

the Creek Nation to complete allotment equalization payments to persons with claims thereto that were filed and adjudicated in accordance with the provisions of section 18 in the Act of June 30, 1919 (41 Stat. 3, 24.)

**(b) Per capita payments to enrollees, heirs, or legatees**

The Secretary of the Interior is authorized to distribute per capita to the members of the Creek Nation whose names appear on the final rolls approved under the Act of April 26, 1906 (34 Stat. 137), or to their heirs or legatees, any funds heretofore or hereafter deposited in the Treasury of the United States to the credit of the Creek Nation that are not used for the purposes of subsection (a) of this section and that are not needed, in the judgment of the Secretary, for other tribal purposes except the proceeds of any final judgment entered in Docket No. 21, pending before the Indian Claims Commission, in which the Creek Nation (Oklahoma) is plaintiff, and McGhee et al., on behalf of the Creek Nation East of the Mississippi are intervenors, and the United States is defendant.

**(c) Judgment payments**

The Secretary of the Interior is authorized and directed to distribute among the persons entitled thereto the funds appropriated by chapter XII of the Third Supplemental Appropriation Act, 1952 (66 Stat. 101, 121), in payment of the judgment entered by the Indian Claims Commission in favor of the Loyal Creek Band or Group of Creek Indians et al., Docket No. 1. Such funds shall be paid to those persons whose names appear on the payroll prepared pursuant to the Act of March 3, 1903 (32 Stat. 982, 994), by J. Blair Schoenfelt, United States Indian Agent, or to their heirs or legatees, on a pro rata basis in proportion to the amounts appearing opposite their names on such payroll.

(Aug. 1, 1955, ch. 444, § 2, 69 Stat. 431.)

REFERENCES IN TEXT

Section 18 of the Act of June 30, 1919, referred to in subsec. (a), is act June 30, 1919, ch. 4, § 18, 41 Stat. 21, which is set out as a note under section 375 of this title.

Act of April 26, 1906, referred to in subsec. (b), is act Apr. 26, 1906, ch. 1876, 34 Stat. 137, which is set out as a note under section 355 of this title.

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

Act of March 3, 1903, referred to in subsec. (c), is act Mar. 3, 1903, ch. 994, 32 Stat. 982, 994, which was not classified to the Code.

Chapter XII of the Third Supplemental Appropriation Act, 1952, referred to in subsec. (c), is chapter XII of act June 5, 1952, ch. 369, 66 Stat. 101, which was not classified to this Code.

**§ 782. Payment to heirs or legatees**

**(a) Laws governing**

If a person entitled to a payment authorized by sections 781 to 785 of this title is deceased, such payment shall be made to his heirs or legatees determined in accordance with the laws, relating to the distribution of personal property, of the Creek Nation if the decedent died before January 1, 1898, or of the State of Arkansas in

effect at the time of death if the decedent died before November 16, 1907, or of the State of Oklahoma in effect at the time of death if the decedent died on or after November 16, 1907. For the purposes of this section the decedent shall be regarded as an owner in possession of the payment at the time of his death.

**(b) Proof of death and heirship or bequest**

Before a payment authorized by sections 781 to 785 of this title is made to an heir or legatee of a deceased person, proof of death and heirship or bequest satisfactory to the Secretary of the Interior shall be submitted to him, and his findings with respect thereto shall be final and conclusive. Where satisfactory proof of death and heirship or bequest is already available to the Secretary, no additional submission shall be required.

(Aug. 1, 1955, ch. 444, § 3, 69 Stat. 432.)

**§ 783. Payments to minors or persons under legal disability; liens, exception; tax exemption**

Funds payable under sections 781 to 785 of this title to minors or to persons under legal disability shall be paid to such representatives and under such conditions as the Secretary of the Interior may direct. The distribution of funds under said sections shall not be subject to any lien, except for debts owed to the United States or to Indian organizations indebted to the United States, and shall not be taxable.

(Aug. 1, 1955, ch. 444, § 4, 69 Stat. 432.)

**§ 784. Appropriations**

There is authorized to be appropriated out of any money in the Treasury not otherwise appropriated the sum of \$325,000 to remain available until expended, for necessary expenses incident to the distribution of funds authorized by sections 781 to 785 of this title.

(Aug. 1, 1955, ch. 444, § 5, 69 Stat. 432; Pub. L. 86-229, Sept. 8, 1959, 73 Stat. 456.)

AMENDMENTS

1959—Pub. L. 86-229 increased appropriation authorization from \$200,000 to \$325,000.

**§ 785. Rules and regulations**

The Secretary of the Interior is authorized to issue rules and regulations necessary for the purposes of sections 781 to 785 of this title.

(Aug. 1, 1955, ch. 444, § 6, 69 Stat. 432.)

**§ 786. Credit of unclaimed and unpaid share of funds**

The unclaimed and unpaid share of the funds, and the accrued interest thereon, appropriated by chapter XII of the Third Supplemental Appropriation Act, 1952 (66 Stat. 101, 121), in payment of the judgment entered by the Indian Claims Commission in favor of the Loyal Creek Band or Group of Indians et al., docket numbered 1, and which were authorized to be distributed by section 781(c) of this title, shall be deposited in the Treasury of the United States to the credit of the Creek Nation of Indians of Oklahoma.

(Pub. L. 90-76, §1, Aug. 29, 1967, 81 Stat. 177.)

REFERENCES IN TEXT

Chapter XII of the Third Supplemental Appropriation Act, 1952, referred to in text, is chapter XII of Act June 5, 1952, ch. 369, 66 Stat. 101, which 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.

