

(b) Education program; advances, expenditures, etc., for financing such program

The sum of \$1,000,000 plus any funds that revert to the Osage Tribe may be advanced, expended, invested, or reinvested for the purpose of financing an education program of benefit to the Osage Tribe of Indians of Oklahoma, such program to be administered as authorized by the Secretary of the Interior.

(c) Withdrawal of funds for payment of costs of carrying out provisions

The Secretary of the Interior may make appropriate withdrawals from the judgment funds and interest thereon, using interest funds first, to pay costs incident to carrying out the provisions of sections 883 to 883d of this title.

(Pub. L. 92-586, §1, Oct. 27, 1972, 86 Stat. 1295; Pub. L. 98-605, §5, Oct. 30, 1984, 98 Stat. 3168.)

REFERENCES IN TEXT

Act of June 28, 1906, referred to in subsec. (a), is act June 28, 1906, ch. 3572, 34 Stat. 539, which was not classified to the Code.

Act of January 8, 1971, referred to in subsec. (a), is Pub. L. 91-665, Jan. 8, 1971, 84 Stat. 1981, which was not classified to the Code.

The Indian Claims Commission, referred to in subsec. (a), terminated Sept. 30, 1978. See Codification note set out under former section 70 et seq. of this title.

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-605 struck out “or other socioeconomic programs” after “an education program” and substituted “such program” for “such programs”.

§ 883a. Payment of allotments**(a) Living original allottees**

Except as provided in subsections (b) and (c) of this section, a share or proportional share payable to a living original Osage allottee shall be paid to such allottee.

(b) Distribution to heirs; heirship determinations; intestate succession; finality of determinations and distributions; reversion of minimal amounts

A share of a deceased Osage allottee having died prior to or after October 27, 1972, shall be distributed to his heirs of Osage Indian blood pursuant to an order determining heirs by the Secretary of the Interior or a court of competent jurisdiction of the State of Oklahoma, and such distributions by the Secretary of the Interior shall be final and conclusive. In the event the heirs of Osage Indian blood of an Osage Indian having died prior to or after October 27, 1972, have not been determined by the Secretary of the Interior or a court of competent jurisdiction of the State of Oklahoma, such share shall be distributed to the heirs of Osage Indian blood upon the filing of proof of death and inheritance in accordance with the Oklahoma law of intestate succession in a form satisfactory to the Secretary of the Interior whose findings and determinations upon such proof shall be final and conclusive: *Provided*, That when a person of Osage Indian blood receives an amount totaling less than \$20 from one or more shares of one or more Osage allottees, that amount shall not be distributed to the individual, but will revert to the Osage Tribe.

(c) Minors and persons under guardianship; rules and regulations

A share or proportional share payable to a person of Osage Indian blood under eighteen years of age and any person under guardianship pursuant to an order of a court of competent jurisdiction notwithstanding the fact he has received a certificate of competency shall be disbursed under rules and regulations to be prescribed by the Secretary of the Interior.

(Pub. L. 92-586, §2, Oct. 27, 1972, 86 Stat. 1295.)

§ 883b. Per capita shares; filing claims; reversion of unclaimed shares

All claims for per capita shares by heirs of Osage Indian blood shall be filed with the Superintendent, Osage Agency, Pawhuska, Oklahoma, not later than eighteen months from October 27, 1972. Thereafter, all claims and the right to file same shall be forever barred and the unclaimed shares shall revert to the Osage Tribe. Unclaimed shares of distributees shall revert to the Osage Tribe six months after determination by the Secretary of the Interior of their right to share.

(Pub. L. 92-586, §3, Oct. 27, 1972, 86 Stat. 1296.)

§ 883c. Income tax exemption

None of the funds distributed per capita under the provisions of sections 883 to 883d of this title shall be subject to Federal or State income taxes.

(Pub. L. 92-586, §4, Oct. 27, 1972, 86 Stat. 1296.)

§ 883d. Rules and regulations

The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of sections 883 to 883d of this title.

(Pub. L. 92-586, §5, Oct. 27, 1972, 86 Stat. 1296.)

SUBCHAPTER XL—MENOMINEE TRIBE OF WISCONSIN: TERMINATION OF FEDERAL SUPERVISION

§§ 891 to 902. Repealed. Pub. L. 93-197, §3(b), Dec. 22, 1973, 87 Stat. 770

Section 891, act June 17, 1954, ch. 303, §1, 68 Stat. 250, set out purpose of sections 891 to 902 as orderly termination of Federal supervision over property of Menominee Tribe.

Section 892, act June 17, 1954, ch. 303, §2, 68 Stat. 250, defined “Tribe” and “Secretary”.

Section 893, act June 17, 1954, ch. 303, §3, 68 Stat. 250, set forth procedure for inclusion on tribal membership roll prior to its closure.

Section 894, act June 17, 1954, ch. 303, §5, 68 Stat. 251, authorized payment of \$1,500 to tribal members.

Section 895, acts June 17, 1954, ch. 303, §6, 68 Stat. 251; July 14, 1956, ch. 601, 70 Stat. 544; July 2, 1958, Pub. L. 85-488, §1(a), 72 Stat. 290, authorized hiring of management specialists by tribe to assist tribe in studying industrial programs for reservation.

Section 896, acts June 17, 1954, ch. 303, §7, 68 Stat. 251; July 14, 1956, ch. 604, §1, 70 Stat. 549; July 2, 1958, Pub. L. 85-488, §1(b), 72 Stat. 290; Sept. 8, 1960, Pub. L. 86-733, §1, 74 Stat. 867, required tribe to formulate and submit a plan to Secretary for control of tribal property and service functions conducted by United States.

