

“SEC. 4. (a) There is hereby established in the Treasury of the United States a fund to be known as the Paiute Indian Tribe of Utah Economic Development and Tribal Government Fund. This Fund shall be held in trust for the benefit of the tribe and administered in accordance with this Act.

“(b)(1) One-half of the principal of the Fund shall be designated as the Economic Development Fund and the remaining one-half as the Tribal Government Fund. Each portion of the Fund shall be administered by the Secretary in accordance with reasonable terms established by the tribe and agreed to by the Secretary. The Secretary shall not agree to terms which provide for the investment of the Fund in a manner not in accordance with section 1 of the Act of June 24, 1938 (52 Stat. 1037) [25 U.S.C. 162a], unless the tribe first submits a specific waiver of liability on the part of the United States for any loss which may result from such an investment. Until such terms have been agreed upon, the Secretary shall fix the terms for the administration of any portion of the Fund as to which there is no agreement.

“(2) Under no circumstances shall any part of the principal of the Fund be distributed to the tribe, or to any member of the tribe, nor shall income accruing to the Fund be used for per capita payments to any member of the tribe.

“(3) The Secretary shall make available to the tribe in quarterly payments, without any deductions, any income received from the investment of each fund. The use of the income from the Tribal Government Fund shall be free of regulation by the Secretary. The use of the income from the Economic Development Fund shall be consistent with an economic development plan developed by the tribe and approved by the Secretary. The Secretary shall approve such plan within sixty days of its submission if he finds that it is reasonably related to the economic development of the tribe. If the Secretary does not approve such plan, he shall, at the time of his decision, set forth in writing the reasons for his disapproval. With the approval of the Secretary, the tribe may alter the economic development plan subject to the conditions set forth in this section.

“(c) There is authorized to be appropriated in fiscal year 1985 the sum of \$2,500,000, which shall be deposited in the Fund. Not more than 5 per centum of any amount appropriated to the Fund under this section may be obligated or spent by the tribe under any contract or agreement relating to the employment of legal counsel.

“(d) The transfer of the approximately four thousand seven hundred and seventy acres of land and the appropriation of the \$2,500,000 authorized by this Act shall be in complete fulfillment of the provisions of Public Law 96-227 [this subchapter] relating to the enlargement of the tribe's reservation.

“SEC. 5. For purposes of this Act—

“(1) the term ‘tribe’ means the Cedar, Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Paiute Indians of Utah; and

“(2) except where otherwise specified, the term ‘Secretary’ means the Secretary of the Interior.”

§ 767. Legal claims barred for lands lost through tax or other sales since September 1, 1954

Any legal claims for lands owned by the Shivwits, Kanosh, Koosharem, or Indian Peaks Bands of Paiute Indians of Utah and lost through tax sales or any other sales to individuals, corporations, or the State of Utah since September 1, 1954, are hereby barred.

(Pub. L. 96-227, § 8, Apr. 3, 1980, 94 Stat. 322.)

§ 768. Rules and regulations

The Secretary may make such rules and regulations as are necessary to carry out the purposes of this subchapter.

(Pub. L. 96-227, § 9, Apr. 3, 1980, 94 Stat. 322.)

SUBCHAPTER XXXIII—INDIAN TRIBES OF OREGON

§ 771. Enrollment of descendants; determination of eligibility

The Secretary of the Interior, hereafter referred to as the “Secretary”, is authorized and directed to prepare separate rolls of the Indians of the blood of the Molele or Molallalas Tribe of Oregon and of the Confederated Bands of the Umpqua Tribe of Indians and the Calappoias residing in the Umpqua Valley, and of the Tillamook, Coquille, Toootoney, and Chetco Tribes of Oregon, living on August 30, 1954. Applications for enrollment shall be filed within one year of August 30, 1954. The determination of the Secretary of the eligibility of an applicant for enrollment shall be final and conclusive. No person shall be entitled to be enrolled on more than one roll.

(Aug. 30, 1954, ch. 1085, § 1, 68 Stat. 979.)

§ 772. Per capita payments to tribal members; tax exemption

The Secretary is authorized and directed to withdraw the funds on deposit in the Treasury of the United States to the credit of the respective tribes or bands, including those funds appropriated by Public Law 253 (Eighty-second Congress) approved November 1, 1951, in satisfaction of judgments obtained by the tribes or bands in the cases of Alcea Band of Tillamook, et al., against United States (119 C. Cls. 835), and Rogue River Tribes of Indians, et al., against United States (116 C. Cls. 454), and to make appropriate and equitable per capita payments therefrom to each person whose name appears on said approved rolls: *Provided*, That any amounts paid to or for individual members, or distributed to or for the legatees or next of kin of any enrollee, as provided in this subchapter, shall not be subject to Federal tax.

(Aug. 30, 1954, ch. 1085, § 2, 68 Stat. 979.)

REFERENCES IN TEXT

Public Law 253 (Eighty-second Congress), referred to in text, is act Nov. 1, 1951, ch. 664, 65 Stat. 736, known as the Supplemental Appropriations Act, 1952, which was not classified to the Code.

§ 773. Payments

(a) Enrollees, next of kin, or legatees

The Secretary shall make payments directly to a living enrollee. The Secretary shall distribute the share of a person determined to be eligible for enrollment, but who dies subsequent to August 30, 1954, and on whose behalf an application is filed and approved, and the share of a deceased enrollee, directly to his next of kin or legatees as determined by the laws of the domicile of the decedent, upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive.

