

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.

Transfer of disbursement functions of all Government agencies with certain exceptions to the Fiscal Service, Department of the Treasury, see note set out under section 53 of this title.

§ 119. Allotment of tribal funds to individual Indians

The Secretary of the Interior is authorized, in his discretion, from time to time, to designate any individual Indian belonging to any tribe or tribes whom he may deem to be capable of managing his or her affairs, and he may cause to be apportioned and allotted to any such Indian his or her pro rata share of any tribal or trust funds on deposit in the Treasury of the United States to the credit of the tribe or tribes of which said Indian is a member, and the amount so apportioned and allotted shall be placed to the credit of such Indian upon the books of the Treasury, and the same shall thereupon be subject to the order of such Indian: *Provided*, That no apportionment or allotment shall be made to any Indian until such Indian has first made an application therefor: *Provided further*, That the Secretaries of the Interior and of the Treasury are directed to withhold from such apportionment and allotment a sufficient sum of the said Indian funds as may be necessary or required to pay any existing claims against said Indians that may be pending for settlement by judicial determination in the United States Court of Federal Claims or in the Executive Departments of the Government, at time of such apportionment and allotment.

(Mar. 2, 1907, ch. 2523, § 1, 34 Stat. 1221; Pub. L. 97-164, title I, § 160(a)(7), Apr. 2, 1982, 96 Stat. 48; Pub. L. 102-572, title IX, § 902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

Editorial Notes

AMENDMENTS

1992—Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court”.

1982—Pub. L. 97-164 substituted “United States Claims Court” for “Court of Claims”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

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§ 120. Per capita payments to enrolled members of Choctaw and Chickasaw Tribes

The Secretary of the Interior, under rules and regulations to be prescribed by him, is authorized to make per capita payments of not to exceed \$200 annually to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma, entitled under existing law to share in the funds of said tribes, or to their lawful heirs, of all the available money held by the Government of the United States for the benefit of said tribes in excess of that required for expenditures authorized by annual appropriations made therefrom or by existing law.

(Feb. 14, 1920, ch. 75, § 18, 41 Stat. 427.)

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§ 121. Payment of share of tribal funds to helpless Indians

The pro rata share of any Indian who is mentally or physically incapable of managing his or her own affairs may be withdrawn from the Treasury in the discretion of the Secretary of the Interior and expended for the benefit of such Indian under such rules, regulations, and conditions as the said Secretary may prescribe: *Provided*, That said funds of any Indian shall not be withdrawn from the Treasury until needed by the Indian and upon his application and when approved by the Secretary of the Interior.

(Mar. 2, 1907, ch. 2523, § 2, 34 Stat. 1221; May 18, 1916, ch. 125, § 1, 39 Stat. 128.)

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§ 122. Limitation on application of tribal funds

No funds belonging to any Indian tribe with which treaty relations exist shall be applied in any manner not authorized by such treaty, or by express provisions of law; nor shall money appropriated to execute a treaty be transferred or applied to any other purpose, unless expressly authorized by law.

(R.S. § 2097.)

Editorial Notes

CODIFICATION

R.S. § 2097 derived from act July 26, 1866, ch. 266, § 2, 14 Stat. 280.

§ 123. Expenditure from tribal funds without specific appropriations

No money shall be expended from Indian tribal funds without specific appropriation by Congress except as follows: Equalization of allotments, education of Indian children in accordance with existing law, per capita and other payments, all of which are hereby continued in full force and effect: *Provided*, That this shall not change existing law with reference to the Five Civilized Tribes.

(May 18, 1916, ch. 125, § 27, 39 Stat. 158.)

§ 123a. Tribal funds; use to purchase insurance for protection of tribal property

On and after April 13, 1926, the funds of any tribe of Indians under the control of the United States may be used for payments of insurance premiums for protection of the property of the tribe against fire, theft, tornado, hail, earthquake, or other elements and forces of nature, and for protection against liability on account of injuries or damages to persons or property and other like claims.

