

## 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 trusts, as the Secretary determines will adequately protect the best interest of such persons.

(Pub. L. 92-244, § 2, Mar. 9, 1972, 86 Stat. 57.)

## SUBCHAPTER LII—QUILEUTE AND HOH TRIBES OF WASHINGTON: DISTRIBUTION OF JUDGMENT FUND

**§ 1081. Division of funds on basis of tribal membership rolls; advances or expenditures from tribal funds**

The unexpended balance of funds on deposit in the Treasury of the United States to the credit

of the Quileute and Hoh Tribes that were appropriated by the Act of January 6, 1964 (77 Stat. 857), to pay a judgment by the Indian Claims Commission in docket numbered 155, and the interest thereon, after payment of attorney fees and expenses, shall be divided on the basis of tribal membership rolls for the respective groups after approval of such rolls by the Secretary of the Interior, and the funds so divided, including the interest thereon, may be advanced or expended for any purpose that is authorized by the respective tribal governing bodies and approved by the Secretary of the Interior: *Provided*, That until the Hoh Indians develop a formal organization with a recognized governing body, their share of the judgment funds, and any other Hoh tribal funds, may be expended by the Secretary for the benefit of the Hoh Reservation and the Hoh tribal members, upon approval by him of plans adopted by a majority of the adult Hoh Indians voting at a general meeting of the tribal membership called by the Secretary.

(Pub. L. 89-655, § 1, Oct. 14, 1966, 80 Stat. 905.)

## REFERENCES IN TEXT

Act of January 6, 1964, referred to in text, is act Jan 6, 1964, Pub. L. 88-258, 77 Stat. 857. 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.

**§ 1082. Membership rolls; preparation; eligibility for enrollment; relinquishment of membership with other tribes**

The Secretary of the Interior shall prepare membership rolls for the Quileute and Hoh Tribes. No person shall be eligible to have his name placed on either membership roll who at the same time is a member of any other tribe, and no person shall be permitted to be enrolled in both the Quileute and Hoh Tribes: *Provided*, That persons eligible for enrollment or already enrolled with other tribes may relinquish that membership through filing a formal statement of relinquishment with the Secretary according to rules and regulations which he may prescribe.

(Pub. L. 89-655, § 2, Oct. 14, 1966, 80 Stat. 905.)

**§ 1083. Quileute base roll**

When preparing a Quileute tribal roll, the Secretary shall employ the criteria in article II of the approved constitution and bylaws of the Quileute Tribe of the Quileute Reservation, except that, in the absence of the 1935 census referred to in article II, section 1(a) of the constitution and bylaws, the Secretary, with the assistance of the governing body of the Quileute Tribe, shall construct a base roll from pertinent records, including other census data, of the same period. No person shall be eligible to have his name placed thereon if born after December 31, 1940. Upon approval of such base roll by the Secretary and the Quileute tribal governing body, it shall henceforth serve as the Quileute base roll for all purposes, the provisions of article II, section 1(a) notwithstanding.

(Pub. L. 89-655, § 3, Oct. 14, 1966, 80 Stat. 905.)

**§ 1084. Hoh base roll**

When preparing a Hoh tribal base roll, the Secretary shall include only the names of applicants who demonstrate that their names or the names of lineal ancestors from whom they are descended appear on the Census of the Hoh Indians of Neah Bay Agency, Washington, June 30, 1894. Upon approval by the Secretary, such roll shall henceforth serve as the Hoh base roll for all purposes.

(Pub. L. 89-655, § 4, Oct. 14, 1966, 80 Stat. 905.)

**§ 1085. Tribal organizational document: development and adoption**

Upon completion of a Hoh base roll in accordance with section 1084 of this title, the Secretary shall assist the Hoh Indians in developing a tribal organizational document and shall call an election for the purpose of voting on the adoption of such document.

(Pub. L. 89-655, § 5, Oct. 14, 1966, 80 Stat. 905.)

**§ 1086. Advances or expenditures from tribal funds**

The Secretary is authorized to advance or expend, as provided in section 1081 of this title, the Hoh tribal funds now on deposit, or hereafter placed on deposit, in the Treasury of the United States under the following symbols and titles:

14X7235 Proceeds of Labor, Hoh Indians, Washington;

14X7735 Interest and Accruals on Interest, Proceeds of Labor, Hoh Indians, Washington.

(Pub. L. 89-655, § 6, Oct. 14, 1966, 80 Stat. 905.)

**§ 1087. Tax exemption**

Any part of the funds that may be distributed to individual members of the Quileute and Hoh Tribes under the provisions of this subchapter shall not be subject to Federal or State income taxes.

(Pub. L. 89-655, § 7, Oct. 14, 1966, 80 Stat. 906.)

**§ 1088. 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. 89-655, § 8, Oct. 14, 1966, 80 Stat. 906.)

SUBCHAPTER LIII—NOOKSACK TRIBE OF WASHINGTON: DISTRIBUTION OF JUDGMENT FUND

**§ 1101. Membership roll; preparation; eligibility for enrollment; filing of applications; finality of determination**

The Secretary of the Interior shall prepare a roll of all persons who meet the following requirements for eligibility: (a) They were born on or prior to and were living on October 14, 1966, and (b) they are descendants of members of the Nooksack Tribe as it existed in 1855. Applications for enrollment must be filed with the area director of the Bureau of Indian Affairs, Portland, Oregon, on forms prescribed 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.

(Pub. L. 89-656, § 1, Oct. 14, 1966, 80 Stat. 906.)

**§ 1102. Distribution of funds; persons entitled**

After the deduction of attorney fees, litigation expenses, the costs of roll preparation, and such sums as may be required to distribute individual shares, the funds, including interest, remaining to the credit of the Nooksack Tribe, which were appropriated by the Act of April 30, 1965 (Public Law 89-16), shall be distributed in equal shares to those persons whose names appear on the roll prepared in accordance with section 1101 of this title.

(Pub. L. 89-656, § 2, Oct. 14, 1966, 80 Stat. 906.)

## REFERENCES IN TEXT

Act of April 30, 1965, referred to in text, is act Apr. 30, 1965, Pub. L. 89-16, 79 Stat. 92, known as the Second Supplemental Appropriations Act, 1965. That portion of the act which appropriated the funds referred to was not classified to the Code.

**§ 1103. Payments to enrollees, heirs or legatees; protection of minors and persons under legal disability; credits of shares under certain amounts; escheat**

The Secretary shall distribute a share payable to a living enrollee directly to such enrollee or in such manner as is deemed by the Secretary to be in the enrollee's best interest. 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 whose findings upon such proof shall be final and conclusive. 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 to the persons whom the Secretary determines will best protect their interests. Proportional shares of heirs or legatees amounting to \$5 or less shall not be distributed and shall remain to the credit of the Nooksack Tribe. Any sum of money remaining to the credit of the Nooksack Tribe as a result of this judgment, three years after October 14, 1966, shall escheat to the United States and shall be deposited in the Treasury of the United States in miscellaneous receipts.

(Pub. L. 89-656, § 3, Oct. 14, 1966, 80 Stat. 906.)

**§ 1104. Tax exemption**

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

(Pub. L. 89-656, § 4, Oct. 14, 1966, 80 Stat. 906.)

**§ 1105. 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. 89-656, § 5, Oct. 14, 1966, 80 Stat. 906.)