Public Law 97-408
97th Congress

An Act

To provide for the use and distribution of funds awarded to the Blackfeet and Gros Ventre Tribes of Indians and the Assiniboine Tribe of Fort Belknap Indian Community, in certain dockets of the United States Court of Claims and of funds awarded to the Papago Tribe of Arizona in dockets numbered 345 and 102 of the Indian Claims Commission, and for other purposes.

Jan. 3, 1983
[S. 1986]

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 in accordance with section 1302 of the Supplemental Appropriation Act (31 U.S.C. 724a), on January 23, 1981, in satisfaction of a judgment awarded to the Blackfeet and Gros Ventre Tribes of Indians and the Assiniboine Tribe of the Fort Belknap Indian Community in dockets numbered 250-A and 279-C of the United States Court of Claims; on July 16, 1981, in satisfaction of a judgment awarded to the Gros Ventre Tribe of Fort Belknap Indian Community in docket numbered 309-74 of the United States Court of Claims; and 26.8 per centum of the funds appropriated on June 30, 1981, in satisfaction of a judgment awarded to the Blackfeet and Gros Ventre Tribes in docket numbered 649-80L of the United States Court of Claims, less attorney fees and litigation expenses, but including all accrued interest and investment income, shall be distributed and used as herein provided.

Indians.
Judgment funds, distribution to certain tribes.

SEC. 2. The funds appropriated to the Blackfeet Tribe of the Blackfeet Reservation, Montana, in docket numbered 279-C, in an original amount of $400,000, shall be held in trust and invested by the Secretary of the Interior (hereinafter "Secretary") for the benefit of the members of the Blackfeet Tribe. The governing body of such tribe is authorized to utilize such funds on a budgetary basis, subject to approval of the Secretary, for governmental operations and social and economic programs.

Blackfeet Tribe of Montana.

SEC. 3. The funds appropriated to the Assiniboine Tribe of the Fort Belknap Indian Community, Montana, in docket numbered 250-A, in the original amount of $2,170,013 shall be used and distributed as follows: *Provided,* That no person shall be eligible to share in more than one award in his own right:

Assiniboine Tribe of the Fort Belknap Indian Community, Montana.

(a) Eighty per centum of such funds shall be distributed in the form of per capita payments (in sums as equal as possible) to all persons duly enrolled as Assiniboine members of the Fort Belknap Indian Community and born on or prior to, and living on, the date of enactment of this Act.

(b) Twenty per centum of such funds shall be held in trust and invested by the Secretary for the benefit of the members of the Assiniboine Tribe of the Fort Belknap Indian Community. The treasy committee of such tribe is authorized to utilize such funds on a budgetary basis, subject to approval of the Secretary, for social and economic programs. Such programs may include, but are not limited to, land acquisitions and the development of local reservation projects.

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Gros Ventre Tribe of the Fort Belknap Indian Community, Montana.

SEC. 4. The funds appropriated to the Gros Ventre Tribe of the Fort Belknap Indian Community, Montana, in docket numbered 279–C, in the original amount of $2,094,987; in docket numbered 309–74, in the original amount of $77,780.13; and in docket numbered 649–80L, in the initial amount of 26.8 per centum of $29,404,951.94, shall be used and distributed as follows: *Provided*, That no person shall be eligible to share in more than one award in his own right:

(a) Eighty per centum of such funds shall be distributed in the form of per capita payments (in sums as equal as possible) to all persons born on or prior to, and living on, the date of enactment of this Act who are (1) duly enrolled members of the Gros Ventre Tribe of the Fort Belknap Indian Reservation who possess at least one-quarter degree Gros Ventre blood or (2) who are enrolled in the Fort Belknap Indian Community and who are at least one-fourth degree Gros Ventre and Assiniboine blood, but not less than one-eighth degree Gros Ventre blood, and are not eligible to share under section 3 of this Act.

(b) Twenty per centum of such funds shall be held in trust and invested by the Secretary for the benefit of the members of the Gros Ventre Tribe of the Fort Belknap Indian Reservation. The treaty committee of such tribe is authorized to utilize such funds on a budgetary basis, subject to approval of the Secretary, for social and economic programs. Such programs may include, but are not limited to, land acquisition and the development of local reservation projects.

(c) Nothing in this section is deemed in anyway to increase, diminish, or in anyway affect the right of the Gros Ventre Tribe to determine its membership.

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 and distributed pursuant to regulations prescribed by the Secretary. Per capita shares of individuals under eighteen 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 individuals.

Tax exemption.

SEC. 6. None of the funds distributed per capita or held in trust under provisions of this Act shall be subject to Federal or State income taxes, and the per capita payments shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act or other Federal assistance programs.

