

105TH CONGRESS
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H. R. 1604

To provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18–E, 58, 364, and 18–R before the Indian Claims Commission.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 1997

Mr. KILDEE (for himself, Mr. HAYWORTH, and Mr. KENNEDY of Rhode Island) introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide for the division, use, and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to dockets numbered 18–E, 58, 364, and 18–R before the Indian Claims Commission.

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. TABLE OF CONTENTS.**

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Sec. 10. Newly-recognized tribes.

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1 **SEC. 2. FINDINGS; PURPOSE.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) Judgments were rendered in the Indian
4 Claims Commission in dockets numbered 18–E, 58,
5 and 364 in favor of the Ottawa and Chippewa Indi-
6 ans of Michigan and in docket numbered 18–R in
7 favor of the Sault Ste. Marie Band of Chippewa In-
8 dians.

9 (2) The funds Congress appropriated to pay
10 these judgments have been held by the Department
11 of the Interior for the beneficiaries pending a divi-
12 sion of the funds among the beneficiaries in a man-
13 ner acceptable to the tribes and descendency group
14 and pending development of plans for the use and
15 distribution of the respective tribes' share.

16 (3) The 1836 treaty negotiations show that the
17 United States concluded negotiations with the Chip-
18 pewa concerning the cession of the upper peninsula
19 and with the Ottawa with respect to the lower penin-
20 sula.

21 (4) A number of sites in both areas were used
22 by both the Ottawa and Chippewa Indians. The Ot-

1 tawa and Chippewa Indians were intermarried and
2 there were villages composed of members of both
3 tribes.

4 (b) PURPOSE.—It is the purpose of this Act to pro-
5 vide for the fair and equitable division of the judgment
6 funds among the beneficiaries and to provide the oppor-
7 tunity for the tribes to develop plans for the use or dis-
8 tribution of their share of the funds.

9 **SEC. 3. DEFINITIONS.**

10 For purposes of this Act the following definitions
11 apply:

12 (1) The term ‘judgment funds’ means funds ap-
13 propriated in full satisfaction of judgments made in
14 the Indian Claims Commission—

15 (A) reduced by an amount for attorneys
16 fees and litigation expenses; and

17 (B) increased by the amount of any inter-
18 est accrued with respect to such funds.

19 (2) The term “dockets 18–E and 58 judgment
20 funds” means judgment funds awarded in dockets
21 numbered 18–E and 58 in favor of the Ottawa and
22 Chippewa Indians of Michigan.

23 (3) The term “docket 364 judgment funds”
24 means the judgment funds awarded in docket num-

1 bered 364 in favor of the Ottawa and Chippewa In-
2 dians of Michigan.

3 (4) The term “docket 18–R judgment funds”
4 means the judgment funds awarded in docket num-
5 bered 18–R in favor of the Sault Ste. Marie Bands
6 of Chippewa Indians.

7 (5) The term “judgment distribution roll of de-
8 scendants” means the roll prepared under section 6.

9 (6) The term “Secretary” means the Secretary
10 of the Interior.

11 **SEC. 4. DIVISION OF FUNDS.**

12 (a) **DOCKET 18–E AND 58 JUDGMENT FUNDS.**—The
13 Secretary shall divide the docket 18–E and 58 judgment
14 funds as follows:

15 (1) The lesser of 13.5 percent or
16 \$9,141,974.94, for individuals on the judgment dis-
17 tribution roll of descendants.

18 (2) 34.6 percent to the Sault Ste. Marie Tribe
19 of Chippewa Indians of Michigan and the Bay Mills
20 Indian Community, of which—

21 (A) the lesser of 35 percent of the prin-
22 cipal and interest as of December 31, 1996, or
23 \$8,313,877 shall be for the Bay Mills Indian
24 Community; and

1 (B) the remaining amount shall be for the
2 Sault Ste. Marie Tribe of Chippewa Indians of
3 Michigan.

4 (3) 17.3 percent to the Grand Traverse Band
5 of Ottawa and Chippewa Indians of Michigan.

6 (4) 17.3 percent to the Little Traverse Bay
7 Bands of Odawa Indians of Michigan.

8 (5) 17.3 percent to the Little River Band of Ot-
9 tawa Indians of Michigan.

10 (6) Any funds remaining after distribution pur-
11 suant to paragraphs (1) through (5) shall be divided
12 and distributed to each of the recognized tribes list-
13 ed in this subsection in an amount which bears the
14 same ratio to the distribution of judgment funds
15 pursuant to paragraphs (1) through (5).

