

Union Calendar No. 138

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 976**

[Report No. 105-242]

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## **A BILL**

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

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SEPTEMBER 3, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 1997

Mr. HILL (for himself, Mr. THUNE, and Mr. POMEROY) introduced the following bill; which was referred to the Committee on Resources

SEPTEMBER 3, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 6, 1997]

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## A BILL

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 Tribes*  
3 *Judgment Fund Distribution Act of 1997”.*

4 **SEC. 2. DEFINITIONS.**

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

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

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

12 (3) *TRIBAL GOVERNING BODY.*—*The term “tribal*  
13 *governing body” means the duly elected governing*  
14 *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 of*

1 *enactment of this Act, have not been distributed, shall be*  
2 *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 ag-*  
7 *gregate amount, equal to the funds described in section 3*  
8 *reduced by \$1,469,831.50, as follows:*

9 (1) *28.9276 percent of such amount shall be dis-*  
10 *tributed 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 dis-*  
13 *tributed to the tribal governing body of the Sisseton*  
14 *and Wahpeton Sioux Tribe of South Dakota.*

15 (3) *13.7579 percent of such amount shall be dis-*  
16 *tributed to the tribal governing body of the Assini-*  
17 *boine and Sioux Tribes of the Fort Peck Reservation*  
18 *in Montana, as designated under subsection (b).*

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

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

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

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

11 (b) *TRUSTEE.*—Each tribal governing body that estab-  
12 lishes a trust fund under this section shall—

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

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

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

20 (b) *PURPOSES.*—The funds distributed under section  
21 4 may be used by a tribal governing body referred to in  
22 section 4(a) only for the purpose of making investments or  
23 expenditures that the tribal governing body determines to  
24 be reasonably related to—

- 25 (1) economic development that is beneficial to the  
26 covered Indian tribe;

1           (2) *the development of resources of the covered*  
2 *Indian tribe; or*

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

6           (c) *AUDITS.—*

7           (1) *IN GENERAL.—The Secretary shall conduct*  
8 *an annual audit to determine whether each tribal*  
9 *governing body referred to in section 4(a) is manag-*  
10 *ing the trust fund established by the tribal governing*  
11 *body under section 5 in accordance with the require-*  
12 *ments of this section.*

13           (2) *ACTION BY THE SECRETARY.—*

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

22           (B) *APPOINTMENT OF INDEPENDENT TRUST-*  
23 *EE.—If, after a reasonable period of time speci-*  
24 *fied by the Secretary, a covered Indian tribe does*  
25 *not take remedial action under subparagraph*

1           (A), the Secretary, in consultation with the trib-  
2           al governing body of the covered Indian tribe,  
3           shall appoint an independent trustee to manage  
4           the trust fund established by the tribal governing  
5           body under section 5.

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

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

10                   (1) for purposes of determining the eligibility for  
11           a Federal service or program of a covered Indian  
12           tribe, household, or individual, be treated as income  
13           or resources; or

14                   (2) otherwise result in the reduction or denial of  
15           any service or program to which, pursuant to Federal  
16           law (including the Social Security Act (42 U.S.C.  
17           301 *et seq.*)), the covered Indian tribe, household, or  
18           individual would otherwise be entitled.

19 **SEC. 8. DISTRIBUTION OF FUNDS TO LINEAL**  
20                                   **DESCENDANTS.**

21           Not later than 1 year after the date of enactment of  
22           this Act, of the funds described in section 3, the Secretary  
23           shall, in the manner prescribed in section 202(c) of Public  
24           Law 92–555 (25 U.S.C. 1300d–4(c)), distribute an amount

- 1 *equal to \$1,469,831.50 to the lineal descendants of the*
- 2 *Sisseton and Wahpeton Tribes of Sioux Indians.*