TITLE 25 - INDIANS

CHAPTER 9 - ALLOTMENT OF INDIAN LANDS

§ 331. Repealed. Pub. L. 106–462, title I, § 106(a)(1), Nov. 7, 2000, 114 Stat. 2007

Section, acts Feb. 8, 1887, ch. 119, § 1, 24 Stat. 388; Feb. 28, 1891, ch. 383, § 1, 26 Stat. 794; June 25, 1910, ch. 431, § 17, 36 Stat. 859, related to allotments of irrigable and nonirrigable land on reservations.

Codification

Section was based on section 1 of act Feb. 8, 1887, as amended generally by section 1 of act Feb. 28, 1891, which was amended generally, by act June 25, 1910. The amendment by act June 25, 1910, to section 1 of act Feb. 28, 1891, was treated as an amendment to section 1 of act Feb. 8, 1887, to reflect the probable intent of Congress, and this section was based on the text of section 1 of act Feb. 28, 1891, as so amended. The repeal by Pub. L. 106–462 of section 1 of act Feb. 8, 1887, was executed by repealing this section, to reflect the probable intent of Congress.

Short Title of 1987 Amendment

Pub. L. 100–153, § 1, Nov. 5, 1987, 101 Stat. 886, provided that: “This Act [amending sections 373, 1401, and 2301 of this title and section 4421 of Title 20, Education, and amending provisions set out as a note under this section] may be cited as the ‘Indian Law Technical Amendments of 1987’.”

Short Title

Act Feb. 8, 1887, ch. 119, 24 Stat. 388, as amended, enacting this section and sections 332 to 334, 339, 341, 342, 348, 349, 354, and 381 of this title, is popularly known as the “Indian General Allotment Act”.

Blackfeet Reservation, Montana

Act June 30, 1919, ch. 4, § 10, 41 Stat. 16, which provided for the allotment of lands within the Blackfeet Indian Reservation in Montana, was amended by act June 4, 1953, ch. 99, § 1, 67 Stat. 42, in order to remove the restrictions on alienation of the homestead allotments by making 80 acres of each allotment subject to sale, partition, issuance of patent in fee, or other disposition in accordance with the laws relating to the other allotments on the Reservation.

Act June 30, 1919, had provided that the 80-acre homestead allotment should remain inalienable. This restriction was removed on the alienation of homestead allotments after the death of the original allottee by act June 2, 1924, ch. 231, 43 Stat. 252, formerly set out as a note under this section. The restriction was completely removed by section 1 of act June 4, 1953. Section 2 of act June 4, 1953, repealed act June 2, 1924.

Creek Nation

Act Mar. 2, 1917, ch. 146, § 18, 39 Stat. 986, provided in part as follows: “Hereafter no allotments of land shall be made to members of the Creek Nation”.

Crow Indian Reservation

Act June 4, 1920, ch. 224, § 6, 41 Stat. 753, as amended by acts May 25, 1926, ch. 403, 44 Stat. 658; Sept. 16, 1959, Pub. L. 96–283, 73 Stat. 565; May 17, 1968, Pub. L. 90–308, 82 Stat. 123, provided for a reservation in perpetuity, for the benefit of the Crow Indian Tribe, of the minerals on or underlying the allotted lands on the Crow Indian Reservation.

Act Aug. 15, 1953, ch. 502, § 4, 67 Stat. 587, repealed act June 4, 1920, ch. 224, § 9, 41 Stat. 754, formerly set out as a note under this section. The act June 4, 1920, provided for allotment of lands of the Crow Tribe and section 9 of the act had provided that lands of the Crow Reservation should “be subject to all laws of the United States prohibiting the introduction of intoxicating liquors into the Indian country until otherwise provided by Congress”.

Act June 4, 1953, ch. 100, 67 Stat. 42, permitted the Indian owners of homestead, irrigable, or agricultural land on the Crow Indian Reservation in Montana to sell such land, upon application in writing and subject to the approval of the Secretary of the Interior or his authorized representative. Restrictions against such sales were contained in act June 4, 1920, ch. 224, 41 Stat. 751. The act of June 4, 1920, set out as a note below, provided for the allotment of lands on the Crow Reservation.

Provisions for the allotment of lands of the Crow Tribe of Indians within the Crow Indian Reservation in Montana, and for the distribution of tribal funds, were made by act June 4, 1920, ch. 224, 41 Stat. 751. The time for making allotments on the Crow Reservation, Montana, as provided by this act was extended for a period of two years from Dec. 4, 1921, by act Sept. 21, 1922, ch. 367, 42 Stat. 994.

Eastern Band of Cherokee Indians of North Carolina

Act June 4, 1924, ch. 253, 43 Stat. 376, provided: "That the Eastern Band of Cherokee Indians of North Carolina is hereby authorized, pursuant to the resolution of its council adopted the 6th day of November 1919, to convey to the United States of America, in trust, all land, money, and other property of said band for final disposition thereof as hereinafter provided; and the United States will accept such conveyance when approved by the Secretary of the Interior.

"Sec. 2. That upon approval of such conveyance the Secretary of the Interior shall cause to be prepared a roll of the members of said band, to contain the names of all living on the date of this Act, and no person born after that date shall be entitled to enrollment.

"The roll shall show the name, age, sex, and degree of Cherokee Indian blood, and separately of that derived from any other Indian ancestor, of each member. The day of the month indicating the birthday of each member shall also be shown upon said roll: Provided, That if such date is unknown and cannot be ascertained, the date of the entry of the name on the schedule shall be taken for the purposes of this Act to be the birth date of the member to whom the entry applies.

"Said roll when approved by the Secretary of the Interior shall be final and conclusive as to the membership of said band, and as to the ages and degree of Indian blood of the members, but clerical changes relating to the names of such members or to sex designations may be made at any time thereafter.

"Sec. 3. That in the preparation of said roll due consideration shall be given to all rolls and lists heretofore made of the membership of said band, together with any evidence elicited in the course of any investigations, and to all documents and records on file in the Interior Department or any of its bureaus or offices.

"The fact that the name of any person appears on any such roll or list shall not be accepted to establish, conclusively, his right or that of his descendants to enrollment. Nor shall the absence of his name from such former rolls conclusively bar any person or his descendants from enrollment.

"That in the preparation of said roll the act of the State of North Carolina of March 8, 1895, chapter 166, entitled 'An Act to amend chapter 211, laws of 1889, relating to the charter of the Eastern Band of Cherokee Indians' shall be disregarded.

"Applications for enrollment may be presented in such manner and within such time as may be prescribed by regulations made by the Secretary of the Interior, but lack of application shall not prevent consideration of the right to enrollment of any person whose name appears on any former roll and his descendants or of any name brought in any manner to the attention of those in charge of the enrollment work, including the names of those persons of Cherokee Indian blood living July 27, 1868, in any of the counties of North Carolina, in which the common lands of said band are located, or in any of the contiguous counties of that State or of the States of Georgia and Tennessee, and of their descendants.

"Sec. 4. That the lands so conveyed shall be surveyed, where found necessary, and divided into appropriate tracts or parcels and appraised at their true value as of the date of such appraisement, without consideration being given to the location thereof or to any mineral deposits therein or to improvements thereon, but such appraisement shall include all merchantable timber on all allottable lands.

"Sec. 5. That reservations from allotment may be made, in the discretion of the Secretary of the Interior, of lands for cemeteries, schools, water-power sites, rights of way, and for other public purposes, with proper safeguards, however, for compensation to individuals who may suffer losses by reason of such reservations.

"There may also be reserved any tract chiefly valuable because of the timber or of stone, marble, or other quarries thereon, or which by reason of location or topographical features may be unsuitable for allotment purposes.

"Any land or other property reserved from allotment as above provided and lands not needed for allotments may be sold at such time, in such manner, and upon such terms as the Secretary may direct, and the proceeds of such sale shall be added to the funds of the band: Provided, That in the sale of timberlands the timber and the land may be sold separately.

"Conveyances under such sales shall be made as provided in the case of conveyances to allottees.

"Sec. 6. That all oil, gas, coal, and other mineral deposits on said lands are hereby reserved to said band for a period of twenty-five years from the date of this Act, and during such period said deposits may be leased for prospecting and mining purposes by the Secretary of the Interior, for such periods (not exceeding the period for which such minerals are reserved) and upon such terms and conditions as he may prescribe: Provided, That at the end of such twenty-five year period all such deposits shall become the property of the individual owner of the surface of such land, unless Congress shall otherwise provide.

"Sec. 7. That all improvements on the lands of said band of a permanent and substantial character shall be appraised separately from the lands upon which the same may be, and shall be listed in the names of the members of the band prima facie entitled thereto, but the designation of ownership shall be tentative only until the true ownership thereof is ascertained and declared, after due notice and hearing. The right to have such improvements appraised, and to make

disposition thereof, shall extend to all members, except tenants, owning such improvements at the date of this Act [June 4, 1924].

"Any person held to be the owner of improvements may remove the same, where found to be practicable, within ninety days from the date they are declared to belong to him, or may, within that period, dispose of the same at not more than the appraised value to any member of the band entitled to receive an allotment, under regulations to be prescribed: Provided, That the vendor shall have a lien upon the rents and profits accruing from the tract on which such improvements may be located until the purchase price thereof is fully paid.

"Sec. 8. That the lands and money of said band shall be allotted and divided among the members thereof so as to give each an equal share of the whole in value, as nearly as may be, and to accomplish that the value of the standard allotment share shall be determined by dividing the total appraised value of all allotted and allottable lands by the total number of enrolled members.

"If any member shall fail to receive his full share of the tribal lands, he shall be entitled to the payment of money so as to adjust the difference as nearly as possible. If any member shall receive an allotment exceeding in value his full share of the tribal lands, the difference shall be adjusted by deduction from his distributive share of the tribal funds.

"Sec. 9. That when the tracts available for allotments are ascertained, each member of the said band may apply for a tract or tracts of land to the extent of thirty acres, as nearly as practicable, to include his home and improvements, if he so desires, and the selection so made shall be final as to the right to occupy and use the land so applied for as against all other members if no contest is filed against such selection within ninety days from and after formal application is made therefor: Provided, That any person claiming the right to select any given tract of land by reason of the purchase of improvements thereon shall have ninety days to make application therefor from and after the date of approval of any sale conveying to him said improvements, and such application shall become final as in other cases, subject to the right of any other member to contest such selection, ninety days from and after the same is duly made. All contests shall be instituted and heard pursuant to the rules and regulations of the Interior Department applicable thereto. Any allotment selection may be modified or limited, in the discretion of those in charge of the work, so as to give the selector of adjacent or contiguous lands access to firewood and drinking water.

"Sec. 10. That adults may select their own allotments, where mentally capable of so doing, but allotments for minors may be selected by their father or mother, in the order named, or by the officers in charge of the allotment work. The said officers may also select allotments for prisoners, convicts, aged, infirm, and insane or otherwise mentally incompetent members and for the estates of deceased members and, if necessary to complete any allotments or to bring the allotment work to a close, may make arbitrary selections for and on behalf of any member of said band.

"Sec. 11. That allotments may be selected for the members of any family, wherever practicable, from contiguous lands or other lands held by the head of the family, including both adult and minor children and such other relatives as are members of the household: Provided, That if any adult child shall claim the benefit of this section, he shall not be entitled as a matter of right to have his selection made from the lands desired by his father or mother or from lands needed by any minor member of the family for allotment purposes, but this shall not prevent selection of lands outside the family holdings if desired.

"Sec. 12. That where annuity or other payments to individuals have heretofore been suspended because their enrollment status has been questioned, the amounts involved in such suspended payments shall be paid to individuals found entitled to enrollment or to their heirs, and all funds of said band, after making such payments and after payments needed for equalizing allotments as hereinbefore provided and all other payments herein directed to be made, shall be distributed per capita among the enrolled members of said band and the heirs of those who shall die before distribution is completed, and shall be paid to the distributees or conserved and used for their benefit, according to whether they belong to the restricted or unrestricted class, at such time and in such manner as shall be deemed advisable.

"Sec. 13. That any member of said band whose degree of Indian blood is less than one-sixteenth may, in the discretion of the Secretary of the Interior, be paid a cash equivalent in lieu of an allotment of land. Any person desiring to avail himself of this provision may make application to the officers in charge of the allotment work at any time within ninety days after the date of the approval of the final roll, and preference shall be given in the order of application. The said officers shall have the power to add to the register of such names the names of any other members of the same class, including minors for whom no application is made for such time as may be allowed for the purpose by the regulations. Applications should be made in person by adults and for minors by their fathers or mothers, in the order named.

"Sec. 14. That if any member shall claim that he is the owner of a so-called private land claim, for the reason that money was advanced by him or his ancestor to pay in whole or in part for any land the title to which is now in the band, such claim may be submitted to and equitably adjusted by the Secretary of the Interior, whose decision thereon shall be final and not subject to review by the courts. In such adjustment due consideration shall be given to matters presented by the band in the way of offsets or counterclaims.

