

ognized by the Federal Government as part of the Keweenaw Bay Indian Community, has historically existed, and continues to exist, as a separate and distinct Indian tribe that is located over 75 miles from the Keweenaw Bay Indian Community;

(2) the Lac Vieux Desert Band consists of approximately 250 members who continue to reside close to their ancestral homeland near the town of Watersmeet, Michigan;

(3) the Lac Vieux Desert Band entered into two treaties with the United States as a distinct tribal entity (7 Stat. 591, 10 Stat. 1109);

(4) members of the Lac Vieux Desert Band currently reside on or otherwise occupy lands within the Township of Watersmeet, Michigan, which are held by the United States in trust for the Keweenaw Bay Indian Community, and currently receive limited Federal benefits through the Keweenaw Bay Indian Community; and

(5) because of its distance from Keweenaw Bay and the failure of the United States to recognize the independent status of the tribe, the Lac Vieux Desert Band and its members receive only limited benefits to which the tribe and its members are entitled.

(Pub. L. 100-420, §2, Sept. 8, 1988, 102 Stat. 1577.)

#### SHORT TITLE

Pub. L. 100-420, §1, Sept. 8, 1988, 102 Stat. 1577, provided that: "This Act [enacting this subchapter] may be cited as the 'Lac Vieux Desert Band of Lake Superior Chippewa Indians Act'."

### § 1300h-1. Definitions

For purposes of this subchapter—

(1) the term "Band" means the Lac Vieux Desert Band of Lake Superior Chippewa Indians;

(2) the term "member" means those individuals eligible for enrollment under section 1300h-3 of this title in the Band; and

(3) the term "Secretary" means the Secretary of the Interior.

(Pub. L. 100-420, §3, Sept. 8, 1988, 102 Stat. 1577.)

### § 1300h-2. Federal trust relationship

(a) The Federal recognition of the Band and the trust relationship between the United States and the Band is hereby reaffirmed. 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, Indian tribes, or Indian reservations which are not inconsistent with this subchapter shall apply to the members of the Band, and the reservation. The Band is hereby recognized as an independent tribal entity, separate from the Keweenaw Bay Indian Community or any other tribe.

(b) The Band and its members are eligible for all special programs and services provided by the United States to Indians because of their status as Indians.

(Pub. L. 100-420, §4, Sept. 8, 1988, 102 Stat. 1577.)

#### REFERENCES IN TEXT

Act of June 18, 1934, referred to in subsec. (a), popularly known as the Indian Reorganization Act, is classi-

fied 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.

### § 1300h-3. Establishment of a Band roll

#### (a) Submission of membership roll

Within six months after September 8, 1988, the Band shall submit to the Secretary, for approval, its base membership roll which shall include only individuals who are not members of any other federally recognized Indian tribe or who have relinquished membership in such tribe and who are eligible for membership under subsection (b) of this section.

#### (b) Eligibility

An individual is eligible for inclusion on the base membership roll in the Band if that individual—

(1) is on the tribal membership roll as maintained by the Band prior to September 8, 1988, and is on file with the Bureau of Indian Affairs as of September 8, 1988; or

(2) is at least one-quarter Chippewa Indian blood and is a person or a descendant of a person who was listed, or could have been listed, on any of the census of the Lac Vieux Desert Band prepared by the Superintendent of the MacKinaw Agency prior to 1928 or by the Superintendent of the Great Lakes agency on or prior to 1940.

#### (c) Maintenance of roll

The Band shall ensure that the roll, once completed and approved, is maintained and kept current.

#### (d) Future eligibility

(1) Notwithstanding paragraph (b) of section 1300h-4 of this title and except as provided in paragraph (2), future membership in the tribe shall be limited to descendants of individuals whose names appear on the base roll and who have at least one-quarter Chippewa blood quantum.

(2) The Band may modify such quarter Chippewa blood quantum requirement and base roll if such modifications are adopted in the tribal election as prescribed under paragraph (a) of section 1300h-4 of this title or in a referendum by a majority of the voters and approved by the Secretary of the Interior. The Secretary shall approve such new membership requirements once adopted by the tribal voters unless he finds that the proposed amendment is contrary to Federal law.

(Pub. L. 100-420, §5, Sept. 8, 1988, 102 Stat. 1578; Pub. L. 104-109, §18, Feb. 12, 1996, 110 Stat. 766.)

#### AMENDMENTS

1996—Subsec. (d)(2). Pub. L. 104-109 substituted "requirement and base roll if such modifications are" for "requirement if such modification is".

### § 1300h-4. Organization of tribe; constitution and governing body

#### (a) Governing document

Within one year following September 8, 1988, the Band's governing body shall propose a governing document, and the Secretary shall con-