

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 L. 95-281, May 15, 1978, 92 Stat. 246, which enacted this subchapter and repealed subchapter XXXV (§791 et seq.), subchapter XXXVI (§821 et seq.), and subchapter XXXVII (§841 et seq.)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

such per capita shares shall be paid from the judgment fund or the interest accruing thereon. (Pub. L. 85-395, § 4, May 9, 1958, 72 Stat. 106.)

**§ 875. Rules and regulations**

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

(Pub. L. 85-395, § 5, May 9, 1958, 72 Stat. 106.)

**§ 876. Advances or expenditures from tribal funds; tax exemption**

The unexpended balance of funds on deposit in the Treasury of the United States to the credit of the Otoe and Missouri Tribe of Indians that were appropriated by the Act of June 9, 1964, to pay a judgment by the Indian Claims Commission in docket numbered 11-A, and the interest thereon, less payment of attorney fees and expenses, may be advanced or expended for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior. Any part of such funds that may be distributed to the members of the tribe shall not be subject to Federal or State income taxes. The sum of \$150,000, and any accrued interest thereon, shall be held in the United States Treasury pending final determination of the Yankton Sioux claim in docket numbered 332-A. Any portion of such sum that is determined to belong to the Otoe and Missouri Tribe shall thereupon become subject to the foregoing provisions of this section.

(Pub. L. 89-661, Oct. 14, 1966, 80 Stat. 911.)

REFERENCES IN TEXT

Act of June 9, 1964, referred to in text, is Pub. L. 88-317, June 9, 1964, 78 Stat. 204, 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.

CODIFICATION

Section was not enacted as part of Pub. L. 85-395, May 9, 1958, 72 Stat. 105, which comprises this subchapter.

SUBCHAPTER XXXIX—INDIANS OF  
OKLAHOMA

**§ 881. Potawatomi Indians; disposition of judgment fund; deductions; advances or expenditures for authorized purposes; tax exemption**

The funds on deposit in the Treasury of the United States to the credit of the Citizen Band of Potawatomi Indians of Oklahoma that were appropriated by the Act of July 22, 1969 (Public Law 91-47) to pay a judgment by the Indian Claims Commission in docket numbered 96 dated August 27, 1968, and the interest thereon, including the interest accruing thereon, after payment of attorney fees and expenses, may be advanced or expended for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior. Any part of such funds that may be distributed per capita to the members of the band shall not be subject to Federal or State income tax.

(Pub. L. 91-401, § 1, Sept. 16, 1970, 84 Stat. 838.)

REFERENCES IN TEXT

Act of July 22, 1969, referred to in text, is Pub. L. 91-47, July 22, 1969, 83 Stat. 49, known as the Second Supplemental Appropriation Act, 1969. That portion of the act which appropriated the funds referred to 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.

**§ 881a. Trusts and other procedures for protection of minors and persons under legal disability**

Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

(Pub. L. 91-401, § 2, Sept. 16, 1970, 84 Stat. 838.)

**§ 882. Sac and Fox Tribes; disposition of judgment fund; deductions; advances, expenditures, investments, or reinvestments for authorized purposes**

The funds appropriated by the Act of June 19, 1968 (82 Stat. 239), to pay a judgment by the Indian Claims Commission in docket numbered 220, together with interest thereon, after payment of attorneys' fees and other litigation expenses, may be advanced, deposited, expended, invested, or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

(Pub. L. 91-404, § 1, Sept. 19, 1970, 84 Stat. 845.)

REFERENCES IN TEXT

Act of June 19, 1968, referred to in text, is Pub. L. 90-352, June 19, 1968, 82 Stat. 239, 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.

**§ 882a. Tax exemption**

Any portion of such funds that may be distributed per capita to members of the tribe shall not be subject to Federal or State income tax.

(Pub. L. 91-404, § 2, Sept. 19, 1970, 84 Stat. 845.)

**§ 883. Osage Tribe; disposition of judgment fund**  
**(a) Persons eligible for allotments; excepted sums**

The Secretary of the Interior is authorized and directed to distribute per capita to all persons whose names appear on the roll of the Osage Tribe of Indians approved by the Secretary of the Interior April 11, 1908, pursuant to the Act of June 28, 1906 (34 Stat. 539), all funds which were appropriated by the Act of January 8, 1971 (84 Stat. 1981), in satisfaction of a judgment that was obtained by the Osage Nation of Indians in the Indian Claims Commission against the United States in dockets numbered 105, 106, 107, and 108, together with interest thereon, except the sum of \$1,000,000 and any funds that revert to the Osage Tribe and except the amount allowed for attorney fees and expenses and the cost of distribution.