

(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.)

SUBCHAPTER LIX—IOWA TRIBES OF KANSAS AND NEBRASKA AND OF OKLAHOMA: DISTRIBUTION OF JUDGMENT FUND

**§ 1171. Distribution of funds; authorized spending; per capita payment; tax exemption**

The funds on deposit in the United States Treasury to the credit of the Iowa Tribes of Kansas and Nebraska and of Oklahoma that were appropriated by the Act of April 30, 1965 (79 Stat. 81), to pay a judgment by the Indian Claims Commission in dockets numbered 138 and 79, and the interest thereon, after payment of attorney fees and other litigation expenses, shall be divided on the basis of 171/279ths (61.29 per centum) to the Iowas of Kansas and Nebraska and 108/279ths (38.71 per centum) to the Iowas of Oklahoma, and the funds so divided, including interest accruing thereon, may be invested or expended for any purpose that is authorized by the respective tribal governing bodies and approved by the Secretary of the Interior. Any per capita distribution of any part of the funds placed to the credit of the Iowa Tribes of Kansas and Nebraska and of Oklahoma shall be payable only to those persons who meet the membership requirements specified in the respective tribal constitutions, and such per capita payments shall not be subject to Federal or State income tax.

(Pub. L. 90-199, Dec. 14, 1967, 81 Stat. 583.)

REFERENCES IN TEXT

Act of April 30, 1965, referred to in text, is act Apr. 30, 1965, Pub. L. 89-16, 79 Stat. 81, known as the Second Supplemental Appropriation Act, 1965. 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.

SUBCHAPTER LX—DELAWARE NATION OF INDIANS

**§ 1181. Distribution of judgment fund; preparation of Indian roll; eligibility**

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 living on September 21, 1968; (b) 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 (c) 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 of the Interior, or (d) they are lineal descendants of Delaware Indians who were members of the Delaware Nation of Indians as constituted at the time of the Treaty of October 3, 1818 (7 Stat. 188), and their name or the name of a lineal ancestor appears on any available census roll or any other records acceptable to the Secretary. No person shall be eligible to be enrolled under this section who is not a citizen of the United States. Applications for enrollment must be filed with the Area Director of the Bureau of Indian Affairs, Muskogee, Oklahoma, or the Area Director of the Bureau of Indian Af-

fairs, Anadarko, Oklahoma, on forms prescribed for that purpose. All applications filed shall be reviewed and a judgment of the eligibility of each applicant will be made and recommendation given in writing to the respective area directors by a committee composed of representatives of the two Oklahoma Delaware groups prior to submission of names to the Secretary of the Interior for acceptance on the distribution roll. 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. 90-508, §1, Sept. 21, 1968, 82 Stat. 861.)

**§ 1182. Division between Cherokee Delawares and the Delaware Tribe of Indians of Western Oklahoma**

There shall be withdrawn from the funds on deposit in the Treasury of the United States to the credit of the Delaware Nation that were appropriated by the Act of October 7, 1964 (78 Stat. 1033), and the interest accrued thereon, using the interest fund first, \$7,000, which shall be divided equally between the Cherokee Delawares and the Delaware Tribe of Indians of Western Oklahoma, and shall be available for claims expenses incurred by the duly authorized personnel of the two tribal groups, as set forth in their joint resolution numbered 4-68 adopted on September 9, 1967.

(Pub. L. 90-508, §2, Sept. 21, 1968, 82 Stat. 861.)

REFERENCES IN TEXT

Act of October 7, 1964, referred to in text, is act Oct. 7, 1964, Pub. L. 88-635, 78 Stat. 1033, known as the Supplemental Appropriation Act, 1965. That portion of the act which appropriated the funds referred to was not classified to the Code.

**§ 1183. Equal share distribution**

After the deduction of attorney fees and expenses, litigation expenses, all costs incident to the provisions of this subchapter, and to making the payments authorized by this subchapter, including the cost of roll preparation, which shall be paid by appropriate withdrawals from the judgment fund, the unexpended balance of the funds on deposit in the Treasury shall be distributed in equal shares to those persons whose names appear on the roll prepared in accordance with section 1181 of this title. No person shall be entitled to more than one per capita share of the funds.

(Pub. L. 90-508, §3, Sept. 21, 1968, 82 Stat. 862.)

**§ 1184. Heirs of deceased enrollees**

The Secretary shall distribute a share payable to a living enrollee directly to such enrollee. 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 in accordance with such procedures as the Secretary determines will best protect their interests.