

which 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.

§ 1300k-3. Reaffirmation of rights

(a) In general

All rights and privileges of the Bands, and their members thereof, which may have been abrogated or diminished before September 21, 1994, are hereby reaffirmed.

(b) Existing rights of Bands

Nothing in this subchapter shall be construed to diminish any right or privilege of the Bands, or of their members, that existed prior to September 21, 1994. Except as otherwise specifically provided in any other provision of this subchapter, nothing in this subchapter shall be construed as altering or affecting any legal or equitable claim the Bands might have to enforce any right or privilege reserved by or granted to the Bands which were wrongfully denied to or taken from the Bands prior to September 21, 1994.

(Pub. L. 103-324, §5, Sept. 21, 1994, 108 Stat. 2158; Pub. L. 104-109, §2(a), Feb. 12, 1996, 110 Stat. 763.)

AMENDMENTS

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

§ 1300k-4. Transfer of land for benefit of Bands

(a) Little Traverse Bay Bands

The Secretary shall acquire real property in Emmet and Charlevoix Counties for the benefit of the Little Traverse Bay Bands. The Secretary shall also accept any real property located in those Counties for the benefit of the Little Traverse Bay Bands if conveyed or otherwise transferred to the Secretary, if at the time of such acceptance, there are no adverse legal claims on such property including outstanding liens, mortgages or taxes owed.

(b) Little River Band

The Secretary shall acquire real property in Manistee and Mason Counties for the benefit of the Little River Band. The Secretary shall also accept any real property located in those Counties for the benefit of the Little River Band if conveyed or otherwise transferred to the Secretary, if at the time of such acceptance, there are no adverse legal claims on such property including outstanding liens, mortgages or taxes owed.

(c) Additional lands

The Secretary may accept any additional acreage in each of the Bands' service area specified by section 1300k-2(b) of this title pursuant to his authority under the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the “Indian Reorganization Act”).

(d) Reservation

Subject to the conditions imposed by this section, the land acquired by or transferred to the Secretary under or pursuant to this section shall be taken in the name of the United States in trust for the Bands and shall be a part of the respective Bands' reservation.

(Pub. L. 103-324, §6, Sept. 21, 1994, 108 Stat. 2158.)

REFERENCES IN TEXT

The Indian Reorganization Act, referred to in subsec. (c), is act June 18, 1934, ch. 576, 48 Stat. 984, as amended, which 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.

§ 1300k-5. Membership

Not later than 18 months after September 21, 1994, the Bands shall submit to the Secretary membership rolls consisting of all individuals currently enrolled for membership in such Bands. The qualifications for inclusion on the membership rolls of the Bands shall be determined by the membership clauses in such Bands' respective governing documents, in consultation with the Secretary. Upon completion of the rolls, the Secretary shall immediately publish notice of such in the Federal Register. The Bands shall ensure that such rolls are maintained and kept current.

(Pub. L. 103-324, §7, Sept. 21, 1994, 108 Stat. 2159.)

§ 1300k-6. Constitution and governing body

(a) Constitution

(1) Adoption

Not later than 24 months after September 21, 1994, the Secretary shall conduct, by secret ballot, elections for the purposes of adopting new constitutions for the Bands. The elections shall be held according to the procedures applicable to elections under section 476 of this title.

(2) Interim governing documents

Until such time as new constitutions are adopted under paragraph (1), the governing documents in effect on September 21, 1994, shall be the interim governing documents for the Bands.

(b) Officials

(1) Election

Not later than 6 months after the Bands adopt constitutions and bylaws pursuant to subsection (a) of this section, the Bands shall conduct elections by secret ballot for the purpose of electing officials for the Bands as provided in the Bands' respective governing constitutions. The elections shall be conducted according to the procedures described in the Bands' constitutions and bylaws.

(2) Interim governments

Until such time as the Bands elect new officials pursuant to paragraph (1), the Bands' governing bodies shall be those governing bodies in place on September 21, 1994, or any new governing bodies selected under the election procedures specified in the respective interim governing documents of the Bands.

(Pub. L. 103-324, §8, Sept. 21, 1994, 108 Stat. 2159.)

§ 1300k-7. Membership list

(a) List of present membership

Not later than 120 days after September 21, 1994, the Bands shall submit to the Secretary a