

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-

ervation plan developed under subsection (a) of this section, shall come only from available public lands administered under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), and from lands held in trust by the United States for the tribe or for individual Indians.

**(d) Appendix to plan submitted to the Congress**

The Secretary shall append to the plan submitted to the Congress under subsection (a) of this section a detailed statement—

(1) describing the manner in which the Secretary notified all interested parties in accordance with subsection (b) of this section;

(2) naming each individual and official consulted in accordance with subsection (b) of this section;

(3) summarizing the testimony received by the Secretary pursuant to any such consultation; and

(4) including any written comments or reports submitted to the Secretary by any party named in paragraph (2).

(Pub. L. 98-165, § 8, Nov. 22, 1983, 97 Stat. 1068.)

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subsec. (c)(7), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, as amended, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

CONFEDERATED TRIBES OF THE GRAND RONDE  
COMMUNITY OF OREGON RESERVATION

Pub. L. 100-425, Sept. 9, 1988, 102 Stat. 1594, as amended by Pub. L. 100-581, title II, §202, Nov. 1, 1988, 102 Stat. 2939; Pub. L. 101-301, § 4, May 24, 1990, 104 Stat. 207; Pub. L. 102-497, § 1, Oct. 24, 1992, 106 Stat. 3255; Pub. L. 103-263, § 5(a), May 31, 1994, 108 Stat. 708; Pub. L. 103-435, § 2, Nov. 2, 1994, 108 Stat. 4566; Pub. L. 105-256, § 2, Oct. 14, 1998, 112 Stat. 1896, established a reservation for Confederated Tribes of the Grand Ronde Community of Oregon, specifying hunting, fishing, and trapping rights and vesting civil and criminal jurisdiction in State of Oregon, directed treatment of certain lands as revested Oregon and California railroad grant lands, and provided economic development for the Tribes.

**§ 713g. Regulations**

The Secretary may promulgate such regulations as may be necessary to carry out the provisions of this subchapter.

(Pub. L. 98-165, § 9, Nov. 22, 1983, 97 Stat. 1070.)

SUBCHAPTER XXX-D—CONFEDERATED  
TRIBES OF COOS, LOWER UMPQUA, AND  
SIUSLAW INDIANS: RESTORATION OF  
FEDERAL SUPERVISION

**§ 714. Definitions**

For the purposes of this subchapter—

(1) “Tribe” means the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians;

(2) “Secretary” means the Secretary of the Interior or his authorized representative;

(3) “Interim Council” means the tribal council of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, which serves pursuant to section 714c of this title; and

(4) “member” used with respect to the Tribe means a person enrolled on the membership roll of the Tribe provided for in section 714b of this title.

(Pub. L. 98-481, §2, Oct. 17, 1984, 98 Stat. 2250.)

SHORT TITLE

Pub. L. 98-481, §1, Oct. 17, 1984, 98 Stat. 2250, provided: “That this Act [enacting this subchapter] may be cited as the ‘Coos, Lower Umpqua, and Siuslaw Restoration Act.’”

**§ 714a. Extension of Federal recognition, rights, and privileges**

**(a) Federal recognition**

Federal recognition is hereby extended to the Tribe, and its members shall be eligible for all Federal services and benefits furnished to federally recognized tribes. Notwithstanding any provision to the contrary in any law establishing such services and benefits, eligibility of the Tribe and its members for such Federal services and benefits shall become effective on October 17, 1984, without regard to the existence of a reservation for the Tribe or the residence of the members of the Tribe on a reservation for such members who reside in the following counties of Oregon: Coos, Lane, Lincoln, Douglas, and Curry.

**(b) Restoration of rights and privileges**

Except as provided in subsection<sup>1</sup> (c) of this section, all rights and privileges of the Tribe and of members of the Tribe under any Federal treaty, Executive order, agreement or statute, or under any other authority, which were diminished or lost under the Act of August 13, 1954 (25 U.S.C. 691, et seq.), are hereby restored and the provisions of that Act are inapplicable to the Tribe and to members of the Tribe on October 17, 1984.

**(c) Hunting, fishing, or trapping rights not granted or restored**

This subchapter shall not grant or restore any hunting, fishing, or trapping right of any nature, including any indirect or procedural right or advantage, to any member of the Tribe, nor shall any presumption be created by this subchapter as to the existence or nonexistence of such rights.

**(d) Effect on property rights and other obligations**

Except as specifically provided in this subchapter, nothing in this subchapter shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes already levied.

(Pub. L. 98-481, §3, Oct. 17, 1984, 98 Stat. 2250.)

REFERENCES IN TEXT

Act approved August 13, 1954, referred to in subsec. (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.

CODIFICATION

In subsecs. (a) and (b), “on October 17, 1984,” the date of enactment of Pub. L. 98-481, substituted for “upon passage of this Act”.

<sup>1</sup> So in original. Probably should be “subsection”.

**§ 714b. Membership rolls**

**(a) Opening; duty of Interim Council and tribal officials**

The membership roll is declared open. The Interim Council and tribal officials under the Tribe’s constitution and bylaws shall take such measures as will insure the continuing accuracy of the membership roll.

**(b) Criteria for enrollment**

(1) Until a tribal constitution and bylaws are adopted, a person shall be a member of the Tribe and his name shall be placed on the membership roll if the individual is living and if—

(a) that individual’s name was listed on the Tribe’s Census Roll of 1940;

(b) that individual was entitled to be listed on the Tribe’s Census Roll of January 1, 1940 but was not so listed. Any person placed on the membership roll must be listed on the January 1, 1940 Census Roll of the Grand Ronde-Siletz Indian Agency of nonreservation Indians as Coos, Lower Umpqua, or Siuslaw, be a descendant of such a person, or be a descendant of public domain allottee<sup>1</sup> of Western Oregon who was a member of one of these three tribes.

(c) that individual is a direct lineal descendant of an individual, living or dead, identified by subparagraph (a) or (b); and

(d) that individual or the lineal ancestor through whom he qualifies for membership under subparagraph (c) has never been an enrolled member of, or qualified for the payment of any money for the taking of land or otherwise through, any other Indian tribe, either federally recognized or acknowledged or not federally recognized or acknowledged.

(2) Until a tribal constitution and bylaws are adopted, a person shall be eligible for membership if the individual is living and meets the criteria established in subsections (b)(1)(a), (b) and (c) of this section. Such individual may submit an application for enrollment to the Interim Council for consideration and decision and the Interim Council shall place on the roll the name of all individuals who submitted an application and are meeting the criteria established under subsections (b)(1)(a), (b) and (c) of this section: *Provided*, That the Interim Council may reject the application of any person who is found to be a member or who is claiming membership in another Indian tribe. Nothing in this subchapter shall bar unsuccessful applicants for enrollment before the Interim Council from submitting an application for enrollment to the Tribe after the adoption of a tribal constitution and bylaws.

(3) After the adoption of a tribal constitution and bylaws, those documents shall govern membership in the Tribe.

**(c) Verification of eligibility for enrollment; appeal; finality of determination; possession of enrollment records and materials**

(1) Prior to any election pursuant to section 714d of this title, the Interim Council shall verify by tribal resolution the eligibility for enrollment and age of each member listed on the

<sup>1</sup> So in original. Probably should be “allottee”.