(b) Minors and persons under legal disability; guardians

Payments due persons under twenty-one years of age or persons under legal disability shall be

made in accordance with laws applicable to such persons in the State of domicile of the payee. The Secretary may apply to any court of competent jurisdiction for the appointment of a guardian to receive and administer payments due a person under twenty-one years of age or under legal disability, and may take such other action as he deems appropriate for the protection of the interests of any such person in connection with payments hereunder.

(c) Payments not subject to debts; time limits

No part of any payment hereunder shall be subject to any debt or debts created prior to August 30, 1954 by a beneficiary of Indian blood. Payment to living enrollees, unless under twenty-one years of age, or under legal disability, shall be completed within one year after approval of the tribal rolls. Payment to next of kin and legatees, and payment for the account of persons under twenty-one years of age or under legal disability shall be completed within the same period of time to the maximum extent possible.

(Aug. 30, 1954, ch. 1085, § 3, 68 Stat. 979.)

§ 774. Costs

All costs incurred by the Secretary in the preparation of such rolls and the payment of such per capita shares shall be paid by appropriate withdrawals out of the fund or funds on deposit in the Treasury of the United States arising out of such judgments.

(Aug. 30, 1954, ch. 1085, § 4, 68 Stat. 980.)

§ 775. Rules and regulations

The Secretary is authorized to prescribe the necessary rules and regulations to carry out the purposes of this subchapter.

(Aug. 30, 1954, ch. 1085, § 5, 68 Stat. 980.)

SUBCHAPTER XXXIV—CREEK NATION OF INDIANS

§ 781. Distribution of funds

(a) Allotment equalization payments

The Secretary of the Interior is authorized and directed to use any funds on deposit in the Treasury of the United States to the credit of the Creek Nation to complete allotment equalization payments to persons with claims thereto that were filed and adjudicated in accordance with the provisions of section 18 in the Act of June 30, 1919 (41 Stat. 3, 24).

(b) Per capita payments to enrollees, heirs, or legatees

The Secretary of the Interior is authorized to distribute per capita to the members of the Creek Nation whose names appear on the final rolls approved under the Act of April 26, 1906 (34 Stat. 137), or to their heirs or legatees, any funds heretofore or hereafter deposited in the Treasury of the United States to the credit of the Creek Nation that are not used for the purposes of subsection (a) of this section and that are not needed, in the judgment of the Secretary, for other tribal purposes except the proceeds of any final judgment entered in Docket

No. 21, pending before the Indian Claims Commission, in which the Creek Nation (Oklahoma) is plaintiff, and McGhee et al., on behalf of the Creek Nation East of the Mississippi are intervenors, and the United States is defendant.

(c) Judgment payments

The Secretary of the Interior is authorized and directed to distribute among the persons entitled thereto the funds appropriated by chapter XII of the Third Supplemental Appropriation Act, 1952 (66 Stat. 101, 121), in payment of the judgment entered by the Indian Claims Commission in favor of the Loyal Creek Band or Group of Creek Indians et al., Docket No. 1. Such funds shall be paid to those persons whose names appear on the payroll prepared pursuant to the Act of March 3, 1903 (32 Stat. 982, 994), by J. Blair Schoenfelt, United States Indian Agent, or to their heirs or legatees, on a pro rata basis in proportion to the amounts appearing opposite their names on such payroll.

(Aug. 1, 1955, ch. 444, § 2, 69 Stat. 431.)

REFERENCES IN TEXT

Section 18 of the Act of June 30, 1919, referred to in subsec. (a), is act June 30, 1919, ch. 4, § 18, 41 Stat. 21, which is set out as a note under section 375 of this title.

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

The Indian Claims Commission, referred to in subsecs. (b) and (c), terminated Sept. 30, 1978. See Codification note set out under former section 70 et seq. of this title.

Act of March 3, 1903, referred to in subsec. (c), is act Mar. 3, 1903, ch. 994, 32 Stat. 982, 994, which was not classified to the Code.

Chapter XII of the Third Supplemental Appropriation Act, 1952, referred to in subsec. (c), is chapter XII of act June 5, 1952, ch. 369, 66 Stat. 101, which was not classified to this Code.

§ 782. Payment to heirs or legatees

(a) Laws governing

If a person entitled to a payment authorized by sections 781 to 785 of this title is deceased, such payment shall be made to his heirs or legatees determined in accordance with the laws, relating to the distribution of personal property, of the Creek Nation if the decedent died before January 1, 1898, or of the State of Arkansas in effect at the time of death if the decedent died before November 16, 1907, or of the State of Oklahoma in effect at the time of death if the decedent died on or after November 16, 1907. For the purposes of this section the decedent shall be regarded as an owner in possession of the payment at the time of his death.

(b) Proof of death and heirship or bequest

Before a payment authorized by sections 781 to 785 of this title is made to an heir or legatee of a deceased person, proof of death and heirship or bequest satisfactory to the Secretary of the Interior shall be submitted to him, and his findings with respect thereto shall be final and conclusive. Where satisfactory proof of death and heirship or bequest is already available to the Secretary, no additional submission shall be required.

(Aug. 1, 1955, ch. 444, § 3, 69 Stat. 432.)