

**§ 1300n-3. Omitted****Editorial Notes**

## CODIFICATION

Section, Pub. L. 106-568, title XIV, §1405, Dec. 27, 2000, 114 Stat. 2940, which provided for the transfer of land to the Secretary of the Interior be held in trust for the benefit of the tribe as part of the tribe's reservation, was omitted from the Code as being of special and not general application.

**§ 1300n-4. Omitted****Editorial Notes**

## CODIFICATION

Section, Pub. L. 106-568, title XIV, §1406, Dec. 27, 2000, 114 Stat. 2940, which related to tribal membership rolls, was omitted from the Code as being of special and not general application.

**§ 1300n-5. Omitted****Editorial Notes**

## CODIFICATION

Section, Pub. L. 106-568, title XIV, §1407, Dec. 27, 2000, 114 Stat. 2941, which provided for governance of the tribe by an Interim Tribal Council until ratification of a final tribal constitution, was omitted from the Code as being of special and not general application.

**§ 1300n-6. Omitted****Editorial Notes**

## CODIFICATION

Section, Pub. L. 106-568, title XIV, §1408, Dec. 27, 2000, 114 Stat. 2941, which related to ratification of a final constitution for the tribe and election of tribal officials, was omitted from the Code as being of special and not general application.

**CHAPTER 15—CONSTITUTIONAL RIGHTS OF INDIANS**

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## SUBCHAPTER I—GENERALLY

**§ 1301. Definitions**

For purposes of this subchapter, the term—

(1) “Indian tribe” means any tribe, band, or other group of Indians subject to the jurisdiction of the United States and recognized as possessing powers of self-government;

(2) “powers of self-government” means and includes all governmental powers possessed by an Indian tribe, executive, legislative, and judicial, and all offices, bodies, and tribunals by and through which they are executed, including courts of Indian offenses; and means the inherent power of Indian tribes, hereby recognized and affirmed, to exercise criminal jurisdiction over all Indians;

(3) “Indian court” means any Indian tribal court or court of Indian offense; and

(4) “Indian” means any person who would be subject to the jurisdiction of the United States as an Indian under section 1153, title 18, if that person were to commit an offense listed in that section in Indian country to which that section applies.

(Pub. L. 90-284, title II, §201, Apr. 11, 1968, 82 Stat. 77; Pub. L. 101-511, title VIII, §8077(b), (c), Nov. 5, 1990, 104 Stat. 1892.)

**Editorial Notes**

## AMENDMENTS

1990—Par. (2). Pub. L. 101-511, §8077(b), inserted at end “means the inherent power of Indian tribes, hereby recognized and affirmed, to exercise criminal jurisdiction over all Indians;”.

Par. (4). Pub. L. 101-511, §8077(c), added par. (4).

**Statutory Notes and Related Subsidiaries**

## SHORT TITLE

Title II of Pub. L. 90-284, which is classified generally to this subchapter, is popularly known as the “Indian Civil Rights Act of 1968”.

## TIME LIMITATION ON CRIMINAL MISDEMEANOR JURISDICTION OF TRIBAL COURTS OVER NON-MEMBER INDIANS

Pub. L. 101-511, title VIII, §8077(d), Nov. 5, 1990, 104 Stat. 1893, as amended by Pub. L. 102-124, §1, Oct. 9, 1991, 105 Stat. 616, which provided that the effects of subsecs. (b) and (c), which amended this section, as those subsections affect the criminal misdemeanor jurisdiction of tribal courts over non-member Indians have no effect after Oct. 18, 1991, was repealed by Pub. L. 102-137, Oct. 28, 1991, 105 Stat. 646. Subsequent to repeal, Pub. L. 102-172, title VIII, §8112A(b), Nov. 26, 1991, 105 Stat. 1202, purported to amend section 8077(d) of Pub. L. 101-511 by substituting “1993” for “1991”.

**§ 1302. Constitutional rights****(a) In general**

No Indian tribe in exercising powers of self-government shall—

(1) make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;

(2) violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and sei-