

may be joined in, any such proceeding involving trust land with the right to remove the action to the United States district court for the district in which the land is situated, according to the procedure in section 1446 of title 28, and the United States shall have the right to appeal from any order of remand entered in such action.

(Pub. L. 90-534, § 4, Sept. 28, 1968, 82 Stat. 884.)

#### § 610d. Moneys or credits for tribal purposes

Any moneys or credits received or credited to the Swinomish Indian Tribal Community from the sale, exchange, mortgage, or granting of any security interest in any tribal land may be used for tribal purposes.

(Pub. L. 90-534, § 5, Sept. 28, 1968, 82 Stat. 884.)

#### § 610e. Assignment of income

The Swinomish Indian Tribal Community may assign any income due it, subject to approval of the Secretary of the Interior. Such approval may be given in general terms or may be limited to specified assignments.

(Pub. L. 90-534, § 7, Sept. 28, 1968, 82 Stat. 884.)

### SUBCHAPTER XIX—SHOSHONE AND ARAPAHO TRIBES OF WYOMING

#### § 611. Division of trust fund on deposit in United States Treasury to joint credit of both tribes

The Secretary of the Interior is authorized and directed to divide the trust funds on deposit in the Treasury of the United States to the joint credit of the Shoshone and Arapaho Tribes of the Wind River Reservation, Wyoming, including the unexpended balance of the treaty funds arising under section 12 of the Act of June 7, 1897 (30 Stat. 93), between the Shoshone Tribe and the Arapaho Tribe, crediting one-half of the total amount in the principal account to a principal trust fund account and one-half of the total amount in the interest account to an interest trust fund account for each tribe: *Provided*, That in dividing the funds there shall be taken into consideration in determining the amount to be credited to each tribe the outstanding loans made from joint trust funds to the Indians of each tribe.

(May 19, 1947, ch. 80, § 1, 61 Stat. 102.)

#### REFERENCES IN TEXT

Section 12 of the Act of June 7, 1897 (30 Stat. 93), referred to in text, is act June 7, 1897, ch. 3, § 12, 30 Stat. 93, which was not classified to the Code.

#### WIND RIVER INDIAN RESERVATION; MINERAL RIGHTS

Pub. L. 85-780, Aug. 27, 1958, 72 Stat. 935, provided: "That, from and after the effective date of this Act [Aug. 27, 1958], all of the right, title, and interest of the United States in all minerals, including oil and gas, the Indian title, to which was extinguished by the Act of August 15, 1953 (67 Stat. 592; Public Law 284, Eighty-third Congress, first session [set out as a note under this section]), entitled 'An Act to provide compensation to the Shoshone and Arapahoe Tribes of Indians for certain lands of the Riverton reclamation project within the ceded portion of the Wind River Indian Reservation, and for other purposes', is hereby declared to be held by the United States in trust for the Shoshone

and Arapahoe Tribes and, notwithstanding any other provision of law, said minerals, including oil and gas, subject to the provisions of section 2 of this Act, shall be administered and leased in accordance with the provisions of the Act of May 11, 1938 (ch. 198, 52 Stat. 347 [sections 396a to 396g of this title]). The gross proceeds received by the United States from such minerals either before or after the date of this Act shall be deposited to the credit of the Shoshone and Arapahoe Tribes in accordance with the provisions of the Act of May 19, 1947 (61 Stat. 102), as amended [this subchapter], and any of such gross proceeds that have been credited to miscellaneous receipts in the Treasury of the United States in accordance with the provisions of section 5 of the Act of August 15, 1953 (67 Stat. 592 [set out as a note under this section]), shall be transferred on the books of the Treasury to the credit of such tribes.

"SEC. 2. Notwithstanding any other provision of law, (1) all mineral leases, including oil and gas leases, covering any of the minerals referred to in section 1 hereof, which have heretofore been issued by the Secretary of the Interior on a noncompetitive basis, shall be subject to renewal at the end of the primary five-year term thereof for a term that extends to a date that is five years from the date of this Act [Aug. 27, 1958] and shall not be subject to renewal or further extension except in any case where, at the expiration of said extended term, oil or gas is being produced under the lease in paying quantities, and (2) the Secretary of the Interior shall process in accordance with the Mineral Leasing Act of February 25, 1920 (ch. 85, 41 Stat. 437), as amended [section 181 et seq. of Title 30, Mineral Lands and Mining], and the regulations issued thereunder, all oil and gas lease offers covering any of the oil and gas referred to in section 1 hereof which were filed on or before December 31, 1957: *Provided*, That any oil and gas lease issued pursuant to such lease offers shall be for a single term of five years commencing with the effective date of the lease and shall not be subject to renewal or extension except in any case where at the expiration of said five-year term, oil or gas is being produced under the lease in paying quantities.

