

the name of the United States in trust for the Southern Ute Indian Tribe.

(Pub. L. 92-312, § 2, June 14, 1972, 86 Stat. 216.)

**§ 670. Mortgage or deed of trust of lands sold; United States as party to all proceedings**

Any tribal lands that may be sold pursuant to section 668 of this title may, with the approval of the Secretary of the Interior, be encumbered by a mortgage or deed of trust, and shall be subject to foreclosure or sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of the State in which the land is located. The United States shall be an indispensable party to any such proceedings with the right of removal of the proceeding to the United States district court for the district in which the land is located, following the procedure in section 1446 of title 28, and the United States shall have the right to appeal from any order of remand in the proceeding.

(Pub. L. 92-312, § 3, June 14, 1972, 86 Stat. 216.)

SUBCHAPTER XXVII—UTE INDIANS OF UTAH

**§ 671. Use of funds of the Ute Indian Tribe of the Uintah and Ouray Reservation for expenditures and per capita payments; regulations applicable to loans; restriction on attorney fees**

Notwithstanding any other provision of existing law, the tribal funds now on deposit or hereafter deposited in the United States Treasury to the credit of the Ute Indian Tribe of the Uintah and Ouray Reservation may be expended or advanced for such purposes, including per capita payments, as may be designated by the Tribal Business Committee of said tribe and approved by the Secretary of the Interior: *Provided*, That the aggregate amount of the expenditures and advances authorized by this section exclusive of per capita payments from interest shall not exceed 33½ per centum of such tribal funds now on deposit: *Provided further*, That with the exception of a \$1,000 per capita payment which is authorized, no per capita payment shall be approved by the Secretary of the Interior from the principal of any judgment obtained under the Jurisdictional Act of June 28, 1938 (52 Stat. 1209), as amended, without further legislation: *Provided further*, That any funds advanced for loans by the tribe to individual Indians or associations of Indians shall be subject to regulations established for the making of loans from the revolving loan fund authorized by section 470 of this title: *Provided further*, That no part of the funds authorized to be expended or advanced by this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the preparation or prosecution of the suit or suits in the Court of Claims which resulted in any or all of the judgments handed down by said court on July 13, 1950, unless approved by the said court in the proceeding now pending before said court for the adjudication of attorneys' fees, or to any agent or attorney on account of any contract for services rendered or to be rendered in the preparation of any suit against the United States.

(Aug. 21, 1951, ch. 338, § 1, 65 Stat. 193; June 29, 1954, ch. 412, 68 Stat. 321.)

REFERENCES IN TEXT

The Jurisdictional Act of June 28, 1938, referred to in text, is act June 28, 1938, ch. 776, 52 Stat. 1209, which 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.

AMENDMENTS

1954—Act June 29, 1954, excepted from 33½ per centum limitation on expenditures and advances, per capita payments made from interest.

**§ 672. Division of trust funds; ratification of resolution; crediting of shares; release of United States from liability in certain cases**

The Secretary of the Interior is authorized and directed to divide the trust funds belonging to the Confederated Bands of Ute Indians and deposited in the United States Treasury pursuant to section 399 of this title, section 315j of title 43, and the Act of June 28, 1938 (52 Stat. 1211), as amended, including the interest thereon, by crediting 60 per centum to the Ute Indian Tribe of the Uintah and Ouray Reservation, consisting of the Uintah, Uncompahgre, and White River Utes, and 40 per centum to the Southern Utes, consisting of the Southern Utes of the Southern Ute Reservation and the Ute Mountain Tribe of the Ute Mountain Reservation. The resolution adopted June 1, 1950, by the members of the Uncompahgre, White River, and Uintah bands of Ute Indians compromising and settling all existing controversies between themselves as to ownership and distribution of any judgments which may be obtained against the United States and as to ownership of land within the Uintah and Ouray Reservation and income issuing therefrom by providing that the same shall become the tribal property of all the Indians of the Ute Indian Tribe of the Uintah and Ouray Reservation without regard to band derivation is ratified, approved and confirmed. The funds apportioned to the Southern Utes under this section shall be divided between the Southern Utes of the Southern Ute Reservation and the Ute Mountain Tribe of the Ute Mountain Reservation as agreed between said tribes. The shares of the respective groups shall be credited to the existing accounts established pursuant to sections 155 and 161a to 161d of this title. None of the funds involved herein shall be credited or distributed to the Ute Indian Tribe of the Uintah and Ouray Reservation, consisting of the Uintah, Uncompahgre, and White River Utes, until the Uncompahgre and White River Bands present to the Secretary of the Interior a release satisfactory to him, relieving the United States of any liability resulting from the inclusion of the Uintah Band in the disposition or use of said trust funds.

(Aug. 21, 1951, ch. 338, § 2, 65 Stat. 194.)

## REFERENCES IN TEXT

Act of June 28, 1938, referred to in text, is act June 28, 1938, ch. 776, 52 Stat. 1209, which was not classified to the Code.

