

118TH CONGRESS
1ST SESSION

H. R. 5732

To reaffirm and clarify the Federal relationships of the Grand River Bands of Ottawa Indians of Michigan as a federally recognized Indian tribe, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2023

Ms. SCHOLTEN (for herself, Mr. MOOLENAAR, Mr. KILDEE, Mr. BERGMAN, Mrs. MCCLAIN, Mr. WALBERG, Ms. STEVENS, and Ms. SLOTKIN) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To reaffirm and clarify the Federal relationships of the Grand River Bands of Ottawa Indians of Michigan as a 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 “Grand River Bands
5 of Ottawa Indians Restoration Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The Tribe consists of the 19 bands of Indi-
2 ans who occupied territory in what is now west
3 Michigan, including the counties of Kent, Ottawa,
4 Muskegon, Newaygo, and Oceana.

5 (2) The Tribe consists of descendants of, and
6 political successors to, signatories of the 1821 Trea-
7 ty of Chicago, 1836 Treaty of Washington, and the
8 1855 Treaty of Detroit.

9 (3) In 1994, Public Law 103–324 (108 Stat.
10 2156) recognized two Michigan Ottawa tribes whose
11 histories are virtually identical to that of the Grand
12 River Bands, the Little River Band of Ottawa Indi-
13 ans and the Little Traverse Bay Bands of Odawa
14 Indians.

15 (4) The Commissioner of Indian Affairs, Morris
16 Thompson, and Congress, via Public Law 103–324,
17 specifically recognized that the Northern Michigan
18 Ottawa Association and the Grand River Bands De-
19 scendant’s Committee, whose membership included
20 the Grand River Bands, were “functioning as or at
21 least are accepted as tribal political entities by the
22 Minneapolis Area and Great Lakes Agency”.

23 (5) The State of Michigan recognized the Tribe
24 in 1996.

1 (6) In 1997, the Michigan Indian Land Claims
2 Settlement Act (Public Law 105–143) reserved a
3 percentage of the funds appropriated for payment of
4 land claims to “newly recognized or reaffirmed tribes
5 described in section 110”. Section 110 of that law
6 states that eligible non-recognized tribes are those—

7 (A) that are signatory to either the 1836
8 Treaty or the 1855 Treaty;

9 (B) whose members are predominately
10 Chippewa and Ottawa; and

11 (C) that file a documented petition by De-
12 cember 15, 2000.

13 (7) The Tribe was the only unrecognized Michi-
14 gan tribe that met the requirements of section 110
15 of the Michigan Indian Land Claims Settlement Act.

16 (8) The Tribe was instrumental in the filing of
17 the original land claim and is comprised of descend-
18 ants of members who signed the Treaties of 1820,
19 1836, and 1855.

20 (9) The Tribe filed a fully documented petition
21 with the Bureau of Indian Affairs on December 8,
22 2000, and thus met the Act’s filing deadline.

23 (10) After the Tribe filed its petition in 2000,
24 the Bureau of Indian Affairs did not issue a tech-
25 nical assistance letter until 2005. The Tribe re-

1 sponded fully in 2006, but still has not been recog-
2 nized.

3 (11) The Bureau of Indian Affairs did not meet
4 its legal requirement under the Michigan Indian
5 Land Claims Settlement Act to recognize the Tribe,
6 and the Tribe is still in the recognition process al-
7 most 26 years later.

8 (12) The Tribe met all of the criteria for dis-
9 tribution of the judgment funds reserved for an un-
10 recognized tribe under section 110 of the Michigan
11 Indian Land Claims Settlement Act. However, the
12 tribal funds reverted back to the Treasury, which
13 was a gross miscarriage of justice because the Tribe
14 was a full participant in the claims litigation before
15 the Indian Claim Commission that gave rise to the
16 judgment award.

17 (13) For every year that the Bureau of Indian
18 Affairs does not act on the Tribe's petition, the
19 Tribe is unable to meet any needs for its members
20 for social services, education, housing and elder care.

21 (14) The Tribe filed for reorganization of its
22 existing Tribal governments in 1935 under the Act
23 of June 18, 1934 (25 U.S.C. 461 et seq. (commonly
24 referred to as the "Indian Reorganization Act")).
25 Federal agents who visited the Tribe, including

1 Commissioner of Indian Affairs John Collier, at-
2 tested to the continued social and political existence
3 of the Tribe and concluded that the Tribe was eligi-
4 ble for reorganization. Due to a lack of Federal ap-
5 propriations to implement the provisions of the In-
6 dian Reorganization Act, the Tribe was denied the
7 opportunity to reorganize.

8 (15) In 1939, agents of the Federal Govern-
9 ment made an administrative decision not to provide
10 services or extend the benefits of the Indian Reorga-
11 nization Act to any Indian tribes in Michigan's lower
12 peninsula.

