

Public Law 97-402
97th Congress

An Act

Dec. 31, 1982

[S. 1340]

Indians.
Clallam
judgment funds.

To provide for the use and distribution of Clallam judgment funds in docket number 134 before the Indian Claims Commission, and for other purposes.

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 by the Act of May 4, 1977 (91 Stat. 61), in satisfaction of a judgment awarded in favor of the Clallam Tribe of Indians of the State of Washington in Indian Claims Commission docket numbered 134, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be divided by the Secretary of the Interior (hereinafter referred to as the "Secretary"), in shares of one-third to each, as agreed to by the adoption of tribal resolutions cited in sections 2, 3, and 4 of this Act, among the Port Gamble Indian Community, the Lower Elwha Tribal Community, and the Jamestown Band of Clallam Indians.

SEC. 2. The share of the funds apportioned to the Port Gamble Indian Community under the first section of this Act shall be used as provided in tribal resolution numbered 79-A1, dated January 9, 1979, requiring that 80 per centum of such share be used in a revenue supplement fund for community projects and the balance in an investment program.

SEC. 3. The share of the funds apportioned to the Lower Elwha Tribal Community under the first section of this Act shall be used as provided by tribal resolution numbered 8B-78, dated August 27, 1978, requiring that up to 80 per centum of such share be used in a land acquisition program that includes the payment of an outstanding loan on land purchased by the community and the balance in economic development projects for the benefit of all tribal members.

SEC. 4. The share of the funds apportioned to the Jamestown Band of Clallam Indians under the first section of this Act shall be used as provided by resolution numbered 78-1, dated October 1, 1978, requiring that up to 50 per centum of such share be used in a land acquisition program and the balance in a business development program.

SEC. 5. (a) The shares of funds apportioned under the first section of this Act shall be advanced to the respective groups within 60 days of this Act: *Provided*, That in the case of the Jamestown Band, a formal organization has been approved by the Secretary. At the time the funds are advanced, the Secretary shall account to the respective groups for all investments made and income received since May 4, 1977.

(b) Except as otherwise provided in this section, funds held and administered by the respective groups which are the subject of this Act, and income derived therefrom, shall be treated in the same fashion as if held in trust by the Secretary of the Interior: *Provided*, That such funds may be invested or expended by the respective

groups in accordance with their plans without requirement of prior approval by the Secretary.

(c) Upon advancement of the funds to the respective groups the Secretary shall have no further trust responsibility for the investment, supervision, administration or expenditure of such funds, and the United States shall be exempt from any liability for such investment, supervision, administration or expenditure of such funds.

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

42 USC 1305.

Approved December 31, 1982.

LEGISLATIVE HISTORY—S. 1340:

SENATE REPORT No. 97-654 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 128 (1982):

Dec. 3, considered and passed Senate.

Dec. 17, considered and passed House.