

(b) Multiple ownership of land

Where lands are held in multiple ownership, the Secretary is authorized to sell and exchange such lands to other Indians or the Yakima Tribes only if the sale or exchange is authorized in writing by the owners of at least a majority interest in such lands; except that no greater percentage of approval of individual Indians shall be required under sections 608 to 608c of this title than in any other statute of general application approved by Congress.

(c) Acquisitions to be held in trust

Lands and interests in lands acquired by the Secretary pursuant to subsection (a)(1) of this section and for the benefit of the Yakima Indian Nation pursuant to section 465 of this title shall be held in trust by the United States for the benefit of the Yakima Indian Nation.

(d) Terms and conditions

The Secretary shall obtain the advice and consent of the Yakima tribal council before entering into any of the above transactions involving the acquisition or disposition of tribal land. The terms and conditions of any such transaction, including the price at which any land is so purchased or sold and the valuation of any lands so exchanged, shall be mutually agreed upon by the Secretary, the Yakima tribal council, and the individual Indian or Indians concerned. Any such exchange of lands shall be effected on the basis of approximately equal consideration with due allowance for the value of improvements in determining the value of such lands.

(July 28, 1955, ch. 423, §1, 69 Stat. 392; Pub. L. 88-540, §1, Aug. 31, 1964, 78 Stat. 747; Pub. L. 100-581, title II, §213, Nov. 1, 1988, 102 Stat. 2941; Pub. L. 101-301, §1(a)(3), (b), May 24, 1990, 104 Stat. 206.)

CODIFICATION

Section was not enacted as part of act Aug. 9, 1946, ch. 933, 60 Stat. 968, which comprises this subchapter.

AMENDMENTS

1990—Subsec. (c). Pub. L. 101-301, §1(b), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: "In all cases in which the Secretary is acquiring for the Yakima Tribes lands or interests in lands presently held in trust or under restrictions for the benefit of an individual Indian, title shall be taken in the name of the United States in trust for the Yakima Tribes. In all cases in which land being purchased is presently held by the grantor in fee simple, title shall be taken for and held by the Yakima Tribes in fee and such land shall not, by reason of its being owned by the tribes, be exempt from taxation in accordance with the laws of the State of Washington."

Pub. L. 101-301, §1(a)(3), repealed Pub. L. 100-581, §213. See 1988 Amendment note below.

1988—Subsec. (c). Pub. L. 100-581, §213, which directed the general amendment of subsec. (c) of Pub. L. 88-540, cited as a credit to this section, was repealed by Pub. L. 101-301, §1(a)(3).

1964—Pub. L. 88-540 amended section generally, and among other changes, permits acquisitions by gift or relinquishment, acquisition of any land within the reservation or area ceded to the United States by the treaty of June 9, 1855, sale of tribal land not only to tribe members, but also to Federal, State, or local government for recreational, educational, civic, or other public purposes, exchange of tribal land for any land within the reservation or the ceded area, lands held in mul-

multiple ownership to be sold or exchanged upon the written authorization of owners of at least a majority interest in the lands or any lesser percentage that may be provided in a statute of general application, and title to land in fee status acquired by the tribes to be taken in fee status.

§ 608a. Sale of tribal trust lands, etc.**(a) Title subsequent to sale**

Title to tribal trust lands, interests, improvements, or rights sold by the Secretary to individual members of the Yakima Tribes or exchanged by the Secretary for lands held under trust patent or other restrictions against alienation by individual members of the tribes and other Indians or for lands in heirship status shall be held by the United States in trust for the individual Indian or Indians concerned.

(b) Credit of proceeds to tribal funds

Sums derived from the sale of tribal trust lands interests, improvements, and rights shall be credited to the tribal funds of the Yakima Tribes.

(July 28, 1955, ch. 423, §2, 69 Stat. 393; Pub. L. 88-540, §2, Aug. 31, 1964, 78 Stat. 748.)

CODIFICATION

Section was not enacted as part of act Aug. 9, 1946, ch. 933, 60 Stat. 968, which comprises this subchapter.

AMENDMENTS

1964—Subsec. (a). Pub. L. 88-540 struck out provisions that title to lands, interests, improvements, or rights acquired under section 608 of this title by the Secretary for the Yakima Tribes through purchase or exchange shall be held by the United States in trust for the Yakima Tribes.

§ 608b. Rights of lessee

(a) No transaction entered into under sections 608 to 608c of this title shall affect, without the consent of the lessee, any lease of lands, interests, improvements, or rights involved in such transaction, or any right of the lessee with respect to extension or renewal of such lease, which is in existence at the time such transaction is entered into.

(b) Repealed, Pub. L. 88-540, §3, Aug. 31, 1964, 78 Stat. 748.

(July 28, 1955, ch. 423, §3, 69 Stat. 393; Pub. L. 88-540, §3, Aug. 31, 1964, 78 Stat. 748.)

CODIFICATION

Section was not enacted as part of act Aug. 9, 1946, ch. 933, 60 Stat. 968, which comprises this subchapter.

AMENDMENTS

1964—Subsec. (b). Pub. L. 88-540 repealed subsec. (b) which provided: "Nothing in sections 608-608c of this title shall affect the existing status of any lands, interests, improvements, or rights with respect to taxation."

