

Missouria 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.

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.

### § 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 Missouria 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 Missouria 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.

**(b) Education program; advances, expenditures, etc., for financing such program**

The sum of \$1,000,000 plus any funds that revert to the Osage Tribe may be advanced, expended, invested, or reinvested for the purpose of financing an education program of benefit to the Osage Tribe of Indians of Oklahoma, such program to be administered as authorized by the Secretary of the Interior.

**(c) Withdrawal of funds for payment of costs of carrying out provisions**

The Secretary of the Interior may make appropriate withdrawals from the judgment funds and interest thereon, using interest funds first, to pay costs incident to carrying out the provisions of sections 883 to 883d of this title.

(Pub. L. 92-586, § 1, Oct. 27, 1972, 86 Stat. 1295; Pub. L. 98-605, § 5, Oct. 30, 1984, 98 Stat. 3168.)

REFERENCES IN TEXT

Act of June 28, 1906, referred to in subsec. (a), is act June 28, 1906, ch. 3572, 34 Stat. 539, which was not classified to the Code.

Act of January 8, 1971, referred to in subsec. (a), is Pub. L. 91-665, Jan. 8, 1971, 84 Stat. 1981, which was not classified to the Code.

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

AMENDMENTS

1984—Subsec. (b). Pub. L. 98-605 struck out “or other socioeconomic programs” after “an education program” and substituted “such program” for “such programs”.

**§ 883a. Payment of allotments**

**(a) Living original allottees**

Except as provided in subsections (b) and (c) of this section, a share or proportional share payable to a living original Osage allottee shall be paid to such allottee.

**(b) Distribution to heirs; heirship determinations; intestate succession; finality of determinations and distributions; reversion of minimal amounts**

A share of a deceased Osage allottee having died prior to or after October 27, 1972, shall be distributed to his heirs of Osage Indian blood pursuant to an order determining heirs by the Secretary of the Interior or a court of competent jurisdiction of the State of Oklahoma, and such distributions by the Secretary of the Interior shall be final and conclusive. In the event the heirs of Osage Indian blood of an Osage Indian having died prior to or after October 27, 1972, have not been determined by the Secretary of the Interior or a court of competent jurisdiction of the State of Oklahoma, such share shall be distributed to the heirs of Osage Indian blood upon the filing of proof of death and inheritance in accordance with the Oklahoma law of intestate succession in a form satisfactory to the Secretary of the Interior whose findings and determinations upon such proof shall be final and conclusive: *Provided*, That when a person of Osage Indian blood receives an amount totaling less than \$20 from one or more shares of one or more Osage allottees, that amount shall not be distributed to the individual, but will revert to the Osage Tribe.

**(c) Minors and persons under guardianship; rules and regulations**

A share or proportional share payable to a person of Osage Indian blood under eighteen years of age and any person under guardianship pursuant to an order of a court of competent jurisdiction notwithstanding the fact he has received a certificate of competency shall be disbursed