

(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 determination 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

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

(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 Coushatta 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 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, stat-

ute, 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

(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.

(Pub. L. 100-89, title I, §104, Aug. 18, 1987, 101 Stat. 667.)

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 XXXI-A (§731 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.

§ 1300g-4. 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 land within the reservation held in trust on August 18, 1987, by the State or by the Texas Indian Commission for the benefit of the tribe to the Secretary, and

(2) 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 land within the reservation held by the tribe on August 18, 1987, 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 which conveys title to land within El Paso or Hudspeth Counties, Texas, to the United States to be held in trust by the Secretary for the benefit of the tribe.

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

(g) Acquisition of land by tribe after August 18, 1987

(1) Notwithstanding any other provision of law, the Tribal Council may, on behalf of the tribe—

(A) acquire land located within El Paso County, or Hudspeth County, Texas, after August 18, 1987, and take title to such land in fee simple, and

(B) lease, sell, or otherwise dispose of such land in the same manner in which a private person may do so under the laws of the State.

(2) At the written request of the Tribal Council, the Secretary may—

(A) accept conveyance to the Secretary by the Tribal Council (on behalf of the tribe) of