

member of the tribe any hunting, fishing, or trapping right of any nature, including any indirect or procedural right or advantage, on such reservation;

(3) the Secretary shall not accept any real property in trust for the benefit of the tribe or its members unless such real property is located within Lincoln County, State of Oregon;

(4) any real property taken in trust by the Secretary for the benefit of the tribe or its members shall be subject to all rights existing at the time such property is taken in trust, including liens, outstanding Federal, State, and local taxes, mortgages, outstanding indebtedness of any kind, easements, and all other obligations, and shall be subject to foreclosure and sale in accordance with the laws of the State of Oregon;

(5) the transfer of any real property to the Secretary in trust for the benefit of the tribe or its members shall be exempt from all Federal, State, and local taxation, and all such real property shall, as of the date of such transfer, be exempt from Federal, State, and local taxation; and

(6) the State of Oregon shall have civil and criminal jurisdiction with respect to the reservation and persons on the reservation in accordance with section 1360 of title 28 and section 1162 of title 18.

(e) Statement

The Secretary shall append to the plan a detailed statement describing the manner in which the notification and consultation prescribed by subsection (c) of this section was carried out and shall include any written comments with respect to the establishment of a reservation for the tribe submitted to the Secretary by State and local officials and other interested parties in the course of such consultation.

(Pub. L. 95-195, § 7, Nov. 18, 1977, 91 Stat. 1418.)

AUTHORITY TO ERECT PERMANENT IMPROVEMENTS ON LAND ACQUIRED FOR CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON

Pub. L. 97-38, Aug. 14, 1981, 95 Stat. 938, provided: "That, notwithstanding any other provision of law or regulation, the Attorney General shall approve any deed or other instrument which—

"(1) conveys to the United States the land described in section 2 of the Act entitled 'An Act to establish a reservation for the Confederated Tribes of Siletz Indians of Oregon', approved September 4, 1980 (94 Stat. 1073) [set out below], and

"(2) incorporates by reference the terms of the agreement entered into on September 18, 1980, by the city of Siletz, Oregon, the Confederated Tribes of Siletz Indians of Oregon, and the United States of America.

The Secretary of the Interior or the Confederated Tribes of Siletz Indians of Oregon may erect permanent improvements, improvements of a substantial value, or any other improvements authorized by law on such land after such land is conveyed to the United States."

ESTABLISHMENT OF RESERVATION FOR CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON

Pub. L. 96-340, Sept. 4, 1980, 94 Stat. 1072, as amended by Pub. L. 103-435, § 3, Nov. 2, 1994, 108 Stat. 4567; Pub. L. 105-256, § 7, Oct. 14, 1998, 112 Stat. 1897, established a reservation for the Confederated Tribes of Siletz Indians of Oregon, particularly describing, subject to all valid liens, rights-of-way, agreements, licenses, per-

mits, and easements as of Sept. 4, 1980, the parcel of land, consisting of approximately 3,630 acres in the State of Oregon as well as other parcels of land to be conveyed to the Secretary of the Interior, to be held in trust for the Confederated Tribes of Siletz Indians of Oregon, with all parcels of land subject to the provisions of section 461 et seq. of this title and the right of the Secretary of the Interior to establish, without compensation to such tribes, reasonable rights-of-way and easements to provide access to other Federal lands, no new or additional hunting, fishing, or trapping rights beyond the rights declared in the final judgment of the United States District Court in the action entitled Confederated Tribes of Siletz Indians of Oregon against State of Oregon, entered on May 2, 1980, be deemed, granted, or restored to the tribe or any member of the tribe, and civil and criminal jurisdiction, in accordance with section 1360 of Title 28, Judiciary and Judicial Procedure, and section 1162 of Title 18, Crimes and Criminal Procedure, to reside with the State of Oregon with respect to the reservation and any individual on the reservation.

§ 711f. Rules and regulations

The Secretary may make such rules and regulations as are necessary to carry out the purposes of this subchapter.

(Pub. L. 95-195, § 8, Nov. 18, 1977, 91 Stat. 1419.)

SUBCHAPTER XXX-B—COW CREEK BAND OF UMPQUA TRIBE OF OREGON

§ 712. Definitions

For the purposes of this subchapter—

(1) the term "tribe" means the Cow Creek Band of Umpqua Tribe of Indians; and

(2) the term "member", when used with respect to the tribe, means a person enrolled on the membership roll of the tribe in accordance with section 712c of this title.

(Pub. L. 97-391, § 2, Dec. 29, 1982, 96 Stat. 1960; Pub. L. 100-139, § 5(b), Oct. 26, 1987, 101 Stat. 827.)

AMENDMENTS

1987—Par. (1). Pub. L. 100-139 substituted "Umpqua Tribe of Indians" for "Umpqua Tribe of Oregon".

SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100-139, § 1, Oct. 26, 1987, 101 Stat. 822, provided: "That this Act [amending this section and sections 712a to 712c of this title] may be cited as the 'Cow Creek Band of Umpqua Tribe of Indians Distribution of Judgment Funds Act of 1987'."

SHORT TITLE

Pub. L. 97-391, § 1, Dec. 29, 1982, 96 Stat. 1960, provided that: "This Act [enacting this subchapter] may be cited as the 'Cow Creek Band of Umpqua Tribe of Indians Recognition Act'."

