

under section 1261 of this title shall be distributed per capita to all members of the Fort Belknap Community who were born on or prior to and are living on March 18, 1972, and (a) whose names appear on the February 5, 1937, payment roll of the Gros Ventre Tribe of the Fort Belknap Reservation, or (b) who are descended from a person whose name appears on said roll, if such member possesses a greater degree of Gros Ventre blood than Assiniboine blood. If such member possesses equal quantum of Gros Ventre and Assiniboine blood he may elect to participate in the per capita distribution authorized by this section, in which event he shall not be eligible to participate in any per capita distribution of an Assiniboine judgment. A share or interest payable to enrollees or their heirs or legatees who are less than eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interest of such persons.

(Pub. L. 92-254, § 2, Mar. 18, 1972, 86 Stat. 64.)

#### § 1263. Use of funds; authorization and approval

The balance of each tribe's share of the funds may be advanced, expended, invested, or reinvested for any purposes that are authorized by the respective tribal governing bodies and approved by the Secretary of the Interior.

(Pub. L. 92-254, § 3, Mar. 18, 1972, 86 Stat. 65.)

#### § 1264. Tax exemption; Social Security eligibility

None of the funds distributed per capita under the provisions of this subchapter shall be subject to Federal or State income taxes, and the per capita payments shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act [42 U.S.C. 301 et seq.]. The provision of this section regarding eligibility for assistance under the Social Security Act is enacted in recognition of unique circumstances applicable to the tribes involved, and shall not be regarded as a precedent or as a general policy for application to other tribes.

(Pub. L. 92-254, § 4, Mar. 18, 1972, 86 Stat. 65.)

##### REFERENCES IN TEXT

The Social Security Act, referred to in text, is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified principally to chapter 7 (§ 301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

#### § 1265. 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. 92-254, § 5, Mar. 18, 1972, 86 Stat. 65.)

#### SUBCHAPTER LXIX—JICARILLA APACHE TRIBE: DISTRIBUTION OF JUDGMENT FUND

#### § 1271. Disposition of judgment funds

The funds appropriated to pay a judgment to the Jicarilla Apache Tribe in Indian Claims

Commission docket numbered 22-A, together with the interest thereon, after payment of attorney fees and other 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. 92-295, § 1, May 16, 1972, 86 Stat. 139.)

##### 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.

#### § 1272. Protection of minors and persons under legal disability

Sums payable to enrollees or their heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

(Pub. L. 92-295, § 2, May 16, 1972, 86 Stat. 139.)

#### § 1273. Tax exemption

None of the funds distributed per capita under the provisions of this subchapter shall be subject to Federal or State income taxes.

(Pub. L. 92-295, § 3, May 16, 1972, 86 Stat. 139.)

#### § 1274. 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. 92-295, § 4, May 16, 1972, 86 Stat. 139.)

#### SUBCHAPTER LXX—HAVASUPAI TRIBE OF ARIZONA: DISTRIBUTION OF JUDGMENT FUND

#### § 1281. Disposition of funds

The funds appropriated by the Act of December 26, 1969 (83 Stat. 447), to pay a judgment to the Havasupai Tribe in Indian Claims Commission docket numbered 91, together with interest 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. 92-438, § 1, Sept. 29, 1972, 86 Stat. 741.)

##### REFERENCES IN TEXT

Act of December 26, 1969, referred to in text, is act Dec. 26, 1969, Pub. L. 91-166, 83 Stat. 447, known as the Supplemental Appropriation Act, 1970. 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.

#### § 1282. Tax exemption

None of the funds distributed per capita under the provisions of this subchapter shall be subject to Federal or State income taxes.

(Pub. L. 92-438, § 2, Sept. 29, 1972, 86 Stat. 741.)

**§ 1283. Payments to adults; trusts for minors and persons under legal disability**

Sums payable to adult living enrollees or to adult heirs or legatees of deceased enrollees shall be paid directly to such persons. Sums payable to enrollees or their heirs or legatees who are less than eighteen years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interests of such persons.

(Pub. L. 92-438, §3, Sept. 29, 1972, 86 Stat. 741.)

**§ 1284. Rules and regulations**

The Secretary of the Interior is authorized to prescribe rules and regulations to effect the provisions of this subchapter.

(Pub. L. 92-438, §4, Sept. 29, 1972, 86 Stat. 741.)

