

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 list of all individuals who, as of September 21, 1994, were members of the respective Bands.

#### (b) List of individuals eligible for membership

##### (1) In general

Not later than 18 months after September 21, 1994, each of the Bands shall submit to the Secretary a membership roll that contains the names of all individuals that are eligible for membership in such Band. Each such 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 rolls have been submitted to the Secretary, the Secretary shall immediately publish in the Federal Register a notice of such rolls.

#### (3) Maintenance of rolls

The Band shall ensure that the rolls are maintained and kept current.

(Pub. L. 103-324, § 9, as added Pub. L. 103-435, § 21, Nov. 2, 1994, 108 Stat. 4574; amended Pub. L. 104-109, § 2(b), Feb. 12, 1996, 110 Stat. 763.)

#### AMENDMENTS

1996—Subsec. (a). Pub. L. 104-109, § 2(b)(1), substituted “the Bands shall submit” for “the Band shall submit” and “members of the respective Bands” for “members of the Band”.

Subsec. (b)(1). Pub. L. 104-109, § 2(b)(2), in first sentence substituted “each of the Bands shall submit to the Secretary a membership roll that contains the names of all individuals that are eligible for membership in such Band” for “the Band shall submit to the Secretary membership rolls that contain the names of all individuals eligible for membership in such Band” and in second sentence substituted “Each such Band, in consultation” for “The Band, in consultation”.

#### SUBCHAPTER LXXXIII—AUBURN INDIAN RESTORATION

### § 1300I. Restoration of Federal recognition, rights, and privileges

#### (a) Federal recognition

Notwithstanding any other provision of law, Federal recognition is hereby extended to the Tribe. Except as otherwise provided in this subchapter, all laws and regulations of general application to Indians or nations, tribes, or bands of Indians that are not inconsistent with any specific provision of this subchapter shall be applicable to the Tribe and its members.

#### (b) Restoration of rights and privileges

Except as provided in subsection (d) of this section, all rights and privileges of the Tribe and its members under any Federal treaty, Executive order, agreement, or statute, or under any other authority which were diminished or lost under the Act of August 18, 1958 (Public Law 85-671), are hereby restored and the provisions of such Act shall be inapplicable to the Tribe and its members after October 31, 1994.

#### (c) Federal services and benefits

Notwithstanding any other provision of law and without regard to the existence of a reservation, the Tribe and its members shall be eligible, on and after October 31, 1994, for all Federal services and benefits furnished to federally recognized Indian tribes or their members. In the case of Federal services available to members of federally recognized Indian tribes residing on a reservation, members of the Tribe residing in the Tribe's service area shall be deemed to be residing on a reservation.

#### (d) Hunting, fishing, trapping, and water rights

Nothing in this subchapter shall expand, reduce, or affect in any manner any hunting, fishing, trapping, gathering, or water right of the Tribe and its members.

#### (e) Indian Reorganization Act applicability

The Act of June 18, 1934 (25 U.S.C. 461 et seq.), shall be applicable to the Tribe and its members.

#### (f) Certain rights not altered

Except as specifically provided in this subchapter, nothing in this subchapter shall alter

any property right or obligation, any contractual right or obligation, or any obligation for taxes levied.

(Pub. L. 103-434, title II, §202, Oct. 31, 1994, 108 Stat. 4533.)

#### REFERENCES IN TEXT

Act of August 18, 1958, referred to in subsec. (b), is Pub. L. 85-671, Aug. 18, 1958, 72 Stat. 619, which is not classified to the Code.

Act of June 18, 1934, referred to in subsec. (e), 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.

#### SHORT TITLE

Pub. L. 103-434, title II, §201, Oct. 31, 1994, 108 Stat. 4533, provided that: "This title [enacting this subchapter] may be cited as the 'Auburn Indian Restoration Act'."

### § 1300I-1. Economic development

#### (a) Plan for economic development

The Secretary shall—

(1) enter into negotiations with the governing body of the Tribe with respect to establishing a plan for economic development for the Tribe;

(2) in accordance with this section and not later than 2 years after the adoption of a tribal constitution as provided in section 1300I-5 of this title, develop such a plan; and

(3) upon the approval of such plan by the governing body of the Tribe, submit such plan to the Congress.

#### (b) Restrictions

Any proposed transfer of real property contained in the plan developed by the Secretary under subsection (a) of this section shall be consistent with the requirements of section 1300I-2 of this title.

(Pub. L. 103-434, title II, §203, Oct. 31, 1994, 108 Stat. 4533; Pub. L. 104-109, §8(a), Feb. 12, 1996, 110 Stat. 764.)

#### AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104-109, §8(a)(1), made technical amendment to reference to section 1300I-5 of this title, to correct reference to corresponding section of original act.

Subsec. (b). Pub. L. 104-109, §8(a)(2), made technical amendment to reference to section 1300I-2 of this title, to correct reference to corresponding section of original act.

### § 1300I-2. Transfer of land to be held in trust

#### (a) Lands to be taken in trust

The Secretary may accept any real property located in Placer County, California, for the benefit of the Tribe if conveyed or otherwise transferred to the Secretary if, at the time of such conveyance or transfer, there are no adverse legal claims on such property, including outstanding liens, mortgages, or taxes owed. The Secretary may accept any additional acreage in the Tribe's service area pursuant to the authority of the Secretary under the Act of June 18, 1934 (25 U.S.C. 461 et seq.).

#### (b) Former trust lands of Auburn Rancheria

Subject to the conditions specified in this section, real property eligible for trust status under this section shall include fee land held by the White Oak Ridge Association, Indian owned fee land held communally pursuant to the distribution plan prepared and approved by the Bureau of Indian Affairs on August 13, 1959, and Indian owned fee land held by persons listed as distributees or dependent members in such distribution plan or such distributees' or dependent members' Indian heirs or successors in interest.

#### (c) Lands to be part of reservation

Subject to the conditions imposed by this section, any real property conveyed or transferred under this section shall be taken in the name of the United States in trust for the Tribe or, as applicable, an individual member of the Tribe, and shall be part of the Tribe's reservation.

(Pub. L. 103-434, title II, §204, Oct. 31, 1994, 108 Stat. 4534; Pub. L. 104-122, Mar. 29, 1996, 110 Stat. 876.)

#### 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.

#### AMENDMENTS

1996—Subsec. (a). Pub. L. 104-122 substituted "may" for "shall" in first sentence.

### § 1300I-3. Membership rolls

#### (a) Compilation of tribal membership roll

Within 1 year after October 31, 1994, the Secretary shall, after consultation with the Tribe, compile a membership roll of the Tribe.

#### (b) Criteria for enrollments

(1) Until a tribal constitution is adopted pursuant to section 1300I-5 of this title, an individual shall be placed on the membership roll if the individual is living, is not an enrolled member of another federally recognized Indian tribe, is of United Auburn Indian Community ancestry, possesses at least one-eighth or more of Indian blood quantum, and if—

(A) the individual's name was listed on the Auburn Indian Rancheria distribution roll compiled and approved by the Bureau of Indian Affairs on August 13, 1959, pursuant to Public Law 85-671;

(B) the individual was not listed on, but met the requirements that had to be met to be listed on, the Auburn Indian Rancheria distribution list compiled and approved by the Bureau of Indian Affairs on August 13, 1959, pursuant to Public Law 85-671; or

(C) the individual is a lineal descendant of an individual, living or dead, identified in subparagraph (A) or (B).

(2) After adoption of a tribal constitution pursuant to section 1300I-5 of this title, such tribal constitution shall govern membership in the Tribe, except that in addition to meeting any other criteria imposed in such tribal constitution, any person added to the membership roll