

approved, the Secretary shall withdraw from the Treasury the funds placed to the credit of the Cherokee Band of Shawnee Indians in accordance with section 1031 of this title, together with the interest accumulated thereon, and shall distribute them in equal per capita shares to persons whose names appear on the roll: *Provided*, That no person who receives a per capita payment from funds credited to the Cherokee Band of Shawnee Indians shall be permitted to share in any per capita distribution of the funds credited to the Absentee and Eastern Bands of Shawnee Indians.

(Pub. L. 88-457, § 4, Aug. 20, 1964, 78 Stat. 555.)

### § 1035. Distribution of shares

#### (a) Payments to enrollees, next of kin, or legatees

Except as provided in subsection (b) of this section, the Secretary shall distribute a per capita share payable to a living enrollee directly to such enrollee, and the Secretary shall distribute a per capita share payable to a deceased enrollee directly to his next of kin or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive.

#### (b) Payments to minors or persons under legal disability

A 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 as the Secretary determines will adequately protect the best interests of such persons.

(Pub. L. 88-457, § 5, Aug. 20, 1964, 78 Stat. 555.)

### § 1036. Taxes

No part of any of the funds distributed in accordance with this subchapter shall be subject to Federal or State income tax.

(Pub. L. 88-457, § 6, Aug. 20, 1964, 78 Stat. 556.)

### § 1037. Costs

All costs incurred by the Secretary in the preparation of the roll and in the payment of the per capita shares in accordance with the provisions of this subchapter shall be paid by withdrawals from the judgment fund of the appropriate band.

(Pub. L. 88-457, § 7, Aug. 20, 1964, 78 Stat. 556.)

### § 1038. 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. 88-457, § 8, Aug. 20, 1964, 78 Stat. 556.)

## SUBCHAPTER XLIX—SHAWNEE TRIBE STATUS

### § 1041. Findings

Congress finds the following:

(1) The Cherokee Shawnees, also known as the Loyal Shawnees, are recognized as the descendants of the Shawnee Tribe which was incorporated into the Cherokee Nation of Indians of Oklahoma pursuant to an agreement en-

tered into by and between the Shawnee Tribe and the Cherokee Nation on June 7, 1869, and approved by the President on June 9, 1869, in accordance with Article XV of the July 19, 1866, Treaty between the United States and the Cherokee Nation (14 Stat. 799).

(2) The Shawnee Tribe from and after its incorporation and its merger with the Cherokee Nation has continued to maintain the Shawnee Tribe's separate culture, language, religion, and organization, and a separate membership roll.

(3) The Shawnee Tribe and the Cherokee Nation have concluded that it is in the best interests of the Shawnee Tribe and the Cherokee Nation that the Shawnee Tribe be restored to its position as a separate federally recognized Indian tribe and all current and historical responsibilities, jurisdiction, and sovereignty as it relates to the Shawnee Tribe, the Cherokee-Shawnee people, and their properties everywhere, provided that civil and criminal jurisdiction over Shawnee individually owned restricted and trust lands, Shawnee tribal trust lands, dependent Indian communities, and all other forms of Indian country within the jurisdictional territory of the Cherokee Nation and located within the State of Oklahoma shall remain with the Cherokee Nation, unless consent is obtained by the Shawnee Tribe from the Cherokee Nation to assume all or any portion of such jurisdiction.

(4) On August 12, 1996, the Tribal Council of the Cherokee Nation unanimously adopted Resolution 96-09 supporting the termination by the Secretary of the Interior of the 1869 Agreement.

(5) On July 23, 1996, the Shawnee Tribal Business Committee concurred in such resolution.

(6) On March 13, 2000, a second resolution was adopted by the Tribal Council of the Cherokee Nation (Resolution 15-00) supporting the submission of this legislation to Congress for enactment.

(Pub. L. 106-568, title VII, § 702, Dec. 27, 2000, 114 Stat. 2913.)

#### SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-568, title VII, § 701, Dec. 27, 2000, 114 Stat. 2913, provided that: "This title [enacting this subchapter] may be cited as the 'Shawnee Tribe Status Act of 2000'."

### § 1041a. Definitions

In this subchapter:

#### (1) Cherokee Nation

The term "Cherokee Nation" means the Cherokee Nation, with its headquarters located in Tahlequah, Oklahoma.

#### (2) Secretary

The term "Secretary" means the Secretary of the Interior.

#### (3) Tribe

The term "Tribe" means the Shawnee Tribe, known also as the "Loyal Shawnee" or "Cherokee Shawnee", which was a party to the 1869 Agreement between the Cherokee Nation and the Shawnee Tribe of Indians.