

Doc. 198, 50:1, 1888, and H.R. Ex. Doc. 238, 51:2, 1891).

Applications for enrollment must be filed with the Area Director of the Bureau of Indian Affairs, Muskogee, Oklahoma, in the manner and within the time limits prescribed for that purpose. The determination of the Secretary regarding the eligibility of an applicant shall be final.

(Pub. L. 90-504, §1, Sept. 21, 1968, 82 Stat. 855.)

§ 788b. Distribution of funds; tax exemption; equal shares

After the deduction of attorney fees, litigation expenses, the costs of distribution, and the cost of preparing the roll pursuant to section 788a of this title, the funds, including interest, remaining to the credit of the Creek Nation as constituted August 9, 1814, which were appropriated by the Act of April 30, 1965, to pay a judgment obtained in Indian Claims Commission docket numbered 21, shall be distributed on a per capita basis to all persons whose names appear on the roll. The funds so distributed shall not be subject to Federal or State income taxes.

(Pub. L. 90-504, §2, Sept. 21, 1968, 82 Stat. 855.)

REFERENCES IN TEXT

Act of April 30, 1965, referred to in text, is act Apr. 30, 1965, Pub. L. 89-16, 79 Stat. 81, known as the Second Supplemental Appropriations Act, 1965. 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.

DISTRIBUTION OF CERTAIN UNDISTRIBUTED JUDGMENT FUNDS AWARDED TO CREEK NATION

Pub. L. 98-390, Aug. 21, 1984, 98 Stat. 1356, provided: "That, notwithstanding Public Law 90-506 [25 U.S.C. 788e et seq.] and any other provision of law, any funds appropriated by Public Law 89-697 [Oct. 27, 1966, 80 Stat. 1057] in satisfaction of a judgment awarded the Muskogee (Creek) Nation of Oklahoma in docket numbered 276 of the Indian Claims Commission which have not been distributed on the date of enactment of this Act [Aug. 21, 1984] (including all interest and investment income accrued thereon) shall be distributed by the Secretary of the Interior to the Muskogee (Creek) Nation of Oklahoma as needed to make expenditures for any plan or program authorized by ordinance of such Nation.

"SEC. 2. (a) Notwithstanding Public Law 90-504 [25 U.S.C. 788a et seq.] and any other provision of law, any funds appropriated by Public Law 89-16 [Apr. 30, 1965, 79 Stat. 81] in satisfaction of a judgment awarded the Creek Nation of Indians in docket numbered 21 of the Indian Claims Commission which have not been distributed on the date of enactment of this Act [Aug. 21, 1984] (including all interest and investment income accrued thereon) shall be used and distributed in accordance with the provisions of this section.

"(b)(1) The Secretary of the Interior (hereinafter in this section referred to as the 'Secretary') shall allocate—

"(A) 81.6196 per centum of the funds described in subsection (a) to the Muskogee (Creek) Nation of Oklahoma, and

"(B) 18.3804 per centum of the funds described in subsection (a) to the Eastern Creeks.

"(2) The funds allocated to the Muskogee (Creek) Nation of Oklahoma under paragraph (1) shall be distributed to such Nation by the Secretary as needed to

make expenditures for any plan or program authorized by ordinance of such Nation.

"(3)(A) The funds allocated to the Eastern Creeks under paragraph (1) shall be held in trust and invested by the Secretary for the benefit of the Eastern Creeks.

"SEC. 3. (a) If one or more of the Eastern Creek entities that have filed a petition for Federal acknowledgement are acknowledged to be an Indian tribe on or before December 30, 1984, such tribe or tribes shall be deemed to be a successor entity to the original Eastern Creek group for purposes of distribution of the residual funds in docket numbered 21, and the funds held in trust for the benefit of the Eastern Creeks under section 2 of this Act (including all interest and income accrued thereon) shall be distributed to such tribe or tribes by the Secretary as needed to make any expenditures for any plan or program authorized by ordinance or resolution of such tribe or tribes.

"(b) If more than one tribal entity is recognized by the Secretary, such funds shall be prorated between the tribes on the basis of their respective base membership rolls on the date of acknowledgement.

"(c) If none of the Eastern Creeks which have filed a petition for acknowledgement are recognized as an Indian tribe by the Secretary prior to December 30, 1984, the funds held in trust for the Eastern Creeks under this Act (including all interest and income accrued thereon) shall be distributed by the Secretary in the form of per capita payments in addition to any amount appropriated in satisfaction of a judgment awarded the Eastern Creeks in docket numbered 275 of the Indian Claims Commission.

"SEC. 4. If Federal recognition as an Indian tribe is extended to any Eastern Creek entity prior to distribution of the funds awarded in docket numbered 272 and 275, such tribe or tribes shall be entitled to amend the existing distribution plans for these awards by filing with the Secretary an alternative distribution plan for its proportionate share of funds in these dockets."

§ 788c. Heirs of deceased enrollees

The Secretary shall distribute a share payable to a living enrollee directly to such enrollee or in such manner as is deemed by the Secretary to be in the enrollee's best interest, and he shall distribute the per capita share of a deceased enrollee to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under legal disability shall be paid to the persons who the Secretary determines will best protect their interests.

(Pub. L. 90-504, §3, Sept. 21, 1968, 82 Stat. 855.)

§ 788d. Rules and regulations

The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of sections 788a to 788d of this title, including establishing an appropriate deadline for filing applications.

(Pub. L. 90-504, §4, Sept. 21, 1968, 82 Stat. 855.)

