Public Law 98-602
98th Congress

An Act

To provide for the use and distribution of certain funds awarded the Wyandotte Tribe of Oklahoma and to restore certain mineral rights to the Three Affiliated Tribes of the Fort Berthold Reservation.

Oct. 30, 1984
[H.R. 6221]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—WYANDOTTE TRIBE OF OKLAHOMA

ABROGATION OF PRIOR PLAN; REPEAL OF PRIOR DISTRIBUTION OF JUDGMENT FUNDS ACT

SEC. 101. (a) Notwithstanding the Act entitled "An Act to provide for the use and distribution of funds appropriated in satisfaction of certain judgments of the Indian Claims Commission and the United States Court of Claims, and for other purposes." and approved October 19, 1973 (25 U.S.C. 1401, et seq.), or any other regulation or plan promulgated by the Secretary pursuant to such Act, the funds appropriated in satisfaction of the judgments awarded to the Wyandotte Tribe of Oklahoma in—

(1) docket numbered 139 before the Indian Claims Commission,

(2) docket numbered 141 before the United States Court of Claims, and

(3) dockets numbered 212 and 213 before the United States Claims Court,

(other than funds appropriated for the payment of attorney fees or litigation expenses) and any interest or investment income accrued or accruing (on or before the date of the allocation of funds pursuant to section 103(b)) on the amount of such judgments shall be used and distributed as provided in this title.

(b) The Act entitled "An Act to provide for the use and distribution of funds to the Wyandotte Tribe of Indians in docket 139 before the Indian Claims Commission and docket 141 before the United States Court of Claims, and for other purposes." and approved December 20, 1982, is hereby repealed.

Repeal.
96 Stat. 1813.

PREPARATION OF THE ROLL OF MEMBERS OF THE WYANDOTTE TRIBE OF OKLAHOMA AND THE ROLL OF ABSENTEE WYANDOTTES

SEC. 102. (a) In accordance with such procedures as may be adopted by the tribal governing body of the Wyandotte Tribe of Oklahoma and approved by the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary"), such tribal governing body shall take such steps as may be necessary to ensure that the roll of members of such tribe includes all members of the tribe born on or before the date of the enactment of this Act.

(b)(1) The Secretary shall prepare a roll of all individuals who—

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

(A) were born on or before the date of the enactment of this Act,

(B) are alive on the date of the enactment of this Act, and

(C) are listed in, or are lineal descendants of individuals listed in, the compilation entitled "Census of Absentee or Citizen Wyandotte Indians" compiled by Joel T. Olive and dated November 18, 1896 (as corrected by W.A. Richards, Commissioner of the General Land Office, in a circular dated October 28, 1904).

(2) Applications for enrollment of individuals under paragraph (1) may be filed with the Secretary (in such manner as the Secretary shall prescribe) before the end of the 90-day period beginning on the date of the enactment of this Act.

(3)(A) The Secretary shall determine whether an individual who filed an application under paragraph (2) is eligible to be enrolled under paragraph (1). The initial determination of the Secretary with respect to the enrollment of any such individual shall be made before the end of the 180-day period beginning on the date of the enactment of this Act. The final determination of the Secretary with respect to the enrollment of any such individual shall not be reviewable in any court.

(B) Any review by the Secretary of an initial determination of the Secretary with respect to the enrollment of any individual under paragraph (1) shall not delay the allocation of funds pursuant to section 103(b) or any distribution of funds under section 104 or 105.

Federal Register, publication.

(4) The Secretary shall publish, in the Federal Register and in such local media as the Secretary may determine to be appropriate, notice of—

(A) the provisions of this title that provide for a per capita distribution to Absentee Wyandottes and their descendants,

(B) the preparation of the roll described in paragraph (1), and

(C) the procedures established pursuant to paragraph (2) for filing applications for enrollment on such roll and the final date on which such applications may be filed with the Secretary.

ALLOCATION OF FUNDS TO THE WYANDOTTE TRIBE OF OKLAHOMA AND THE ABSENTEE WYANDOTTES

SEC. 103. (a) Before the end of the 90-day period beginning on the later of—

(1) the date by which any action required under section 102(a) relating to the roll of members of the tribe is completed, or

(2) the date on which the roll prepared by the Secretary pursuant to section 102(b) is completed,

the Secretary shall divide the funds described in section 101 between the Wyandotte Tribe of Oklahoma and the Absentee Wyandottes (as a group) in the manner provided in subsection (b).

