

(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-

thority and capacity to bind the tribal governing body, as the successor in interest to the Interim Council, for a period of not more than six months beginning on the date such tribal governing body first convenes.

(d) Vacancy on Interim Council

Within thirty days after a vacancy occurs on the Interim Council and subject to the approval of the Secretary, the Interim Council shall hold a general council meeting to nominate a candidate for election to fill such vacancy and shall hold such election. The Interim Council shall provide notice of the time, place, and purpose of such meeting and election to members described in section 713e(d) of this title at least ten days before each such general meeting or election.

(Pub. L. 98-165, § 5, Nov. 22, 1983, 97 Stat. 1065.)

§ 713d. Tribal constitution and bylaws; tribal governing body

(a) Adoption of proposed constitution and bylaws; election: time and procedure

(1) The Interim Council shall be responsible for preparing the tribal constitution and bylaws which shall provide for, at a minimum, the establishment of a tribal governing body and tribal membership qualifications. Such proposed constitution and bylaws shall be adopted by the Interim Council no later than six months after November 22, 1983.

(2) Upon the adoption of the proposed tribal constitution and bylaws by the Interim Council, the Council shall request the Secretary, in writing, to schedule an election to approve or disapprove the adoption of such constitution and bylaws. The Secretary shall conduct an election by secret ballot in accordance with section 476 of this title.

(b) Notice and consultation

Not less than thirty days before any election scheduled pursuant to subsection (a) of this section, a copy of the proposed tribal constitution and bylaws, as adopted by the Interim Council, along with a brief and impartial description of the proposed constitution and bylaws shall be sent to each member eligible to participate in such election under section 713e(d) of this title. The members of the Interim Council may freely consult with members of the tribe concerning the text and description of the constitution and bylaws, except that such consultation may not be carried on within fifty feet of the polling places on the date of such election.

(c) Majority vote for adoption; procedure in event of failure to adopt proposed constitution

(1) In any election held pursuant to subsection (a) of this section, a vote of a majority of those actually voting shall be necessary and sufficient for the approval of the adoption of the tribal constitution and bylaws.

(2) If in any such election such majority does not approve the adoption of the proposed tribal constitution and bylaws, the Interim Council shall be responsible for preparing another tribal constitution and other bylaws in the same manner provided in this section for the first proposed constitution and bylaws. Such new pro-

posed constitution and bylaws shall be adopted by the Interim Council no later than six months after the date of the election in which the first proposed constitution and bylaws failed of adoption. An election on the question of the adoption of the new proposal of the Interim Council shall be conducted in the same manner provided in subsection (a)(2) of this section for the election on the first proposed constitution and bylaws.

(d) Election of tribal governing body

Not later than one hundred and twenty days after the tribe approves the adoption of the tribal constitution and bylaws and subject to the approval of the Secretary, the Interim Council shall conduct an election, by secret ballot, to elect the tribal governing body established under such constitution and bylaws. Notwithstanding any provision of the tribal constitution and bylaws, absentee and write-in balloting shall be permitted in an election under this subsection.

(Pub. L. 98-165, § 6, Nov. 22, 1983, 97 Stat. 1066.)

§ 713e. Membership rolls; voting rights of member

(a) Membership roll established and opened

The membership roll of the tribe is established and open.

(b) Criteria governing eligibility

(1) Until the first election of the tribal governing body is held pursuant to section 713d(d) of this title, any living individual may be enrolled on the membership roll of the tribe if—

(A) that individual's name was listed on the final membership roll of the tribe published on April 6, 1956, in volume 20, number 101, Federal Register, pages 3636 through 3642;

(B) that individual was entitled to be on the membership roll of the tribe on August 13, 1954, but was not listed; or

(C) that individual is a descendant of an individual, living or dead, described in subparagraph (A) or (B) and possesses at least one-fourth degree of blood of members of the tribe, living or dead, or individuals who are or would have been eligible to be members under this paragraph.

(2) After the first election of the tribal governing body is held pursuant to section 713d(d) of this title, the provisions of the constitution and bylaws adopted in accordance with section 713d(a) of this title shall govern membership in the tribe.

(c) Procedures for verification of eligibility

(1) Before the election of the members of the Interim Council is held pursuant to section 713c(b) of this title, verification of (A) descendency, for purposes of enrollment, and (B) age, for purposes of voting rights under subsection (d) of this section, shall be made upon oath before the Secretary whose determination thereon shall be final.

(2) After the election of the members of the Interim Council is held pursuant to section 713c(b) of this title, but before the first election of the members of the tribal governing body is held pursuant to section 713d(d) of this title, the ver-