Public Law 97-436
97th Congress

An Act

To provide for the distribution of Warm Springs judgment funds awarded in docket numbered 198 before the Indian Claims Commission, and for other purposes.

Jan. 8, 1983
[H.R. 6243]

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 approved October 19, 1973 (25 U.S.C. 1401 et seq.), any other law, and any regulation or plan promulgated pursuant to such Act or any other law, the funds appropriated by the Act approved January 3, 1974 (87 Stat. 1071), for the award to the Confederated Tribes of the Warm Springs Reservation in docket numbered 198 before the Indian Claims Commission, including all interest and investment income accrued, less attorney fees and litigation expenses, shall be distributed in accordance with section 2 of this Act.

Confederated Tribes of the Warm Springs Reservation, distribution of judgment funds.

SEC. 2. The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall distribute the funds referred to in the first section of this Act to the individuals enrolled by the Secretary under section 3 of this Act on a per capita basis in the following manner:

Distribution on per capita basis.

(1) The per capita share of a living competent individual who has attained the age of eighteen shall be paid directly to such individual.

(2) The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR part 4, subpart D. In the event an individual dies intestate without heirs, the per capita share of the individual shall escheat to the Confederated Tribes of the Warm Springs Reservation.

(3) The per capita share of an individual under the age of eighteen or an individual determined by the Secretary to be incompetent to handle his own affairs shall be (A) distributed in accordance with such procedures as the Secretary determines to be necessary to protect the interests of such individual, or (B) in the discretion of the Secretary, held in trust for the benefit of such individual.

SEC. 3. The Secretary shall prepare, under such procedures as he may establish by regulation, a roll of all members of the Confederated Tribes of the Warm Springs Reservation who—

Membership roll.

(1) were born on or prior to, and were alive on, the date of enactment of this Act, but also including deceased persons who were alive and enrolled as of February 18, 1975, and,

(2) have not participated in—

(A) the distribution to the Malheur Paiutes under the provisions of the Act approved August 20, 1964 (78 Stat. 563),

(B) a distribution pursuant to any other judgment under the Act approved August 13, 1946 (25 U.S.C. 70 et seq.), or

25 USC 1011-1015.

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(C) any distribution under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

The determination of the Secretary regarding the eligibility for enrollment under this section of any individual shall be final.

Federal or State income taxes.

SEC. 4. (a) None of the funds distributed by the Secretary under section 2 of this Act (or held in trust by the Secretary pursuant to paragraph (3)(B) of such section) shall be subject to Federal or State income taxes.

(b)(1) Except as provided in paragraph (2), the availability or distribution of funds by the Secretary under section 2 of this Act may not be considered as income or resources or otherwise used as the basis for denying or reducing—

(A) any financial assistance or other benefit to which any individual enrolled as a member under section 3 of this Act, or the household of any such individual, would otherwise be entitled or for which such individual or household is otherwise eligible under the Social Security Act, or

(B) any other Federal financial assistance or other Federal benefit to which such individual or household is otherwise entitled or for which such individual or household is otherwise eligible.

(2) The restriction contained in paragraph (1) of this subsection on the consideration or use of such funds for the purpose of reducing or denying any financial assistance or benefit described in subparagraph (B) of such paragraph shall not apply to that portion of any per capita share distributed under section 2 of this Act which exceeds $2,000.

Approved January 8, 1983.

LEGISLATIVE HISTORY—H.R. 6243:

HOUSE REPORT No. 97-936 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 128 (1982):
Dec. 6, considered and passed House.
Dec. 20, considered and passed Senate.