Public Law 97-376
97th Congress

An Act

Dec. 21, 1982
[H.R. 5553]

To provide for the use and disposition of Miami Indians judgment funds in dockets 124-B and 254 before the United States Court of Claims, and for other purposes.

Indians.
Miami Tribe of Oklahoma and Indiana.
Judgment funds, distribution.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated on July 27, 1979, in satisfaction of the award in favor of the Miami Tribe of Oklahoma and the Miami Indians of Indiana in dockets 124-B and 254 before the United States Court of Claims, including all interest and investment income accrued, less attorney fees and litigation expenses, shall be used and distributed as herein provided.

SEC. 2. The Secretary of the Interior (hereinafter "Secretary") shall divide the judgment funds in dockets 124-B and 254, together with the interest and investment income accruing thereon, between the two beneficiary groups, on the basis of the number of enrollees of each group as designated on the 1972 Miami Indians of Oklahoma and Indiana payment roll, prepared pursuant to the Act of June 2, 1972 (86 Stat. 199), with 1398/5,080ths to the tribal organization, the Miami Tribe of Oklahoma, and 3682/5,080ths to the descendant group which consists of the Miami Indians of Indiana and other Miami descendants.

Ancestry roll.

SEC. 3. For purposes of determining the number of lineal descendants of the Miami Indians of Indiana and other Miami descendants entitled to participate in such funds apportioned to the descendant group, the Secretary shall prepare a roll of all persons of Miami Indian ancestry who meet the following requirements for eligibility:

(a) They were born on or prior to, and living on, the date of this Act.

(b) Their name or the name of an ancestor from whom they claim eligibility appears on the roll of Miami Indians of Indiana of June 12, 1895, or the roll of "Miami Indians of Indiana, now living in Kansas, Quapaw Agency, I.T., and Oklahoma Territory", prepared and completed pursuant to the Act of March 2, 1895 (28 Stat. 903), or the roll of the Eel River Miami Tribe of Indians of May 27, 1889, prepared and completed pursuant to the Act of June 29, 1888 (25 Stat. 223), or the roll of the Western Miami Tribe of Indians of June 12, 1891 (26 Stat. 1001). No person whose name appears on the current tribal roll of the Miami Tribe of Oklahoma shall be eligible to be enrolled under this section. Applications for enrollment must be filed with the area director of the Bureau of Indian Affairs, Muskogee, Oklahoma, on forms prescribed for that purpose. The determination of the Secretary regarding the eligibility of an applicant shall be final.

SEC. 4. On completion of the roll by the Secretary, as provided under section 3 of this Act, the funds apportioned to the descendant group, including the interest and investment income accruing thereon, shall be distributed equally to the individuals enrolled.

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SEC. 5. (a) Of the apportioned share belonging to the Miami Tribe of Oklahoma, no more than 80 per centum of such funds, including the interest and investment income accruing thereon, shall be distributed on a per capita basis in amounts as equal as possible to all enrolled members. For purposes of determining the number of enrollees of the tribal organization, the membership roll shall be brought current pursuant to tribal enrollment procedures, to include all persons born on or prior to and living on the date of this Act.

(b) The remaining 20 per centum of such funds, including the interest and investment income accruing thereon, shall be held and invested by the Secretary pursuant to the Act of June 24, 1938 (52 Stat. 1037; 25 U.S.C. 162a), or invested by the tribe, in a private trust arrangement as approved by the Secretary, and such funds shall be expended by the tribe in accordance with tribal plans and budgets approved by the Secretary, where the investments are handled by the Secretary, or in accordance with the provisions of the private trust agreement.

Per capita payments.

SEC. 6. The per capita shares of living competent adults shall be paid directly to them. Per capita shares of deceased individual beneficiaries shall be determined and 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. 7. The funds distributed per capita or made available for programing under this Act shall not be subject to Federal or State income taxes nor shall such funds be considered as income or resources in determining either eligibility for or the amount of assistance under the Social Security Act.

42 USC 1305.

Rules and regulations.

SEC. 8. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act; including the establishment of deadlines.

Approved December 21, 1982.

LEGISLATIVE HISTORY—H.R. 5553:

HOUSE REPORT No. 97-815 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Sept. 29, considered and passed House.
Dec. 8, considered and passed Senate.