

# **MENOMINEE TRIBE OF WISCONSIN: TERMINATION OF FEDERAL SUPERVISION**

## **§ 891. PURPOSE**

The purpose of section 891-902 of this title is to provide for orderly termination of Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin. June 17, 1954, c. 303 § 1, 68 Stat. 250.

Library reference: Indians ☒2; C.J.S. Indians § 9 et seq.

### **HISTORICAL NOTE**

Separability of Provisions. Section 13 of Act June 17, 1954, provided that: "If any provision of this Act [sections 891-902 of this title], or the application thereof to any person or circumstance,

is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby"

## **§ 892. DEFINITIONS**

For the purpose of section 891-902 of this title---

(a) "Tribe" means the Menominee Indian Tribe of Wisconsin;

(b) "Secretary" means the Secretary of the Interior. June 17, 1954, c. 303, § 2, 68 Stat. 250.

Library reference: Indians ☒2; C.J.S. Indians § 9 et seq.

## **§ 893. MEMBERSHIP ROLL; CLOSURE; APPLICATIONS FOR ENROLLMENT; APPROVAL OR DISAPPROVAL OF APPLICATION; APPEAL; FINALITY OF DETERMINATION; FINAL PUBLICATION; CERTIFICATES OF BENEFICIAL INTEREST**

At midnight of June 17, 1954 the roll of the tribe maintained pursuant to the Act of June 15, 1934 (48 Stat. 965), as amended by the Act of July 14, 1939 (53 Stat. 1003), shall be closed and no child born thereafter shall be eligible for enrollment: *Provided*, That applications for enrollment in the tribe shall have three months from the date the roll is closed in which to submit applications for enrollment: *Provided further*, That the tribe shall have three months thereafter in which to approve or disapprove any application for enrollment: *Provided further*, That any applicant whose application is not approved by the tribe within six months from June 17, 1954 may, within three months thereafter, file with the Secretary an appeal from the failure of the tribe to approve his application or from the disapproval of his application, as the case may be. The decision of the Secretary on such appeal shall be final and conclusive. When the Secretary has made decisions on all appeals, he shall issue and publish in the Federal Register a Proclamation of Final Closure of the roll of the tribe and the final roll of the members. Effective upon the date of such proclamation, the rights or beneficial interests of each person whose name appears on the roll shall constitute personal property and shall be evidenced by a certificate of beneficial interest which shall be issued by the tribe. Such interests shall be distributable in accordance with the laws of the State of Wisconsin. Such interests shall be alienable only in accordance with such regulations as may be adopted by the tribe. June 17, 1954, c. 303 § 3, 68 Stat. 250.

Library reference: Indians ☒2; C.J.S. Indians § 9 et seq.

### **HISTORICAL NOTE**

Reference in Text. The Act of June 15, 1934, as amended by the Act of July 14, 1939, referred to in the

text, is Act June 15, 1934, C. 510, 48 Stat. 965, which is not classified to the Code.

**§ 894. PER CAPITA PAYMENTS TO TRIBAL MEMBERS.**

The Secretary is authorized and directed, as soon as practicable after June 17, 1954, to pay from such funds as are deposited to the credit of the tribe in the Treasury of the United States \$1,500 to each member of the tribe on the rolls of the tribe on June 17, 1954. Any other person whose application for enrollment on the rolls of the tribe is subsequently approved, pursuant to the terms of section 893 of this title, shall, after enrollment, be paid a like sum of \$1,500: *Provided*, That such payments shall be made first from any funds on deposit in the Treasury of the United States to the Credit of the Menominee Indian Tribe drawing interest at the rate of 5 per centum, and thereafter from the Menominee judgment fund, symbol 14X7142.

June 17, 1954, c. 303 § 5, 68 Stat. 250.

Library reference: Indians ☒23; C.J.S. Indians§ 23 et seq.

