Public Law 98-124
98th Congress

# An Act

To provide for the use and distribution of funds awarded the Assiniboine Tribe of the Fort Belknap Indian Community, Montana, and the Assiniboine Tribe of the Fort Peck Indian Reservation, Montana, in docket numbered 10-81L by the United States Court of Claims, and for other purposes.

Oct. 13, 1983
[S. 1148]

*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 on September 30, 1981, in accordance with section 1302 of the Supplemental Appropriation Act (31 U.S.C. 724a), in satisfaction of an award in United States Court of Claims docket numbered 10-81L, including all interest and investment income accrued, less attorney fees and litigation expenses, shall be divided on the basis of 42.5 percent of the award funds to the Assiniboine Tribe of the Fort Belknap Indian Community and 57.5 percent of the award funds to the Assiniboine Tribe of the Fort Peck Indian Reservation and utilized for the purposes herein provided.

Assiniboine Tribes of Indians, Mont. Distribution and use of funds. 31 USC 1304.

SEC. 2. The funds apportioned to the Assiniboine Tribe of the Fort Belknap Indian Community, Montana, less the costs incurred by the Fort Belknap Assiniboine Treaty Committee in connection with planning for the use and distribution of such funds, including costs in connection with this legislation, and related attorney fees and expenses, shall be used and distributed as follows:

Fort Belknap Indian Community, Mont.

(a) The Assiniboine membership roll of the Fort Belknap Indian Community shall be brought current to include all eligible members born on or prior to and living on the date of enactment of this Act. Subsequent to the preparation and approval by the Secretary of the Interior (hereinafter "Secretary") of this roll, the Secretary shall make a per capita distribution of 80 percent of the funds (in a sum as equal as possible), to each duly enrolled member. The Secretary's determination concerning eligibility to share in the per capita payment shall be final.

Membership roll.

Per capita payment.

(b) 20 percent of these funds, and any amount remaining after the per capita payment, 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 Treaty Committee of such Tribe, with the approval of the Secretary, shall distribute an annual family interest payment to all enrolled members of the Fort Belknap Assiniboine Tribe. All members on the Assiniboine tribal membership roll living on November 15 of each year shall be eligible for the annual interest payment. Members born after that date and living on the following November 15 shall be eligible for the next annual payment.

Trust and investment.

Annual family interest payment.

SEC. 3. The funds apportioned to the Assiniboine Tribe of the Fort Peck Indian Reservation, Montana, less the costs incurred by the Fort Peck Assiniboine Council in connection with planning for the use and distribution of such funds, including costs in connection

Fort Peck Indian Reservation, Mont.

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with this legislation, and related attorney fees and expenses, shall be used and distributed as follows:

Membership roll.

(a) The Assiniboine membership roll of the Fort Peck Indian Reservation, Montana, shall be brought current to include all eligible members born on or prior to and living on the date of enactment of this Act. Subsequent to the preparation and approval by the Secretary of this roll, the Secretary shall make a per capita distribution of 70 percent of the funds (in sums as equal as possible), to each enrollee.

Per capita payment.

Trust and investment.

(b) 30 percent of these funds and any amounts remaining after the per capita payment, shall be held in trust and invested by the Secretary for the benefit of the Assiniboine Tribe of the Fort Peck Indian Reservation and its members. The principal of the funds and the income therefrom shall be applied and used for the benefit of the Assiniboine Tribe of the Fort Peck Indian Reservation and its members in accordance with reasonable terms established by the Fort Peck Assiniboine Council with the concurrence of the Tribal Executive Board of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, and approved by the Secretary: *Provided*, That until such terms has been agreed upon, the Secretary shall fix the terms of the administration of the portion of the funds as to which there is no agreement.

Living and deceased individuals.

SEC. 4. The per capita shares of living competent adults shall be paid directly to them. Shares of deceased individual beneficiaries shall be determined and distributed in accordance with regulations of the Secretary.

Tax exemption.

SEC. 5. None of the funds distributed per capita or held in trust under the provisions of this Act shall be subject to Federal or State income taxes, and the per capita or family interest payments shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act or any Federal or federally assisted programs.

42 USC 1305.

Rules and regulations.

SEC. 6. 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.

Approved October 13, 1983.

LEGISLATIVE HISTORY—S. 1148:

HOUSE REPORT No. 98-390 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-204 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 129 (1983):
Aug. 3, considered and passed Senate.
Oct. 3, considered and passed House.