"Sec. 15. That a certificate of allotment shall be issued to each allottee upon the expiration of the contest period, if no contest is then pending, or, if a contest is then pending, upon final disposition thereof, but shall be dated as of the date of selection. Each certificate shall contain the name and roll number of the allottee, and the legal effect thereof shall be

to give the allottee the right to occupy and use the surface of the land described therein, as against each and every other member of the band, but not as against the band itself, or against the United States: Provided, That the Secretary of the Interior may cancel any certificate of allotment at any time before title to the land described therein is conveyed to the allottee, if in his judgment said land should be reserved for allotment for any purpose herein authorized or for any other good and sufficient reason, but before such action is taken the allottee shall have due notice and opportunity to be heard. If any such certificate shall be revoked, the allottee may select other lands as if no certificate had been issued to him.

“Sec. 16. That as soon as practicable after a certificate of allotment is issued there shall be issued to the allottee a deed conveying all right, title, and interest of the United States, as trustee, and of the band, and of every other member thereof, in and to the land described in said certificate. Each deed shall recite the roll number and degree of Indian blood of the grantee and shall be executed by or in the name of the Secretary of the Interior, who is hereby authorized to designate any clerk or employee of the department to sign his name for him to all such deeds.

“Each deed, when so issued, shall be recorded in the office of the recorder of deeds for the county in which the land conveyed thereby is located. When so recorded title to the land shall vest in the allottee subject to the conditions, limitations, and restrictions herein imposed. Upon the recording of any deed it shall be the duty of the officers representing the Government of the United States to deliver it to the allottee named therein.

“Sec. 17. That if any member enrolled as provided in this Act shall die before receiving his distributive share of the band or tribal property, the land and moneys to which he would be entitled, if living, shall descend to his heirs according to the laws of the State of North Carolina and be distributed to them accordingly, but in all such cases the allotment and deed therefor shall be made in the name of the deceased ancestor and shall be given the same force and effect as if made during his lifetime: Provided, That the provisions of the Act of Congress approved June 25, 1910 (Thirty-sixth Statutes, page 855), as amended by the Act of Congress of February 14, 1913 (Thirty-seventh Statutes, page 678), relating to the determination of heirs and approval of wills by the Secretary of the Interior, and to other matters, are hereby made applicable to the persons and estates of the members of the said band, and in the construction of said Acts no distinction shall be made between restricted lands and moneys and those conveyed or held in trust.

“Sec. 18. That leases of lands allotted under this Act may be made during the restricted period for any purpose and for any term of years, under rules and regulations to be prescribed by the Secretary of the Interior: Provided, That such leases shall be executed on behalf of minors and other incompetents, including any Indian deemed to be incapable, mentally or physically, of managing his business affairs properly and with benefit to himself and in their names, by a duly authorized representative of the Indian Service designated by said Secretary for the purpose: Provided further, That all leases of unpartioned estates shall be so made and approved unless all of the Indian heirs or owners are of the unrestricted class, and shall be subject to supervision during the restricted period the same as leases made on other restricted lands, but all rents and royalties accruing therefrom to unrestricted owners shall be paid, by the proper officers of the Indian Service, to such owners at the earliest date practicable after the collection thereof.

“Parents may use the lands allotted to their children and receive the rents and profits arising herefrom during the minority of such children: Provided, That this privilege may be revoked by the Commissioner of Indian Affairs at any time while said lands are restricted for such cause as may by him be deemed good and sufficient.

“Sec. 19. That lands allotted under this Act shall not be alienable, either by voluntary or enforced sale by the allottee or his heirs or otherwise, for a period of twenty-five years from and after the date when the deed conveying such land to the allottee is recorded as directed herein: Provided, That upon the completion of the allotments and the recording of the deeds as herein directed each allottee shall become a citizen of the United States and a citizen of the particular State wherein he (or she) may reside, with all the rights, privileges, and immunities of such citizens: Provided further, That the Secretary of the Interior may, in his discretion, at any time after a deed is recorded remove the restrictions on the lands described therein, either with or without application by the owner or owners, under such rules and regulations or special orders governing the terms of sale and the disposition of the proceeds as he shall prescribe.

“Sec. 20. That lands allotted under this Act shall not be subjected or held liable to any form of personal claim, or demand, against the allottee, arising or existing prior to the removal of restrictions; and any attempted alienation or incumbrance of restricted land by deed, mortgage, contract to sell, power of attorney, or other method of incumbering real estate, except leases specifically authorized by law, made before or after the approval of this Act and prior to removal of restrictions therefrom, shall be absolutely null and void.

“Sec. 21. That all lands, and other property, of the band, or the members thereof, except funds held in trust by the United States, may be taxed by the State of North Carolina, to and including the tax year following the date of this Act. Such taxes shall be paid from the common funds of said band for such period, except upon such tracts as shall have been lawfully sold prior to the date when tax assessments can be made thereon under the State law. All tax assessments made pursuant to this Act on restricted allotments or undivided tribal property held in trust by the United States shall be subject to revision by the Commissioner of Indian Affairs for a period of one year following the date when such assessments are spread on the local tax rolls, but if he shall take no action thereon during said year, such assessments shall be final, but this shall not be construed to deprive any allottee of any remedy to which he would be entitled under the State law: Provided, That such restricted and undivided property shall be exempt from sale for unpaid taxes for two years from the date when such taxes become due and payable, and no penalty for delinquency in the payment of

such taxes shall be charged or collected for or during said period, so that Congress may have an opportunity to make provision for the payment of such taxes if the band, or tribal, funds are found insufficient for the purpose.

"After the expiration of the tax year following that in which this Act is approved all lands allotted to members of said band, from which restrictions shall have been removed, shall be subject to taxation the same as other lands. But from and after the expiration of said tax year all restricted allotments and undivided property shall be exempt from taxation until the restrictions on the alienation of such allotments are removed or the title of the band to such undivided property is extinguished.

"Sec. 22. That the removal of restrictions upon allotted lands shall not deprive the United States of the duty or authority to institute and prosecute such action in its own name, in the courts of the United States, as may be necessary to protect the rights of the allottees, or of their heirs, until the said band shall be dissolved by congressional action, unless the order removing such restrictions is based upon an express finding that the Indian to whom it relates if fully competent and capable of managing his own affairs.

"Sec. 23. That the authority of the Eastern Band of Cherokee Indians of North Carolina to execute conveyances of lands owned by said band, or any interest therein, is recognized, and any such conveyance heretofore made, whether to the United States or to others, shall not be questioned in any case where the title conveyed or the instrument of conveyance has been or shall be accepted or approved by the Secretary of the Interior.

"Sec. 24. That the reinvestment of the proceeds arising from the sale of surplus and unallotted lands of said band in other lands in the vicinity of the Indian school at Cherokee, North Carolina, is hereby authorized, in the discretion of the Secretary of the Interior, and lands so purchased may be allotted as provided for herein respecting the allotment of lands now owned by said band.

"Sec. 25. That all things provided for herein shall be done under the direction of the Secretary of the Interior, who is authorized to prescribe needed rules and regulations.

"All questions as to enrollment and as to all other matters involving the disposition of the lands or moneys of said band, or of the members thereof, shall be decided by the Secretary of the Interior, and such decision as to any matter of fact or law shall be final.

"Sec. 26. That in addition to any sum or sums heretofore or hereafter regularly appropriated for salaries and expenses, there is hereby authorized to be appropriated, from the funds of the United States in the Treasury not otherwise appropriated, the sum of $10,000, or so much thereof as may be necessary, for the payment of such expenses as shall be necessarily incurred, including the salaries of additional employees in the administration of this Act."

Flathead Reservation, Montana

Act Feb. 25, 1920, ch. 87, 41 Stat. 452, provided for allotments on the Flathead Reservation, Montana, to all unallotted, living children, enrolled with the tribe, enrolled or entitled to enrollment.

Fort Belknap Reservation, Montana

Act Mar. 3, 1921, ch. 135, 41 Stat. 1355, provided for the enrollment of the Indians of the Gros Ventre and Assiniboine Tribes in the Fort Belknap Reservation, Montana, and for the allotment among such enrolled Indians of the unreserved and undisposed of lands on the reservation; declared the Indians to whom trust patents for such allotted lands shall be issued to be citizens of the United States; provided for reservation from allotment of lands chiefly valuable for the development of water power, and for Indian agency, school, religious, cemetery and administrative purposes; provided for the reservation of certain of the lands for park purposes and for a site for a sanatorium for the benefit of the Indians; provided for the issue of patents for a certain limited number of acres of the lands to missionary, religious and educational purposes; provided for the examination of the lands, prior to their allotment, to determine the mineral character thereof; provided for the reservation of coal on the lands for certain purposes; provided that the timber lands shall remain tribal property and for the use of the timber thereon by the Indians; provided for the reservation and disposition of town-sites on the lands; provided for the construction of irrigation projects on the lands; provided for the grant of certain of the lands to the State of Montana for school lands and made an appropriation to carry out the purposes of the act.

Kansas or Kaw Tribe of Oklahoma

Act Mar. 4, 1923, ch. 297, 42 Stat. 1561, extended period of restriction against alienation of lands allotted to minor members of Kansas or Kaw Tribe of Oklahoma for a period of twenty-five years from Mar. 4, 1923.

Lac du Flambeau Band of Wisconsin

Act May 19, 1924, ch. 158, 43 Stat. 132, as amended by Pub. L. 87–25, Apr. 24, 1961, 75 Stat. 46, provided for enrollment and allotment of members of Lac du Flambeau Band of Lake Superior Chippewas in Wisconsin.

Osage Indian Tribe of Oklahoma

Pub. L. 98–576, Oct. 30, 1984, 98 Stat. 3065, provided: "That (a) any Osage headright or restricted real estate or funds which is part of the estate of a deceased Osage Indian with respect to whom—

"(1) a certificate of competency had never been issued before the time of death, or

"(2) a certificate of competency had been revoked by the Secretary of the Interior before the death of such Osage Indian,

shall be exempt from any estate or inheritance tax imposed by the State of Oklahoma.

"(b) Subsection (a) shall apply to the estate of any Osage Indian who dies on or after the date of the enactment of this Act [Oct. 30, 1984].

"Sec. 2. For purposes of this Act—

"(1) the term 'headright' means any right of any person to share in any royalties, rents, sales, or bonuses arising from the Osage mineral estate;

"(2) the term 'Osage mineral estate' means any right, title, or interest in any oil, gas, coal, or other mineral held by the United States in trust for the benefit of the Osage Tribe of Indians under section 3 of the Osage Tribe Allotment Act;

"(3) the term 'restricted real estate or funds' means any real estate or fund held by an Osage Indian or by the Secretary of the Interior in trust for the benefit of such Indian which is subject to any restriction against alienation, or transfer by any other means, under any Act of Congress applicable to the Osage Tribe of Indians or applicable generally to Indians or any bands, tribes, or nations of Indians; and

"(4) the term 'Osage Tribe Allotment Act' means the Act approved June 28, 1906, and entitled 'An Act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes' (34 Stat. 539)."

Pub. L. 95–496, §§ 3–11, Oct. 21, 1978, 92 Stat. 1660–1664, as amended by Pub. L. 98–605, § 2, Oct. 30, 1984, 98 Stat. 3163, provided that:

"Sec. 3. (a) [Repealed act Feb. 5, 1948, ch. 46, 62 Stat. 18, formerly set out below.]

"(b) Any Osage Indian having received a certificate of competency under paragraph 7 of section 2 of the Act of June 28, 1906 (34 Stat. 539, 542); section 3 of the Act of March 2, 1929 (45 Stat. 1478, 1480) [amending act Feb. 27, 1925, ch. 359, 43 Stat. 1008, which is set out below]; or the Act of February 5, 1948 (62 Stat. 18) [Act Feb. 5, 1948, ch. 46, 62 Stat. 18], may make application to the Secretary of the Interior to revoke such certificate and the Secretary shall revoke such certificate: Provided, That revocation of any certificate shall not affect the legality of any transactions heretofore made by reason of the issuance of any such certificate. Restrictions against alienation of lands heretofore removed are not reimposed.

"(c) [Amended act Feb. 27, 1925, set out below, act Mar. 2, 1929, ch. 493, § 4, 45 Stat. 1480, and June 24, 1938, ch. 645, §§ 1, 3, 52 Stat. 1034, 1035.

"Sec. 4. In order to conserve natural resources and provide for the greatest ultimate recovery of oil and gas underlying the Osage mineral estate, the Secretary of the Interior is authorized to establish rules and regulations under which oil and gas leases producing from a common source of supply may be unitized.

"Sec. 5. (a) [Amended act Apr. 18, 1912, ch. 83, § 8, 37 Stat. 88.]

"(b) [Amended act Apr. 18, 1912, ch. 83, § 3, 37 Stat. 86.]

"(c) [Amended act Feb. 27, 1925, set out below.]

"(d)(1) Notwithstanding any provision of—

"(A) section 3 or 8 of the Osage Indians Act of 1912 (as amended by subsections (b) and (a), respectively) [not classified to the Code], or

"(B) section 7 of the Osage Indians Act of 1925 (as amended by subsection (c)) [act Feb. 27, 1925, set out below],

any sale or transfer or any disposition by any other means of any headright shall be subject to section 7 of this Act [set out below].

