

§ 1144. Apportionment; ratio of apportioned shares

The Secretary of the Interior shall apportion to each group mentioned in section 1142 of this title so much of the aforementioned judgment and accrued interest as the ratio of its enrollees bears to the total enrollees of all of said groups. (Pub. L. 90-93, §4, Sept. 27, 1967, 81 Stat. 229.)

§ 1145. Disposition of apportioned shares

The funds apportioned to the Oneida Tribe of Indians of Wisconsin and the Stockbridge-Munsee Indian Community of Wisconsin shall be placed to their credit and may be used, advanced, expended, deposited, invested, or reinvested for any purposes that are authorized by the tribal governing bodies thereof and approved by the Secretary of the Interior. The funds apportioned to the group mentioned in section 1142(c) of this title shall be available for distribution in equal shares to the enrollees or their heirs or legatees. Payment may be made directly to each enrollee except that 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. 90-93, §5, Sept. 27, 1967, 81 Stat. 229.)

§ 1146. Federal and State income taxes

None of the funds that may be distributed per capita shall be subject to Federal or State income taxes.

(Pub. L. 90-93, §6, Sept. 27, 1967, 81 Stat. 230.)

§ 1147. 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. 90-93, §7, Sept. 27, 1967, 81 Stat. 230.)

SUBCHAPTER LVII—UPPER AND LOWER CHEHALIS TRIBES: DISTRIBUTION OF JUDGMENT FUND

§ 1151. Membership roll; preparation; eligibility for enrollment; 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 alive on October 24, 1967, and (b) they are descendants of members of the Upper and Lower Chehalis Tribes as they existed in 1855. Applications for enrollment must be filed with the Superintendent, Western Washington Agency, Everett, Washington, 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. 90-114, §1, Oct. 24, 1967, 81 Stat. 335.)

§ 1152. Distribution in equal shares

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 Upper and Lower Chehalis Tribes, which were appropriated by the Act of June 9, 1964 (78 Stat. 213), shall be distributed in equal shares to those persons whose names appear on the roll prepared in accordance with section 1151 of this title.

(Pub. L. 90-114, §2, Oct. 24, 1967, 81 Stat. 335.)

REFERENCES IN TEXT

Act of June 9, 1964, referred to in text, is act June 9, 1964, Pub. L. 88-317, 78 Stat. 213, which was not classified to the Code.

§ 1153. Payments to minors and persons under legal disabilities; escheats

Sums payable to enrollees or to their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be held in trust by the Secretary of the Interior with use limited to emergency medical care and direct educational expenses, until such minor becomes of age or disability ceases. Proportional shares of heirs or legatees amounting to \$5 or less shall not be distributed, and shall escheat to the United States. In the event that the sum of money reserved by the Secretary to pay the costs of distributing the individual shares exceeds the amount actually necessary to accomplish this purpose, the money remaining shall also be distributed per capita unless individual shares would have a value of less than \$5. Individual shares or proportional shares of heirs or legatees amounting to \$5 or less shall not be distributed, but shall escheat to the United States.

(Pub. L. 90-114, §3, Oct. 24, 1967, 81 Stat. 335.)

§ 1154. Tax exemption

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

(Pub. L. 90-114, §4, Oct. 24, 1967, 81 Stat. 335.)

§ 1155. Rules and regulations

The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this subchapter, including appropriate deadline for filing enrollment applications.

(Pub. L. 90-114, §5, Oct. 24, 1967, 81 Stat. 335.)

SUBCHAPTER LVIII—CHEYENNE-ARAPAHO INDIANS OF OKLAHOMA: DISTRIBUTION OF JUDGMENT FUND

§ 1161. Authorization for distribution of funds

The Secretary of the Interior is authorized and directed to distribute and expend the funds on deposit in the Treasury of the United States to the credit of the Cheyenne-Arapaho Tribes of Oklahoma that were appropriated by the Act of October 31, 1965 (79 Stat. 1133), in satisfaction of the settlement and compromise of claims of said tribes against the United States in the Indian Claims Commission in dockets numbered 329A and 329B, together with the interest accrued thereon, as herein provided.

(Pub. L. 90-117, § 1, Oct. 31, 1967, 81 Stat. 337.)

