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.

§ 565a. Distribution to persons on final roll; payment of shares due living adults, deceased enrollees, adults under legal disabilities, persons in need of assistance, and minors

(a) A distribution shall be made of the funds resulting from docket numbered 100, including interest, after deducting litigation expenses and estimated costs of distribution to all persons whose names appear on the final roll of the Klamath Tribe, which roll was closed and made final as of August 13, 1954 (68 Stat. 718). Except as provided in subsections (b), (c), (d), and (e) of this section, a share or portion of a share payable to a living adult shall be paid directly to such adult; (b) a share payable to a deceased enrollee shall be paid to his heirs or legatees upon the filing of proof of death and inheritance satisfactory to the Secretary of the Interior, whose findings and determinations upon such proof shall be final and conclusive: *Provided*, That amounts payable to deceased heirs amounting to $5 or less shall not be paid, and such amounts shall remain in the United States Treasury to the credit of the Klamath Tribe; (c) a share payable to an adult under legal disability shall be paid to his legal representative; (d) a share payable to a person previously found to be in need of assistance under the provisions of section 564n of this title, may be paid directly to the individual or, if the Secretary deems it in the best interest of the individual, it may be added to the trust now in force on behalf of the said individual, with concurrence of the trustee; and (e) a share or portion of a share payable to a person under age of majority as determined by the laws of the State of residence shall be paid to a parent, legal guardian, or trustee of such minor.

(Pub. L. 89–224, § 2, Oct. 1, 1965, 79 Stat. 897.)

REFERENCES IN TEXT

August 13, 1954, referred to in text, is a reference to section 3 of act Aug. 13, 1954, ch. 732, 68 Stat. 718, which is classified to section 564b of this title.

§ 565b. Time of payment; claims for shares of deceased enrollees

Within sixty days of October 1, 1965, the Secretary of the Interior shall commence to pay the share due to each living person whose name appears on the final roll of August 13, 1954. As to members who have died since promulgation of the final roll of August 13, 1954, the Secretary shall mail a notice of distribution of funds and a form for presentation of a claim thereunder to all known heirs or legatees of such deceased enrollees. All such claims shall be filed with the area director of the Bureau of Indian Affairs, Portland, Oregon, within two years following October 1, 1965. From and after that date, all claims and the right to file claims for any distribution from the judgment in docket numbered 100 shall be forever barred.

(Pub. L. 89–224, § 3, Oct. 1, 1965, 79 Stat. 897.)

§ 565c. Disposition of funds remaining after distribution

Funds remaining in the United States Treasury to the credit of the said Klamath Tribe, or any of its constituent parts or groups, after the distribution of funds resulting from Indian Claims Commission docket numbered 100 as provided by sections 565a and 565b of this title, together with any other funds which may be deposited in the United States Treasury, including without limitation funds accruing from other judgments against the United States ([1]after payment of expenses, including attorney fees, payments for rights-of-way, trespass damages, or other revenues, together with any interest accrued thereon, shall, after deduction of the estimated cost of distribution, be distributed from time to time as determined by the Secretary to the members of the Klamath Tribe or to the members of any of its constituent parts or groups in the same manner as provided in sections 565a and 565b of this title.

(Pub. L. 89–224, § 4, Oct. 1, 1965, 79 Stat. 897.)

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.

§ 565d. Disposition of funds insufficient to justify further distribution

After all claims of the Klamath Tribe or any of its constituent parts or groups against the United States have been finally determined, appropriated, and distributed, as provided in sections 565a, 565b, and 565c of this title; and after all litigation expenses (including attorney fees) and costs of distributions have been paid, any funds remaining in the United States Treasury to the credit of the Klamath Tribe or any of its constituent parts or groups which, in the discretion of the Secretary of the Interior are insufficient to justify a further distribution, shall be deposited in the miscellaneous receipts of the Treasury of the United States.

(Pub. L. 89–224, § 5, Oct. 1, 1965, 79 Stat. 898.)

§ 565e. Costs

The costs of distribution may be paid out of the deductions authorized by sections 565a and 565c of this title. Any unused portion of such amounts shall remain in the United States Treasury to the credit of the Klamath Tribe.

(Pub. L. 89–224, § 6, Oct. 1, 1965, 79 Stat. 898.)

§ 565f. Taxes

None of the funds distributed pursuant to this subchapter shall be subject to Federal or State income tax.

(Pub. L. 89–224, § 7, Oct 1, 1965, 79 Stat. 898.)

§ 565g. Rules and regulations

The Secretary is authorized to prescribe rules and regulations to carry out the provisions of this subchapter.

(Pub. L. 89–224, § 8, Oct. 1, 1965, 79 Stat. 898.)

[1] So in original. No closing parenthesis was enacted.

SUBCHAPTER XIV–A—KLAMATH TRIBE: RESTORATION OF FEDERAL SUPERVISION

§ 566. Restoration of Federal recognition, rights, and privileges

(a) Federal recognition

Notwithstanding any provision of law, Federal recognition is hereby extended to the tribe and to members of the tribe. Except as otherwise provided in this subchapter, all laws and regulations of the United States of general application to Indians or nations, tribes, or bands of Indians which are not inconsistent with any specific provision of this subchapter shall be applicable to the tribe and its members.