(b) The Secretary shall allocate to the Wyandotte Tribe and to the Absentee Wyandottes an amount which bears the same proportion to the total amount of the funds described in section 101 as the number of individuals listed on the roll referred to in subsection (a)(1) or (a)(2), as the case may be, who are living on the date of the enactment of this Act bears to the sum of the numbers of individuals on each such roll who are living on such date.

DISTRIBUTION TO ABSENTEE WYANDOTTES

SEC. 104. The funds allocated to the Absentee Wyandottes and their descendants pursuant to section 103(b) shall be distributed in the form of per capita payments, in sums as equal as possible, to each individual listed on the roll prepared by the Secretary pursuant to section 102(b).

DISTRIBUTION TO WYANDOTTE TRIBE OF OKLAHOMA

SEC. 105. (a) Eighty percent of the funds allocated to the Wyandotte Tribe of Oklahoma pursuant to section 103(b) shall be distributed in the form of per capita payments, in sums as equal as possible, to each member of such Tribe who—

(1) was born on or before the date of the enactment of this Act, and

(2) is living on such date.

(b) Twenty percent of the funds allocated to the Wyandotte Tribe of Oklahoma pursuant to section 103(b) shall be used and distributed in accordance with the following general plan:

(1) A sum of $100,000 of such funds shall be used for the purchase of real property which shall be held in trust by the Secretary for the benefit of such Tribe.

(2) The amount of such funds in excess of $100,000 shall be held in trust by the Tribal Business Committee of such Tribe for the benefit of such Tribe.

(3) Any interest or investment income accruing on the funds described in paragraph (2) may be used by the Tribal Business Committee of such Tribe for any of the following purposes:

(A) Education of the members of such Tribe (including grants-in-aid or scholarships).

(B) Medical or health needs of the members of such Tribe (including prosthetics).

(C) Economic development for the benefit of such Tribe.

(D) Land purchases for the use and benefit of such Tribe.

(E) Investments for the benefit of such Tribe.

(F) Tribal cemetery maintenance.

(G) Tribal building maintenance.

(H) Tribal administration.

(c)(1) Except as provided in paragraph (2) and notwithstanding any other provision of law, the approval of the Secretary for any payment or distribution by the Wyandotte Tribe of Oklahoma of any funds described in subsection (b) (on or after the date such funds are allocated pursuant to section 103(b)) shall not be required and the Secretary shall have no further trust responsibility for the investment, supervision, administration, or expenditure of such funds.

(2) The Secretary may take such action as the Secretary may determine to be necessary and appropriate to enforce the requirements of this title.

MANNER OF PER CAPITA DISTRIBUTION; TREATMENT OF AMOUNTS PAID OR DISTRIBUTED

SEC. 106. (a) Any payment of a per capita share of funds to which a living, competent adult is entitled under this title shall be paid directly to such adult.

(b) Any per capita share of funds to which a deceased individual is entitled under this title 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 a minor is entitled under this Act shall be paid in accordance with the requirements of section 3(b)(3) of the Act entitled "An Act to provide for the use and distribution of funds appropriated in satisfaction of certain judgments of the Indian Claims Commission and the United States Court of Claims, and for other purposes." and approved October 19, 1973 (25 U.S.C. 1401, et seq.).

25 USC 1403.

(d) None of the funds distributed per capita under this title or made available under this title for any tribal program shall be—

(1) subject to Federal, State, or local income taxes, or

(2) considered as income or resources in determining either eligibility for, or the amount of assistance under—

(A) the Social Security Act, or

(B) in the case of any per capita share of $2,000 or less, any other Federal, State, or local programs.

TITLE II—FORT BERTHOLD RESERVATION MINERAL RESTORATION

Fort Berthold Reservation Mineral Restoration Act.

Public lands.

SEC. 201. This title may be cited as the "Fort Berthold Reservation Mineral Restoration Act".

SEC. 202. (a) Subject to the provisions of this title, all mineral interests in the lands located within the exterior boundaries of the Fort Berthold Indian Reservation which—

(1) were acquired by the United States for the construction, operation, or maintenance of the Garrison Dam and Reservoir Project, and

(2) are not described in subsection (b),

are hereby declared to be held in trust by the United States for the benefit and use of the Three Affiliated Tribes of the Fort Berthold Reservation.

