Public Law 97-371
97th Congress

An Act

To provide for the use and distribution of funds to the Wyandot Tribe of Indians in docket 139 before the Indian Claims Commission and docket 141 before the United States Court of Claims, and for other purposes.

Dec. 20, 1982
[H.R. 6403]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the funds appropriated on October 31, 1978, and March 2, 1979, in accordance with section 1302 of the Supplemental Appropriation Act (31 U.S.C. 724A), in satisfaction of judgments granted to the Wyandot (hereinafter "Wyandotte") Tribe in docket 139 by the Indian Claims Commission and in docket 141 by the United States Court of Claims, less attorney fees and litigation expenses, including all interest and investment income accrued, shall be used and distributed as herein provided.

Wyandot Tribe of Indians of Oklahoma. Distribution and use of funds.
Ante, p. 917.
31 USC 1304.
Ante, p. 1062.
39 USC 409.

SEC. 2. The Secretary of the Interior (hereinafter "Secretary") shall divide the funds between the Wyandotte Tribe of Oklahoma and the absentee Wyandotte descendants as follows:

308/510ths to the Wyandotte Tribe of Oklahoma; and
202/510ths to the absentee Wyandotte descendants.

SEC. 3. The Wyandotte Tribe of Oklahoma's share shall be distributed as follows:

(a) A roll shall be prepared, in accordance with the procedures enacted by the tribal government body and approved by the Secretary, of all members of the Wyandotte Tribe of Oklahoma who were born on or prior to and living on the date of this Act. Subsequent to the preparation of this roll, the Secretary shall make a per capita distribution of 80 per centum of the Wyandotte Tribe of Oklahoma's share of the funds, in a sum as equal as possible, to all persons listed on this roll. Any amount remaining after the per capita payment shall be utilized as provided in section 3(b)(2)(iii) of this Act.

Ancestry roll.

(b) The remaining 20 per centum shall be utilized as follows:

(1) A sum of $100,000 shall be utilized to purchase land for the tribe to be held in trust status by the Secretary.

(2) The balance shall be invested by the Secretary, pursuant to the Act of June 24, 1938 (25 U.S.C. 162a). The interest and investment income accrued shall be immediately available to the Wyandotte Tribe of Oklahoma upon the approval of the Secretary of the tribe's plan of operation and budget as set forth in Wyandotte Tribe of Oklahoma Resolution Numbered 9479, adopted September 4, 1979, as follows:

(i) 33⅓ per centum shall be utilized toward the upkeep and maintenance of the Wyandotte Cultural Center and other sites as may in the future be developed by the tribe.

(ii) 33⅓ per centum shall be utilized for the upkeep and maintenance of the Wyandotte Tribal Cemetery at Wyandotte, Oklahoma.

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(iii) 33⅓ per centum shall be placed in the custody of the secretary/treasurer of the tribe and, with the approval of the Business Committee of the Wyandotte Tribe of Oklahoma, utilized for the administration of the tribe: *Provided,* That none of these funds be expended for salaries.

Ancestry roll.

SEC. 4. A roll shall be prepared by the Secretary of persons: not members of the Wyandotte Tribe of Oklahoma, on, or lineally descended from persons on, the "Census of Absentee or Citizen Wyandotte Indians" compiled by Joel T. Olive, dated November 18, 1896, as corrected in circular of October 28, 1904, by W. A. Richards, Commissioner of the General Land Office; and born on or prior to and living on the date of this Act. The Secretary's determination concerning eligibility for inclusion on this roll shall be final. Subsequent to the preparation of this roll, the Secretary shall make a per capita distribution, of the absentee Wyandotte's shares, in a sum as equal as possible, to all persons listed on this roll.

Per capita payments.

SEC. 5. The per capita shares of living competent adults shall be paid directly to them. Per capita shares of deceased individual beneficiaries shall be determined as distributed pursuant to regulations prescribed by the Secretary. Per capita shares of legal incompetents and per capita shares of individuals under age eighteen shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines to be necessary to protect the interests of such individuals.

Tax exemption.

SEC. 6. None of the funds distributed under this Act shall be subject to Federal or State income taxes or be considered income or resources in determining eligibility for or the amount of assistance under the Social Security Act.

42 USC 1305.

Rules and regulations.

SEC. 7. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Approved December 20, 1982.

LEGISLATIVE HISTORY—H.R. 6403:

HOUSE REPORT No. 97-819 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Sept. 29, considered and passed House.
Dec. 8, considered and passed Senate.