AMENDMENTS

1954—Act June 8, 1954, inserted sentence providing for presumption of death, for purposes of cl. (d), after failure to locate, and extended to June 30, 1955, time for approving and promulgating revised roll.

1950—Act May 24, 1950, permitted revision of roll to include certain classes of Indians not previously eligible for inclusion.

1948—Act June 30, 1948, amended section generally to permit Secretary of the Interior to revise roll of Indians.

1930—Act Apr. 29, 1930, increased time within which an Indian could make application to be enrolled, and increased time within which Secretary of the Interior could alter and revise roll.

APPROPRIATIONS

Section 2 of act June 30, 1948, authorized $25,000 for the Secretary of the Interior to be used to defray the expense incurred in revising the roll as provided for in this section.

§ 658. Distribution of $150 from fund to each enrolled Indian

Notwithstanding the provisions of section 656 of this title, the Secretary of the Interior, under such regulations as he may prescribe, is authorized and directed to distribute per capita the sum of $150 to each Indian of California living on May 24, 1950, who is now or may hereafter be enrolled under sections 651 and 657 of this title. The Secretary of the Interior may, in his discretion, make such distribution from time to time to persons on the roll of the Indians of California approved on May 16, 1933, as he identifies such enrollees, before the completion of the revised roll provided for in section 657 of this title. The Secretary of the Interior is authorized to withdraw from the fund on deposit in the Treasury of the United States arising from the judgment in favor of the Indians of California entered by the Court of Claims on December 4, 1944, and appropriated for them by section 203 of the Act of April 25, 1945 (59 Stat. 77), such sums as may be necessary to make the per capita payments required by this section, including not to exceed $15,000 for the purpose of defraying the expenses incident to carrying out the provisions of sections 657 and 658 of this title. Such payments shall be made out of the accumulated interest on such judgment fund and so much of the principal thereof as is necessary to complete the payments. The money paid to enrollees pursuant to this section shall not be subject to any lien or claim of any nature against any such persons, except for debts owing to the United States.

(May 24, 1950, ch. 196, § 2, 64 Stat. 190.)

REFERENCES IN TEXT

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.

Section 203 of the Act of April 25, 1945, referred to in text, is section 203 of act Apr. 25, 1945, ch. 95, title II, 59 Stat. 94, which was not classified to the Code.

CODIFICATION

Section was not enacted as part of act May 18, 1928, ch. 624, 45 Stat. 602, which comprises this subchapter.

§ 659. Distribution of judgment fund

(a) Preparation of Indian roll

The Secretary of the Interior shall prepare a roll of persons of Indian blood who apply for inclusion thereon and (i) whose names or the name of a lineal or collateral relative appears on any of the approved rolls heretofore prepared pursuant to this subchapter and the amendments thereto or (ii) who can establish, to the satisfaction of the Secretary, lineal or collateral relationship to an Indian who resided in California on June 1, 1852, and (iii) who were born on or before and were living on September 21, 1968.

(b) Contents

The roll so prepared shall indicate, as nearly as possible, the group or groups of Indians of California with which the ancestors of each enrollee were affiliated on June 1, 1852. If the affiliation of an enrollee's ancestors on that date is unknown, it shall be presumed to be the same as that of the ancestors' relatives whose affiliation is known unless there is sound reason to believe otherwise. Applicants whose ancestry is derived partly from one of the groups named in section 660(b) of this title and partly from another group of Indians in California shall elect the affiliation to be shown for them on the roll.

(c) Application for enrollment

Application for enrollment shall be filed with the Area Director of the Bureau of Indian Affairs, Sacramento, California, on forms prescribed for that purpose.

(Pub. L. 90–507, § 1, Sept. 21, 1968, 82 Stat. 860.)

CODIFICATION

Section was not enacted as part of act May 18, 1928, ch. 624, 45 Stat. 602, which comprises this subchapter.

§ 660. Equal share distribution of 1964 appropriation

(a) Persons covered; amounts

The Secretary shall distribute to each person whose name appears on the roll prepared pursuant to section 659 of this title, except those whose ancestry is derived from one or more of the groups named in subsection (b) of this section, an equal share of the moneys which were appropriated by the Act of October 7, 1964 (78 Stat. 1033), in satisfaction of the judgment of the Indian Claims Commission in consolidated dockets numbered 31, 37, 80, 80–D, and 347, plus the interest earned thereon, minus attorneys fees, litigation expenses (including the reimbursement of funds expended under authority of the Acts of July 1, 1946 (60 Stat. 348), August 4, 1955 (69 Stat. 460), and July 14, 1960 (74 Stat. 512)), a proper share of the costs of roll preparation, and such amounts as may be required to effect the distribution.

(b) Persons excepted

Persons whose ancestry is derived solely from one or more of the following groups and persons of mixed ancestry who elected to share, other