

(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.