

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.)

§ 1300h-7. Constitutional amendment

(a) Notwithstanding any other law or provision in the constitution of the Keweenaw Bay Indian Community, the Secretary shall call an election within 90 days of receipt of a resolution of the Keweenaw Bay Tribal Council requesting an election for the purpose of amending provisions of the constitution of the Keweenaw Bay Indian Community.

(b) The Secretary shall accept as voters eligible to vote on any amendments to the constitution of the Keweenaw Bay Indian Community—

(1) all those persons who were deemed eligible by the Keweenaw Bay Indian Community to vote in the most recent election for the Tribal Council, and