CODIFICATION

Section was not enacted as part of act Aug. 9, 1946, ch. 933, 60 Stat. 968, which comprises this subchapter.

§ 609a. Tax exemption

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

(Pub. L. 90–278, § 2, Mar. 30, 1968, 82 Stat. 69.)

CODIFICATION

Section was not enacted as part of act Aug. 9, 1946, ch. 933, 60 Stat. 968, which comprises this subchapter.

§ 609b. Disposition of judgment fund; deductions; advances, expenditures, investments, or reinvestments for authorized purposes

The funds appropriated by the Act of October 31, 1965 (79 Stat. 1133, 1152), to pay judgments to the Yakima Tribes of the Yakima Reservation in Indian Claims Commission docket numbered 47–A and 162, and by the Act of July 22, 1969 (83 Stat. 49), in consolidated dockets 47 and 164, together with interests 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. 91–413, § 1, Sept. 25, 1970, 84 Stat. 865.)

REFERENCES IN TEXT

Act of October 31, 1965, referred to in text, is Pub. L. 89–309, Oct. 31, 1965, 79 Stat. 1133, 1152. 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.

Act of July 22, 1969, referred to in text, is Pub. L. 91–47, July 22, 1969, 83 Stat. 49. That portion of the act which appropriated the funds referred to was not classified to the Code.

CODIFICATION

Section was not enacted as part of act Aug. 9, 1946, ch. 933, 60 Stat. 968, which comprises this subchapter.

§ 609b–1. Tax exemption; trusts and other procedures for protection of minors and persons under legal disability

Any part of such funds that may be distributed per capita under the provisions of section 609b of this title and this section shall not be subject to Federal or State income tax; and any per capita share payable to a person under twenty-one years of age or to a person under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will adequately protect the best interest of such persons.

(Pub. L. 91–413, § 2, Sept. 25, 1970, 84 Stat. 865.)

CODIFICATION

Section was not enacted as part of act Aug. 9, 1946, ch. 933, 60 Stat. 968, which comprises this subchapter.

§ 609c. Disbursement of minor's share of judgment funds

(a) Definitions

For purposes of this section and section 609c–1 of this title, the term—

(1) ''tribe'' means the Confederated Tribes and Bands of the Yakama Indian Nation or the Apache Tribe of the Mescalero Reservation;

(2) ''tribal governing body'' means the governing body of a tribe or a committee of the members of such body designated by such body for purposes of this section and section 609c–1 of this title;

(3) ''Secretary'' means the Secretary of the Interior acting through (unless otherwise determined by the Secretary) the Superintendent of the Bureau of Indian Affairs Agency serving the tribe involved;

(4) ''minor'' means a member of a tribe, or descendant of a member of a tribe, who has not attained the age of eighteen years and who has a minor's share;

(5) ''minor's share'' means the per capita share of a judgment award, and the investment income accruing thereto, which is held in trust by the Secretary for a minor; and

(6) ''parent'' means the biological or adoptive parent or parents, or other legal guardian, of a minor.

(b) Disbursement to parent of minor

Notwithstanding any provision of the Act of October 19, 1973 (87 Stat. 466) [25 U.S.C. 1401 et seq.], the Act of March 12, 1968 (82 Stat. 47), or any other law, or any regulation or plan promulgated pursuant thereto, the minor's share of judgment funds heretofore or hereafter awarded by the Indian Claims Commission or the United States Court of Claims to a tribe may be disbursed to a parent of such minor pursuant to this section and section 609c–1 of this title.

(c) Disbursements under plan for best interest of minor

The minor's share of judgment funds may be disbursed in such amounts deemed necessary by such parent for the best interest of the minor for the minor's health, education, welfare, and emergencies under a plan governing such funds for each minor (or a plan governing funds of all minors in a family) approved by the Secretary and the tribal governing body of the minor's tribe.

(d) Monthly reports

The Secretary shall provide a monthly report to each tribal governing body which has approved one or more plans pursuant to subsection (c) of this section. Each such report shall include the amount and purpose of every disbursement made during each month under such plans.

(Pub. L. 95–433, § 1, Oct. 10, 1978, 92 Stat. 1047; Pub. L. 103–435, § 17(b), Nov. 2, 1994, 108 Stat. 4573.)

REFERENCES IN TEXT

Act of October 19, 1973, referred to in subsec. (b), is Pub. L. 93–134, Oct. 19, 1973, 87 Stat. 466, as amended, known as the Indian Tribal Judgment Funds Use or Distribution Act, which is classified generally to chapter 16 (§ 1401 et seq.) of this title. For complete classi-

fication of this Act to the Code, see section 1401(c) of this title and Tables.

