

further application. Persons claiming to be entitled to enrollment under clauses (b) or (c) of this section shall, within one year after May 24, 1950, make an application in writing to the Secretary of the Interior for enrollment, unless they have previously filed such an application under this section. For the purposes of clause (d) of this section, when the Secretary of the Interior is satisfied that reasonable and diligent efforts have been made to locate a person whose name is on said roll and that such person cannot be located, he may presume that such person died prior to May 24, 1950, and his presumption shall be conclusive. The Secretary of the Interior shall prepare not less than five hundred copies of an alphabetical list of the Indians of California whose names appear on the roll approved on May 16, 1933, giving the name, address, and age at time of enrollment of each such enrollee, together with such other factual information, if any, as the Secretary may deem advisable as tending to identify each enrollee, and shall distribute copies of this list to the various communities of California Indians. The Indians of California in each community may elect a committee of three enrollees who may aid the enrolling agent in any matters relating to the revision of said roll. After the expiration of the period allowed by this section for filing applications, the Secretary of the Interior shall have until June 30, 1955, to approve and promulgate the revised roll of the Indians of California provided for in this section. Upon such approval and promulgation, the roll shall be closed and thereafter no additional names shall be added thereto.

(May 18, 1928, ch. 624, § 7, 45 Stat. 603; Apr. 29, 1930, ch. 222, 46 Stat. 259; June 30, 1948, ch. 765, § 1, 62 Stat. 1166; May 24, 1950, ch. 196, § 1, 64 Stat. 189; June 8, 1954, ch. 271, § 1, 68 Stat. 240.)

AMENDMENTS

1954—Act June 8, 1954, inserted sentence providing for presumption of death, for purposes of cl. (d), after failure to locate, and extended to June 30, 1955, time for approving and promulgating revised roll.

1950—Act May 24, 1950, permitted revision of roll to include certain classes of Indians not previously eligible for inclusion.

1948—Act June 30, 1948, amended section generally to permit Secretary of the Interior to revise roll of Indians.

1930—Act Apr. 29, 1930, increased time within which an Indian could make application to be enrolled, and increased time within which Secretary of the Interior could alter and revise roll.

APPROPRIATIONS

Act June 30, 1948, ch. 765, § 2, 62 Stat. 1166, authorized \$25,000 for the Secretary of the Interior to be used to defray the expense incurred in revising the roll as provided for in this section.

§ 658. Distribution of \$150 from fund to each enrolled Indian

Notwithstanding the provisions of section 656 of this title, the Secretary of the Interior, under such regulations as he may prescribe, is authorized and directed to distribute per capita the sum of \$150 to each Indian of California living on May 24, 1950, who is now or may hereafter be enrolled under sections 651 and 657 of this title. The Secretary of the Interior may, in his discre-

tion, make such distribution from time to time to persons on the roll of the Indians of California approved on May 16, 1933, as he identifies such enrollees, before the completion of the revised roll provided for in section 657 of this title. The Secretary of the Interior is authorized to withdraw from the fund on deposit in the Treasury of the United States arising from the judgment in favor of the Indians of California entered by the Court of Claims on December 4, 1944, and appropriated for them by section 203 of the Act of April 25, 1945 (59 Stat. 77), such sums as may be necessary to make the per capita payments required by this section, including not to exceed \$15,000 for the purpose of defraying the expenses incident to carrying out the provisions of sections 657 and 658 of this title. Such payments shall be made out of the accumulated interest on such judgment fund and so much of the principal thereof as is necessary to complete the payments. The money paid to enrollees pursuant to this section shall not be subject to any lien or claim of any nature against any such persons, except for debts owing to the United States.

(May 24, 1950, ch. 196, § 2, 64 Stat. 190.)

REFERENCES IN TEXT

The Court of Claims, referred to in text, and the 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.

Section 203 of the Act of April 25, 1945, referred to in text, is section 203 of act Apr. 25, 1945, ch. 95, title II, 59 Stat. 94, which was not classified to the Code.

CODIFICATION

Section was not enacted as part of act May 18, 1928, ch. 624, 45 Stat. 602, which comprises this subchapter.

§ 659. Distribution of judgment fund

(a) Preparation of Indian roll

The Secretary of the Interior shall prepare a roll of persons of Indian blood who apply for inclusion thereon and (i) whose names or the name of a lineal or collateral relative appears on any of the approved rolls heretofore prepared pursuant to this subchapter and the amendments thereto or (ii) who can establish, to the satisfaction of the Secretary, lineal or collateral relationship to an Indian who resided in California on June 1, 1852, and (iii) who were born on or before and were living on September 21, 1968.

(b) Contents

The roll so prepared shall indicate, as nearly as possible, the group or groups of Indians of California with which the ancestors of each enrollee were affiliated on June 1, 1852. If the affiliation of an enrollee's ancestors on that date is unknown, it shall be presumed to be the same as that of the ancestors' relatives whose affiliation is known unless there is sound reason to believe otherwise. Applicants whose ancestry is derived partly from one of the groups named in section 660(b) of this title and partly from another group of Indians in California shall elect the affiliation to be shown for them on the roll.

(c) Application for enrollment

Application for enrollment shall be filed with the Area Director of the Bureau of Indian Affairs, Sacramento, California, on forms prescribed for that purpose.

(Pub. L. 90-507, § 1, Sept. 21, 1968, 82 Stat. 860.)

