

(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 title to any land located within El Paso County, or Hudspeth County, Texas, that is acquired by the Tribal Council in fee simple after August 18, 1987, and

(B) hold such title, upon such conveyance by the Tribal Council, in trust for the benefit of the tribe.

(Pub. L. 100-89, title I, §105, Aug. 18, 1987, 101 Stat. 667.)

§ 1300g-5. Tiwa Indians Act repealed

The Tiwa Indians Act is hereby repealed.

(Pub. L. 100-89, title I, §106, Aug. 18, 1987, 101 Stat. 668.)

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.

§ 1300g-6. Gaming activities

(a) In general

All gaming activities which are prohibited by the laws of the State of Texas are hereby prohib-

ited 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.-02-86 which was approved and certified on March 12, 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 1300g-4(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 I, §107, Aug. 18, 1987, 101 Stat. 668.)

§ 1300g-7. Tribal membership

(a) In general

The membership of the tribe shall consist of—

(1) the individuals listed on the Tribal Membership Roll approved by the tribe's Resolution No. TC-5-84 approved December 18, 1984, and approved by the Texas Indian Commission's Resolution No. TIC-85-005 adopted on January 16, 1985; and

(2) any person of Tigua Ysleta del Sur Pueblo Indian blood enrolled by the tribe.

(b) Removal from tribal roll

Notwithstanding subsection (a) of this section—

(1) the tribe may remove an individual from tribal membership if it determines that the individual's enrollment was improper; and

(2) the Secretary, in consultation with the tribe, may review the Tribal Membership Roll.

(Pub. L. 100-89, title I, §108, Aug. 18, 1987, 101 Stat. 669; Pub. L. 112-157, §1, Aug. 10, 2012, 126 Stat. 1213.)

AMENDMENTS

2012—Subsec. (a)(2). Pub. L. 112-157 amended par. (2) generally. Prior to amendment, par. (2) read as follows: "a descendant of an individual listed on that Roll if the descendant—

“(i) has 1/8 degree or more of Tigua-Ysleta del Sur Pueblo Indian blood, and

“(ii) is enrolled by the tribe.”

SUBCHAPTER LXXIX—LAC VIEUX DESERT BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

§ 1300h. Congressional findings

Congress finds that—

(1) the Lac Vieux Desert Band of Lake Superior Chippewa Indians, although currently rec-

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-