

§ 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.)

SUBCHAPTER LIV—MIAMI INDIANS OF INDIANA AND OKLAHOMA: DISTRIBUTION OF JUDGMENT FUND

§ 1111. Distribution and use of funds

The Secretary of the Interior shall take the necessary steps to provide for the distribution and use of the money appropriated to the Miami Indians of Indiana and Oklahoma in satisfaction of judgments awarded by the Indian Claims Commission in dockets numbered 67 and 124, 124-A, and 251 as hereinafter provided.

(Pub. L. 89-659, § 1, Oct. 14, 1966, 80 Stat. 909.)

REFERENCES IN TEXT

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.

§ 1112. Advances or expenditures from funds of Miami Tribe of Oklahoma; persons entitled

The funds on deposit in the Treasury of the United States to the credit of the Miami Tribe of Oklahoma that were appropriated by the Act of September 30, 1961 (75 Stat. 747), to pay a judgment by the Indian Claims Commission in docket numbered 251, together with the interest thereon, after payment of attorney fees and ex-

penses, shall be advanced or expended in accordance with plans adopted by the governing body of the Miami Tribe of Oklahoma and approved by the Secretary of the Interior. The persons entitled to share in any per capita payment authorized by the governing body and approved by the Secretary shall be all individuals who are enrolled members of the Miami Tribe of Oklahoma, as organized under the Oklahoma Welfare Act (49 Stat. 1967) [25 U.S.C. 501 et seq.].

(Pub. L. 89-659, § 2, Oct. 14, 1966, 80 Stat. 909.)

REFERENCES IN TEXT

Act of September 30, 1961, referred to in text, is act Sept. 30, 1961, Pub. L. 87-322, 75 Stat. 747. 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.

The Oklahoma Welfare Act, referred to in text, is act June 26, 1936, ch. 831, 49 Stat. 1967, as amended, which is classified generally to subchapter VIII (§501 et seq.) of this chapter. For complete classification of this Act to the Code, see Tables.

§ 1113. Miami Indians of Indiana; membership roll; preparation; eligibility for enrollment

For the purpose of determining entitlement to the judgment awarded in Indian Claims Commission docket numbered 124-A to the Miami Indians of Indiana and appropriated by the Act of September 30, 1961 (75 Stat. 747), the Secretary shall prepare a roll of all persons of Miami Indian ancestry who meet the following requirements for eligibility:

(a) They were born on or prior to, and living on, October 14, 1966; and

(b) Their name or the name of an ancestor from whom they claim eligibility appears on the roll of Miami Indians of Indiana of June 12, 1895, or the roll of "Miami Indians of Indiana, now living in Kansas, Quapaw Agency, I.T., and Oklahoma Territory," prepared and completed pursuant to the Act of March 2, 1895 (28 Stat. 903), or the roll of the Eel River Miami Tribe of Indians of May 27, 1889, prepared and completed pursuant to the Act of June 29, 1888 (25 Stat. 223). No person whose name appears on the current tribal roll of the Miami Tribe of Oklahoma shall be eligible to be enrolled under this section.

(Pub. L. 89-659, § 3, Oct. 14, 1966, 80 Stat. 909.)

REFERENCES IN TEXT

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.

Act of September 30, 1961, referred to in subsec. (a), is act Sept. 30, 1961, Pub. L. 87-322, 75 Stat. 747. That portion of the act which appropriated the funds referred to was not classified to the Code.

Act of March 2, 1895, referred to in subsec. (b), is act Mar. 2, 1895, ch. 188, 28 Stat. 903. Provisions of the act relating to the roll of the Miami Indians of Indiana were not classified to the Code.

Act of June 29, 1888, referred to in subsec. (b), is act June 29, 1888, ch. 503, 25 Stat. 223. Provisions of the act relating to the roll of the Eel River Miami Tribe of Indians of May 27, 1889, were not classified to the Code.