§ 712a. Extension of Federal recognition, rights, and privileges

(a) Federal recognition

Notwithstanding any provision of the Act approved August 13, 1954 (25 U.S.C. 691 et seq.), or any other law, Federal recognition is extended to the Cow Creek Band of Umpqua Tribe of Indians. Except as otherwise provided in this subchapter, all laws and regulations of the United States of general application to Indians or nations, tribes, or bands of Indians which are not inconsistent with any specific provision of this subchapter shall be applicable to the tribe.

(b) Restoration of rights and privileges

All rights and privileges of the tribe and the members of the tribe under any Federal treaty, Executive order, agreement, or statute, or under any other Federal authority, which may have been diminished or lost under the Act approved August 13, 1954 (25 U.S.C. 691 et seq.), are restored, and the provisions of such subchapter shall be inapplicable to the tribe and to members of the tribe after December 29, 1982.

(c) Federal services and benefits

Notwithstanding any other provision of law, the tribe and members of the tribe shall be eligible for all Federal services and benefits furnished to federally recognized Indian tribes upon December 29, 1982, without regard to the existence of a reservation for the tribe or the residence of members of the tribe on a reservation.

(d) Effect on property rights and other obligations

Except as otherwise specifically provided in this subchapter, no provision contained in this subchapter shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes already levied.

(Pub. L. 97-391, §3, Dec. 29, 1982, 96 Stat. 1960; Pub. L. 100-139, §5(b), Oct. 26, 1987, 101 Stat. 827.)

REFERENCES IN TEXT

Act approved August 13, 1954, referred to in subsecs. (a) and (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.

AMENDMENTS

1987—Subsec. (a). Pub. L. 100-139 substituted “Umpqua Tribe of Indians” for “Umpqua Tribe of Oregon”.

§ 712b. Organization of tribe**(a) Organization and organic governing document**

The tribe may organize for its common welfare and adopt an appropriate instrument, in writing, to govern the affairs of the tribe when acting in its governmental capacity. The tribe shall file with the Secretary of the Interior a copy of its organic governing document and any amendments thereto.

(b) New governing document or amendments or revisions of interim governing document; tribal election

Not less than one year following October 26, 1987, the tribe's governing body may propose a new governing document or amendments or revisions to the interim governing document, and the Secretary shall conduct a tribal election as to the adoption of that proposed document within one hundred twenty days from the date it is submitted to the Bureau of Indian Affairs.

(c) Approval of new governing document

The Secretary shall approve the new governing document if approved by a majority of the tribal voters unless he or she determines that such document is in violation of any laws of the United States.

(d) Interim governing document pending approval

Until the tribe adopts and the Secretary approves a new governing document, its interim

governing document shall be the tribal bylaws entitled “By-Laws of Cow Creek Band of Umpqua Tribe of Indians” which bear an “approved” date of “9-10-78.”

(e) Governing body pending adoption of final document

Until the tribe adopts a final governing document, the tribe's governing body shall consist of its current board of directors elected at the tribe's annual meeting of August 10, 1986, or such new board members as are selected under election procedures of the interim governing document identified at subsection (d) of this section.

(Pub. L. 97-391, §4, Dec. 29, 1982, 96 Stat. 1961; Pub. L. 100-139, §7(a), Oct. 26, 1987, 101 Stat. 828.)

AMENDMENTS

1987—Pub. L. 100-139 amended section generally. Prior to amendment, section read as follows: “The tribe may organize for its common welfare and adopt an appropriate instrument, in writing, to govern the affairs of the tribe when acting in its governmental capacity. The tribe shall file with the Secretary of the Interior a copy of its organic governing document and any amendments thereto.”

§ 712c. Tribal membership**(a) Membership**

Until such time as the Secretary of the Interior publishes a tribal membership roll as mandated in subsection (b) of this section, the membership of the Cow Creek Band of Umpqua Tribe of Indians shall consist of all persons listed in the official tribal roll approved on September 13, 1980, by the tribe's Board of Directors, and their descendants. Following publication by the Secretary of the tribal membership roll mandated in subsection (b) of this section, the membership of the Cow Creek Band of Umpqua Tribe of Indians shall consist of all persons listed on such roll.

(b) Preparation of membership roll by Secretary; individuals to be included

Within three hundred and sixty-five days after October 26, 1987, the Secretary shall prepare in accordance with the regulations contained in part 61 of title 25 of the Code of Federal Regulations a tribal membership roll of the Cow Creek Band of Umpqua Tribe of Indians. Such roll shall include all Cow Creek descendants or other Indian individuals who were not members of any other federally recognized Indian tribe on July 30, 1987 and who—

(1) are listed on the tribal roll referred to in subsection (a) of this section;

(2) are the descendants of any individuals listed pursuant to paragraph (1) born on or prior to December 29, 1982; or

(3)(A) are the descendants of any individual considered to be a member of the Cow Creek Band of Umpqua Tribe of Indians for the purposes of the treaty entered between such Band and the United States on September 18, 1853; (B) have applied to the Secretary for inclusion in the roll pursuant to subsection (c) of this section; and (C) meet the requirements for membership provided in the tribe's governing documents.