§ 788e. Disposition of judgment funds

(a) Preparation of Indian roll; eligibility

The Secretary of the Interior shall prepare a roll of the Creek Indians who meet the following requirements: (1) they were born on or prior to and living on September 21, 1968, and (2) their names or the names of lineal ancestors through whom eligibility is claimed appear on either the

1857 or 1859 payment roll prepared pursuant to Article VI of the Treaty of August 7, 1856 (11 Stat. 699), or on the Final Roll of Creeks by Blood closed as of March 4, 1907, pursuant to statute.

(b) Applications for enrollment

Applications for enrollment shall be filed with the Area Director, Bureau of Indian Affairs, Muskogee, Oklahoma, in the manner, within the time limit, and on the form prescribed for that purpose. The determination of the Secretary of the eligibility for enrollment of an applicant shall be final.

(Pub. L. 90-506, §1, Sept. 21, 1968, 82 Stat. 859.)

§ 788f. Distribution of funds; tax exemption; equal shares

All costs incident to carrying out the provisions of sections 788e to 788h of this title shall be paid by appropriate withdrawals from the judgment funds referred to in this section. After deducting attorney fees and all other costs, the remainder of the funds, including interest, to the credit of the Creek Nation appropriated by the Act of October 27, 1966 (80 Stat. 1057), shall be distributed in equal shares to those persons whose names appear on the roll prepared in accordance with section 788e of this title. The funds so distributed shall not be subject to Federal or State income taxes.

(Pub. L. 90-506, §2, Sept. 21, 1968, 82 Stat. 859.)

REFERENCES IN TEXT

Act of October 27, 1966, referred to in text, is act Oct. 27, 1966, Pub. L. 89-697, 80 Stat. 1057. That portion of the act which appropriated the funds referred to was not classified to the Code.

§ 788g. Heirs of deceased enrollees

The Secretary shall distribute a share payable to a living enrollee directly to such enrollee or in such manner as is deemed by the Secretary to be in the enrollee's best interest and the per capita share of a deceased enrollee shall be paid to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under legal disability shall be paid to the persons whom the Secretary of the Interior determines will best protect their interests.

(Pub. L. 90-506, §3, Sept. 21, 1968, 82 Stat. 859.)

§ 788h. Rules and regulations

The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of sections 788e to 788h of this title, including an appropriate deadline for filing applications for enrollment.

(Pub. L. 90-506, §4, Sept. 21, 1968, 82 Stat. 859.)

SUBCHAPTER XXXV—WYANDOTTE TRIBE OF OKLAHOMA: TERMINATION OF FEDERAL SUPERVISION

§§ 791 to 807. Repealed. Pub. L. 95-281, §1(b)(1), May 15, 1978, 92 Stat. 246

Section 791, act Aug. 1, 1956, ch. 843, §1, 70 Stat. 893, set out purpose of sections 791 to 807 of this title as termination of Federal supervision and services for tribe.

Section 792, act Aug. 1, 1956, ch. 843, §2, 70 Stat. 893, defined "tribe", "Secretary", "lands", and "tribal property".

Section 793, act Aug. 1, 1956, ch. 843, §3, 70 Stat. 893, related to preparation and publication of membership roll.

Section 794, act Aug. 1, 1956, ch. 843, §4, 70 Stat. 893, restricted personal property rights upon publication of final membership roll.

Section 795, act Aug. 1, 1956, ch. 843, §5, 70 Stat. 893, related to procedures for transfer of tribal property.

Section 796, act Aug. 1, 1956, ch. 843, §6, 70 Stat. 894, related to transfers of individual property to members of tribe.

Section 797, act Aug. 1, 1956, ch. 843, §7, 70 Stat. 894, provided for applicability of probate laws to property of deceased members.

Section 798, act Aug. 1, 1956, ch. 843, §8, 70 Stat. 895, related to applicability of Federal or State tax laws to property distributions.

Section 799, act Aug. 1, 1956, ch. 843, §9, 70 Stat. 895, provided for protection by Secretary of minors, etc., prior to transfers or removal of restrictions on property.

Section 800, act Aug. 1, 1956, ch. 843, §10, 70 Stat. 895, provided for availability of tribal funds for advances or expenditures.

Section 801, act Aug. 1, 1956, ch. 843, §11, 70 Stat. 895, authorized Secretary to execute patents, deeds, etc., as necessary for implementation of provisions for termination of supervision.

Section 802, act Aug. 1, 1956, ch. 843, §12, 70 Stat. 895, provided for nonabrogation by termination of supervision of any valid lease, permit, license, etc.

Section 803, act Aug. 1, 1956, ch. 843, §13, 70 Stat. 896, related to procedures for termination of Federal trust over tribal and individual property.

Section 804, act Aug. 1, 1956, ch. 843, §14, 70 Stat. 896, provided for revocation of tribal corporate charter and termination of Federal powers over tribe.

Section 805, act Aug. 1, 1956, ch. 843, §15, 70 Stat. 896, provided for termination of supervision as not affecting prior claims filed by tribe against United States.

Section 806, act Aug. 1, 1956, ch. 843, §16, 70 Stat. 896, provided for nonabrogation by termination of supervision of tribal or individual water rights.

Section 807, act Aug. 1, 1956, ch. 843, §17, 70 Stat. 896, authorized Secretary to issue rules and regulations and hold referendums for implementation of provisions relating to termination of supervision.

REPEAL OF INCONSISTENT LAWS

Act Aug. 1, 1956, ch. 843, §18, 70 Stat. 896, which related to repeal of inconsistent Acts, etc., was repealed by Pub. L. 95-281, §1(b)(1), May 15, 1978, 92 Stat. 246.

SEPARABILITY

Act Aug. 1, 1956, ch. 843, §19, 70 Stat. 897, which provided for validity of remainder of act of Aug. 1, 1956, in event of determination of invalidity of any part of such act, was repealed by Pub. L. 95-281, §1(b)(1), May 15, 1978, 92 Stat. 246.