

105TH CONGRESS
1ST SESSION

H. R. 976

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

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

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. DEFINITIONS.**

7 For purposes of this Act, the following definitions
8 shall apply:

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

4 (2) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

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

9 **SEC. 3. DISTRIBUTION TO, AND USE OF CERTAIN FUNDS BY,**
10 **THE SISSETON AND WAHPETON TRIBES OF**
11 **SIOUX INDIANS.**

12 Notwithstanding any other provision of law, including
13 Public Law 92–555 (25 U.S.C. 1300d et seq.), any funds
14 made available by appropriations under chapter II of Pub-
15 lic Law 90–352 (82 Stat. 239) to the Sisseton and
16 Wahpeton Tribes of Sioux Indians to pay a judgment in
17 favor of the Tribes in Indian Claims Commission dockets
18 numbered 142 and 359, including interest, after payment
19 of attorney fees and other expenses, that, as of the date
20 of enactment of this Act, have not been distributed, shall
21 be distributed and used in accordance with this Act.

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

23 (a) IN GENERAL.—Subject to section 5, as soon as
24 practicable after the date that is 1 year after the date of
25 enactment of this Act, the Secretary shall distribute an

1 aggregate amount, equal to the funds described in section
2 3 reduced by \$1,469,831.50, as follows:

3 (1) 28.9276 percent of such amount shall be
4 distributed to the tribal governing body of the Spirit
5 Lake Sioux Tribe of North Dakota.

6 (2) 57.3145 percent of such amount shall be
7 distributed to the tribal governing body of the
8 Sisseton and Wahpeton Sioux Tribe of South
9 Dakota.

10 (3) 13.7579 percent of such amount shall be
11 distributed to the tribal governing body of the As-
12 siniboine and Sioux Tribes of the Fort Peck Res-
13 ervation in Montana, as designated under subsection
14 (b).

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

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

23 (a) IN GENERAL.—As a condition to receiving funds
24 distributed under section 4, each tribal governing body re-
25 ferred to in section 4(a) shall establish a trust fund for

1 the benefit of the covered Indian tribe under the jurisdic-
2 tion of that tribal governing body, consisting of—

3 (1) amounts deposited into the trust fund; and

4 (2) any interest and investment income that ac-
5 crues from investments made from amounts depos-
6 ited into the trust fund.

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

9 (1) serve as the trustee of the trust fund; and

10 (2) administer the trust fund in accordance
11 with section 6.

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

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

16 (b) PURPOSES.—The funds distributed under section
17 4 may be used by a tribal governing body referred to in
18 section 4(a) only for the purpose of making investments
19 or expenditures that the tribal governing body determines
20 to be reasonably related to—

21 (1) economic development that is beneficial to
22 the covered Indian tribe;

23 (2) the development of resources of the covered
24 Indian tribe; or

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

4 (c) AUDITS.—

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

11 (2) ACTION BY THE SECRETARY.—

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

20 (B) APPOINTMENT OF INDEPENDENT
21 TRUSTEE.—If, after a reasonable period of time
22 specified by the Secretary, a covered Indian
23 tribe does not take remedial action under sub-
24 paragraph (A), the Secretary, in consultation
25 with the tribal governing body of the covered

1 Indian tribe, shall appoint an independent
2 trustee to manage the trust fund established by
3 the tribal governing body under section 5.

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

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

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

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

17 (b) TAX TREATMENT.—A payment made to a covered
18 Indian tribe or individual under this Act shall not be sub-
19 ject to any Federal or State income tax.

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

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

1 an amount equal to \$1,469,831.50 to the lineal descend-
2 ants of the Sisseton and Wahpeton Tribes of Sioux Indi-
3 ans.

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