

Oklahoma, and the Peoria Indian Tribe of Oklahoma, the provisions of the Acts repealed by subsection (b) of this section notwithstanding.

(b) Repeal of provisions terminating Federal supervision

The following Acts are hereby repealed:

(1) the Act of August 1, 1956 (70 Stat. 893; 25 U.S.C. 791-807), relating to the Wyandotte Tribe;

(2) the Act of August 2, 1956 (70 Stat. 937; 25 U.S.C. 821-826), relating to the Peoria Tribe; and

(3) the Act of August 3, 1956 (70 Stat. 963; 25 U.S.C. 841-853), relating to the Ottawa Tribe.

(c) Tribal rights and privileges; reinstatement and continuation

There are hereby reinstated all rights and privileges of each of the tribes described in subsection (a) of this section and their members under Federal treaty, statute, or otherwise which may have been diminished or lost pursuant to the Act relating to them which is repealed by subsection (b) of this section. Nothing contained in this subchapter shall diminish any rights or privileges enjoyed by each of such tribes or their members now or prior to enactment of such Act, under Federal treaty, statute, or otherwise, which are not inconsistent with the provisions of this subchapter.

(d) Continuation of property or contractual rights or obligations and tax obligations

Except as specifically provided in this subchapter, nothing contained in this subchapter shall alter any property rights or obligations, any contractual rights or obligations, including existing fishing rights, or any obligation for taxes already levied.

(Pub. L. 95-281, § 1, May 15, 1978, 92 Stat. 246.)

REFERENCES IN TEXT

Act of August 1, 1956, referred to in subsec. (b)(1), is act Aug. 1, 1956, ch. 843, 70 Stat. 893, which was classified generally to subchapter XXXV (§791 et seq.) of this chapter prior to its repeal by subsec. (b)(1) of this section. For complete classification of this Act to the Code, see Tables.

Act of August 2, 1956, referred to in subsec. (b)(2), is act Aug. 2, 1956, ch. 881, 70 Stat. 937, which was classified generally to subchapter XXXVI (§821 et seq.) of this chapter prior to its repeal by subsec. (b)(2) of this section. For complete classification of this Act to the Code, see Tables.

Act of August 3, 1956, referred to in subsec. (b)(3), is act Aug. 3, 1956, ch. 909, 70 Stat. 963, which was classified to subchapter XXXVII (§841 et seq.) of this chapter prior to its repeal by subsec. (b)(3) of this section. For complete classification of this Act to the Code, see Tables.

This subchapter, referred to in subsecs. (c) and (d), was in the original "this Act", meaning Pub. L. 95-281, May 15, 1978, 92 Stat. 246, which enacted this subchapter and repealed subchapter XXXV (§791 et seq.), subchapter XXXVI (§821 et seq.), and subchapter XXXVII (§841 et seq.) of this chapter. For complete classification of this Act to the Code, see Tables.

§ 861a. Organization of tribes

(a) Modoc Tribe; extension of Federal recognition and assistance; applicability of provisions relating to Klamath Tribe; membership requirements

(1) The Modoc Indian Tribe of Oklahoma is hereby recognized as a tribe of Indians residing

in Oklahoma and the provisions of the Act of June 26, 1936, as amended (49 Stat. 1967; 25 U.S.C. 501-509), are hereby extended to such tribe and its members. The Secretary of the Interior shall promptly offer the said Modoc Tribe assistance to aid them in organizing under section 3 of said Act of June 26, 1936 (25 U.S.C. 503).

(2) The provisions of the Act of August 13, 1954 (68 Stat. 718; 25 U.S.C. 564-564w), hereafter shall not apply to the Modoc Tribe of Oklahoma or its members except for any right to share in the proceeds of any claim against the United States as provided in sections 6(c) and 21 of said Act, as amended [25 U.S.C. 564e(c), 564t].

(3) The Modoc Indian Tribe of Oklahoma shall consist of those Modoc Indians who are direct lineal descendants of those Modocs removed to Indian territory (now Oklahoma) in November 1873, and who did not return to Klamath, Oregon, pursuant to the Act of March 9, 1909 (35 Stat. 751), as determined by the Secretary of the Interior, and the descendants of such Indians who otherwise meet the membership requirements adopted by the tribe.

(b) Ottawa and Peoria Tribes; extension of Federal assistance

The Secretary of the Interior shall promptly offer the Ottawa Tribe of Oklahoma and the Peoria Tribe of Oklahoma assistance to aid them in reorganizing under section 3 of the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 503), which Act [25 U.S.C. 501 et seq.] is re-extended to them and their members by this subchapter.

(c) Wyandotte Tribe; confirmation of validity of organization and continuation

The validity of the organization of the Wyandotte Indian Tribe of Oklahoma under section 3 of the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 503), and the continued application of said Act [25 U.S.C. 501 et seq.] to such tribe and its members is hereby confirmed.

(Pub. L. 95-281, § 2, May 15, 1978, 92 Stat. 246.)

REFERENCES IN TEXT

Act of June 26, 1936, referred to in subsecs. (a)(1), (b), and (c), popularly known as the Oklahoma Welfare Act, is classified generally to subchapter VIII (§501 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 501 of this title and Tables.

Act of August 13, 1954, referred to in subsec. (a)(2), 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.

Act of March 9, 1909, referred to in subsec. (a)(3), probably means the act of Mar. 3, 1909, ch. 253, 35 Stat. 751, which was not classified to the Code.

This subchapter, referred to in subsec. (b), was in the original "this Act", meaning Pub. L. 95-281, May 15, 1978, 92 Stat. 246, which enacted this subchapter and repealed subchapter XXXV (§791 et seq.), subchapter XXXVI (§821 et seq.), and subchapter XXXVII (§841 et seq.) of this chapter. For complete classification of this Act to the Code, see Tables.