**§ 673. Repealed. Pub. L. 97-375, title I, § 108(b), Dec. 21, 1982, 96 Stat. 1820**

Section, act Aug. 21, 1951, ch. 338, § 3, 65 Stat. 194, directed Secretary of the Interior to make a full and complete progress report to Congress of his activities and of expenditures authorized under section 671 of this title.

**§ 674. Use of funds of the Ute Mountain Tribe of the Ute Mountain Reservation for expenditure and per capita payments; taxation of lands and funds; regulations applicable to loans**

Notwithstanding any other provisions of existing laws, the tribal funds now on deposit or hereafter deposited in the United States Treasury to the credit of the Ute Mountain Tribe of the Ute Mountain Reservation, may be expended or advanced for such purposes and in a manner, including per capita payments, the purchase of land or any interests therein or improvements thereon and water rights, as may be designated by the Ute Mountain Tribal Council and approved by the Secretary of the Interior: *Provided*, That the purchase of taxable lands under this authority shall not operate to remove such lands from the tax rolls: *Provided further*, That neither the transfer to the tribe of tribal funds, nor the distribution thereof to individual members of the tribe, as provided herein, from those funds consisting of compensation for lands acquired by the United States Government, shall be subject to Federal tax: *And provided further*, That any funds advanced for loans by the tribe to individual Indians or associations of Indians shall be subject to regulations established for the making of loans from the revolving loan fund authorized by section 470 of this title.

(Aug. 12, 1953, ch. 406, § 1, 67 Stat. 540.)

**§ 675. Restriction on payment of funds for agents' or attorneys' fees**

No part of the funds authorized to be expended or advanced pursuant to section 674 of this title shall be paid or disbursed to or received by any agent or attorney on account of any contract for services rendered or to be rendered or expenses in the preparation of any suit against the United States.

(Aug. 12, 1953, ch. 406, § 2, 67 Stat. 540.)

**§ 676. Use of funds of Southern Ute Tribe of Southern Ute Reservation for expenditure and per capita payments; regulations applicable to loans**

Notwithstanding any other provisions of existing laws, the tribal funds now on deposit or hereafter deposited in the United States Treasury to the credit of the Southern Ute Tribe of the Southern Ute Reservation, may be expended or advanced for such purposes and in a manner, including per capita payments the purchase of land or any interests therein or improvements thereon and water rights, as may be designated

by the Southern Ute Tribal Council and approved by the Secretary of the Interior: *Provided*, That the purchase of taxable lands under this authority shall not operate to remove such lands from the tax rolls: *Provided further*, That neither the transfer to the tribe of tribal funds, nor the distribution thereof to individual members of the tribe, as provided herein, from those funds consisting of compensation for lands acquired by the United States Government, shall be subject to Federal tax: *Provided further*, That any funds advanced for loans by the tribe to individual Indians or associations of Indians shall be subject to regulations established for the making of loans from the revolving loan fund authorized by section 470 of this title: *And provided further*, That no part of the funds authorized to be expended or advanced by this section shall be paid or disbursed to or received by any agent or attorney on account of any contract for services rendered or to be rendered or expenses in the preparation of any suit against the United States.

(June 28, 1954, ch. 405, 68 Stat. 300.)

**§ 676a. Distribution of judgment fund**

The Secretary of the Interior is hereby authorized and directed to divide the trust fund belonging to the Confederated Bands of Ute Indians appropriated by the Second Supplemental Appropriations Act, 1965, and deposited in the United States Treasury pursuant to the final judgment entered in Indian Claims Commission docket numbered 327, including the interest thereon, by crediting 60 per centum to the Ute Indian Tribe of the Uintah and Ouray Reservation, and the Ute Distribution Corporation, to the Ute Mountain Tribe of the Ute Mountain Reservation,<sup>1</sup> 20 per centum to the Ute Mountain Tribe of the Ute Mountain Reservation, and 20 per centum for the Southern Ute Tribe of the Southern Ute Reservation. The portion of the trust fund, upon its division as herein directed, credited to the Ute Indian Tribe of the Uintah and Ouray Reservation, to the Ute Distribution Corporation, to the Ute Mountain Tribe of the Ute Mountain Reservation, and to the Southern Ute Tribe of the Southern Ute Reservation, shall be available for use in accordance with existing authorizations for use of funds of the tribes and the Ute Distribution Corporation, including the Act of August 21, 1951 (65 Stat. 193), as amended [25 U.S.C. 671-673], the Act of August 12, 1953 (67 Stat. 540) [25 U.S.C. 674, 675], the Act of June 28, 1954 (68 Stat. 300) [25 U.S.C. 676], and the Act of August 27, 1954 (68 Stat. 868), as amended [25 U.S.C. 677 et seq.]. Any part of such funds that may be distributed to the members of the tribe shall not be subject to Federal or State income taxes.

(Pub. L. 90-60, Aug. 1, 1967, 81 Stat. 164; Pub. L. 90-332, June 7, 1968, 82 Stat. 171.)

## REFERENCES IN TEXT

The Second Supplemental Appropriations Act, 1965, referred to in text, is Pub. L. 89-16, Apr. 30, 1965, 79 Stat. 81. The trust fund appropriated by the Second Supplemental Appropriations Act, 1965, was provided

<sup>1</sup> So in original.