

111TH CONGRESS
1ST SESSION

S. 1936

To extend the Federal recognition to the Little Shell Tribe of Chippewa Indians of Montana, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 27, 2009

Mr. TESTER (for himself and Mr. BAUCUS) introduced the following bill;
which was read twice and referred to the Committee on Indian Affairs

A BILL

To extend the Federal recognition to the Little Shell Tribe of Chippewa Indians of Montana, 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. FINDINGS.**

7 Congress finds that—

8 (1) the Little Shell Tribe of Chippewa Indians
9 is a political successor to signatories of the Pembina
10 Treaty of 1863, under which a large area of land in

1 the State of North Dakota was ceded to the United
2 States;

3 (2) the Turtle Mountain Band of Chippewa of
4 North Dakota and the Chippewa-Cree Tribe of the
5 Rocky Boy's Reservation of Montana, which also are
6 political successors to the signatories of the Pembina
7 Treaty of 1863, have been recognized by the Federal
8 Government as distinct Indian tribes;

9 (3) the members of the Little Shell Tribe con-
10 tinue to live in the State of Montana, as their ances-
11 tors have for more than 100 years since ceding land
12 in the State of North Dakota as described in para-
13 graph (1);

14 (4) in the 1930s and 1940s, the Tribe repeat-
15 edly petitioned the Federal Government for reorga-
16 nization under the Act of June 18, 1934 (25 U.S.C.
17 461 et seq.) (commonly known as the "Indian Reor-
18 ganization Act");

19 (5) Federal agents who visited the Tribe and
20 Commissioner of Indian Affairs John Collier at-
21 tested to the responsibility of the Federal Govern-
22 ment for the Tribe and members of the Tribe, con-
23 cluding that members of the Tribe are eligible for,
24 and should be provided with, trust land, making the
25 Tribe eligible for reorganization under the Act of

1 June 18, 1934 (25 U.S.C. 461 et seq.) (commonly
2 known as the “Indian Reorganization Act”);

3 (6) due to a lack of Federal appropriations dur-
4 ing the Depression, the Bureau of Indian Affairs
5 lacked adequate financial resources to purchase land
6 for the Tribe, and the members of the Tribe were
7 denied the opportunity to reorganize;

8 (7) in spite of the failure of the Federal Gov-
9 ernment to appropriate adequate funding to secure
10 land for the Tribe as required for reorganization
11 under the Act of June 18, 1934 (25 U.S.C. 461 et
12 seq.) (commonly known as the “Indian Reorganiza-
13 tion Act”), the Tribe continued to exist as a sepa-
14 rate community, with leaders exhibiting clear polit-
15 ical authority;

16 (8) the Tribe, together with the Turtle Moun-
17 tain Band of Chippewa of North Dakota and the
18 Chippewa-Cree Tribe of the Rocky Boy’s Reserva-
19 tion of Montana, filed 2 lawsuits under the Act of
20 August 13, 1946 (60 Stat. 1049) (commonly known
21 as the “Indian Claims Commission Act”), to petition
22 for additional compensation for land ceded to the
23 United States under the Pembina Treaty of 1863
24 and the McCumber Agreement of 1892;

1 (9) in 1971 and 1982, pursuant to Acts of Con-
2 gress, the tribes received awards for the claims de-
3 scribed in paragraph (8);

4 (10) in 1978, the Tribe submitted to the Bu-
5 reau of Indian Affairs a petition for Federal recogni-
6 tion, which is still pending as of the date of enact-
7 ment of this Act; and

8 (11) the Federal Government, the State of
9 Montana, and the other federally recognized Indian
10 tribes of the State have had continuous dealings
11 with the recognized political leaders of the Tribe
12 since the 1930s.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

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

18 (2) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior.

20 (3) TRIBE.—The term “Tribe” means the Lit-
21 tle Shell Tribe of Chippewa Indians of Montana.

22 **SEC. 4. FEDERAL RECOGNITION.**

23 (a) IN GENERAL.—Federal recognition is extended to
24 the Tribe.

1 (b) EFFECT OF FEDERAL LAWS.—Except as other-
 2 wise provided in this Act, all Federal laws (including regu-
 3 lations) of general application to Indians and Indian
 4 tribes, including the Act of June 18, 1934 (25 U.S.C. 461
 5 et seq.) (commonly known as the “Indian Reorganization
 6 Act”), shall apply to the Tribe and members.

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

8 (a) IN GENERAL.—Beginning on the date of enact-
 9 ment of this Act, the Tribe and each member shall be eligi-
 10 ble for all services and benefits provided by the United
 11 States to Indians and federally recognized Indian tribes,
 12 without regard to—

13 (1) the existence of a reservation for the Tribe;

14 or

15 (2) the location of the residence of any member
 16 on or near an Indian reservation.

17 (b) SERVICE AREA.—For purposes of the delivery of
 18 services and benefits to members, the service area of the
 19 Tribe shall be considered to be the area comprised of
 20 Blaine, Cascade, Glacier, and Hill Counties in the State
 21 of Montana.

22 **SEC. 6. REAFFIRMATION OF RIGHTS.**

23 (a) IN GENERAL.—Nothing in this Act diminishes
 24 any right or privilege of the Tribe or any member that
 25 existed before the date of enactment of this Act.

1 (b) CLAIMS OF TRIBE.—Except as otherwise pro-
 2 vided in this Act, nothing in this Act alters or affects any
 3 legal or equitable claim of the Tribe to enforce any right
 4 or privilege reserved by, or granted to, the Tribe that was
 5 wrongfully denied to, or taken from, the Tribe before the
 6 date of enactment of this Act.

7 **SEC. 7. MEMBERSHIP ROLL.**

8 (a) IN GENERAL.—As a condition of receiving rec-
 9 ognition, services, and benefits pursuant to this Act, the
 10 Tribe shall submit to the Secretary, by not later than 18
 11 months after the date of enactment of this Act, a member-
 12 ship roll consisting of the name of each individual enrolled
 13 as a member of the Tribe.

14 (b) DETERMINATION OF MEMBERSHIP.—The quali-
 15 fications for inclusion on the membership roll of the Tribe
 16 shall be determined in accordance with sections 1 through
 17 3 of article 5 of the constitution of the Tribe dated Sep-
 18 tember 10, 1977 (including amendments to the constitu-
 19 tion).

20 (c) MAINTENANCE OF ROLL.—The Tribe shall main-
 21 tain the membership roll under this section.

22 **SEC. 8. TRANSFER OF LAND.**

23 (a) HOMELAND.—The Secretary shall acquire, for the
 24 benefit of the Tribe, trust title to 200 acres of land within

1 the service area of the Tribe to be used for a tribal land
2 base.

3 (b) ADDITIONAL LAND.—The Secretary may acquire
4 additional land for the benefit of the Tribe pursuant to
5 section 5 of the Act of June 18, 1934 (25 U.S.C. 465)
6 (commonly known as the “Indian Reorganization Act”).

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