

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 Repealed.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 grants<sup>1</sup> 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 Welfare” in text, pursuant to section 509(b) of Pub. L. 96-88 which is classified to section 3508(b) of Title 20, Education.

**§ 903b. Menominee Restoration Committee**

**(a) Nomination and election of members; time and procedure; ballot requirements; approval by Secretary; powers of Committee**

Within fifteen days after December 22, 1973, the Secretary shall announce the date of a gen-

eral council meeting of the tribe to nominate candidates for election to the Menominee Restoration Committee. Such general council meeting shall be held within thirty days of December 22, 1973. Within forty-five days of the general council meeting provided for herein, the Secretary shall hold an election by secret ballot, absentee balloting to be permitted, to elect the membership of the Menominee Restoration Committee from among the nominees submitted to him from the general council meeting provided for herein. The ballots shall provide for write-in votes. The Secretary shall approve the Menominee Restoration Committee elected pursuant to this section if he is satisfied that the requirements of this section relating to the nominating and election process have been met. The Menominee Restoration Committee shall represent the Menominee people in the implementation of this subchapter and shall have no powers other than those given to it in accordance with this subchapter. The Menominee Restoration Committee shall have no power or authority under this subchapter after the time which the duly-elected tribal governing body takes office: *Provided, however,* That this provision shall in no way invalidate or affect grants or contracts made pursuant to the provisions of section 903a(e) of this title.

**(b) Eligible voters; notice by Secretary of nominating meeting and election**

In the absence of a completed tribal roll prepared pursuant to subsection (c) of this section and solely for the purposes of the general council meeting and the election provided for in subsection (a) of this section, all living persons on the final roll of the tribe published under section 893<sup>1</sup> of this title, and all descendants, who are at least eighteen years of age and who possess at least one-quarter degree of Menominee Indian blood, of persons on such roll shall be entitled to attend, participate, and vote at such general council meeting and such election. Verification of descendancy, age, and blood quantum shall be made upon oath before the Secretary or his authorized representative and his determination thereon shall be conclusive and final. The Secretary shall assure that adequate notice of such meeting and election shall be provided eligible voters.

**(c) Membership roll; opening; revision procedure; prerequisites for inclusion; possession and maintenance of enrollment records and materials; appeal; finality of determination**

The membership roll of the tribe which was closed as of June 17, 1954, is hereby declared open. The Secretary, under contract with the Menominee Restoration Committee, shall proceed to make current the roll in accordance with the terms of this subchapter. The names of all enrollees who are deceased as of December 22, 1973, shall be stricken. The names of any descendants of an enrollee shall be added to the roll provided such descendant possesses at least one-quarter degree Menominee Indian blood. Upon installation of elected constitutional officers of the tribe, the Secretary and the Menominee Restoration Committee shall deliver their

<sup>1</sup> So in original. Probably should be followed by a comma.

<sup>1</sup> See References in Text note below.