

Public Law 98-165
98th Congress

An Act

Nov. 22, 1983
[H.R. 3885]

To provide for the restoration of Federal recognition to the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes.

Grand Ronde
Restoration Act.

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

SHORT TITLE

25 USC 713 note.

SECTION 1. This Act may be cited as the "Grand Ronde Restoration Act".

DEFINITIONS

25 USC 713.

SEC. 2. For the purposes of this Act—

(1) the term "tribe" means the Confederated Tribes of the Grand Ronde Community of Oregon considered as one tribe in accordance with section 3;

(2) the term "Secretary" means the Secretary of the Interior or his designated representative;

(3) the term "Interim Council" means the council which is established under, and the members of which are elected pursuant to, section 5;

(4) the term "tribal governing body" means the governing body which is established under, and the members of which are elected pursuant to, the tribal constitution and bylaws adopted in accordance with section 6; and

(5) the term "member", when used with respect to the tribe, means an individual enrolled on the membership roll of the tribe in accordance with section 7.

CONSIDERATION OF THE CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY AS ONE TRIBE

25 USC 713a.

SEC. 3. The Confederated Tribes of the Grand Ronde Community of Oregon shall be considered as one tribal unit for purposes of Federal recognition and eligibility for Federal benefits under section 4, the establishment of tribal self-government under sections 5 and 6, the compilation of a tribal membership roll under section 7, and the establishment of a tribal reservation under section 8.

RESTORATION OF FEDERAL RECOGNITION, RIGHTS, AND PRIVILEGES

25 USC 713b.

SEC. 4. (a) FEDERAL RECOGNITION.—Notwithstanding any provision of the Act approved August 13, 1954 (25 U.S.C. 691 et seq.) or any other law, Federal recognition is extended to the Confederated Tribes of the Grand Ronde Community of Oregon and the corporate charter of such tribe issued pursuant to section 17 of the Act approved June 18, 1934 (25 U.S.C. 477) and ratified by the tribe on August 22, 1936, is reinstated. Except as otherwise provided in this Act, all laws and regulations of the United States of general

application to Indians or nations, tribes, or bands of Indians which are not inconsistent with any specific provision of this Act shall be applicable to the tribe.

(b) **RESTORATION OF RIGHTS AND PRIVILEGES.**—Except as provided in subsection (d), all rights and privileges of the tribe and the members of the tribe under any Federal treaty, Executive order, agreement, or statute, or under any other Federal authority, which may have been diminished or lost under the Act approved August 13, 1954 (25 U.S.C. 691 et seq.) are restored, and the provisions of such Act shall be inapplicable to the tribe and to members of the tribe after the date of enactment of this Act.

(c) **FEDERAL SERVICES AND BENEFITS.**—Notwithstanding any other provision of law, the tribe and its members shall be eligible, on and after the date of the enactment of this Act, for all Federal services and benefits furnished to federally recognized Indian tribes without regard to the existence of a reservation for the tribe. In the case of Federal services available to members of federally recognized Indian tribes residing on or near a reservation, members of the tribe residing in the following counties of the State of Oregon shall be deemed to be residing on or near a reservation:

- (1) Washington County.
- (2) Marion County.
- (3) Yamhill County.
- (4) Polk County.
- (5) Tillamook County.
- (6) Multnomah County.

Any member residing in any such county shall continue to be eligible to receive any such Federal service notwithstanding the establishment of any reservation for the tribe in accordance with any plan prepared pursuant to section 8.

(d) **NO HUNTING, FISHING OR TRAPPING RIGHTS RESTORED.**—No hunting, fishing, or trapping rights of any nature of the tribe or of any member, including any indirect or procedural right or advantage over individuals who are not members, are granted or restored under this Act.

(e) **EFFECT ON PROPERTY RIGHTS AND OTHER OBLIGATIONS.**—Except as otherwise specifically provided in this Act, no provision contained in this Act shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes already levied.

INTERIM COUNCIL

SEC. 5. (a) ESTABLISHMENT.—There is established an Interim Council of the tribe which shall be composed of nine members. The Interim Council shall represent the tribe and its members in the implementation of this Act and shall be the governing body of the tribe until the tribal governing body established in accordance with section 6 first convenes.

25 USC 713c.

(b) **NOMINATION AND ELECTION OF INTERIM COUNCIL MEMBERS.**—(1) Within forty-five days after the date of the enactment of this Act, the Secretary shall announce the date of a general council meeting of the tribe to nominate candidates for election to the Interim Council. Such general council meeting shall be held within fifteen days of such announcement.

(2) Within forty-five days after such general council meeting, the Secretary shall hold an election by secret ballot to elect the members of the Interim Council from among the members nominated in

such general council meeting. Absentee and write-in balloting shall be permitted.

