

(Pub. L. 92-555, title I, § 101, Oct. 25, 1972, 86 Stat. 1168.)

§ 1300d-2. Apportionment of funds; deposit in United States Treasury; per capita shares; advances, deposits, expenditures, investments, or reinvestments for approved purposes

After deducting the amounts authorized in section 1300d of this title, the funds derived from the judgment awarded the Indian Claims Commission dockets numbered 360, 361, 362, 363, and one-half of the amount awarded in docket numbered 359, plus accrued interest, shall be apportioned on the basis of the rolls prepared pursuant to section 1300d-1 of this title. An amount equivalent to the proportionate shares of those persons who are members of the Flandreau Santee Sioux Tribe of South Dakota, the Santee Sioux Tribe of Nebraska, the Lower Sioux Indian Community, the Prairie Island Indian Community, and the Shakopee Mdewakanton Sioux Community shall be placed on deposit in the United States Treasury to the credit of the respective groups. Eighty per centum of such funds on deposit to the credit of the Flandreau Santee Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska shall be distributed per capita to such tribal members, and the remainder may be advanced, deposited, expended, invested, or reinvested for any purpose designated by the respective tribal governing bodies and approved by the Secretary of the Interior. One hundred per centum of such funds on deposit to the credit of the Lower Sioux Indian Community, the Prairie Island Indian Community, and the Shakopee Mdewakanton Sioux Community shall be distributed per capita of such tribal members: *Provided*, That none of the funds may be paid per capita to any person whose name does not appear on the rolls prepared pursuant to section 1300d-1 of this title. The shares of enrollees who are not members of such groups shall be paid per capita.

(Pub. L. 92-555, title I, § 102, Oct. 25, 1972, 86 Stat. 1168.)

REFERENCES IN TEXT

The Indian Claims Commission, referred to in text, terminated Sept. 30, 1978. See Codification note set out under former section 70 et seq. of this title.

CODIFICATION

Reference in proviso to "section 1300d-1 of this title" was substituted for "section 2 of this Act" as the probable intent of Congress.

§ 1300d-3. Upper Council Sioux

(a) Membership rolls; applications

The Devils Lake Sioux Tribe of North Dakota, and the Sisseton and Wahpeton Sioux Tribe of South Dakota, shall bring current their membership rolls of October 25, 1972. The Assiniboine and Sioux Tribes of the Fort Peck Reservation, Montana, shall prepare rolls of their members who are lineal descendants of the Sisseton and Wahpeton Mississippi Sioux Tribe, who were born on or prior to and are living on October 25, 1972, and who are entitled to enrollment on their respective membership rolls in accordance with

the applicable rules and regulations of the tribe or group involved, using available records and rolls at the local agency and area offices, and any other available records and rolls. Applications for enrollment must be filed with each group named in this section and such rolls shall be subject to approval of the Secretary of the Interior. The Secretary's determination on all applications for enrollment shall be final.

(b) Roll of lineal descendants; applications

Subject to the Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998 [25 U.S.C. 1300d-21 et seq.], the Secretary of the Interior shall prepare a roll of the lineal descendants of the Sisseton and Wahpeton Mississippi Sioux Tribe who were born on or prior to and are living on October 25, 1972, whose names or the name of a lineal ancestor appears on any available records and rolls acceptable to the Secretary, and who are not members of any of the organized groups listed in subsection (a) of this section. Applications for enrollment must be filed with the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota. The Secretary's determination on all applications for enrollment shall be final.

(Pub. L. 92-555, title II, § 201, Oct. 25, 1972, 86 Stat. 1169; Pub. L. 105-387, § 7(d)(2), Nov. 13, 1998, 112 Stat. 3475.)

REFERENCES IN TEXT

The Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998, referred to in subsec. (b), is Pub. L. 105-387, Nov. 13, 1998, 112 Stat. 3471, which is classified principally to part B (§1300d-21 et seq.) of this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 1300d of this title and Tables.

AMENDMENTS

1998—Subsec. (b). Pub. L. 105-387 substituted "Subject to the Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998, the Secretary" for "The Secretary".

§ 1300d-4. Apportionment of funds

(a) Basis of apportionment

After deducting the amount authorized in section 1300d of this title, the funds derived from the judgment awarded in Indian Claims Commission docket numbered 142 and the one-half remaining from the amount awarded in docket numbered 359¹ plus interest received (other than funds otherwise distributed to the Sisseton and Wahpeton Tribes of Sioux Indians in accordance with the Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998 [25 U.S.C. 1300d-21 et seq.]), shall be apportioned on the basis of reservation residence and other residence shown on the 1909 McLaughlin annuity roll, as follows:

Tribe or group	Percentage
Devils Lake Sioux of North Dakota	21.6892
Sisseton-Wahpeton Sioux of South Dakota	42.9730
Assiniboine and Sioux Tribe of the Fort Peck Reservation, Montana	10.3153

¹ So in original. A comma probably should appear.

