

dated 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 3<sup>1</sup> 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.)

<sup>1</sup> So in original. Probably should be paragraph "(3)".

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 Or-