

chapter. 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 Gen-

eral 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.

##### (2) Distribution of funds to accounts in the Fund Account

The Secretary shall ensure that the aggregate amount transferred under paragraph (1) is allocated to the accounts established in the Fund Account as follows:

(A) 28.9276 percent of that amount shall be allocated to the account established for the benefit of the tribal governing body of the Spirit Lake Tribe of North Dakota.

(B) 57.3145 percent of that amount, after payment of any applicable attorneys' fees and expenses by the Secretary under the contract numbered A00C14202991, approved by the Secretary on August 16, 1988, shall be allocated to the account established for the benefit of the tribal governing body of the Sisseton and Wahpeton Sioux Tribe of South Dakota.

(C) 13.7579 percent of that amount shall be allocated to the account established for the benefit of the tribal governing body of the Assiniboine and Sioux Tribes of the Fort Peck Reservation in Montana, as designated under subsection (c) of this section.

#### (b) Use

Amounts distributed under this section to accounts referred to in subsection (d) of this section for the benefit of a tribal governing body shall be distributed and used in a manner consistent with section 1300d-24 of this title.

#### (c) Tribal governing body of Assiniboine and Sioux Tribes of Fort Peck Reservation

For purposes of making distributions of funds pursuant to this part, the Sisseton and Wahpeton Sioux Council of the Assiniboine and

Sioux Tribes shall act as the governing body of the Assiniboine and Sioux Tribes of the Fort Peck Reservation.

#### (d) Tribal Trust Fund Accounts

The Secretary of the Treasury, in cooperation with the Secretary of the Interior, acting through the Office of Trust Fund Management of the Department of the Interior, shall ensure that such accounts as are necessary are established in the Fund Account to provide for the distribution of funds under subsection (a)(2) of this section.

(Pub. L. 105-387, § 4, Nov. 13, 1998, 112 Stat. 3471.)

### § 1300d-24. Use of distributed funds

#### (a) Prohibition

No funds allocated for a covered Indian tribe under section 1300d-23 of this title may be used to make per capita payments to members of the covered Indian tribe.

#### (b) Purposes

The funds allocated under section 1300d-23 of this title may be used, administered, and managed by a tribal governing body referred to in section 1300d-23(a)(2) of this title only for the purpose of making investments or expenditures that the tribal governing body determines to be reasonably related to—

- (1) economic development that is beneficial to the covered Indian tribe;
- (2) the development of resources of the covered Indian tribe;
- (3) the development of programs that are beneficial to members of the covered Indian tribe, including educational and social welfare programs;
- (4) the payment of any existing obligation or debt (existing as of the date of the distribution of the funds) arising out of any activity referred to in paragraph (1), (2), or (3);

(5)(A) the payment of attorneys' fees or expenses of any covered Indian tribe referred to in subparagraph (A) or (C) of section 1300d-23(a)(2) of this title for litigation or other representation for matters arising out of the enactment of part A of this subchapter; except that

(B) the amount of attorneys' fees paid by a covered Indian tribe under this paragraph with funds distributed under section 1300d-23 of this title shall not exceed 10 percent of the amount distributed to that Indian tribe under that section;

(6) the payment of attorneys' fees or expenses of the covered Indian tribe referred to in section 1300d-23(a)(2)(B) of this title for litigation and other representation for matters arising out of the enactment of part A of this subchapter, in accordance, as applicable, with the contracts numbered A00C14203382 and A00C14202991, that the Secretary approved on February 10, 1978 and August 16, 1988, respectively; or

(7) the payment of attorneys' fees or expenses of any covered Indian tribe referred to in section 1300d-23(a)(2) of this title for litigation or other representation with respect to matters arising out of this part.