

tection of workers, well construction and codes governing the construction of bridges, buildings, and other structures.

**(11) Savings clause, State authority**

(A) Nothing in this subsection shall be construed to grant tribal authority over private or State-owned lands.

(B) To the extent<sup>7</sup> that the State of Oregon is regulating the foregoing areas pursuant to a delegated Federal authority or a Federal program, nothing in this subsection shall be construed to enlarge or diminish the State's authority under such law.

(C) Where both the State of Oregon and the United States are regulating, nothing herein shall be construed to alter their respective authorities.

(D) To the extent that Federal law authorizes the Coquille Indian Tribe to assume regulatory authority over an area, nothing herein shall be construed to enlarge or diminish the tribe's<sup>1</sup> authority to do so under such law.

(E) Unless and except to the extent that the tribe<sup>1</sup> has assumed jurisdiction over the Coquille Forest pursuant to Federal law, or otherwise with the consent of the State, the State of Oregon shall have jurisdiction and authority to enforce its laws addressing the subjects listed in subparagraph 10<sup>8</sup> of this subsection on the Coquille Forest against the Coquille Indian Tribe, its members and all other persons and entities, in the same manner and with the same remedies and protections and appeal rights as otherwise provided by general Oregon law. Where the State of Oregon and Coquille Indian Tribe agree regarding the exercise of tribal civil regulatory jurisdiction over activities on the Coquille Forest lands, the tribe<sup>1</sup> may exercise such jurisdiction as its<sup>9</sup> agreed upon.

**(12) Conflict between laws**

In the event of a conflict between Federal and State law under this subsection, Federal law shall control.

(Pub. L. 101-42, § 5, June 28, 1989, 103 Stat. 92; Pub. L. 104-208, div. B, title V, § 501, Sept. 30, 1996, 110 Stat. 3009-537.)

REFERENCES IN TEXT

Act of June 18, 1934, referred to in subsec. (a), popularly known as the Indian Reorganization Act, is classified generally to subchapter V (§ 461 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

The Act entitled "An Act relating to the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land situated in the State of Oregon" (the O&C Act), approved August 28, 1937 (43 U.S.C. 1181a et seq.), referred to in subsec. (d)(4)(C), is act Aug. 28, 1937, ch. 876, 50 Stat. 874, which enacted sections 1181a to 1181f of Title 43, Public Lands, repealed section 1174 of Title 43, and enacted provisions set out as a note under section 1181a of Title 43. For complete classification of this Act to the Code, see Tables.

The Endangered Species Act, referred to in subsec. (d)(5), probably means the Endangered Species Act of

1973, Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified generally to chapter 35 (§ 1531 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of Title 16 and Tables.

Public Law 101-630, 25 U.S.C. 3107, referred to in subsec. (d)(5), is probably a reference to section 308 of Pub. L. 101-630, which is classified to section 3107 of this title.

The Indian Self-Determination Act, referred to in subsec. (d)(6), is title I of Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2206, as amended, which is classified principally to part A (§ 450f et seq.) of subchapter II of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

AMENDMENTS

1996—Subsec. (d). Pub. L. 104-208 added subsec. (d).

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

**§ 715d. Criminal and civil jurisdiction**

The State shall exercise criminal and civil jurisdiction within the boundaries of the reservation, in accordance with section 1162 of title 18, and section 1360 of title 28, respectively. Retrocession of such jurisdiction may be obtained pursuant to section 1323 of this title.

(Pub. L. 101-42, § 6, June 28, 1989, 103 Stat. 92.)

**§ 715e. Membership rolls**

**(a) Compilation of tribal membership roll**

Within one year of June 28, 1989, the Secretary shall compile a roll of the Coquille Indian Tribe.

**(b) Criteria for enrollments**

(1) Until a tribal constitution is adopted, a person shall be placed on the membership roll if the individual is living, is not an enrolled member of another federally recognized tribe, is of Coquille ancestry, possesses at least one-eighth or more of Indian blood quantum and if—

(A) that individual's name was listed on the Coquille roll compiled and approved by the Bureau of Indian Affairs on August 29, 1960;

(B) that individual was not listed on but met the requirements that had to be met to be listed on the Coquille roll compiled and approved by the Bureau of Indian Affairs on August 29, 1960; or

(C) that individual is a lineal descendant of an individual, living or dead, identified by subparagraph (A) or (B).

(2) After adoption of a tribal constitution, said constitution shall govern membership in the Tribe: *Provided*, That in addition to meeting any other criteria imposed in such tribal constitution, any person added to the roll has to be of Coquille Indian ancestry and cannot be a member of another federally recognized Indian tribe.

**(c) Conclusive proof of Coquille ancestry and degree of Indian blood quantum**

For the purpose of subsection (b) of this section, the Secretary shall accept any available evidence establishing Coquille ancestry and the required amount of Indian blood quantum. How-

<sup>7</sup> So in original. Probably should be "extent".

<sup>8</sup> So in original. Probably should be "paragraph (10)".

