tain 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.

INDIAN AGENTS

The services of Indian agents have been dispensed with. See note set out under section 64 of this title.

§ 113. Mode of disbursements

At the discretion of the President all disbursements of moneys, whether for annuities or otherwise, to fulfill treaty stipulations with individual Indians or Indian tribes, shall be made in person by the superintendents of Indian affairs, where superintendencies exist, to all Indians or tribes within the limits of their respective superintendencies, in the presence of the local agents and interpreters, who shall witness the same, under such regulations as the Secretary of the Interior may direct.

(R.S. § 2089.)

CODIFICATION

R.S. § 2089 derived from act Mar. 3, 1857, ch. 90, § 1, 11 Stat. 169.

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.

§ 114. Payment of annuities in coin

The Secretary of the Treasury is authorized to pay in coin such of the annuities as by the terms of any treaty of the United States with any Indian tribe are required to be paid in coin.

(R.S. § 2081.)

CODIFICATION

R.S. § 2081 derived from act Mar. 3, 1865, ch. 127, § 3, 13 Stat. 561.

§ 115. Payment of annuities in goods

The President may, at the request of any Indian tribe, to which an annuity is payable in money, cause the same to be paid in goods, purchased as provided in section 91 of this title.

(R.S. § 2082.)

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.)

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.)

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 Arapahoe 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 Tribe of the Wind River Reservation, Wyoming.

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

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 Indian affairs, and all such payments shall be accounted for to the Treasury in conformity with law.

(Mar. 3, 1911, ch. 210, § 28, 36 Stat. 1077.)

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.)

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''.

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.

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.

§ 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.