

(Feb. 14, 1920, ch. 75, § 18, 41 Stat. 427.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 121. Payment of share of tribal funds to helpless Indians

The pro rata share of any Indian who is mentally or physically incapable of managing his or her own affairs may be withdrawn from the Treasury in the discretion of the Secretary of the Interior and expended for the benefit of such Indian under such rules, regulations, and conditions as the said Secretary may prescribe: *Provided*, That said funds of any Indian shall not be withdrawn from the Treasury until needed by the Indian and upon his application and when approved by the Secretary of the Interior.

(Mar. 2, 1907, ch. 2523, § 2, 34 Stat. 1221; May 18, 1916, ch. 125, § 1, 39 Stat. 128.)

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§ 122. Limitation on application of tribal funds

No funds belonging to any Indian tribe with which treaty relations exist shall be applied in any manner not authorized by such treaty, or by express provisions of law; nor shall money appropriated to execute a treaty be transferred or applied to any other purpose, unless expressly authorized by law.

(R.S. § 2097.)

CODIFICATION

R.S. § 2097 derived from act July 26, 1866, ch. 266, § 2, 14 Stat. 280.

§ 123. Expenditure from tribal funds without specific appropriations

No money shall be expended from Indian tribal funds without specific appropriation by Congress except as follows: Equalization of allotments, education of Indian children in accordance with existing law, per capita and other payments, all of which are hereby continued in full force and effect: *Provided*, That this shall not change existing law with reference to the Five Civilized Tribes.

(May 18, 1916, ch. 125, § 27, 39 Stat. 158.)

§ 123a. Tribal funds; use to purchase insurance for protection of tribal property

On and after April 13, 1926, the funds of any tribe of Indians under the control of the United States may be used for payments of insurance premiums for protection of the property of the tribe against fire, theft, tornado, hail, earth-

quake, or other elements and forces of nature, and for protection against liability on account of injuries or damages to persons or property and other like claims.

(Apr. 13, 1926, ch. 118, 44 Stat. 242; Aug. 2, 1946, ch. 754, 60 Stat. 852.)

AMENDMENTS

1946—Act Aug. 2, 1946, provided for use of funds to pay premiums on personal and property damage insurance.

§ 123b. Tribal funds for traveling and other expenses

On and after May 9, 1938, tribal funds shall be available for appropriation by Congress for traveling and other expenses, including supplies and equipment, of members of tribal councils, business committees, or other tribal organizations, when engaged on business of the tribes.

(May 9, 1938, ch. 187, § 1, 52 Stat. 315.)

§ 123c. Advancement of tribal funds to Indian tribes; miscellaneous authorized purposes

On and after October 12, 1984, tribal funds may be advanced to Indian tribes during each fiscal year for such purposes as may be designated by the governing body of the particular tribe involved and approved by the Secretary including: expenditures for the benefit of Indians and Indian tribes; care, tuition, and other assistance to Indian children attending public and private schools (which may be paid in advance or from date of admission); purchase of land and improvements on land, title to which shall be taken in the name of the United States in trust for the tribe for which purchased; lease of lands and water rights; compensation and expenses of attorneys and other persons employed by Indian tribes under approved contracts; pay, travel, and other expenses of tribal officers, councils, committees, and employees thereof, or other tribal organizations, including mileage for use of privately owned automobiles and per diem in lieu of subsistence at rates established administratively but not to exceed those applicable to civilian employees of the Government; and relief of Indians, including cash grants.

(Pub. L. 98-473, title I, § 101(c) [title I, § 100], Oct. 12, 1984, 98 Stat. 1837, 1849.)

§ 123d. Additional appropriations from tribal funds

In addition to the tribal funds authorized to be expended by existing law, there is appropriated in fiscal year 1988 and thereafter to the Secretary of the Interior for the benefit of the tribes on whose behalf such funds were collected, not to exceed \$1,000,000 in each fiscal year from tribal funds not otherwise available for expenditure.

(Pub. L. 100-202, § 101(g) [title I, § 100], Dec. 22, 1987, 101 Stat. 1329-213, 1329-230.)

