

(Pub. L. 106-568, title VII, § 705, Dec. 27, 2000, 114 Stat. 2915.)

**§ 1041d. Organization of the Tribe; tribal constitution**

**(a) Existing constitution and governing body**

The existing constitution and bylaws of the Cherokee Shawnee and the officers and members of the Shawnee Tribal Business Committee, as constituted on December 27, 2000, are hereby recognized respectively as the governing documents and governing body of the Tribe.

**(b) Constitution**

Notwithstanding subsection (a) of this section, the Tribe shall have a right to reorganize its tribal government pursuant to section 503 of this title.

(Pub. L. 106-568, title VII, § 706, Dec. 27, 2000, 114 Stat. 2915.)

**§ 1041e. Tribal land**

**(a) Land acquisition**

The Tribe shall be eligible to have land acquired in trust for its benefit pursuant to section 465 of this title and section 501 of this title.

**(b) Restriction**

No land recognized by the Secretary to be within the Cherokee Nation or any other Indian tribe may be taken into trust for the benefit of the Tribe under this section without the consent of the Cherokee Nation or such other tribe, respectively.

(Pub. L. 106-568, title VII, § 707, Dec. 27, 2000, 114 Stat. 2915; Pub. L. 109-59, title X, § 10213, Aug. 10, 2005, 119 Stat. 1939.)

AMENDMENTS

2005—Subsec. (a). Pub. L. 109-59 struck out “(1) In general” before “The Tribe” and heading and text of par. (2). Text read as follows: “Notwithstanding any other provision of law but subject to subsection (b) of this section, if the Tribe transfers any land within the boundaries of the State of Oklahoma to the Secretary, the Secretary shall take such land into trust for the benefit of the Tribe.”

**§ 1041f. Jurisdiction**

**(a) In general**

The Tribe shall have jurisdiction over trust land and restricted land of the Tribe and its members to the same extent that the Cherokee Nation has jurisdiction over land recognized by the Secretary to be within the Cherokee Nation and its members, but only if such land—

(1) is not recognized by the Secretary to be within the jurisdiction of another federally recognized tribe; or

(2) has been placed in trust or restricted status with the consent of the federally recognized tribe within whose jurisdiction the Secretary recognizes the land to be, and only to the extent that the Tribe's jurisdiction has been agreed to by that host tribe.

**(b) Rule of construction**

Nothing in this subchapter shall be construed to diminish or otherwise limit the jurisdiction of any Indian tribe that is federally recognized

on the day before December 27, 2000, over trust land, restricted land, or other forms of Indian country of that Indian tribe on such date.

(Pub. L. 106-568, title VII, § 708, Dec. 27, 2000, 114 Stat. 2916.)

**§ 1041g. Individual Indian land**

Nothing in this subchapter shall be construed to affect the restrictions against alienation of any individual Indian's land and those restrictions shall continue in force and effect.

(Pub. L. 106-568, title VII, § 709, Dec. 27, 2000, 114 Stat. 2916.)

**§ 1041h. Treaties not affected**

No provision of this subchapter shall be construed to constitute an amendment, modification, or interpretation of any treaty to which a tribe referred to in this subchapter is a party nor to any right secured to such a tribe or to any other tribe by any treaty.

(Pub. L. 106-568, title VII, § 710, Dec. 27, 2000, 114 Stat. 2916.)

SUBCHAPTER L—TILLAMOOK AND NEHALEM BANDS OF THE TILLAMOOK INDIANS: DISTRIBUTION OF JUDGMENT FUND

**§ 1051. Membership roll; preparation; eligibility for enrollment; filing of applications; finality of Secretary's decision**

The Secretary of the Interior shall prepare a roll of all persons who meet both of the following requirements for eligibility: (1) They were born on or prior to and living on August 30, 1964; and (2) their name or the name of an ancestor through whom they claim eligibility appears either on the census roll of the Naalem (Nehalem) Band of Tillamook Indians dated January 28, 1898, or on the annuity payment roll of the Tillamook Band of Tillamook Indians prepared in 1914 under the provisions of the Act of August 24, 1912 (37 Stat. L., 519-535). Applications for enrollment must be filed with the area director of the Bureau of Indian Affairs, Portland, Oregon, within six months after August 30, 1964, on forms prescribed for that purpose. The determination of the Secretary regarding the eligibility for enrollment of an applicant shall be final.

(Pub. L. 88-506, § 1, Aug. 30, 1964, 78 Stat. 639.)

REFERENCES IN TEXT

Act of August 24, 1912, referred to in text, is act Aug. 24, 1912, ch. 388, 37 Stat. 519-534. Provisions of the act relating to the annuity payment roll of the Tillamook Band of the Tillamook Indians were not classified to the Code.

