

tribe's request in Tribal Resolution No. T.C.-02-86 which was approved and certified on March 12, 1986.

**(b) No State regulatory jurisdiction**

Nothing in this section shall be construed as a grant of civil or criminal regulatory jurisdiction to the State of Texas.

**(c) Jurisdiction over enforcement against members**

Notwithstanding section 1300g-4(f) of this title, the courts of the United States shall have exclusive jurisdiction over any offense in violation of subsection (a) of this section that is committed by the tribe, or by any member of the tribe, on the reservation or on lands of the tribe. However, nothing in this section shall be construed as precluding the State of Texas from bringing an action in the courts of the United States to enjoin violations of the provisions of this section.

(Pub. L. 100-89, title I, §107, Aug. 18, 1987, 101 Stat. 668.)

**§ 1300g-7. Tribal membership**

**(a) In general**

The membership of the tribe shall consist of—

- (1) the individuals listed on the Tribal Membership Roll approved by the tribe's Resolution No. TC-5-84 approved December 18, 1984, and approved by the Texas Indian Commission's Resolution No. TIC-85-005 adopted on January 16, 1985; and
- (2) a descendant of an individual listed on that Roll if the descendant—

- (i) has  $\frac{1}{8}$  degree or more of Tigua-Ysleta del Sur Pueblo Indian blood, and
- (ii) is enrolled by the tribe.

**(b) Removal from tribal roll**

Notwithstanding subsection (a) of this section—

- (1) the tribe may remove an individual from tribal membership if it determines that the individual's enrollment was improper; and
- (2) the Secretary, in consultation with the tribe, may review the Tribal Membership Roll.

(Pub. L. 100-89, title I, §108, Aug. 18, 1987, 101 Stat. 669.)

**SUBCHAPTER LXXIX—LAC VIEUX DESERT BAND OF LAKE SUPERIOR CHIPPEWA INDIANS**

**§ 1300h. Congressional findings**

Congress finds that—

(1) the Lac Vieux Desert Band of Lake Superior Chippewa Indians, although currently recognized by the Federal Government as part of the Keweenaw Bay Indian Community, has historically existed, and continues to exist, as a separate and distinct Indian tribe that is located over 75 miles from the Keweenaw Bay Indian Community;

(2) the Lac Vieux Desert Band consists of approximately 250 members who continue to reside close to their ancestral homeland near the town of Watersmeet, Michigan;

(3) the Lac Vieux Desert Band entered into two treaties with the United States as a distinct tribal entity (7 Stat. 591, 10 Stat. 1109);

(4) members of the Lac Vieux Desert Band currently reside on or otherwise occupy lands within the Township of Watersmeet, Michigan, which are held by the United States in trust for the Keweenaw Bay Indian Community, and currently receive limited Federal benefits through the Keweenaw Bay Indian Community; and

(5) because of its distance from Keweenaw Bay and the failure of the United States to recognize the independent status of the tribe, the Lac Vieux Desert Band and its members receive only limited benefits to which the tribe and its members are entitled.

(Pub. L. 100-420, §2, Sept. 8, 1988, 102 Stat. 1577.)

**SHORT TITLE**

Section 1 of Pub. L. 100-420 provided that: "This Act [enacting this subchapter] may be cited as the 'Lac Vieux Desert Band of Lake Superior Chippewa Indians Act'."

**§ 1300h-1. Definitions**

For purposes of this subchapter—

(1) the term "Band" means the Lac Vieux Desert Band of Lake Superior Chippewa Indians;

(2) the term "member" means those individuals eligible for enrollment under section 1300h-3 of this title in the Band; and

(3) the term "Secretary" means the Secretary of the Interior.

(Pub. L. 100-420, §3, Sept. 8, 1988, 102 Stat. 1577.)

**§ 1300h-2. Federal trust relationship**

(a) The Federal recognition of the Band and the trust relationship between the United States and the Band is hereby reaffirmed. The Act of June 18, 1934 (48 Stat. 984), as amended [25 U.S.C. 461 et seq.], and all laws and rules of law of the United States of general application to Indians, Indian tribes, or Indian reservations which are not inconsistent with this subchapter shall apply to the members of the Band, and the reservation. The Band is hereby recognized as an independent tribal entity, separate from the Keweenaw Bay Indian Community or any other tribe.

(b) The Band and its members are eligible for all special programs and services provided by the United States to Indians because of their status as Indians.

(Pub. L. 100-420, §4, Sept. 8, 1988, 102 Stat. 1577.)

**REFERENCES IN TEXT**

Act of June 18, 1934, referred to in subsec. (a), popularly known as the Indian Reorganization Act, is classified generally to subchapter V (§461 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

**§ 1300h-3. Establishment of a Band roll**

**(a) Submission of membership roll**

Within six months after September 8, 1988, the Band shall submit to the Secretary, for approval, its base membership roll which shall include only individuals who are not members of any other federally recognized Indian tribe or

who have relinquished membership in such tribe and who are eligible for membership under subsection (b) of this section.