"(2) Notwithstanding section 6(a) of this Act [set out below] or section 8 of the Osage Indians Act of 1912, no Osage Indian may—

"(A) provide for the transfer of any interest of such person in any headright—

"(i) by will to any person which is not an individual, or

"(ii) by the establishment of an inter vivos trust for the benefit of any person which is not an individual; or

"(B) provide, whether by the terms of a will, the terms of a testamentary trust established by a will, or by the terms of an instrument establishing an inter vivos trust, that any interest in any headright—

"(i) which such Osage Indian had (at the time of death of such person or at the time any such inter vivos trust was established), and

"(ii) in which any individual was granted a life estate by such Osage Indian,

may be transferred to or held for the benefit of any individual who is not an Osage Indian upon the death of the individual who held such life estate.

"Sec. 6. (a) With the approval of the Secretary of the Interior, any person of Osage Indian blood, eighteen years of age or older, may establish an inter vivos trust covering his headright or mineral interest except as provided in section 8 hereof; surplus funds; invested surplus funds; segregated trust funds; and allotted or inherited land, naming the Secretary of the Interior as trustee. An Osage Indian having a certificate of competency may designate a banking or trust institution as trustee. Said trust shall be revocable and shall make provision for the payment of funeral expenses, expenses of last illness, debts, and an allowance to members of the family dependent on the settlor.

"(b) Property placed in trust as provided by this section shall be subject to the same restrictions against alienation that presently apply to lands and property of Osage Indians, and the execution of such instrument shall not in any way affect the tax-exempt status of said property.

"rules governing devolution of interests in osage headrights

"Sec. 7. (a) General Rule.—No person who is not an Osage Indian may, on or after October 21, 1978, receive any interest in any headright, other than a life estate in accordance with subsection (b), whether such interest would be received by such person (but for this subsection) under a will, a testamentary or inter vivos trust, or the Oklahoma laws of intestate succession.

"(b) Exception for Life Estates.—Notwithstanding subsection (a) and subject to section 5 (d)(2) [set out above], an individual who is not an Osage Indian may receive a life estate in any headright held by a testator, settlor, or decedent who is or was an Osage Indian under a will, or under a testamentary trust established by a will, of such testator, an inter vivos trust established by such settlor, or the Oklahoma laws of intestate succession relating to the administration of the estate of such decedent.

"(c) Special Rules Governing Interests in Osage Headright Upon Death of Individual Who Held Life Estate in Such Headright.—

"(1) Designated osage remaindermen.—Upon the death of any individual who is not an Osage Indian and who held a life estate in any headright of a testator or settlor described in subsection (b), all remaining interests in such headright shall vest in any remaindermen who—

"(A) are designated in the will of the testator or the instrument establishing the trust of the settlor to receive such remainder interest, and

"(B) are Osage Indians.

"(2) No designated osage remaindermen.—Upon the death of any individual who is not an Osage Indian and who held a life estate in any headright of a testator, settlor, or decedent described in subsection (b) who—

"(A) did not designate any remainderman who is an Osage Indian to receive any remaining interest in such headright in the will of such testator or instrument of such settlor, or

"(B) died intestate,

all remaining interests in such headright shall vest in any heirs, as determined under the Oklahoma laws of intestate succession, of such testator, settlor, or decedent who are Osage Indians.

"(3) No heir who is an osage indian.—Upon the death of any individual who is not an Osage Indian and who held a life estate in any headright of an Osage testator, settlor, or decedent described in subsection (b) who—

"(A) designated no remainderman who is an Osage Indian for any remaining interest in such headright, and

"(B) had no heir under the Oklahoma laws of intestate succession who is an Osage Indian and is living at the time of death of the individual who held such life estate,

all remaining interests in such headright shall vest in the Osage Tribe of Indians.

"(d) Liability of Tribe in Case of Remainderman or Heir Who is Not an Osage Indian.—In any case in which—

"(1) any remainder interest of a testator, settlor, or decedent described in subsection (b) vests in the Osage Tribe of Indians under subsection (c)(3), and

"(2) an individual who is not an Osage Indian and who, but for this section, would have received any portion of such remaining interest in the headright by virtue of—

"(A) having been designated under the will of such testator, or the instrument of such settlor which established any such trust, to receive such remainder interest, or

"(B) being the heir of such decedent under the Oklahoma laws of intestate succession,

the tribe shall pay any such individual the fair market value of the portion of the interest in such headright such individual would have received but for this section.

"Sec. 8. (a)(1) No headright owned by any person who is not of Indian blood may be sold, assigned, or transferred without the approval of the Secretary. Any sale of any interest in such headright (and any other transfer which divests such person of any right, title, or interest in such headright) shall be subject to the following rights of purchase:

"(1) First right of purchase by the heirs in the first degree of the first Osage Indian to have acquired such headright under an allotment who are living and are Osage Indians, or, if they all be deceased, all heirs in the second through the fourth degree of such first Osage Indian who are living and are Osage Indians.

"(2) Second right of purchase by any other Osage Indian for the benefit of any Osage Indian in his or her individual capacity.

"(3) Third right of purchase by the Osage Tribal Council on behalf of the Osage Tribe of Indians.

No owner of any headright shall be required, by reason of this subsection, to sell such headright for less than its fair market value or to delay any such sale more than 90 days from the date by which notice of intention to sell (or otherwise transfer) such headright has been received by each person with respect to whom a right of purchase has been established under this subsection.

"(b) Notwithstanding the paragraph designated 'First' of section 4 of the Osage Tribe Allotment Act or any other provision of law, any income from the Osage mineral estate may be used for the purchase of any headright offered for sale to the Osage Tribal Council pursuant to subsection (a) or vested in the Osage Tribe pursuant to section 7 if, prior to the time that any income from the Osage mineral estate is segregated for distribution to holders of headrights, the Osage Tribal Council requests the Secretary to authorize such use of such funds and the Secretary approves such request.

"Sec. 9. Under such regulations as the Secretary of the Interior may prescribe, the heirs and legatees of any deceased owner of an Osage headright or mineral interest, real estate on which restrictions against alienation have not been removed, and funds on deposit at the Osage Agency may be determined by the Secretary if such aggregate interests do not exceed $10,000: Provided, That no court of competent jurisdiction has undertaken the probate of the deceased's estate and a request for such administrative determination has been made to the Secretary by one or more of the heirs or legatees."

"Sec. 10. Except where any provision of this Act explicitly provides otherwise, wherever the term 'Osage Indian' is used in this Act, such term shall be construed so as to include any child who has been adopted by an Osage Indian (pursuant to the decision of any court of competent jurisdiction) and any lineal descendant of such child.

"Sec. 11. For purposes of this Act—

"(1) the term 'Osage mineral estate' means any right, title, or interest in any oil, gas, coal, or other mineral held by the United States in trust for the benefit of the Osage Indian Tribe under section 3 of the Osage Tribe Allotment Act;

"(2) the term 'headright' means any right of any person to share in any royalties, rents, sales, or bonuses arising from the Osage mineral estate;

"(3) the term 'Secretary' means the Secretary of the Interior;

"(4) the term 'person' has the meaning given to such term in section 1 of title 1, United States Code;

"(5) the term 'Osage Tribe Allotment Act' means the Act approved June 28, 1906, and entitled 'An Act For the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes.' (34 Stat. 539);

"(6) the term 'Osage Indians Act of 1912' means the Act approved April 18, 1912, and entitled 'An Act Supplementary to and amendatory of the Act entitled "An Act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June twenty-eighth, nineteen hundred and six, and for other purposes.' (37 Stat. 86); and

"(7) the term 'Osage Indians Act of 1925' means the Act approved February 27, 1925, and entitled 'An Act To amend the Act of Congress of March 3, 1921, entitled "An Act to amend section 3 of the Act of Congress of June 28, 1906, entitled 'An Act of Congress for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes.' " ' (43 Stat. 1008) [set out below]."

Pub. L. 95–496, § 3(a), Oct. 21, 1978, 92 Stat. 1660, repealed act Feb. 5, 1948, ch. 46, 62 Stat. 18, which related to issuance of certificates of competency to members of the Osage Tribe of less than one-half Indian blood upon attaining age twenty-one.

Act Aug. 4, 1947, ch. 474, § 1, 61 Stat. 747, as amended by Pub. L. 85–857, § 13(n), Sept. 2, 1958, 72 Stat. 1266, provided: "That the provisions of section 6 of the Act approved February 27, 1925 (43 Stat. 1008) [set out in note below], as amended by section 5 of the Act approved March 2, 1929, (45 Stat. 1478) [set out in note below], which make invalid contracts of debt entered into by certain members of the Osage Tribe of Indians, shall not apply to any debt contracted pursuant to title III of the Servicemen's Readjustment Act of 1944 or chapter 37 of title 38, United States Code, by any member of such tribe who, by reason of his service in the armed forces of the United States during World War II, is eligible for the benefits of such title III or chapter 37; and any other member of the Osage Tribe upon attaining the age of twenty-one years may contract a valid debt without approval of the Secretary of the Interior: Provided, That the Osage lands and funds and any other property which has heretofore or which may hereafter be held in trust or under supervision of the United States for such Osage Indians not having a certificate of competency shall not be subject to lien, levy, attachment, or forced sale to satisfy any debt or obligation contracted or incurred prior to the issuance of a certificate of competency."

Act Feb. 27, 1925, ch. 359, 43 Stat. 1008, as amended by acts Mar. 2, 1929, ch. 493, §§ 3, 4, 45 Stat. 1480; Sept. 1, 1950, ch. 832, 64 Stat. 572; Oct. 21, 1978, Pub. L. 95–496, §§ 3(c), 5 (c), formerly 5(7), 92 Stat. 1661, 1662; Oct. 30, 1984, Pub. L. 98–605, §§ 2(b), 4, 98 Stat. 3163, 3167, provided that:

"The Secretary of the Interior shall cause to be paid at the end of each fiscal quarter to each adult member of the Osage Tribe of Indians in Oklahoma having a certificate of competency, his or her pro rata share, either as a member of the tribe or heir or devisee of a deceased member, of the interest on trust funds, the bonus received from the sale of oil or gas leases, the royalties therefrom and any other moneys due such Indian received during each fiscal quarter, including all moneys received prior to the passage of this Act and remaining unpaid; and so long as the accumulated income is sufficient the Secretary of the Interior shall cause to be paid to the adult members of said tribe not having a certificate of competency $1,000 quarterly, except where such adult members have legal guardians, in which case the amounts provided for herein may be paid to the legal guardian or direct to such Indian in the discretion of the Secretary of the Interior, the total amounts of such payments, however, shall not exceed $1,000 quarterly except as hereinafter provided; and shall cause to be paid for the maintenance and education, to either one of the parents or legal guardians actually having personally in charge, enrolled or unenrolled, minor member under twenty-one years of age, and above eighteen years of age, $1,000 quarterly out of the income of each of said minors, and out of the income of minors under eighteen years of age, $500 quarterly, and so long as the accumulated income of the parent or parents of a minor who has no income or whose income is less than $500 per quarter is sufficient, shall cause to be paid to either of said parents having the care and custody of such minor $500 quarterly, or such proportion thereof as the income of such minor may be less than $500, in addition to the allowances above provided for such parents. Rentals due such adult members from their lands and their minor children's lands and all income from such adults' investments shall be paid to them in addition to the allowance above provided. All payments to legal guardians of Osage Indians shall be expended subject to the joint approval in writing of the court and the superintendent of the Osage Agency. All payments to adults not having certificates of competency, including amounts paid for each minor, shall, in case the Secretary of the Interior finds that such adults are wasting or squandering said income, be subject to the supervision of the superintendent of the Osage Agency: Provided, That if an adult member, not having a certificate of competency, so desires, his entire income accumulating in the future from the sources herein specified may be paid to him without supervision, unless the Secretary of the Interior shall find, after notice and hearing, that such member is wasting or squandering his income, in which event the Secretary of the Interior shall pay to such member only the amounts hereinbefore specified to be paid to adult members not having certificates of competency. The Secretary of the Interior shall invest the remainder, after paying the taxes of such members, in United States bonds, Oklahoma State bonds, real estate, first mortgage real estate loans not to exceed 50 per centum of the appraised value of such real estate, and where the member is a resident of Oklahoma such investment shall be in loans on Oklahoma real estate, stock in Oklahoma building and loan associations, livestock, or deposit the same in banks in Oklahoma, or expend the same for the benefit of such member, such expenditures, investments, and deposits to be made under such restrictions, rules, and regulations as he may prescribe: Provided, That the Secretary of the Interior shall not make any investment for an adult member without first securing the approval of such member of such investment: Provided further, That at the beginning of each fiscal year there shall first be reserved and set aside, out of Osage tribal funds available for that purpose, a sufficient amount of money for the expenditures authorized by Congress out of Osage funds for that fiscal year. No guardian shall be appointed except on the written application or approval of the Secretary of the Interior for the estate of a member of the Osage Tribe of Indians who does not have a certificate of competency or who is of one-half or more Indian blood. All moneys now in the possession or control of legal guardians heretofore paid to them in excess of $4,000 per annum each for adults and $2,000 each for minors under the Act of Congress of March 3, 1921, relating to the Osage Tribe of Indians, shall be returned by such guardians to the Secretary of the Interior, and all property, bonds, securities, and stock purchased, or investments made by such guardians out of said moneys paid them shall be delivered to the Secretary of the Interior by them, to be held by him or disposed of by him as he shall deem to be for the best interest of the members to whom the same belongs. All bonds, securities, stocks, and property purchased and other investments

