

To refer H.R. 3133, a bill making congressional reference to the United States Court of Federal Claims pursuant to sections 1492 and 2509 of title 28, United States Code, of certain Indian land-related takings claims of the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan and its individual members.

JULY 27, 2015

Mr. BENISHEK submitted the following resolution; which was referred to the
Committee on the Judiciary

To refer H.R. 3133, a bill making congressional reference to the United States Court of Federal Claims pursuant to sections 1492 and 2509 of title 28, United States Code, of certain Indian land-related takings claims of the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan and its individual members.

SECTION 1. Pursuant to section 1492 of title 28,
United States Code, the bill (H.R. 3133) entitled “A Bill
relating to certain Indian land-related takings claims of
the Grand Traverse Band of Ottawa and Chippewa Indi-

ans of Michigan and its individual members,” now pending in the House of Representatives, is referred to the chief judge of the United States Court of Federal Claims for a determination as to whether the Band, on behalf of itself and of its individual members, has legal or equitable claims for just compensation against the United States for land-related takings occurring during the period between 1855 and 1900 within the areas reserved for the Band and its members by Article 1 of the July 31, 1855, Treaty with the Ottawa and Chippewa, 11 Stat. 621.

PROCEEDING AND REPORT

SEC. 2. Upon receipt of the bill, the chief judge shall, notwithstanding the bar of any statute of limitations—

(1) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code; and

(2) report back to the House of Representatives, at the earliest practicable date, providing findings of fact and conclusions of law that are sufficient to inform the Congress of—

(A) the nature, extent, and character of the legal or equitable claims of the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan, on behalf of itself and of its individual members, for just compensation against the United States for land-related takings with-

1 in the areas reserved for the Band and its
2 members by Article 1 of the July 31, 1855,
3 Treaty with the Ottawa and Chippewa, 11 Stat.
4 621;

5 (B) whether the Band has good cause for
6 not having filed said claims with the Indian
7 Claims Commission within the August 13,
8 1946, to August 13, 1951, limitations period
9 established by the Indian Claims Commission
10 Act of 1946, and accordingly has good cause to
11 be excused from that limitations period;

12 (C) whether any other statute of limita-
13 tions bar is applicable to the Band's claims; and
14 if so, whether the Band has good cause to be
15 excused from the operation of any such bar;

16 (D) whether the doctrine of laches is appli-
17 cable to the Band's claims; and if so, whether
18 the Band has good cause to be excused from
19 the operation of that doctrine; and

20 (E) the amount of just compensation, if
21 any, legally or equitably due from the United
22 States to the Band, on behalf of itself and of
23 its individual members.

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