

purposes of this subchapter and any other law or rule of law of the United States.

(Pub. L. 100-89, title II, §202, Aug. 18, 1987, 101 Stat. 670.)

§ 733. Restoration of Federal trust relationship; Federal services and assistance

(a) Federal trust relationship

The Federal recognition of the tribe and of the trust relationship between the United States and the tribe is hereby restored. The Act of June 18, 1934 (48 Stat. 984) [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, Executive order, agreement, statute, or under any other authority of the United States which may have been diminished or lost under the Act approved August 23, 1954 [68 Stat. 768; 25 U.S.C. 721 et seq.], are hereby restored and such subchapter shall not apply to the tribe or to members of the tribe after August 18, 1987.

(c) Federal benefits and services

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 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.)

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