made by legal guardians shall not be subject to alienation, sale, disposal, or assignment without the approval of the Secretary of the Interior. Any indebtedness heretofore lawfully incurred by guardians shall be paid out of the funds of the members for whom such indebtedness was incurred by the Secretary of the Interior. All funds other than as above mentioned, and other property heretofore or hereafter received by a guardian of a member of the Osage Tribe of Indians, which was theretofore under the supervision and control of the Secretary of the Interior or the title to which was held in trust for such Indian by the United States, shall not thereby become divested of the supervision and control of the Secretary of the Interior or the United States be relieved of its trust; and such guardian shall not sell, dispose of or otherwise encumber such fund or property without the approval of the Secretary of the Interior, and in accordance with orders of the county court of Osage County, Oklahoma. In case of the death, resignation, or removal from office of such a guardian, the funds and property in his possession subject to supervision and control of the Secretary of the Interior or to which the United States held the title in trust shall be immediately delivered to the superintendent of the Osage Agency, to be held by him and supervised or invested as hereinbefore provided. Within thirty days after the passage of this Act, such guardian shall render and file with the Secretary of the Interior or the superintendent of the Osage Agency a complete accounting, fully itemized, under oath, for the funds so paid to him and pay to the said Secretary or superintendent any and all moneys in his hands at the time of the passage of this Act, which have been paid him in excess of $4,000 per annum each for adults and $2,000 each for minors. The said guardian shall at the same time tender to said Secretary or superintendent all property or whatsoever kind in his possession at the time of the passage of this Act, representing the investment by him of said funds. The Secretary or superintendent is hereby authorized to accept such property or any part thereof at the price paid therefore by said guardian for the benefit of the ward of such guardian, if in his judgment he deems it advisable, and to make such settlement with such guardian as he deems best for such ward. Failing to make satisfactory settlement with said guardian as to said investments or any part thereof, the Secretary is authorized to bring such suit or suits against said guardian, his bond, and other parties in interest as he may deem necessary for the protection of the interests of the ward and may bring such action in any State court of competent jurisdiction or in the United States district court for the district in which said guardian resides.

“The Secretary of the Interior be, and is hereby, authorized, in his discretion, under such rules and regulations as he may prescribe, upon application of any member of the Osage Tribe of Indians not having a certificate of competency, to pay all or any part of the funds held in trust for such Indian: Provided, That the Secretary of the Interior shall, within one year after this Act is approved, pay to each enrolled Indian of less than half Osage blood, one-fifth part of his or her proportionate share of accumulated funds. And such Secretary shall on or before the expiration of ten years from the date of the approval of this Act, advance and pay over to such Osage Indians of less than one-half Osage Indian blood, all of the balance appearing to his credit of accumulated funds, and shall issue to such Indian a certificate of competency: And provided further, That nothing herein contained shall be construed to interfere in any way with the removal by the Secretary of the Interior of restrictions from and against any Osage Indian at any time.

“Sec. 2. Upon the death of an Osage Indian who does not have a certificate of competency, his or her moneys and funds and other property accrued and accruing to his or her credit and which have heretofore been subject to supervision as provided by law may be paid to the administrator or executor of the estate of such deceased Indian or direct to his heirs or devisees, or may be retained by the Secretary of the Interior in the discretion of the Secretary of the Interior, under regulations to be promulgated by him: Provided, That the Secretary of the Interior shall pay to administrators and executors of the estates of such deceased Osage Indians a sufficient amount of money out of such estates to pay all lawful indebtedness and costs and expenses of administration when approved by him; and, out of the shares belonging to heirs or devisees, above referred to, he shall pay the costs and expenses of such heirs or devisees, including attorney fees, when approved by him, in the determination of heirs or contest of wills. Upon the death of any Osage Indian of less than one-half of Osage Indian blood or upon the death of an Osage Indian who has a certificate of competency, his moneys and funds and other property accrued and accruing to his credit shall be paid and delivered to the administrator or executor of his estate to be administered upon according to the laws of the State of Oklahoma: Provided, That upon the settlement of such estate any funds or property subject to the control or supervision of the Secretary of the Interior on the date of the approval of this Act, which have been inherited by or devised to any adult or minor heir or devisee who does not have a certificate of competency, and which have been paid or delivered by the Secretary of the Interior to the administrator or executor shall be paid or delivered by such administrator or executor to the Secretary of the Interior for the benefit of such Indian and shall be subject to the supervision of the Secretary as provided by law.

“Sec. 3. Lands devised to members of the Osage Tribe who do not have certificates of competency, under wills approved by the Secretary of the Interior, and lands inherited by such Indians, shall be inalienable unless such lands be conveyed with the approval of the Secretary of the Interior. Property of Osage Indians not having certificates of competency purchased as hereinbefore set forth shall not be subject to the lien of any debt, claim, or judgment except taxes, or be subject to alienation, without the approval of the Secretary of the Interior.

“Sec. 4. Whenever the Secretary of the Interior shall find that any member of the Osage Tribe, to whom has been granted a certificate of competency, is squandering or misusing his or her funds, he may revoke such certificate of competency after notice and hearing in accordance with such rules and regulations as he may prescribe, and thereafter the income of such member shall be subject to supervision and investment as herein provided for members not having certificates of competency to the same extent as if a certificate of competency had never been granted: Provided, That all just indebtedness of such member existing at the time his certificate of competency is revoked shall be paid by the

Secretary of the Interior, or his authorized representative, out of the income of such member, in addition the quarterly income hereinbefore provided for: And provided further, That such revocation or cancellation of any certificate of competency shall not affect the legality of any transactions theretofore made by reason of the issuance of any certificate of competency.

“Sec. 5. No person convicted of having taken, or convicted of causing or procuring another to take, the life of an Osage Indian shall inherit from or receive any interest in the estate of the decedent, regardless of where the crime was committed and the conviction obtained.

“Sec. 6. No contract for debt hereafter made with a member of the Osage Tribe of Indians not having a certificate of competency, shall have any validity, unless approved by the Secretary of the Interior. In addition to the payment of funds heretofore authorized, the Secretary of the Interior is hereby authorized in his discretion to pay, out of the funds of a member of the Osage Tribe not having a certificate of competency, any indebtedness heretofore or hereafter incurred by such member by reason of his unlawful acts of carelessness or negligence.

“Sec. 7. Except as provided in sections 5(d) and 7 of the Act approved October 21, 1978, and entitled ‘An Act to amend certain laws relating to the Osage Tribe of Oklahoma, and for other purposes.’, on or after October 21, 1978 [Pub. L. 95–496, set out above], none but heirs of Indian blood and children legally adopted by a court of competent jurisdiction and parents, Indian or non-Indian, shall inherit, in accordance with the laws of the State of Oklahoma relating to intestate succession from Osage Indians any right, title, or interest to any restricted land, moneys, or Osage headright or mineral interest. No adopted child of any Osage Indian who is not an Osage Indian shall be eligible to inherit, as the collateral heir (within the meaning of the laws of the State of Oklahoma relating to intestate succession) of any Osage Indian decedent, any property or interest in property held in trust by the Secretary of the Interior for the benefit of such decedent.”

Act Mar. 2, 1929, ch. 493, § 5, 45 Stat. 1481, provided that: “The restrictions concerning lands and funds of allotted Osage Indians, as provided in this Act and all prior Acts now in force, shall apply to unallotted Osage Indians born since July 1, 1907, or after the passage of this Act, and to their heirs of Osage Indian blood, except that the provisions of section 6 of the Act of Congress approved February 27, 1925 [set out below], with reference to the validity of contracts for debt, shall not apply to any allotted or unallotted Osage Indian of less than one-half degree Indian blood: Provided, That the Osage lands and funds and any other property which has heretofore or which may hereafter be held in trust or under supervision of the United States for such Osage Indians of less than one-half degree Indian blood not having a certificate of competency shall not be subject to forced sale to satisfy any debt or obligation contracted or incurred prior to the issuance of a certificate of competency: Provided further, That the Secretary of the Interior is hereby authorized in his discretion to grant a certificate of competency to any unallotted Osage Indian when in the judgment of the said Secretary such member is fully competent and capable of transacting his or her own affair.”

Act Apr. 12, 1924, ch. 95, 43 Stat. 94, provided that any right to an interest in lands, money, or mineral interests, as provided in act June 28, 1906, ch. 3572, 34 Stat. 539 (Osage Indians), and in the amendatory and supplemental acts, vested in, determined, or adjudged to be the right or property of any person not an Indian by blood, may, with the approval of the Secretary of the Interior, and not otherwise, be sold, assigned, and transferred under such rules and regulations as the Secretary of the Interior may prescribe.

Pueblo Indians of New Mexico

Act May 31, 1933, ch. 45, §§ 4, 5, 6, 8, 9, 48 Stat. 109, 110, 111, as amended by Pub. L. 91–550, Dec. 15, 1970, 84 Stat. 1437, in addition to authorizing appropriations to pay in part the liability of the United States to the Indian pueblos, provided:

“Sec. 4. (a) That, for the purpose of safeguarding the interests and welfare of the tribe of Indians known as the Pueblo de Taos of New Mexico, the following described lands and improvements thereon, upon which said Indians depend and have depended since time immemorial for water supply, forage for their domestic livestock, wood and timber for their personal use, and as the scene of certain religious ceremonials, are hereby declared to be held by the United States in trust for the Pueblo de Taos:

“Beginning at the southeast corner of the Tenorio tract on the north boundary of the Taos Pueblo grant in section 22, township 26 north, range 13 east;

“thence northwesterly and northeasterly along the east boundary of the Tenorio tract to the point where it intersects the boundary of the Lucero de Godoi or Antonio Martinez Grant;

“thence following the boundary of the Lucero de Godoi Grant northeasterly, southeasterly and northerly to station 76 on the east boundary of the survey of the Lucero de Godoi Grant according to the March 1894 survey by United States Deputy Surveyor John H. Walker as approved by the United States Surveyor’s Office, Santa Fe, New Mexico, on November 23, 1894;

“thence east 0.85 mile along the south boundary of the Wheeler Peak Wilderness, according to the description dated July 1, 1965, and reported to Congress pursuant to section 3(a)(1) of the Wilderness Act (Public Law 88–577) [16 U.S.C. 1132 (a)(1)];

“thence northeast approximately 0.25 mile to the top of an unnamed peak (which is approximately 0.38 mile southeasterly from Lew Wallace Peak);

“thence northwesterly 1.63 miles along the ridgetop through Lew Wallace Peak to Old Mike Peak;

“thence easterly and northeasterly along the ridgetop of the divide between the Red River and the Rio Pueblo de Taos to station numbered 109 of said 1894 survey, at the juncture of the divide with the west boundary of the Beaubien and Miranda Grant, New Mexico (commonly known as the Maxwell Grant), according to the official resurvey of said grant executed during July and August 1923 by United States Surveyor Glen Haste and approved by the General Land Office, Washington, District of Columbia, on April 28, 1926;

“thence southeasterly, southwesterly, and southerly along the west boundary of the Maxwell grant to the north line of unsurveyed section 33, township 26 north, range 15 east;

“thence southerly to the north boundary of fractional township 25 north, range 15 east;

“thence southerly and southwesterly through sections 4, 9, 8, and 7, township 25 north, range 15 east to the southwest corner of said section 7;

“thence westerly along the divide between the Rio Pueblo de Taos and Rio Fernando de Taos to the east boundary of the Taos Pueblo grant;

“thence north to the northeast corner of the Taos Pueblo grant;

“thence west to the point of beginning; containing approximately 48,000 acres, more or less.

“(b) The lands held in trust pursuant to this section shall be a part of the Pueblo de Taos Reservation, and shall be administered under the laws and regulations applicable to other trust Indian lands: Provided, That the Pueblo de Taos Indians shall use the lands for traditional purposes only, such as religious ceremonials, hunting and fishing, a source of water, forage for their domestic livestock, and wood, timber, and other natural resources for their personal use, all subject to such regulations for conservation purposes as the Secretary of the Interior may prescribe. Except for such uses, the lands shall remain forever wild and shall be maintained as a wilderness as defined in section 2(c) of the Act of September 3, 1964 (78 Stat. 890) [16 U.S.C. 1131 (c)]. With the consent of the tribe, but not otherwise, nonmembers of the tribe may be permitted to enter the lands for purposes compatible with their preservation as a wilderness. The Secretary of the Interior shall be responsible for the establishment and maintenance of conservation measures for these lands, including, without limitation, protection of forests from fire, disease, insects or trespass; prevention or elimination of erosion, damaging land use, or stream pollution; and maintenance of streamflow and sanitary conditions; and the Secretary is authorized to contract with the Secretary of Agriculture for any services or materials deemed necessary to institute or carry out any of such measures.