§ 1114. Miami Indians of Oklahoma; membership roll; preparation; eligibility for enrollment

For the purpose of determining entitlement to the judgment awarded in Indian Claims Commis-

sion dockets numbered 67 and 124 and appropriated by the Act of May 17, 1963 (77 Stat. 43), the Secretary of the Interior shall prepare a roll of all persons of Miami Indian ancestry who meet the following requirements for eligibility:

(a) They were born on or prior to, and living on, October 14, 1966; and

(b) Their name or the name of an ancestor from whom they claim eligibility appears on any of the rolls cited in section 1113(b) of this title, or on the roll of the Western Miami Tribe of Indians of June 12, 1891, prepared and completed pursuant to the Act of March 3, 1891 (26 Stat. 1000).

(Pub. L. 89-659, § 4, Oct. 14, 1966, 80 Stat. 909.)

REFERENCES IN TEXT

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.

Act of May 17, 1963, referred to in text, is act May 17, 1963, Pub. L. 88-25, 77 Stat. 43. That portion of the act which appropriated the funds referred to was not classified to the Code.

Act of March 3, 1891, referred to in text, is act Mar. 3, 1891, ch. 543, 26 Stat. 1000. Provisions of the act relating to the roll of the Western Miami Tribe of June 12, 1891, were not classified to the Code.

§ 1115. Applications; place for filing; finality of determination

Applications for enrollment must be filed with the area director of the Bureau of Indian Affairs, Muskogee, Oklahoma, on forms prescribed for that purpose. The determination of the Secretary regarding the eligibility of an applicant shall be final.

(Pub. L. 89-659, § 5, Oct. 14, 1966, 80 Stat. 909.)

§ 1116. Distribution of funds of Miami Indians of Indiana; persons entitled

The funds on deposit in the Treasury of the United States to the credit of the Miami Indians of Indiana that were appropriated by the Act of September 30, 1961 (75 Stat. 747), to pay a judgment in Indian Claims Commission docket numbered 124-A, and the interest thereon, after payment of attorney fees and expenses, shall be distributed to the individuals whose names appear on the roll prepared pursuant to section 1113 of this title, and in accordance with the instructions contained in sections 1118 and 1119 of this title.

(Pub. L. 89-659, § 6, Oct. 14, 1966, 80 Stat. 909.)

REFERENCES IN TEXT

Act of September 30, 1961, referred to in text, is act Sept. 30, 1961, Pub. L. 87-322, 75 Stat. 747. 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.

§ 1117. Distribution of funds of Miami Indians of Oklahoma; persons entitled

The funds on deposit in the Treasury of the United States to the credit of the "Miami Tribe of Oklahoma" that were appropriated by the Act of May 17, 1963 (77 Stat. 43), to pay a judgment in Indian Claims Commission dockets numbered

67 and 124, and the interest thereon, after payment of attorney fees and expenses, shall be distributed to the persons whose names appear on the roll prepared pursuant to section 1114 of this title, and in accordance with the instructions contained in sections 1118 and 1119 of this title.

(Pub. L. 89-659, § 7, Oct. 14, 1966, 80 Stat. 910.)

REFERENCES IN TEXT

Act of May 17, 1963, referred to in text, is act May 17, 1963, Pub. L. 88-25, 77 Stat. 43. 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.

§ 1118. 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 heirs 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. 89-659, § 8, Oct. 14, 1966, 80 Stat. 910.)

§ 1119. Reserve funds for expenses

(a) Establishment

Prior to making any distribution of the funds credited to the Miami Tribe or Nation and the Miami Tribe of Indiana or approving any expenditures of the funds credited to the Miami Tribe of Oklahoma, pursuant to this subchapter, the Secretary is authorized to reserve in the Treasury of the United States a part of such funds sufficient, in his judgment, to meet the litigation expenses, exclusive of attorney fees, of the remaining cases which each has pending before the Indian Claims Commission.

(b) Availability

The funds reserved shall be available for appropriate withdrawal by the Secretary.

(Pub. L. 89-659, § 9, Oct. 14, 1966, 80 Stat. 910.)

REFERENCES IN TEXT

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

§ 1120. Tax exemption; costs

The funds distributed under the provisions of this subchapter shall not be subject to Federal or State income taxes, and any costs incurred by the Secretary in the preparation of the rolls and in the distribution of per capita shares in accordance with the provisions of this subchapter shall be paid by appropriate withdrawals from the judgment funds.