

actually voting shall be necessary and sufficient for the adoption of a tribal constitution and by-laws: *Provided*, That the total vote cast shall not be less than thirty percent of those entitled to vote.

**(d) Election of tribal officials provided for in constitution and bylaws; ballot requirements**

Not later than one hundred and twenty days after the tribe<sup>1</sup> adopts a constitution and by-laws, the Interim Council shall conduct an election by secret ballot for the purpose of electing the individuals who will serve as tribal officials as provided in the tribal constitution and by-laws. For the purpose of this election and notwithstanding any provision in the tribal constitution and bylaws to the contrary, absentee balloting shall be permitted.

(Pub. L. 98-481, §6, Oct. 17, 1984, 98 Stat. 2252.)

**§ 714e. Reservation**

**(a) Establishment**

A reservation shall be established by this subchapter at no cost to the Federal Government.

**(b) Legal description**

So long as the lands are offered to the Federal Government free of purchase cost, the Secretary shall accept the following lands in trust for the tribe<sup>1</sup> as a reservation:

(1) In Coos County, Oregon, a parcel containing 1.02 acres and described as parcel 3200 of section 106B of township 25 south, range 12 west, Willamette meridian.

(2) In Coos County, Oregon, a parcel described as lots 10-18, block 13, Empire Commercial tracts K73 2K 81, A. N. Foley Donation Land Claim Numbered 38, section 20 of township 25 south, range 13 west, Willamette meridian. The Secretary shall not accept this parcel into trust until the date that is 1 year after October 17, 1984. If before the end of the ninety day period, a person or entity other than the tribe<sup>1</sup> files a lawsuit in a court of competent jurisdiction claiming an interest in such parcel or portion thereof, the Secretary shall not accept the parcel into trust until the final adjudication of this lawsuit. Nothing in this subchapter shall be construed to the prejudice of any parties to such lawsuit or be construed to prevent a court of competent jurisdiction from partitioning such parcel in the adjudication of such lawsuit. Notwithstanding any other provision of law, the United States District Court for the District of Oregon shall be deemed to have jurisdiction over any lawsuit filed to determine the rights to the above described parcel of land.

(3) In Curry County, Oregon, a parcel described as the southeast quarter of the southeast quarter of the southwest quarter of section 11 of township 32 south, range 15 west, Willamette meridian.

(4) In Lane County, Oregon, a parcel described as beginning at the common corner to sections 23, 24, 25, and 26 township 18 south, range 12 west, Willamette Meridian; then west 25 links; then north 2 chains and 50 links; then

east 25 links to a point on the section line between sections 23 and 24; then south 2 chains and 50 links to the place of origin, and containing .062 of an acre, more or less, situated and lying in section 23, township 18 south, range 12 west, of Willamette Meridian.

**(c) State of Oregon; criminal and civil jurisdiction**

The State of Oregon shall exercise criminal and civil jurisdiction over the reservation, and over the individuals on the reservation, in accordance with section 1162 of title 18 and section 1360 of title 28, respectively.

(Pub. L. 98-481, §7, Oct. 17, 1984, 98 Stat. 2253; Pub. L. 105-256, §5, Oct. 14, 1998, 112 Stat. 1897.)

AMENDMENTS

1998—Subsec. (b)(4). Pub. L. 105-256 added par. (4).

**§ 714f. Regulations**

The Secretary may promulgate such regulations as may be necessary to carry out the provisions of this subchapter.

(Pub. L. 98-481, §8, Oct. 17, 1984, 98 Stat. 2254.)

SUBCHAPTER XXX-E—COQUILLE INDIAN TRIBE OF OREGON: RESTORATION OF FEDERAL SUPERVISION

**§ 715. Definitions**

For the purposes of this subchapter—

(1) “Tribe” means the Coquille Indian Tribe consisting of the Upper Coquille and the Lower Coquille Tribes of Indians;

(2) “Secretary” means the Secretary of the Interior or his designated representative;

(3) “Interim Council” means the governing body of the Coquille Tribe which serves pursuant to section 715f of this title;

(4) “Member” means those persons eligible for enrollment under section 715e of this title and after the adoption of a tribal constitution, those persons added to the roll pursuant to such constitution;

(5) “service area” means the area composed of Coos, Curry, Douglas, Jackson, and Lane Counties in the State of Oregon;

(6) “State” means the State of Oregon; and

(7) “Reservation” means those lands subsequently acquired and held in trust by the Secretary for the benefit of the Tribe.

