

Calendar No. 697

108TH CONGRESS
2^D SESSION**H. R. 2912****[Report No. 108-343]**

IN THE SENATE OF THE UNITED STATES

JUNE 2, 2004

Received; read twice and referred to the Committee on Indian Affairs

SEPTEMBER 15, 2004

Reported by Mr. CAMPBELL, without amendment

AN ACT

To reaffirm the inherent sovereign rights of the Osage Tribe to determine its membership and form of government.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REAFFIRMATION OF CERTAIN RIGHTS OF THE**
4 **OSAGE TRIBE.**

5 (a) FINDINGS.—The Congress finds as follows:

6 (1) The Osage Tribe is a federally recognized
7 tribe based in Pawhuska, Oklahoma.

8 (2) The Osage Allotment Act of June 28, 1906
9 (34 Stat. 539), states that the “legal membership”

1 of the Osage Tribe includes the persons on the Jan-
2 uary 1, 1906 roll and their children, and that each
3 “member” on that roll is entitled to a headright
4 share in the distribution of funds from the Osage
5 mineral estate and an allotment of the surface lands
6 of the Osage Reservation.

7 (3) Today only Osage Indians who have a
8 headright share in the mineral estate are “mem-
9 bers” of the Osage Tribe.

10 (4) Adult Osage Indians without a headright in-
11 terest cannot vote in Osage government elections
12 and are not eligible to seek elective office in the
13 Osage Tribe as a matter of Federal law.

14 (5) A principal goal of Federal Indian policy is
15 to promote tribal self-sufficiency and strong tribal
16 government.

17 (b) REAFFIRMATION OF CERTAIN RIGHTS OF THE
18 OSAGE TRIBE.—

19 (1) MEMBERSHIP.—Congress hereby clarifies
20 that the term “legal membership” in section 1 of the
21 Act entitled, “An Act For the division of lands and
22 funds of the Osage Indians in Oklahoma Territory,
23 and for other purposes”, approved June 28, 1906
24 (34 Stat. 539), means the persons eligible for allot-
25 ments of Osage Reservation lands and a pro rata

1 share of the Osage mineral estate as provided in
2 that Act, not membership in the Osage Tribe for all
3 purposes. Congress hereby reaffirms the inherent
4 sovereign right of the Osage Tribe to determine its
5 own membership, provided that the rights of any
6 person to Osage mineral estate shares are not dimin-
7 ished thereby.

8 (2) GOVERNMENT.—Notwithstanding section 9
9 of the Act entitled, “An Act For the division of
10 lands and funds of the Osage Indians in Oklahoma
11 Territory, and for other purposes”, approved June
12 28, 1906 (34 Stat. 539), Congress hereby reaffirms
13 the inherent sovereign right of the Osage Tribe to
14 determine its own form of government.

15 (3) ELECTIONS AND REFERENDA.—At the re-
16 quest of the Osage Tribe, the Secretary of the Inte-
17 rior shall assist the Osage Tribe with conducting
18 elections and referenda to implement this section.

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