

Public Law 397

CHAPTER 298

JOINT RESOLUTION

June 14, 1954
[H. J. Res. 481]

To amend the Act of July 5, 1949 (Public Law 157, Eighty-first Congress).

Simon Bolivar,
Statue in D. C.
63 Stat. 406.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second proviso of the Act of July 5, 1949 (Public Law 157, Eighty-first Congress), is amended by striking out "five years" where it appears therein, and inserting "ten years".

Approved June 14, 1954.

Public Law 398

CHAPTER 300

AN ACT

June 16, 1954
[H. R. 356]

To amend the Railroad Retirement Act of 1937, as amended.

Dual benefits.
65 Stat. 684.
45 USC 228c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 (b) of the Railroad Retirement Act of 1937, as amended, is hereby further amended, effective October 30, 1951, by striking the last paragraph thereof.

SEC. 2. In the case of any deceased individual whose death occurred before the first day of the first month following the month in which this Act is enacted, so much of any annuity or pension payment as is due such individual by reason of the enactment of the first section of this Act shall be paid only—

- (1) to the widow or widower of the deceased, if such widow or widower is living on such first day; or
- (2) if there is no such widow or widower, to the child or children of the deceased if such child or children are living on such first day.

For the purposes of this section, the terms "widow", "widower", and "child" have the same meanings as those assigned to such terms by section 5 (1) (1) of the Railroad Retirement Act of 1937, as amended.

45 USC 228e(1).

Approved June 16, 1954.

Public Law 399

CHAPTER 303

AN ACT

June 17, 1954
[H. R. 2828]

To provide for a per capita distribution of Menominee tribal funds and authorize the withdrawal of the Menominee Tribe from Federal jurisdiction.

Menominee In-
dians.

Termination of
Federal supervi-
sion.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the purpose of this Act is to provide for orderly termination of Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin.

SEC. 2. For the purposes of this Act—

- (a) "Tribe" means the Menominee Indian Tribe of Wisconsin;
- (b) "Secretary" means the Secretary of the Interior.

Enrollment.

SEC. 3. At midnight of the date of enactment of this Act 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 applicants 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 the date of enactment of this Act 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.

Publication in
FR.

SEC. 4. Section 6 of the Act of June 15, 1934 (48 Stat. 965, 966) is hereby repealed.

Repeal.

SEC. 5. The Secretary is authorized and directed, as soon as practicable after the passage of this Act, 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 the date of this Act. Any other person whose application for enrollment on the rolls of the tribe is subsequently approved, pursuant to the terms of section 3 hereof, 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.

Per capita pay-
ments.

SEC. 6. The tribe is authorized to select and retain the services of qualified management specialists, 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 December 31, 1957. 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.

Management spe-
cialists.

SEC. 7. The tribe shall formulate and submit to the Secretary a plan or plans 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. The Secretary is authorized to provide such reasonable assistance as may be requested by officials of the tribe in the formulation of the plan or plans 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: *Provided*, That 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 December 31, 1958, or on such earlier date as may be agreed upon by the tribe and the Secretary.

Tribal property
control plan.

Property title transfer.

SEC. 8. The Secretary is hereby authorized and directed to transfer to the tribe, on December 31, 1958, or on such earlier date as may be agreed upon by the tribe and the Secretary, the title to all property, real and personal, held in trust by the United States for the tribe: *Provided, however,* That if the tribe obtains a charter for a corporation or otherwise organizes under the laws of a State or of the District of Columbia for the purpose, among any others, of taking title to all tribal lands and assets and enterprises owned by the tribe or held in trust by the United States for the tribe, and requests such transfer to be made to such corporation or organization, the Secretary shall make such transfer to such corporation or organization.

Income tax.

SEC. 9. No distribution of the assets made under the provisions of this Act shall be subject to any Federal or State income tax: *Provided,* That so much of any cash distribution made hereunder as consists of a share of any interest earned on funds deposited in the Treasury of the United States pursuant to the Supplemental Appropriation Act, 1952 (65 Stat. 736, 754), shall not by virtue of this Act be exempt from individual income tax in the hands of the recipients for the year in which paid. Following any distribution of assets made under the provisions of this Act, such assets and any income derived therefrom in the hands of any individual, or any corporation or organization as provided in section 8 of this Act, shall be subject to the same taxes, State and Federal, as in the case of non-Indians, except that any valuation for purposes of Federal income tax on gains or losses shall take as the basis of the particular taxpayer the value of the property on the date title is transferred by the United States pursuant to section 8 of this Act.

Publication in FR.

SEC. 10. When title to the property of the tribe has been transferred, as provided in section 8 of this Act, 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 this Act shall affect the status of the members of the tribe as citizens of the United States.

Rights of minors, etc.

SEC. 11. Prior to the transfer pursuant to section 8 of this Act, 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.

Regulations.

SEC. 12. The Secretary is authorized and directed to promulgate such rules and regulations as are necessary to effectuate the purposes of this Act.

Separability.

SEC. 13. If any provision of this Act, 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.

Approved June 17, 1954.