

thereto, all funds which were appropriated by the Act of September 30, 1961 (75 Stat. 733), in satisfaction of a judgment that was obtained by the Cherokee Tribe in the Indian Claims Commission against the United States in docket numbered 173, together with the interest accrued thereon, except \$1,432,084.17 which by stipulation of the parties has been set aside for the payments of any offsets that are finally determined to be due the United States, and except the amount allowed for attorney fees and expenses.

(Pub. L. 87-775, §1, Oct. 9, 1962, 76 Stat. 776.)

#### REFERENCES IN TEXT

Act of April 26, 1906, referred to in text, is act Apr. 26, 1906, ch. 1876, 34 Stat. 137, which is set out as a note under section 355 of this title.

Act of September 30, 1961, referred to in text, is act Sept. 30, 1961, Pub. L. 87-322, 75 Stat. 733. 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.

### § 992. Payments to adults, heirs or legatees; shares under certain amounts to revert to tribe; protection of minors and persons under legal disability

(a) Except as provided in subsections (b) and (c) of this section, a share or proportional share payable to a living adult shall be paid directly to such adult; (b) a share payable to a deceased enrollee shall be distributed to his heirs or legatees upon the filing of proof of death and inheritance satisfactory to the Secretary of the Interior, or his authorized representative, whose findings and determinations upon such proof shall be final and conclusive: *Provided*, That proportional shares of deceased heirs amounting to \$10 or less shall not be distributed, and no inherited share amounting to \$5 or less shall be paid, and the money shall revert to the tribe; (c) a share or proportional 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. 87-775, §2, Oct. 9, 1962, 76 Stat. 776.)

### § 993. Claims

#### (a) Time for filing; reversion of funds upon failure to file

All claims for per capita shares, whether by a living enrollee or by the heirs or legatees of a deceased enrollee, shall be filed with the Area Director of the Bureau of Indian Affairs, Muskogee, Oklahoma, not later than three years from October 9, 1962. Thereafter, all claims and the right to file same shall be forever barred and the unclaimed shares shall revert to the tribe.

#### (b) Use of reverted funds

Tribal funds that revert to the tribe pursuant to this subchapter, including interest and income therefrom, may be advanced or expended for any purpose that is authorized by the principal chief of the Cherokee Nation and approved by the Secretary of the Interior.

(Pub. L. 87-775, §3, Oct. 9, 1962, 76 Stat. 776.)

### § 994. Tax exemption

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

(Pub. L. 87-775, §4, Oct. 9, 1962, 76 Stat. 776.)

### § 995. Payments not subject to liens, debts, or claims; exception

No part of any of the funds which may be so distributed shall be subject to any lien, debt, or claim of any nature whatsoever against the tribe or individual Indians except delinquent debts owed by the tribe to the United States, or owed by individual Indians to the tribe or to the United States.

(Pub. L. 87-775, §5, Oct. 9, 1962, 76 Stat. 776.)

### § 996. Payments not "other income and resources"

Payments made under this subchapter shall not be held to be "other income and resources", as that term is used in sections 302(a)(10)(A), 602(a)(7),<sup>1</sup> 1202(a)(8), and 1352(a)(8) of title 42.

(Pub. L. 87-775, §6, Oct. 9, 1962, 76 Stat. 776.)

#### REFERENCES IN TEXT

Section 602 of title 42, referred to in text, was repealed and a new section 602 enacted by Pub. L. 104-193, title I, §103(a)(1), Aug. 22, 1996, 110 Stat. 2112, and, as so enacted, subsec. (a)(7) no longer contains the term "other income and resources".

### § 997. Costs

All costs incident to making the payments authorized by this subchapter shall be paid by appropriate withdrawals from the judgment fund and interest on the judgment fund, using the interest fund first.

(Pub. L. 87-775, §7, Oct. 9, 1962, 76 Stat. 777.)

### § 998. 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. 87-775, §8, Oct. 9, 1962, 76 Stat. 777.)

## SUBCHAPTER XLVIII—SNAKE OR PAIUTE INDIANS OF OREGON: DISTRIBUTION OF JUDGMENT FUND

### § 1011. Membership roll; preparation; eligibility for enrollment; time for filing application; finality of Secretary's determination

The Secretary of the Interior shall prepare a roll of the persons of Snake or Paiute Indian ancestry who meet the following requirements for eligibility: (1) They were born on or prior to and living on August 20, 1964; and (2) they were members of or are lineal descendants of members of the bands whose chiefs and headmen We-you-we-wa (Wewa), Gaha-nee, E-hi-gant (Egan), Po-nee, Chaw-wat-na-nee, Owits (Oits), and Tash-e-go,

<sup>1</sup> See References in Text note below.

signed the unratified Treaty of December 10, 1868; and (3) they do not elect to participate as beneficiaries of any awards granted in the docket numbered 87 claim of the Northern Paiute Nation. Applications for enrollment must be filed with the area director of the Bureau of Indian Affairs, Portland, Oregon, within nine months after August 20, 1964 on forms prescribed for that purpose. The determination of the Secretary regarding utilization of available rolls or records and the eligibility for enrollment of an applicant shall be final.

