

Calendar No. 347

113TH CONGRESS
2D SESSION**S. 161**

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

JANUARY 28, 2013

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

APRIL 3, 2014

Reported by Mr. TESTER, without amendment

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 2013”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) the Little Shell Tribe of Chippewa Indians
2 is a political successor to signatories of the Pembina
3 Treaty of 1863, under which a large area of land in
4 the State of North Dakota was ceded to the United
5 States;

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

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

17 (4) in the 1930s and 1940s, the Tribe repeat-
18 edly petitioned the Federal Government for reorga-
19 nization under the Act of June 18, 1934 (25 U.S.C.
20 461 et seq.) (commonly known as the "Indian Reor-
21 ganization Act");

22 (5) Federal agents who visited the Tribe and
23 Commissioner of Indian Affairs John Collier at-
24 tested to the responsibility of the Federal Govern-
25 ment for the Tribe and members of the Tribe, con-

cluding that members of the Tribe are eligible for,
and should be provided with, trust land, making the
Tribe eligible for reorganization under the Act of
June 18, 1934 (25 U.S.C. 461 et seq.) (commonly
known as the “Indian Reorganization Act”);

(6) due to a lack of Federal appropriations during the Depression, the Bureau of Indian Affairs lacked adequate financial resources to purchase land for the Tribe, and the members of the Tribe were denied the opportunity to reorganize;

(7) in spite of the failure of the Federal Government to appropriate adequate funding to secure land for the Tribe as required for reorganization under the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (commonly known as the “Indian Reorganization Act”), the Tribe continued to exist as a separate community, with leaders exhibiting clear political authority;

(8) the Tribe, together with the Turtle Mountain Band of Chippewa of North Dakota and the Chippewa-Cree Tribe of the Rocky Boy’s Reservation of Montana, filed 2 law suits under the Act of August 13, 1946 (60 Stat. 1049) (commonly known as the “Indian Claims Commission Act”), to petition for additional compensation for land ceded to the

1 United States under the Pembina Treaty of 1863
2 and the McCumber Agreement of 1892;

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

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

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

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

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

20 (2) SECRETARY.—The term “Secretary” means
21 the Secretary of the Interior.

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

1 **SEC. 4. FEDERAL RECOGNITION.**

2 (a) IN GENERAL.—Federal recognition is extended to
3 the Tribe.

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

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

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

16 (1) the existence of a reservation for the Tribe;
17 or

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

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

1 **SEC. 6. REAFFIRMATION OF RIGHTS.**

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

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

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

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

18 (b) DETERMINATION OF MEMBERSHIP.—The quali-
19 fications for inclusion on the membership roll of the Tribe
20 shall be determined in accordance with sections 1 through
21 3 of article 5 of the constitution of the Tribe dated Sep-
22 tember 10, 1977 (including amendments to the constitu-
23 tion).

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

1 **SEC. 8. TRANSFER OF LAND.**

2 (a) HOMELAND.—The Secretary shall acquire, for the
3 benefit of the Tribe, trust title to 200 acres of land within
4 the service area of the Tribe to be used for a tribal land
5 base.

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

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