

Union Calendar No. 354

112TH CONGRESS
2^D SESSION

H. R. 1272

[Report No. 112-501]

To provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2011

Mr. PETERSON (for himself and Mr. CRAVAACK) introduced the following bill;
which was referred to the Committee on Natural Resources

MAY 30, 2012

Additional sponsor: Mr. PAULSEN

MAY 30, 2012

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on March 30, 2011]

A BILL

To provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United States Court of Federal Claims in Docket Numbers 19 and 188, 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 “Minnesota Chippewa*
5 *Tribe Judgment Fund Distribution Act of 2012”.*

6 **SEC. 2. FINDINGS.**

7 *Congress finds the following:*

8 (1) *On January 22, 1948, the Minnesota Chip-*
9 *pewa Tribe, representing all Chippewa bands in Min-*
10 *nesota except the Red Lake Band, filed a claim before*
11 *the Indian Claims Commission in Docket No. 19 for*
12 *an accounting of all funds received and expended pur-*
13 *suant to the Act of January 14, 1889, 25 Stat. 642,*
14 *and amendatory acts (hereinafter referred to as the*
15 *Nelson Act).*

16 (2) *On August 2, 1951, the Minnesota Chippewa*
17 *Tribe, representing all Chippewa bands in Minnesota*
18 *except the Red Lake Band, filed a number of claims*
19 *before the Indian Claims Commission in Docket No.*
20 *188 for an accounting of the Government’s obligation*
21 *to each of the member bands of the Minnesota Chip-*
22 *pewa Tribe under various statutes and treaties that*
23 *are not covered by the Nelson Act of January 14,*
24 *1889.*

1 (3) *On May 17, 1999, a Joint Motion for Find-*
2 *ings in Aid of Settlement of the claims in Docket No.*
3 *19 and 188 was filed before the Court.*

4 (4) *The terms of the settlement were approved by*
5 *the Court and the final judgment was entered on May*
6 *26, 1999.*

7 (5) *On June 22, 1999, \$20,000,000 was trans-*
8 *ferred to the Department of the Interior and deposited*
9 *into a trust fund account established for the bene-*
10 *ficiaries of the funds awarded in Docket No. 19 and*
11 *188.*

12 (6) *Pursuant to the Indian Tribal Judgment*
13 *Funds Use or Distribution Act (25 U.S.C. 1401 et*
14 *seq.), Congress must act to authorize the use or dis-*
15 *tribution of the judgment funds.*

16 (7) *On October 1, 2009, the Minnesota Chippewa*
17 *Tribal Executive Committee passed Resolution 146–*
18 *09, approving a plan to distribute the judgment funds*
19 *and requesting that the United States Congress act to*
20 *distribute the judgment funds in the manner described*
21 *by the plan.*

22 **SEC. 3. DEFINITIONS.**

23 *For the purpose of this Act:*

24 (1) *AVAILABLE FUNDS.—The term “available*
25 *funds” means the funds awarded to the Minnesota*

1 *Chippewa Tribe and interest earned and received on*
2 *those funds, less the funds used for payments author-*
3 *ized under section 4.*

4 (2) *BANDS.*—*The term “Bands” means the Bois*
5 *Forte Band, Fond du Lac Band, Grand Portage*
6 *Band, Leech Lake Band, Mille Lacs Band, and White*
7 *Earth Band.*

8 (3) *JUDGMENT FUNDS.*—*The term “judgment*
9 *funds” means the funds awarded on May 26, 1999,*
10 *to the Minnesota Chippewa Tribe by the Court of*
11 *Federal Claims in Docket No. 19 and 188.*

12 (4) *MINNESOTA CHIPPEWA TRIBE.*—*The term*
13 *“Minnesota Chippewa Tribe” means the Minnesota*
14 *Chippewa Tribe, Minnesota, composed of the Bois*
15 *Forte Band, Fond du Lac Band, Grand Portage*
16 *Band, Leech Lake Band, Mille Lacs Band, and White*
17 *Earth Band. It does not include Red Lake Band of*
18 *Chippewa Indians, Minnesota.*

19 (5) *SECRETARY.*—*The term “Secretary” means*
20 *the Secretary of the Interior.*

21 **SEC. 4. LOAN REIMBURSEMENTS TO MINNESOTA CHIPPEWA**
22 **TRIBE.**

23 (a) *IN GENERAL.*—*The Secretary is authorized to re-*
24 *imburse the Minnesota Chippewa Tribe the amount of*
25 *funds, plus interest earned to the date of reimbursement,*