“(c) Lessees or permittees of lands described in subsection (a) which are not included in the lands described in the Act of May 31, 1933 [this Act], shall be given the opportunity to renew their leases or permits under rules and regulations of the Secretary of the Interior to the same extent and in the same manner that such leases or permits could have been renewed if this Act had not been enacted; but the Pueblo de Taos may obtain the relinquishment of any or all of such leases or permits from the lessees or permittees under such terms and conditions as may be mutually agreeable. The Secretary of the Interior is authorized to disburse, from the tribal funds in the Treasury of the United States to the credit of said tribe, so much thereof as may be necessary to pay for such relinquishments and for the purchase of any rights or improvements on said lands owned by non-Indians. The authority to pay for the relinquishment of a permit pursuant to this subsection shall not be regarded as a recognition of any property right of the permittee in the land or its resources.

“(d) The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1049, 1050) [former 25 U.S.C. 70a], the extent to which the value of the interest in land conveyed by this Act should be credited to the United States or should be set off against any claim of the Taos Indians against the United States.

“(e) Nothing in this section shall impair any vested water right.

“Sec. 5. Except as otherwise provided herein the Secretary of the Interior shall disburse and expend the amounts of money herein authorized to be appropriated, in accordance with and under the terms and conditions of the Act approved June 7, 1924: Provided, however, That the Secretary be authorized to cause necessary surveys and investigations to be made promptly to ascertain the lands and water rights that can be purchased out of the foregoing appropriations and earlier appropriations made for the same purpose, with full authority to disburse said funds in the purchase of said lands and water rights without being limited to the appraised values thereof as fixed by the appraisers appointed by the Pueblo Lands Board appointed under said Act of June 7, 1924 [set out below] and all prior Acts limiting the Secretary of the Interior in the disbursement of said funds to the appraised value of said lands as fixed by said appraisers of said

Pueblo Lands Board be, and the same are, expressly repealed: Provided further, That the Secretary of the Interior be, and he is hereby, authorized to disburse a portion of said funds for the purpose of securing options upon said lands and water rights and necessary abstracts of title thereof for the necessary period required to investigate titles and which may be required before disbursement can be authorized: Provided further, That the Secretary of the Interior be, and he is hereby, authorized, out of the appropriations of the foregoing amounts and out of the funds heretofore appropriated for the same purpose, to purchase any available lands within the several pueblos which in his discretion it is desirable to purchase, without waiting for the issuance of final patents directed to be issued under the provisions of the Act of June 7, 1924, where the right of said pueblos to bring independent suits, under the provisions of the Act of June 7, 1924, has expired; Provided further, That the Secretary of the Interior shall not make any expenditures out of the pueblo funds resulting from the appropriations set forth herein, or prior appropriations for the same purpose, without first obtaining the approval of the governing authorities of the pueblo affected: And provided further, That the governing authorities of any pueblo may initiate matters pertaining to the purchase of lands in behalf of their respective pueblos, which matters, or contracts relative thereto, will not be binding or concluded until approved by the Secretary of the Interior.

“Sec. 6. Nothing in this Act shall be construed to prevent any pueblo from prosecuting independent suits as authorized under section 4 of the Act of June 7, 1924. The Secretary of the Interior is authorized to enter into contract with the several Pueblo Indian tribes, affected by the terms of this Act, in consideration of the authorization of appropriations contained in section 2 hereof, providing for the dismissal of pending and the abandonment of contemplated original proceedings, in law or equity, by, or in behalf of said Pueblo Indian tribes, under the provisions of section 4 of the Act of June 7, 1924, (43 Stat. L. 636), and the pueblo concerned may elect to accept the appropriations herein authorized, in the sums herein set forth, in full discharge of all claims to compensation under the terms of said Act, notifying the Secretary of the Interior in writing of its election so to do: Provided, That if said election by said pueblo be not made, said pueblo shall have one year from the date of this approval of the Act within which to file any independent suit authorized under section 4 of the Act of June 7, 1924, at the expiration of which period the right to file such suit shall expire by limitation: And provided further, That no ejectment suits shall be filed against non-Indians entitled to compensation under this Act, in less than six months after the sums herein authorized are appropriated.

“Sec. 8. The attorney or attorneys for such Indian tribe or tribes shall be paid such fee as may be agreed upon by such attorney or attorneys and such Indian tribe or tribes, but in no case shall the fee be more than 10 per centum of the sum herein authorized to be appropriated for the benefit of such tribe or tribes, and such attorney’s fees shall be disbursed by the Secretary of the Interior in accordance herewith out of any funds appropriated for said Indian tribe or tribes under the provisions of the Act of June 7, 1924 (43 Stat. L. 636), or this Act: Provided however, That 25 per centum of the amount agreed upon as attorneys’ fees shall be retained by the Secretary of the Interior to be disbursed by him under the terms of the contract, subject to approval of the Secretary of the Interior, between said attorneys and said Indian tribes, providing for further services and expenses of said attorneys in furtherance of the objects set forth in section 19 of the Act of June 7, 1924.

“Sec. 9. Nothing herein contained shall in any manner be construed to deprive any of the Pueblo Indians of a prior right to the use of water from streams running through or bordering on their respective pueblos for domestic, stock-water, and irrigation purposes for the lands remaining in Indian ownership, and such water rights shall not be subject to loss by nonuse or abandonment thereof as long as title to said lands shall remain in the Indians.”

Act June 7, 1924, ch. 331, 43 Stat. 636, as amended by act May 31, 1933, ch. 45, § 7, 48 Stat. 111; Pub. L. 109–133, § 1, Dec. 20, 2005, 119 Stat. 2573, provided:

“That in order to quiet title to various lots, parcels, and tracts of land in the State of New Mexico for which claim shall be made by or on behalf of the Pueblo Indians of said State as hereinafter provided, the United States of America, in its sovereign capacity as guardian of said Pueblo Indians shall, by its Attorney General, file in the District Court of the United States for the District of New Mexico, its bill or bills of complaint with a prayer for discovery of the nature of any claim or claims of any kind whatsoever adverse to the claim of said Pueblo Indians, as hereinafter determined.

“Sec. 2. That there shall be, and hereby is, established a board to be known as ‘Pueblo Lands Board’ to consist of the Secretary of the Interior, the Attorney General, each of whom may act through an assistant in all hearings, investigations, and deliberations in New Mexico, and a third member to be appointed by the President of the United States. The board shall be provided with suitable quarters in the city of Santa Fe, New Mexico, and shall have power to require the presence of witnesses and the production of documents by subpoena, to employ a clerk who shall be empowered to administer oaths and take acknowledgments, shall employ such clerical assistance, interpreters, and stenographers with such compensation as the Attorney General shall deem adequate, and it shall be provided with such necessary supplies and equipment as it may require on requisitions to the Department of Justice. The compensation and allowance for travel and expenses of the member appointed by the President shall be fixed by the Attorney General.

“It shall be the duty of said board to investigate, determine, and report and set forth by metes and bounds, illustrated where necessary by field notes and plats, the lands within the exterior boundaries of any land granted or confirmed to the Pueblo Indians of New Mexico by any authority of the United States of America, or any prior sovereignty, or acquired by said Indians as a community by purchase or otherwise, title to which the said board shall find not to have been extinguished in accordance with the provisions of this Act, and the board shall not include in their report any

claims of non-Indian claimants who, in the opinion of said board after investigation, hold and occupy such claims of which they have had adverse possession, in accordance with the provisions of section 4 of this Act: Provided, however, That the board shall be unanimous in all decisions whereby it shall be determined that the Indian title has been extinguished.

“The board shall report upon each pueblo as a separate unit and upon the completion of each report one copy shall be filed with the United States District Court for the District of New Mexico, one with the Attorney General of the United States, one with the Secretary of the Interior, and one with the Board of Indian Commissioners.

“Sec. 3. That upon the filing of each report by the said board, the Attorney General shall forthwith cause to be filed in the United States District Court for the District of New Mexico, as provided in section 1 of this Act, a suit to quiet title to the lands described in said report as Indian lands the Indian title to which is determined by said report not to have been extinguished.

“Sec. 4. That all persons claiming title to, or ownership of, any lands involved in any such suit, or suits, may in addition to any other legal or equitable defenses which they may have or have had under the laws of the Territory and State of New Mexico, plead limitation of action, as follows, to wit:

“(a) That in themselves, their ancestors, grantors, privies, or predecessors in interest or claim of interest, they have had open, notorious, actual, exclusive, continuous, adverse possession of the premises claimed, under color of title from the 6th day of January, 1902, to the date of the passage of this Act, and have paid the taxes lawfully assessed and levied thereon to the extent required by the statutes of limitation, or adverse possession of the Territory or of the State of New Mexico, since the 6th day of January, 1902, to the date of the passage of this Act, except where the claimant was exempted or entitled to be exempted from such tax payment.

“(b) That in themselves, their ancestors, grantors, privies, or predecessors in interest or claim of interest, they have had open, notorious, actual, exclusive, continuous, adverse possession of the premises claimed with claim of ownership, but without color of title from the 16th day of March, 1889, to the date of the passage of this Act, and have paid the taxes lawfully assessed and levied thereon to the extent required by the statutes of limitation or adverse possession of the Territory or of the State of New Mexico, from the 16th day of March, 1899, to the date of the passage of this Act, except where the claimant was exempted or entitled to be exempted from such tax payment.

“Nothing in this Act contained shall be construed to impair or destroy any existing right of the Pueblo Indians of New Mexico to assert and maintain unaffected by the provisions of this Act their title and right to any land by original proceedings, either in law or equity, in any court of competent jurisdiction and any such right may be asserted at any time prior to the filing of the field notes and plats as provided in section 13 hereof, and jurisdiction with respect to any such original proceedings is hereby conferred upon the United States District Court for the District of New Mexico with right of review as in other cases: Provided, however, That any contract entered into with any attorney or attorneys by the Pueblo Indians of New Mexico, to carry on such litigation shall be subject to and in accordance with existing laws of the United States.

“Sec. 5. The plea of such limitations, successfully maintained, shall entitle the claimants so pleading to a decree in favor of them, their heirs, executors, successors, and assigns for the premises so claimed by them, respectively, or so much thereof as may be established, which shall have the effect of a deed of quitclaim as against the United States and said Indians, and a decree in favor of claimants upon any other ground shall have a like effect.

“The United States may plead in favor of the pueblo, or any individual Indian thereof, as the case might be, the said limitations hereinbefore defined.

“Sec. 6. It shall be the further duty of the board to separately report in respect of each such pueblo—

“(a) The area and character of any tract or tracts of land within the exterior boundaries of any land granted or confirmed to the Pueblo Indians of New Mexico and the extent, source, and character of any water right appurtenant thereto in possession of non-Indian claimants at the time of filing such report, which are not claimed for said Indians by any report of the board.

“(b) Whether or not such tract or tracts of land or such water rights could be or could have been at any time recovered for said Indians by the United States by seasonable prosecution of any right of the United States or of said Indians. Seasonable prosecution is defined to mean prosecution by the United States within the same period of time as that within which suits to recover real property could have been brought under the limitation statutes of the Territory and State of New Mexico.

“(c) The fair market value of said water rights and of said tract or tracts of land (exclusive of any improvements made therein or placed thereon by non-Indian claimants) whenever the board shall determine that such tract or tracts of land or such water rights could be or could have been at any time recovered for said Indians by the United States by seasonable prosecution of any right of the United States or of said Indians, and the amount of loss, if any, suffered by said Indians through failure of the United States seasonably to prosecute any such right.

“The United States shall be liable, and the board shall award compensation, to the pueblo within the exterior boundaries of whose lands such tract or tracts of land shall be situated or to which such water rights shall have been appurtenant to the extent of any loss suffered by said Indians through failure of the United States seasonably to prosecute any right of the United States or of said Indians, subject to review as herein provided. Such report and award shall have the force and effect of a judicial finding and final judgment upon the question and amount of compensation due to the Pueblo Indians from the United States for such losses. Such report shall be filed simultaneously with and in like manner as the reports hereinbefore provided to be made and filed in section 2 of this Act.

“At any time within sixty days after the filing of said report with the United States District Court for the District of New Mexico as herein provided the United States or any pueblo or Indians concerned therein or affected thereby may, in respect of any report upon liability or of any finding of amount or award of compensation set forth in such report, petition said court for judicial review of said report, specifying the portions thereof in which review is desired. Said court shall thereupon have jurisdiction to review, and shall review, such report, finding, or award in like manner as in the case of proceedings in equity. In any such proceeding the report of the board shall be prima facie evidence of the facts, the values, and the liability therein set forth, subject, however, to be rebutted by competent evidence. Any party in interest may offer evidence in support or in opposition to the findings in said report in any respect. Said court shall after hearing render its decision so soon as practicable, confirming, modifying, or rejecting said report or any part thereof. At any time within thirty days after such decision is rendered said court shall, upon petition of any party aggrieved, certify the portions of such report, review of which has been sought, together with the record in connection therewith, to the United States Circuit Court of Appeals for the Eighth Circuit, which shall have jurisdiction to consider, review, and decide all questions arising upon such report and record in like manner as in the case of appeals in equity, and its decision thereon shall be final.