Act of March 12, 1968, referred to in subsec. (b), is Pub. L. 90–266, which authorized the consolidation and use of funds in favor of the Apache Tribe of the Mescalero Reservation, and was not classified to the Code.

The Indian Claims Commission, referred to in subsec. (b), terminated Sept. 30, 1978. See Codification note set out under former section 70 et seq. of this title.

The United States Court of Claims, referred to in subsec. (b), and the United States 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

1994—Subsec. (a)(1). Pub. L. 103–435 substituted ''Confederated Tribes and Bands of the Yakama Indian Nation'' for ''Confederated Tribes and Bands of the Yakima Indian Nation''.

§ 609c–1. Tax exemption; eligibility for Federal assistance without regard to payments

Any part of any of the judgment funds referred to in section 609c of this title that may be distributed per capita to, or held in trust for the benefit of, the members of a tribe, including minor's shares, shall not be subject to Federal or State income tax, and the per capita payment 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.], or any other Federal or federally assisted program.

(Pub. L. 95–433, § 2, Oct. 10, 1978, 92 Stat. 1047.)

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 generally 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.

SUBCHAPTER XVIII—SWINOMISH TRIBE

§ 610. Purchase of lands within, adjacent to, or in close proximity to boundaries of Swinomish Indian Reservation

The Secretary of the Interior is authorized to purchase with funds made available by the Swinomish Indian Tribal Community any land or interest in land within, adjacent to, or in close proximity to the boundaries of the Swinomish Indian Reservation.

(Pub. L. 90–534, § 1, Sept. 28, 1968, 82 Stat. 884.)

§ 610a. Sale or exchange of lands; money equalization payments

Any land or interest in land now owned or hereafter acquired by or in trust for the Swinomish Indian Tribal Community may be sold or exchanged for other land or interest in land within, adjacent to, or in close proximity to the boundaries of the Swinomish Indian Reservation, and the land values involved in an exchange must be equal or be equalized by the payment of money.

(Pub. L. 90–534, § 2, Sept. 28, 1968, 82 Stat. 884.)

§ 610b. Title to lands; tax exemption; prohibition of restrictions

Title to any land acquired pursuant to this subchapter shall be taken in the name of the United States in trust for the Swinomish Indian Tribal Community and shall be nontaxable if the land is within the boundaries of the Swinomish Indian Reservation, and title shall be taken in the name of the Community subject to no restrictions on alienation, taxation, management, or use if the land is outside such boundaries.

(Pub. L. 90–534, § 3, Sept. 28, 1968, 82 Stat. 884.)

§ 610c. Mortgages or deeds in trust; law governing mortgage foreclosure or sale; United States as party; removal of cases: appeals

The Swinomish Indian Tribal Community may, with the approval of the Secretary of the Interior, execute mortgages or deeds of trust to land the title to which is held by the community, or by the United States in trust for the community. Such land 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 of Washington. The United States shall be an indispensable party to, and may be joined in, any such proceeding involving trust land with the right to remove the action to the United States district court for the district in which the land is situated, according to the procedure in section 1446 of title 28, and the United States shall have the right to appeal from any order of remand entered in such action.

(Pub. L. 90–534, § 4, Sept. 28, 1968, 82 Stat. 884.)

§ 610d. Moneys or credits for tribal purposes

Any moneys or credits received or credited to the Swinomish Indian Tribal Community from the sale, exchange, mortgage, or granting of any security interest in any tribal land may be used for tribal purposes.

(Pub. L. 90–534, § 5, Sept. 28, 1968, 82 Stat. 884.)

§ 610e. Assignment of income

The Swinomish Indian Tribal Community may assign any income due it, subject to approval of the Secretary of the Interior. Such approval may be given in general terms or may be limited to specified assignments.

(Pub. L. 90–534, § 7, Sept. 28, 1968, 82 Stat. 884.)

SUBCHAPTER XIX—SHOSHONE AND ARAPAHO TRIBES OF WYOMING

§ 611. Division of trust fund on deposit in United States Treasury to joint credit of both tribes

The Secretary of the Interior is authorized and directed to divide the trust funds on deposit in the Treasury of the United States to the joint credit of the Shoshone and Arapaho Tribes of the Wind River Reservation, Wyoming, including the unexpended balance of the treaty funds arising under section 12 of the Act of June 7, 1897 (30 Stat. 93), between the Shoshone Tribe and