

(Pub. L. 100-89, title II, §203, Aug. 18, 1987, 101 Stat. 670.)

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.

Act approved August 23, 1954, referred to in subsec. (b), was in the original a reference to the Act entitled "An Act to provide for the termination of Federal supervision over the property of the Alabama and Coushatta Tribes of Indians of Texas, and the individual members thereof; and for other purposes" and approved August 23, 1954, which is classified generally to subchapter XXXI (§721 et seq.) of this chapter. For complete classification of this Act to the Code, see Tables.

§ 734. State and tribal authority

(a) State authority

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

(b) Current constitution and bylaws to remain in effect

Subject to the provisions of section 733(a) of this title, the constitution and bylaws of the tribe on file with the Committee on Natural Resources of the House of Representatives is hereby declared to be approved for the purposes of section 476 of this title except that all reference to the Texas Indian Commission shall be considered as reference to the Secretary of the Interior.

(c) Authority and capacity of Tribal Council

No provision contained in this subchapter shall affect the power of the Tribal Council to take any action under the constitution and bylaws described in subsection (b) of this section. 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;

(2) to administer or operate any program or activity under or in connection with any such contract, agreement, or arrangement, to enter into subcontracts or award grants to provide for the administration of any such program or activity, or to conduct any other activity under or in connection with any such contract, agreement, or arrangement; and

(3) to bind any tribal governing body selected under any new constitution adopted in accordance with section 735 of this title as the successor in interest to the Tribal Council.

(Pub. L. 100-89, title II, §204, Aug. 18, 1987, 101 Stat. 670; Pub. L. 103-437, §10(d), Nov. 2, 1994, 108 Stat. 4589.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 100-89, Aug. 18, 1987, 101 Stat. 666, known as the Ysleta del Sur

Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act, which enacted this subchapter and subchapter LXXVIII (§1300g et seq.) of this chapter and enacted provisions set out as notes under section 731 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 731 of this title and Tables.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-437 substituted "Natural Resources of the House of Representatives" for "Interior and Insular Affairs".

§ 735. Adoption of new constitution and bylaws

Upon written request of the tribal council,¹ the Secretary shall hold an election for the members of the tribe for the purpose of adopting a new constitution and bylaws in accordance with section 476 of this title.

(Pub. L. 100-89, title II, §205, Aug. 18, 1987, 101 Stat. 671.)

§ 736. Provisions relating to tribal reservation

(a) Federal reservation established

The reservation is hereby declared to be a Federal Indian reservation for the use and benefit of the tribe without regard to whether legal title to such lands is held in trust by the Secretary.

(b) Conveyance of land by State

The Secretary shall—

(1) accept any offer from the State to convey title to any lands held in trust by the State or the Texas Indian Commission for the benefit of the tribe to the Secretary, and

(2) shall hold such title, upon conveyance by the State, in trust for the benefit of the tribe.

(c) Conveyance of land by tribe

At the written request of the Tribal Council, the Secretary shall—

(1) accept conveyance by the tribe of title to any lands within the reservation which are held by the tribe to the Secretary, and

(2) hold such title, upon such conveyance by the tribe, in trust for the benefit of the tribe.

(d) Approval of deed by Attorney General

Notwithstanding any other provision of law or regulation, the Attorney General of the United States shall approve any deed or other instrument from the State or the tribe which conveys title to lands within the reservation to the United States.

(e) Permanent improvements authorized

Notwithstanding any other provision of law or rule of law, the Secretary or the tribe may erect permanent improvements, improvements of substantial value, or any other improvement authorized by law on the reservation without regard to whether legal title to such lands has been conveyed to the Secretary by the State or the tribe.

(f) Civil and criminal jurisdiction within reservation

The State shall exercise civil and criminal jurisdiction within the boundaries of the reservation as if such State had assumed such jurisdiction

¹ So in original. Probably should be "Tribal Council,".