(b) Restoration of rights and privileges

All rights and privileges of the tribe and the members of the tribe under any Federal treaty, Executive order, agreement, or statute, or any other Federal authority, which may have been diminished or lost under the Act entitled ''An Act to provide for the termination of Federal supervision over the property of the Klamath Tribe of Indians located in the State of Oregon and the individual members thereof, and for other purposes'', approved August 13, 1954 (25 U.S.C. 564 et seq.), are restored, and the provisions of such Act, to the extent that they are inconsistent with this subchapter, shall be inapplicable to the tribe and to members of the tribe after August 27, 1986.

(c) Federal services and benefits

Notwithstanding any other provision of law, the tribe and its members shall be eligible, on and after August 27, 1986, for all Federal services and benefits furnished to federally recognized Indian tribes or their members without regard to the existence of a reservation for the tribe. In the case of Federal services available to members of federally recognized Indian tribes residing on or near a reservation, members of the tribe residing in Klamath County shall be deemed to be residing in or near a reservation. Any member residing in Klamath County shall continue to be eligible to receive any such Federal service notwithstanding the establishment of a reservation for the tribe in the future. Notwithstanding any other provision of law, the tribe shall be considered an Indian tribe for the purpose of the ''Indian Tribal Government Tax Status Act'' (Sec. 7871, I.R.C. 1986).

(d) Certain rights not altered

Nothing in this subchapter shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes already levied.

(e) Modoc Indian Tribe of Oklahoma

This subchapter does not apply to the members of the Modoc Indian Tribe of Oklahoma as recognized under section 861a(a) of this title and the Klamath Tribe of Indians does not (except for the purposes set out in section 861a(a)(1) of this title) include the members of the Modoc Indian Tribe of Oklahoma.

(Pub. L. 99–398, § 2, Aug. 27, 1986, 100 Stat. 849; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

REFERENCES IN TEXT

Act approved August 13, 1954, referred to in subsec. (b), is act Aug. 13, 1954, ch. 732, 68 Stat. 718, as amended, which is classified generally to subchapter XIII (§ 564 et seq.) of this chapter. For complete classification of this Act to the Code, see Tables.

The Indian Tribal Government Tax Status Act (Sec. 7871, I.R.C. 1986), referred to in subsec. (c), probably means the Indian Tribal Governmental Tax Status Act of 1982, which is title II of Pub. L. 97–473, Jan. 14, 1983, 96 Stat. 2607, as amended, and is classified principally to subchapter C (§ 7871) of chapter 80 of Title 26, Internal Revenue Code. For complete classification of this Act to the Code, see Short Title of 1983 Amendments note set out under section 1 of Title 26 and Tables.

AMENDMENTS

1986—Subsec. (c). Pub. L. 99–514 substituted ''I.R.C. 1986'' meaning Internal Revenue Code of 1986 for ''I.R.C. 1954'' meaning Internal Revenue Code of 1954.

SHORT TITLE

Section 1 of Pub. L. 99–398 provided that: ''This Act [enacting this subchapter] may be cited as the 'Klamath Indian Tribe Restoration Act'.''

§ 566a. Tribe Constitution and Bylaws

The tribe's Constitution and Bylaws shall remain in full force and effect and nothing in this subchapter shall affect the power of the General Council to take any action under the Constitution and Bylaws.

(Pub. L. 99–398, § 3, Aug. 27, 1986, 100 Stat. 850.)

§ 566b. Conservation and development of lands

(a) In general

Notwithstanding the tribe's previous rejection of the Act of June 18, 1934 (25 U.S.C. 461 et seq.), upon written request of the General Council, the Secretary of the Interior shall conduct a special election pursuant to section 18 of such Act [25 U.S.C. 478] to determine if such Act should be applicable to the tribe.

(b) Adoption of constitution

Upon written request of the General Council, the Secretary shall conduct an election pursuant to section 16 of the Act approved on June 18, 1934 (43 Stat. 987; 25 U.S.C. 476), for the purpose of adopting a new constitution for the tribe.

(Pub. L. 99–398, § 4, Aug. 27, 1986, 100 Stat. 850.)

REFERENCES IN TEXT

Act of June 18, 1934, referred to in text, popularly known as the Indian Reorganization Act, is classified generally to subchapter V (§ 461 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

§ 566c. Hunting, fishing, trapping, and water rights

Nothing in this subchapter shall affect in any manner any hunting, fishing, trapping, gathering, or water right of the tribe and its members.

(Pub. L. 99–398, § 5, Aug. 27, 1986, 100 Stat. 850.)

§ 566d. Transfer of land to be held in trust

The Secretary shall accept real property for the benefit of the tribe if conveyed or otherwise transferred to the Secretary. Such property shall be subject to all valid existing rights including liens, outstanding taxes (local and State), and mortgages. Subject to the conditions