§ 124. Expenditures from tribal funds of Five Civilized Tribes without specific appropriations

No money shall be expended from tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress.

(May 24, 1922, ch. 199, 42 Stat. 575.)

§ 125. Expenditure of moneys of tribes of Quapaw Agency

No moneys shall be expended from tribal or individual funds belonging to the Quapaw or other tribes of Indians of the Quapaw Agency in the State of Oklahoma without specific authority of law.

(June 30, 1919, ch. 4, §17, 41 Stat. 20.)

§ 126. Omitted

CODIFICATION

Section, R.S. §2098, relating to payment of claims for Indian depredations, was omitted upon recommendation by Secretary of the Interior that this section be repealed as present day conditions make it unnecessary.

§ 127. Moneys or annuities of hostile Indians

No moneys or annuities stipulated by any treaty with an Indian tribe for which appropriations are made shall be expended for, or paid, or delivered to any tribe which, since the next preceding payment under such treaty, has engaged in hostilities against the United States, or against its citizens peacefully or lawfully sojourning or traveling within its jurisdiction at the time of such hostilities; nor in such case shall such stipulated payments or deliveries be resumed until new appropriations shall have been made therefor by Congress.

(R.S. §2100; May 29, 1928, ch. 901, §1(81), 45 Stat. 992.)

CODIFICATION

R.S. §2100 derived from act Mar. 2, 1867, ch. 173, §2, 14 Stat. 515.

AMENDMENTS

1928—Act May 29, 1928, struck out provision requiring the Commissioner of Indian Affairs to make periodic reports to Congress concerning hostilities with any tribes with which the United States has treaty stipulations.

§ 128. Appropriations not paid to Indians at war with United States

None of the appropriations made for the Indian Service shall be paid to any band of Indians or any portion of any band while at war with the United States or with the white citizens of any of the States or Territories.

(Mar. 3, 1875, ch. 132, §2, 18 Stat. 449.)

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§ 129. Moneys due Indians holding captives other than Indians withheld

The Secretary of the Interior is authorized to withhold, from any tribe of Indians who may hold any captives other than Indians, any moneys due them from the United States until said

captives shall be surrendered to the lawful authorities of the United States.

(Mar. 3, 1875, ch. 132, §1, 18 Stat. 424.)

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§ 130. Withholding of moneys or goods on account of intoxicating liquors

No annuities, or moneys, or goods, shall be paid or distributed to Indians while they are under the influence of any description of intoxicating liquor, nor while there are good and sufficient reasons leading the officers or agents, whose duty it may be to make such payments or distribution, to believe that there is any species of intoxicating liquor within convenient reach of the Indians, nor until the chiefs and headmen of the tribe shall have pledged themselves to use all their influence and to make all proper exertions to prevent the introduction and sale of such liquor in their country.

(R.S. §2087.)

CODIFICATION

R.S. §2087 derived from act Mar. 3, 1847, ch. 66, §3, 9 Stat. 203.

§ 131. Advances to disbursing officers

No superintendent of Indian affairs, or Indian agent, or other disbursing officer in such service, shall have advanced to him, on Indian or public account, any money to be disbursed in future, until such superintendent, agent, or officer in such service has settled his accounts of the preceding year, and has satisfactorily shown that all balances in favor of the Government, which may appear to be in his hands, are ready to be paid over on the order of the Secretary of the Interior.

(R.S. §2092.)

CODIFICATION

R.S. §2092 derived from act June 27, 1846, ch. 34, §1, 9 Stat. 20.

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Transfer of disbursement functions of all Government agencies with certain exceptions to the Fiscal Service, Treasury Department, see note set out under section 53 of this title.

INDIAN AGENTS

The services of Indian agents have been dispensed with. See note set out under section 64 of this title.

SUPERINTENDENT OF INDIAN AFFAIRS

No appropriation for any superintendent of Indian affairs has been made since act Mar. 3, 1877, ch. 101, §1, 19 Stat. 271.