

Calendar No. 708

107TH CONGRESS
2^D SESSION**S. 3059****[Report No. 107-313]**

To provide for the distribution of judgment funds to the Assiniboine and
Sioux Tribes of the Fort Peck Reservation.

IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 2002

Mr. BAUCUS introduced the following bill; which was read twice and referred
to the Committee on Indian Affairs

OCTOBER 15, 2002

Reported by Mr. INOUE, without amendment

A BILL

To provide for the distribution of judgment funds to the
Assiniboine and Sioux Tribes of the Fort Peck Reservation.

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 “Assiniboine and Sioux
5 Tribes of the Fort Peck Reservation Judgment Fund Dis-
6 tribution Act of 2002”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress finds that—

3 (1) on December 18, 1987, the Assiniboine and
4 Sioux Tribes of the Fort Peck Reservation and 5 in-
5 dividual Fort Peck tribal members filed a complaint
6 before the United States Claims Court (currently the
7 Court of Federal Claims) in Assiniboine and Sioux
8 Tribes of the Fort Peck Reservation, et al. v. The
9 United States of America, Docket No. 773–87–L to
10 recover interest earned on trust funds while those
11 funds were held in special deposit and IMPL-agency
12 accounts;

13 (2) in the case referred to in paragraph (1), the
14 Court held that the United States was liable for any
15 income derived from investment of the trust funds of
16 the Tribe and individual members of the Tribe for
17 the period during which those funds were held in
18 special deposit and IMPL-agency accounts;

19 (3) the plaintiffs in the case referred to in para-
20 graph (1) entered into a settlement with the United
21 States for claims made under Docket No. 773–87–
22 L on December 31, 1998, for payment by the
23 United States of—

24 (A) \$1,339,415.33, representing interest
25 earned on funds while held in Special Deposit
26 accounts at the Fort Peck Agency during the

1 period August 13, 1946, through September 30,
2 1981;

3 (B) \$2,749,354.41, representing—

4 (i) interest on the principal indebted-
5 ness for the period from August 13, 1946,
6 through July 31, 1998; plus

7 (ii) \$364.27 in per diem interest on
8 the principal indebtedness for each day
9 during the period commencing August 1,
10 1998, and ending on the date on which the
11 judgment is paid; and

12 (C) \$350,000, representing the litigation
13 costs and attorney's fees that the Tribe in-
14 curred to prosecute those claims;

15 (4) the terms of the settlement were approved
16 by the Court on January 8, 1999, and judgment was
17 entered on January 12, 1999;

18 (5) on March 18, 1999, \$4,522,551.84 was
19 transferred to the Department of the Interior;

20 (6) that judgment amount was deposited in an
21 escrow account established to provide—

22 (A) \$350,000 for the payment of attor-
23 ney's fees and expenses; and

1 (B) \$4,172,551.84 for pending Court-or-
2 dered distribution to the Tribe and individual
3 Indian trust beneficiaries;

4 (7) on January 31, 2001, the Court approved
5 a joint stipulation that established procedures for—

6 (A) identification of the class of individual
7 Indians having an interest in the judgment;

8 (B) notice to and certification of that
9 class; and

10 (C) the distribution of the judgment
11 amount to the Tribe and affected class of indi-
12 vidual Indians;

13 (8)(A) on or about February 14, 2001, in ac-
14 cordance with the Court-approved stipulation,
15 \$643,186.73 was transferred to an account estab-
16 lished by the Secretary for the benefit of the Tribe;
17 and

18 (B) that transferred amount represents—

19 (i) 54.2 percent of the Tribe's esti-
20 mated 26-percent share of the amount re-
21 ferred to in paragraph (6)(B); plus

22 (ii) 50 percent of the Tribe's esti-
23 mated 26-percent share of interest and
24 capital gains earned on the judgment
25 amount from the period beginning March

1 18, 1999, and ending on December 31,
2 2000;

3 (9) under the Court-approved stipulation—

4 (A) that transferred amount is to remain
5 available for use by the Tribe in accordance
6 with a plan adopted under the Indian Tribal
7 Judgment Funds Use or Distribution Act (25
8 U.S.C. 1401 et seq.);

9 (B) the Tribe will most likely receive addi-
10 tional payments from the distribution amount
11 once the identification of all individuals eligible
12 to share in the distribution amount is completed
13 and the pro rata shares are calculated; and

14 (C) those additional payments would in-
15 clude—

16 (i) the balance of the share of the
17 Tribe of the distribution amount and in-
18 vestment income earned on the distribution
19 amount;

20 (ii) the portion of the distribution
21 amount that represents income derived on
22 funds in special deposit accounts that are
23 not attributable to the Tribe or any indi-
24 vidual Indian; and

(iii) the portion of the distribution amount that represents shares attributable to individual Indians that—

(I) cannot be located for purposes of accepting payment; and

(II) will not be bound by the judgment in the case referred to in paragraph (1); and

(10) pursuant to the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), the Secretary is required to submit to Congress for approval an Indian judgment fund use or distribution plan.

SEC. 3. DEFINITIONS.

In this Act:

(1) COURT.—The term “Court” means the United States Court of Federal Claims.

(2) DISTRIBUTION AMOUNT.—The term “distribution amount” means the amount referred to in section 2(6)(B).

(3) JUDGMENT AMOUNT.—The term “judgment amount” means the amount referred to in section 2(a)(5).

1 (4) PRINCIPAL INDEBTEDNESS.—The term
 2 “principal indebtedness” means the sum referred to
 3 in section 2(a)(3)(A).

4 (5) TRIBE.—The term “Tribe” means the As-
 5 siniboine and Sioux Tribes of the Fort Peck Res-
 6 ervation.

7 **SEC. 4. DISTRIBUTION OF JUDGMENT FUNDS.**

8 (a) IN GENERAL.—Notwithstanding any provision of
 9 the Indian Tribal Judgment Funds Use or Distribution
 10 Act (25 U.S.C. 1401 et seq.) to the contrary, the share
 11 of the Tribe of the distribution amount, and such addi-
 12 tional amounts as may be awarded to the Tribe by the
 13 Court with respect to the case referred to in section
 14 2(a)(1) (including any interest accrued on those
 15 amounts)—

16 (1) shall be made available for tribal health,
 17 education, housing and social services programs of
 18 the Tribe, including—

19 (A) educational and youth programs;

20 (B) programs for improvement of facilities
 21 and housing;

22 (C) programs to provide equipment for
 23 public utilities;

1 (D) programs to provide medical assistance
2 or dental, optical, or convalescent equipment;
3 and

4 (E) programs to provide senior citizen and
5 community services; and

6 (2) shall not be available for per capita dis-
7 tribution to any member of the Tribe.

8 (b) BUDGET SPECIFICATION.—The specific programs
9 for which funds are made available under subsection
10 (a)(1), and the amount of funds allocated to each of those
11 programs, shall be specified in an annual budget developed
12 by the Tribe and approved by the Secretary.

13 **SEC. 5. APPLICABLE LAW.**

14 Except as provided in section 4(a), all funds distrib-
15 uted under this Act are subject to sections 7 and 8 of
16 the Indian Tribal Judgment Funds Use or Distribution
17 Act (25 U.S.C. 1407, 1408).

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