

§ 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 Nation has continued to maintain the Shawnee Tribe's separate culture, language, religion, and organization, and a separate membership roll.

(3) The Shawnee Tribe and the Cherokee Nation have concluded that it is in the best interests of the Shawnee Tribe and the Cherokee Nation that the Shawnee Tribe be restored to its position as a separate federally recognized Indian tribe and all current and historical responsibilities, jurisdiction, and sovereignty as it relates to the Shawnee Tribe, the Cherokee-Shawnee people, and their properties everywhere, provided that civil and criminal jurisdiction over Shawnee individually owned restricted and trust lands, Shawnee tribal trust lands, dependent Indian communities, and all other forms of Indian country within the jurisdictional territory of the Cherokee Nation and located within the State of Oklahoma shall remain with the Cherokee Nation, unless consent is obtained by the Shawnee Tribe from the Cherokee Nation to assume all or any portion of such jurisdiction.

(4) On August 12, 1996, the Tribal Council of the Cherokee Nation unanimously adopted Resolution 96-09 supporting the termination by the Secretary of the Interior of the 1869 Agreement.

(5) On July 23, 1996, the Shawnee Tribal Business Committee concurred in such resolution.

(6) On March 13, 2000, a second resolution was adopted by the Tribal Council of the Cherokee Nation (Resolution 15-00) supporting the submission of this legislation to Congress for enactment.

(Pub. L. 106-568, title VII, § 702, Dec. 27, 2000, 114 Stat. 2913.)

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-568, title VII, § 701, Dec. 27, 2000, 114 Stat. 2913, provided that: "This title [enacting this subchapter] may be cited as the 'Shawnee Tribe Status Act of 2000'."

§ 1041a. Definitions

In this subchapter:

(1) Cherokee Nation

The term "Cherokee Nation" means the Cherokee Nation, with its headquarters located in Tahlequah, Oklahoma.

(2) Secretary

The term "Secretary" means the Secretary of the Interior.

(3) Tribe

The term "Tribe" means the Shawnee Tribe, known also as the "Loyal Shawnee" or "Cherokee Shawnee", which was a party to the 1869 Agreement between the Cherokee Nation and the Shawnee Tribe of Indians.

(4) Trust land

The term "trust land" means land, the title to which is held by the United States in trust for the benefit of an Indian tribe or individual.

(5) Restricted land

The term "restricted land" means any land, the title to which is held in the name of an Indian or Indian tribe subject to restrictions by the United States against alienation.

(Pub. L. 106-568, title VII, § 703, Dec. 27, 2000, 114 Stat. 2913.)

§ 1041b. Federal recognition, trust relationship, and program eligibility**(a) Federal recognition**

The Federal recognition of the Tribe and the trust relationship between the United States and the Tribe are hereby reaffirmed. Except as otherwise provided in this subchapter, the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 501 et seq.) (commonly known as the "Oklahoma Indian Welfare Act"), and all laws and rules of law of the United States of general application to Indians, Indian tribes, or Indian reservations which are not inconsistent with this subchapter shall apply to the Tribe, and to its members and lands. The Tribe is hereby recognized as an independent tribal entity, separate from the Cherokee Nation or any other Indian tribe.

(b) Program eligibility**(1) In general**

Subject to the provisions of this subsection, the Tribe and its members are eligible for all special programs and services provided by the