

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-

ification of descendancy and age shall be made upon oath before the Interim Council, or its authorized representative. An individual may appeal the exclusion of his name from the membership roll of the tribe to the Secretary, who shall make a final determination of each such appeal within ninety days after such an appeal has been filed with him. The determination of the Secretary with respect to such an appeal shall be final.

(3) After the first election of the members 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 the verification of any requirements for membership in the tribe. The Interim Council and the Secretary shall deliver their records and files and any other material relating to the enrollment of tribal members to such tribal governing body.

(4) Not less than sixty days before the election under section 713d(a) of this title, the Secretary shall publish in the Federal Register a certified copy of the membership roll of the tribe as of the date of such publication. Such membership roll shall include the names of all individuals who were enrolled by the Secretary, either directly under paragraph (1) or pursuant to an appeal under paragraph (2), and by the Interim Council under paragraph (2).

(d) Voting rights of member

Each member who is eighteen years of age or older shall be eligible to attend, participate in, and vote at each general council meeting. Each such member may nominate candidates for any office, run for any office, and vote in any election of members to the Interim Council and to such other tribal governing body as may be established under the constitution and bylaws adopted in accordance with section 713d of this title.

(Pub. L. 98-165, §7, Nov. 22, 1983, 97 Stat. 1067.)

§ 713f. Establishment of tribal reservation

(a) Plan for establishment of reservation

(1) Any reservation for the tribe shall be established by an Act of Congress enacted after November 22, 1983.

(2) The Secretary shall enter into negotiations with the tribal governing body with respect to establishing a reservation for the tribe and, in accordance with this section and within two years of November 22, 1983, develop a plan for the establishment of such a reservation. Upon the approval of such plan by the tribal governing body (and after consultation with interested parties pursuant to subsection (b) of this section), the Secretary shall submit such plan to the Clerk of the House of Representatives and the Secretary of the Senate for distribution to the committees of the respective Houses of the Congress with jurisdiction over the subject matter.

(b) Consultation with State and local officials required

To assure that legitimate State and local interests are not prejudiced by the proposed enlargement of the reservation, the Secretary shall notify and consult all appropriate officials

of the State of Oregon, all appropriate local governmental officials in the State of Oregon, and any other interested party in developing any plan under subsection (a) of this section. The Secretary shall provide complete information on the proposed plan to such officials and interested parties, including the restrictions on such proposed plan imposed by subsection (c) of this section. During any consultation by the Secretary under this subsection, the Secretary shall provide such information as he may possess, and shall request comments and additional information, on the following subjects:

(1) The size and location of the proposed reservation.

(2) The anticipated effect of the establishment of the proposed reservation on State and local expenditures and tax revenues.

(3) The extent of any State or local service to the tribe, the reservation of the tribe, or members after the establishment of the proposed reservation.

(4) The extent of Federal services to be provided in the future to the tribe, the reservation of the tribe, or members.

(5) The extent of service to be provided in the future by the tribe to members residing on or off the reservation.

(c) Restrictions on plan

Any plan developed by the Secretary under subsection (a) of this section shall provide that—

(1) any real property transferred by the tribe or any member to the Secretary shall be taken and held in the name of the United States for the benefit of the tribe and shall be a part of the reservation of the tribe;

(2) the establishment of the reservation shall not grant or restore to the tribe or any member any hunting, fishing, or trapping right of any kind on such reservation, including any indirect or procedural right or advantage over individuals who are not members of the tribe;

(3) the Secretary shall not accept any real property in trust for the benefit of the tribe or its members which is not located within the political boundaries of Polk, Yamhill, or Tillamook County, Oregon;

(4) any real property taken in trust by the Secretary pursuant to such plan shall be subject to—

(A) all legal rights and interests in such land existing at the time of the acquisition of such land by the Secretary, including any lien, mortgage, or previously levied and outstanding State or local tax, and

(B) foreclosure or sale in accordance with the laws of the State of Oregon pursuant to the terms of any valid obligation in existence at the time of the acquisition of such land by the Secretary;

(5) any real property transferred pursuant to such plan shall be exempt from Federal, State, and local taxation of any kind;

(6) the State of Oregon shall exercise criminal and civil jurisdiction over the reservation, and over the individuals on the reservation, in accordance with section 1162 of title 18 and section 1360 of title 28, respectively; and

(7) any Federal real property transferred for the benefit of the tribe, pursuant to any res-