

diction over such lands as if it had assumed jurisdiction pursuant to the Act of August 15, 1953 (67 Stat. 588), as amended by the Act of April 11, 1968 (82 Stat. 79).

(Pub. L. 95-375, §1, Sept. 18, 1978, 92 Stat. 712; Pub. L. 103-357, §1(a), Oct. 14, 1994, 108 Stat. 3418.)

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.

Act of October 8, 1964, referred to in subsec. (c), is act Oct. 8, 1964, Private Law 88-350, 78 Stat. 1196, which conveyed all right, title and interest of the United States in certain lands to the Pascua Yaqui Association, Inc., and was not classified to the Code.

Act of August 15, 1953, as amended by the Act of April 11, 1968, referred to in subsec. (c), is act Aug. 15, 1953, ch. 505, 67 Stat. 588, as amended, which enacted section 1162 of Title 18, Crimes and Criminal Procedure, section 1360 of Title 28, Judiciary and Judicial Procedure, and provisions set out as notes under section 1360 of Title 28. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section is comprised of section 1 of Pub. L. 95-375. Subsec. (d) of section 1 of Pub. L. 95-375, which repealed section 4 of Private Law 88-350, Oct. 8, 1964, 78 Stat. 1197, is not classified to the Code.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-357 inserted after first sentence “The Pascua Yaqui Tribe, a historic Indian tribe, is acknowledged as a federally recognized Indian tribe possessing all the attributes of inherent sovereignty which have not been specifically taken away by Acts of Congress and which are not inconsistent with such tribal status.”

§ 1300f-1. Tribal constitution and bylaws; review by Secretary; publication of documents and membership roll in Federal Register

Within thirty months after September 18, 1978, the Pascua Yaqui Tribe shall adopt a constitution and bylaws or other governing documents and a membership roll. The Secretary of the Interior shall review such documents to insure that they comply with the provisions of this subchapter and shall publish such documents and membership roll in the Federal Register. Publication of such roll shall not affect or delay the immediate eligibility of the members of the Association under section 1300f of this title.

(Pub. L. 95-375, §2, Sept. 18, 1978, 92 Stat. 712.)

§ 1300f-2. Membership of Tribe

For the purposes of section 1300f of this title, membership of the Pascua Yaqui Tribe shall consist of any United States citizen of Pascua Yaqui blood enrolled by the tribe.

(Pub. L. 95-375, §3, Sept. 18, 1978, 92 Stat. 712; Pub. L. 103-357, §1(b), Oct. 14, 1994, 108 Stat. 3418; Pub. L. 112-214, §1, Dec. 20, 2012, 126 Stat. 1588.)

AMENDMENTS

2012—Pub. L. 112-214 amended section generally. Prior to amendment, section set out categories of membership in the Pascua Yaqui Tribe in pars. (A) to (D).

1994—Pub. L. 103-357 added par. (C) and redesignated former par. (C) as (D).

§ 1300f-3. Study

(a) In general

The Secretary of the Interior shall conduct one or more studies to determine—

(1) whether the lands held in trust on October 14, 1994, by the United States for the Pascua Yaqui Tribe are adequate for the needs of the tribe for the foreseeable future;

(2) if such lands are not adequate—

(A) whether suitable additional lands are available for acquisition by exchange or purchase; and

(B) the cost and location of the suitable additional lands;

(3) whether the Pascua Yaqui Tribe has sufficient water rights and allocations to meet the needs of the tribe for the foreseeable future;

(4) if such water rights and allocations are not adequate—

(A) whether additional water can be acquired; and

(B) the potential sources and associated costs of such additional water;

(5) whether the Bureau of Indian Affairs and the Indian Health Service have limited funding to the Pascua Yaqui Tribe based on a termination of the tribal enrollment in 1978, rather than the current enrollment;

(6) if funding has been based on 1978 enrollment, how the funding levels can be adjusted to ensure that the Pascua Yaqui Tribe receives a fair and equitable portion of Bureau of Indian Affairs and Indian Health Service funding;

(7) the genealogy of the Pascua Yaqui Tribe; and

(8) the economic development opportunities available to the tribe as a result of the North American Free Trade Agreement.

(b) Tribal participation

The Secretary shall provide for the participation of members of the Pascua Yaqui Tribe to carry out subsection (a) of this section.

(c) Report

Not later than 2 years after the date on which funds are made available to carry out this section, the Secretary of the Interior shall submit a report to Congress that contains the results of each study conducted pursuant to subsection (a) of this section.

(d) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section.

(Pub. L. 95-375, §4, as added Pub. L. 103-357, §2, Oct. 14, 1994, 108 Stat. 3418; amended Pub. L. 104-109, §4, Feb. 12, 1996, 110 Stat. 764.)

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-109 substituted “Tribe” for “tribe”.