Election,
results.

(3) The Secretary shall approve the results of the Interim Council election conducted pursuant to this section if he is satisfied that the requirements of this section relating to the nomination and the election processes have been met. If he is not satisfied, he shall call for another general council meeting to be held within sixty days after such election to nominate candidates for election to the Interim Council and shall hold another election within forty-five days of such meeting.

Meeting and
election,
notification.

(4) The Secretary shall take any action necessary to ensure that each member described in section 7(d) of this Act is given notice of the time, place, and purpose of each meeting and election held pursuant to this subsection at least ten days before such general meeting or election.

(c) **AUTHORITY AND CAPACITY; TERMINATION.**—(1) The Interim Council shall have no powers other than those given it under this Act.

(2) With respect to any Federal service or benefit for which the tribe or any member is eligible, the Interim Council shall have full authority and capacity to receive grants and to enter into contracts.

(3)(A) Except as provided in subparagraph (B), the Interim Council and such Council's authority and capacity under this section shall cease to exist on the date the tribal governing body first convenes.

(B) With respect to any contractual right established and any obligation entered into by the Interim Council, such Council shall have the authority and capacity to bind the tribal governing body, as the successor in interest to the Interim Council, for a period of not more than six months beginning on the date such tribal governing body first convenes.

(d) **VACANCY ON INTERIM COUNCIL.**—Within thirty days after a vacancy occurs on the Interim Council and subject to the approval of the Secretary, the Interim Council shall hold a general council meeting to nominate a candidate for election to fill such vacancy and shall hold such election. The Interim Council shall provide notice of the time, place, and purpose of such meeting and election to members described in section 7(d) of this Act at least ten days before each such general meeting or election.

Meeting and
election,
notification.

TRIBAL CONSTITUTION AND BYLAWS; TRIBAL GOVERNING BODY

25 USC 713d.

SEC. 6. (a) ADOPTION OF PROPOSED CONSTITUTION AND BYLAWS; ELECTION: TIME AND PROCEDURE.—(1) The Interim Council shall be responsible for preparing the tribal constitution and bylaws which shall provide for, at a minimum, the establishment of a tribal governing body and tribal membership qualifications. Such proposed constitution and bylaws shall be adopted by the Interim Council no later than six months after the date of the enactment of this Act.

Election.

(2) Upon the adoption of the proposed tribal constitution and bylaws by the Interim Council, the Council shall request the Secretary, in writing, to schedule an election to approve or disapprove the adoption of such constitution and bylaws. The Secretary shall conduct an election by secret ballot in accordance with section 16 of the Act approved June 18, 1934 (25 U.S.C. 476).

(b) **NOTICE AND CONSULTATION.**—Not less than thirty days before any election scheduled pursuant to subsection (a), a copy of the proposed tribal constitution and bylaws, as adopted by the Interim

Council, along with a brief and impartial description of the proposed constitution and bylaws shall be sent to each member eligible to participate in such election under section 7(d). The members of the Interim Council may freely consult with members of the tribe 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 such election.

(c) **MAJORITY VOTE FOR ADOPTION; PROCEDURE IN EVENT OF FAILURE TO ADOPT PROPOSED CONSTITUTION.**—(1) In any election held pursuant to subsection (a) of this section, a vote of a majority of those actually voting shall be necessary and sufficient for the approval of the adoption of the tribal constitution and bylaws.

(2) If in any such election such majority does not approve the adoption of the proposed tribal constitution and bylaws, the Interim Council shall be responsible for preparing another tribal constitution and other bylaws in the same manner provided in this section for the first proposed constitution and bylaws. Such new proposed constitution and bylaws shall be adopted by the Interim Council no later than six months after the date of the election in which the first proposed constitution and bylaws failed of adoption. An election on the question of the adoption of the new proposal of the Interim Council shall be conducted in the same manner provided in subsection (a)(2) for the election on the first proposed constitution and bylaws.

(d) **ELECTION OF TRIBAL GOVERNING BODY.**—Not later than one hundred and twenty days after the tribe approves the adoption of the tribal constitution and bylaws and subject to the approval of the Secretary, the Interim Council shall conduct an election, by secret ballot, to elect the tribal governing body established under such constitution and bylaws. Notwithstanding any provision of the tribal constitution and bylaws, absentee and write-in balloting shall be permitted in an election under this subsection.

MEMBERSHIP ROLLS; VOTING RIGHTS OF MEMBER

SEC. 7. (a) MEMBERSHIP ROLL ESTABLISHED AND OPENED.—The membership roll of the tribe is established and open. 25 USC 713e.

