

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 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: *Pro-*

*vided*, 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-A—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 entered 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