Public Law 99-146
99th Congress

An Act

Nov. 11, 1985
[H.R. 1903]

To provide for the use and distribution of funds appropriated in satisfaction of judgments awarded to the Chippewas of Lake Superior in Dockets Numbered 18-S, 18-U, 18-C, and 18-T before the Indian Claims Commission, and for other purposes.

Indians.
Securities.

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

SECTION 1. Notwithstanding any other provision of law, the funds appropriated for the following Indian Claims Commission judgments awards (less attorney fees and litigation expense and plus all investment income and interest accrued) shall be used and distributed under this Act:

(1) Docket 18-S for the Chippewas of Lake Superior;

(2) Docket 18-U for the Chippewas of Lake Superior; and

(3) Dockets 18-C and 18-T funds apportioned to the Lac Courte Oreilles Band of the Lake Superior Bands of Chippewa Indians of the Lac Courte Oreilles Reservation of Wisconsin, the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, the Sokaogon Chippewa Community of the Mole Lake Band of Chippewa Indians, and the St. Croix Chippewa Indians of Wisconsin.

SEC. 2. (a) DIVISION OF DOCKET 18-S.—The Secretary of the Interior shall divide the amount for Docket 18-S with two-thirds of the funds for the Chippewas of Lake Superior and one-third for the Chippewas of the Mississippi.

(b) The respective shares of the Chippewas of Lake Superior in Docket 18-S shall be divided as follows:

(1) Bad River Reservation, Wisconsin, 1259/8437;

(2) Lac du Flambeau Reservation, Wisconsin, 832/8437;

(3) Lac Courte Oreilles Reservation, Wisconsin, 1,691/8437;

(4) Sokaogon Chippewa Community (Mole Lake Band), Wisconsin, 187/8437;

(5) Red Cliff Reservation, Wisconsin, 645/8437;

(6) St. Croix Reservation, Wisconsin, 299/8437;

(7) Keweenaw Bay Indian Community (L'Anse, Lac Vieux Desert, and Ontonagon Bands), Michigan, 939/8437;

(8) Fond du Lac Reservation, Minnesota, 1346/8437;

(9) Grand Portage Reservation, Minnesota, 387/8437;

(10) Nett Lake Reservation (including Vermillion Lake and Deer Creek), Minnesota, 704/8437; and

(11) White Earth Reservation, Minnesota, 148/8437.

SEC. 3. DIVISION OF DOCKET 18-U.—The Secretary shall divide the amount for Docket 18-U funds among the reservations or communities and in the same proportions as in section 2(b) of this Act.

SEC. 4. (a) USE OF THE FUNDS IN DOCKETS 18-S and 18-U.—Until part or all of them are needed for use or distribution under a plan of the governing body of the reservation or community that has been approved by the Secretary, the Secretary shall continue to hold in trust in separate accounts and invested under section 1 of the Act of

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June 24, 1938 (52 Stat. 1037; 25 U.S.C. 162a) the funds under sections 2 and 3 of this Act apportioned to each of the following:

(1) the Lac Courte Oreilles Reservation, Wisconsin;

(2) the Bad River Reservation; and

(3) the Sokaogan Chippewa Community (Mole Lake Band).

(b) The apportioned share of the funds under sections 2 and 3 of this Act of each reservation or community, except those in subsection (a) of this section, shall be used as follows:

(1) Eighty percent of each reservation's share (fifty percent of the Keweenaw Bay Indian Community) shall be held and administered by the Secretary for per capita distribution and the sums (including the investment income accrued) shall be distributed in a sum as nearly equal as possible for each individual born on or prior to and living on the date of enactment of this Act who is enrolled on the respective tribal membership roll brought current to such date of enactment under tribal enrollment procedures.

(2) Twenty percent of each reservation's share (fifty percent in the Keweenaw Bay Indian Community) shall be held in trust in separate accounts for the tribal organization of the reservation and invested by the Secretary under the Act of June 24, 1938 (52 Stat. 1037; 25 U.S.C. 162a) until needed for use or distribution under the tribe's plan approved by the Secretary.

(3) The per capita distributions under this subsection from funds apportioned to reservations or communities of the Minnesota Chippewa Tribe shall only be made to those individuals enrolled with the historical band designation for which the award was made. Plans submitted by two or more of the reservation business committees of the Minnesota Chippewa Tribe may include joint investment and use programs.

SEC. 5. DIVISION OF DOCKETS 18-C AND 18-T.—Notwithstanding another law, the previously apportioned shares of the funds awarded by the Indian Claims Commission in Dockets 18-C and 18-T shall be distributed and used as follows:

(a)(1) Until part or all of them are needed for use or distribution under a tribe's plan approved by the Secretary, the Secretary shall continue to hold in trust in separate accounts and invested under section 1 of the Act of June 24, 1938 (52 Stat. 1037; 25 U.S.C. 162a) the funds under this section apportioned to each of the following tribes:

(A) the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of the Lac Courte Oreilles Reservation of Wisconsin;

(B) the Bad River Band of Lake Superior Tribe of Chippewa Indians of the Bad River Reservation; and

(C) the Sokaogon Chippewa Community of the Mole Lake Band of Chippewa Indians.

(2) If a tribe's plan under this subsection provides for a per capita distribution, the Secretary shall pay a per capita share to each individual born on or prior to and living on the date of the Secretary's approval of the plan and who is enrolled on the respective tribal membership roll brought current to such approval date under tribal enrollment procedures.

(b) Funds apportioned to the St. Croix Chippewa Indians shall be used as follows:

(1) Eighty percent shall be distributed by the Secretary in a sum as equal as possible to each individual born on or prior to and living on the date of enactment of this Act and who is

enrolled on the tribe's roll brought current to such date of enactment under tribal enrollment procedures.

(2) Twenty percent shall be used in a land purchase or interest in land for the benefit of the four tribal communities. These funds shall continue to be held and invested by the Secretary under section 1 of the Act of June 24, 1938 (52 Stat. 1037; 25 U.S.C. 162a) until the tribal governing body develops specific program plans and tribal budgets, which shall be subject to approval by the Secretary.

Regulations.

SEC. 6. MISCELLANEOUS.—The per capita shares under this Act of competent adults shall be paid directly to them. The per capita shares under this Act of deceased individual beneficiaries, legal incompetents, and minors shall be determined and distributed under regulations prescribed by the Secretary which are generally applicable to funds distributed under the Act of October 19, 1973 (87 Stat. 466), as amended (25 U.S.C. 1401 et seq.).

Prohibition.

(b) None of the funds distributed per capita or held in trust shall be subject to Federal or State income taxes or be considered as income or resources in determining the extent of eligibility for assistance under the Social Security Act or other Federal assistance programs.

(c) Amounts remaining after per capita payments under this Act shall revert to the governing body of the respective tribal group for program purposes approved by the Secretary.

Prohibition.

(d) No person shall be entitled to receive under this Act more than one per capita share from the same docket award.

Approved November 11, 1985.

LEGISLATIVE HISTORY—H.R. 1903:

HOUSE REPORT No. 99-268 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 131 (1985):
Oct. 7, considered and passed House.
Oct. 29, considered and passed Senate.