**§ 895. MANAGEMENT SPECIALISTS; STUDIES AND REPORTS; AVAILABILITY OF FUNDS; REIMBURSEMENT OF EXPENDITURES.**

The tribe is authorized to select and retain the services of qualified management specialist, including tax consultants, for the purpose of studying industrial programs on the Menominee Reservation and making such reports or recommendations, including appraisals of Menominee tribal property, as may be desired by the tribe, and to make other studies and reports as may be deemed necessary and desirable by the tribe in connection with the termination of Federal supervision as provided for hereinafter. Such reports shall be completed not later than February 1, 1959. Such specialists are to be retained under contracts entered into between them and authorized representatives of the tribe, subject to approval by the Secretary. Such amounts of Menominee tribal funds as may be required for this purpose shall be made available by the Secretary. In order to reimburse the tribe, in part, for expenditures of such tribal funds as the Secretary deems necessary for the purposes of carrying out the requirements of this section, there is authorized to be appropriated out of any money in the Treasury not otherwise appropriated, an amount equal to all of such expenditures incurred prior to July 2, 1958, plus one-half of such expenditures incurred thereafter, or the sum of \$275,000, whichever is the lesser amount. June 17, 1954, c. 303, § 6, 68 Stat. 251; July 14, 1956, c. 601, 70 Stat. 544; July 2, 1958, Pub. L. 85-488, § 1 (a), 72 Stat. 250.

Library reference: Indians ☒7; 23: C.J.S. Indians§§ 22, 28 et seq.

**HISTORICAL NOTE**

1958 Amendment. Pub. L. 85-488 substituted "February 1, 1959" for "December 31, 1957", and authorized appropriations in an amount equal to all of the expenditures incurred prior to July 11, 1958, plus one-half of the expenditures incurred

thereafter, or the sum of \$275,000, which ever is the lesser amount.

1956 Amendment. Act July 14, 1956 authorized appropriations of sums deemed necessary to reimburse the tribe for the expenditure of tribal funds.

**§ 896. PLAN FOR CONTROL OF TRIBAL PROPERTY AND SERVICE FUNCTIONS; TERMINATION OF FEDERAL SUPERVISION AND SERVICES; APPROVAL OF PLAN; PUBLICATION IN FEDERAL REGISTER**

The tribe shall as soon as possible and in no event later than February 1, 1959, formulate and submit to the Secretary a plan for the future control of the tribal property and service functions now conducted by or under the supervision of the United States, including but not limited to services in the fields of health, education, welfare, credit, roads, and law and order, and for all other matters involved in the withdrawal of Federal supervision. The Secretary is

authorized to provide such reasonable assistance as may be requested by officials of the tribe in the formulation of the plan heretofore referred to, including necessary consultations with representatives of Federal departments and agencies, officials of the State of Wisconsin and political subdivisions thereof, and members of the tribe. The Secretary shall accept such tribal plan as the basis for the conveyance of the tribal property if he finds that it will treat with reasonable equity all members on the final roll of the tribe prepared pursuant to section 893 of this title, and that it conforms to applicable Federal and State law. In the event the tribe fails to submit a plan approvable under the terms of sections 891-902 of this title by February 1, 1959, the Secretary shall cause such a plan to be prepared and submitted to the tribe within three months thereafter. The tribe shall thereafter have three months within which to accept the plan of the Secretary or to submit to the Secretary tribal proposals for modification. If the Menominee Tribe and the Secretary cannot agree upon a plan within the aforementioned six-months period, or if they agree upon a plan within such period and the tribal corporation and voting trust contemplated by the plan are not established prior to March 1, 1961, the Secretary shall transfer the tribal property to a trustee of his choice for the management or disposition for the benefit of the Menominee Tribe. The responsibility of the United States to furnish all such supervision and services to the tribe and to the members thereof, because of their status as Indians, shall cease on April 30, 1961, or on such earlier date as may be agreed upon by the tribe and the Secretary. The plan shall contain provision for protection of the forest on a sustained yield basis and for the protection of the water, soil, fish and wildlife. To the extent necessary, the plan shall provide for such terms of transfer pursuant to section 897 of this title, by trust or otherwise, as shall insure the continued fulfillment of the plan. The Secretary, after approving the plan, shall cause the plan to be published in the Federal Register. The sustained yield management requirement contained in Section 891-902 of this title, and the possible selection of a trustee in the event of a tribal planning default, shall not be construed by any court to impose a financial liability on the United States. July 17, 1954, c. 303 § 7, 68 Stat. 251; July 14, 1956, c. 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.