§ 608c. Regulations

The Secretary is authorized to prescribe such regulations as may be necessary to carry out the purposes of sections 608 to 608c of this title.

(July 28, 1955, ch. 423, §4, 69 Stat. 393.)

CODIFICATION

Section was not enacted as part of act Aug. 9, 1946, ch. 933, 60 Stat. 968, which comprises this subchapter.

§ 609. Action to determine title to judgment fund; claim of Confederated Tribes of the Colville Reservation; jurisdiction of Court of Claims

The Confederated Tribes of the Colville Reservation, acting through the chairman of its business council, and the Yakima Tribes of Indians of the Yakima Reservation, acting through the chairman of its tribal council, for and on behalf of said tribes and each and all their constituent tribal groups, are each hereby authorized to commence or defend in the United States Court of Claims an action against each other making claims to a share in the funds that are on deposit in the Treasury of the United States to pay a judgment of the Indian Claims Commission dated April 5, 1965, in dockets numbered 161, 222, and 224, and the interest on said funds; and jurisdiction is hereby conferred upon said court to hear such claims and to render judgment and decree thereon making such division of such funds and the interest on such funds, as may be just and fair in law and equity, between the Confederated Tribes of the Colville Reservation and its constituent tribal groups on the one hand, and the Yakima Tribes of Indians of the Yakima Reservation and its constituent tribal groups on the other hand.

(Pub. L. 90-278, §1, Mar. 30, 1968, 82 Stat. 69.)

REFERENCES IN TEXT

The United States Court of Claims, referred to in text, and the United States Court of Customs and Patent Appeals were merged effective Oct. 1, 1982, into a new United States Court of Appeals for the Federal Circuit by Pub. L. 97-164, Apr. 2, 1982, 96 Stat. 25, which also created a United States Claims Court [now United States Court of Federal Claims] that inherited the trial jurisdiction of the Court of Claims. See sections 48, 171 et seq., 791 et seq., and 1491 et seq. of Title 28, Judiciary and Judicial Procedure.

The Indian Claims Commission, referred to in text, was terminated on Sept. 30, 1978. See Codification note set out under former section 70 et seq. of this title.

CODIFICATION

Section was not enacted as part of act Aug. 9, 1946, ch. 933, 60 Stat. 968, which comprises this subchapter.

§ 609a. Tax exemption

Any part of such funds that may be distributed per capita to the members of the tribes shall not be subject to Federal or State income tax.

(Pub. L. 90-278, §2, Mar. 30, 1968, 82 Stat. 69.)

CODIFICATION

Section was not enacted as part of act Aug. 9, 1946, ch. 933, 60 Stat. 968, which comprises this subchapter.

§ 609b. Disposition of judgment fund; deductions; advances, expenditures, investments, or reinvestments for authorized purposes

The funds appropriated by the Act of October 31, 1965 (79 Stat. 1133, 1152), to pay judgments to the Yakima Tribes of the Yakima Reservation in Indian Claims Commission docket numbered 47-A and 162, and by the Act of July 22, 1969 (83 Stat. 49), in consolidated dockets 47 and 164, together with interests thereon, after payment of attorney fees and litigation expenses, may be advanced, expended, invested, or reinvested for

any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior.

(Pub. L. 91-413, §1, Sept. 25, 1970, 84 Stat. 865.)

REFERENCES IN TEXT

Act of October 31, 1965, referred to in text, is Pub. L. 89-309, Oct. 31, 1965, 79 Stat. 1133, 1152. 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.

Act of July 22, 1969, referred to in text, is Pub. L. 91-47, July 22, 1969, 83 Stat. 49. That portion of the act which appropriated the funds referred to was not classified to the Code.

CODIFICATION

Section was not enacted as part of act Aug. 9, 1946, ch. 933, 60 Stat. 968, which comprises this subchapter.

§ 609b-1. Tax exemption; trusts and other procedures for protection of minors and persons under legal disability

Any part of such funds that may be distributed per capita under the provisions of section 609b of this title and this section shall not be subject to Federal or State income tax; and any per capita 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, including the establishment of trusts, as the Secretary determines will adequately protect the best interest of such persons.

(Pub. L. 91-413, §2, Sept. 25, 1970, 84 Stat. 865.)

CODIFICATION

Section was not enacted as part of act Aug. 9, 1946, ch. 933, 60 Stat. 968, which comprises this subchapter.

§ 609c. Disbursement of minor's share of judgment funds

(a) Definitions

For purposes of this section and section 609c-1 of this title, the term—

(1) "tribe" means the Confederated Tribes and Bands of the Yakama Indian Nation or the Apache Tribe of the Mescalero Reservation;

(2) "tribal governing body" means the governing body of a tribe or a committee of the members of such body designated by such body for purposes of this section and section 609c-1 of this title;

(3) "Secretary" means the Secretary of the Interior acting through (unless otherwise determined by the Secretary) the Superintendent of the Bureau of Indian Affairs Agency serving the tribe involved;

(4) "minor" means a member of a tribe, or descendant of a member of a tribe, who has not attained the age of eighteen years and who has a minor's share;

(5) "minor's share" means the per capita share of a judgment award, and the investment income accruing thereto, which is held in trust by the Secretary for a minor; and

(6) "parent" means the biological or adoptive parent or parents, or other legal guardian, of a minor.