

(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.

(c) Regulations governing application process

The Secretary shall devise regulations governing the application process under which individuals may apply to have their names placed on the tribal roll pursuant to paragraph 3¹ of subsection (b) of this section.

(d) Limitation; tribal discretion; additional requirements

After publication of the roll in the Federal Register, the membership of the tribe shall be limited to the persons listed on such roll and their descendants: *Provided*, That the tribe, at its discretion, may subsequently grant tribal membership to any individual of Cow Creek Band of Umpqua ancestry who pursuant to tribal procedures, has applied for membership in the tribe and has been determined by the tribe to meet the tribal requirements for membership in the tribe: *Provided further*, That nothing in this subchapter shall be interpreted as restricting the tribe's power to impose additional requirements for future membership in the tribe upon the adoption of a new constitution or amendments thereto as provided in section 712b of this title.

(Pub. L. 97-391, §5, Dec. 29, 1982, 96 Stat. 1961; Pub. L. 100-139, §5(a), Oct. 26, 1987, 101 Stat. 826; Pub. L. 100-446, title I, Sept. 27, 1988, 102 Stat. 1794.)

AMENDMENTS

1988—Subsec. (b). Pub. L. 100-446 inserted “Cow Creek descendants or other” before “Indian individuals”.

1987—Pub. L. 100-139 amended section generally. Prior to amendment, section read as follows:

“(a) Membership in the tribe shall consist of every individual—

“(1) whose name appears on the tribal roll in effect on December 29, 1982; or

“(2) who is a descendant of any individual described in paragraph (1).

“(b) Membership in the tribe pursuant to subsection (a) of this section shall not entitle an individual, who is not otherwise entitled, to participate in any distribution of funds pursuant to a judgment under the Act approved May 26, 1980 (94 Stat. 372).”

§ 712d. Rules

The Secretary of the Interior may make such rules as are necessary to carry out the provisions of this subchapter.

(Pub. L. 97-391, §6, Dec. 29, 1982, 96 Stat. 1961.)

§ 712e. Certain property taken into trust

The Secretary of the Interior shall accept title to 2000 acres of real property and may accept title to any additional number of acres of real property located in Umpqua River watershed upstream from Scottsburg, Oregon, or the northern slope of the Rogue River watershed upstream from Agness, Oregon, if such real property is conveyed or otherwise transferred to the United States by or on behalf of the Tribe. The Secretary shall take into trust for the benefit of the Tribe all real property conveyed or otherwise transferred to the United States pursuant to this section. Real property taken into trust pursuant to this section shall become part of the

Tribe's reservation, and shall be treated as on-reservation land for the purpose of processing acquisitions of real property into trust. Real property taken into trust pursuant to this section shall not be considered to have been taken into trust for gaming (as that term is used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)).

(Pub. L. 97-391, §7, as added Pub. L. 105-256, §9, Oct. 14, 1998, 112 Stat. 1898; amended Pub. L. 108-204, title I, §104, Mar. 2, 2004, 118 Stat. 543.)

REFERENCES IN TEXT

The Indian Gaming Regulatory Act, referred to in text, is Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, as amended, which is classified principally to chapter 29 (§2701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

AMENDMENTS

2004—Pub. L. 108-204 inserted “, and shall be treated as on-reservation land for the purpose of processing acquisitions of real property into trust” after “part of the Tribe's reservation”.

SUBCHAPTER XXX-C—CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY OF OREGON

§ 713. Definitions

For the purposes of this subchapter—

(1) the term “tribe” means the Confederated Tribes of the Grand Ronde Community of Oregon considered as one tribe in accordance with section 713a of this title;

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

(3) the term “Interim Council” means the council which is established under, and the members of which are elected pursuant to, section 713c of this title;

(4) the term “tribal governing body” means the governing body which is established under, and the members of which are elected pursuant to, the tribal constitution and bylaws adopted in accordance with section 713d of this title; and

(5) the term “member”, when used with respect to the tribe, means an individual enrolled on the membership roll of the tribe in accordance with section 713e of this title.

(Pub. L. 98-165, §2, Nov. 22, 1983, 97 Stat. 1064.)

SHORT TITLE

Pub. L. 98-165, §1, Nov. 22, 1983, 97 Stat. 1064, provided that: “This Act [enacting this subchapter] may be cited as the ‘Grand Ronde Restoration Act’.”

§ 713a. Consideration of Confederated Tribes of Grand Ronde Community as one tribe

The Confederated Tribes of the Grand Ronde Community of Oregon shall be considered as one tribal unit for purposes of Federal recognition and eligibility for Federal benefits under section 713b of this title, the establishment of tribal self-government under sections 713c and 713d of this title, the compilation of a tribal membership roll under section 713e of this title, and the establishment of a tribal reservation under section 713f of this title.

¹ So in original. Probably should be paragraph “(3)”.