(Apr. 13, 1926, ch. 118, 44 Stat. 242; Aug. 2, 1946, ch. 754, 60 Stat. 852.)

Editorial Notes

AMENDMENTS

1946—Act Aug. 2, 1946, provided for use of funds to pay premiums on personal and property damage insurance.

§ 123b. Tribal funds for traveling and other expenses

On and after May 9, 1938, tribal funds shall be available for appropriation by Congress for traveling and other expenses, including supplies and equipment, of members of tribal councils, business committees, or other tribal organizations, when engaged on business of the tribes.

(May 9, 1938, ch. 187, § 1, 52 Stat. 315.)

§ 123c. Advancement of tribal funds to Indian tribes; miscellaneous authorized purposes

On and after October 12, 1984, tribal funds may be advanced to Indian tribes during each fiscal year for such purposes as may be designated by the governing body of the particular tribe involved and approved by the Secretary including: expenditures for the benefit of Indians and Indian tribes; care, tuition, and other assistance to Indian children attending public and private schools (which may be paid in advance or from date of admission); purchase of land and improvements on land, title to which shall be taken in the name of the United States in trust for the tribe for which purchased; lease of lands and water rights; compensation and expenses of attorneys and other persons employed by Indian tribes under approved contracts; pay, travel, and

other expenses of tribal officers, councils, committees, and employees thereof, or other tribal organizations, including mileage for use of privately owned automobiles and per diem in lieu of subsistence at rates established administratively but not to exceed those applicable to civilian employees of the Government; and relief of Indians, including cash grants.

(Pub. L. 98-473, title I, § 101(c) [title I, § 100], Oct. 12, 1984, 98 Stat. 1837, 1849.)

§ 123d. Additional appropriations from tribal funds

In addition to the tribal funds authorized to be expended by existing law, there is appropriated in fiscal year 1988 and thereafter to the Secretary of the Interior for the benefit of the tribes on whose behalf such funds were collected, not to exceed \$1,000,000 in each fiscal year from tribal funds not otherwise available for expenditure.

(Pub. L. 100-202, § 101(g) [title I, § 100], Dec. 22, 1987, 101 Stat. 1329-213, 1329-230.)

§ 124. Expenditures from tribal funds of Five Civilized Tribes without specific appropriations

No money shall be expended from tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress.

(May 24, 1922, ch. 199, 42 Stat. 575.)

§ 125. Expenditure of moneys of tribes of Quapaw Agency

No moneys shall be expended from tribal or individual funds belonging to the Quapaw or other tribes of Indians of the Quapaw Agency in the State of Oklahoma without specific authority of law.

(June 30, 1919, ch. 4, § 17, 41 Stat. 20.)

§ 126. Omitted**Editorial Notes**

CODIFICATION

Section, R.S. § 2098, relating to payment of claims for Indian depredations, was omitted upon recommendation by Secretary of the Interior that this section be repealed as present day conditions make it unnecessary.

§ 127. Repealed. Pub. L. 117-317, § 2(2), Dec. 27, 2022, 136 Stat. 4419

Section, R.S. § 2100; May 29, 1928, ch. 901, § 1(81), 45 Stat. 992, disallowed payment to hostile Indian tribes of moneys or annuities stipulated by a treaty.

§ 128. Repealed. Pub. L. 117-317, § 2(3), Dec. 27, 2022, 136 Stat. 4419

Section, act Mar. 3, 1875, ch. 132, § 2, 18 Stat. 449, prohibited payment of appropriations made for the Indian Service to Indians at war with the United States.

§ 129. Repealed. Pub. L. 117-317, § 2(4), Dec. 27, 2022, 136 Stat. 4419

Section, act Mar. 3, 1875, ch. 132, § 1, 18 Stat. 424, withheld money from Indian tribes holding captives other than Indians.