

**§ 1292. Membership roll requirements**

The Secretary of the Interior shall prepare a roll of all persons who meet the following requirements:

- (a) they were born on or prior to and were living on October 3, 1972; and
- (b) they are citizens of the United States; and
- (c)(1) their name or the name of a lineal ancestor appears on the Delaware Indian per capita payroll approved by the Secretary on April 20, 1906, or
- (2) their name or the name of a lineal ancestor is on or is eligible to be on the constructed base census roll as of 1940 of the Absentee Delaware Tribe of Western Oklahoma, approved by the Secretary.

(Pub. L. 92-456, § 2, Oct. 3, 1972, 86 Stat. 762.)

**§ 1293. Applications for enrollment; filing date and place; notice and appeal of rejections; review**

All applications for enrollment must be filed either with the Area Director of the Bureau of Indian Affairs, Muskogee, Oklahoma, or with the Area Director of the Bureau of Indian Affairs, Anadarko, Oklahoma, on or before the last day of the fourth full month following October 3, 1972, and no application shall be accepted thereafter. The Secretary of the Interior shall give a rejection notice within sixty days after receipt of an application if the applicant is ineligible for enrollment. An appeal from a rejected application must be filed with the Area Director not later than thirty days from receipt of the notice of rejection. The Secretary shall make a final determination on each appeal not later than sixty days from the date it is filed. Each application and each appeal filed with the Area Director shall be reviewed by a committee composed of representatives of the two Oklahoma Delaware groups prior to submission of the application or appeal to the Secretary, and the committee shall advise the Area Director in writing of its judgment regarding the eligibility of the applicant.

(Pub. L. 92-456, § 3, Oct. 3, 1972, 86 Stat. 762.)

**§ 1294. Apportionment, credit, and disposition of funds****(a) Authority of Secretary**

The Secretary of the Interior shall apportion to the Absentee Delaware Tribe of Western Oklahoma, as presently constituted, so much of the judgment fund and accrued interest as the ratio of the persons enrolled pursuant to section 1292(c)(2) of this title bears to the total number of persons enrolled pursuant to section 1292 of this title. The funds so apportioned to the Absentee Delaware Tribe of Western Oklahoma shall be placed to the credit of the tribe in the United States Treasury and shall be used in the following manner: 90 per centum of such funds shall be distributed in equal shares to each person enrolled pursuant to section 1292(c)(2) of this title, and 10 per centum shall remain to the credit of the tribe in the United States Treasury, and may be advanced, expended, invested, or reinvested for any purpose that is authorized

by the tribal governing body and approved by the Secretary of the Interior.

**(b) Manner of payment**

The funds not apportioned to the Absentee Delaware Tribe of Western Oklahoma shall be placed to the credit of the Delaware Tribe of Indians in the United States Treasury and shall be used in the following manner: 90 per centum of such funds shall be distributed in equal shares to each person enrolled pursuant to section 1292(c)(1) of this title, and 10 per centum shall remain to the credit of the tribe in the United States Treasury and may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body: *Provided*, That the Secretary of the Interior shall not approve the use of the funds remaining to the credit of the tribe until the tribe has organized a legal entity which in the judgment of the Secretary adequately protects the interests of its members.

(Pub. L. 92-456, § 4, Oct. 3, 1972, 86 Stat. 762.)

**§ 1295. Payments to adults; trusts for minors and persons under legal disability**

Sums payable to living enrollees age eighteen or older or to heirs or legatees of deceased enrollees age eighteen or older shall be paid directly to such persons. Sums payable to enrollees or their heirs or legatees who are under age eighteen or who are under legal disability other than minority 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. 92-456, § 5, Oct. 3, 1972, 86 Stat. 763.)

**§ 1296. Income 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. 92-456, § 6, Oct. 3, 1972, 86 Stat. 763.)

**§ 1297. 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. 92-456, § 7, Oct. 3, 1972, 86 Stat. 763.)

SUBCHAPTER LXXII—YAVAPAI APACHE  
TRIBE OF ARIZONA: DISTRIBUTION OF  
JUDGMENT FUND

**§ 1300. Distribution of funds; attorney fees and expenses**

The funds appropriated by the Act of July 22, 1969 (83 Stat. 49, 62), to pay a judgment to the Yavapai Indians in Indian Claims Commission dockets numbered 22-E and 22-F, together with any interest thereon, after payment of attorney fees and litigation expenses and the costs of carrying out the provisions of this subchapter, shall be distributed as provided in such sections.

(Pub. L. 92-461, § 1, Oct. 6, 1972, 86 Stat. 768.)

## REFERENCES IN TEXT

Act of July 22, 1969, referred to in text, is act July 22, 1969, Pub. L. 91-47, 83 Stat. 49, known as the Second

Supplemental Appropriation Act, 1969. Chapter XIII of the act, set out at 83 Stat. 62, 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.