§ 861b. Restoration of supervision as fulfilling other Federal statutory requirements

(a) Wyandotte, Peoria, and Ottawa Tribes; right or interest in tribal land

It is hereby declared that enactment of this subchapter fulfills the requirements of the first

proviso in section 2 of the Act of January 2, 1975 (88 Stat. 1920, 1921), with respect to the Wyandotte Tribe of Oklahoma, the Ottawa Tribe of Oklahoma, and the Peoria Tribe of Oklahoma.

(b) Modoc Tribe; right or interest in tribal land

It is hereby declared that the organization of the Modoc Tribe of Oklahoma as provided in subsection (a) of this section shall fulfill the requirements of the second proviso in section 2 of the Act of January 2, 1975 (88 Stat. 1920, 1921).

(c) Modoc Tribe; publication of notice in Federal Register of organization for purposes of compliance

Promptly after organization of the Modoc Tribe of Oklahoma, the Secretary of the Interior shall publish a notice of such fact in the Federal Register including a statement that such organization completes fulfillment of the requirements of the provisos in section 2 of the Act of January 2, 1975 (88 Stat. 1920, 1921), and that the land described in section 1 of said Act is held in trust by the United States for the eight tribes named in said Act.

(Pub. L. 95-281, § 3, May 15, 1978, 92 Stat. 247.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), was in the original "this Act", meaning Pub. L. 95-281, May 15, 1978, 92 Stat. 246, which enacted this subchapter and repealed subchapter XXXV (§791 et seq.), subchapter XXXVI (§821 et seq.), and subchapter XXXVII (§841 et seq.) of this chapter. For complete classification of this Act to the Code, see Tables.

Act of January 2, 1975, referred to in text, is Pub. L. 93-588, Jan. 2, 1975, 88 Stat. 1920, and is not classified to this Code. The provisos in section 2 of such Act relate to right or interest in tribal land of the enumerated tribes.

§ 861c. Programs and services by United States; participation in by tribes as result of return to status as Indians

The Wyandotte, Ottawa, Peoria, and Modoc Tribes of Oklahoma and their members shall be entitled to participate in the programs and services provided by the United States to Indians because of their status as Indians, including, but not limited to, those under section 13 of this title, and for purposes of sections 2005 to 2005f of title 42. The members of such tribes shall be deemed to be Indians for which hospital and medical care was being provided by or at the expense of the Public Health Service on August 16, 1957.

(Pub. L. 95-281, § 4, May 15, 1978, 92 Stat. 247.)

SUBCHAPTER XXXVIII—OTOE AND MISSOURIA INDIANS

§ 871. Membership roll; preparation; eligibility for enrollment; finality of determination

The Secretary of the Interior is authorized and directed to prepare a roll of the Indians of the blood of the Otoe and Missouri Tribe whose names appear on the allotment rolls of the tribe approved December 7, 1899, June 1, 1906, and January 17, 1907, and who are living on May 9, 1958, and the descendants of such allottees who are living on May 9, 1958, regardless of whether such allottees are living or deceased. Applications for

enrollment shall be filed within six months after May 9, 1958. The determination of the Secretary regarding the eligibility of an applicant for enrollment shall be final and conclusive.

(Pub. L. 85-395, § 1, May 9, 1958, 72 Stat. 105.)

§ 872. Per capita distribution to tribal members

The Secretary is authorized and directed to withdraw the funds on deposit in the Treasury of the United States to the credit of the Otoe and Missouri Tribe appropriated by the Act of May 19, 1956 (70 Stat. 161, 176), together with accrued interest, in satisfaction of the judgment obtained in the Indian Claims Commission against the United States in docket numbered 11, and to distribute such funds per capita to the persons whose names appear on the roll prepared pursuant to section 871 of this title.

(Pub. L. 85-395, § 2, May 9, 1958, 72 Stat. 105.)

REFERENCES IN TEXT

Act of May 19, 1956, referred to in text, is act May 19, 1956, ch. 313, 70 Stat. 161, 176, known as the Second Supplemental Appropriation Act, 1956. That portion of the act which appropriated the funds referred to was not classified to the Code.

§ 873. Per capita payments

(a) Enrollees, next of kin or legatees

The Secretary shall make per capita payments directly to a living enrollee, except as provided in subsection (b) of this section. The Secretary shall distribute the share of a person determined to be eligible for enrollment but who dies subsequent to May 9, 1958, and on whose behalf the application is filed and approved, and the share of a deceased enrollee, directly to his next of kin or legatee as determined by the laws of the place of domicile of the decedent, upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive.

(b) Minors and persons under legal disability

Per capita payments due persons under twenty-one years of age or persons under legal disability shall be made in accordance with the laws of the place of domicile of such person, or in accordance with such procedures as the Secretary determines will adequately protect the best interests of such persons.

(c) Payments not subject to debts; tax exemption

No part of any per capita payment shall be subject to any debt or debts, other than to the United States, created prior to May 9, 1958, by a person of Indian blood, and such per capita payments shall not be taxable.

(Pub. L. 85-395, § 3, May 9, 1958, 72 Stat. 106; Pub. L. 86-540, June 29, 1960, 74 Stat. 252.)

AMENDMENTS

1960—Subsec. (b). Pub. L. 86-540 authorized per capita payments to be made in accordance with such procedures as the Secretary determines will adequately protect the best interests of the persons.

§ 874. Costs

All costs incurred by the Secretary in the preparation of such roll and in the payment of