CODIFICATION

Section was not enacted as part of act May 18, 1928, ch. 624, 45 Stat. 602, which comprises this subchapter.

§ 660. Equal share distribution of 1964 appropriation**(a) Persons covered; amounts**

The Secretary shall distribute to each person whose name appears on the roll prepared pursuant to section 659 of this title, except those whose ancestry is derived from one or more of the groups named in subsection (b) of this section, an equal share of the moneys which were appropriated by the Act of October 7, 1964 (78 Stat. 1033), in satisfaction of the judgment of the Indian Claims Commission in consolidated dockets numbered 31, 37, 80, 80-D, and 347, plus the interest earned thereon, minus attorneys fees, litigation expenses (including the reimbursement of funds expended under authority of the Acts of July 1, 1946 (60 Stat. 348), August 4, 1955 (69 Stat. 460), and July 14, 1960 (74 Stat. 512)), a proper share of the costs of roll preparation, and such amounts as may be required to effect the distribution.

(b) Persons excepted

Persons whose ancestry is derived solely from one or more of the following groups and persons of mixed ancestry who elected to share, other than as heirs or legatees of enrollees, in any award granted to any of the following groups shall not share in the funds distributed pursuant to subsection (a) of this section: Northern Paiute, Southern Paiute, Mohave, Quechan (Yuma), Chemehuevi, Shoshone, Washoe, Klamath, Modoc, and Yahooskin Band of Snakes.

(Pub. L. 90-507, § 2, Sept. 21, 1968, 82 Stat. 860.)

REFERENCES IN TEXT

Act of October 7, 1964, referred to in subsec. (a), is act Oct. 7, 1964, Pub. L. 88-635, 78 Stat. 1033, known as the Supplemental Appropriation Act, 1965. That portion of the act which appropriated the funds referred to was not classified to the Code.

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.

Acts of July 1, 1946, August 4, 1955, and July 14, 1960, referred to in subsec. (a), are, respectively, act July 1, 1946, ch. 529, 60 Stat. 348, known as the Interior Department Appropriation Act, 1947, act Aug. 4, 1955, ch. 541, 69 Stat. 450, known as the Supplemental Appropriation Act, 1956, and act July 14, 1960, Pub. L. 86-651, 74 Stat. 509, known as the Supplemental Appropriation Act, 1961. Those portions of the acts which appropriated the funds referred to were not classified to the Code.

CODIFICATION

Section was not enacted as part of act May 18, 1928, ch. 624, 45 Stat. 602, which comprises this subchapter.

§ 661. Equal share distribution of undistributed balance of 1945 appropriation**(a) Persons covered; amounts**

The Secretary shall distribute to each person whose name appears on the roll prepared pursu-

ant to section 659 of this title regardless of group affiliation an equal share of the undistributed balance of the moneys appropriated in satisfaction of the judgment of the Court of Claims in the case of The Indians of California against United States (102 Court of Claims 837; 59 Stat. 94), plus the interest earned thereon, including the reimbursed moneys and unexpended balances of the funds established by the Acts of July 1, 1946 (60 Stat. 348), August 4, 1955 (69 Stat. 460), and July 14, 1960 (74 Stat. 512), minus a proper share of the costs of roll preparation and such amounts as may be necessary to effect the distribution.

(b) Credit to judgment account

The Secretary of the Treasury is authorized and directed to credit to the judgment account referred to in subsection (a) of this section, for distribution as a part of such account, the sum of \$83,275, plus interest at 4 per centum per annum from December 4, 1944, which sum represents the value of sixty-six thousand six hundred and twenty acres of land erroneously used as an offset against said judgment.

(Pub. L. 90-507, § 3, Sept. 21, 1968, 82 Stat. 860; Pub. L. 91-64, Aug. 25, 1969, 83 Stat. 105.)

REFERENCES IN TEXT

The moneys appropriated in satisfaction of the judgment of the Court of Claims in the case of The Indians of California against United States (102 Court of Claims 837; 59 Stat. 94), referred to in subsec. (a), are the moneys appropriated by act Apr. 25, 1945, ch. 95, 59 Stat. 77, known as the First Deficiency Appropriations Act, 1945. That portion of the act which appropriated the moneys referred to was not classified to the Code.

The Court of Claims, referred to in text, and the 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.

Acts of July 1, 1946, August 4, 1955, and July 14, 1960, referred to in subsec. (a), are, respectively, act July 1, 1946, ch. 529, 60 Stat. 348, known as the Interior Department Appropriation Act, 1947, act Aug. 4, 1955, ch. 541, 69 Stat. 450, known as the Supplemental Appropriation Act, 1956, and act July 14, 1960, Pub. L. 86-651, 74 Stat. 509, known as the Supplemental Appropriation Act, 1961. Those portions of the acts which appropriated the funds referred to were not classified to the Code.

CODIFICATION

Section was not enacted as part of act May 18, 1928, ch. 624, 45 Stat. 602, which comprises this subchapter.

AMENDMENTS

1969—Pub. L. 91-64 designated existing provisions as subsec. (a) and added subsec. (b).

§ 662. Heirs of deceased enrollees; tax exemption

Each share distributable to an enrollee under sections 660 and 661 of this title shall be paid directly to the enrollee or, if he is deceased at the time of distribution, to his heirs or legatees unless the distributee is under twenty-one years of age or is otherwise under legal disability, in which case such disposition shall be made of the share as the Secretary determines will ade-