Public Law 97-403
97th Congress

An Act

Dec. 31, 1982
[S. 1735]

To provide for the use and distribution of funds awarded the Pembina Chippewa Indians in dockets numbered 113, 191, 221, and 246 of the Court of Claims.

Pembina Chippewa Indians. Distribution and use of funds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of the Act of October 19, 1973 (87 Stat. 466; 25 U.S.C. 1401 et seq.), or any other law, regulation, or plan promulgated pursuant thereto, any funds appropriated in satisfaction of a judgment awarded to the Pembina Chippewa Indians in dockets numbered 113, 191, 221, and 246 of the Court of Claims shall be used and distributed as provided in this Act.

SEC. 2. All of the funds appropriated with respect to the judgment awarded the Pembina Chippewa Indians in dockets 113, 191, 221, and 246 (less attorney fees and litigation expenses), including all interest and investment income accrued, shall be divided by the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") among the Turtle Mountain Band of Chippewa Indians, the Chippewa Cree Tribe of Rocky Boy's Reservation, the Minnesota Chippewa Tribe, the Little Shell Band of the Chippewa Indians of Montana, and the nonmember Pembina descendants (as a group) so that each is allocated an amount which bears the same relationship to such funds as the number of members of such band, tribe, or group who are described under section 3(1), 4(1), 5(1), or 6(1) or 7(a) bears to the sum of—

(1) the number of members of the Turtle Mountain Band of Chippewa Indians described in section 3(1),

(2) the number of members of the Chippewa Cree Tribe of Rocky Boy's Reservation described in section 4(1),

(3) the number of members of the Minnesota Chippewa Tribe described in section 5(1),

(4) the number of members of the Little Shell Band of the Chippewa Indians of Montana as described in section 6(1) plus

(5) the number of nonmember Pembina Chippewas enrolled by the Secretary under section 7(a).

Turtle Mountain Band of Chippewa Indians.

SEC. 3. The funds allocated by section 2 to the Turtle Mountain Band of Chippewa Indians shall be used and distributed as follows:

(1) Eighty per centum of such funds shall be distributed in the form of per capita payments (in sums as equal as possible) to all enrolled members of the Turtle Mountain Band of Chippewa Indians who are living on the date of the enactment of this Act.

(2) Twenty per centum of such funds shall be held in trust and invested by the Secretary for the benefit of the members of the Turtle Mountain Band of Chippewa Indians. The governing body of such band is authorized to use the interest and investment income accrued on such 20 per centum portion, on an annual budgetary basis subject to the approval of the Secretary, for—

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(A) the administration of such band, or

(B) social and economic programs.

Such 20 per centum portion of the principal shall not be available for per capita payments.

Chippewa Cree Tribe of Rocky Boy's Reservation.

SEC. 4. The funds allocated by section 2 to the Chippewa Cree Tribe of Rocky Boy's Reservation shall be used and distributed as follows:

(1) Eighty per centum of such funds shall be distributed in the form of per capita payments (in sums as equal as possible) to all enrolled members of the Chippewa Cree Tribe of Rocky Boy's Reservation who—

(A) establish Pembina Chippewa ancestry to the satisfaction of the Secretary, and

(B) are living on the date of the enactment of this Act.

(2) Twenty per centum of such funds shall be held in trust and invested by the Secretary for the benefit of the members of the Chippewa Cree Tribe of Rocky Boy's Reservation. The governing body of such tribe is authorized to use the interest and investment income accrued on such 20 per centum portion, on an annual budgetary basis subject to the approval of the Secretary, for—

(A) economic programs,

(B) recreation, or

(C) tribal administration.

Such 20 per centum portion of the principal shall not be available for per capita payments.

Minnesota Chippewa Tribe.

SEC. 5. The funds allocated by section 2 to the Minnesota Chippewa Tribe shall be used and distributed as follows:

(1) Eighty per centum of such funds shall be distributed in the form of per capita payments (in sums as equal as possible) to all enrolled members of the Minnesota Chippewa Tribe who—

(A) are designated as Pembina Band Chippewas on the basis of tribal procedures which are approved by the Secretary, and

(B) are living on the date of the enactment of this Act.

(2) Twenty per centum of such funds shall be held in trust and invested by the Secretary for the benefit of the members of the Minnesota Chippewa Tribe. The White Earth Reservation Business Committee is authorized to use the interest and investment income accrued on such 20 per centum portion, on an annual budgetary basis subject to the approval of the Secretary, for—

(A) a joint investment and use program for the bands affiliated with the reservation, or

(B) reservation social and economic programs.

