Tribe of  
5       Chippewa Indians Restoration Act of 2009”.

6       **SEC. 2. DEFINITIONS.**

7       For purposes of this Act:

8               (1) **TRIBE.**—The term “Tribe” means the Lit-  
9       tle Shell Tribe of Chippewa Indians of Montana.

1           (2) MEMBER.—The term “member” means an  
2           individual who is enrolled in the Tribe pursuant to  
3           section 7.

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

6 **SEC. 3. FINDINGS.**

7           Congress finds the following:

8           (1) The Little Shell Tribe of Chippewa Indians  
9           is one of the political successors to signatories to the  
10          Pembina Treaty of 1863, by which a large area of  
11          land in what is now North Dakota was ceded to the  
12          United States.

13          (2) The Turtle Mountain Band of Chippewa of  
14          North Dakota, and the Chippewa-Cree Tribe of the  
15          Rocky Boy’s Reservation of Montana, which also are  
16          political successors to the signatories to the Pembina  
17          Treaty of 1863, already have been recognized by the  
18          Federal Government as distinct Indian tribes.

19          (3) The members of the Little Shell Tribe of  
20          Chippewa continue to live in Montana as their an-  
21          cestors have done for more than a century since  
22          their ancestors ceded their lands in North Dakota.

23          (4) The Little Shell Tribe repeatedly petitioned  
24          the Federal Government for reorganization in the  
25          1930s and 1940s under the Act of June 18, 1934

1 (25 U.S.C. 461 et seq.; commonly referred to as the  
2 “Indian Reorganization Act”). Federal agents who  
3 visited the Little Shell Tribe and Commissioner of  
4 Indian Affairs John Collier attested to the Federal  
5 Government’s responsibility toward the Little Shell  
6 Indians. These officials concluded that Little Shell  
7 tribal members were eligible for and should be pro-  
8 vided with trust land, thereby making the Tribe eli-  
9 gible for reorganization under the Indian Reorga-  
10 nization Act. Due to a lack of Federal appropria-  
11 tions during the Depression, however, the Bureau  
12 lacked adequate financial resources to purchase land  
13 for the Tribe, and the Little Shell people were there-  
14 by denied the opportunity to reorganize.

15 (5) In spite of the Federal Government’s failure  
16 to appropriate adequate funding to secure land for  
17 the Tribe as required for reorganization under the  
18 Indian Reorganization Act, the Tribe continued to  
19 exist as a separate community with leaders exhib-  
20 iting clear political authority. The Tribe, together  
21 with the Turtle Mountain Band of Chippewa of  
22 North Dakota, and the Chippewa-Cree Tribe of the  
23 Rocky Boy’s Reservation of Montana, filed two suits  
24 under the Indian Claims Commission Act of 1946 to  
25 petition for additional compensation for lands ceded

1 to the United States by the 1863 Treaty and 1892  
2 McCumber Agreement. These tribes received Indian  
3 Claims Commission awards, which were distributed  
4 under 1971 and 1982 Acts of Congress.

5 (6) The Tribe petitioned the Bureau of Indian  
6 Affairs for recognition through the Bureau's Federal  
7 Acknowledgement Process in 1978. Nearly 30 years  
8 later, the Tribe's petition is still pending.

9 (7) The United States Government, the State of  
10 Montana, and the other federally recognized Indian  
11 Tribes of Montana have had continuous dealings  
12 with the recognized political leaders of the Little  
13 Shell Tribe from the 1930s through the present.

14 **SEC. 4. FEDERAL RECOGNITION.**

15 Federal recognition of the Little Shell Tribe of Chip-  
16 pewa Indians of Montana is hereby extended. All laws and  
17 regulations of the United States of general application to  
18 Indians or nations, tribes, or bands of Indians, including  
19 the Act of June 18, 1934 (25 U.S.C. 461 et seq.), that  
20 are not inconsistent with any specific provision of this Act,  
21 shall be applicable to the Tribe and its members.

22 **SEC. 5. FEDERAL SERVICES AND BENEFITS.**

23 (a) IN GENERAL.—The Tribe and its members shall  
24 be eligible, on and after the date of the enactment of this  
25 Act, for all services and benefits furnished to federally rec-

1 ognized Indian tribes without regard to the existence of  
2 a reservation for the Tribe or the location of the residence  
3 of any member on or near any Indian reservation.

4 (b) SERVICE AREA.—For purposes of the delivery of  
5 Federal services to enrolled members of the Tribe, the  
6 service area of the Tribe shall be deemed to be the area  
7 comprised of Blaine, Cascade, Glacier and Hill Counties  
8 in Montana.

9 **SEC. 6. REAFFIRMATION OF RIGHTS.**

10 Nothing in this Act shall be construed to diminish  
11 any right or privilege of the Tribe, or the members thereof,  
12 that existed prior to the date of enactment of this Act.  
13 Except as otherwise specifically provided in any other pro-  
14 vision of this Act, nothing in this Act shall be construed  
15 as altering or affecting any legal or equitable claim the  
16 Tribe might have to enforce any right or privilege reserved  
17 by or granted to the Tribe which was wrongfully denied  
18 to or taken from the Tribe prior to the enactment of this  
19 Act.

20 **SEC. 7. MEMBERSHIP.**

21 Not later than 18 months after the date of the enact-  
22 ment of this Act, the Tribe shall submit to the Secretary  
23 a membership roll consisting of all individuals enrolled as  
24 members of the Tribe. The qualification for inclusion on  
25 the membership roll of the Tribe shall be determined in

1 accordance with article 5, sections 1–3, of the Tribe’s Sep-  
2 tember 10, 1977, Constitution. The Tribe shall ensure  
3 that such membership roll is maintained and kept current.

4 **SEC. 8. TRANSFER OF LAND FOR THE BENEFIT OF THE**  
5 **TRIBE.**

6 (a) HOMELAND.—The Secretary shall acquire trust  
7 title to 200 acres of land within the Tribe’s service area  
8 for the benefit of the Tribe for a tribal land base.

9 (b) ADDITIONAL LANDS.—The Secretary may ac-  
10 quire additional lands for the Tribe pursuant to the au-  
11 thorities granted in section 5 of the Indian Reorganization  
12 Act (25 U.S.C. 465).

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