

Section 843, act Aug. 3, 1956, ch. 909, §3, 70 Stat. 963, provided for applicability of probate laws to property of deceased members.

Section 844, act Aug. 3, 1956, ch. 909, §4, 70 Stat. 964, provided for protection by Secretary of minors, etc., prior to transfers or removal of restrictions on property.

Section 845, act Aug. 3, 1956, ch. 909, §5, 70 Stat. 964, provided for availability of tribal funds for advances or expenditures.

Section 846, act Aug. 3, 1956, ch. 909, §6, 70 Stat. 964, authorized Secretary to execute patents, deeds, etc., as necessary for implementation of provisions for termination of supervision.

Section 847, act Aug. 3, 1956, ch. 909, §7, 70 Stat. 964, provided for nonabrogation by termination of supervision of any valid lease, permit, license, etc.

Section 848, act Aug. 3, 1956, ch. 909, §8, 70 Stat. 964, related to procedures for termination of Federal trust and services for tribe and individual members.

Section 849, act Aug. 3, 1956, ch. 909, §9, 70 Stat. 965, provided for revocation of tribal corporate charter and termination of Federal powers over tribe.

Section 850, act Aug. 3, 1956, ch. 909, §10, 70 Stat. 965, provided for termination of supervision as not affecting prior claims filed by tribe against United States.

Section 851, act Aug. 3, 1956, ch. 909, §11, 70 Stat. 965, provided for nonabrogation by termination of supervision of tribal or individual water rights.

Section 852, act Aug. 3, 1956, ch. 909, §12, 70 Stat. 965, authorized Secretary to issue rules and regulations and hold referendums for implementation of provisions relating to termination of supervision.

Section 853, act Aug. 3, 1956, ch. 909, §15, 70 Stat. 965, related to preparation and publication of membership roll.

REPEAL OF INCONSISTENT LAWS

Act Aug. 3, 1956, ch. 909, §13, 70 Stat. 965, which related to repeal of inconsistent Acts, etc., was repealed by Pub. L. 95-281, §1(b)(3), May 15, 1978, 92 Stat. 246.

SEPARABILITY

Act Aug. 3, 1956, ch. 909, §14, 70 Stat. 965, which provided for validity of remainder of act of Aug. 3, 1956, in event of determination of invalidity of any part of such act, was repealed by Pub. L. 95-281, §1(b)(3), May 15, 1978, 92 Stat. 246.

SUBCHAPTER XXXVII-A—WYANDOTTE, PEORIA, OTTAWA, AND MODOC TRIBES OF OKLAHOMA: RESTORATION OF FEDERAL SUPERVISION

§ 861. Federal recognition of Wyandotte, Ottawa, and Peoria Tribes

(a) Extension or confirmation

Federal recognition is hereby extended or confirmed with respect to the Wyandotte Indian Tribe of Oklahoma, the Ottawa Indian Tribe of 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 subsections (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 subsection (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 subsection (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 subsection (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 subsection (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