(b) The provisions of subsection (a) shall not apply with respect to—

(1) lands located in township 152 north or township 151 north of range 93 west of the 5th principal meridian which lie east of the former Missouri River, and

(2) lands located in any of the following townships: township 152 north and township 151 north of range 92 west of the 5th principal meridian; township 152 north and township 151 north of range 91 west of the 5th principal meridian; township 152 north and township 151 north of range 90 west of the 5th principal meridian; township 152 north, township 151 north, township 150 north, and township 149 north of range 89 west of the 5th principal meridian; township 152 north, township 151 north, township 150 north, and township 149 north of range 88 west of the 5th principal meridian; and township 152 north, township 151 north, township 150 north, and township 149 north of range 87 west of the 5th principal meridian.

SEC. 203. Any exploration, development, production, or extraction of minerals conducted with respect to any mineral interest described in section 202(a) shall be conducted in accordance with such regulations as the Secretary of the Army shall prescribe in order to—

(1) protect the Garrison Dam and Reservoir, or

(2) carry out the purposes of the Garrison Dam and Reservoir Project.

SEC. 204. (a) Nothing in this title shall deprive any person (other than the United States) of any right, interest, or claim which such person may have in any minerals prior to the enactment of this Act.

(b) The United States may renew or extend any lease, license, permit, or contract with respect to any mineral interest described in section 202(a) after the date of enactment of this Act only if—

(1) the governing body of the Three Affiliated Tribes of the Fort Berthold Reservation approves of such renewal or extension, or

(2) the holder of such lease, license, or permit or a party to such contract (other than the United States) had the right to renew or extend such lease, license, permit, or contract prior to the date of enactment of this Act and such holder or party exercises such right of renewal or extension.

(c) All rentals, royalties, and other payments with respect to any mineral interest described in section 202(a) accruing to the United States after the date of enactment of this Act shall be held in trust by the United States for the benefit and use of the Three Affiliated Tribes of the Fort Berthold Reservation.

SEC. 205. Public Law 87-695 is amended— 76 Stat. 594.

(1) by striking out "such former Indian land" and inserting in lieu thereof "such land",

(2) by striking out "Subject" in the first sentence and inserting in lieu thereof "That (a) subject", and

(3) by adding at the end thereof the following new subsection:

"(b) Subsection (a) shall not apply with respect to any lands described in section 202(b) of the Fort Berthold Reservation Mineral Restoration Act.". *Ante*, p. 3152.

SEC. 206. (a) The Secretary of the Army and the Secretary of the Interior may enter into agreements for the transfer to the United States of any land located near the Garrison Dam and Reservoir Project which is held in trust for the benefit of the Three Affiliated Tribes of the Fort Berthold Reservation or any individual Indian if such agreement is approved—

(1) in the case of land held for the benefit of such tribes, by the governing body of such tribes, or

(2) in the case of land held for the benefit of any individual Indian, by the individual or individuals holding a majority of the beneficial interest in such land.

Any land transferred to the United States under the preceding sentence shall be treated as land acquired for the operation and maintenance of the Garrison Dam and Reservoir Project.

(b) The Secretary of the Army and the Secretary of the Interior may enter into agreements under which any land within the exterior boundaries of the reservation acquired by the United States for the construction, maintenance, or operation of the Garrison Dam and Reservoir Project that is no longer needed for such purposes is declared to be held by the United States in trust for the benefit of the Three Affiliated Tribes of the Fort Berthold Reservation.

SEC. 207. The provisions of this title, and of any agreement entered into under section 206, shall not be taken into account under section 2 of title I of the Second Deficiency Appropriation Act, fiscal year 1935 (25 U.S.C. 475a) or section 2 of the Act of August 13, 1946 (60 Stat. 1050) for purposes of determining any offset or counterclaim. 25 USC 70 note.

SEC. 208. To the extent that there are net proceeds from the development of any mineral interests described in section 202(a) of this Act, in excess of $300,000 the Three Affiliated Tribes of the Fort Berthold Reservation shall reimburse the United States the fixed sum of $300,000 from such proceeds. This reimbursement shall be deemed full reimbursement for any and all payments from the United States that the Three Affiliated Tribes received for the mineral estate, or any portion thereof, described in section 202(a) of this Act.

Approved October 30, 1984.

LEGISLATIVE HISTORY—H.R. 6221 (S. 2824):

HOUSE REPORT No. 98-1067 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 98-609 accompanying S. 2824 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 130 (1984):
Sept. 24, considered and passed House.
Oct. 2, considered and passed Senate, amended.
Oct 4, House concurred in Senate amendments.