SEC. 7. The Secretary is authorized to prescribe rules and regulations to carry out the provisions of this Act, including the establishment of deadlines for filing applications for enrollment.

Papago Tribe of Arizona.

SEC. 8. (a) Notwithstanding any other law, the funds appropriated by the Act of September 30, 1976 (90 Stat. 1416), in satisfaction of a judgment awarded to the Papago Tribe of Arizona in dockets numbered 345 and 102 of the Indian Claims Commission, less attorney fees and litigation expenses, but including all accrued interest or investment income, shall be used and distributed as provided in this Act.

(b) Fifty per centum of such funds shall be held in trust by the Secretary for the benefit of the Papago Tribe and shall be administered or invested by the Secretary for the best interest of the tribe under existing law. Such funds shall be held and used as follows:

(1) All interest or investment income accruing to said funds shall be available, at the request of the tribe on a quarterly basis, for use by the Papago Tribal Council on an annual budgetary basis for expenditures of the tribal government, and for health, education, and social services, capital improvements and economic development programs of the tribe and of the district and communities of the tribe's reservation. Any interest or investment income accrued during the year and remaining available at the end of the tribe's fiscal year shall, at the request of the tribe, be added to the principal amount.

(2) A portion of such funds, principal and accrued interest or investment income, but not in the aggregate a sum in excess of 20 per centum of the initial principal amount, shall be available upon the request to the tribe for capital improvement or major economic development activities of benefit to the tribe as a whole pursuant to a plan or plans developed by the Papago Tribal Council and approved by the Secretary.

(3) Sufficient funds from the principal amount of such funds shall be available to the Secretary to insure that the per capita distribution of $1,000 to each enrollee is completed as provided in subsection (c) to the extent that there are not sufficient funds in the amount set aside for per capita distribution to make such payment.

(c) Fifty per centum of such funds shall be held and administered by the Secretary for per capita distribution and such sums, together with any accrued interest or investment income, shall be distributed and used as follows:

Membership roll.

(1) The membership roll of the tribe shall be brought current to the date of enactment of this Act pursuant to the criteria specified in the tribal constitution and the provisions of the Papago Enrollment Ordinance, ordinance numbered 5–81, and the Papago Enrollment Manual, or other ordinances and regulations adopted by the Papago Tribal Council and approved by the Secretary: *Provided*, That no application for membership on the roll may be filed or received by the tribe for purposes of per capita payments under this section one hundred and eighty days after the date of enactment of this Act.

(2) Sufficient funds shall be made available to the tribe on an annual budgetary basis from interest and investment income accruing to such funds to assist the tribe to bring the membership roll current as provided in paragraph (1) of the subsection.

Per capita payments.

(3) Per capita distributions shall be made, in shares as equal as possible, to all members of the Papago Tribe who were born on or prior to, and living on, the date of enactment of this Act, as follows:

(i) Persons whose applications for membership on the roll have been duly approved by the Papago Tribal Council on the date of enactment of this Act shall be paid the sum of $1,000 within forty-five days after the date of certification by the Secretary of their eligibility to share in funds under this subsection.

(ii) Persons whose applications for membership on the roll have not been duly approved by the Papago Tribal Council on the date of enactment of this Act shall be paid the sum of $1,000 within ninety days after their membership has been approved by the Papago Tribal Council and

their eligibility to share in funds under this subsection has been certified by the Secretary.

(iii) Upon completion of the membership roll and of all appeals from adverse determinations on applications for membership, and upon the expiration of the time allowed for such appeals, any remaining amount, after the payments provided in paragraph (2) of this subsection and in subparagraphs (i) and (ii) of this paragraph, shall be distributed, in sums as equal as possible, to all enrolled members of the Papago Tribe.

(iv) The per capita shares of living competent adults shall be paid directly to them. Per capita shares of deceased beneficiaries, legal incompetents, and minors shall be determined and distributed pursuant to regulations prescribed by the Secretary.

(v) Any amount remaining after the per capita distributions to enrollees provided in subparagraph (iii) of this paragraph shall revert to the tribe and shall be added to the principal fund held and administered by the Secretary pursuant to subsection (b) of this section.

Tax exemption.

(d) None of the funds distributed per capita or held in trust under the provisions of this section shall be subject to Federal or State income taxes, and the per capita payments shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act or other Federal assistance programs.

Approved January 3, 1983.

LEGISLATIVE HISTORY—S. 1986:

HOUSE REPORT No. 97-935 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 97-492 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Aug. 19, considered and passed Senate.
Dec. 6, considered and passed House, amended.
Dec. 16, Senate agreed to House amendments with an amendment.
Dec. 17, House agreed to Senate amendment.