(b) **CRITERIA GOVERNING ELIGIBILITY.**—(1) Until the first election of the tribal governing body is held pursuant to section 6(d), any living individual may be enrolled on the membership roll of the tribe if—

(A) that individual's name was listed on the final membership roll of the tribe published on April 6, 1956, in volume 20, number 101, Federal Register, pages 3636 through 3642;

20 FR 3636-3642.

(B) that individual was entitled to be on the membership roll of the tribe on August 13, 1954, but was not listed; or

(C) that individual is a descendant of an individual, living or dead, described in subparagraph (A) or (B) and possesses at least one-fourth degree of blood of members of the tribe, living or dead, or individuals who are or would have been eligible to be members under this paragraph.

(2) After the first election of the tribal governing body is held pursuant to section 6(d), the provisions of the constitution and bylaws adopted in accordance with section 6(a) shall govern membership in the tribe.

(c) **PROCEDURES FOR VERIFICATION OF ELIGIBILITY.**—(1) Before the election of the members of the Interim Council is held pursuant to section 5(b), verification of (A) descendency, for purposes of enroll-

ment, and (B) age, for purposes of voting rights under subsection (d), shall be made upon oath before the Secretary whose determination thereon shall be final.

Name exclusion, appeal.

(2) After the election of the members of the Interim Council is held pursuant to section 5(b), but before the first election of the members of the tribal governing body is held pursuant to section 6(d), the verification of descendancy and age shall be made upon oath before the Interim Council, or its authorized representative. An individual may appeal the exclusion of his name from the membership roll of the tribe to the Secretary, who shall make a final determination of each such appeal within ninety days after such an appeal has been filed with him. The determination of the Secretary with respect to such an appeal shall be final.

(3) After the first election of the members of the tribal governing body is held pursuant to section 6(d), the provisions of the constitution and bylaws adopted in accordance with section 6(a) shall govern the verification of any requirements for membership in the tribe. The Interim Council and the Secretary shall deliver their records and files and any other material relating to the enrollment of tribal members to such tribal governing body.

Publication in Federal Register.

(4) Not less than sixty days before the election under section 6(a), the Secretary shall publish in the Federal Register a certified copy of the membership roll of the tribe as of the date of such publication. Such membership roll shall include the names of all individuals who were enrolled by the Secretary, either directly under paragraph (1) or pursuant to an appeal under paragraph (2), and by the Interim Council under paragraph (2).

(d) VOTING RIGHTS OF MEMBER.—Each member who is eighteen years of age or older shall be eligible to attend, participate in, and vote at each general council meeting. Each such member may nominate candidates for any office, run for any office, and vote in any election of members to the Interim Council and to such other tribal governing body as may be established under the constitution and bylaws adopted in accordance with section 6.

ESTABLISHMENT OF TRIBAL RESERVATION

25 USC 713f.

SEC. 8. (a) PLAN FOR ESTABLISHMENT OF RESERVATION.—(1) Any reservation for the tribe shall be established by an Act of Congress enacted after the enactment of this Act.

Plan submittal to congressional committees.

(2) The Secretary shall enter into negotiations with the tribal governing body with respect to establishing a reservation for the tribe and, in accordance with this section and within two years of the date of the enactment of this Act, develop a plan for the establishment of such a reservation. Upon the approval of such plan by the tribal governing body (and after consultation with interested parties pursuant to subsection (b)), the Secretary shall submit such plan to the Clerk of the House of Representatives and the Secretary of the Senate for distribution to the committees of the respective Houses of the Congress with jurisdiction over the subject matter.

(b) CONSULTATION WITH STATE AND LOCAL OFFICIALS REQUIRED.—To assure that legitimate State and local interests are not prejudiced by the proposed enlargement of the reservation, the Secretary shall notify and consult all appropriate officials 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). The Secretary shall provide complete informa-

tion on the proposed plan to such officials and interested parties, including the restrictions on such proposed plan imposed by subsection (c). 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:

Information
availability.
Comments.

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

(7) any Federal real property transferred for the benefit of the tribe, pursuant to any reservation plan developed under section 8(a) of this Act, 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) a detailed statement—

- (1) describing the manner in which the Secretary notified all interested parties in accordance with subsection (b);
- (2) naming each individual and official consulted in accordance with subsection (b);
- (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).

REGULATIONS

25 USC 713g.

SEC. 9. The Secretary may promulgate such regulations as may be necessary to carry out the provisions of this Act.

Approved November 22, 1983.

LEGISLATIVE HISTORY—H.R. 3885:

HOUSE REPORT No. 98-464 (Comm. on Interior and Insular Affairs).
 CONGRESSIONAL RECORD, Vol. 129 (1983):
 Nov. 7, considered and passed House.
 Nov. 11, considered and passed Senate.