**§ 1052. Distribution of funds; pro rata basis**

The Secretary is authorized and directed to withdraw the funds on deposit in the Treasury of the United States to the credit of the Nehalem and Tillamook Bands of Indians that were appropriated by the Act of May 17, 1963 (77 Stat. 43), in satisfaction of a judgment obtained by the bands in the Indian Claims Commission against the United States in Docket Numbered

240 together with the interest accrued thereon and to pro rate such funds among those persons whose names appear on the roll prepared pursuant to section 1051 of this title. The Secretary shall distribute shares payable to living persons enrolled pursuant to section 1051 of this title and shares payable to the heirs and legatees of deceased persons enrolled pursuant to section 1051 of this title according to such rules and regulations as he may prescribe.

(Pub. L. 88-506, § 2, Aug. 30, 1964, 78 Stat. 639.)

#### REFERENCES IN TEXT

Act of May 17, 1963, referred to in text, is Pub. L. 88-25, May 17, 1963, 77 Stat. 43. 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.

#### § 1053. Taxes

The funds distributed in accordance with this subchapter shall not be subject to the Federal or State income tax.

(Pub. L. 88-506, § 3, Aug. 30, 1964, 78 Stat. 639.)

#### § 1054. Costs

Any costs incurred by the Secretary in the preparation of the rolls and in the distribution of payment of pro rata shares in accordance with the provisions of this subchapter shall be paid by appropriate withdrawals from the judgment fund.

(Pub. L. 88-506, § 4, Aug. 30, 1964, 78 Stat. 639.)

#### § 1055. Rules and regulations

The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this subchapter.

(Pub. L. 88-506, § 5, Aug. 30, 1964, 78 Stat. 639.)

### SUBCHAPTER LI—CONFEDERATED TRIBES OF THE COLVILLE RESERVATION: DISTRIBUTION OF JUDGMENT FUND

#### § 1071. Per capita payments to enrolled tribal members; tax exemption

The funds on deposit in the Treasury of the United States to the credit of the Colville Tribe, San Poelils-Nespelem Tribe, Okanogan Tribe, Methow Tribe, and Lake Tribe (certain constituent groups of the Confederated Tribes of the Colville Reservation) that were appropriated to pay a judgment of the Indian Claims Commission dated March 1, 1960, in docket numbered 181, and the funds which may be deposited in the Treasury of the United States to the credit of the said constituent groups or any other constituent groups of the Confederated Tribes of the Colville Reservation to pay any judgments arising out of claims presently pending before the Indian Claims Commission and the interest on said judgments, after payment of attorney fees and expenses, shall be credited to the account of the Confederated Tribes of the Colville Reservation and the Secretary of the Interior is authorized and directed to make a per capita distribution from such funds of \$350, to the ex-

tent that such funds are available, to each enrolled member of the Confederated Tribes of the Colville Reservation. Any part of such funds distributed per capita to the members of the tribes shall not be subject to Federal or State income tax.

(Pub. L. 88-551, Aug. 31, 1964, 78 Stat. 755.)

#### REFERENCES IN TEXT

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.

#### CODIFICATION

Section was not enacted as part of Pub. L. 92-244, Mar. 9, 1972, 86 Stat. 56, which comprises this subchapter.

#### LITIGATION WITH YAKIMA TRIBES OF INDIANS OF THE YAKIMA RESERVATION

Authority to commence or defend in the United States Court of Claims an action to determine claims against judgment fund, see sections 609 and 609a of this title.

#### § 1072. Per capita distribution; limitation of \$950 per share

The funds deposited to the credit of the Confederated Tribes of the Colville Reservation to pay a judgment arising out of proceedings before the Indian Claims Commission in docket numbered 178 and the funds appropriated by the Act of July 6, 1970 (84 Stat. 376), to pay a judgment in favor of the Confederated Tribes of the Colville Reservation, and others, in Indian Claims Commission docket numbered 179, and apportioned to the Confederated Tribes under the Act of April 24, 1961 (75 Stat. 45), and interest thereon, after payment of attorney fees and other litigation expenses, shall be distributed on a per capita basis, each share amounting to not more than \$950, to the extent such funds are available, to each person born on or prior to and living on March 9, 1972, who meets the requirements for membership in the Confederated Tribes of the Colville Reservation. The remaining balance of such funds, and the interest thereon, shall be combined and distributed with any other tribal funds that may hereafter become available for per capita distribution.

(Pub. L. 92-244, § 1, Mar. 9, 1972, 86 Stat. 56.)

#### REFERENCES IN TEXT

Act of July 6, 1970, referred to in text, is act July 6, 1970, Pub. L. 91-305 84 Stat. 376, which was not classified to the Code.

Act of April 24, 1961, referred to in text, is act Apr. 24, 1961, Pub. L. 87-24 75 Stat. 45, which 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.

#### § 1073. Tax exemption; payments to minors and persons under legal disabilities

None of the funds distributed per capita under the provisions of this subchapter shall be subject to Federal or State income tax. Any per capita share payable to a person under twenty-one years of age or to a person under legal disability shall be paid in accordance with such procedures, including the establishment of