Library reference: Indians §2, 32: C.J.S. Indians§§ 9 et seq., 67 et seq.

#### **HISTORICAL NOTE**

1960 Amendment. Pub.L. 86-733 inserted "or if they agree upon a plan within such period and the tribal corporation and voting trust contemplated by the plan are not established prior to March 3, 1961", and changed the termination date of the United States responsibility to the tribe from Dec. 31, 1960 to Apr. 30, 1961.

1958 Amendment. Pub.L. 85-488 substituted "February 1, 1959" for "December 31, 1957" in the first sentence, and "December 31, 1960" for "December 31, 1958", and inserted provisions requiring the Secretary to accept the plan if he finds that it will treat with reasonable equity all members on the final roll of the tribe, and provided for the preparation of a plan if the

tribe fails to submit a plan approvable under the terms of section 891-902 of this title by Feb. 1, 1959.

1956 Amendment. Act July 14, 1956 required submission of the plan not later than Dec. 31, 1957, provided for the inclusion of all matters involved in the withdrawal of Federal supervision for the protection of the forest on a sustained yield basis, for the protection of water, soil, fish and wildlife, and for the transfer of property, and required publication in the Federal Register.

Legislative History: for legislative history and purpose of Pub.L. 86-733, see 1960 U.S.Code Cong. And Adm.News. p. 3461.

## **§ 897. TRANSFER OF PROPERTY**

On or before April 30, 1961, the Secretary is authorized to transfer to the tribal corporation or to a trustee of the Secretary's choice, as provided in section 896 of this title, the title to all property, real and personal, held in trust by the United States for the tribe. The Secretary is directed to begin immediate negotiations with a private trustee of his choice to perfect a trust agreement so that if by March 1, 1961, the tribal corporation is not functioning, the Secretary will be prepared to transfer title to such property to said trustee as soon after March 1, 1961, as possible, but in no event later than April 30, 1961. The Secretary is authorized, in his discretion, to transfer to the tribe or any member or group of members thereof any federally owned property acquired, withdrawn, or used for the administration of the affairs of the tribe which he deems necessary for Indian use, or to transfer to a public or nonprofit body any such property which he

deems necessary for public use and from which members of the tribe will derive benefits. July 17, 1954, c. 303 § 8, 68 Stat. 252; July 14, 1956, c. 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.

Library reference: Indians ☒12, 15: C.J.S. Indians §§ 28 et seq., 53 et seq.

#### HISTORICAL NOTE

1960 Amendment. Pub.L. 86-733 extended the date after which transfer is authorized from Dec. 31, 1960 to Apr. 30, 1961, permitted the Secretary to transfer property to a trustee of his choice, directed the Secretary to begin negotiations with a trustee to perfect a trust agreement so that if the tribal corporation is not functioning by Mar. 1, 1961, he could transfer title to the trustee as soon after such date as possible and no later than Apr. 30, 1961, and deleted a proviso stating that if the tribe incorporated or otherwise organized under state or District of Columbia law, for the purpose of taking title to tribal lands, assets or enterprises, and requested such transfer to be made, the Secretary was to make such a transfer.

1958 Amendment. Pub.L. 85-488 substituted "December 31, 1960" for "December 31, 1958".

1956 Amendment. Act July 14, 1956 permitted the Secretary to transfer federally owned property acquired, withdrawn, or used for the administration of the affairs of the tribe.

Legislative History: For legislative history and purpose of Pub.L. 86-733, see 1960 U.S.Code Cong. And Adm.News, p. 3461

