

(2) the term “member”, when used with respect to the tribe, means a person enrolled on the membership roll of the tribe in accordance with section 712c of this title.

(Pub. L. 97-391, §2, Dec. 29, 1982, 96 Stat. 1960; Pub. L. 100-139, §5(b), Oct. 26, 1987, 101 Stat. 827.)

AMENDMENTS

1987—Par. (1). Pub. L. 100-139 substituted “Umpqua Tribe of Indians” for “Umpqua Tribe of Oregon”.

SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100-139, §1, Oct. 26, 1987, 101 Stat. 822, provided: “That this Act [amending this section and sections 712a to 712c of this title] may be cited as the ‘Cow Creek Band of Umpqua Tribe of Indians Distribution of Judgment Funds Act of 1987.’”

SHORT TITLE

Pub. L. 97-391, §1, Dec. 29, 1982, 96 Stat. 1960, provided that: “This Act [enacting this subchapter] may be cited as the ‘Cow Creek Band of Umpqua Tribe of Indians Recognition Act.’”

§ 712a. Extension 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 Cow Creek Band of Umpqua Tribe of Indians. 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

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 man-