

§ 1300j-3. Tribal membership

Not later than 18 months after September 21, 1994, the Band shall submit to the Secretary membership rolls consisting of all individuals eligible for membership in such Band. The qualifications for inclusion on the membership rolls of the Band shall be determined by the membership clauses in the Band's 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. 103-323, § 4, Sept. 21, 1994, 108 Stat. 2154.)

§ 1300j-4. Constitution and governing body**(a) Constitution****(1) Adoption**

Not later than 24 months after September 21, 1994, the Secretary shall conduct, by secret ballot and in accordance with the provisions of section 476 of this title, an election to adopt a constitution and bylaws for the Band.

(2) Interim governing documents

Until such time as a new constitution is adopted under paragraph (1), the governing documents in effect on September 21, 1994, shall be the interim governing documents for the Band.

(b) Officials**(1) Election**

Not later than 6 months after the Band adopts a constitution and bylaws pursuant to subsection (a) of this section, the Secretary shall conduct elections by secret ballot for the purpose of electing officials for the Band as provided in the Band's constitution. The election shall be conducted according to the procedures described in subsection (a) of this section, except to the extent that such procedures conflict with the Band's constitution.

(2) Interim government

Until such time as the Band elects new officials pursuant to paragraph (1), the Band's governing body shall be the governing body in place on September 21, 1994, or any new governing body selected under the election procedures specified in the interim governing documents of the Band.

(Pub. L. 103-323, § 5, Sept. 21, 1994, 108 Stat. 2154.)

§ 1300j-5. Tribal lands

The Band's tribal land shall consist of all real property, including the land upon which the Tribal Hall is situated, now or on and after September 21, 1994, held by, or in trust for, the Band. The Secretary shall acquire real property for the Band. Any such real property shall be taken by the Secretary in the name of the United States in trust for the benefit of the Band and shall become part of the Band's reservation.

(Pub. L. 103-323, § 6, Sept. 21, 1994, 108 Stat. 2154.)

§ 1300j-6. Service area

The Band's service area shall consist of the Michigan counties of Allegan, Berrien, Van

Buren, and Cass and the Indiana counties of La Porte, St. Joseph, Elkhart, Starke, Marshall, and Kosciusko.

(Pub. L. 103-323, § 7, Sept. 21, 1994, 108 Stat. 2154.)

§ 1300j-7. Jurisdiction

The Band shall have jurisdiction to the full extent allowed by law over all lands taken into trust for the benefit of the Band by the Secretary. The Band shall exercise jurisdiction over all its members who reside within the service area in matters pursuant to the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.), as if the members were residing upon a reservation as defined in that Act.

(Pub. L. 103-323, § 8, Sept. 21, 1994, 108 Stat. 2154.)

REFERENCES IN TEXT

The Indian Child Welfare Act of 1978, referred to in text, is Pub. L. 95-608, Nov. 8, 1978, 92 Stat. 3069, as amended, which is classified principally to chapter 21 (§1901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of this title and Tables.

§ 1300j-7a. Membership list**(a) List of members as of September 1994**

Not later than 120 days after September 21, 1994, the Band shall submit to the Secretary a list of all individuals who, as of September 21, 1994, were members of the Band.

(b) List of individuals eligible for membership**(1) In general**

Not later than 18 months after September 21, 1994, the Band shall submit to the Secretary a membership roll that contains the names of all individuals eligible for membership in the Band. The Band, in consultation with the Secretary, shall determine whether an individual is eligible for membership in the Band on the basis of provisions in the governing documents of the Band that determine the qualifications for inclusion in the membership roll of the Band.

(2) Publication of notice

At such time as the roll has been submitted to the Secretary, the Secretary shall immediately publish in the Federal Register a notice of such roll.

(3) Maintenance of roll

The Band shall ensure that the roll is maintained and kept current.

(Pub. L. 103-323, § 9, as added Pub. L. 103-435, § 20(2), Nov. 2, 1994, 108 Stat. 4574; amended Pub. L. 104-109, § 1, Feb. 12, 1996, 110 Stat. 763.)

PRIOR PROVISIONS

A prior section 9 of Pub. L. 103-323 was renumbered section 10 and is classified to section 1300j-8 of this title.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-109, §1(1), (2), substituted "Band" for "Bands" in two places and struck out "respective" after "members of the".

Subsec. (b)(1). Pub. L. 104-109, §1(1), (3)(A), substituted "Band shall submit" for "Bands shall submit", "a membership roll that contains" for "membership