

(4) any obligation to pay a tax levied before October 31, 1990.

**(e) Reservation status**

Reservation status shall not be granted any land acquired by or for the Tribe.

(Pub. L. 101-484, §4, Oct. 31, 1990, 104 Stat. 1167.)

REFERENCES IN TEXT

Public Law 87-629, referred to in subsec. (a), is Pub. L. 87-629, Sept. 5, 1962, 76 Stat. 429, which is classified generally to subchapter XLVI (§971 et seq.) of this chapter. For complete classification of this Act to the Code, see Tables.

Act of June 18, 1934, referred to in subsec. (c), popularly known as the Indian Reorganization Act, is classified generally to subchapter V (§461 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

**§ 983c. Services**

Notwithstanding any other provision of law, the Tribe and its members shall be eligible, on or after October 31, 1990, for all Federal services and benefits furnished to federally recognized tribes without regard to the existence of a reservation for the Tribe. In the case of Federal services available to members of federally recognized tribes residing on or near a reservation, members of the Tribe residing in Sarpy, Burt, Platte, Stanton, Holt, Hall, Wayne, Knox, Boyd, Madison, Douglas, or Lancaster Counties of Nebraska, Woodbury or Pottawattomie Counties of Iowa, or Charles Mix County of South Dakota shall be deemed to be residing on or near a reservation.

(Pub. L. 101-484, §5, Oct. 31, 1990, 104 Stat. 1168; Pub. L. 104-109, §12, Feb. 12, 1996, 110 Stat. 765.)

AMENDMENTS

1996—Pub. L. 104-109 inserted “Sarpy, Burt, Platte, Stanton, Holt, Hall, Wayne,” before “Knox” and substituted “, Woodbury or Pottawattomie Counties of Iowa, or Charles Mix County” for “or Charles Mix County”.

**§ 983d. Interim government**

Until such time as a constitution for the Tribe is adopted in accordance with section 983f(a) of this title and tribal officials are elected under section 983f(b) of this title, the Tribe shall be governed by the Interim Council.

(Pub. L. 101-484, §6, Oct. 31, 1990, 104 Stat. 1168.)

**§ 983e. Membership roll**

**(a) Accuracy pending adoption of tribal constitution**

Until a tribal constitution is adopted in accordance with section 983f of this title, the Interim Council shall take such measures as will insure the continuing accuracy of the membership roll of the Tribe.

**(b) Eligibility pending adoption of tribal constitution; appeal of exclusion**

(1) Until a tribal constitution is adopted in accordance with section 983f of this title, an individual shall be eligible for membership in the Tribe, and the name of the individual shall be placed on the membership roll of the Tribe, if—

(A) the individual is living and is not an enrolled member of another Indian tribe that is recognized by the Federal Government, and

(B) the individual—

(i) was listed on the tribal membership roll of June 18, 1965, that was compiled by the Bureau of Indian Affairs,

(ii) notwithstanding the application or appeal deadline dates, was entitled to be listed on the membership roll of June 18, 1965, that was compiled by the Bureau of Indian Affairs, but was not listed, or

(iii) is a lineal descendant of an individual, living or deceased, who is described in clause (i) or (ii).

(2) Any individual who is excluded from the membership roll of the Tribe by the Interim Council may appeal to the Secretary for a determination of the eligibility of the individual for membership in the Tribe. Such determination by the Secretary shall be final. The Interim Council shall include on the membership roll any such individual that the Secretary determines in such an appeal to be eligible for membership in the Tribe.

**(c) Constitution as governing**

After adoption of a tribal constitution in accordance with section 983f of this title, the constitution of the Tribe shall govern membership in the Tribe.

(Pub. L. 101-484, §7, Oct. 31, 1990, 104 Stat. 1168.)

**§ 983f. Tribal constitution**

**(a) Adoption by secret ballot; absentee balloting**

Upon the completion of the tribal membership roll and upon the written request of the Interim Council, the Secretary shall conduct, by secret ballot, an election to adopt a constitution for the Tribe. Such constitution shall be submitted by the Interim Council to the Secretary no later than 1 year following October 31, 1990. Absentee balloting shall be permitted regardless of voter residence. In every other regard, the election shall be held according to section 476 of this title.

**(b) Election of tribal officials**

Not later than 120 days after the Tribe adopts a tribal constitution, the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in the constitution. Said election shall be conducted according to the procedures stated in subsection (a) of this section except to the extent that said procedures conflict with the tribal constitution.

