

108TH CONGRESS
2^D SESSION

H. R. 2912

IN THE SENATE OF THE UNITED STATES

JUNE 2, 2004

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

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,*

1 **SECTION 1. REAFFIRMATION OF CERTAIN RIGHTS OF THE**
2 **OSAGE TRIBE.**

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

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

6 (2) The Osage Allotment Act of June 28, 1906
7 (34 Stat. 539), states that the “legal membership”
8 of the Osage Tribe includes the persons on the Jan-
9 uary 1, 1906 roll and their children, and that each
10 “member” on that roll is entitled to a headright
11 share in the distribution of funds from the Osage
12 mineral estate and an allotment of the surface lands
13 of the Osage Reservation.

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

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

21 (5) A principal goal of Federal Indian policy is
22 to promote tribal self-sufficiency and strong tribal
23 government.

24 (b) REAFFIRMATION OF CERTAIN RIGHTS OF THE
25 OSAGE TRIBE.—

1 (1) MEMBERSHIP.—Congress hereby clarifies
2 that the term “legal membership” in section 1 of the
3 Act entitled, “An Act For the division of lands and
4 funds of the Osage Indians in Oklahoma Territory,
5 and for other purposes”, approved June 28, 1906
6 (34 Stat. 539), means the persons eligible for allot-
7 ments of Osage Reservation lands and a pro rata
8 share of the Osage mineral estate as provided in
9 that Act, not membership in the Osage Tribe for all
10 purposes. Congress hereby reaffirms the inherent
11 sovereign right of the Osage Tribe to determine its
12 own membership, provided that the rights of any
13 person to Osage mineral estate shares are not dimin-
14 ished thereby.

15 (2) GOVERNMENT.—Notwithstanding section 9
16 of the Act entitled, “An Act For the division of
17 lands and funds of the Osage Indians in Oklahoma
18 Territory, and for other purposes”, approved June
19 28, 1906 (34 Stat. 539), Congress hereby reaffirms
20 the inherent sovereign right of the Osage Tribe to
21 determine its own form of government.

22 (3) ELECTIONS AND REFERENDA.—At the re-
23 quest of the Osage Tribe, the Secretary of the Inte-

1 rior shall assist the Osage Tribe with conducting
2 elections and referenda to implement this section.

Passed the House of Representatives June 1, 2004.

Attest: JEFF TRANDAHL,
Clerk.