

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 subsection¹ (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”.

¹ 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 allottee¹ 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

¹ So in original. Probably should be “allottee”.

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 council² and to other tribal councils.

(Pub. L. 98-481, § 4, Oct. 17, 1984, 98 Stat. 2251.)

§ 714c. Interim Council

Until such time as a new tribal constitution and bylaws are adopted in accordance with section 714d of this title, 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 October 17, 1984.

(Pub. L. 98-481, § 5, Oct. 17, 1984, 98 Stat. 2252.)

§ 714d. Tribal constitution and bylaws

(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 476 of this title, 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 714b(d) of this title, 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 tribe¹ 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.

(Pub. L. 98-481, § 6, Oct. 17, 1984, 98 Stat. 2252.)

§ 714e. Reservation

(a) Establishment

A reservation shall be established by this subchapter at no cost to the Federal Government.

(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 tribe¹ 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 October 17, 1984. If before the end of the ninety day period, a person or entity other than the tribe¹ 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 subchapter 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.

(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.

(4) In Lane County, Oregon, a parcel described as beginning at the common corner to sections 23, 24, 25, and 26 township 18 south, range 12 west, Willamette Meridian; then west 25 links; then north 2 chains and 50 links; then

² So in original. Probably should be "Interim Council".

¹ So in original. Probably should be capitalized.

¹ So in original. Probably should be capitalized.

east 25 links to a point on the section line between sections 23 and 24; then south 2 chains and 50 links to the place of origin, and containing .062 of an acre, more or less, situated and lying in section 23, township 18 south, range 12 west, of Willamette Meridian.

(c) State of Oregon; criminal and civil jurisdiction

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.

(Pub. L. 98-481, §7, Oct. 17, 1984, 98 Stat. 2253; Pub. L. 105-256, §5, Oct. 14, 1998, 112 Stat. 1897.)

AMENDMENTS

1998—Subsec. (b)(4). Pub. L. 105-256 added par. (4).

§ 714f. Regulations

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

(Pub. L. 98-481, §8, Oct. 17, 1984, 98 Stat. 2254.)

SUBCHAPTER XXX-E—COQUILLE INDIAN TRIBE OF OREGON: RESTORATION OF FEDERAL SUPERVISION

§ 715. Definitions

For the purposes of this subchapter—

(1) “Tribe” means the Coquille Indian Tribe consisting of the Upper Coquille and the Lower Coquille Tribes of Indians;

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

(3) “Interim Council” means the governing body of the Coquille Tribe which serves pursuant to section 715f of this title;

(4) “Member” means those persons eligible for enrollment under section 715e of this title and after the adoption of a tribal constitution, those persons added to the roll pursuant to such constitution;

(5) “service area” means the area composed of Coos, Curry, Douglas, Jackson, and Lane Counties in the State of Oregon;

(6) “State” means the State of Oregon; and

(7) “Reservation” means those lands subsequently acquired and held in trust by the Secretary for the benefit of the Tribe.

(Pub. L. 101-42, §2, June 28, 1989, 103 Stat. 91.)

SHORT TITLE

Pub. L. 101-42, §1, June 28, 1989, 103 Stat. 91, provided that: “This Act [enacting this subchapter] may be cited as the ‘Coquille Restoration Act.’”

§ 715a. Restoration of Federal recognition, rights, and privileges

(a) Federal recognition

Notwithstanding any provision of law, Federal recognition is hereby extended to the Coquille Indian Tribe. Except as otherwise provided herein, all laws and regulations of general application to Indians or nations, tribes, or bands of Indians that are not inconsistent with any specific provision of this subchapter shall be applicable to the Tribe and its Members.

(b) Restoration of rights and privileges

Except as provided in subsection (d) of this section, all rights and privileges of this Tribe and of its Members 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 (68 Stat. 724) [25 U.S.C. 691 et seq.], are hereby restored and provisions of said Act shall be inapplicable to the Tribe and its Members after June 28, 1989.

(c) Federal services and benefits

Notwithstanding any other provision of law and without regard to the existence of a reservation, the Tribe and its Members shall be eligible, on and after June 28, 1989, for all Federal services and benefits furnished to federally recognized Indian tribes or their members. In the case of Federal services available to members of federally recognized tribes residing on a reservation, Members of the Tribe in the Tribe’s service area shall be deemed to be residing on a reservation. Notwithstanding any other provision of law, the Tribe shall be considered an Indian tribe for the purpose of the Indian Tribal Government Tax Status Act (26 U.S.C. 7871).

(d) Hunting, fishing, trapping, and water rights

Nothing in this subchapter shall expand, reduce, or affect in any manner any hunting, fishing, trapping, gathering, or water right of the Tribe and its Members.

(e) Indian Reorganization Act applicability

The Act of June 18, 1934 (48 Stat. 984), as amended [25 U.S.C. 461 et seq.], shall be applicable to the Tribe and its Members.

(f) Certain rights not altered

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 levied.

(Pub. L. 101-42, §3, June 28, 1989, 103 Stat. 91.)

REFERENCES IN TEXT

Act of 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.

The Indian Tribal Government Tax Status Act, referred to in subsec. (c), probably means the Indian Tribal Governmental Tax Status Act of 1982, title II of Pub. L. 97-473, Jan. 14, 1983, 96 Stat. 2607, as amended, which is classified principally to subchapter C (§7871) of chapter 80 of Title 26, Internal Revenue Code. For complete classification of this Act to the Code, see Short Title of 1983 Amendments note set out under section 1 of Title 26 and Tables.

Act of June 18, 1934, referred to in subsec. (e), 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.

§ 715b. Economic development

(a) Plan for economic development

The Secretary shall—

(1) enter into negotiations with the governing body of the Tribe with respect to estab-