

and Modoc Tribes and the Yahooskin Band of Snakes and all other Indians having rights on the Klamath Indian Reservation in the State of Oregon.

(June 1, 1938, ch. 310, § 1, 52 Stat. 605.)

§ 552. Payments in lieu of allotments

Each enrolled member of the Klamath Tribe living on June 1, 1938, who has not received an allotment of land shall be paid the sum of \$1,500 from unobligated Klamath tribal funds on deposit in the Treasury of the United States, under such rules and regulations as the Secretary of the Interior shall prescribe, in installments of not to exceed \$300 per annum: *Provided*, That no member of the Klamath Tribe who shall not be enrolled within one year from June 1, 1938, shall receive a payment in lieu of allotment. No member of the Klamath Tribe born after June 1, 1938, shall be entitled to receive any allotment of land or money payment in lieu thereof.

(June 1, 1938, ch. 310, § 2, 52 Stat. 605.)

§ 553. Deposit and expenditure of payments

The payments herein authorized shall be deposited to the credit of the individual Indian money accounts of such Indians subject to expenditure by such Indians, under such rules and regulations as the Secretary of the Interior may prescribe for (1) industrial and agricultural assistance, and the construction and improvement of homes, including the purchase of land and interests in land, building material, farming equipment, industrial equipment, trucks, livestock, feed, food, seed, tools, machinery, implements, household goods, bedding, clothing, and any other equipment or supplies necessary to enable the Indians to fit themselves for or to engage in the farming, livestock industry, or such other industrial or agricultural pursuits or avocations as will enable them to become self-supporting; (2) the educational advancement of such Indians; (3) financial assistance in cases of illness, death, or other emergency; (4) the repayment of reimbursable debts previously contracted; or (5) security for or the repayment of loans made to such Indians from any Klamath revolving loan fund now existent or which shall hereafter be created.

(June 1, 1938, ch. 310, § 3, 52 Stat. 605.)

REFERENCES IN TEXT

Herein, referred to in text, means act June 1, 1938, which comprises this subchapter. For complete classification of this Act to the Code, see Tables.

§ 554. Disposition of payment on death of Indian

In the event of the death of any such Indian entitled to receive a payment in lieu of allotment after June 1, 1938, any unexpended balance of said \$1,500 still due the decedent shall first be applied to the repayment of any loans received by such Indian from the United States or from the Klamath Tribal funds, and the balance thereafter shall be distributed as personal property.

(June 1, 1938, ch. 310, § 4, 52 Stat. 606.)

§ 555. Repealed. Aug. 13, 1954, ch. 732, § 9(c), 68 Stat. 721

Section, act June 1, 1938, ch. 310, § 5, 52 Stat. 606, related to devise of restricted or trust property and is now covered by section 564h of this title.

§ 556. Reversion of interest in property on death without heirs or devisees

If any enrolled member of the Klamath Tribe dies without lawful heirs or devisees,¹ all interest which such member has in any restricted or trust property within the Klamath Reservation shall revert to and become part of the common tribal property.

(June 1, 1938, ch. 310, § 6, 52 Stat. 606.)

SUBCHAPTER XII—KLAMATH TRIBE: FEES AND CHARGES

§§ 561, 562. Omitted

CODIFICATION

Sections, which related to fees for general services and medical services, were from the Interior Department Appropriation Act, 1946, July 3, 1945, ch. 262, § 1, 59 Stat. 334, and were not repeated in the Interior Department Appropriation Act of 1947, July 1, 1946, ch. 529, 60 Stat. 348.

§ 563. Salaries and expenses for Klamath Tribe Officials

The Secretary of the Interior, or such official as may be designated by him, is authorized, until otherwise directed by Congress, to advance to the tribe or to pay out of any unobligated tribal funds of the Klamath Indians in the Treasury of the United States salaries and expenses of tribal officials or representatives (except the Klamath Loan Fund Board) at rates and/or limitations designated in advance by the Klamath General Council, or any governing body to which it may delegate such authority, and approved by the Secretary of the Interior: *Provided*, That the length of stay of representatives serving the tribe at the seat of government shall be determined by the Secretary of the Interior.

(May 29, 1953, ch. 86, § 1, 67 Stat. 40.)

PRIOR PROVISIONS

A prior section 563, acts June 25, 1938, ch. 710, 52 Stat. 1207; Aug. 7, 1939, ch. 519, 53 Stat. 1244; May 15, 1945, ch. 123, 59 Stat. 167, provided for payment of salaries and expenses of Klamath Tribe officials out of tribal funds but limited the amount of such expenditures to \$15,000 per annum, prior to repeal by act May 29, 1953, § 2, 67 Stat. 40.

SUBCHAPTER XIII—KLAMATH TRIBE: TERMINATION OF FEDERAL SUPERVISION

§ 564. Purpose

The purpose of this subchapter is to provide for the termination of Federal supervision over the trust and restricted property of the Klamath Tribe of Indians consisting of the Klamath and Modoc Tribes and the Yahooskin Band of Snake Indians, and of the individual members thereof, for the disposition of federally owned property

¹ So in original. Probably should be "devisees."

acquired or withdrawn for the administration of the affairs of said Indians, and for a termination of Federal services furnished such Indians because of their status as Indians.

(Aug. 13, 1954, ch. 732, §1, 68 Stat. 718.)