### **§ 898. TAXES; INITIAL EXEMPTION; TAXES FOLLOWING DISTRIBUTION; VALUATION FOR INCOME TAX ON GAINS OR LOSSES**

No distribution, conveyance, or transfer of title to assets and no issuance or distribution of securities pursuant to the plan approved by the Secretary under the provisions of sections 891-902 of this title shall be subject to any Federal or State transfer, issuance, or income tax: *Provided*, That nothing contained in sections 891-902 of this title shall exempt the recipient of any cash distribution made hereunder from payment of income tax for the year in which the distribution is made on that portion of his share thereof which consists of interests on funds deposited in the Treasury of the United States pursuant to the Supplemental Appropriations Act, 1952 (65 Stat. 736, 754). Following any distribution, conveyance, transfer, or issuance as aforesaid, the assets and securities which are held by, and any income derived therefrom which is received by or payable to, any person, or any corporation or organization as provided in section 897 of this title, shall be subject to the same taxes, State and Federal, as in the case of non-Indians, except that the basis of any valuation for purposes of Federal income tax on gains or losses shall be the value of the property on the date title is transferred by the United States pursuant to section 897 of this title. June 17, 1954, c 303, § 9, 68 Stat. 252; Sept. 8, 1960, Pub.L. 86-733, § 3, 74 Stat. 867.

Library reference: Internal Revenue ☒305; Taxation ☒105½, 983; C.J.S. Internal Revenue § 101; C.J.S. Taxation §§ 107 9 et seq., 1096

#### HISTORICAL NOTE

1960 Amendment. Pub.L. 86-733 exempted from transfer taxes, conveyances, transfers of title, and issuances and distributions of securities pursuant to an approved plan, from issuance and income taxes, distributions, conveyances, transfers of title, and issuances and distributions of securities pursuant to said approved plan, and subject assets and securities,

and any income derived therefrom, following any conveyance, transfer or issuance to State and Federal taxes.

Legislative History: For legislative history and purpose of Pub.L. 86-733, see 1960 U.S.Code Cong. And Adm.News. p. 3161

### **§ 899. PUBLICATION OF PROCLAMATION OF TRANSFER OF PROPERTY; TERMINATION OF FEDERAL SERVICES; APPLICATION OF FEDERAL AND STATE LAWS; CITIZENSHIP STATUS UNAFFECTED**

When title to the property of the tribe has been transferred, as provided in section 897 of this title, the Secretary shall publish in the Federal Register an appropriate proclamation of that fact. Thereafter individual members of the tribe shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians, all statutes of the United States which affect Indians because of their status as Indians shall no longer be applicable to the members of the tribe, and the laws of the several States shall apply to the tribe and its members in the same manner as they apply to other citizens or persons within their jurisdiction. Nothing in sections 891-902 of this title shall affect the status of the members of the tribe as citizens of the United States. June 17, 1954, c. 303, § 10, 68 Stat. 252.

Library reference: Indians ☒12, 15: C.J.S. Indians §§ 28 et seq., 53 et seq.

## **§ 900 PROTECTION OF MINORS, PERSONS NON COMPOS MENTIS AND OTHER MEMBERS NEEDING ASSISTANCE; GUARDIANS; OTHER ADEQUATE MEANS**

Prior to the transfer pursuant to section 897 of this title, the Secretary shall protect the rights of members of the tribe who are less than eighteen years of age, non compos mentis, or in the opinion of the Secretary in need of assistance in conducting their affairs, by causing the appointment of guardians for such members in courts of competent jurisdiction, or by such other means as he may deem adequate. June 17, 1954, c. 303 § 11, 68 Stat. 252.

Library reference: Indians ☒6: C.J.S. Indians § 20 et seq.

## **§ 901. RULES AND REGULATIONS**

The Secretary is authorized and directed to promulgate such rules and regulations as are necessary to effectuate the purposes of sections 891-902 of this title. June 17, 1954, c. 303, § 12, 68 Stat. 252.

Library reference: Indians ☒4: C.J.S. Indians §§ 9, 74.

## **§ 902. CONTRACTS FOR COMPLETION OF VOCATIONAL OR UNDERGRADUATE COLLEGE PROGRAM**

Notwithstanding any other provision of section 891-902 of this title, the Secretary of the Interior is authorized to contract with the Wisconsin Department of Public Instruction, prior to the date for terminating Federal responsibilities, for the completion of a vocational or undergraduate college program of any member of the Menominee tribe who has been accepted for such program prior to the termination date. June 17, 1954, c. 303 § 4, 74 Stat. 867.

Library reference: Indians ☒6: C.J.S. Indians § 20 et seq.

### **HISTORICAL NOTE**

Legislative History: For legislative history and purpose of Pub.L. 86-733, see 1960 U.S. Code Cong. And Adm. News. p. 3461.