

§ 903d. Transfer of assets of Menominee Enterprises, Inc.

(a) Negotiation and development of plan for assumption of assets; submittal of plan to Congress

The Secretary shall negotiate with the elected members of the Menominee Common Stock and Voting Trust and the Board of Directors of Menominee Enterprises, Incorporated, or their authorized representatives, to develop a plan for the assumption of the assets of the corporation. The Secretary shall submit such plan to the Congress within one year from December 22, 1973.

(b) Acceptance of assets by Secretary; prerequisites; preexisting rights and obligations in assets; United States as trustee for land transferred; exemption from taxation for transfer of assets and assets transferred

If neither House of Congress shall have passed a resolution of disapproval of the plan within sixty days of the date the plan is submitted to Congress, the Secretary shall, subject to the terms and conditions of the plan negotiated pursuant to subsection (a) of this section, accept the assets (excluding any real property not located in or adjacent to the territory, constituting, on December 22, 1973, the county of Menominee, Wisconsin) of Menominee Enterprises, Incorporated, but only if transferred to him by the Board of Directors of Menominee Enterprises, Incorporated, subject to the approval of the shareholders as required by the laws of Wisconsin. Such assets shall be subject to all valid existing rights, including, but not limited to, liens, outstanding taxes (local, State, and Federal), mortgages, outstanding corporate indebtedness of all types, and any other obligation. The land and other assets transferred to the Secretary pursuant to this subsection shall be subject to foreclosure or sale pursuant to the terms of any valid existing obligation in accordance with the laws of the State of Wisconsin. Subject to the conditions imposed by this section, the land transferred shall be taken in the name of the United States in trust for the tribe and shall be their reservation. The transfer of assets authorized by this section shall be exempt from all local, State, and Federal taxation. All assets transferred under this section shall, as of the date of transfer, be exempt from all local, State, and Federal taxation.

(c) Transfer to Secretary of real property of Menominee Tribe members; necessity for transfer by Menominee owner or owners; preexisting rights and obligations in land; United States as trustee for land transferred; exemption from taxation for transfer of assets and assets transferred

The Secretary shall accept the real property (excluding any real property not located in or adjacent to the territory constituting, on December 22, 1973, the county of Menominee, Wisconsin) of members of the Menominee Tribe, but only if transferred to him by the Menominee owner or owners. Such property shall be subject to all valid existing rights including, but not limited to, liens, outstanding taxes (local, State, and Federal), mortgages, and any other obliga-

tions. The land transferred to the Secretary pursuant to this subsection shall be subject to foreclosure or sale pursuant to the terms of any valid existing obligation in accordance with the laws of the State of Wisconsin. Subject to the conditions imposed by this subsection, the land transferred shall be taken in the name of the United States in trust for the Menominee Tribe of Wisconsin and shall be part of their reservation. The transfer of assets authorized by this section shall be exempt from all local, State, and Federal taxation. All assets transferred under this section shall, as of the date of transfer, be exempt from all local, State, and Federal taxation.

(d) Consultation by Secretary and Menominee Restoration Committee with appropriate State and local government officials for non-impairment of necessary governmental services upon transfer of assets

The Secretary and the Menominee Restoration Committee shall consult with appropriate State and local government officials to assure that the provision of necessary governmental services is not impaired as a result of the transfer of assets provided for in this section.

(e) Establishment of local government bodies, etc., by Wisconsin to provide necessary governmental services in Menominee County

For the purpose of implementing subsection (d) of this section, the State of Wisconsin may establish such local government bodies, political subdivisions, and service arrangements as will best provide the State or local government services required by the people in the territory constituting, on December 22, 1973, the county of Menominee.

(Pub. L. 93-197, § 6, Dec. 22, 1973, 87 Stat. 772.)

§ 903e. Rules and regulations

The Secretary is hereby authorized to make such rules and regulations as are necessary to carry out the provisions of this subchapter.

(Pub. L. 93-197, § 7, Dec. 22, 1973, 87 Stat. 773.)

§ 903f. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter.

(Pub. L. 93-197, § 8, Dec. 22, 1973, 87 Stat. 773.)

§ 903g. Exemption from advertising requirement for contracts for labor or supplies

All contracts for labor or supplies necessary for the carrying on of operations on the Menominee Indian Reservation pursuant to the Act of March 28, 1908 (35 Stat. 51), as amended, shall be exempt from the requirements of section 6101 of title 41.

(Oct. 10, 1940, ch. 851, § 3(c), 54 Stat. 1111.)

REFERENCES IN TEXT

Act of March 28, 1908, referred to in text, is act Mar. 28, 1908, ch. 111, 35 Stat. 51, which is not classified to the Code.

CODIFICATION

In text, "section 6101 of title 41" substituted for "section 3709 of the Revised Statutes" on authority of Pub.

L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

Section was formerly classified to section 6b(c) of former Title 41, Public Contracts.

This section was not enacted as part of the Menominee Restoration Act which comprises this subchapter.

