

105TH CONGRESS
1ST SESSION

H. R. 976

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 9, 1997

Received; read twice and referred to the Committee on Indian Affairs

AN ACT

To provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Mississippi Sioux
3 Tribes Judgment Fund Distribution Act of 1997”.

4 **SEC. 2. DEFINITIONS.**

5 For purposes of this Act, the following definitions
6 shall apply:

7 (1) COVERED INDIAN TRIBE.—The term “cov-
8 ered Indian tribe” means an Indian tribe listed in
9 section 4(a).

10 (2) SECRETARY.—The term “Secretary” means
11 the Secretary of the Interior.

12 (3) TRIBAL GOVERNING BODY.—The term
13 “tribal governing body” means the duly elected gov-
14 erning body of a covered Indian tribe.

15 **SEC. 3. DISTRIBUTION TO, AND USE OF CERTAIN FUNDS BY,**
16 **THE SISSETON AND WAHPETON TRIBES OF**
17 **SIOUX INDIANS.**

18 Notwithstanding any other provision of law, including
19 Public Law 92–555 (25 U.S.C. 1300d et seq.), any funds
20 made available by appropriations under chapter II of Pub-
21 lic Law 90–352 (82 Stat. 239) to the Sisseton and
22 Wahpeton Tribes of Sioux Indians to pay a judgment in
23 favor of the Tribes in Indian Claims Commission dockets
24 numbered 142 and 359, including interest, after payment
25 of attorney fees and other expenses, that, as of the date

1 of enactment of this Act, have not been distributed, shall
2 be distributed and used in accordance with this Act.

3 **SEC. 4. DISTRIBUTION OF FUNDS TO TRIBES.**

4 (a) IN GENERAL.—Subject to section 5, as soon as
5 practicable after the date that is 1 year after the date of
6 enactment of this Act, the Secretary shall distribute an
7 aggregate amount, equal to the funds described in section
8 3 reduced by \$1,469,831.50, as follows:

9 (1) 28.9276 percent of such amount shall be
10 distributed to the tribal governing body of the Spirit
11 Lake Sioux Tribe of North Dakota.

12 (2) 57.3145 percent of such amount shall be
13 distributed to the tribal governing body of the
14 Sisseton and Wahpeton Sioux Tribe of South Da-
15 kota.

16 (3) 13.7579 percent of such amount shall be
17 distributed to the tribal governing body of the As-
18 siniboine and Sioux Tribes of the Fort Peck Res-
19 ervation in Montana, as designated under subsection

20 (b).

21 (b) TRIBAL GOVERNING BODY OF ASSINIBOINE AND
22 SIOUX TRIBES OF FORT PECK RESERVATION.—For pur-
23 poses of making distributions of funds pursuant to this
24 Act, the Sisseton and Wahpeton Sioux Council of the As-
25 siniboine and Sioux Tribes shall act as the governing body

1 of the Assiniboine and Sioux Tribes of the Fort Peck Res-
2 ervation.

3 **SEC. 5. ESTABLISHMENT OF TRIBAL TRUST FUNDS.**

4 (a) IN GENERAL.—As a condition to receiving funds
5 distributed under section 4, each tribal governing body re-
6 ferred to in section 4(a) shall establish a trust fund for
7 the benefit of the covered Indian tribe under the jurisdic-
8 tion of that tribal governing body, consisting of—

- 9 (1) amounts deposited into the trust fund; and
10 (2) any interest and investment income that ac-
11 crues from investments made from amounts depos-
12 ited into the trust fund.

13 (b) TRUSTEE.—Each tribal governing body that es-
14 tablishes a trust fund under this section shall—

- 15 (1) serve as the trustee of the trust fund; and
16 (2) administer the trust fund in accordance
17 with section 6.

18 **SEC. 6. USE OF DISTRIBUTED FUNDS.**

19 (a) PROHIBITION.—No funds distributed to a covered
20 Indian tribe under section 4 may be used to make per cap-
21 ita payments to members of the covered Indian tribe.

22 (b) PURPOSES.—The funds distributed under section
23 4 may be used by a tribal governing body referred to in
24 section 4(a) only for the purpose of making investments

1 or expenditures that the tribal governing body determines
2 to be reasonably related to—

3 (1) economic development that is beneficial to
4 the covered Indian tribe;

5 (2) the development of resources of the covered
6 Indian tribe; or

7 (3) the development of a program that is bene-
8 ficial to members of the covered Indian tribe, includ-
9 ing educational and social welfare programs.

10 (c) AUDITS.—

11 (1) IN GENERAL.—The Secretary shall conduct
12 an annual audit to determine whether each tribal
13 governing body referred to in section 4(a) is manag-
14 ing the trust fund established by the tribal govern-
15 ing body under section 5 in accordance with the re-
16 quirements of this section.

17 (2) ACTION BY THE SECRETARY.—

18 (A) IN GENERAL.—If, on the basis of an
19 audit conducted under paragraph (1), the Sec-
20 retary determines that a covered Indian tribe is
21 not managing the trust fund established by the
22 tribal governing body under section 5 in accord-
23 ance with the requirements of this section, the
24 Secretary shall require the covered Indian tribe
25 to take remedial action to achieve compliance.

1 (B) APPOINTMENT OF INDEPENDENT
2 TRUSTEE.—If, after a reasonable period of time
3 specified by the Secretary, a covered Indian
4 tribe does not take remedial action under sub-
5 paragraph (A), the Secretary, in consultation
6 with the tribal governing body of the covered
7 Indian tribe, shall appoint an independent
8 trustee to manage the trust fund established by
9 the tribal governing body under section 5.

10 **SEC. 7. EFFECT OF PAYMENTS TO COVERED INDIAN**
11 **TRIBES ON BENEFITS.**

12 (a) IN GENERAL.—A payment made to a covered In-
13 dian tribe or an individual under this Act shall not—

14 (1) for purposes of determining the eligibility
15 for a Federal service or program of a covered Indian
16 tribe, household, or individual, be treated as income
17 or resources; or

18 (2) otherwise result in the reduction or denial
19 of any service or program to which, pursuant to
20 Federal law (including the Social Security Act (42
21 U.S.C. 301 et seq.)), the covered Indian tribe,
22 household, or individual would otherwise be entitled.

1 **SEC. 8. DISTRIBUTION OF FUNDS TO LINEAL DESCEND-**
2 **ANTS.**

3 Not later than 1 year after the date of enactment
4 of this Act, of the funds described in section 3, the Sec-
5 retary shall, in the manner prescribed in section 202(c)
6 of Public Law 92-555 (25 U.S.C. 1300d-4(c)), distribute
7 an amount equal to \$1,469,831.50 to the lineal descend-
8 ants of the Sisseton and Wahpeton Tribes of Sioux Indi-
9 ans.

Passed the House of Representatives September 8,
1997.

Attest:

ROBIN H. CARLE,
Clerk.