

(e) Proceeds and tribal funds for payment of tribal debts; distributive share; set off; member purchases of tribal property

The net proceeds of all sales of tribal property, and all other tribal funds, shall be used to pay, as authorized by the Secretary, any debts of the tribe. The remainder of such proceeds and funds shall be divided equally among the members whose names are on the final roll, or their heirs or legatees. Any debt owed by a member, heir, or legatee to the tribe or to the United States may be set off as authorized by the Secretary against the distributive share of such person. Any member of the tribe who purchases tribal property in accordance with this section may apply on the purchase price his share of the proceeds of all sales of tribal property, and the Secretary of the Interior shall adopt sales procedures that permit such action.

(Pub. L. 87-629, § 3, Sept. 5, 1962, 76 Stat. 429.)

§ 974. Sale of trust lands

(a) Requisite owners' request; time limitation; bidding; member purchases; reservation of mineral rights; representation of minors, incompetents and missing owners

The Secretary of the Interior is authorized to partition or to sell the complete interest (including any unrestricted interest) in any land in which an undivided interest is owned by a member of the Ponca Tribe of Native Americans of Nebraska in a trust or restricted status, provided the partition or sale is requested by the owners of a 25 per centum interest in the land, and the partition or sale is made within three years from September 5, 1962. Any such sale shall be by competitive bid, except that with the concurrence of the owners of a 25 per centum interest in the land any owner of an interest in the land shall have the right to purchase the land within a reasonable time fixed by the Secretary of the Interior prior to a competitive sale at not less than its current market value. If more than one preference right is exercised, the sale shall be by competitive bid limited to the persons entitled to a preference. If the owners of a 25 per centum interest in the land so request, mineral rights may be reserved to the owners in an unrestricted status. The Secretary of the Interior may represent for the purposes of this section any Indian owner who is a minor, or who is non compos mentis, and, after giving reasonable notice of the proposed partition or sale by publication, he may represent an Indian owner who cannot be located.

(b) Removal of restrictions; title to lands

All restrictions on the alienation or taxation of interests in land that are owned by members of the Ponca Tribe of Native Americans of Nebraska three years after September 5, 1962 shall be deemed removed by operation of law, and an unrestricted title shall be vested in each such member.

(Pub. L. 87-629, § 4, Sept. 5, 1962, 76 Stat. 430.)

§ 975. Land surveys and execution of conveyances by Secretary; title of grantee

The Secretary of the Interior is authorized to make such land surveys and to execute such

conveyancing instruments as he deems necessary to convey marketable and recordable title to the individual and tribal assets disposed of pursuant to this subchapter. Each grantee shall receive an unrestricted title to the property conveyed.

(Pub. L. 87-629, § 5, Sept. 5, 1962, 76 Stat. 430.)

§ 976. Indian claims unaffected

Nothing in this subchapter shall affect any claims heretofore filed against the United States by the Ponca Tribe of Native Americans of Nebraska.

(Pub. L. 87-629, § 6, Sept. 5, 1962, 76 Stat. 430.)

§ 977. Rights, privileges, and obligations under Nebraska laws unaffected

Nothing in this subchapter shall affect the rights, privileges, or obligations of the tribe and its members under the laws of Nebraska.

(Pub. L. 87-629, § 7, Sept. 5, 1962, 76 Stat. 430.)

§ 978. Taxes; initial exemption; taxes following distribution; valuation for capital gains or losses

No property distributed under the provisions of this subchapter shall at the time of distribution be subject to any Federal or State income tax. Following any distribution of property made under the provisions of this subchapter, such property and income derived therefrom by the distributee shall be subject to the same taxes, State and Federal as in the case of non-Indians: *Provided*, That for the purpose of capital gains or losses the base value of the property shall be the value of the property when distributed to the grantee.

(Pub. L. 87-629, § 8, Sept. 5, 1962, 76 Stat. 430.)

§ 979. Expenses; appropriation authorization

Such amounts of tribal funds as may be needed to meet the expenses of the tribe under this subchapter, as approved by the Secretary of the Interior, shall be available for expenditure. There is authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated such sums as may be necessary to reimburse the tribe for such expenditures, and carry out the responsibilities of the Secretary under the provisions of this subchapter.

(Pub. L. 87-629, § 9, Sept. 5, 1962, 76 Stat. 430.)

§ 980. Termination of Federal trust; publication; termination of Federal services; application of Federal and State laws; citizenship status unaffected

When the distribution of tribal assets in accordance with the provisions of this subchapter has been completed, the Secretary of the Interior shall publish in the Federal Register a proclamation declaring that the Federal trust relationship to such tribe and its members has terminated. Thereafter, the tribe and its members shall not be entitled to any of the special services performed by the United States for Indians or Indian tribes because of their Indian status, all statutes of the United States that affect In-

dians or Indian tribes because of their Indian status shall be inapplicable to them, and the laws of the several States shall apply to them in the same manner they apply to other persons or citizens within their jurisdiction. Nothing in this subchapter, however, shall affect the status of any Indian as a citizen of the United States.