REFERENCES IN TEXT

Act of October 31, 1965, referred to in text, is act Oct. 31, 1965, Pub. L. 89-309, 79 Stat. 1133. 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.

§ 1162. Trust; education and scholarships; approval of agreement

Five hundred thousand dollars of said funds shall be held in trust for the purpose of providing education and scholarships for members of said tribes pursuant to a trust agreement to be made and entered into by and between said tribes, as grantor, and a national banking association located in the State of Oklahoma, as trustee, which trust agreement shall be authorized and approved by the tribal governing body and approved by the Secretary of the Interior.

(Pub. L. 90-117, § 2, Oct. 31, 1967, 81 Stat. 337.)

§ 1163. Payments to enrollees, heirs or legatees; trust for minors and persons under legal disability; approval of agreement

The Secretary of the Interior shall distribute remaining funds per capita to all persons alive on October 31, 1967, whose names appear on the membership roll of the Cheyenne-Arapaho Tribes of Oklahoma or who, on October 31, 1967, were eligible for membership, hereinafter referred to as "enrollees", as follows:

(a) A share payable to an enrollee not less than eighteen years of age shall be paid directly in one payment to such enrollee, except as provided in subsections (b) and (c) of this section;

(b) A share payable to an enrollee dying after October 31, 1967, 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 if a share of such deceased enrollee, or a portion thereof, is payable to an heir or legatee under eighteen years of age or to an heir or legatee under legal disability other than because of age, the same shall be paid and held in trust pursuant to subsection (c) of this section;

(c) A share or proportional share payable to an enrollee or person under eighteen years of age or to an enrollee or person under legal disability other than because of age shall be paid and held in trust for such enrollee or person pursuant to a trust agreement to be made and entered into by and between the Cheyenne-Arapaho Tribes of Oklahoma, as grantor, and a national banking association located in the State of Oklahoma, as Trustee, which trust agreement shall be authorized and approved by the tribal governing body and approved by the Secretary of the Interior. The Secretary of the Interior is authorized to approve amendments to trust agreements entered into pursuant to this subchapter, to permit the distribution of assets to, and the termination of trusts

for, minor beneficiaries, not under other legal disability, who have attained or who shall hereafter attain the age of eighteen years.

(Pub. L. 90-117, § 3, Oct. 31, 1967, 81 Stat. 337; Pub. L. 92-439, Sept. 29, 1972, 86 Stat. 742.)

AMENDMENTS

1972—Pub. L. 92-439 lowered period of minority from twenty-one to eighteen years of age in subsecs. (a) to (c), qualified the legal disability in subsecs. (b) and (c) to a disability other than one of age, and provided for subsec. (c) authorization of amendments to trust agreements, distribution of assets, and termination of trusts for beneficiaries eighteen years of age without any other legal disability.

§ 1164. 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, Anadarko, Oklahoma, not later than three years from October 31, 1967. Thereafter, all claims and the right to file same shall be forever barred and the unclaimed shares shall revert to the tribes.

(b) Use of reverted funds

Tribal funds that revert to the tribes pursuant to subsection (a) of this section, including interest and income therefrom, may be advanced or expended for any purpose that is authorized by the tribal governing body.

(Pub. L. 90-117, § 4, Oct. 31, 1967, 81 Stat. 338.)

§ 1165. Tax exemption

No part of any funds distributed or held in trust under the provisions of this subchapter shall be subject to Federal or State income taxes.

(Pub. L. 90-117, § 5, Oct. 31, 1967, 81 Stat. 338.)

§ 1166. Costs

(a) Payment from judgment fund

All costs incident to making the payments authorized by this subchapter including the costs of payment roll preparation and such sums as may be required to distribute said funds, shall be paid by appropriate withdrawals from the judgment fund and interest on the judgment fund, using the interest fund first.

(b) Use of reverted funds

In the event that the sum of money reserved by the Secretary of the Interior to pay the costs of distributing said funds exceeds the amount actually necessary to accomplish this purpose, the money remaining shall revert to the tribes and may be advanced or expended for any purpose that is authorized and approved by the tribal governing body.

(Pub. L. 90-117, § 6, Oct. 31, 1967, 81 Stat. 338.)

§ 1167. 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. 90-117, § 7, Oct. 31, 1967, 81 Stat. 338.)