

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 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 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 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

¹ So in original. Probably should be paragraph "(3)".