

**(c) Management**

Subject to subsections (a), (b), and (d) of this section, any funds distributed to a covered Indian tribe pursuant to sections 1300d-23 and 1300d-26 of this title may be managed and invested by that Indian tribe pursuant to the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

**(d) Withdrawal of funds by covered tribes****(1) In general**

Subject to paragraph (2), each covered Indian tribe may, at the discretion of that Indian tribe, withdraw all or any portion of the funds distributed to the Indian tribe under sections 1300d-23 and 1300d-26 of this title in accordance with the American Indian Trust Fund Management Reform Act<sup>1</sup> (25 U.S.C. 4001 et seq.).

**(2) Exemption**

For purposes of paragraph (1), the requirements under subsections (a) and (b) of section 202 of the American Indian Trust Fund Management Reform Act<sup>1</sup> (25 U.S.C. 4022(a) and (b)) and section 203 of such Act (25 U.S.C. 4023) shall not apply to a covered Indian tribe or the Secretary.

**(3) Rule of construction**

Nothing in paragraph (2) may be construed to limit the applicability of section 202(c) of the American Indian Trust Fund Management Reform Act<sup>1</sup> (25 U.S.C. 4022(c)).

(Pub. L. 105-387, §5, Nov. 13, 1998, 112 Stat. 3472.)

## REFERENCES IN TEXT

The American Indian Trust Fund Management Reform Act of 1994, referred to in subsecs. (c) and (d)(1), 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-25. Effect of payments to covered Indian tribes on benefits**

A payment made to a covered Indian tribe or an individual under this part shall not—

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

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

(Pub. L. 105-387, §6, Nov. 13, 1998, 112 Stat. 3473.)

## REFERENCES IN TEXT

The Social Security Act, referred to in par. (2), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended, which is classified principally to chapter 7 (§301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

<sup>1</sup> So in original. Probably should be followed by "of 1994".

**§ 1300d-26. Distribution of funds to lineal descendants****(a) In general**

Subject to section 1300d-27(e) of this title, the Secretary shall, in the manner prescribed in section 1300d-4(c) of this title, distribute to the lineal descendants of the Sisseton and Wahpeton Tribes of Sioux Indians an amount equal to 71.6005 percent of the funds described in section 1300d-22 of this title, subject to any reduction determined under subsection (b) of this section.

**(b) Adjustments****(1) In general**

Subject to section 1300d-27(e) of this title, if the number of individuals on the final roll of lineal descendants certified by the Secretary under section 1300d-3(b) of this title is less than 2,588, the Secretary shall distribute a reduced aggregate amount to the lineal descendants referred to in subsection (a) of this section, determined by decreasing—

(A) the percentage specified in section 1300d-23(a)(B)(ii)<sup>1</sup> of this title by a percentage amount equal to—

(i) .0277; multiplied by

(ii) the difference between 2,588 and the number of lineal descendants on the final roll of lineal descendants, but not to exceed 600; and

(B) the percentage specified in subsection (a) of this section by the percentage amount determined under subparagraph (A).

**(2) Distribution**

If a reduction in the amount that otherwise would be distributed under subsection (a) of this section is made under paragraph (1), an amount equal to that reduction shall be added to the amount available for distribution under section 1300d-23(a)(1) of this title, for distribution in accordance with section 1300d-23(a)(2) of this title.

**(c) Verification of ancestry**

In seeking to verify the Sisseton and Wahpeton Mississippi Sioux Tribe ancestry of any person applying for enrollment on the roll of lineal descendants after January 1, 1998, the Secretary shall certify that each individual enrolled as a lineal descendant can trace ancestry to a specific Sisseton or Wahpeton Mississippi Sioux Tribe lineal ancestor who was listed on—

(1) the 1909 Sisseton and Wahpeton annuity roll;

(2) the list of Sisseton and Wahpeton Sioux prisoners convicted for participating in the outbreak referred to as the "1862 Minnesota Outbreak";

(3) the list of Sioux scouts, soldiers, and heirs identified as Sisseton and Wahpeton Sioux on the roll prepared pursuant to the Act of March 3, 1891 (26 Stat. 989 et seq., chapter 543); or

(4) any other Sisseton or Wahpeton payment or census roll that preceded a roll referred to in paragraph (1), (2), or (3).

<sup>1</sup> So in original. Probably should be section "1300d-23(a)(1)(B)(ii)".