**(b) Eligibility**

An individual is eligible for inclusion on the base membership roll in the Band if that individual—

(1) is on the tribal membership roll as maintained by the Band prior to September 8, 1988, and is on file with the Bureau of Indian Affairs as of September 8, 1988; or

(2) is at least one-quarter Chippewa Indian blood and is a person or a descendant of a person who was listed, or could have been listed, on any of the census of the Lac Vieux Desert Band prepared by the Superintendent of the MacKinaw Agency prior to 1928 or by the Superintendent of the Great Lakes agency on or prior to 1940.

**(c) Maintenance of roll**

The Band shall ensure that the roll, once completed and approved, is maintained and kept current.

**(d) Future eligibility**

(1) Notwithstanding paragraph (b) of section 1300h-4 of this title and except as provided in paragraph (2), future membership in the tribe shall be limited to descendants of individuals whose names appear on the base roll and who have at least one-quarter Chippewa blood quantum.

(2) The Band may modify such quarter Chippewa blood quantum requirement and base roll if such modifications are adopted in the tribal election as prescribed under paragraph (a) of section 1300h-4 of this title or in a referendum by a majority of the voters and approved by the Secretary of the Interior. The Secretary shall approve such new membership requirements once adopted by the tribal voters unless he finds that the proposed amendment is contrary to Federal law.

(Pub. L. 100-420, § 5, Sept. 8, 1988, 102 Stat. 1578; Pub. L. 104-109, § 18, Feb. 12, 1996, 110 Stat. 766.)

AMENDMENTS

1996—Subsec. (d)(2). Pub. L. 104-109 substituted “requirement and base roll if such modifications are” for “requirement if such modification is”.

**§ 1300h-4. Organization of tribe; constitution and governing body**

**(a) Governing document**

Within one year following September 8, 1988, the Band’s governing body shall propose a governing document, and the Secretary shall conduct, pursuant to section 476 of this title, and in accordance with applicable rules and regulations, an election as to the adoption of the proposed document. The Secretary shall approve the governing document if approved by a majority of the tribal voters unless the Secretary finds that the proposed constitution, or any provision thereof, is contrary to Federal law.

**(b) Interim governing document**

Until the Band adopts and the Secretary approves a governing document, the Band’s interim governing document shall be the Lac

Vieux Desert Constitution which bears the approval date of June 18, 1986, and a copy of which is in the files of the Division of Tribal Government Services, Bureau of Indian Affairs, Washington, District of Columbia.

**(c) Interim governing body**

Until the Band elects a new governing body pursuant to the new governing document, the Band’s governing body shall consist of its current Band officers, elected at the Band’s election held on November 5, 1986, or any new officers selected under election procedures of the interim governing document identified under subsection (b) of this section.

(Pub. L. 100-420, § 6, Sept. 8, 1988, 102 Stat. 1578.)

**§ 1300h-5. Land acquisition; establishment of Federal reservation**

(a) The Keweenaw Bay Indian Community is hereby authorized to convey, by deed to the United States in trust for the Band, all lands located in Gogebic County, Michigan, which, on September 8, 1988, are held in trust by the United States for the benefit of said community. The Secretary is hereby authorized and directed to approve and accept the deed with the expressed consent of the Keweenaw Bay Indian Community and the Band. Upon acceptance of the deed, all lands described therein shall constitute the reservation of the Band.

(b) The Secretary may place such other land into trust for the benefit of the Band pursuant to the provisions of the Act of June 18, 1934 (48 Stat. 84) [25 U.S.C. 461 et seq.], or any other Act: *Provided*, That any such land placed in trust which is located in Gogebic County, shall become part of the reservation.

(Pub. L. 100-420, § 7, Sept. 8, 1988, 102 Stat. 1579.)

REFERENCES IN TEXT

Act of June 18, 1934, referred to in subsec. (b), popularly known as the Indian Reorganization Act, is classified generally to subchapter V (§ 461 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

**§ 1300h-6. Distribution of funds**

(a) For the purpose of proceeding with the per capita distribution of the funds appropriated and subsequently apportioned to the Keweenaw Bay Indian Community in satisfaction of judgments awarded the Lake Superior Chippewas and Mississippi Chippewas in dockets numbered 18-C, 18-T, 18-S, and 18-U of the Indian Claims Commission, the Secretary of the Interior shall accept the tribe’s certification of enrolled membership.

(b) Individuals who are or become members of the Lac Vieux Desert Band and who are eligible for per capita shares out of funds apportioned to the Keweenaw Bay Indian Community or Sokaogan Chippewa Community shall continue to be eligible for such per capita payments notwithstanding their relinquishment of their enrollment in either community pursuant to section 1300h-3 of this title.

(Pub. L. 100-420, § 8, Sept. 8, 1988, 102 Stat. 1579.)