

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-

stituted “, Woodbury or Pottawattomie Counties of Iowa, or Charles Mix County” for “or Charles Mix County”.

§ 983d. Interim government

Until such time as a constitution for the Tribe is adopted in accordance with section 983f(a) of this title and tribal officials are elected under section 983f(b) of this title, the Tribe shall be governed by the Interim Council.

(Pub. L. 101-484, § 6, Oct. 31, 1990, 104 Stat. 1168.)

§ 983e. Membership roll

(a) Accuracy pending adoption of tribal constitution

Until a tribal constitution is adopted in accordance with section 983f of this title, the Interim Council shall take such measures as will insure the continuing accuracy of the membership roll of the Tribe.

(b) Eligibility pending adoption of tribal constitution; appeal of exclusion

(1) Until a tribal constitution is adopted in accordance with section 983f of this title, an individual shall be eligible for membership in the Tribe, and the name of the individual shall be placed on the membership roll of the Tribe, if—

(A) the individual is living and is not an enrolled member of another Indian tribe that is recognized by the Federal Government, and

(B) the individual—

(i) was listed on the tribal membership roll of June 18, 1965, that was compiled by the Bureau of Indian Affairs,

(ii) notwithstanding the application or appeal deadline dates, was entitled to be listed on the membership roll of June 18, 1965, that was compiled by the Bureau of Indian Affairs, but was not listed, or

(iii) is a lineal descendant of an individual, living or deceased, who is described in clause (i) or (ii).

(2) Any individual who is excluded from the membership roll of the Tribe by the Interim Council may appeal to the Secretary for a determination of the eligibility of the individual for membership in the Tribe. Such determination by the Secretary shall be final. The Interim Council shall include on the membership roll any such individual that the Secretary determines in such an appeal to be eligible for membership in the Tribe.

(c) Constitution as governing

After adoption of a tribal constitution in accordance with section 983f of this title, the constitution of the Tribe shall govern membership in the Tribe.

(Pub. L. 101-484, § 7, Oct. 31, 1990, 104 Stat. 1168.)

§ 983f. Tribal constitution

(a) Adoption by secret ballot; absentee balloting

Upon the completion of the tribal membership roll and upon the written request of the Interim Council, the Secretary shall conduct, by secret ballot, an election to adopt a constitution for the Tribe. Such constitution shall be submitted by the Interim Council to the Secretary no later

than 1 year following October 31, 1990. Absentee balloting shall be permitted regardless of voter residence. In every other regard, the election shall be held according to section 476 of this title.

(b) Election of tribal officials

Not later than 120 days after the Tribe adopts a tribal constitution, the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in the constitution. Said election shall be conducted according to the procedures stated in subsection (a) of this section except to the extent that said procedures conflict with the tribal constitution.

(c) Governing body treated as Indian tribal government for purposes of taxation

Notwithstanding any other provision of law, the governing body of the Tribe established under the constitution of the Tribe that is adopted under subsection (a) of this section shall be treated as an Indian tribal government for purposes of title 26.

(Pub. L. 101-484, § 8, Oct. 31, 1990, 104 Stat. 1169.)

§ 983g. Regulations

The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this subchapter.

(Pub. L. 101-484, § 9, Oct. 31, 1990, 104 Stat. 1169.)

§ 983h. Economic development plan

(a) Establishment; submittal to Congress

The Secretary shall—

(1) enter into negotiations with the governing body of the Tribe to establish a plan for economic development for the Tribe;

(2) in accordance with this section, establish such a plan; and

(3) upon the approval of such plan by the governing body of the Tribe (and after consultation with the State and local officials pursuant to subsection (b) of this section), shall¹ submit such plan to the Congress by no later than the date that is 3 years after October 31, 1990.

(b) Consultation with State and local officials

(1) To ensure that legitimate State and local interests are not prejudiced by the economic development plan established under subsection (a) of this section, the Secretary shall notify and consult with the appropriate officials of the State and all appropriate local governmental officials in the State with respect to the proposed economic development plan. The Secretary shall provide complete information on the proposed economic development plan to such officials, including the restrictions imposed on such plan by subsection (c) of this section.

(2) During any consultation by the Secretary under this subsection, the Secretary shall provide such information as the Secretary may possess and shall request comments and additional information on the extent of any State or local service to the Tribe.

¹ So in original. The word “shall” probably should not appear.