

Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act, which enacted this subchapter and subchapter LXXVIII (§1300g et seq.) of this chapter and enacted provisions set out as notes under section 731 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 731 of this title and Tables.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-437 substituted “Natural Resources of the House of Representatives” for “Interior and Insular Affairs”.

§ 735. Adoption of new constitution and bylaws

Upon written request of the tribal council,¹ the Secretary shall hold an election for the members of the tribe for the purpose of adopting a new constitution and bylaws in accordance with section 476 of this title.

(Pub. L. 100-89, title II, §205, Aug. 18, 1987, 101 Stat. 671.)

§ 736. Provisions relating to tribal reservation

(a) Federal reservation established

The reservation is hereby declared to be a Federal Indian reservation for the use and benefit of the tribe without regard to whether legal title to such lands is held in trust by the Secretary.

(b) Conveyance of land by State

The Secretary shall—

(1) accept any offer from the State to convey title to any lands held in trust by the State or the Texas Indian Commission for the benefit of the tribe to the Secretary, and

(2) shall hold such title, upon conveyance by the State, in trust for the benefit of the tribe.

(c) Conveyance of land by tribe

At the written request of the Tribal Council, the Secretary shall—

(1) accept conveyance by the tribe of title to any lands within the reservation which are held by the tribe to the Secretary, and

(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 from the State or the tribe which conveys title to lands within the reservation to the United States.

(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 jurisdic-

tion with the consent of the tribe under sections 1321 and 1322 of this title.

(Pub. L. 100-89, title II, §206, Aug. 18, 1987, 101 Stat. 671.)

§ 737. Gaming activities

(a) In general

All gaming activities which are prohibited by the laws of the State of Texas are hereby prohibited 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.-86-07 which was approved and certified on March 10, 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 736(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 II, §207, Aug. 18, 1987, 101 Stat. 672.)

SUBCHAPTER XXXII—PAIUTE INDIANS OF UTAH: TERMINATION OF FEDERAL SUPERVISION

§ 741. Purpose

The purpose of this subchapter is to provide for the termination of Federal supervision over the trust and restricted property of certain tribes and bands of Indians located in the State of Utah and the individual members thereof, for the disposition of federally owned property acquired or withdrawn for the administration of the affairs of such Indians, and for a termination of Federal services furnished such Indians because of their status as Indians.

(Sept. 1, 1954, ch. 1207, §1, 68 Stat. 1099.)

REPEAL OF INCONSISTENT LAWS

Act Sept. 1, 1954, ch. 1207, §20, 68 Stat. 1104, provided that: “All Acts or parts of Acts inconsistent with this Act [this subchapter] are repealed insofar as they affect the tribe or its members. The Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378) [section 461 et seq. of this title], shall not apply to the tribe and its members after the date of the proclamation provided for in section 17 of this Act [section 757 of this title].”

SEPARABILITY

Act Sept. 1, 1954, ch. 1207, §21, 68 Stat. 1104, provided that: “If any provision of this Act [this subchapter], or the application thereof, to any person or circumstance

¹ So in original. Probably should be “Tribal Council.”

is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.”

§ 742. Definitions

For the purposes of this subchapter—

(a) “Tribe” means any of the following tribes or bands of Indians located in the State of Utah: Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of the Paiute Indian Tribe.

(b) “Secretary” means the Secretary of the Interior.

(c) “Lands” means real property, interests therein, or improvements thereon, and includes water rights.

(d) “Individual Indian” means any individual Indian whose name appears on the final roll prepared pursuant to section 743 of this title.

(e) “Tribal property” means any real or personal property, including water rights, or any interest in real or personal property, that belongs to the tribe and either is held by the United States in trust for the tribe or is subject to a restriction against alienation imposed by the United States.

(Sept. 1, 1954, ch. 1207, § 2, 68 Stat. 1100.)

§ 743. Membership roll; preparation and initial publication; appeal from inclusion or omission from roll; finality of determination; final publication

Each tribe shall have a period of six months from September 1, 1954, in which to prepare and submit to the Secretary a proposed roll of the members of the tribe living on September 1, 1954, which shall be published in the Federal Register. If a tribe fails to submit such roll within the time specified in this section, the Secretary shall prepare a proposed roll¹ for the tribe, which shall be published in the Federal Register. Any person claiming membership rights in the tribe or an interest in its assets, or a representative of the Secretary on behalf of any such person, may, within sixty days from the date of publication of the proposed roll, file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such roll. The Secretary shall review such appeals and his decisions thereon shall be final and conclusive. After disposition of all such appeals by the Secretary, the roll of the tribe shall be published in the Federal Register, and such roll shall be final for the purposes of this subchapter.

(Sept. 1, 1954, ch. 1207, § 3, 68 Stat. 1100.)

§ 744. Personal property rights; restrictions

Upon publication in the Federal Register of the final roll as provided in section 743 of this title, the rights or beneficial interests in tribal property of each person whose name appears on the roll shall constitute personal property which may be inherited or bequeathed, but shall not otherwise be subject to alienation or encumbrance before the transfer of title to such tribal property as provided in section 745 of this title

¹ So in original. Probably should be “roll”.

without the approval of the Secretary. Any contract made in violation of this section shall be null and void.

(Sept. 1, 1954, ch. 1207, § 4, 68 Stat. 1100.)

§ 745. Tribal property

(a) Procedure for transfer; compensation of agents or attorneys

The Secretary shall, within six months after the publication of each final membership roll, notify the tribe of the period of time during which the tribe may study means of disposition of tribal property, real and personal, under supervision of the United States. Such period shall not be less than three months and not more than two years, including any authorized extension of the original periods. The Secretary is authorized to provide such reasonable assistance as may be requested by the tribe in the formulation of a plan for the disposition or future control and management of the property, including necessary consultations with representatives of Federal departments and agencies, officials of the State of Utah and political subdivisions thereof, and members of the tribe. During such period, the tribe may elect—

(1) to apply to the Secretary for the transfer to a corporation or other legal entity organized by the tribe in a form satisfactory to the Secretary of title to all or any part of the tribal property, and the Secretary is authorized to make such transfer: *Provided*, That the Secretary of the Interior shall not approve any form of organization that provides for the transfer of stock or an undivided share in corporate assets as compensation for services of agents or attorneys unless such transfer is based upon an appraisal of tribal assets that is satisfactory to the Secretary;

(2) to apply to the Secretary for the transfer to one or more trustees designated by the tribe of title to all or any part of the tribal property, real and personal, the title to be held by such trustee for management or liquidation purposes under terms and conditions prescribed by the tribe, and the Secretary is authorized to make such transfer if he approves the trustees and the terms and conditions of the trust;

(3) to apply to the Secretary for the sale of all or any part of the tribal property, and for the pro rata distribution among the members of the tribe of all or any part of the proceeds of sale or of any other tribal funds, and the Secretary is authorized and directed to sell such property upon such terms and conditions as he deems proper and to make such distribution among the members of the tribe after deducting, in his discretion, reasonable costs of sale and distribution; and

(4) to apply to the Secretary for a division of all or any part of the tribal land into parcels for members and for public purposes, together with a general plan for the subdivision showing the approximate size, location, and number of parcels, and the Secretary is authorized to issue patents for that purpose.

(b) Property not transferred in accordance with recognized procedure

Title to any tribal property that is not transferred in accordance with the provisions of sub-