“Petition for review of any specific finding or award of compensation in any report shall not affect the finality of any findings nor delay the payment of any award set forth in such report, review of which shall not have been so sought, nor in any proceeding for review in any court under the provisions of this section shall costs be awarded against any party.

“Sec. 7. It shall be the further duty of the board to investigate, ascertain, and report to the Secretary of the Interior who shall report to the Congress of the United States, together with his recommendation, the fair market value of lands, improvements appurtenant thereto, and water rights of non-Indian claimants who, in person or through their predecessors in title prior to January 6, 1912, in good faith and for a valuable consideration purchased and entered upon Indian lands under a claim of right based upon a deed or document purporting to convey title to the land claimed or upon a grant, or license from the governing body of a pueblo to said land, but fail to sustain such claim under the provisions of this Act, together with a statement of the loss in money value thereby suffered by such non-Indian claimants. Any lands lying within the exterior boundaries of the pueblo of Nambe land grant, which were conveyed to any holder or occupant thereof or his predecessor or predecessors in interest by the governing authorities of said pueblo, in writing, prior to January 6, 1912, shall unless found by said board to have been obtained through fraud or deception, be recognized as constituting valid claims by said board and by said courts, and disposed of in such manner as lands the Indian title to which has been determined to have been extinguished pursuant to the provisions of this Act: Provided, That nothing in this section contained with reference to the said Nambe Pueblo Indians shall be construed as depriving the said Indians of the right to impeach any such deed or conveyance for fraud or to have mistakes therein corrected through a suit in behalf of said pueblo or of an individual Indian under the provisions of this Act.

“Sec. 8. It shall be the further duty of the board to investigate, ascertain, and report to the Secretary of the Interior the area and the value of the lands and improvements appurtenant thereto of non-Indian claimants within or adjacent to Pueblo Indian settlements or towns in New Mexico, title to which in such non-Indian claimants is valid and indefeasible, said report to include a finding as to the benefit to the Indians in anywise of the removal of such non-Indian claimants by purchase of their lands and improvements and the transfer of the same to the Indians, and the Secretary of the Interior shall report to Congress the facts with his recommendations in the premises.

“Sec. 9. That all lands, the title to which is determined in said suit or suits, shall, where necessary, be surveyed and mapped under the direction of the Secretary of the Interior, at the expense of the United States, but such survey shall be subject to the approval of the judge of the United States District Court for the District of New Mexico, and if approved by said judge shall be filed in said court and become a part of the decree or decrees entered in said district court.

“Sec. 10. That necessary costs in all original proceedings under this Act, to be determined by the court, shall be taxed against the United States and any party aggrieved by any final judgment or decree shall have the right to a review thereof by appeal or writ of error or other process, as in other cases, but upon such appeal being taken each party shall pay his own costs.

“Sec. 11. That in the sense in which used in this Act the word ‘purchase’ shall be taken to mean the acquisition of community lands by the Indians other than by grant or donation from a sovereign.

“Sec. 12. That any person claiming any interest in the premises involved but not impleaded in any such action may be made a party defendant thereto or may intervene in such action, setting up his claim in usual form.

“Sec. 13. That as to all lands within the exterior boundaries of any lands granted or confirmed to the Pueblo Indians of New Mexico, by any authority of the United States of America or any prior sovereignty, or acquired by said Indians as a community by purchase or otherwise and which have not been claimed for said Indians by court proceedings then pending or the findings and report of the board as herein provided, the Secretary of the Interior at any time after two years after the filing of said reports of the board shall file field notes and plat for each pueblo in the office of the surveyor general of New Mexico at Santa Fe, New Mexico, showing the lands to which the Indian title has been extinguished as in said report set out, but excluding therefrom lands claimed by or for the Indians in court proceedings then pending, and copies of said plat and field notes certified by the surveyor general of New Mexico as true and correct copies shall be accepted in any court as competent and conclusive evidence of the extinguishment of all the right, title, and interest of the Indians in and to the lands so described in said plat and field notes and of any claim of the United States in or to the same. And the Secretary of the Interior within thirty days after the Indians’ right to bring independent suits under this Act shall have expired, shall cause notice to be published in some newspaper or newspapers of general circulation issued, if any there be, in the county wherein lie such lands claimed by non-Indian claimants, respectively, or wherein some part of such lands are situated, otherwise in some newspaper or newspapers of general circulation published nearest to such lands, once a week for five consecutive weeks, setting forth as nearly as may be the names of such non-Indian claimants of land holdings not claimed by or for the Indians as herein provided, with a description of such several holdings, as shown by a survey of Pueblo Indian lands heretofore made under the direction of the Secretary of the Interior and commonly known as the ‘Joy Survey,’ or as may be otherwise shown or defined by authority of the Secretary of the Interior, and requiring that any person or persons claiming such described parcel or parcels of land or any part thereof, adversely to the apparent claimant or claimants so named as aforesaid, or their heirs of assigns, shall, on or before the thirtieth day after the last publication of such notice, file his or their adverse claim in the United States Land Office in the land district wherein such parcel or parcels of land are situate, in the nature of a contest, stating the character and basis of such adverse claim, and notice of such contest shall be served upon the claimant or claimants named in the said notice, in the same manner as in cases of contest of homestead entries. If no such contest is instituted as aforesaid, the Secretary of the Interior shall issue to the claimant or claimants, or their heirs or assigns, a patent or other certificate of title for the parcel or parcels of land so described in said notice; but if a contest be filed it shall proceed and be heard and decided as contests of homestead entries are heard and decided under the rules and regulations of the General Land Office pertinent thereto. Upon such contest either party may claim the benefit of the provisions of section 4 of this Act to the same extent as if he were a party to a suit to quiet title brought under the provisions of this Act, and the successful party shall receive a patent or certificate of title for the land as to which he is successful in such proceeding. Any patent or certificate of title issued under the provisions of this Act shall have the effect only of a relinquishment by the United States of America and the said Indians.

“If after such notice more than one person or group of persons united in interest makes claim in such land office adverse to the claimant or claimants named in the said notice, or to any other person or group of persons who may have filed such contest, each contestant shall be required to set forth the basis and nature of his respective claim, and thereupon the said claims shall be heard and decided as upon an original contest or intervention.

“And in all cases any person or persons whose right to a given parcel or parcels of land has become fixed either by the action of the said board or the said court or in such contest may apply to the Commissioner of the General Land Office for a patent or certificate of title and receive the same without cost or charge.

“Sec. 14. That if any non-Indian party to any such suit shall assert against the Indian title a claim based upon a Spanish or Mexican grant, and if the court should finally find that such claim by the non-Indian is superior to that of the Indian claim, no final decree or judgment of ouster of the said Indians shall be entered or writ of possession or assistance shall be allowed against said Indians, or any of them, or against the United States of America acting in their behalf. In such case the court shall ascertain the area and value of the land thus held by any non-Indian claimant under such superior title, excluding therefrom the area and value of lots or parcels of land the title to which has been found to be in other persons under the provisions of this Act: Provided, however, That any findings by the court under the provisions of this section may be reviewed on appeal or writ of error at the instance of any party aggrieved thereby, in the same manner, to the same extent, and with like effect as if such findings were a final judgment or decree. When such finding adverse to the Indian claim has become final, the Secretary of the Interior shall report to Congress the facts, including the area and value of the land so adjudged against the Indian claim, with his recommendations in the premises.

“Sec. 15. That when any claimant, other than the United States for said Indians not covered by the report provided for in section 7 of this Act, fails to sustain his claim to any parcel of land within any Pueblo Indian grant, purchase, or donation under provisions of this Act, but has held and occupied any such parcel in good faith, claiming the same as his own, and the same has been improved, the value of the improvements upon the said parcel of land shall be found by the court and reported by the Secretary of the Interior to Congress, with his recommendations in the premises.

“Sec. 16. That if the Secretary of the Interior deems it to be for the best interest of the Indians that any land adjudged by the court or said Lands Board against any claimant be sold, he may, with the consent of the governing authorities of the pueblo, order the sale thereof, under such regulations as he may make, to the highest bidder for cash; and if the buyer thereof be other than the losing claimant, the purchase price shall be used in paying to such losing claimant the adjudicated value of the improvements aforesaid, if found under the provisions of section 15 hereof, and the balance

thereof, if any, shall be paid over to the proper officer, or officers, of the Indian community, but if the buyer be the losing claimant, and the value of his improvements has been adjudicated as aforesaid, such buyer shall be entitled to have credit upon his bid for the value of such improvements so adjudicated.

“Sec. 17. No right, title, or interest in or to the lands of the Pueblo Indians of New Mexico to which their title has not been extinguished as hereinbefore determined shall hereafter be acquired or initiated by virtue of the laws of the State of New Mexico, or in any other manner except as may hereafter be provided by Congress, and no sale, grant, lease of any character, or other conveyance of lands, or any title or claim thereto, made by any pueblo as a community, or any Pueblo Indian living in a community of Pueblo Indians, in the State of New Mexico, shall be of any validity in law or in equity unless the same be first approved by the Secretary of the Interior.

“Sec. 18. That the pleading, practice, procedure, and rules of evidence shall be the same in all causes arising under this Act as in other civil causes in the Federal courts, except as otherwise herein provided.

“Sec. 19. That all sums of money which may hereafter be appropriated by the Congress of the United States for the purpose of paying in whole or in part any liability found or decreed under this Act from the United States to any pueblo or to any of the Indians of any pueblo, shall be paid over to the Bureau of Indian Affairs, which Bureau, under the direction of the Secretary of the Interior, shall use such moneys at such times and in such amounts as may seem wise and proper for the purpose of the purchase of lands and water rights to replace those which have been lost to said pueblo or to said Indians, or for purchase or construction of reservoirs, irrigation works, or the making of other permanent improvements upon, or for the benefit of lands held by said pueblo or said Indians.

“SEC. 20. CRIMINAL JURISDICTION.

“(a) In General.—Except as otherwise provided by Congress, jurisdiction over offenses committed anywhere within the exterior boundaries of any grant from a prior sovereign, as confirmed by Congress or the Court of Private Land Claims to a Pueblo Indian tribe of New Mexico, shall be as provided in this section.

“(b) Jurisdiction of the Pueblo.—The Pueblo has jurisdiction, as an act of the Pueblos’ inherent power as an Indian tribe, over any offense committed by a member of the Pueblo or an Indian as defined in title 25 [United States Code], sections 1301 (2) and 1301 (4), or by any other Indian-owned entity.

“(c) Jurisdiction of the United States.—The United States has jurisdiction over any offense described in chapter 53 of title 18, United States Code, committed by or against an Indian as defined in title 25 [United States Code], sections 1301 (2) and 1301 (4) or any Indian-owned entity, or that involves any Indian property or interest.

“(d) Jurisdiction of the State of New Mexico.—The State of New Mexico shall have jurisdiction over any offense committed by a person who is not a member of a Pueblo or an Indian as defined in title 25 [United States Code], sections 1301 (2) and 1301 (4), which offense is not subject to the jurisdiction of the United States.”

White Earth Reservation Land Settlement

Pub. L. 99–264, Mar. 24, 1986, 100 Stat. 61, as amended by Pub. L. 100–153, § 6(a), (b), Nov. 5, 1987, 101 Stat. 887; Pub. L. 100–212, § 4, Dec. 24, 1987, 101 Stat. 1443; Pub. L. 101–301, § 8, May 24, 1990, 104 Stat. 210; Pub. L. 102–572, title IX, § 902(b)(2), Oct. 29, 1992, 106 Stat. 4516; Pub. L. 103–263, § 4, May 31, 1994, 108 Stat. 708, provided: “That this Act may be cited as the ‘White Earth Reservation Land Settlement Act of 1985’.

“Sec. 2. The Congress finds that—

“(1) claims on behalf of Indian allottees or heirs and the White Earth Band involving substantial amounts of land within the White Earth Indian Reservation in Minnesota are the subject of existing and potential lawsuits involving many and diverse interests in Minnesota, and are creating great hardship and uncertainty for government, Indian communities, and non-Indian communities;

“(2) the lawsuits and uncertainty will result in great expense and expenditure of time, and could have a profound negative impact on the social and well-being of everyone on the reservation;

“(3) the White Earth Band of Chippewa Indians, State of Minnesota, along with its political subdivisions, and other interested parties have made diligent efforts to fashion a settlement to these claims, and the Federal Government, by providing the assistance specified in this Act, will make possible the implementation of a permanent settlement with regard to these claims;

“(4) past United States laws and policies have contributed to the uncertainty surrounding the claims;

“(5) it is in the long-term interest of the United States, State of Minnesota, White Earth Band, Indians, and non-Indians for the United States to assist in the implementation of a fair and equitable settlement of these claims; and

“(6) this Act will settle unresolved legal uncertainties relating to these claims.

“Sec. 3. For purposes of this Act:

"(a) 'Allotment' shall mean an allocation of land on the White Earth Reservation, Minnesota, granted, pursuant to the Act of January 14, 1889 (25 Stat. 642), and the Act of February 8, 1887 (24 Stat. 388) [see Short Title note above], to a Chippewa Indian.