(Pub. L. 87-629, §10, Sept. 5, 1962, 76 Stat. 431.)

SUBCHAPTER XLVI-A—PONCA TRIBE OF NEBRASKA: RESTORATION OF RIGHTS AND PRIVILEGES

§ 983. Definitions

For purposes of this subchapter—

(1) The term “Tribe” means the Ponca Tribe of Nebraska.

(2) The term “Secretary” means the Secretary of the Interior or the designated representative of the Secretary of the Interior.

(3) The term “Interim Council” means the Board of Directors of the Northern Ponca Restoration Committee, Inc.

(4) The term “member” means a person who is enrolled on the membership roll of the Tribe of June 10, 1965, that was compiled by the Bureau of Indian Affairs or is entitled to be enrolled as a member of the Tribe under section 983e of this title.

(5) The term “State” means the State of Nebraska.

(Pub. L. 101-484, §2, Oct. 31, 1990, 104 Stat. 1167.)

SHORT TITLE

Pub. L. 101-484, §1, Oct. 31, 1990, 104 Stat. 1167, provided that: “This Act [enacting this subchapter] may be cited as the ‘Ponca Restoration Act’.”

§ 983a. Federal recognition

Federal recognition is hereby extended to the Ponca Tribe of Nebraska. All Federal laws of general application to Indians and Indian tribes (including the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461, et seq.), popularly known as the Indian Reorganization Act) shall apply with respect to the Tribe and to the members.

(Pub. L. 101-484, §3, Oct. 31, 1990, 104 Stat. 1167.)

REFERENCES IN TEXT

Act of June 18, 1934, referred to in text, popularly known as the Indian Reorganization Act, is classified generally to subchapter V (§461 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

§ 983b. Restoration of rights

(a) Rights abrogated or diminished

All rights and privileges of the Tribe which may have been abrogated or diminished before October 31, 1990, by reason of any provision of Public Law 87-629 [25 U.S.C. 971 et seq.] are hereby restored and such law shall no longer apply with respect to the Tribe or the members.

(b) Rights existing prior to restoration

Nothing in this subchapter may be construed to diminish any rights or privileges of the Tribe, or of the members, that exist prior to October 31, 1990.

(c) Acceptance by Secretary of real property transferred for benefit of Tribe; exemption from taxation

The Secretary shall accept not more than 1,500 acres of any real property located in Knox or Boyd Counties, Nebraska, that is transferred to the Secretary for the benefit of the Tribe. Such real property shall be accepted by the Secretary (subject to any rights, liens, or taxes that exist prior to the date of such transfer) in the name of the United States in trust for the benefit of the Tribe and shall be exempt from all taxes imposed by the Federal Government or any State or local government after such transfer. The Secretary may accept any additional acreage in Knox or Boyd Counties pursuant to his authority under the Act of June 18, 1934 (25 U.S.C. 461 et seq.).

(d) Effect on existing rights and obligations

Except as otherwise specifically provided in any other provision of this subchapter, nothing in this subchapter may be construed as altering or affecting—

(1) any rights or obligations with respect to property,

(2) any rights or obligations under any contract,

(3) any hunting, fishing, trapping, gathering, or water rights of the Tribe or the members, or

(4) any obligation to pay a tax levied before October 31, 1990.

(e) Reservation status

Reservation status shall not be granted any land acquired by or for the Tribe.

(Pub. L. 101-484, §4, Oct. 31, 1990, 104 Stat. 1167.)

REFERENCES IN TEXT

Public Law 87-629, referred to in subsec. (a), is Pub. L. 87-629, Sept. 5, 1962, 76 Stat. 429, which is classified generally to subchapter XLVI (§971 et seq.) of this chapter. For complete classification of this Act to the Code, see Tables.

Act of June 18, 1934, referred to in subsec. (c), popularly known as the Indian Reorganization Act, is classified generally to subchapter V (§461 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

§ 983c. Services

Notwithstanding any other provision of law, the Tribe and its members shall be eligible, on or after October 31, 1990, for all Federal services and benefits furnished to federally recognized tribes without regard to the existence of a reservation for the Tribe. In the case of Federal services available to members of federally recognized tribes residing on or near a reservation, members of the Tribe residing in Sarpy, Burt, Platte, Stanton, Holt, Hall, Wayne, Knox, Boyd, Madison, Douglas, or Lancaster Counties of Nebraska, Woodbury or Pottawattomie Counties of Iowa, or Charles Mix County of South Dakota shall be deemed to be residing on or near a reservation.

(Pub. L. 101-484, §5, Oct. 31, 1990, 104 Stat. 1168; Pub. L. 104-109, §12, Feb. 12, 1996, 110 Stat. 765.)

AMENDMENTS

1996—Pub. L. 104-109 inserted “Sarpy, Burt, Platte, Stanton, Holt, Hall, Wayne,” before “Knox” and sub-