1 *that the Minnesota Chippewa Tribe contributed for pay-*
2 *ment of attorneys' fees and litigation expenses associated*
3 *with the litigation of Docket No. 19 and 188 before the U.S.*
4 *Court of Federal Claims and the distribution of judgment*
5 *funds.*

6 (b) *CLAIMS.—The Minnesota Chippewa Tribe's claim*
7 *for reimbursement of funds expended shall be—*

8 (1) *presented to the Secretary not later than 90*
9 *days after the date of enactment of this Act;*

10 (2) *certified by the Minnesota Chippewa Tribe as*
11 *being unreimbursed to the Minnesota Chippewa Tribe*
12 *from other funding sources;*

13 (3) *paid with interest calculated at the rate of*
14 *6.0 percent per annum, simple interest, from the date*
15 *the funds were expended to the date the funds are re-*
16 *imbursed to the Minnesota Chippewa Tribe; and*

17 (4) *paid from the judgment funds prior to the*
18 *division of the funds under section 5.*

19 **SEC. 5. DIVISION OF JUDGMENT FUNDS.**

20 (a) *MEMBERSHIP ROLLS.—Not later than 90 days*
21 *after the date of the enactment of this Act, the Minnesota*
22 *Chippewa Tribe shall submit to the Secretary updated*
23 *membership rolls for each Band, which shall include all en-*
24 *rolled members the date of the enactment of this Act.*

1 (b) *DIVISIONS.*—*After all funds have been reimbursed*
2 *under section 4, and the membership rolls have been up-*
3 *dated under subsection (a), the Secretary shall—*

4 (1) *set aside for each Band a portion of the*
5 *available judgment funds equivalent to \$300 for each*
6 *member enrolled within each Band; and*

7 (2) *after the funds are set aside in accordance*
8 *with paragraph (1), divide 100 percent of the remain-*
9 *ing funds into equal shares for each Band.*

10 (c) *SEPARATE ACCOUNTS.*—*The Secretary shall—*

11 (1) *deposit all funds described in subsection*
12 *(b)(1) into a “Per Capita” account for each Band;*
13 *and*

14 (2) *deposit all funds described in subsection*
15 *(b)(2) into an “Equal Shares” account for each Band.*

16 (d) *WITHDRAWAL OF FUNDS.*—*After the Secretary de-*
17 *posits the available funds into the accounts described in sub-*
18 *section (c), a Band may withdraw all or part of the monies*
19 *in its account.*

20 (e) *DISBURSEMENT OF PER CAPITA PAYMENTS.*—*All*
21 *funds described in subsection (b)(1) shall be used by each*
22 *Band only for the purposes of distributing one \$300 pay-*
23 *ment to each individual member of the Band. Each Band*
24 *may—*

1 (1) *distribute the \$300 payment to the parents or*
2 *legal guardians on behalf of each dependent Band*
3 *member instead of distributing such \$300 payment to*
4 *the dependent Band member; or*

5 (2) *deposit into a trust account the \$300 pay-*
6 *ment to each dependent Band member for the benefit*
7 *of such dependent Band member, to be distributed*
8 *under the terms of such trust.*

9 (f) *DISTRIBUTION OF UNCLAIMED PAYMENTS.—One*
10 *year after the funds described in subsection (b)(1) are made*
11 *available to the Bands, all unclaimed payments described*
12 *in subsection (e) shall be returned to the Secretary, who*
13 *shall divide these funds into equal shares for each Band,*
14 *and deposit the divided shares into the accounts described*
15 *in subsection (c)(2) for the use of each Band.*

16 (g) *LIABILITY.—If a Band exercises the right to with-*
17 *draw monies from its accounts, the Secretary shall not re-*
18 *tain liability for the expenditure or investment of the mon-*
19 *ies after each withdrawal.*

20 **SEC. 6. GENERAL PROVISIONS.**

21 (a) *PREVIOUS OBLIGATIONS.—Funds disbursed under*
22 *this Act shall not be liable for the payment of previously*
23 *contracted obligations of any recipient as provided in Pub-*
24 *lic Law 98–64 (25 U.S.C. 117b(a)).*

1 **(b) INDIAN JUDGMENT FUNDS DISTRIBUTION ACT.—**
2 *All funds distributed under this Act are subject to the provi-*
3 *sions in the Indian Judgment Funds Distribution Act (25*
4 *U.S.C. 1407).*

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