"(b) 'Allottee' shall mean the recipient of an allotment.

"(c) 'Full blood' shall mean a Chippewa Indian of the White Earth Reservation, Minnesota, who was designated as a full blood Indian on the roll approved by the United States District Court for the District of Minnesota on October 1, 1920, or who was so designated by a decree of a Federal court of competent jurisdiction; it shall also refer to an individual who is not designated on said roll but who is the biological child of two full blood parents so designated on the roll or of one full blood parent so designated on the roll and one parent who was an Indian enrolled in any other federally recognized Indian tribe, band, or community.

"(d) 'Inherited' shall mean received as a result of testate or intestate succession or any combination of testate or intestate succession, which succession shall be determined by the Secretary of the Interior or his authorized representative.

"(e) 'Mixed blood' shall mean a Chippewa Indian of the White Earth Reservation, Minnesota, who was designated as a mixed blood Indian on the roll approved by the United States District Court of Minnesota on October 1, 1920, unless designated a full blood by decree of a Federal court of competent jurisdiction; it shall also refer to any descendants of an individual who was listed on said roll providing the descendant was not a full blood under the definition in subsection (c) of this section. The term 'mixed blood' shall not include an Indian enrolled in any federally recognized Indian tribe, band, or community other than the White Earth Band.

"(f) 'Tax forfeited' shall mean an allotment which, pursuant to State law, was declared forfeited for nonpayment of real property taxes and purportedly transferred directly to the State of Minnesota or to private parties or governmental entities.

"(g) 'Majority' shall mean the age of twenty-one years or older.

"(h) 'Secretary' shall mean the Secretary of the Interior or his/or her authorized representative.

"(i) 'Trust period' shall mean the period during which the United States held an allotment in trust for the allottee or the allottee's heirs. For the purpose of this Act, the Executive Order Numbered 4642 of May 5, 1927, Executive Order Numbered 5768 of December 10, 1931, and Executive Order Numbered 5953 of November 23, 1932, shall be deemed to have extended trust periods on all allotments or interests therein the trust periods for which would otherwise have expired in 1927, 1932, or 1933, notwithstanding the issuance of any fee patents for which there were no applications, and if such allotments were not specifically exempted from the Executive orders; and the Indian Reorganization Act of June 18, 1934 [see Short Title note set out under section 461 of this title], shall be deemed to have extended indefinitely trust periods on all allotments or interests therein the trust periods for which would otherwise have expired on June 18, 1934, or at any time thereafter. Said Executive orders and Act shall be deemed not to have extended the trust period for allotments or interests which were sold or mortgaged by adult mixed bloods, by non-Indians, or with the approval of the Secretary, or for allotments or interests which were sold or mortgaged by anyone where such sale or mortgage was the subject of litigation in Federal court which proceeded to a judgment on the merits and where the outcome of such litigation did not vacate or void said sale or mortgage.

"(j) 'Interest', except where such item is used in conjunction with 'compound', shall mean a fractional holding, less than the whole, held in an allotment.

"(k) 'Adult' shall mean having attained the age of majority.

"(l) 'Heir' means a person who received or was entitled to receive an allotment or interest as a result of testate or intestate succession under applicable Federal or Minnesota law, or one who is determined under section 9, by the application of the inheritance laws of Minnesota in effect on March 26, 1986 (not including laws relating to spousal allowance and maintenance payments), to be entitled to receive compensation payable under section 8.

"(m) 'Transfer' includes but is not limited to any voluntary or involuntary sale, mortgage, tax forfeiture or conveyance pursuant to State law; any transaction the purpose of which was to effect a sale, mortgage, tax forfeiture or conveyance pursuant to State law; any Act, event, or circumstance that resulted in a change of title to, possession of, dominion over, or control of an allotment or interest therein.

"Sec. 4. (a) The provisions of this Act shall apply to the following allotments:

"(1) allotments which were never sold or mortgaged by the allottees or by their heirs and which were tax forfeited during the trust period;

"(2) allotments which were sold or mortgaged during the trust period, without the approval of the Secretary, by the allottees prior to having attained majority, and were never again sold or mortgaged either by the allottees upon their having attained majority or by heirs of the allottees;

“(3) allotments which were sold or mortgaged during the trust period by full blood allottees without the approval of the Secretary, and were never again the subject of a sale or mortgage by heirs of the allottees; and

“(4) allotments which were never sold or mortgaged by the allottees, but which subsequent to the deaths of the allottees, purportedly were sold or mortgaged, during the trust period, by administrators, executors, or representatives, operating under authority from State courts, and were never again the subject of a sale or mortgage by heirs of the allottees.

“(b) The provisions of this Act shall also apply to the following allotments or interests in allotments:

“(1) allotments or interests which were inherited by full or mixed bloods who never sold or mortgaged their allotments or interests or by Indians enrolled in other federally recognized Indian tribes, bands, or communities who never sold or mortgaged their allotments or interests, where the allotments or interests were tax forfeited during the trust period;

“(2) allotments or interests which were inherited by mixed bloods under the age of majority and which were sold or mortgaged during the trust period without the approval of the Secretary prior to such mixed bloods having attained majority, but which were never again sold or mortgaged by them upon having attained majority or by their heirs;

“(3) allotments or interests which were inherited by full bloods or by Indians enrolled in other federally recognized Indian tribes, bands, or communities, who sold or mortgaged such allotments or interests during the trust period without the approval of the Secretary;

“(4) allotments or interests which were inherited by full or mixed bloods who never sold or mortgaged their allotments or interests, but which, subsequent to the deaths of such heirs, were sold or mortgaged during the trust period by administrators, operating under authority from State courts;

“(5) allotments or interests which were owned by allottees or which were inherited by full or mixed bloods for whom guardians were appointed by State courts, which guardians sold or mortgaged the allotments or interests during the trust period without the approval of the Secretary;

“(6) interests which were inherited by full or mixed bloods who never sold or mortgaged their interests during the trust period, even though other interests in the same allotment were sold by other heirs where the land comprising the allotment has been claimed in full by other parties adversely to the full or mixed bloods who never sold or mortgaged their interests; and

“(7) allotments or interests which were inherited by full or mixed bloods or by Indians enrolled in other federally recognized Indian tribes, bands, or communities which were never sold or mortgaged during the trust period but which were purportedly distributed by State court probate proceedings to other individuals.

“(c) This Act shall not apply to—

“(1) any allotment or interest the sale or mortgage of which was the subject of litigation which proceeded to a judgment on the merits in Federal courts and where the outcome of such litigation was other than vacating and voiding such sale or mortgage;

“(2) any allotment or interest which was tax forfeited subsequent to the date on which the tax exemption was declared by a Federal court to have expired;

“(3) any allotment or interest which was sold, mortgaged, or tax forfeited after the expiration of the trust period; or

“(4) any allotment or interest which was sold or mortgaged at any time by an adult mixed blood Indian.

Nothing in this Act is intended to question the validity of the transactions relating to allotments or interests as described in section 4 (c), and such allotments and interests are declared to be outside the scope of this Act.

“Sec. 5. (a) Any determination of the heirs of any person holding an allotment or interest, made by the courts of the State of Minnesota, which is filed with the proper county recording officer prior to May 9, 1979, shall be deemed to have effectively transferred the title of the decedent in the allotment or interest to the heirs so determined unless a separate determination of heirs has been made by the Secretary before the effective date of this Act [Mar. 24, 1986] and such determination has been filed with the proper county recording officer within six months after the effective date of this Act. Nothing in this subsection shall be construed to remove any allotment described in section 4 from the compensation provided for in the Act.

“(b) The ‘proper county recording officer’, as that term is used in subsection (a) of this section, shall be a county recorder, registrar of titles, or probate court in Becker, Clearwater, or Mahnomen Counties, Minnesota.

“(c) As to any allotment which was granted to an allottee who had died prior to the selection date of the allotment, the granting of such allotment is hereby ratified and confirmed, and shall be of the same effect as if the allotment had been selected by the allottee before the allottee’s death: Provided, That the White Earth Band of Chippewa Indians shall be compensated for such allotments in the manner provided in sections 6, 7, and 8.

“(d) As to any allotment that was made under the provisions of the Treaty of March 19, 1867 (16 Stat. 719), and which was reallotted under the provisions of the Act of January 14, 1889 (25 Stat. 642), such reallotment is hereby ratified and confirmed.

“Sec. 6. (a) As soon as the conditions set forth in section 10 of this Act have been met, the Secretary shall publish a certification in the Federal Register that such conditions have been met. After such publication, any allotment or interest which the Secretary, in accordance with this Act, determines falls within the provisions of section 4 (a), 4 (b), or 5 (c), the tax forfeiture, sale, mortgage, or other transfer, as described therein, shall be deemed to have been made in accordance with the Constitution and all laws of the United States specifically applicable to transfers of allotments or interests held by the United States in trust for Indians, and Congress hereby does approve and ratify any such transfer effective as of the date of said transfer, subject to the provisions of section 6 (c). Compensation for loss of allotments or interests resulting from this approval and ratification shall be determined and processed according to the provisions of section 8.

“(b) By virtue of the approval and ratification of transfers of allotments or interests therein effected by this section, all claims against the United States, the State of Minnesota or any subdivisions thereof, or any other person or entity, by the White Earth Band, its members, or by any other Indian tribe or Indian, or any successors in interest thereof, arising out of, and at the time of or subsequent to, the transfers described in section 4 (a), 4 (b), or 5 (c) and based on any interest in or nontreaty rights involving such allotments or interests therein, shall be deemed never to have existed as of the date of the transfer, subject to the provisions of this Act.

“(c) Notwithstanding any provision of law other than the provisions of this section, any action in any court to recover title or damages relating to transactions described in section 4 (a), 4 (b), 5 (a) or 5 (c), shall be forever barred unless the complaint is filed not later than one hundred and eighty days following enactment of this Act [Mar. 24, 1986], or prior to the publication required by section 6 (a) whichever occurs later in time: Provided, That immediately upon the date of enactment of this Act any such action on behalf of the White Earth Band of Chippewa Indians shall be forever barred, unless the publication required by section 6 (a) does not take place within two years of the date of enactment of this Act in which case the bar of any such action on behalf of the White Earth Band of Chippewa Indians shall be deemed lifted and nullified: Provided further, That the Secretary shall not issue to the White Earth Band any report rejecting litigation nor submit to Congress any legislation report pursuant to section 2415 of title 28, United States Code, relating to transactions described in section 4(a), 4(b), 5(a) or 5(c) of this Act, until and unless the bar against actions on behalf of the White Earth Band is lifted and nullified. Any such action filed within the time period allowed by this subsection shall not be barred; however, the filing of any such action by an allottee, heir, or others entitled to compensation under this Act shall bar such allottee, heir, or others from receiving compensation pursuant to the provisions of section 8. The United States District Court for the District of Minnesota shall have exclusive jurisdiction over any such action otherwise properly filed within the time allowed by this subsection.

“(d) This section shall not bar an heir, allottee, or any other person entitled to compensation under this Act from maintaining an action, based on the transactions described in section 4 (a), 4 (b), 5 (a), or 5 (c), against the United States in the Court of Federal Claims pursuant to the Tucker Act, section 1491 of title 28, United States Code, challenging the constitutional adequacy of the compensation provisions of section 8 (a) as they apply to a particular allotment or interest: Provided, That such action shall be filed with the Court of Federal Claims not later than one hundred and eighty days after the issuance of the notice of the Secretary’s compensation determination as provided in section 8 (c). If such an action is not filed within the one-hundred-and-eighty-day period, it shall be forever barred. The United States hereby waives any sovereign immunity defense it may have to such an action but does not waive any other defenses it may have to such action. The filing of an action by any heir, allottee, or any other person under the provisions of this section shall bar such person forever from receiving compensation pursuant to the provisions of section 8.

“Sec. 7. (a) The Secretary is hereby authorized to and shall diligently investigate to the maximum extent practicable all White Earth allotments and shall determine which allotments or interest fall within any of the provisions of section 4 (a), 4 (b), or 5 (c). As to all such allotments or interests determined to be within the provisions of section 4 (a), 4 (b), or 5 (c), the Secretary shall prepare lists of such allotments or interests, which shall include allotment number, land description, and allottee’s name, in English and Ojibway where available. A first list shall be published within one hundred and eighty days after the date of enactment of this Act [Mar. 24, 1986] in the Federal Register; in a newspaper of general circulation in Mahnomen County, Minnesota; in a newspaper of general circulation in Becker County, Minnesota; in a newspaper of general circulation in Clearwater County, Minnesota; in one newspaper of general circulation in metropolitan Minneapolis-Saint Paul; and, in the Secretary’s discretion, in any appropriate band or tribal newspaper. Publication in the required newspapers shall take place no later than thirty days after publication in the Federal Register.

“(b) Any tribe, band, or group of Indians, or any individual shall have one year after the date of publication in the Federal Register to submit to the Secretary any additional allotments or interests which the tribe, band, group, or individual believes should fall within any of the provisions of section 4 (a), 4 (b), or 5 (c). The Secretary, without such submissions, may also independently determine that additional allotments or interests fall within such provisions. Any additional allotments or interests submitted to the Secretary shall be accompanied by a statement identifying the

allotment or interest and its land description and summarizing the reasons why it should be added to the list required by this section.