Such 20 per centum portion of the principal shall not be available for per capita payments.

Little Shell Tribe of Chippewa Indians of Montana.

SEC. 6. The funds allocated by section 2 to the Little Shell Tribe of Chippewa Indians of Montana shall be used and distributed as follows:

(1) Eighty per centum of such funds shall be distributed in the form of per capita payments (in sums as equal as possible) to all enrolled members of the Little Shell Tribe of Chippewa Indians of Montana who are living on the date of the enactment of this Act and who would meet the enrollment criteria under section 7(a) of this Act if they were not enrolled members of the Little Shell Tribe of Chippewa Indians of Montana.

(2) Twenty per centum of such funds shall be held in trust and invested by the Secretary for the benefit of the members of the

Little Shell Tribe of Chippewa Indians of Montana. The governing body of such tribe is authorized to use the interest and investment income accrued on such 20 per centum portion, on an annual budgetary basis subject to the approval of the Secretary, for—

(A) the administration of such tribe, or

(B) social and economic programs:

Provided, That the Secretary shall act on the tribe's petition for Federal recognition prior to September 30, 1985. In the event that recognition is not approved, the 20 per centum portion shall be distributed in the form of per capita payments (in sums as equal as possible) to those persons who qualify for per capita payments under section 6(1): *Provided further,* That if the Secretary fails to act on the recognition petition by September 30, 1985, the Secretary shall make a report to Congress on that date outlining the reasons for his failure to act and shall make no per capita payments under this subsection until action on the petition is final.

Report to Congress.

Ancestry roll.

SEC. 7. (a) In order to establish eligibility to participate in the distribution of the funds allocated to the nonmember Pembina Chippewa descendants under section 2, the Secretary shall develop a roll of all individuals who—

(1) are of at least one-quarter Pembina Chippewa blood,

(2) are citizens of the United States,

(3) are living on the date of the enactment of this Act,

(4) are not members of the Red Lake Band of Chippewa Indians, the Turtle Mountain Band of Chippewa Indians, the Chippewa Cree Tribe, or the Minnesota Chippewa Tribe, or the Little Shell Band of Chippewa Indians of Montana, and

(5) are—

(A) enrolled, or the descendants of a lineal ancestor enrolled—

(i) as Pembina descendants under the provisions of the Act of July 29, 1971 (85 Stat. 158), for the disposition of the 1863 Pembina Award, or

(ii) on the McCumber roll of Turtle Mountain Indians of 1892, or

(iii) on the Davis roll of Turtle Mountain Indians of 1904, or

(iv) as Chippewa on—

(I) the tentative roll of the Rocky Boy Indians of May 30, 1917, or

(II) the McLaughlin census report of the Rocky Boy Indians of July 7, 1917, or

(III) the Roe Cloud Roll of Landless Indians of Montana, or

(B) able to establish Pembina ancestry on the basis of any other rolls or records acceptable to the Secretary.

Regulations.

(b) The Secretary shall promulgate regulations regarding nonmember Pembina enrollment procedures and shall utilize any documents acceptable to the Secretary in establishing eligibility of an individual to receive funds under this section.

(c) Funds allocated to the nonmember Pembina descendants under section 2 shall be distributed on a per capita basis to the individuals enrolled under subsection (a).

Per capita payments.

SEC. 8. (a) Any payment of a per capita share of funds to which a living, competent adult is entitled under this Act shall be paid directly to such adult.

(b) Any per capita share of funds to which a deceased individual is entitled under this Act shall be paid, and the beneficiaries thereof determined under regulations prescribed by the Secretary.

(c) Any per capita share of funds to which a legally incompetent individual or an individual under eighteen years of age is entitled under this Act shall be paid in accordance with such procedures (including the establishment of trusts) as the Secretary determines to be necessary to protect and preserve the interests of such individual.

Tax exemption.

SEC. 9. None of the funds distributed per capita or made available under this Act for programs shall be subject to Federal, State, or local income taxes or be considered income or resources or otherwise utilized as the basis for denying or reducing the financial assistance or benefits to any person or household participating in any Federal, State, or local programs.

Approved December 31, 1982.

LEGISLATIVE HISTORY—S. 1735 (H.R. 6416):

HOUSE REPORT No. 97-937 accompanying H.R. 6416 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 97-655 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Dec. 3, considered and passed Senate.
Dec. 6, H.R. 6416 considered and passed House; S. 1735 amended, passed in lieu.
Dec. 16, Senate concurred in House amendment.