

(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)”.

(Pub. L. 98-165, § 3, Nov. 22, 1983, 97 Stat. 1064.)

§ 713b. Restoration 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 Confederated Tribes of the Grand Ronde Community of Oregon and the corporate charter of such tribe issued pursuant to section 477 of this title and ratified by the tribe on August 22, 1936, is reinstated. 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

Except as provided in subsection (d) of this section, 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 November 22, 1983.

(c) Federal services and benefits

Notwithstanding any other provision of law, the tribe and its members shall be eligible, on and after November 22, 1983, for all Federal services and benefits furnished to federally recognized Indian tribes without regard to the existence of a reservation for the tribe. In the case of Federal services available to members of federally recognized Indian tribes residing on or near a reservation, members of the tribe residing in the following counties of the State of Oregon shall be deemed to be residing on or near a reservation:

- (1) Washington County.
- (2) Marion County.
- (3) Yamhill County.
- (4) Polk County.
- (5) Tillamook County.
- (6) Multnomah County.

Any member residing in any such county shall continue to be eligible to receive any such Federal service notwithstanding the establishment of any reservation for the tribe in accordance with any plan prepared pursuant to section 713f of this title.

(d) No hunting, fishing or trapping rights restored

No hunting, fishing, or trapping rights of any nature of the tribe or of any member, including any indirect or procedural right or advantage over individuals who are not members, are granted or restored under this subchapter.

(e) 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 ob-

ligation, any contractual right or obligation, or any obligation for taxes already levied.

(Pub. L. 98-165, § 4, Nov. 22, 1983, 97 Stat. 1064.)

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.

§ 713c. Interim Council

(a) Establishment

There is established an Interim Council of the tribe which shall be composed of nine members. The Interim Council shall represent the tribe and its members in the implementation of this subchapter and shall be the governing body of the tribe until the tribal governing body established in accordance with section 713d of this title first convenes.

(b) Nomination and election of Interim Council members

(1) Within forty-five days after November 22, 1983, the Secretary shall announce the date of a general council meeting of the tribe to nominate candidates for election to the Interim Council. Such general council meeting shall be held within fifteen days of such announcement.

(2) Within forty-five days after such general council meeting, the Secretary shall hold an election by secret ballot to elect the members of the Interim Council from among the members nominated in such general council meeting. Absentee and write-in balloting shall be permitted.

(3) The Secretary shall approve the results of the Interim Council election conducted pursuant to this section if he is satisfied that the requirements of this section relating to the nomination and the election processes have been met. If he is not satisfied, he shall call for another general council meeting to be held within sixty days after such election to nominate candidates for election to the Interim Council and shall hold another election within forty-five days of such meeting.

(4) The Secretary shall take any action necessary to ensure that each member described in section 713e(d) of this title is given notice of the time, place, and purpose of each meeting and election held pursuant to this subsection at least ten days before such general meeting or election.

(c) Authority and capacity; termination

(1) The Interim Council shall have no powers other than those given it under this subchapter.

(2) With respect to any Federal service or benefit for which the tribe or any member is eligible, the Interim Council shall have full authority and capacity to receive grants and to enter into contracts.

(3)(A) Except as provided in subparagraph (B), the Interim Council and such Council's authority and capacity under this section shall cease to exist on the date the tribal governing body first convenes.

(B) With respect to any contractual right established and any obligation entered into by the Interim Council, such Council shall have the au-