"(c) The Secretary shall determine which additional allotments or interests fall within the provisions of section 4 (a), 4 (b), or 5 (c), and not later than March 12, 1989, the Secretary shall publish a second list in the Federal Register and previously required newspapers of the allotments or interests the Secretary has determined should be corrected or added to the first published list.

"(d) Any determination made by the Secretary under this section to include an allotment or interest on the first list required by the section to be published in the Federal Register may be judicially reviewed pursuant to the Administrative Procedure Act [5 U.S.C. 701 et seq.] not later than ninety days of the publication date of the first list of the Federal Register. Any such action not filed within such ninety-day period shall be forever barred. Any determination made by the Secretary to include an allotment or interest on the second list required by this section to be published in the Federal Register, or any determination made by the Secretary not to include an allotment or interest on such list, may be judicially reviewed pursuant to the Administrative Procedure Act within ninety days of the publication date of the second list in the Federal Register. Any such action not filed within such ninety-day period shall be forever barred. Exclusive jurisdiction over actions under this subdivision is hereby vested in the United States District Court for the District of Minnesota.

"(e)(1) After publication of the second list under subsection (c), the Secretary may, at any time, add allotments or interests to that second list if the Secretary determines that the additional allotment or interest falls within the provisions of section 5 (c) or subsection (a) or (b) of section 4.

"(2) The Secretary shall publish in the Federal Register notice of any additions made under paragraph (1) to the second list published under subsection (c).

"(3) Any determination made by the Secretary to add an allotment or interest under paragraph (1) to the second list published under subsection (c) may be judicially reviewed in accordance with chapter 7 of title 5, United States Code, within 90 days after the date on which notice of such determination is published in the Federal Register under paragraph (2). Any legal action challenging such a determination that is not filed within such 90-day period shall be forever barred. Exclusive jurisdiction over any legal action challenging such a determination is vested in the United States District Court for the District of Minnesota.

"(f)(1) The Secretary is authorized to make a one-time deletion from the second list published under subsection (c) or any subsequent list published under subsection (e) of any allotments or interests which the Secretary has determined do not fall within the provisions of subsection (a) or (b) of section 4, or subsection (c) of section 5, or which the Secretary has determined were erroneously included in such list by reason of misdescription or typographical error.

"(2) The Secretary shall publish in the Federal Register notice of deletions made from the second list published under subsection (c) or any subsequent list published under subsection (e).

"(3) The determination made by the Secretary to delete an allotment or interest under paragraph (1) may be judicially reviewed in accordance with chapter 7 of title 5, United States Code, within 90 days after the date on which notice of such determination is published in the Federal Register under paragraph (2). Any legal action challenging such a determination that is not filed within such 90-day period shall be forever barred. Exclusive jurisdiction over any legal action challenging such a determination is vested in the United States District Court for the District of Minnesota.

"Sec. 8. (a) Compensation for a loss of an allotment or interest shall be the fair market value of the land interest therein as of the date of tax forfeiture, sale, allotment, mortgage, or other transfer described in section 4 (a), 4 (b), or 5 (c), less any compensation actually received, plus interest compounded annually at 5 per centum from the date of said loss of an allotment or interest until the date of enactment of this Act [Mar. 24, 1986], and at the general rate of interest earned by United States Department of the Interior funds thereafter. A determination of compensation actually received shall be supported by Federal, State, or local public documents filed contemporaneously with the transaction or by clear and convincing evidence. Compensation actually received shall not be subtracted from the fair market value in any instance where an allotment or interest was sold or mortgaged by a full or mixed blood, under the age of eighteen years, or in any instance where there is prima facie evidence that fraud occurred in a sale or mortgage. No compensation for loss of an allotment or interest relating to transfers described in section 4 (b) shall be granted to any person or the heirs of such person where such allotment or interest was received pursuant to State court probate proceedings and where also it has been or is determined by the Secretary that such person or heirs were not entitled to inherit the allotment or interest.

"(b) For the purpose of this section, the date of transfer applicable to interests described in section 4 (b)(6) shall be the last date on which any interest in the subject allotment was transferred by document of record by any other heir of the allottee; and the date of transfer applicable to allotments described in section 5 (c) shall be the selection date. For purposes of this section, the Secretary shall establish the fair market value of various types of land for various years, which shall govern the compensation payable under this section unless a claimant demonstrates that a particular allotment or interest had a value materially different from the value established by the Secretary.

“(c) The Secretary shall provide written notice of the Secretary’s compensation determination to the allottees or heirs entitled thereto. Such notice shall describe the basis for the Secretary’s determination, the applicable time limits for judicial review of the determination, and the process whereby such compensation will be distributed. The Secretary shall proceed to make such heirship determinations as may be necessary to provide the notice required by this section: Provided, That the Secretary shall accept as conclusive evidence of heirship any determination of the courts of the State of Minnesota as provided in section 5(a) of this Act: Provided further, That the Secretary shall give written notice only to those allottees or heirs whose addresses can be ascertained by reasonable and diligent efforts; otherwise such notice shall be given by publication in the Federal Register.

“(d) The Secretary’s administrative determination of the appropriate amount of compensation computed pursuant to the provisions of this Act may be judicially reviewed pursuant to the Administrative Procedure Act [5 U.S.C. 701 et seq.] not later than one hundred and eighty days after the issuance of notice as aforesaid; after such time the Secretary’s determination shall be conclusive and all judicial review shall be barred. Exclusive jurisdiction over any such action is hereby vested in the United States District Court for the District of Minnesota.

“(e) Once a compensation determination has become conclusive according to the provisions of subsection (d), the Secretary shall certify such determination to the Secretary of the Treasury and such conclusive determination shall be treated as a final judgment, award or, compromise settlement under the provisions of title 31, United States Code, section 1304. The Secretary of the Treasury is authorized and directed to pay out of the funds in the Treasury into a separate interest bearing White Earth Settlement Fund account the amount certified by the Secretary of the Interior in each case. The Secretary of the Interior shall then make a diligent effort to locate each allottee or heir; however, if, after two years from the date on which a determination becomes conclusive an allottee or heir cannot be located, the Secretary of the Interior shall declare the amount owing to such allottee or heir forfeited.

“(f) Any and all amounts forfeited pursuant to subsection (e) together with the interest accumulated thereon, pursuant to section 8 shall be transferred annually to the fund established under section 12 for the White Earth Band.

“Sec. 9. The Secretary shall determine the heirs, if heretofore undetermined, or modify the inventory of an existing heirship determination of any full or mixed blood or Indian enrolled in any other federally recognized Indian tribe, band, or community, where appropriate for the purposes of this Act: Provided, That the Secretary shall accept any determination of heirship by the courts of the State of Minnesota as provided in section 5(a) of this Act.

“Sec. 10. (a) The provisions of section 6 of this Act shall take effect upon the publication in the Federal Register by the Secretary of certification that the following conditions have been satisfied:

“(1) The State of Minnesota, in accordance with Laws of Minnesota 1984, chapter 539, has entered into an agreement with the Secretary providing for the transfer of ten thousand acres of land within the exterior boundaries of the White Earth Reservation to the United States to hold in trust for the White Earth Band of Chippewa Indians as the State’s contribution to the settlement provided for by this Act. The Secretary shall not enter into such an agreement until the Secretary determines, or the authorized governing body of the band certifies to the Secretary in writing, that the agreement will result in the transfer of ten thousand acres which possess reasonable value for the White Earth Band, including but not limited to value for agricultural, recreational, forestry, commercial, residential, industrial, or general land consolidation purposes. The land transferred pursuant to this subsection shall be accepted by the United States subject to all existing accesses, roads, easements, rights of way, or similar uses unless the Governor and Attorney General of the State of Minnesota certify in writing to the Secretary the State’s intent to abandon such uses on a particular parcel.

“(2) The State, in accordance with the Laws of Minnesota 1984, chapter 539, has appropriated $500,000 for the purpose of providing the United States with technical and computer assistance for implementing the settlement provided for in this Act.

“(3) The United States has appropriated $6,600,000 for economic development for the benefit of the White Earth Band of Chippewa Indians.

“(b) Upon final acceptance by the Secretary, the land referred to in subsection (a)(1) shall be deemed to have been reserved as of the date of the establishment of the White Earth Reservation and to be part of the trust land of the White Earth Reservation for all purposes.

“Sec. 11. Nothing in this Act is intended to alter the jurisdiction currently possessed by the White Earth Band of Chippewa Indians, the State of Minnesota, or the United States over Indians or non-Indians within the exterior boundaries of the White Earth Reservation.

“Sec. 12. (a) There is established in the Treasury of the United States a fund to be known as the White Earth Economic Development and Tribal Government Fund. Money in this Fund shall be held in trust by the United States for the White Earth Band of Chippewa Indians, and shall be invested and managed by the Secretary in the same manner as tribal trust funds pursuant to the Act of June 24, 1938 (25 U.S.C. 162a).

“(b) The White Earth Economic Development and Tribal Government Fund shall consist of—

"(1) money received by the White Earth Band as compensation pursuant to section 8; and

"(2) money received by the White Earth Band as a result of amounts forfeited pursuant to section 8 (f); and

"(3) money received as an appropriation pursuant to section 15; and

"(4) income accruing on such sums.

Income accruing to the White Earth Economic Development and Tribal Government Fund shall, without further appropriation, be available for expenditure as provided in subsection (c).

"(c) Income from the fund may be used by the authorized governing body of the band for band administration. Principal and income may be used by the authorized governing body of the band for economic development, land acquisition, and investments: Provided, however, That under no circumstances shall any portion of the moneys described in subsection (b) be used for per capita payments to any members of the band: Provided further, That none of the funds described in subsection (b) shall be expended by the governing body of the band until—

"(1) such body has adopted a band financial ordinance and investment plan for the use of such funds; and

"(2) such body has submitted to the Secretary a waiver of liability on the part of the United States for any loss resulting from the use of such funds; and

"(3) the Secretary has approved the band financial ordinance and investment plan. The Secretary shall approve or reject in writing such ordinance and plan within sixty days of the date it is mailed or otherwise submitted to him: Provided, That such ordinance and plan shall be deemed approved if, sixty days after submission, the Secretary has not so approved or rejected it. The Secretary shall approve the ordinance and plan if it adequately contains the element specified in this subsection.

"Sec. 13. Notwithstanding any other law to the contrary, the United States grants its permission to the State of Minnesota to transfer land to the White Earth Band as described in section 10 (a)(1) which prior to the date of enactment of this Act [Mar. 24, 1986] may have been obtained by the State pursuant to other Federal law or with Federal assistance. Any restrictions or conditions imposed by any other Federal law or regulation on the transfer of such land are hereby waived and removed.

"Sec. 14. Not later than five years, or as soon as possible, after the date of enactment of this Act [Mar. 24, 1986], the Secretary shall make all determinations, provide all notices, and complete the administrative work necessary to accomplish the objectives of this Act. The Secretary shall give priority in making compensation determinations and payments under this Act to original allottees and elderly heirs. The Secretary shall submit a report by January 1 of each year to the chairman of the House of Representatives Committee on Interior and Insular Affairs [now Committee on Natural Resources] and the chairman of the Senate Committee on Indian Affairs, which report shall summarize the administrative progress to date and shall estimate the amount and nature of work left to be done.

"Sec. 15. There are hereby authorized to be appropriated to the White Earth Band $6,600,000 as a grant to be expended as provided in section 12.

"Sec. 16. None of the moneys which are distributed under this Act shall be subject to Federal or State income taxes or be considered as income or resources in determining eligibility for or the amount of assistance under the Social Security Act [42 U.S.C. 301 et seq.] or any other federally assisted program.

"Sec. 17. The Secretary is authorized, if so requested by the authorized governing body of the White Earth Band, to exchange any of the land which is transferred to the United States as described in section 10 (a)(1) for any other land within the exterior boundaries of the White Earth Reservation which is owned by the United States, the State of Minnesota, or any of the State's political subdivisions. Nothing in this section shall be deemed to require an exchange not agreed to by all parties to the exchange.

"Sec. 18. Any lands acquired by the White Earth Band within the exterior boundaries of the White Earth Reservation with funds referred to in section 12, or by the Secretary pursuant to section 17, shall be held in trust by the United States. Such lands shall be deemed to have been reserved from the date of the establishment of said reservation and to be part of the trust land of the White Earth Band for all purposes."

Winnebago Reservation, Nebraska

Act Mar. 3, 1925, ch. 431, 43 Stat. 1114, provided: "That the Secretary of the Interior be, and he is hereby, authorized in his discretion, to cancel any restricted fee patents that have been issued to Indians of the Winnebago Reservation in Nebraska, under the provisions of the Act of Congress of February 21, 1863 (Twelfth Statutes at Large, page 658), and to issue in lieu thereof, to the original allottees, or heirs, trust patents of the form and subject to all the provisions set out in the general allotment act of February 8, 1887 (Twenty-fourth Statutes at Large, page 388), as amended: Provided, That the trust period shall be ten years from the date of issuance of the lieu trust patents."