"Any oil or gas lease referred to in subparagraph (1) of this section and any oil or gas lease which may hereafter be issued pursuant to the lease offers referred to in subparagraph (2) of this section shall be subject to the provisions of section 1 (1) of the Act of July 29, 1954 (ch. 644, 68 Stat. 583), amendatory of the second paragraph of section 17 of the Mineral Leasing Act of February 25, 1920 (ch. 85, 41 Stat. 443), as amended [section 226 of title 30]."

#### WIND RIVER INDIAN RESERVATION; COMPENSATION FOR LANDS OF THE RIVERTON RECLAMATION PROJECT

Act Aug. 15, 1953, ch. 509, 67 Stat. 592, provided that: "There is hereby authorized to be transferred in the Treasury of the United States from funds now or hereafter made available for carrying on the functions of the Bureau of Reclamation and to be placed to the credit of the Shoshone and Arapahoe Tribes of Indians of the Wind River Indian Reservation in Wyoming, the sum of \$1,009,500, said sum shall be credited to and expended for the benefit of said tribes and their members as provided by the Act of May 19, 1947 (61 Stat. 102), as amended by the Act of August 30, 1951 (65 Stat. 208), and by the Act of July 17, 1953 (Public Law 132, Eighty-third Congress) [this subchapter], and as may be hereinafter amended, and shall be deemed to constitute full, complete, and final compensation, except as provided in section 5 of this Act, for terminating and extinguishing all of the right, title, estate, and interest, including minerals, gas and oil, of said Indian tribes and their members of, in and to the lands, interests in lands, and any and all past and future damages arising out of the cession to the United States, pursuant to the Act of March 3, 1905 (33 Stat. 1016) of that part of the former Wind River Indian Reservation lying within \* \* \* the

proposed exterior boundaries of the Riverton reclamation project, Fremont County, Wyoming \* \* \*".

\* \* \* \* \*

"\* \* \* *Provided*, That any member, or the heirs or assignees of any member, of either of said tribes, who on the 24th day of July 1952, had an existing and valid assignment on any part of the above-described land, shall have the right, at his or her option, within one year after the date of enactment of this Act [Aug. 15, 1953] to enter into a contract with the United States, by and through the Bureau of Reclamation, for the purchase, at a price and on terms satisfactory to the Secretary of the Interior, of all or any contiguous part of such assignment, and upon final payment of the purchase price therefor, a fee patent accordingly shall be issued to such assignee, subject to reservations of all oil, gas, and minerals to the United States, and subject to section 5 of this Act, and if any part of the land so selected shall contain land irrigable under the Riverton reclamation project, then said patented land shall be subject to all irrigation charges, taxes, and liens imposed by Federal or State law, to the same extent and in like manner as other lands of the Riverton reclamation project: *Provided further*, That all existing contracts relating to irrigation charges, with respect to such irrigable land, shall remain in full force and effect: *And provided further*, That nothing in this Act shall be construed to affect the rights and interests in and to any land embraced within the tract described herein that has been allotted to an individual member of either of the said tribes which, on the date of enactment of this Act [Aug. 15, 1953], is held by the United States in trust for such member or his or her heirs.

"SEC. 2. Subject only to the existing rights and interests which are not extinguished and terminated by this Act, all unentered and vacant lands within the area described in section 1 hereof, are hereby restored to the public domain for administration, use, occupancy, and disposal under the reclamation and public land laws of the United States: *Provided*, That the sale or other disposition of such lands shall be at rates and upon terms and conditions approved by the Secretary of the Interior: *Provided further*, That the average price of all such lands disposed of by sale shall be not less than \$6.25 per acre.