REVOLVING FUND: INTEREST-FREE LOANS TO KLAMATH INDIANS; REFINANCING LENDING AGENCY LOANS

Pub. L. 86-40, June 11, 1959, 73 Stat. 70, provided: "That the Secretary of the Interior is authorized to make loans, without interest, from the revolving fund authorized by the Acts of June 18, 1934 (48 Stat. 986; 25 U.S.C. 470), and June 26, 1936 (49 Stat. 1968; 25 U.S.C. 506), as amended and supplemented, to members of the Klamath Tribe of Indians who elected to withdraw from the tribe pursuant to the Act of August 13, 1954 (68 Stat. 718; 25 U.S.C. 564), as amended, regardless of the degree of Indian blood of the borrower, and to collect such loans by setoff against funds payable to the borrower pursuant to said Act of August 13, 1954, as amended [this subchapter]. The Secretary is also authorized to refinance from such revolving fund any loan made by a lending agency to a withdrawing Klamath Indian that is secured by encumbrance of his beneficial interest in tribal property with the approval of the Secretary as required by section 4 of said 1954 Act [section 564c of this title], and to include therein a nonreimbursable grant equal to the interest charges incurred by the borrower prior to such refinancing. In the event adequate funds are not available from the revolving fund to refinance a loan by such lending agency, the Secretary is authorized to pay from the revolving fund, without reimbursement, the interest charged on such loan."

INDIAN REVOLVING LOAN FUND

Certain funds to be administered as a single Indian Revolving Loan Fund after Apr. 12, 1974, see section 1461 of this title.

REPEALS; RECOUPMENT OF FUNDS EXPENDED FOR KLAMATH COUNTY SCHOOL BOARD

Section 24 of act Aug. 13, 1954, as amended by Pub. L. 85-72, June 29, 1957, 71 Stat. 243, provided that: "All Acts or parts of Acts inconsistent with this Act [this subchapter] are hereby repealed insofar as they affect the tribe or its members. Effective on July 1, 1957, section 2 of the Act of August 19, 1949 (63 Stat. 621, ch. 488) shall become inapplicable to the unrecouped balance of funds expended in cooperation with the school board of Klamath County, Oregon, pursuant to said Act."

SEPARABILITY

Section 25 of act Aug. 13, 1954, provided that: "If any provision of this Act [this subchapter], or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby."

§ 564a. Definitions

For the purposes of this subchapter:

(a) "Tribe" means the Klamath Tribe of Indians consisting of the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians.

(b) "Secretary" means the Secretary of the Interior.

(c) "Lands" means real property, interests therein, or improvements thereon, and include water rights.

(d) "Tribal property" means any real or personal property, including water rights, or any interest in real or personal property, that belongs to the tribe and either is held by the United States in trust for the tribe or is subject to a restriction against alienation imposed by the United States.

(e) "Adult" means a person who is an adult according to the law of the place of his residence. (Aug. 13, 1954, ch. 732, §2, 68 Stat. 718; Pub. L. 85-132, §1(f), Aug. 14, 1957, 71 Stat. 348.)

AMENDMENTS

1957—Subsec. (e). Pub. L. 85-132 substituted provision defining adult as a person who is an adult according to the law of the place of his residence, for provision defining adult as a member of the tribe who has attained the age of twenty-one years.

§ 564b. Membership roll; closure; preparation and initial publication; appeal from inclusion or omission from roll; finality of determination; final publication

At midnight of August 13, 1954, the roll of the tribe shall be closed and no child born thereafter shall be eligible for enrollment: *Provided*, That the tribe shall have a period of six months from August 13, 1954, in which to prepare and submit to the Secretary a proposed roll of the members of the tribe living on August 13, 1954, which shall be published in the Federal Register. If the tribe fails to submit such roll within the time specified in this section, the Secretary shall prepare a proposed roll for the tribe, which shall be published in the Federal Register. Any person claiming membership rights in the tribe or an interest in its assets, or a representative of the Secretary on behalf of any such person, may, within ninety days from the date of publication of the proposed roll, file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such roll. The Secretary shall review such appeals and his decisions thereon shall be final and conclusive. After disposition of all such appeals, the roll of the tribe shall be published in the Federal Register, and such roll shall be final for the purposes of this subchapter.

(Aug. 13, 1954, ch. 732, §3, 68 Stat. 718.)

§ 564c. Personal property rights; restrictions; tax exemption

Upon publication in the Federal Register of the final roll as provided in section 564b of this title, the rights or beneficial interests in tribal property of each person whose name appears on the roll shall constitute personal property which may be inherited or bequeathed, but shall not otherwise be subject to alienation or encumbrance before the transfer of title to such tribal property as provided in section 564e of this title without the approval of the Secretary. Any contract made in violation of this section shall be null and void. Property which this section makes subject to inheritance or bequest and which is inherited or bequeathed after August 13, 1954, and prior to the transfer of title to tribal property as provided in section 564e of this title shall not be subject to State or Federal inheritance, estate, legacy, or succession taxes.

(Aug. 13, 1954, ch. 732, §4, 68 Stat. 718; Pub. L. 85-731, §2, Aug. 23, 1958, 72 Stat. 818.)

AMENDMENTS

1958—Pub. L. 85-731 inserted provision that property which is inherited or bequeathed after Aug. 13, 1954, and prior to transfer of title to tribal property should not be subject to taxes.