SUBCHAPTER XLII—QUAPAW TRIBE:
DISTRIBUTION OF JUDGMENT FUND

§ 911. Membership roll; preparation; eligibility for enrollment; applications for enrollment; protests; finality of determination

The Secretary of the Interior is authorized and directed to prepare a roll of the persons whose names appear on the Quapaw membership roll forwarded under date of January 4, 1890, and whose membership in the tribe was then based upon Quapaw blood rather than solely upon adoption, and the descendants of such persons, who are living on July 17, 1959. Applications for enrollment must be filed with the area director of the Bureau of Indian Affairs, Muskogee, Oklahoma, on forms prescribed by the Secretary, within six months after July 17, 1959. For a period of three months thereafter, the Secretary shall permit the examination of the applications by the Quapaw Tribal Business Committee or by persons having a material interest therein for the purpose of lodging protests against any application. The determination of the Secretary regarding the eligibility of an applicant shall be final.

(Pub. L. 86-97, §1, July 17, 1959, 73 Stat. 221.)

§ 912. Per capita payments to enrollees, heirs or legatees; tax exemption

The Secretary shall distribute on a pro rata basis to the persons whose names appear on the roll prepared pursuant to section 911 of this title, or their heirs or legatees, the balance of the funds on deposit in the Treasury of the United States to the credit of the Quapaw Indians that were appropriated by the Act of August 26, 1954 (68 Stat. 801), in satisfaction of a judgment against the United States that was obtained by the tribe in the Indian Claims Commission on May 7, 1954, and accrued interest thereon. The funds so distributed shall not be subject to Federal or State income tax.

(Pub. L. 86-97, §2, July 17, 1959, 73 Stat. 222.)

REFERENCES IN TEXT

Act of August 26, 1954, referred to in text, is act Aug. 26, 1954, ch. 935, 68 Stat. 801, known as the Supplemental Appropriation Act, 1955. That portion of the act which appropriated the funds referred to was not classified to the Code.

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

§ 913. Distribution of shares

(a) Payments to enrollees, next of kin, or legatees

Except as provided in subsection (b) of this section, the Secretary shall distribute a share payable to a living enrollee directly to such enrollee, and the Secretary shall distribute a share payable to a deceased enrollee directly to his next of kin or legatees as determined by the laws of the place of domicile of the decedent,

upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive.

(b) Payments to minors or persons under legal disability

A share payable to a person under twenty-one years of age or to a person under legal disability shall be paid in accordance with the laws applicable to such person in the place of his domicile, or in the discretion of the Secretary to the natural parent or guardian of such person.

(Pub. L. 86-97, §3, July 17, 1959, 73 Stat. 222.)

§ 914. Costs

All costs incurred by the Secretary in the preparation of the roll and in the payment of shares in accordance with the provisions of this subchapter shall be paid by appropriate withdrawals from the judgment fund, but the cost and expense of any litigation that may arise from the preparation of the roll or the payment of shares shall be paid by the United States.

(Pub. L. 86-97, §4, July 17, 1959, 73 Stat. 222.)

SUBCHAPTER XLIII—CATAWBA TRIBE OF
SOUTH CAROLINA: DIVISION OF ASSETS

§§ 931 to 938. Repealed. Pub. L. 103-116, §4(c), Oct. 27, 1993, 107 Stat. 1121

Section 931, Pub. L. 86-322, §1, Sept. 21, 1959, 73 Stat. 592, related to publication of notice of agreement to division of assets, closure of roll, preparation of roll, protest against inclusion or omission from roll, finality of determinations, and final publication.

Section 932, Pub. L. 86-322, §2, Sept. 21, 1959, 73 Stat. 592, related to personal property rights of enrolled members and restrictions on alienation.

Section 933, Pub. L. 86-322, §3, Sept. 21, 1959, 73 Stat. 592, related to distribution of tribal assets.

Section 934, Pub. L. 86-322, §4, Sept. 21, 1959, 73 Stat. 593, related to land surveys and execution of conveyances by Secretary and title of grantees.

Section 935, Pub. L. 86-322, §5, Sept. 21, 1959, 73 Stat. 593, related to revocation of tribal constitution, termination of Federal services, application of Federal and State laws, and effect on citizenship status.

Section 936, Pub. L. 86-322, §6, Sept. 21, 1959, 73 Stat. 593, provided that rights, privileges, and obligations under South Carolina laws would be unaffected.

Section 937, Pub. L. 86-322, §7, Sept. 21, 1959, 73 Stat. 593, related to applicability of Federal or State income taxes on distributed property.

Section 938, Pub. L. 86-322, §8, Sept. 21, 1959, 73 Stat. 594, related to education and training program, purposes, subjects, transportation, subsistence, contracts, and other education programs.

EFFECTIVE DATE OF REPEAL

For effective date of repeal, see section 17 of Pub. L. 103-116, set out as an Effective Date note under section 941 of this title.

SUBCHAPTER XLIII-A—CATAWBA INDIAN
TRIBE OF SOUTH CAROLINA; RESTORATION
OF FEDERAL TRUST RELATIONSHIP

§ 941. Declaration of policy, Congressional findings and purpose

(a) Findings

The Congress declares and finds that:

(1) It is the policy of the United States to promote tribal self-determination and eco-