

Calendar No. 482

112TH CONGRESS
2D SESSION**H. R. 1272**

IN THE SENATE OF THE UNITED STATES

JUNE 19, 2012

Received; read twice and referred to the Committee on Indian Affairs

AUGUST 1, 2012

Reported by Mr. AKAKA, without amendment

AN ACT

To provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United States Court of Federal Claims in Docket Numbers 19 and 188, 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 “Minnesota Chippewa
5 Tribe Judgment Fund Distribution Act of 2012”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) On January 22, 1948, the Minnesota Chip-
2 pewa Tribe, representing all Chippewa bands in Min-
3 nesota except the Red Lake Band, filed a claim be-
4 fore the Indian Claims Commission in Docket No.
5 19 for an accounting of all funds received and ex-
6 pended pursuant to the Act of January 14, 1889, 25
7 Stat. 642, and amendatory acts (hereinafter referred
8 to as the Nelson Act).

9 (2) On August 2, 1951, the Minnesota Chip-
10 pewa Tribe, representing all Chippewa bands in Min-
11 nesota except the Red Lake Band, filed a number of
12 claims before the Indian Claims Commission in
13 Docket No. 188 for an accounting of the Govern-
14 ment's obligation to each of the member bands of
15 the Minnesota Chippewa Tribe under various stat-
16 utes and treaties that are not covered by the Nelson
17 Act of January 14, 1889.

18 (3) On May 17, 1999, a Joint Motion for Find-
19 ings in Aid of Settlement of the claims in Docket
20 No. 19 and 188 was filed before the Court.

21 (4) The terms of the settlement were approved
22 by the Court and the final judgment was entered on
23 May 26, 1999.

24 (5) On June 22, 1999, \$20,000,000 was trans-
25 ferred to the Department of the Interior and depos-

1 ited into a trust fund account established for the
2 beneficiaries of the funds awarded in Docket No. 19
3 and 188.

4 (6) Pursuant to the Indian Tribal Judgment
5 Funds Use or Distribution Act (25 U.S.C. 1401 et
6 seq.), Congress must act to authorize the use or dis-
7 tribution of the judgment funds.

8 (7) On October 1, 2009, the Minnesota Chip-
9 pewa Tribal Executive Committee passed Resolution
10 146–09, approving a plan to distribute the judgment
11 funds and requesting that the United States Con-
12 gress act to distribute the judgment funds in the
13 manner described by the plan.

14 **SEC. 3. DEFINITIONS.**

15 For the purpose of this Act:

16 (1) **AVAILABLE FUNDS.**—The term “available
17 funds” means the funds awarded to the Minnesota
18 Chippewa Tribe and interest earned and received on
19 those funds, less the funds used for payments au-
20 thorized under section 4.

21 (2) **BANDS.**—The term “Bands” means the
22 Bois Forte Band, Fond du Lac Band, Grand Por-
23 tage Band, Leech Lake Band, Mille Lacs Band, and
24 White Earth Band.

1 (3) JUDGMENT FUNDS.—The term “judgment
2 funds” means the funds awarded on May 26, 1999,
3 to the Minnesota Chippewa Tribe by the Court of
4 Federal Claims in Docket No. 19 and 188.

5 (4) MINNESOTA CHIPPEWA TRIBE.—The term
6 “Minnesota Chippewa Tribe” means the Minnesota
7 Chippewa Tribe, Minnesota, composed of the Bois
8 Forte Band, Fond du Lac Band, Grand Portage
9 Band, Leech Lake Band, Mille Lacs Band, and
10 White Earth Band. It does not include Red Lake
11 Band of Chippewa Indians, Minnesota.

12 (5) SECRETARY.—The term “Secretary” means
13 the Secretary of the Interior.

14 **SEC. 4. LOAN REIMBURSEMENTS TO MINNESOTA CHIP-**
15 **PEWA TRIBE.**

16 (a) IN GENERAL.—The Secretary is authorized to re-
17 imburse the Minnesota Chippewa Tribe the amount of
18 funds, plus interest earned to the date of reimbursement,
19 that the Minnesota Chippewa Tribe contributed for pay-
20 ment of attorneys’ fees and litigation expenses associated
21 with the litigation of Docket No. 19 and 188 before the
22 U.S. Court of Federal Claims and the distribution of judg-
23 ment funds.

