

(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,".

tion with the consent of the tribe under sections 1321 and 1322 of this title.

(Pub. L. 100-89, title II, § 206, Aug. 18, 1987, 101 Stat. 671.)

§ 737. Gaming activities

(a) In general

All gaming activities which are prohibited by the laws of the State of Texas are hereby prohibited on the reservation and on lands of the tribe. Any violation of the prohibition provided in this subsection shall be subject to the same civil and criminal penalties that are provided by the laws of the State of Texas. The provisions of this subsection are enacted in accordance with the tribe's request in Tribal Resolution No. T.C.-86-07 which was approved and certified on March 10, 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 736(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 II, § 207, Aug. 18, 1987, 101 Stat. 672.)

SUBCHAPTER XXXII—PAIUTE INDIANS OF UTAH: TERMINATION OF FEDERAL SUPERVISION

§ 741. Purpose

The purpose of this subchapter is to provide for the termination of Federal supervision over the trust and restricted property of certain tribes and bands of Indians located in the State of Utah and the individual members thereof, for the disposition of federally owned property acquired or withdrawn for the administration of the affairs of such Indians, and for a termination of Federal services furnished such Indians because of their status as Indians.

(Sept. 1, 1954, ch. 1207, § 1, 68 Stat. 1099.)

REPEAL OF INCONSISTENT LAWS

Act Sept. 1, 1954, ch. 1207, § 20, 68 Stat. 1104, provided that: "All Acts or parts of Acts inconsistent with this Act [this subchapter] are repealed insofar as they affect the tribe or its members. The Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378) [section 461 et seq. of this title], shall not apply to the tribe and its members after the date of the proclamation provided for in section 17 of this Act [section 757 of this title]."

SEPARABILITY

Act Sept. 1, 1954, ch. 1207, § 21, 68 Stat. 1104, provided that: "If any provision of this Act [this subchapter], or the application thereof, to any person or circumstance

is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby."

§ 742. Definitions

For the purposes of this subchapter—

(a) "Tribe" means any of the following tribes or bands of Indians located in the State of Utah: Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of the Paiute Indian Tribe.

(b) "Secretary" means the Secretary of the Interior.

(c) "Lands" means real property, interests therein, or improvements thereon, and includes water rights.

(d) "Individual Indian" means any individual Indian whose name appears on the final roll prepared pursuant to section 743 of this title.

(e) "Tribal property" means any real or personal property, including water rights, or any interest in real or personal property, that belongs to the tribe and either is held by the United States in trust for the tribe or is subject to a restriction against alienation imposed by the United States.

(Sept. 1, 1954, ch. 1207, § 2, 68 Stat. 1100.)

§ 743. Membership roll; preparation and initial publication; appeal from inclusion or omission from roll; finality of determination; final publication

Each tribe shall have a period of six months from September 1, 1954, in which to prepare and submit to the Secretary a proposed roll of the members of the tribe living on September 1, 1954, which shall be published in the Federal Register. If a tribe fails to submit such roll within the time specified in this section, the Secretary shall prepare a proposed roll¹ for the tribe, which shall be published in the Federal Register. Any person claiming membership rights in the tribe or an interest in its assets, or a representative of the Secretary on behalf of any such person, may, within sixty days from the date of publication of the proposed roll, file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such roll. The Secretary shall review such appeals and his decisions thereon shall be final and conclusive. After disposition of all such appeals by the Secretary, the roll of the tribe shall be published in the Federal Register, and such roll shall be final for the purposes of this subchapter.

(Sept. 1, 1954, ch. 1207, § 3, 68 Stat. 1100.)

§ 744. Personal property rights; restrictions

Upon publication in the Federal Register of the final roll as provided in section 743 of this title, the rights or beneficial interests in tribal property of each person whose name appears on the roll shall constitute personal property which may be inherited or bequeathed, but shall not otherwise be subject to alienation or encumbrance before the transfer of title to such tribal property as provided in section 745 of this title

¹ So in original. Probably should be "roll".