

107TH CONGRESS
2D SESSION

H. R. 4208

To approve the use or distribution of judgment funds of the Red Lake Band of Chippewa Indians of Minnesota by the Senate and the House of Representatives, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 11, 2002

Mr. PETERSON of Minnesota introduced the following bill; which was referred to the Committee on Resources

A BILL

To approve the use or distribution of judgment funds of the Red Lake Band of Chippewa Indians of Minnesota by the Senate and the House of Representatives, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Red Lake Band of
5 Chippewa Indians of Minnesota Use or Distribution of In-
6 dian Judgment Funds Plan Approval Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) On August 2, 1951, the Red Lake Band of
2 Chippewa Indians of Minnesota filed a complaint be-
3 fore the Indian Claims Commission in Red Lake
4 Band of Chippewa Indians v. United States, Docket
5 Nos. 189–A, 189–B, and 189–C, pursuant to the In-
6 dian Claims Commission Act (25 U.S.C. 70 et seq.).

7 (2) Upon the close of the Indian Claims Com-
8 mission in 1976, all of the cases then remaining un-
9 resolved, included Red Lake Band of Chippewa Indi-
10 ans v. United States, Docket Nos. 189–A, 189–B,
11 and 189–C, were transferred to the Court of Claims
12 (now known as the United States Court of Federal
13 Claims).

14 (3) The Red Lake Band obtained a settlement
15 in Dockets 189–A and 189–B in 1997, for a total
16 of \$27,105,000.

17 (4) That 1997 settlement was distributed pur-
18 suant to the Indian Tribal Judgment Funds Use or
19 Distribution Act (25 U.S.C. 1401 et seq.), except for
20 \$3,780,616.20, which were escrowed in the name of
21 the Red Lake Band at the Office of Trust Funds
22 Management of the Department of the Interior pur-
23 suant to an Escrow Agreement dated August 20,
24 1998.

1 (5) The escrowed funds were for the purpose of
2 securing repayment to the United States for certain
3 expert witness loans made by the United States to
4 the Red Lake Band to assist the Band in developing
5 the evidence needed to prosecute its claims in Dock-
6 ets 189–A, 189–B, and 189–C.

7 (6) Pursuant to section 813 of the Omnibus In-
8 dian Advancement Act (Public Law 106–568), the
9 balance of such Red Lake Band expert witness loans
10 was canceled, thereby releasing the Red Lake Band
11 from any liability associated with such loans.

12 (7) The escrowed funds and the investment in-
13 come earned thereon are ready for distribution along
14 with other funds secured to the Red Lake Band
15 from the order and judgment entered in its favor by
16 the Court of Federal Claims on January 16, 2001,
17 in the amount of \$53,500,000 and the investment
18 income earned thereon.

19 (8) A use or distribution plan for those funds
20 was approved by the Secretary and submitted to
21 Congress pursuant to the Indian Tribal Judgment
22 Funds Use or Distribution Act (25 U.S.C. 1401 et
23 seq.) and provides as follows:

24 (A) \$40,000,000 shall be disbursed to a
25 permanent trust fund that, consistent with the

1 Settlement Agreement entered into between the
2 Red Lake Band and the United States in Dock-
3 et 189–C, the Red Lake Band has created pur-
4 suant to Tribal Resolution No. 243–2000 and
5 Ordinance adopted thereby No. 02–2000, and
6 from which fund some of the interest income
7 will be expended in accordance with a reforest-
8 ation plan, which is described in the Use or
9 Distribution Plan and which may be amended
10 from time to time as provided in the Use or
11 Distribution Plan.

12 (B) \$7,525,657 shall be disbursed to the
13 Red Lake Band for reimbursement to the Band
14 for litigation-related fees, costs, and expenses it
15 has incurred in the successful prosecution of
16 the claims in Docket 189–C, and \$680,578
17 shall be disbursed to the Red Lake Band for
18 expenses and fees, including legal costs, related
19 to the Band’s ongoing land restoration project.

20 (C) The remaining funds, estimated to be
21 \$10,422,394.00, together with all investment
22 income earned on the Current Red Lake Judg-
23 ment Funds through the date of disbursement
24 by the Office of Trust Funds Management,
25 shall be paid out per capita to the members of

1 the Red Lake Band who were born and alive on
2 July 31, 2001.

3 (9) The Use or Distribution Plan is in the best
4 interests of the Red Lake Band.

5 **SEC. 3. DEFINITIONS.**

6 In this Act, the following definitions apply:

7 (1) CURRENT RED LAKE JUDGMENT FUNDS.—

8 The term “Current Red Lake Judgment Funds”
9 means the escrowed funds described in section
10 2(a)(4), together with the judgment amount of Jan-
11 uary 16, 2001, described in section 2(a)(7), along
12 with all interest earned on those amounts while held
13 by the Office of Trust Funds Management.

14 (2) RED LAKE BAND.—The term “Red Lake
15 Band” means the Red Lake Band of Chippewa Indi-
16 ans of Minnesota of the Red Lake Indian Reserva-
17 tion in north central Minnesota.

18 (3) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior.

20 (4) USE OR DISTRIBUTION PLAN.—The term
21 “Use or Distribution Plan” means the use or dis-
22 tribution plan approved by the Secretary and sub-
23 mitted to Congress as described in section 2(8).

1 **SEC. 4. APPROVAL OF SECRETARIAL PLAN**

2 Congress hereby approves the Use or Distribution
3 Plan.

4 **SEC. 5. PLAN APPROVAL AND AUTHORIZATION FOR IMME-**
5 **DIATE DISBURSEMENT OF FUNDS.**

6 The Secretary, through the Office of Trust Funds
7 Management, shall immediately disburse the funds identi-
8 fied in this Act as follows:

9 (1) \$40,000,000 to a permanent trust fund
10 that, consistent with the Settlement Agreement en-
11 tered into between the Red Lake Band and the
12 United States in Docket 189–C, the Red Lake Band
13 has created pursuant to Tribal Resolution No. 243–
14 2000 and Ordinance adopted thereby No. 02–2000,
15 and from which fund some of the interest income
16 shall be expended in accordance with a reforestation
17 plan, which is described in the Use or Distribution
18 Plan and which may be amended from time to time
19 as provided in the Use or Distribution Plan.

20 (2) \$7,525,657 to the Red Lake Band for reim-
21 bursement to the Band for litigation-related fees,
22 costs, and expenses it has incurred in the successful
23 prosecution of the claims in Docket 189–C and re-
24 lated matters.

1 (3) \$680,578 to the Red Lake Band for ex-
2 penses and fees, including legal costs, related to the
3 Band's ongoing land restoration project.

4 (4) \$10,422,394, and all investment income
5 earned on the Current Red Lake Judgment Funds
6 through the date of disbursement by the Secretary
7 through the Office of Trust Funds Management, per
8 capita to the members of the Red Lake Band who
9 were born and alive on July 31, 2001. Such pay-
10 ments shall be exempt to the extent provided in sec-
11 tion 7 of the Indian Tribal Judgment Funds Use or
12 Distribution Act (25 U.S.C. 1407).

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