**§ 787. Advances or expenditures from tribal funds**

Funds that are deposited to the Creek Nation pursuant to sections 786 to 788 of this title, including interest and income therefrom, may be advanced or expended for any purpose that is authorized by the principal chief of the Creek Nation and the Secretary of the Interior.

(Pub. L. 90-76, §2, Aug. 29, 1967, 81 Stat. 177.)

**§ 788. Federal trust upon escheat of estates of members dying intestate without heirs**

When, upon the final determination of a court having jurisdiction or by decision of the Secretary of the Interior after a period of five years from the death of the decedent, it is determined that a member of the Creek Nation or tribe of Oklahoma or a person of Creek Indian blood has died intestate without heirs, owning trust or restricted Indian lands or an interest therein in Oklahoma, such lands or interests owned, together with all rents and profits occurring therefrom, shall escheat to the Creek Nation of Indians of Oklahoma and be held thereafter in trust for said Indians by the United States.

(Pub. L. 90-76, §3, Aug. 29, 1967, 81 Stat. 177.)

**§ 788a. Disposition of judgment funds; preparation of Indian roll; eligibility**

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 September 21, 1968; (b) their names or the names of lineal ancestors appear on any of the documents identified herein or on any available census rolls or other records acceptable to the Secretary, which identify the person as a Creek Indian, including ancient documents or records of the United States located in the National Archives, State or county records in the archives of the several States or counties therein or in the courthouses thereof, and other records that would be admissible as evidence in an action to determine Indian lineage:

- (1) The Final Rolls of Creeks by Blood which were closed as of March 4, 1907;
- (2) Claims of Friendly Creeks paid under the Act of March 3, 1817 (H.R. Doc. 200, 20:1, 1828);
- (3) Census of the Creek Nation, 1833, made pursuant to article 2 of the treaty concluded March 24, 1832 (Senate Doc. 512, 1835, Emigration Correspondence, 1831-1833, pages 239-395);
- (4) Land Location Registers of Creek Indian Lands, made pursuant to the Treaty of March 24, 1832;
- (5) Any emigration or muster rolls of Creek Indians;
- (6) Any lists of self-emigrant Creek claimants (including those contained in Senate Ex.

Doc. 198, 50:1, 1888, and H.R. Ex. Doc. 238, 51:2, 1891).

Applications for enrollment must be filed with the Area Director of the Bureau of Indian Affairs, Muskogee, Oklahoma, in the manner and within the time limits prescribed for that purpose. The determination of the Secretary regarding the eligibility of an applicant shall be final.

(Pub. L. 90-504, §1, Sept. 21, 1968, 82 Stat. 855.)

**§ 788b. Distribution of funds; tax exemption; equal shares**

After the deduction of attorney fees, litigation expenses, the costs of distribution, and the cost of preparing the roll pursuant to section 788a of this title, the funds, including interest, remaining to the credit of the Creek Nation as constituted August 9, 1814, which were appropriated by the Act of April 30, 1965, to pay a judgment obtained in Indian Claims Commission docket numbered 21, shall be distributed on a per capita basis to all persons whose names appear on the roll. The funds so distributed shall not be subject to Federal or State income taxes.

(Pub. L. 90-504, §2, Sept. 21, 1968, 82 Stat. 855.)

REFERENCES IN TEXT

Act of April 30, 1965, referred to in text, is act Apr. 30, 1965, Pub. L. 89-16, 79 Stat. 81, known as the Second Supplemental Appropriations Act, 1965. That portion of the act which appropriated the funds referred to was not classified to the Code.

DISTRIBUTION OF CERTAIN UNDISTRIBUTED JUDGMENT FUNDS AWARDED TO CREEK NATION

Pub. L. 98-390, Aug. 21, 1984, 98 Stat. 1356, provided: "That, notwithstanding Public Law 90-506 [25 U.S.C. 788e et seq.] and any other provision of law, any funds appropriated by Public Law 89-697 [Oct. 27, 1966, 80 Stat. 1057] in satisfaction of a judgment awarded the Muskogee (Creek) Nation of Oklahoma in docket numbered 276 of the Indian Claims Commission which have not been distributed on the date of enactment of this Act [Aug. 21, 1984] (including all interest and investment income accrued thereon) shall be distributed by the Secretary of the Interior to the Muskogee (Creek) Nation of Oklahoma as needed to make expenditures for any plan or program authorized by ordinance of such Nation.

"SEC. 2. (a) Notwithstanding Public Law 90-504 [25 U.S.C. 788a et seq.] and any other provision of law, any funds appropriated by Public Law 89-16 [Apr. 30, 1965, 79 Stat. 81] in satisfaction of a judgment awarded the Creek Nation of Indians in docket numbered 21 of the Indian Claims Commission which have not been distributed on the date of enactment of this Act [Aug. 21, 1984] (including all interest and investment income accrued thereon) shall be used and distributed in accordance with the provisions of this section.

"(b)(1) The Secretary of the Interior (hereinafter in this section referred to as the 'Secretary') shall allocate—

"(A) 81.6196 per centum of the funds described in subsection (a) to the Muskogee (Creek) Nation of Oklahoma, and

"(B) 18.3804 per centum of the funds described in subsection (a) to the Eastern Creeks.

"(2) The funds allocated to the Muskogee (Creek) Nation of Oklahoma under paragraph (1) shall be distributed to such Nation by the Secretary as needed to make expenditures for any plan or program authorized by ordinance of such Nation.

"(3)(A) The funds allocated to the Eastern Creeks under paragraph (1) shall be held in trust and invested by the Secretary for the benefit of the Eastern Creeks.