

**Editorial Notes**

## REFERENCES IN TEXT

Section 91 of this title, referred to in text, was omitted from the Code.

## CODIFICATION

R.S. §2082 derived from act June 30, 1834, ch. 162, §12, 4 Stat. 737.

**§ 116. Indians 18 years of age to have right to receipt for annuity**

All Indians, when they shall arrive at the age of eighteen years, shall have the right to receive and receipt for all annuity money that may be due or become due to them, if not otherwise incapacitated under the regulations of the Indian Office.

(Mar. 1, 1899, ch. 324, §8, 30 Stat. 947.)

**Executive Documents**

## TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 117. Repealed. Pub. L. 98-64, § 4(a), Aug. 2, 1983, 97 Stat. 366**

Section, act June 10, 1896, ch. 398, §1, 29 Stat. 336, directed that any sums of money to be paid per capita to individual Indians be paid to said Indians by an officer of the Government designated by the Secretary of the Interior. See section 117a et seq. of this title.

**§ 117a. Per capita distribution of funds to tribe members**

Funds which are held in trust by the Secretary of the Interior (hereinafter referred to as the "Secretary") for an Indian tribe and which are to be distributed per capita to members of that tribe may be so distributed by either the Secretary or, at the request of the governing body of the tribe and subject to the approval of the Secretary, the tribe. Any funds so distributed shall be paid by the Secretary or the tribe directly to the members involved or, if such members are minors or have been legally determined not competent to handle their own affairs, to a parent or guardian of such members or to a trust fund for such minors or legal incompetents as determined by the governing body of the tribe.

(Pub. L. 98-64, §1, Aug. 2, 1983, 97 Stat. 365.)

**Statutory Notes and Related Subsidiaries**

## SHORT TITLE

Pub. L. 98-64, Aug. 2, 1983, 97 Stat. 365, which enacted sections 117a to 117c and repealed section 117 of this title and repealed section 19 (per capita payments provisions) of act June 28, 1898, ch. 517, 30 Stat. 502, is popularly known as the "Per Capita Act".

**§ 117b. Distribution of funds****(a) Previous contractual obligations; tax exemption**

Funds distributed under sections 117a to 117c of this title shall not be liable for the payment

of previously contracted obligations except as may be provided by the governing body of the tribe and distributions of such funds shall be subject to the provisions of section 7 of the Act of October 19, 1973 (87 Stat. 466), as amended [25 U.S.C. 1407].

**(b) Funds appropriated in satisfaction of judgments**

Nothing in sections 117a to 117c of this title shall affect the requirements of the Act of October 19, 1973 (87 Stat. 466), as amended [25 U.S.C. 1401 et seq.], or of any plan approved thereunder, with respect to the use or distribution of funds subject to that Act: *Provided*, That per capita payments made pursuant to a plan approved under that Act may be made by an Indian tribe as provided in section 117a of this title if all other provisions of the 1973 Act are met, including but not limited to, the protection of the interests of minors and incompetents in such funds.

**(c) Shoshone Tribe and Arapaho Tribe of the Wind River Reservation, Wyoming**

Nothing in sections 117a to 117c of this title, except the provisions of subsection (a) of this section, shall apply to the Shoshone Tribe and the Arapahoe<sup>1</sup> Tribe of the Wind River Reservation, Wyoming.

(Pub. L. 98-64, §2, Aug. 2, 1983, 97 Stat. 365.)

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## REFERENCES IN TEXT

Act of October 19, 1973, referred to in subsec. (b), is Pub. L. 93-134, Oct. 19, 1973, 87 Stat. 466, as amended, known as the Indian Tribal Judgment Funds Use or Distribution Act, which is classified generally to chapter 16 (§1401 et seq.) of this title. For complete classification of this Act to the Code, see section 1401(c) of this title and Tables.

**§ 117c. Standards for approval of tribal payments; United States not liable for distribution of funds; continuing responsibility under other provisions**

(a) The Secretary shall, by regulation, establish reasonable standards for the approval of tribal payments pursuant to section 117a of this title and, where approval is given under such regulations, the United States shall not be liable with respect to any distribution of funds by a tribe under sections 117a to 117c of this title.

(b) Nothing in sections 117a to 117c of this title shall otherwise absolve the United States from any other responsibility to the Indians, including those which derive from the trust relationship and from any treaties, Executive orders, or agreements between the United States and any Indian tribe.

(Pub. L. 98-64, §3, Aug. 2, 1983, 97 Stat. 365.)

**§ 118. Payments in satisfaction of judgments**

Payments to Indians made from moneys appropriated by Congress in satisfaction of the judgment of any court shall be made under the direction of the officers of the Interior Department charged by law with the supervision of In-

<sup>1</sup> So in original. Probably should be "Arapaho".