

104TH CONGRESS  
2D SESSION

# S. 2162

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

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30, 1996

Mr. DORGAN (for himself, Mr. DASCHLE, and Mr. PRESSLER) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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## 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 1996”.

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 Public Law 90–  
15   352 to the Sisseton and Wahpeton Tribes of Sioux Indians  
16   to pay a judgment in favor of the Tribes in Indian Claims  
17   Commission dockets numbered 142 and 359, including in-  
18   terest, after payment of attorney fees and other expenses,  
19   that, as of the date of enactment of this Act, have not  
20   been distributed, shall be distributed and used in accord-  
21   ance 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 Devils  
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 that accrues from investments  
5 made from amounts deposited into the trust fund.

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

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

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

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

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

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

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

22 (2) the development of resources of the covered  
23 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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