

§ 1225. Tax exemption

The funds distributed under the provisions of this subchapter shall not be subject to Federal or State income taxes.

(Pub. L. 91-364, § 5, July 31, 1970, 84 Stat. 689.)

§ 1226. Shares not distributed within two years; unexpended funds; reversion; bar of claims

Any per capita share, whether payable to a living enrollee or to the heirs or legatees of a deceased enrollee, which the Secretary of the Interior is unable to deliver within two years after the date the check is issued, and all unexpended tribal and judgment funds set aside for tribal roll preparation and distribution, shall revert to the Peoria Tribe, and all claims for such per capita shall thereafter be barred forever.

(Pub. L. 91-364, § 6, July 31, 1970, 84 Stat. 689.)

§ 1227. 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. 91-364, § 7, July 31, 1970, 84 Stat. 689.)

SUBCHAPTER LXV—CHEMEHUEVI TRIBE:
DISTRIBUTION OF JUDGMENT FUND

§ 1231. Persons eligible for equal share payments

The funds on deposit in the Treasury of the United States to the credit of the Chemehuevi Tribe of Indians which were appropriated (by the Act entitled "An Act making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes", approved April 30, 1965 (79 Stat. 81)), to pay the judgment awarded by the Indian Claims Commission (dockets numbered 351 and 351-A), together with interest thereon, shall be distributed by the Secretary of the Interior (hereafter in this subchapter referred to as "Secretary") in equal shares to those persons whose names appear on the roll prepared in accordance with section 1232 of this title.

(Pub. L. 91-417, § 1, Sept. 25, 1970, 84 Stat. 868.)

REFERENCES IN TEXT

The Act entitled "An Act making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes", approved April 30, 1965 (79 Stat. 81), referred to in text, is Pub. L. 89-16, Apr. 30, 1965, 79 Stat. 81. 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.

§ 1232. Enrollment**(a) Preparation of roll; applications; finality of determination**

(1) The Secretary shall prepare a roll of all persons—

(A) who were born on or prior to and living on September 25, 1970;

(B) who are lineal descendants of members of the Chemehuevi Tribe as it existed in 1860; and

(C) whose name or the name of a lineal ancestor appears as a Chemehuevi Indian on any

available census roll or other record or evidence acceptable to the Secretary.

(2) Applications for enrollment must be filed in the manner and within the time limits prescribed by the Secretary for that purpose. The determination of the Secretary regarding the utilization of available rolls or records and the eligibility for enrollment of an applicant shall be final.

(b) Dual awards

Any person who has applied for and has been determined as eligible to share in the awards granted by the Indian Claims Commission in dockets numbered 88, 330, and 330-A, to the Southern Paiute Indian Nation or in dockets numbered 31, 37, 80, 80-D, 176, 215, 333, and 347, to "Certain Indians of California" shall not be entitled to share in the awards granted under this subchapter.

(Pub. L. 91-417, § 2, Sept. 25, 1970, 84 Stat. 868.)

REFERENCES IN TEXT

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

§ 1233. Payments to enrollees; per capita shares to heirs or legatees; trusts and other procedures for protection of minors and persons under legal disability

The Secretary shall distribute a share payable to a living enrollee directly to such enrollee. The Secretary shall distribute the per capita share of a deceased enrollee to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines to be appropriate to protect their best interests.

(Pub. L. 91-417, § 3, Sept. 25, 1970, 84 Stat. 868.)

§ 1234. Tax exemption

No part of any funds distributed under this subchapter shall be subject to Federal or State income taxes.

(Pub. L. 91-417, § 4, Sept. 25, 1970, 84 Stat. 868.)

§ 1235. Identity of eligibility roll and membership roll

The roll prepared by the Secretary of the Interior pursuant to this subchapter shall not be deemed to constitute the membership roll of the Chemehuevi Tribe.

(Pub. L. 91-417, § 5, Sept. 25, 1970, 84 Stat. 868.)

§ 1236. Costs

The Secretary may make appropriate withdrawals from the judgment funds and interest thereon, using interest funds first, to pay costs incident to carrying out the provisions of this subchapter.

(Pub. L. 91-417, § 6, Sept. 25, 1970, 84 Stat. 868.)