**(c) Governing body treated as Indian tribal government for purposes of taxation**

Notwithstanding any other provision of law, the governing body of the Tribe established under the constitution of the Tribe that is adopted under subsection (a) of this section shall be treated as an Indian tribal government for purposes of title 26.

(Pub. L. 101-484, §8, Oct. 31, 1990, 104 Stat. 1169.)

**§ 983g. Regulations**

The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this subchapter.

(Pub. L. 101-484, § 9, Oct. 31, 1990, 104 Stat. 1169.)

**§ 983h. Economic development plan**

**(a) Establishment; submittal to Congress**

The Secretary shall—

(1) enter into negotiations with the governing body of the Tribe to establish a plan for economic development for the Tribe;

(2) in accordance with this section, establish such a plan; and

(3) upon the approval of such plan by the governing body of the Tribe (and after consultation with the State and local officials pursuant to subsection (b) of this section), shall<sup>1</sup> submit such plan to the Congress by no later than the date that is 3 years after October 31, 1990.

**(b) Consultation with State and local officials**

(1) To ensure that legitimate State and local interests are not prejudiced by the economic development plan established under subsection (a) of this section, the Secretary shall notify and consult with the appropriate officials of the State and all appropriate local governmental officials in the State with respect to the proposed economic development plan. The Secretary shall provide complete information on the proposed economic development plan to such officials, including the restrictions imposed on such plan by subsection (c) of this section.

(2) During any consultation by the Secretary under this subsection, the Secretary shall provide such information as the Secretary may possess and shall request comments and additional information on the extent of any State or local service to the Tribe.

**(c) Required provisions**

Any economic development plan established by the Secretary under subsection (a) of this section shall provide that—

(1) real property acquired by or for the Tribe located in Knox or Boyd Counties, Nebraska, shall be taken by the Secretary in the name of the United States in trust for the benefit of the Tribe;

(2) any real property taken in trust by the Secretary pursuant to such plan shall be subject to—

(A) all legal rights and interests in such land held by any person at the time of acquisition of such land by the Secretary, including any lien, mortgage, or previously levied and outstanding State or local tax, and

(B) foreclosure or sale in accordance with the laws of the State of Nebraska pursuant to the terms of any valid obligation in existence at the time of the acquisition of such land by the Secretary; and

(3) any real property transferred pursuant to such plan shall be exempt from Federal, State, and local taxation of any kind.

**(d) Statement regarding individuals consulted, and testimony or comments received by Secretary**

The Secretary shall append to the economic development plan submitted to the Congress

under subsection (a) of this section a detailed statement—

(1) naming each individual consulted in accordance with subsection (b) of this section;

(2) summarizing the testimony received by the Secretary pursuant to any such consultation; and

(3) including any written comments or reports submitted to the Secretary by any individual named in paragraph (1).

(Pub. L. 101-484, § 10, Oct. 31, 1990, 104 Stat. 1169; Pub. L. 102-497, § 2, Oct. 24, 1992, 106 Stat. 3255.)

AMENDMENTS

1992—Subsec. (a)(3). Pub. L. 102-497 substituted “3 years” for “2 years”.

SUBCHAPTER XLVII—CHEROKEE NATION:  
DISTRIBUTION OF JUDGMENT FUND

**§ 991. Per capita payments to tribal members; closure of rolls; appropriations; accrued interest; deductions**

The Secretary of the Interior is authorized and directed to distribute per capita to all persons whose names appear on the rolls of the Cherokee Nation, which rolls were closed and made final as of March 4, 1907, pursuant to the Act of April 26, 1906 (34 Stat. 137), and subsequent additions thereto, all funds which were appropriated by the Act of September 30, 1961 (75 Stat. 733), in satisfaction of a judgment that was obtained by the Cherokee Tribe in the Indian Claims Commission against the United States in docket numbered 173, together with the interest accrued thereon, except \$1,432,084.17 which by stipulation of the parties has been set aside for the payments of any offsets that are finally determined to be due the United States, and except the amount allowed for attorney fees and expenses.

(Pub. L. 87-775, § 1, Oct. 9, 1962, 76 Stat. 776.)

REFERENCES IN TEXT

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

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

**§ 992. Payments to adults, heirs or legatees; shares under certain amounts to revert to tribe; protection of minors and persons under legal disability**

(a) Except as provided in subsections (b) and (c) of this section, a share or proportional share payable to a living adult shall be paid directly to such adult; (b) a share payable to a deceased enrollee 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 proportional shares of deceased heirs amounting to \$10 or less shall not be distributed, and no inher-

<sup>1</sup> So in original. The word “shall” probably should not appear.