

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

(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

¹ So in original. A comma probably should appear.

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.

(2) Fund Account

The term “Fund Account” means the consolidated account for tribal trust funds in the Treasury of the United States that is managed by the Secretary—

(A) through the Office of Trust Fund Management of the Department of the Interior; and

(B) in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(3) Secretary

The term “Secretary” means the Secretary of the Interior.

(4) Tribal governing body

The term “tribal governing body” means the duly elected governing body of a covered Indian tribe.

(Pub. L. 105-387, §2, Nov. 13, 1998, 112 Stat. 3471.)

REFERENCES IN TEXT

This part, referred to in text, was in the original “this Act”, meaning Pub. L. 105-387, Nov. 13, 1998, 112 Stat. 3471, which is classified principally to this part. For complete classification of this Act to the Code, see Short Title note set out under section 1300d of this title and Tables.

The American Indian Trust Fund Management Reform Act of 1994, referred to in par. (2)(B), is Pub. L. 103-412, Oct. 25, 1994, 108 Stat. 4239, as amended, which is classified principally to chapter 42 (§4001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4001 of this title and Tables.

§ 1300d-22. Distribution to, and use of certain funds by, the Sisseton and Wahpeton Tribes of Sioux Indians

Notwithstanding any other provision of law, including part A of this subchapter, any funds made available by appropriations under chapter II of Public Law 90-352 (82 Stat. 239) to the Sisseton and Wahpeton Tribes of Sioux Indians to pay a judgment in favor of those Indian tribes in Indian Claims Commission dockets numbered 142 and 359, including interest, that, as of November 13, 1998, have not been distributed, shall be distributed and used in accordance with this part.

(Pub. L. 105-387, §3, Nov. 13, 1998, 112 Stat. 3471.)

REFERENCES IN TEXT

Chapter II of Public Law 90-352, referred to in text, is chapter II of Pub. L. 90-352, June 19, 1968, 82 Stat. 239, which provided appropriations for payment of certain claims settled and determined by departments and agencies in accordance with law and judgments rendered against the United States, and was not classified to the Code.

§ 1300d-23. Distribution of funds to tribes

(a) In general

(1) Amount distributed

(A) In general

Subject to section 1300d-27(e) of this title and if no action is filed in a timely manner (as determined under section 1300d-27(d) of this title) raising any claim identified in section 1300d-27(a) of this title, not earlier than 365 days after November 13, 1998, and not later than 415 days after November 13, 1998, the Secretary shall transfer to the Fund Account to be credited to accounts established in the Fund Account for the benefit of the applicable governing bodies under paragraph (2) an aggregate amount determined under subparagraph (B).

(B) Aggregate amount

The aggregate amount referred to in subparagraph (A) is an amount equal to the remainder of—

(i) the funds described in section 1300d-22 of this title; minus

(ii) an amount equal to 71.6005 percent of the funds described in section 1300d-22 of this title.