"SEC. 3. The sum transferred to the credit of the Shoshone and Arapahoe Tribes of Indians as aforesaid and the expenses of carrying out the provisions of this Act shall be nonreimbursable and nonreturnable under the reclamation laws of the United States. The net proceeds derived from the disposal of said lands shall be covered into the general fund of the Treasury or into the reclamation fund as the Secretary of the Interior shall find appropriate in the light of the source from which the funds transferred or expended in carrying out this Act are derived.

"SEC. 4. Subject to any outstanding rights and interests, all of the ceded lands of the Wind River Reservation withdrawn pursuant to the Act of June 17, 1902, for the development of the Riverton reclamation project, Wyoming, not included within the boundaries of the tract described in section 1 of this Act, are hereby restored to the ownership of said tribes to the same extent as the ownership provided by the Act of July 27, 1939 (53 Stat. 1128) [sections 571 to 577 of this title], with respect to vacant lands ceded to the United States under the provisions of the Act of March 3, 1905 (33 Stat. 1016), but not subsequently withdrawn for reclamation purposes: *Provided*, That the compensation authorized in section 1 hereof shall also be deemed to release the United States from any and all claims for damages whatsoever arising out of withdrawal of lands herein restored to tribal ownership.

"SEC. 5. Notwithstanding any other provision of law, the United States shall deposit in the Treasury of the United States to the credit of said tribes, to be available for expenditure for the benefit of said tribes and their members, as provided by the Act of May 19, 1947

(61 Stat. 102), as amended by the Act of August 30, 1951 (65 Stat. 208), and by the Act of July 17, 1953 (Public Law 132, Eighty-third Congress) [this subchapter], and as may be hereinafter amended, 90 per centum of the gross receipts of the United States, as they are received from time to time, from all leases, bonuses, royalties, or other proceeds derived under the mining and mineral-leasing laws of the United States from any and all lands in which all rights and interests of the tribes are terminated and extinguished by the terms and conditions of section 1 of this Act and which are embraced within the boundaries of the tract described in said section 1. Notwithstanding any other provision of law the remaining 10 per centum of such gross receipts shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

"SEC. 6. Should this Act become law subsequent to June 30, 1954, there is hereby reserved to the Shoshone and Arapahoe Tribes the privilege of rejecting, within one hundred and twenty days after the date of the Act [Aug. 15, 1953], the terms and conditions of its sections 1, 4, and 5. If those terms and conditions are rejected, no part of the Act shall become effective.

"SEC. 7. The Secretary of the Interior is authorized to perform any and all acts to carry out the provisions and purposes of this Act."

#### **§ 612. Establishment of trust fund for each tribe; transfer of funds; interest; crediting of revenues, receipts, and proceeds of judgments**

The Secretary of the Treasury, upon request of the Secretary of the Interior, is authorized and directed to establish a trust fund account for each tribe and shall make such transfer of funds on the books of his department as may be necessary to effect the purpose of section 611 of this title: *Provided*, That interest shall accrue on the principal fund only, at the rate of 4 per centum per annum, and shall be credited to the interest trust fund accounts established by this section: *Provided further*, That all future revenues and receipts derived from the Wind River Reservation under any and all laws, and the proceeds from any judgment for money against the United States hereafter paid jointly to the Shoshone and Arapahoe Tribes of the Wind River Reservation, shall be divided in accordance with section 611 of this title and credited to the principal trust fund accounts established herein; and the proceeds from any judgment for money against the United States hereafter paid to either of the tribes singly shall be credited to the appropriate principal trust fund account.

(May 19, 1947, ch. 80, § 2, 61 Stat. 102; Aug. 30, 1951, ch. 367, § 1, 65 Stat. 208; Pub. L. 85-610, § 1, Aug. 8, 1958, 72 Stat. 541.)

#### AMENDMENTS

1958—Pub. L. 85-610 substituted "Secretary of the Treasury" for "Comptroller of the United States", required division of future receipts from Reservation and proceeds from judgments paid jointly to Tribes, and provided for manner of crediting proceeds from judgments paid to either of Tribes.

1951—Act Aug. 30, 1951, substituted "any" for "existing" before "law" in second proviso.

#### **§ 613. Advances or expenditures from tribal funds; emergency and educational loans; payments to individuals of tribes; per capita payments not subject to liens or claims; exception**

Notwithstanding any other provision of existing law, the trust funds credited to the Sho-