(b) Deposit in United States Treasury; per capita shares; advances, deposits, expenditures, investments, or reinvestments for approved purposes; programing proposals

The shares of the Devils Lake Sioux Tribe of North Dakota, the Sisseton and Wahpeton Sioux Tribe of South Dakota, and the Assiniboine and Sioux Tribe of the Fort Peck Indian Reservation, Montana, as apportioned in accordance with subsection (a) of this section, shall be placed on deposit in the United States Treasury to the credit of the respective groups. Seventy per centum of such funds shall be distributed per capita to their tribal members: *Provided*, That none of the funds may be paid per capita to any person whose name does not appear on the rolls prepared pursuant to section 1300d-3(a) of this title. The remainder of such funds may be advanced, deposited, expended, invested, or reinvested for any purpose designated by the respective tribal governing bodies and approved by the Secretary of the Interior: *Provided*, That, in the case of the Assiniboine and Sioux Tribe of the Fort Peck Reservation, Montana, the Fort Peck Sisseton-Wahpeton Sioux Council shall act as the governing body in determining the distribution of funds allotted for programing purposes: *Provided further*, That the Sisseton-Wahpeton Sioux Tribe of South Dakota shall act in concert with its membership residing in the Upper Sioux Community in Minnesota and its membership affiliated with the Urban Sisseton-Wahpeton Council of the Minneapolis-Saint Paul area in jointly submitting programing proposals to the Secretary.

(c) Per capita distribution to enrollees

The funds allocated to all other Sisseton and Wahpeton Sioux, as provided in subsection (a) of this section, shall be distributed per capita to the persons enrolled on the roll prepared by the Secretary pursuant to section 1300d-3(b) of this title.

(Pub. L. 92-555, title II, §202, Oct. 25, 1972, 86 Stat. 1169; Pub. L. 105-387, §7(d)(1), Nov. 13, 1998, 112 Stat. 3474.)

REFERENCES IN TEXT

The Indian Claims Commission, referred to in subsec. (a), terminated Sept. 30, 1978. See Codification note set out under former section 70 et seq. of this title.

The Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998, referred to in subsec. (a), is Pub. L. 105-387, Nov. 13, 1998, 112 Stat. 3471, which is classified principally to part B (§1300d-21 et seq.) of this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 1300d of this title and Tables.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-387, §7(d)(1)(B), in table struck out at end item which had apportioned 25.0225 percent of funds to all other Sisseton and Wahpeton Sioux.

Pub. L. 105-387, §7(d)(1)(A)(ii), which directed amendment of introductory provisions by inserting “plus interest received (other than funds otherwise distributed to the Sisseton and Wahpeton Tribes of Sioux Indians in accordance with the Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998),” after “docket numbered 359,” was executed by making the insertion after “docket numbered 359”, to reflect the probable intent of Congress and the amendment by Pub. L. 105-387, §7(d)(1)(A)(i). See below.

Pub. L. 105-387, §7(d)(1)(A)(i), struck out “, plus accrued interest,” after “docket numbered 359” in introductory provisions.

§ 1300d-5. Citizenship requirement

No person shall be eligible to be enrolled under this part who is not a citizen of the United States.

(Pub. L. 92-555, title III, §301, Oct. 25, 1972, 86 Stat. 1170.)

§ 1300d-6. Election of group for enrollment

Any person qualifying for enrollment with more than one group shall elect the group with which he shall be enrolled for the purpose of this part.

(Pub. L. 92-555, title III, §302, Oct. 25, 1972, 86 Stat. 1170.)

§ 1300d-7. Protection of minors and persons under legal disability

The sums payable to enrollees or their heirs or legatees who are minors or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interest of such persons after considering the recommendations of the governing bodies of the groups involved.

(Pub. L. 92-555, title III, §303, Oct. 25, 1972, 86 Stat. 1170.)

§ 1300d-8. Income tax exemption

None of the funds distributed per capita under the provisions of this part shall be subject to Federal or State income taxes.

(Pub. L. 92-555, title III, §304, Oct. 25, 1972, 86 Stat. 1170.)

§ 1300d-9. Rules and regulations

The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this part, including the establishment of deadlines.

(Pub. L. 92-555, title III, §305, Oct. 25, 1972, 86 Stat. 1170.)

§ 1300d-10. Authority to settle action

Notwithstanding any provision of this part or any other provision of law, the Attorney General is authorized to negotiate and settle any action that may be or has been brought to contest the constitutionality or validity under law of the distribution to all other Sisseton and Wahpeton Sioux provided for in section 1300d-4 of this title.

(Pub. L. 92-555, title III, §306, as added Pub. L. 102-497, §17, Oct. 24, 1992, 106 Stat. 3261.)

PART B—1998 DISTRIBUTION AUTHORITY

§ 1300d-21. Definitions

In this part:

(1) Covered Indian tribe

The term “covered Indian tribe” means an Indian tribe listed in section 1300d-23(a) of this title.