**§ 1300a. Percentage of funds for Payson Indian Band**

The Secretary of the Interior shall set aside for the benefit of the Payson Indian Band, at Payson, Arizona, 3.5 per centum of the net judgment funds described in section 1300 of this title, which shall be disposed of pursuant to section 1300a-2 of this title.

(Pub. L. 92-461, § 2, Oct. 6, 1972, 86 Stat. 769.)

**§ 1300a-1. Membership roll; preparation; eligibility for enrollment; verification; approval**

For the purposes of apportioning the funds, the Yavapai Apache Indian Community of the Camp Verde Reservation, the Fort McDowell Mohave-Apache Community, and the Yavapai-Prescott Community shall prepare rolls of all persons who were born on or prior to and living on October 6, 1972, and who are enrolled or entitled to be enrolled in accordance with the respective tribal constitutions or articles of association, as the case may be, in effect on April 1, 1972. The Secretary of the Interior shall verify and approve the rolls.

(Pub. L. 92-461, § 3, Oct. 6, 1972, 86 Stat. 769.)

**§ 1300a-2. Apportionment of funds; advances, expenditures, investments, or reinvestments; utilization of funds for Payson Band**

Upon completion and approval of the rolls as provided in section 1300a-1 of this title, the balance of the funds not set aside pursuant to section 1300a of this title shall be apportioned among the cited groups in section 1300a-1 of this title on the basis of the number of enrollees in each group. The funds so apportioned shall be redeposited in the Treasury of the United States to the credit of the respective groups and may be advanced, expended, invested, or reinvested in any manner authorized by the governing bodies and approved by the Secretary. All funds so accruing to the Payson Band pursuant to section 1300a of this title shall be utilized pursuant to a plan agreed upon between the governing body elected by the Payson Indian community or by the members thereof at a meeting called in accordance with the rules prescribed by the Secretary of the Interior.

(Pub. L. 92-461, § 4, Oct. 6, 1972, 86 Stat. 769.)

**§ 1300a-3. Tax exemption; trusts and other procedures for protection of minors and persons under legal disability**

None of the funds distributed per capita under the provisions of this subchapter shall be subject to Federal or State income taxes. Sums payable to enrollees or heirs or legatees who are less than eighteen 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 appropriate to protect the best interests of such persons.

(Pub. L. 92-461, § 5, Oct. 6, 1972, 86 Stat. 769.)

**§ 1300a-4. Rules and regulations**

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

(Pub. L. 92-461, § 6, Oct. 6, 1972, 86 Stat. 769.)

**SUBCHAPTER LXXIII—KICKAPOO INDIANS OF KANSAS AND OKLAHOMA: DISTRIBUTION OF JUDGMENT FUND**

**§ 1300b. Disposition of judgment funds; division of funds on basis of tribal membership rolls; net tribal credits**

The funds on deposit in the Treasury of the United States to the credit of the Kickapoo Indians of Kansas and Oklahoma to pay judgments by the Indian Claims Commission in dockets 316, 316-A, 317, 145, and 193, together with interest thereon, after payment of attorney fees and litigation expenses, shall be divided on the basis of membership of the respective tribes current as of October 6, 1972. For the purpose of adjusting the offsets allowed in docket 316, the Secretary of the Interior shall use the gross award (land value) as a basis for his computation, deduct therefrom the consideration paid, the offsets expended for the Kickapoo Tribe prior to its separation into two tribal entities, attorney fees and litigation expenses, and, after making the division of the balance as provided herein, shall deduct \$44,759.45 from the proportionate share of the Kickapoo Tribe of Kansas and \$118,661.24 from the proportionate share of the Kickapoo Tribe of Oklahoma. The balances remaining shall be the net amount to be placed to the credit of the respective tribes.

(Pub. L. 92-467, § 1, Oct. 6, 1972, 86 Stat. 781.)

**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.

**§ 1300b-1. Distribution of shares**

**(a) Per capita shares to tribal members**

The funds divided and credited under section 1300b of this title, and the funds appropriated to pay a judgment recovered by the Kickapoo Indians of Oklahoma in docket numbered 318, including the interest thereon, after the payment of attorney fees and other litigation expenses, shall be used as follows: 75 per centum shall be distributed in equal per capita shares to each person whose name appears on or is entitled to appear on the membership roll of the Kickapoo Tribe of Oklahoma and 90 per centum shall be distributed in equal per capita shares to each person whose name appears on or is entitled to appear on the membership roll of the Kickapoo Tribe of Kansas if such person was born on or prior to and is living on October 6, 1972.

**(b) Use of balance for advances, etc.**

The balance of each tribe's share of the funds may be advanced, expended, invested, or reinvested for any purposes that are authorized by the tribal governing bodies and approved by the Secretary of the Interior.