<sup>9</sup> So in original. Probably should be "is".

ever, the Secretary shall accept as conclusive evidence of Coquille ancestry information contained in the Coquille roll compiled by the Bureau of Indian Affairs on August 29, 1960, and as conclusive evidence of Indian blood quantum the information contained in the January 1, 1940, census roll of nonreservation Indians of the Grand Ronde-Siletz Agency.

(Pub. L. 101-42, §7, June 28, 1989, 103 Stat. 93.)

#### § 715f. Interim government

Until a new tribal constitution and bylaws are adopted and become effective under section 715g of this title, the Tribe's governing body shall be an Interim Council. The initial membership of the Interim Council shall consist of the members of the Tribal Council of the Coquille Tribe on June 28, 1989, and the Interim Council shall continue to operate in the manner prescribed for the Tribal Council under the tribal bylaws adopted on April 23, 1979. Any new members filling vacancies on the Interim Council must meet the criteria for enrollment in section 715e(b) of this title and be elected in the same manner as are Tribal Council members under the April 23, 1979, bylaws.

(Pub. L. 101-42, §8, June 28, 1989, 103 Stat. 93.)

#### § 715g. Tribal constitution

##### (a) Election; time and procedure

Upon the completion of the tribal membership roll and upon the written request of the Interim Council, the Secretary shall conduct, by secret ballot, an election for the purpose of adopting a constitution for the Tribe. Absentee balloting shall be permitted regardless of voter residence. In every other regard, the election shall be held according to section 476 of this title.

##### (b) Election of tribal officials; procedures

Not later than one hundred and twenty days after the Tribe adopts a constitution and bylaws, the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in the tribal constitution. Said election shall be conducted according to the procedures stated in paragraph<sup>1</sup> (a) of this section except to the extent that said procedures conflict with the tribal constitution.

(Pub. L. 101-42, §9, June 28, 1989, 103 Stat. 93.)

#### § 715h. Land and interests of Coquille Indian Tribe, Oregon

##### (a) In general

Subject to subsections (b), (c), and (d) notwithstanding any other provision of law (including regulations), the Coquille Indian Tribe of the State of Oregon (including any agent or instrumentality of the Tribe) (referred to in this section as the "Tribe"), may transfer, lease, encumber, or otherwise convey, without further authorization or approval, all or any part of the Tribe's interest in any real property that is not held in trust by the United States for the benefit of the Tribe.

##### (b) Nonapplicability to certain conveyances

Subsection (a) shall not apply with respect to any transfer, encumbrance, lease, or other con-

veyance of any land or interest in land of the Tribe that occurred before January 1, 2007.

##### (c) Effect of section

Nothing in this section is intended to authorize the Tribe to transfer, lease, encumber, or otherwise convey, any lands, or any interest in any lands, that are held in trust by the United States for the benefit of the Tribe.

##### (d) Liability

The United States shall not be held liable to any party (including the Tribe or any agent or instrumentality of the Tribe) for any term of, or any loss resulting from the term of any transfer, lease, encumbrance, or conveyance of land made pursuant to this section unless the United States or an agent or instrumentality of the United States is a party to the transaction or the United States would be liable pursuant to any other provision of law. This subsection shall not apply to land transferred or conveyed by the Tribe to the United States to be held in trust for the benefit of the Tribe.

(Pub. L. 110-75, §1, Aug. 13, 2007, 121 Stat. 724.)

#### CODIFICATION

Section was not enacted as part of the Coquille Restoration Act, which comprises this subchapter.

#### SUBCHAPTER XXXI—ALABAMA AND COUSHATTA INDIANS OF TEXAS: TERMINATION OF FEDERAL SUPERVISION

#### § 721. Transfer of property to Texas

The Secretary of the Interior is authorized to convey to the State of Texas the lands held in trust by the United States for the tribe of Indians organized and known as the Alabama and Coushatta Tribes of Texas, located in Polk County, Texas; and such tribe is authorized to convey to the State of Texas the lands purchased for and deeded to the Alabama Indians in accordance with an act of the legislature of the State of Texas approved February 3, 1854, located in Polk County, Texas. All of the lands so conveyed shall be held by the State of Texas in trust for the benefit of the Indians of the Alabama and Coushatta Tribes of Texas, subject to such conditions regarding management and use as the State of Texas may prescribe and the disposition of such lands shall be subject to approval of a majority of the adult members of the Alabama and Coushatta Tribes of Texas.

(Aug. 23, 1954, ch. 831, §1, 68 Stat. 768.)

#### § 722. Termination of Federal trust; publication; termination of Federal services; admission to hospitals and schools

Upon the conveyance to the State of Texas of the lands held in trust by the United States for the Alabama and Coushatta Tribes of Texas, the Secretary of the Interior shall publish in the Federal Register a proclamation declaring that the Federal trust relationship to such tribe and its members has terminated. Thereafter such tribe and its members shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians: *Provided*, That after August 21, 1954 such Indians shall be eligible for admission, on the

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