

Public Law 103-323  
103d Congress

An Act

Sept. 21, 1994  
[S. 1066]

To restore Federal services to the Pokagon Band of Potawatomi Indians.

Michigan.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

25 USC 1300j.

**SECTION 1. FINDINGS.**

The Congress finds the following:

(1) The Pokagon Band of Potawatomi Indians is the descendant of, and political successor to, the signatories of the Treaty of Greenville 1795 (7 Stat. 49); the Treaty of Grouseland 1805 (7 Stat. 91); the Treaty of Spring Wells 1815 (7 Stat. 131); the Treaty of the Rapids of the Miami of Lake Erie 1817 (7 Stat. 160); the Treaty of St. Mary's 1818 (7 Stat. 185); the Treaty of Chicago 1821 (7 Stat. 218); the Treaty of the Mississinewa on the Wabash 1826 (7 Stat. 295); the Treaty of St. Joseph 1827 (7 Stat. 305); the Treaty of St. Joseph 1828 (7 Stat. 317); the Treaty of Tippecanoe River 1832 (7 Stat. 399); and the Treaty of Chicago 1833 (7 Stat. 431).

(2) In the Treaty of Chicago 1833, the Pokagon Band of Potawatomi Indians was the only band that negotiated a right to remain in Michigan. The other Potawatomi bands relinquished all lands in Michigan and were required to move to Kansas or Iowa.

(3) Two of the Potawatomi bands later returned to the Great Lakes area, the Forest County Potawatomi of Wisconsin and the Hannahville Indian Community of Michigan.

(4) The Hannahville Indian Community of Michigan, the Forest County Potawatomi Community of Wisconsin, the Prairie Band of Potawatomi Indians of Kansas, and the Citizen Band Potawatomi Indian Tribe of Oklahoma, whose members are also descendants of the signatories to one or more of the aforementioned treaties, have been recognized by the Federal Government as Indian tribes eligible to receive services from the Secretary of the Interior.

(5) Beginning in 1935, the Pokagon Band of Potawatomi Indians petitioned for reorganization and assistance pursuant to the Act of June 18, 1934 (25 U.S.C. 461 et seq., commonly referred to as the "Indian Reorganization Act"). Because of the financial condition of the Federal Government during the

Great Depression it relied upon the State of Michigan to provide services to the Pokagon Band. Other Potawatomi bands, including the Forest County Potawatomi and the Hannahville Indian Community were provided services pursuant to the Indian Reorganization Act.

(6) Agents of the Federal Government in 1939 made an administrative decision not to provide services or extend the benefits of the Indian Reorganization Act to any Indian tribes in Michigan's lower peninsula.

(7) Tribes elsewhere, including the Hannahville Indian Community in Michigan's upper peninsula, received services from the Federal Government and were extended the benefits of the Indian Reorganization Act.

(8) The Pokagon Band of Potawatomi Indians consists of at least 1,500 members who continue to reside close to their ancestral homeland in the St. Joseph River Valley in southwestern Michigan and northern Indiana.

(9) In spite of the denial of the right to organize under the Indian Reorganization Act, the Pokagon Band has continued to carry out its governmental functions through a Business Committee and Tribal Council from treaty times until today.

(10) The United States Government, the government of the State of Michigan, and local governments have had continuous dealings with the recognized political leaders of the Band from 1795 until the present.

#### SEC. 2. FEDERAL RECOGNITION.

25 USC 1300j-1.

Federal recognition of the Pokagon Band of Potawatomi Indians is hereby affirmed. Except as otherwise provided in this Act, all Federal laws of general application to Indians and Indian tribes, including the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act"), shall apply with respect to the Band and its members.

#### SEC. 3. SERVICES.

25 USC 1300j-2.

Notwithstanding any other provision of law, the Band and its members shall be eligible, on and after the date of the enactment of this Act, for all Federal services and benefits furnished to federally recognized Indian tribes without regard to the existence of a reservation for the Band or the location of the residence of any member on or near an Indian reservation.

#### SEC. 4. TRIBAL MEMBERSHIP.

25 USC 1300j-3.

Not later than 18 months after the date of the enactment of this Act, the Band shall submit to the Secretary membership rolls consisting of all individuals eligible for membership in such Band. The qualifications for inclusion on the membership rolls of the Band shall be determined by the membership clauses in the Band's governing documents, in consultation with the Secretary. Upon completion of the rolls, the Secretary shall immediately publish notice of such in the Federal Register. The Bands shall ensure that such rolls are maintained and kept current.

Federal  
Register,  
publication.  
Records.

25 USC 1300j-4. **SEC. 5. CONSTITUTION AND GOVERNING BODY.****(a) CONSTITUTION.—**

(1) **ADOPTION.**—Not later than 24 months after the date of the enactment of this Act, the Secretary shall conduct, by secret ballot and in accordance with the provisions of section 16 of the Act of June 18, 1934 (25 U.S.C. 476), an election to adopt a constitution and bylaws for the Band.

(2) **INTERIM GOVERNING DOCUMENTS.**—Until such time as a new constitution is adopted under paragraph (1), the governing documents in effect on the date of enactment of this Act shall be the interim governing documents for the Band.

**(b) OFFICIALS.—**

(1) **ELECTION.**—Not later than 6 months after the Band adopts a constitution and bylaws pursuant to subsection (a), the Secretary shall conduct elections by secret ballot for the purpose of electing officials for the Band as provided in the Band's constitution. The election shall be conducted according to the procedures described in subsection (a), except to the extent that such procedures conflict with the Band's constitution.

(2) **INTERIM GOVERNMENT.**—Until such time as the Band elects new officials pursuant to paragraph (1), the Band's governing body shall be the governing body in place on the date of the enactment of this Act, or any new governing body selected under the election procedures specified in the interim governing documents of the Band.

Real property.  
25 USC 1300j-5.

**SEC. 6. TRIBAL LANDS.**

The Band's tribal land shall consist of all real property, including the land upon which the Tribal Hall is situated, now or hereafter held by, or in trust for, the Band. The Secretary shall acquire real property for the Band. Any such real property shall be taken by the Secretary in the name of the United States in trust for the benefit of the Band and shall become part of the Band's reservation.

25 USC 1300j-6.

**SEC. 7. SERVICE AREA.**

The Band's service area shall consist of the Michigan counties of Allegan, Berrien, Van Buren, and Cass and the Indiana counties of La Porte, St. Joseph, Elkhart, Starke, Marshall, and Kosciusko.

25 USC 1300j-7.

**SEC. 8. JURISDICTION.**

The Band shall have jurisdiction to the full extent allowed by law over all lands taken into trust for the benefit of the Band by the Secretary. The Band shall exercise jurisdiction over all its members who reside within the service area in matters pursuant to the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.), as if the members were residing upon a reservation as defined in that Act.

**SEC. 9. DEFINITIONS.**

25 USC 1300j-8.

For purposes of this Act—

(1) the term “Band” means the Pokagon Band of Potawatomi Indians;

(2) the term “member” means those individuals eligible for enrollment in the Band pursuant to section 4; and

(3) the term “Secretary” means the Secretary of the Interior.

Approved September 21, 1994.

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**LEGISLATIVE HISTORY—S. 1066:**

HOUSE REPORTS: No. 103-620 (Comm. on Natural Resources).

SENATE REPORTS: No. 103-266 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 140 (1994):

June 10, considered and passed Senate.

Aug. 3, considered and passed House.