24 (b) CLAIMS.—The Minnesota Chippewa Tribe’s claim
25 for reimbursement of funds expended shall be—

1 (1) presented to the Secretary not later than 90
2 days after the date of enactment of this Act;

3 (2) certified by the Minnesota Chippewa Tribe
4 as being unreimbursed to the Minnesota Chippewa
5 Tribe from other funding sources;

6 (3) paid with interest calculated at the rate of
7 6.0 percent per annum, simple interest, from the
8 date the funds were expended to the date the funds
9 are reimbursed to the Minnesota Chippewa Tribe;
10 and

11 (4) paid from the judgment funds prior to the
12 division of the funds under section 5.

13 **SEC. 5. DIVISION OF JUDGMENT FUNDS.**

14 (a) MEMBERSHIP ROLLS.—Not later than 90 days
15 after the date of the enactment of this Act, the Minnesota
16 Chippewa Tribe shall submit to the Secretary updated
17 membership rolls for each Band, which shall include all
18 enrolled members the date of the enactment of this Act.

19 (b) DIVISIONS.—After all funds have been reim-
20 bursed under section 4, and the membership rolls have
21 been updated under subsection (a), the Secretary shall—

22 (1) set aside for each Band a portion of the
23 available judgment funds equivalent to \$300 for
24 each member enrolled within each Band; and

1 (2) after the funds are set aside in accordance
2 with paragraph (1), divide 100 percent of the re-
3 maining funds into equal shares for each Band.

4 (c) SEPARATE ACCOUNTS.—The Secretary shall—

5 (1) deposit all funds described in subsection
6 (b)(1) into a “Per Capita” account for each Band;
7 and

8 (2) deposit all funds described in subsection
9 (b)(2) into an “Equal Shares” account for each
10 Band.

11 (d) WITHDRAWAL OF FUNDS.—After the Secretary
12 deposits the available funds into the accounts described
13 in subsection (c), a Band may withdraw all or part of the
14 monies in its account.

15 (e) DISBURSEMENT OF PER CAPITA PAYMENTS.—All
16 funds described in subsection (b)(1) shall be used by each
17 Band only for the purposes of distributing one \$300 pay-
18 ment to each individual member of the Band. Each Band
19 may—

20 (1) distribute the \$300 payment to the parents
21 or legal guardians on behalf of each dependent Band
22 member instead of distributing such \$300 payment
23 to the dependent Band member; or

24 (2) deposit into a trust account the \$300 pay-
25 ment to each dependent Band member for the ben-

1 efit of such dependent Band member, to be distrib-
2 uted under the terms of such trust.

3 (f) DISTRIBUTION OF UNCLAIMED PAYMENTS.—One
4 year after the funds described in subsection (b)(1) are
5 made available to the Bands, all unclaimed payments de-
6 scribed in subsection (e) shall be returned to the Sec-
7 retary, who shall divide these funds into equal shares for
8 each Band, and deposit the divided shares into the ac-
9 counts described in subsection (c)(2) for the use of each
10 Band.

11 (g) LIABILITY.—If a Band exercises the right to
12 withdraw monies from its accounts, the Secretary shall not
13 retain liability for the expenditure or investment of the
14 monies after each withdrawal.

15 **SEC. 6. GENERAL PROVISIONS.**

16 (a) PREVIOUS OBLIGATIONS.—Funds disbursed
17 under this Act shall not be liable for the payment of pre-
18 viously contracted obligations of any recipient as provided
19 in Public Law 98–64 (25 U.S.C. 117b(a)).

20 (b) INDIAN JUDGMENT FUNDS DISTRIBUTION
21 ACT.—All funds distributed under this Act are subject to
22 the provisions in the Indian Judgment Funds Distribution
23 Act (25 U.S.C. 1407).

Passed the House of Representatives June 18, 2012.

Attest:

KAREN L. HAAS,

Clerk.

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