(Pub. L. 88-464, §1, Aug. 20, 1964, 78 Stat. 563.)

**§ 1012. Authorization to withdraw, prorate and distribute funds**

The Secretary is authorized and directed to withdraw the funds on deposit in the Treasury of the United States to the credit of the Snake or Paiute Tribe that were appropriated by the Act of April 13, 1960 (74 Stat. 42), in satisfaction of a judgment that was obtained by the tribe in the Indian Claims Commission against the United States in docket numbered 17 together with the interest accrued thereon, after payment of attorney fees and expenses, as well as all other expenses, and to prorate such funds among those persons whose names appear on the roll prepared pursuant to section 1011 of this title for distribution as hereinafter provided.

(Pub. L. 88-464, §2, Aug. 20, 1964, 78 Stat. 563.)

REFERENCES IN TEXT

Act of April 13, 1960, referred to in text, is Pub. L. 86-424, Apr. 13, 1960, 74 Stat. 42. 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.

**§ 1013. Distribution; persons entitled; considerations; tax exemption**

The Secretary shall distribute shares payable to living persons enrolled pursuant to section 1011 of this title and shares payable to the heirs or legatees of deceased persons enrolled pursuant to section 1011 of this title according to rules and regulations which he shall prescribe, taking into account that in some instances a planned individual or group program for the use of shares may more properly serve the long-term interest of the enrollees than would direct, unsupervised per capita payment. The funds so distributed shall not be subject to Federal or State income tax.

(Pub. L. 88-464, §3, Aug. 20, 1964, 78 Stat. 563.)

**§ 1014. Costs**

All 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. 88-464, §4, Aug. 20, 1964, 78 Stat. 563.)

**§ 1015. 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. 88-464, §5, Aug. 20, 1964, 78 Stat. 563.)

**SUBCHAPTER XLIX—SHAWNEE TRIBE OR NATION: DISTRIBUTION OF JUDGMENT FUND**

**§ 1031. Disposition of funds**

The funds on deposit in the Treasury of the United States to the credit of the Shawnee Tribe or Nation that were appropriated by the Act of September 30, 1961 (75 Stat. 733), to pay a judgment that was obtained by the tribe or nation in the Indian Claims Commission for inadequate compensation for lands ceded to the United States under the treaty of May 10, 1854 (10 Stat. 1053), and the interest thereon, shall be divided on the basis of 514/1378ths to the Absentee Band of Shawnee Indians of Oklahoma; 747/1378ths to the Cherokee Band of Shawnee Indians of Oklahoma; and 117/1378ths to the Eastern Band of Shawnee Indians of Oklahoma, after payment of attorney fees and expenses of litigation.

(Pub. L. 88-457, §1, Aug. 20, 1964, 78 Stat. 555.)

REFERENCES IN TEXT

Act of September 30, 1961, referred to in text, is Pub. L. 87-332, Sept. 30, 1961, 75 Stat. 733. 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.

**§ 1032. Absentee and Eastern Bands; authorization for use of funds by tribal governing bodies; approval of Secretary of the Interior**

The funds placed to the credit of the Absentee and the Eastern Bands of Shawnee Indians in the United States Treasury, and the interest thereon may be advanced or expended for any purpose and in such manner as the respective tribal governing bodies authorize and the Secretary of the Interior approves.

(Pub. L. 88-457, §2, Aug. 20, 1964, 78 Stat. 555.)

**§ 1033. Cherokee Band; preparation of roll; eligibility for enrollment; rules and regulations**

For the purpose of determining individual interests in the funds placed to the credit of the Cherokee Band of Shawnee Indians pursuant to section 1031 of this title, the Secretary shall prepare a new roll based on the roll of Cherokee Shawnees prepared in accordance with the Act of March 2, 1889 (25 Stat. 994). Eligible for inclusion on this new payment roll shall be all persons living on August 20, 1964, (a) who are, themselves, listed on the 1889 roll and (b) who are direct lineal descendants of persons listed on the 1889 roll. The Secretary may promulgate such rules and regulations as he considers necessary to carry out the purposes of this section.

(Pub. L. 88-457, §3, Aug. 20, 1964, 78 Stat. 555.)

REFERENCES IN TEXT

Act of March 2, 1889, referred to in text, is act Mar. 2, 1889, ch. 412, 25 Stat. 994. Provisions of the act relating to roll of the Cherokee Shawnee were not classified to the Code.

**§ 1034. Cherokee Band; per capita distribution**

When the roll prepared pursuant to section 1033 of this title has been completed and finally