Section 897, acts June 17, 1954, ch. 303, §8, 68 Stat. 252; July 14, 1956, ch. 604, §2, 70 Stat. 550; July 2, 1958, Pub.

L. 85-488, §1(c), 72 Stat. 291; Sept. 8, 1960, Pub. L. 86-733, §2, 74 Stat. 867, authorized transfer of all tribal property by Secretary on or before Apr. 30, 1961, to tribal corporation or a trustee selected by Secretary.

Section 898, acts June 17, 1954, ch. 303, §9, 68 Stat. 252; Sept. 8, 1960, Pub. L. 86-733, §3, 74 Stat. 867, set forth conditions for tax exemptions for distributions, conveyances, and transfer of title to assets.

Section 899, act June 17, 1954, ch. 303, §10, 68 Stat. 252, provided for publication in Federal Register by Secretary of a proclamation of transferred property.

Section 900, act June 17, 1954, ch. 303, §11, 68 Stat. 252, related to protection of minors, etc. by Secretary prior to transfer of tribal property.

Section 901, act June 17, 1954, ch. 303, §12, 68 Stat. 252, authorized Secretary to promulgate rules and regulations.

Section 902, act June 17, 1954, ch. 303, §14, as added Sept. 8, 1960, Pub. L. 86-733, §4, 74 Stat. 867, authorized contracts with Wisconsin Department of Public Instruction for completion of any vocational or undergraduate college program prior to termination of Federal responsibilities.

AUTHORIZATION OF APPROPRIATIONS

Pub. L. 89-653, §1, Oct. 15, 1966, 80 Stat. 903, authorized appropriations for the fiscal year ending June 30, 1967, and for each of the three succeeding fiscal years to compensate Wisconsin and its political subdivisions for extraordinary expenses occasioned by the termination of Federal supervision over the Menominee Tribe of Wisconsin by the act of June 17, 1954, ch. 303, 68 Stat. 250.

SUBCHAPTER XLI—MENOMINEE TRIBE OF WISCONSIN: RESTORATION OF FEDERAL SUPERVISION

§ 903. Definitions

For the purposes of this subchapter—

(1) The term “tribe” means the Menominee Indian Tribe of Wisconsin.

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

(3) The term “Menominee Restoration Committee” means that committee of nine Menominee Indians who shall be elected pursuant to subsections (a) and (b) of section 903b of this title.

(Pub. L. 93-197, §2, Dec. 22, 1973, 87 Stat. 770.)

SHORT TITLE

Pub. L. 93-197, §1, Dec. 22, 1973, 87 Stat. 770, provided: “That this Act [enacting this subchapter and repealing sections 891 to 902 of this title] may be cited as the ‘Menominee Restoration Act.’”

§ 903a. Federal recognition

(a) Extension; laws applicable

Notwithstanding the provisions of the Act of June 17, 1954 (68 Stat. 250; 25 U.S.C. 891-902), as amended, or any other law, Federal recognition is hereby extended to the Menominee Indian Tribe of Wisconsin and the provisions of the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461 et seq.), as amended, are made applicable to it.

(b) Repeal of provisions terminating Federal supervision; reinstatement of tribal rights and privileges

The Act of June 17, 1954 (68 Stat. 250; 25 U.S.C. 891-902) as amended, is hereby repealed and there are hereby reinstated all rights and privileges of the tribe or its members under Federal

treaty, statute, or otherwise which may have been diminished or lost pursuant to such Act.

(c) Continuation of tribal rights and privileges

Nothing contained in this subchapter shall diminish any rights or privileges enjoyed by the tribe or its members now or prior to June 17, 1954, under Federal treaty, statute, or otherwise, which are not inconsistent with the provisions of this subchapter.

(d) Continuation of property or contractual rights or obligations and tax obligations

Except as specifically provided in this subchapter, nothing contained in this subchapter shall alter any property rights or obligations, any contractual rights or obligations, including existing fishing rights, or any obligations for taxes already levied.

(e) Grants for services entitled to upon Federal recognition; terms and conditions; power of Menominee Restoration Committee

In providing to the tribe such services to which it may be entitled upon its recognition pursuant to subsection (a) of this section, the Secretary of the Interior and the Secretary of Health and Human Services, as appropriate, are authorized from funds appropriated pursuant to section 13 of this title, the Act of August 5, 1954 (68 Stat. 674), as amended [42 U.S.C. 2001 et seq.], or any other Act authorizing appropriations for the administration of Indian affairs, upon the request of the tribe and subject to such terms and conditions as may be mutually agreed to, to make grants and contract to make grants which will accomplish the general purposes for which the funds were appropriated. The Menominee Restoration Committee shall have full authority and capacity to be a party to receive such grants¹ to make such contracts, and to bind the tribal governing body as the successor in interest to the Menominee Restoration Committee: *Provided, however,* That the Menominee Restoration Committee shall have no authority to bind the tribe for a period of more than six months after the date on which the tribal governing body takes office.

(Pub. L. 93-197, §3, Dec. 22, 1973, 87 Stat. 770; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695.)

REFERENCES IN TEXT

Act of June 17, 1954, referred to in subsecs. (a) and (b), which was classified to subchapter XL (§891 et seq.) of this chapter, was repealed by section 3(b) of Pub. L. 93-197, which is classified to subsec. (b) of this section.

Act of June 18, 1934, referred to in subsec. (a), 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.

Act of August 5, 1954, referred to in subsec. (e), is act Aug. 5, 1954, ch. 658, 68 Stat. 674, as amended, which is classified generally to subchapter I (§2001 et seq.) of chapter 22 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Tables.

CHANGE OF NAME

“Secretary of Health and Human Services” substituted for “Secretary of Health, Education, and Wel-

¹ So in original. Probably should be followed by a comma.