

fied principally to chapter 2B (§78a et seq.) of Title 15. For complete classification of these Acts to the Code, see Tables.

#### SUBCHAPTER XXIV—HUALAPAI TRIBE

##### **§ 647. Disposition of judgment fund; deductions; advances, expenditures, investments or reinvestments for authorized purposes**

The unexpended balance of funds on deposit in the Treasury of the United States to the credit of the Hualapai Tribe of Indians that were appropriated to pay a judgment granted by the Indian Claims Commission in dockets Numbered 90 and 122, and the interest thereon, less payment of attorney fees and 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. 91-400, §1, Sept. 16, 1970, 84 Stat. 838.)

#### 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.

##### **§ 648. Tax exemption**

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

(Pub. L. 91-400, §2, Sept. 16, 1970, 84 Stat. 838.)

##### **§ 649. 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. 91-400, §3, Sept. 16, 1970, 84 Stat. 838.)

#### SUBCHAPTER XXV—INDIANS OF CALIFORNIA

##### **§ 651. "Indians of California" defined**

For the purposes of this subchapter the Indians of California shall be defined to be all Indians who were residing in the State of California on June 1, 1852, and their descendants now living in said State.

(May 18, 1928, ch. 624, §1, 45 Stat. 602.)

#### SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-294, §1, Oct. 27, 1998, 112 Stat. 2818, provided that: "This Act [amending provisions set out as a note below] may be cited as the 'Advisory Council on California Indian Policy Extension Act of 1998'."

#### ADVISORY COUNCIL ON CALIFORNIA INDIAN POLICY ACT OF 1992

Pub. L. 102-416, Oct. 14, 1992, 106 Stat. 2131, as amended by Pub. L. 104-109, §14, Feb. 12, 1996, 110 Stat. 766; Pub. L. 105-294, §3, Oct. 27, 1998, 112 Stat. 2818, provided for the establishment of Advisory Council on California Indian Policy, consisting of 18 members, to develop list of tribes, to conduct a study of policies and programs affecting California Indians, to submit a report on the study no later than 36 months after first meeting of the Council, and to work with Congress, the Secretary, the Secretary of Health and Human Services, and the California Indian tribes, to implement the Council's proposals and recommendations, authorized the Council to appoint staff, hold hearings, establish task forces, accept funding from sources other than Federal govern-

ment, and secure information from other Federal agencies, provided for termination of the Council on Mar. 31, 2000, and authorized \$700,000 in appropriations to carry out the provisions of this Act.

#### REPORT TO CONGRESS

Act June 8, 1954, ch. 271, §2, 68 Stat. 240, directed Secretary of the Interior to transmit to Congress on or before Aug. 31, 1955, a full and complete report of funds used and purposes accomplished to carry out provisions of this Act [amending section 657 of this title] and act approved May 18, 1928 (45 Stat. 602), as amended by acts of April 29, 1930 (46 Stat. 259); and June 30, 1948 (62 Stat. 1166); and May 24, 1950 (64 Stat. 189) [this subchapter].

##### **§ 652. Claims against United States for appropriated lands; submission to United States Court of Federal Claims; appeal; grounds for relief**

All claims of whatsoever nature the Indians of California as defined in section 651 of this title may have against the United States by reason of lands taken from them in the State of California by the United States without compensation, or for the failure or refusal of the United States to compensate them for their interest in lands in said State which the United States appropriated to its own purposes without the consent of said Indians, may be submitted to the United States Court of Federal Claims by the attorney general of the State of California acting for and on behalf of said Indians for determination of the equitable amount due said Indians from the United States; and jurisdiction is conferred upon the United States Court of Federal Claims,<sup>1</sup> to hear and determine all such equitable claims of said Indians against the United States and to render final decree thereon.

It is declared that the loss to the said Indians on account of their failure to secure the lands and compensation provided for in the eighteen unratified treaties is sufficient ground for equitable relief.

(May 18, 1928, ch. 624, §2, 45 Stat. 602; Pub. L. 97-164, title I, §150, Apr. 2, 1982, 96 Stat. 46; Pub. L. 100-352, §6(b), June 27, 1988, 102 Stat. 663; Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

#### AMENDMENTS

1992—Pub. L. 102-572 substituted "United States Court of Federal Claims" for "United States Claims Court" in two places.

1988—Pub. L. 100-352 struck out "with the right of either party to appeal to the United States Court of Appeals for the Federal Circuit" before "to hear and determine".

1982—Pub. L. 97-164 substituted "United States Claims Court" for "Court of Claims" and for "Court of Claims of the United States" and substituted "United States Court of Appeals for the Federal Circuit" for "Supreme Court of the United States".