SUBCHAPTER LXVI—PEMBINA BAND OF
CHIPPEWA INDIANS: DISTRIBUTION OF
JUDGMENT FUND

§ 1241. Distribution of funds; attorney fees and expenses

The funds appropriated by the Act of June 9, 1964 (78 Stat. 204, 213), to pay a judgment to the Pembina Band of Chippewa Indians in Indian Claims Commission dockets numbered 18-A, 113, and 191, together with the interest thereon, after payment of attorney fees and litigation expenses, and such expenses as may be necessary in carrying out the provisions of this subchapter, shall be distributed as provided herein. (Pub. L. 92-59, § 1, July 29, 1971, 85 Stat. 158.)

REFERENCES IN TEXT

Act of June 9, 1964, referred to in text, is act June 9, 1964, Pub. L. 88-317, 78 Stat. 204, known as the Deficiency Appropriation Act, 1964. Chapter XI of the act set out at 78 Stat. 213, appropriated the funds referred to and 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.

§ 1242. Membership rolls; preparation; eligibility; excluded persons

The Secretary of the Interior shall prepare a roll of all persons born on or prior to and living on July 29, 1971, who are lineal descendants of members of the Pembina Band as it was constituted in 1863, except that persons in the following categories shall not be so enrolled:

- a. those who are not citizens of the United States;
- b. those who are members of the Red Lake Band of Chippewa Indians; and
- c. those who participated in the Mississippi, Pillager, and Lake Winnibigoshish Chippewa Band awards under the provisions of sections 594 and 594a of this title.

(Pub. L. 92-59, § 2, July 29, 1971, 85 Stat. 158.)

§ 1243. Enrollment applications; filing; finality of determination

Applications for enrollment shall be filed with the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota, in the manner and within the time limits prescribed for that purpose. The determination of the Secretary of the Interior regarding the utilization of available rolls and records and the eligibility for enrollment of an applicant shall be final.

(Pub. L. 92-59, § 3, July 29, 1971, 85 Stat. 158.)

§ 1244. Apportionment of funds; members and descendants of Minnesota Chippewa Tribe, the Turtle Mountain Band of Chippewas of North Dakota, the Chippewa-Cree Tribe of Montana

In developing the roll of Pembina descendants, the Secretary of the Interior shall determine which enrollees are members of the Minnesota Chippewa Tribe, the Turtle Mountain Band of Chippewas of North Dakota, or the Chippewa-Cree Tribe of Montana, and subsequent to the establishment of the descendancy roll shall ap-

portion funds to the three cited tribes on the basis of the numbers of descendants having membership with these tribes. Fund not apportioned in this manner shall be distributed in equal shares to those enrolled descendants who are not members of the three cited tribes.

(Pub. L. 92-59, § 4, July 29, 1971, 85 Stat. 158.)

§ 1245. Use of funds apportioned; approval by Secretary on receipt of recommendations from certain tribal organizations

The funds apportioned to the Minnesota Chippewa Tribe, the Turtle Mountain Band, and the Chippewa-Cree Tribe may be advanced, expended, invested, or reinvested for any purpose authorized by the respective tribal governing bodies and approved by the Secretary of the Interior: *Provided*, That the governing body of the Minnesota Chippewa Tribe shall act in concert with the General Council of the Pembina Band of Chippewa Indians of the White Earth Reservation for the purpose of making recommendations to the Secretary; *And provided further*, That the Pembina descendants within the Turtle Mountain Band shall be authorized to establish pursuant to regulations set by the Secretary the Pembina Descendants Committee and that the tribal governing body shall be required to work in concert with such committee for the purpose of making recommendations to the Secretary and only those members of the three cited tribes who are enrolled as Pembina descendants under the provisions of this subchapter shall be permitted to share in any per capita distribution of the funds accruing to the tribes.

(Pub. L. 92-59, § 5, July 29, 1971, 85 Stat. 158.)

§ 1246. Tax exemption

None of the funds distributed per capita under the provisions of this subchapter shall be subject to Federal or State income taxes.

(Pub. L. 92-59, § 6, July 29, 1971, 85 Stat. 159.)

§ 1247. Payments to enrollees, heirs, or legatees; protection of the interests of minors and persons under legal disability

Sums payable to adult living enrollees or to adult heirs or legatees of deceased enrollees shall be paid directly to such persons. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

(Pub. L. 92-59, § 7, July 29, 1971, 85 Stat. 159.)

§ 1248. Rules and regulations

The Secretary of the Interior is authorized to prescribe rules and regulations to effect the provisions of this subchapter, including the establishment of deadlines.

(Pub. L. 92-59, § 8, July 29, 1971, 85 Stat. 159.)