SUBCHAPTER LXXI—DELAWARE TRIBE AND ABSENTEE DELAWARE TRIBE OF WESTERN OKLAHOMA: DISTRIBUTION OF JUDGMENT FUND

**§ 1291. Disposition of funds**

The funds appropriated by the Act of December 26, 1969 (83 Stat. 447, 453), to pay a judgment in favor of the petitioners, the Delaware Tribe of Indians in docket 298, and the Absentee Delaware Tribe of Western Oklahoma, and others, in docket 72, together with any interest thereon, after payment of attorney fees, litigation expenses, and such expenses as may be necessary in effecting the provisions of this subchapter, shall be distributed as provided herein.

(Pub. L. 92-456, §1, Oct. 3, 1972, 86 Stat. 762.)

REFERENCES IN TEXT

Act of December 26, 1969, referred to in text, is act Dec. 26, 1969, Pub. L. 91-166, 83 Stat. 447, known as the Supplemental Appropriation Act, 1970. Chapter IX of the act, set out at 83 Stat. 453, appropriated the funds referred to and was not classified to the Code.

**§ 1292. Membership roll requirements**

The Secretary of the Interior shall prepare a roll of all persons who meet the following requirements:

- (a) they were born on or prior to and were living on October 3, 1972; and
- (b) they are citizens of the United States; and
- (c)(1) their name or the name of a lineal ancestor appears on the Delaware Indian per capita payroll approved by the Secretary on April 20, 1906, or
- (2) their name or the name of a lineal ancestor is on or is eligible to be on the constructed base census roll as of 1940 of the Absentee Delaware Tribe of Western Oklahoma, approved by the Secretary.

(Pub. L. 92-456, §2, Oct. 3, 1972, 86 Stat. 762.)

**§ 1293. Applications for enrollment; filing date and place; notice and appeal of rejections; review**

All applications for enrollment must be filed either with the Area Director of the Bureau of

Indian Affairs, Muskogee, Oklahoma, or with the Area Director of the Bureau of Indian Affairs, Anadarko, Oklahoma, on or before the last day of the fourth full month following October 3, 1972, and no application shall be accepted thereafter. The Secretary of the Interior shall give a rejection notice within sixty days after receipt of an application if the applicant is ineligible for enrollment. An appeal from a rejected application must be filed with the Area Director not later than thirty days from receipt of the notice of rejection. The Secretary shall make a final determination on each appeal not later than sixty days from the date it is filed. Each application and each appeal filed with the Area Director shall be reviewed by a committee composed of representatives of the two Oklahoma Delaware groups prior to submission of the application or appeal to the Secretary, and the committee shall advise the Area Director in writing of its judgment regarding the eligibility of the applicant.

(Pub. L. 92-456, §3, Oct. 3, 1972, 86 Stat. 762.)

**§ 1294. Apportionment, credit, and disposition of funds**

**(a) Authority of Secretary**

The Secretary of the Interior shall apportion to the Absentee Delaware Tribe of Western Oklahoma, as presently constituted, so much of the judgment fund and accrued interest as the ratio of the persons enrolled pursuant to section 1292(c)(2) of this title bears to the total number of persons enrolled pursuant to section 1292 of this title. The funds so apportioned to the Absentee Delaware Tribe of Western Oklahoma shall be placed to the credit of the tribe in the United States Treasury and shall be used in the following manner: 90 per centum of such funds shall be distributed in equal shares to each person enrolled pursuant to section 1292(c)(2) of this title, and 10 per centum shall remain to the credit of the tribe in the United States Treasury, and 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.

**(b) Manner of payment**

The funds not apportioned to the Absentee Delaware Tribe of Western Oklahoma shall be placed to the credit of the Delaware Tribe of Indians in the United States Treasury and shall be used in the following manner: 90 per centum of such funds shall be distributed in equal shares to each person enrolled pursuant to section 1292(c)(1) of this title, and 10 per centum shall remain to the credit of the tribe in the United States Treasury and may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body: *Provided*, That the Secretary of the Interior shall not approve the use of the funds remaining to the credit of the tribe until the tribe has organized a legal entity which in the judgment of the Secretary adequately protects the interests of its members.

(Pub. L. 92-456, §4, Oct. 3, 1972, 86 Stat. 762.)