13 (16) In spite of such denial, the Tribe contin-
14 ued their political and social existence with a viable
15 Tribal government. The Tribe, along with other
16 Michigan Odawa/Ottawa groups, including the Little
17 Traverse Bay Bands of Odawa Indians, the Grand
18 Traverse Band of Ottawa and Chippewa Indians,
19 and the Little River Band of Ottawa Indians,
20 formed the Northern Michigan Ottawa Association
21 in 1948. The Association subsequently pursued a
22 successful land claim with the Indian Claims Com-
23 mission.

24 (17) Between 1948 and 1975, the Tribe carried
25 out many of its governmental functions through the

1 Northern Michigan Ottawa Association, while retain-
2 ing individual Tribal control over local decisions.

3 (18) The Federal Government, the governments
4 of the State of Michigan, and local governments
5 have had continuous dealings with the recognized
6 political leaders of the Tribe from 1821 to present.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

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

12 (2) SECRETARY.—The term “Secretary” means
13 the Secretary of the Interior.

14 (3) TRIBE.—The term “Tribe” means the
15 Grand River Bands of Ottawa Indians of Michigan.

16 **SEC. 4. FEDERAL RECOGNITION.**

17 (a) IN GENERAL.—Federal recognition of the Tribe
18 is hereby affirmed.

19 (b) EFFECT OF FEDERAL LAWS.—Except as other-
20 wise provided in this Act, all Federal laws (including regu-
21 lations) of general application to Indians and Indian
22 tribes, including the Act of June 18, 1934 (25 U.S.C.
23 5101 et seq.; commonly known as the “Indian Reorganiza-
24 tion Act”), shall apply to the Tribe and members.

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

2 (a) IN GENERAL.—The Tribe and each member shall
3 be eligible for all services and benefits provided by the
4 United States to Indians and federally recognized Indian
5 tribes, without regard to—

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

7 or

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

10 (b) SERVICE AREA.—For purposes of the delivery of
11 services and benefits to members, the service area of the
12 Tribe shall be Newaygo, Oceana, Kent, Muskegon and Ot-
13 tawa Counties in Michigan.

14 **SEC. 6. REAFFIRMATION OF RIGHTS.**

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

18 (b) CLAIMS OF TRIBE.—Except as otherwise pro-
19 vided in this Act, nothing in this Act alters or affects any
20 legal or equitable claim of the Tribe to enforce any right
21 or privilege reserved by, or granted to, the Tribe that was
22 wrongfully denied to, or taken from, the Tribe before the
23 date of the enactment of this Act.

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

25 (a) IN GENERAL.—As a condition of receiving rec-
26 ognition, services, and benefits pursuant to this Act, not

1 later than 18 months after the date of the enactment of
2 this Act, the Tribe shall submit to the Secretary a mem-
3 bership roll consisting of the name of each individual en-
4 rolled as a member of the Tribe.

5 (b) DETERMINATION OF MEMBERSHIP.—The quali-
6 fications for inclusion on the membership roll of the Tribe
7 shall be determined in accordance with the Tribe’s gov-
8 erning documents.

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

11 **SEC. 8. ACQUISITION OF LAND.**

12 (a) HOMELAND.—The Secretary shall—

13 (1) acquire, for the benefit of the Tribe, trust
14 title to land within Muskegon, Newaygo, or Oceana
15 Counties; and

16 (2) accept into trust any real property located
17 in those counties for the benefit of the Grand River
18 Bands of Ottawa Indians, if—

19 (A) conveyed or otherwise transferred to
20 the Secretary; and

21 (B) at the time of such acceptance, there
22 are not adverse legal claims on such property,
23 including outstanding liens, mortgages or taxes
24 owed.

1 (b) ADDITIONAL ACQUISITIONS; TRUST LAND.—The
2 Secretary may—

3 (1) acquire additional land for the benefit of the
4 Tribe pursuant to section 5 of the Act of June 18,
5 (25 U.S.C. 5108; commonly known as the “Indian
6 Reorganization Act”); and

7 (2) take into trust for the benefit of the Tribe
8 any land held in fee by the Tribe, if such lands are
9 located within the boundaries of, Kent and Ottawa
10 Counties in Michigan.

11 (c) DEADLINE FOR DETERMINATION.—The Sec-
12 retary shall—

13 (1) make a final written determination not later
14 than 18 months of the date which the Tribe submits
15 a request for land to be taken into trust under sub-
16 section (a)(1); and

17 (2) immediately make the determination under
18 paragraph (1) available to the Tribe.

19 (d) RESERVATION STATUS.—Any land taken into
20 trust for the benefit of the Tribe pursuant to this para-
21 graph shall, upon request of the Tribe, be considered part
22 of the reservation of the Tribe.

○