

Public Law 98-481
98th Congress

An Act

Oct. 17, 1984

[H.R. 5540]

To provide for restoration of Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, to institute for such Tribe those Federal services provided to Indians who are recognized by the Federal Government and who receive such services because of Federal trust responsibility, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Coos, Lower
Umpqua, and
Siuslaw
Restoration Act.

SHORT TITLE

25 USC 714 note.

SECTION 1. That this Act may be cited as the "Coos, Lower Umpqua, and Siuslaw Restoration Act".

DEFINITIONS

25 USC 714.

SEC. 2. For the purposes of this Act—

(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 5 of this Act; and

(4) "member" used with respect to the Tribe means a person enrolled on the membership roll of the Tribe provided for in section 4 of this Act.

EXTENSION OF FEDERAL RECOGNITION, RIGHTS, AND PRIVILEGES

25 USC 714a.

SEC. 3. (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 upon passage of this Act 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 (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 upon passage of this Act.

(c) HUNTING, FISHING, OR TRAPPING RIGHTS NOT GRANTED OR RESTORED.—This Act 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 Act as to the existence or non-existence of such rights.

(d) EFFECT ON PROPERTY RIGHTS AND OTHER OBLIGATIONS.—Except as specifically provided in this Act, nothing in this Act shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes already levied.

MEMBERSHIP ROLLS

SEC. 4. (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.

25 USC 714b.

(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 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 Act 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 6 of this Act, the Interim Council shall verify by tribal resolution the eligibility for enrollment and age of each member listed on the Tribe's membership roll, which resolution shall be forwarded to the Secretary.

(2) With regard to the exclusion of any name from the tribal membership roll, any member may appeal to the Secretary, who shall make a final determination of each such appeal within ninety days after an appeal has been filed with him. The determination of the Secretary with respect to such an appeal shall be final.

(d) FRANCHISEMENT.—A member who is eighteen years of age or older is entitled and eligible to be given notice of, attend, participate in, and vote at, general council meetings and to nominate candidates for, to run for any office in, and to vote in elections of members to the interim council and to other tribal councils.

INTERIM COUNCIL

25 USC 714c.

SEC. 5. Until such time as a new tribal constitution and bylaws are adopted in accordance with section 6 of this Act, the Tribe shall be governed by an Interim Council, the membership of which shall consist of the members of the current council of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, Incorporated or such new members as may be elected in accordance with election procedures followed by the tribal corporate body prior to the enactment of this Act.

TRIBAL CONSTITUTION AND BYLAWS

25 USC 714d.

SEC. 6. (a) ELECTION; TIME AND PROCEDURE.—Upon the written request of the Interim Council, the Secretary shall conduct an election by secret ballot, pursuant to section 16 of the Act of June 18, 1934 (25 U.S.C. 476), for the purpose of adopting a constitution and bylaws for the Tribe. The election shall be held after such written request and within sixty days after the Secretary has published in appropriate local media a certification copy of the Tribe's membership roll.

(b) PREELECTION DISTRIBUTION OF PROPOSED CONSTITUTION AND BYLAWS AND BRIEF IMPARTIAL DESCRIPTION; CONSULTATION BY INTERIM COUNCIL WITH MEMBERS OF TRIBE.—The Interim Council shall draft and distribute to each member described in section 4(d) of this Act, no later than thirty days before the election under subsection (a) of this section, a copy of the proposed constitution and bylaws of the Tribe, as proposed by the Interim Council, along with a brief, impartial description of the constitution and bylaws. The members of the Interim Council may freely consult with members of the Tribe, outside legal counsel and other consultants concerning the text and description of the constitution and bylaws, except that such consultation may not be carried on within fifty feet of the polling places on the date of the election.

(c) MAJORITY VOTE NECESSARY FOR ADOPTION OF CONSTITUTION AND BYLAWS.—In any election held pursuant to subsection (a) of this section, the vote of a majority of those actually voting shall be

necessary and sufficient for the adoption of a tribal constitution and bylaws: *Provided*, That the total vote cast shall not be less than thirty percent of those entitled to vote.

(d) **ELECTION OF TRIBAL OFFICIALS PROVIDED FOR IN CONSTITUTION AND BYLAWS; BALLOT REQUIREMENTS.**—Not later than one hundred and twenty days after the tribe adopts a constitution and bylaws, the Interim Council shall conduct an election by secret ballot for the purpose of electing the individuals who will serve as tribal officials as provided in the tribal constitution and bylaws. For the purpose of this election and notwithstanding any provision in the tribal constitution and bylaws to the contrary, absentee balloting shall be permitted.

RESERVATION

SEC. 7. (a) **ESTABLISHMENT.**—A reservation shall be established by this Act at no cost to the Federal Government.

25 USC 714e.

(b) **LEGAL DESCRIPTION.**—So long as the lands are offered to the Federal Government free of purchase cost, the Secretary shall accept the following lands in trust for the tribe as a reservation:

(1) In Coos County, Oregon, a parcel containing 1.02 acres and described as parcel 3200 of section 106B of township 25 south, range 12 west, Willamette meridian.

(2) In Coos County, Oregon, a parcel described as lots 10-18, block 13, Empire Commercial tracts K73 2K 81, A. N. Foley Donation Land Claim Numbered 38, section 20 of township 25 south, range 13 west, Willamette meridian. The Secretary shall not accept this parcel into trust until the date that is 1 year after enactment of this Act. If before the end of the ninety day period, a person or entity other than the tribe files a lawsuit in a court of competent jurisdiction claiming an interest in such parcel or portion thereof, the Secretary shall not accept the parcel into trust until the final adjudication of this lawsuit. Nothing in this Act shall be construed to the prejudice of any parties to such lawsuit or be construed to prevent a court of competent jurisdiction from partitioning such parcel in the adjudication of such lawsuit. Notwithstanding any other provision of law, the United States District Court for the District of Oregon shall be deemed to have jurisdiction over any lawsuit filed to determine the rights to the above described parcel of land.

Courts, U.S.

(3) In Curry County, Oregon, a parcel described as the southeast quarter of the southeast quarter of the southwest quarter of section 11 of township 32 south, range 15 west, Willamette meridian.

(c) 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, United States Code, and section 1360 of title 28, United States Code, respectively.

REGULATIONS

25 USC 714f.

SEC. 8. The Secretary may promulgate such regulations as may be necessary to carry out the provisions of this Act.

Approved October 17, 1984.

LEGISLATIVE HISTORY—H.R. 5540:

- HOUSE REPORT No. 98-904 (Comm. on Interior and Insular Affairs).
- CONGRESSIONAL RECORD, Vol. 130 (1984):
- Aug. 6, considered and passed House.
- Sept. 28, considered and passed Senate, amended.
- Oct. 2, House concurred in Senate amendment.