

(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 shall be of United Auburn Indian Community ancestry and shall not be an enrolled member of another federally recognized Indian tribe.

(c) Conclusive proof of United Auburn Indian Community ancestry

For the purpose of subsection (b), the Secretary shall accept any available evidence establishing United Auburn Indian Community ancestry. The Secretary shall accept as conclusive evidence of United Auburn Indian Community ancestry information contained in the Auburn Indian Rancheria distribution list compiled by the Bureau of Indian Affairs on August 13, 1959.

(Pub. L. 103-434, title II, §205, Oct. 31, 1994, 108 Stat. 4534.)

REFERENCES IN TEXT

Public Law 85-671, referred to in subsec. (b)(1)(A), (B), is Pub. L. 85-671, Aug. 18, 1958, 72 Stat. 619, which is not classified to the Code.

§ 1300I-4. Interim government

Until a new tribal constitution and bylaws are adopted and become effective under section 1300I-5 of this title, the Tribe's governing body shall be an Interim Council. The initial membership of the Interim Council shall consist of the members of the Executive Council of the Tribe on October 31, 1994, and the Interim Council shall continue to operate in the manner prescribed for the Executive Council under the tribal constitution adopted July 20, 1991, as long as such constitution is not contrary to Federal law. Any new members filling vacancies on the Interim Council shall meet the enrollment criteria set forth in section 1300I-3(b) of this title and be elected in the same manner as are Executive Council members under the tribal constitution adopted July 20, 1991.

(Pub. L. 103-434, title II, §206, Oct. 31, 1994, 108 Stat. 4535; Pub. L. 104-109, §8(b), Feb. 12, 1996, 110 Stat. 765.)

AMENDMENTS

1996—Pub. L. 104-109 substituted “Interim Council shall meet” for “Interim council shall meet” in last sentence.

§ 1300I-5. Tribal constitution**(a) Election; time and procedure**

Upon the completion of the tribal membership roll under section 1300I-3(a) of this title and upon the written request of the Interim Council, the Secretary shall conduct, by secret ballot, an election for the purpose of adopting a constitution and bylaws for the Tribe. The election shall be held according to section 476 of this title, except that absentee balloting shall be permitted regardless of voter residence.

(b) Election of tribal officials; procedures

Not later than 120 days after the Tribe adopts a constitution and bylaws under subsection (a), the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in such tribal constitution. Such election shall be conducted according to the procedures specified in subsection (a) except to the extent that such procedures conflict with the tribal constitution.

(Pub. L. 103-434, title II, §207, Oct. 31, 1994, 108 Stat. 4535.)

§ 1300I-6. Definitions

For purposes of this subchapter:

(1) The term “Tribe” means the United Auburn Indian Community of the Auburn Rancheria of California.

(2) The term “Secretary” means the Secretary of the Interior.

(3) The term “Interim Council” means the governing body of the Tribe specified in section 1300I-4 of this title.