(Pub. L. 101-42, §2, June 28, 1989, 103 Stat. 91.)

SHORT TITLE

Section 1 of Pub. L. 101-42 provided that: “This Act [enacting this subchapter] may be cited as the ‘Coquille Restoration Act’.”

**§ 715a. Restoration of Federal recognition, rights, and privileges**

**(a) Federal recognition**

Notwithstanding any provision of law, Federal recognition is hereby extended to the Coquille Indian Tribe. Except as otherwise provided herein, 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.

<sup>1</sup> So in original. Probably should be capitalized.

<sup>1</sup> So in original. Probably should be capitalized.

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

Except as provided in subsection (d) of this section, all rights and privileges of this Tribe and of 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 13, 1954 (68 Stat. 724) [25 U.S.C. 691 et seq.], are hereby restored and provisions of said Act shall be inapplicable to the Tribe and its Members after June 28, 1989.

**(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 June 28, 1989, 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 tribes residing on a reservation, Members of the Tribe in the Tribe's service area shall be deemed to be residing on a reservation. Notwithstanding any other provision of law, the Tribe shall be considered an Indian tribe for the purpose of the Indian Tribal Government Tax Status Act (26 U.S.C. 7871).

**(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 (48 Stat. 984), as amended [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. 101-42, §3, June 28, 1989, 103 Stat. 91.)

## REFERENCES IN TEXT

Act of August 13, 1954, referred to in subsec. (b), is act Aug. 13, 1954, ch. 733, 68 Stat. 724, which is classified generally to subchapter XXX (§691 et seq.) of this chapter. For complete classification of this Act to the Code, see Tables.

The Indian Tribal Government Tax Status Act, referred to in subsec. (c), probably means the Indian Tribal Governmental Tax Status Act of 1982, title II of Pub. L. 97-473, Jan. 14, 1983, 96 Stat. 2607, as amended, which is classified principally to subchapter C (§7871) of chapter 80 of Title 26, Internal Revenue Code. For complete classification of this Act to the Code, see Short Title of 1983 Amendments note set out under section 1 of Title 26 and Tables.

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.

**§ 715b. Economic development****(a) Plan for economic development**

The Secretary shall—

(1) enter into negotiations with the governing body of the Tribe with respect to estab-

lishing a plan for economic development for this Tribe;

(2) in accordance with this section and not later than two years after the adoption of a tribal constitution as provided in section 715g 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 to be contained in plan**

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 715c of this title.

(Pub. L. 101-42, §4, June 28, 1989, 103 Stat. 92.)

**§ 715c. Transfer of land to be held in trust****(a) Lands to be taken in trust**

The Secretary shall accept any real property located in Coos and Curry Counties not to exceed one thousand acres for the benefit of the Tribe if conveyed or otherwise transferred to the Secretary: *Provided*, That, at the time of such acceptance, 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 his authority under the Act of June 18, 1934 (48 Stat. 984) [25 U.S.C. 461 et seq.].

**(b) Lands to be part of reservation**

Subject to the conditions imposed by this section, the land transferred shall be taken in the name of the United States in trust for the Tribe and shall be part of its reservation.

**(c) Lands to be nontaxable**

Any real property taken into trust for the benefit of the Tribe under this section shall be exempt from all local, State, and Federal taxation as of the date of transfer.

**(d) Creation of Coquille Forest****(1) Definitions**

In this subsection:

(A) the<sup>1</sup> term "Coquille Forest" means certain lands in Coos County, Oregon, comprising approximately 5,400 acres, as generally depicted on the map entitled "Coquille Forest Proposal", dated July 8, 1996.

(B) the<sup>1</sup> term "Secretary" means the Secretary of the Interior.

(C) the<sup>1</sup> term "the Tribe" means the Coquille Tribe of Coos County, Oregon.

**(2) Map**

The map described in subparagraph (d)(1)(A), and such additional legal descriptions which are applicable, shall be placed on file at the local District Office of the Bureau of Land Management, the Agency Office of the Bureau of Indian Affairs, and with the Senate Committee on Energy and Natural Resources and the House Committee on Resources.

**(3) Interim period**

From September 30, 1996, until two years after September 30, 1996, the Bureau of Land Management shall:

<sup>1</sup> So in original. Probably should be capitalized.