

their status as Indian tribes shall have no force or effect.

(h) Tribal sovereignty

Notwithstanding any other provision of this Act—

(1) each Indian tribe shall retain inherent sovereign power to adopt governing documents under procedures other than those specified in this section; and

(2) nothing in this Act invalidates any constitution or other governing document adopted by an Indian tribe after June 18, 1934, in accordance with the authority described in paragraph (1).

(June 18, 1934, ch. 576, §16, 48 Stat. 987; Pub. L. 100-581, title I, §101, Nov. 1, 1988, 102 Stat. 2938; Pub. L. 103-263, §5(b), May 31, 1994, 108 Stat. 709; Pub. L. 106-179, §3, Mar. 14, 2000, 114 Stat. 47; Pub. L. 108-204, title I, §103, Mar. 2, 2004, 118 Stat. 543.)

REFERENCES IN TEXT

Act of June 18, 1934, and this Act, referred to in subsecs. (f) and (h), is act of June 18, 1934, ch. 576, 48 Stat. 984, popularly known as the Indian Reorganization Act, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

CODIFICATION

May 31, 1994, referred to in subsec. (g), was in the original “the date of enactment of this Act”, which was translated as meaning the date of enactment of Pub. L. 103-263, which enacted subsec. (g) of this section, to reflect the probable intent of Congress.

AMENDMENTS

2004—Subsec. (h). Pub. L. 108-204 added subsec. (h).
2000—Subsec. (e). Pub. L. 106-179 struck out “, the choice of counsel and fixing of fees to be subject to the approval of the Secretary” after “To employ legal counsel”.

1994—Subsecs. (f), (g). Pub. L. 103-263 added subsecs. (f) and (g).

1988—Pub. L. 100-581 amended section generally, substituting subsecs. (a) to (e) for two former undesignated pars.

DEFINITIONS APPLICABLE

Pub. L. 100-581, title I, §102, Nov. 1, 1988, 102 Stat. 2939, provided that: “For the purpose of this Act [probably means title I of Pub. L. 100-581 which amended this section and enacted provisions set out below], the term—

“(1) ‘applicable laws’ means any treaty, Executive order or Act of Congress or any final decision of the Federal courts which are applicable to the tribe, and any other laws which are applicable to the tribe pursuant to an Act of Congress or by any final decision of the Federal courts;

“(2) ‘appropriate tribal request’ means receipt in the Area Office of the Bureau of Indian Affairs having administrative jurisdiction over the requesting tribe, of a duly enacted tribal resolution requesting a Secretarial election as well as a copy of the proposed tribal constitution and bylaws, amendment, or revocation action;

“(3) ‘Secretary’ means the Secretary of the Interior.”

AMENDMENT OF TRIBAL CONSTITUTION AND BYLAWS

Pub. L. 100-581, title I, §103, Nov. 1, 1988, 102 Stat. 2939, provided that: “Nothing in this Act [probably means title I of Pub. L. 100-581 which amended this sec-

tion and enacted provisions set out above] is intended to amend, revoke, or affect any tribal constitution, bylaw, or amendment ratified and approved prior to this Act.”

§ 477. Incorporation of Indian tribes; charter; ratification by election

The Secretary of the Interior may, upon petition by any tribe, issue a charter of incorporation to such tribe: *Provided*, That such charter shall not become operative until ratified by the governing body of such tribe. Such charter may convey to the incorporated tribe the power to purchase, take by gift, or bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, including the power to purchase restricted Indian lands and to issue in exchange therefor interests in corporate property, and such further powers as may be incidental to the conduct of corporate business, not inconsistent with law; but no authority shall be granted to sell, mortgage, or lease for a period exceeding twenty-five years any trust or restricted lands included in the limits of the reservation. Any charter so issued shall not be revoked or surrendered except by Act of Congress.

(June 18, 1934, ch. 576, §17, 48 Stat. 988; Pub. L. 101-301, §3(c), May 24, 1990, 104 Stat. 207.)

AMENDMENTS

1990—Pub. L. 101-301 substituted “by any tribe” for “by at least one-third of the adult Indians”, “by the governing body of such tribe” for “at a special election by a majority vote of the adult Indians living on the reservation”, and “twenty-five years any trust or restricted lands” for “ten years any of the land”.

§ 478. Acceptance optional

This Act shall not apply to any reservation wherein a majority of the adult Indians, voting at a special election duly called by the Secretary of the Interior, shall vote against its application. It shall be the duty of the Secretary of the Interior, within one year after June 18, 1934, to call such an election, which election shall be held by secret ballot upon thirty days’ notice.

(June 18, 1934, ch. 576, §18, 48 Stat. 988.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 18, 1934, which is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

EXTENSIONS OF TIME

The time for holding an election under this section was extended to June 18, 1936, by act June 15, 1935, ch. 260, §2, 49 Stat. 378.

Act June 15, 1935, ch. 260, §3, 49 Stat. 378, provided that the periods of trust or the restrictions on alienation of Indian lands should be extended to Dec. 31, 1936, in case of a vote against the application of sections 461, 462, 463, 464, 465, 466 to 470, 471, 472, 473, 474, 475, 476 to 478, and 479 of this title.

§ 478-1. Mandatory application of sections 462 and 477

Notwithstanding section 478 of this title, sections 462 and 477 of this title shall apply to—