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-352 effective ninety days after June 27, 1988, except that such amendment not to

<sup>1</sup> So in original. The comma probably should not appear.

apply to cases pending in Supreme Court on such effective date or affect right to review or manner of reviewing judgment or decree of court which was entered before such effective date, see section 7 of Pub. L. 100-352, set out as a note under section 1254 of Title 28, Judiciary and Judicial Procedure.

#### EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

### **§ 653. Statutes of limitations unavailable against claims; amount of decree; set-off**

If any claim or claims be submitted to said courts, they shall settle the equitable rights therein, notwithstanding lapse of time or statutes of limitation or the fact that the said claim or claims have not been presented to any other tribunal, including the commission created by the Act of March 3, 1851 (Ninth Statutes at Large, page 631): *Provided*, That any decree for said Indians shall be for an amount equal to the just value of the compensation provided or proposed for the Indians in those certain eighteen unratified treaties executed by the chiefs and head men of the several tribes and bands of Indians of California and submitted to the Senate of the United States by the President of the United States for ratification on the 1st day of June, 1852, including the lands described therein at \$1.25 per acre. Any payment which may have been made by the United States or moneys heretofore or hereafter expended to date of award for the benefit of the Indians of California, made under specific appropriations for the support, education, health, and civilization of Indians in California, including purchases of land, shall not be pleaded as an estoppel but may be pleaded by way of set-off.

(May 18, 1928, ch. 624, § 3, 45 Stat. 602.)

#### REFERENCES IN TEXT

Act of March 3, 1851, referred to in text, is act Mar. 3, 1851, ch. 41, 9 Stat. 631, which was not classified to the Code.

### **§ 654. Claims presented by petition; filing date; amendment; signature and verification; official letters, documents, etc., furnished**

The claims of the Indians of California under the provisions of this subchapter shall be presented by petition, which shall be filed within three years after May 18, 1928. Said petition shall be subject to amendment. The petition shall be signed and verified by the attorney general of the State of California. Verification may be upon information and belief as to the facts alleged. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence and the departments of the Government shall give the said attorney access to such papers, correspondence, or furnish such certified copies of record as may be necessary in the premises free of cost.

(May 18, 1928, ch. 624, § 4, 45 Stat. 602.)

### **§ 655. Reimbursement of State of California for necessary costs and expenses**

In the event that the court renders judgment against the United States under the provisions

of this subchapter, it shall decree such amount as it finds reasonable to be paid to the State of California to reimburse the State for all necessary costs and expenses incurred by said State, other than attorney fees: *Provided*, That no reimbursement shall be made to the State of California for the services rendered by its attorney general.

(May 18, 1928, ch. 624, § 5, 45 Stat. 602.)

### **§ 656. Judgment amount deposited in Treasury to credit of Indians; interest rate; use of fund**

The amount of any judgment shall be placed in the Treasury of the United States to the credit of the Indians of California and shall draw interest at the rate of 4 per centum per annum and shall be thereafter subject to appropriation by Congress for educational, health, industrial, and other purposes for the benefit of said Indians, including the purchase of lands and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians: *Provided*, That the Secretary of the Treasury is authorized and directed to pay to the State of California, out of the proceeds of the judgment when appropriated, the amount decreed by the court to be due said State, as provided in section 655 of this title.

(May 18, 1928, ch. 624, § 6, 45 Stat. 603.)

### **§ 657. Revision of roll of Indians**

The Secretary of the Interior, under such regulations as he may prescribe, is authorized and directed to revise the roll of the Indians of California, as defined in section 651 of this title, which was approved by him on May 16, 1933, in the following particulars: (a) By adding to said roll the names of persons who filed applications for enrollment as Indians of California on or before May 18, 1932, and who, although determined to be descendants of the Indians residing in the State of California on June 1, 1852, were denied enrollment solely on the ground that they were not living in the State of California on May 18, 1928, and who were alive on May 24, 1950; (b) by adding to said roll the names of persons who are descendants of the Indians residing in the State of California on June 1, 1852, and who are the fathers, mothers, brothers, sisters, uncles, or aunts of persons whose names appear on said roll, and who were alive on May 24, 1950, irrespective of whether such fathers, mothers, brothers, sisters, uncles, or aunts were living in the State of California on May 18, 1928; (c) by adding to said roll the names of persons born since May 18, 1928, and living on May 24, 1950, who are the children or other descendants of persons whose names appear on said roll, or of persons whose names are eligible for addition to said roll under clauses (a) or (b) of this section, or of persons dying prior to May 24, 1950, whose names would have been eligible for addition to said roll under clauses (a) or (b) of this section if such persons had been alive on May 24, 1950; and (d) by removing from said roll the names of persons who have died since May 18, 1928, and prior to May 24, 1950. Persons entitled to enrollment under clause (a) of this section shall be enrolled by the Secretary of the Interior without