SUBCHAPTER LXXVIII—YSLETA DEL SUR
PUEBLO: RESTORATION OF FEDERAL SUPERVISION

§ 1300g. Definitions

For purposes of this subchapter—

(1) the term “tribe” means the Ysleta del Sur Pueblo (as so designated by section 1300g-1 of this title);

(2) the term “Secretary” means the Secretary of the Interior or his designated representative;

(3) the term “reservation” means lands within El Paso and Hudspeth Counties, Texas—

(A) held by the tribe on August 18, 1987;

(B) held in trust by the State or by the Texas Indian Commission for the benefit of the tribe on August 18, 1987;

(C) held in trust for the benefit of the tribe by the Secretary under section 1300g-4(g)(2) of this title; and

(D) subsequently acquired and held in trust by the Secretary for the benefit of the tribe.¹

(4) the term “State” means the State of Texas;

(5) the term “Tribal Council” means the governing body of the tribe as recognized by the Texas Indian Commission on August 18, 1987, and such tribal council’s successors; and

(6) the term “Tiwa Indians Act” means the Act entitled “An Act relating to the Tiwa Indians of Texas.” and approved April 12, 1968 (82 Stat. 93).

(Pub. L. 100-89, title I, §101, Aug. 18, 1987, 101 Stat. 666.)

REFERENCES IN TEXT

The Tiwa Indians Act, referred to in par. (6), is Pub. L. 90-287, Apr. 12, 1968, 82 Stat. 93, which was not classified to the Code and was repealed by section 1300g-5 of this title.

SHORT TITLE

For short title of Pub. L. 100-89, which enacted this subchapter, subchapter XXXI-A of this chapter, and provisions set out as notes under section 731 of this title, as the “Ysleta del Sur Pueblo and Alabama and Coshatta Indian Tribes of Texas Restoration Act”, see section 1 of Pub. L. 100-89, set out as a note under section 731 of this title.

REGULATIONS

For provision authorizing the Secretary of the Interior or his designated representative to promulgate regulations as necessary to carry out provisions of this subchapter, see section 2 of Pub. L. 100-89, set out as a note under section 731 of this title.

§ 1300g-1. Redesignation of tribe

The Indians designated as the Tiwa Indians of Ysleta, Texas, by the Tiwa Indians Act shall, on and after August 18, 1987, be known and designated as the Ysleta del Sur Pueblo. Any reference in any law, map, regulation, document, record, or other paper of the United States to the Tiwa Indians of Ysleta, Texas, shall be deemed to be a reference to the Ysleta del Sur Pueblo.

(Pub. L. 100-89, title I, §102, Aug. 18, 1987, 101 Stat. 666.)

REFERENCES IN TEXT

The Tiwa Indians Act, referred to in text, is Pub. L. 90-287, Apr. 12, 1968, 82 Stat. 93, which was not classified

¹ So in original. The period probably should be a semicolon.

to the Code and was repealed by section 1300g-5 of this title.

§ 1300g-2. Restoration of Federal trust relationship; Federal services and assistance

(a) Federal trust relationship

The Federal trust relationship between the United States and the tribe is hereby restored. 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, to nations, tribes, or bands of Indians, or to Indian reservations which are not inconsistent with any specific provision contained in this subchapter shall apply to the members of the tribe, the tribe, and the reservation.

(b) Restoration of rights and privileges

All rights and privileges of the tribe and members of the tribe under any Federal treaty, statute, Executive order, agreement, or under any other authority of the United States which may have been diminished or lost under the Tiwa Indians Act are hereby restored.

(c) Federal services and benefits

Notwithstanding any other provision of law, the tribe and the members of the tribe shall be eligible, on and after August 18, 1987, for all benefits and services furnished to federally recognized Indian tribes.

(d) Effect on property rights and other obligations

Except as otherwise specifically provided in this subchapter, the enactment of this subchapter shall not affect any property right or obligation or any contractual right or obligation in existence before August 18, 1987, or any obligation for taxes levied before August 18, 1987.

(Pub. L. 100-89, title I, §103, Aug. 18, 1987, 101 Stat. 667.)

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.

The Tiwa Indians Act, referred to in subsec. (b), is Pub. L. 90-287, Apr. 12, 1968, 82 Stat. 93, which was not classified to the Code and was repealed by section 1300g-5 of this title.

§ 1300g-3. State and tribal authority

(a) State authority

Nothing in this Act shall affect the power of the State of Texas to enact special legislation benefiting the tribe, and the State is authorized to perform any services benefiting the tribe that are not inconsistent with the provisions of this Act.

(b) Tribal authority

The Tribal Council shall represent the tribe and its members in the implementation of this subchapter and shall have full authority and capacity—

(1) to enter into contracts, grant agreements, and other arrangements with any Federal department or agency, and