16 (b) DOCKET 364 JUDGMENT FUNDS.—The Secretary
17 shall divide the docket 364 judgment funds as follows:

18 (1) The lesser of 20 percent or \$25,026.79 for
19 individuals on the judgment distribution roll of de-
20 scendants.

21 (2) 32 percent to the Sault Ste. Marie Tribe of
22 Chippewa Indians of Michigan and the Bay Mills In-
23 dian Community, of which—

24 (A) 35 percent shall be for the Bay Mills
25 Indian Community; and

1 (B) the remaining amount shall be for the
2 Sault Ste. Marie Tribe of Chippewa Indians of
3 Michigan.

4 (3) 16 percent to the Grand Traverse Band of
5 Ottawa and Chippewa Indians of Michigan.

6 (4) 16 percent to the Little Traverse Bay
7 Bands of Odawa Indians of Michigan.

8 (5) 16 percent to the Little River Band of Ot-
9 tawa Indians of Michigan.

10 (6) Any funds remaining after distribution pur-
11 suant to paragraphs (1) through (5) shall be divided
12 and distributed to each of the recognized tribes list-
13 ed in this subsection in an amount which bears the
14 same ratio to the distribution of judgment funds
15 pursuant to paragraphs (1) through (5).

16 (c) DOCKET 18-R JUDGMENT FUNDS.—The Sec-
17 retary shall divide the docket 18-R judgment funds as fol-
18 lows:

19 (1) 65 percent to the Sault Ste. Marie Tribe of
20 Chippewa Indians of Michigan.

21 (2) 35 percent to the Bay Mills Indian Commu-
22 nity.

23 (d) AMOUNTS FOR JUDGMENT DISTRIBUTION ROLL
24 OF DESCENDANTS HELD IN TRUST.—The Secretary shall
25 hold amounts referred to in subsections (a)(1) and (b)(1)

1 for individuals on the judgment distribution roll of de-
2 scendants in trust pending distribution under section 6.

3 **SEC. 5. DEVELOPMENT OF TRIBAL PLANS FOR USE OR DIS-**
4 **TRIBUTION OF FUNDS.**

5 (a) DISBURSEMENT OF FUNDS.—(1) The Secretary
6 shall disburse the respective share of the judgment funds
7 described in section 4 to a tribe specified in subsection
8 (b) not later than 30 days after a plan for use and dis-
9 tribution of such funds has been approved in accordance
10 with this section. Disbursement of a tribe's share shall not
11 be dependent upon approval of any other tribe's plan.

12 (2) Section 7 shall be the plan for use and distribu-
13 tion of the judgment funds described in section 4(a)(2)(A).
14 Such plan shall be approved upon the enactment of this
15 Act and such funds shall be distributed by the Secretary
16 to the Bay Mills Indian Community not later than 90 days
17 after the date of the enactment of this Act to be used
18 and distributed in accordance with section 7.

19 (3) Section 8 shall be the plan for use and distribu-
20 tion of the judgment funds described in section
21 4(a)(2)(B). Such plan shall be approved upon the enact-
22 ment of this Act and such funds shall be distributed by
23 the Secretary to the Sault Ste. Marie Band of Chippewa
24 Indians of Michigan not later than 90 days after the date

1 of the enactment of this Act to be used and distributed
2 in accordance with section 8.

3 (b) ELIGIBLE TRIBES.—The tribes referred to in
4 subsection (a) are the Grand Traverse Band of Ottawa
5 and Chippewa Indians of Michigan, the Little Traverse
6 Bay Bands of Odawa Indians of Michigan, and the Little
7 River Band of Ottawa Indians of Michigan.

8 (c) APPROVAL OR COMMENT OF SECRETARY.—Not
9 later than 30 days after a tribe submits a plan for the
10 use and distribution of its respective share of the judg-
11 ment funds and a resolution of the governing body of the
12 tribe accepting such plan to the Secretary, the Secretary
13 shall—

14 (1) if the plan complies with the provisions of
15 section 3(b) of Public Law 93–134 (25 U.S.C.
16 1403(b)), approve the plan; or

17 (2) if the plan does not comply with the provi-
18 sions of section 3(b) of Public Law 93–134 (25
19 U.S.C. 1403(b)), return the plan to the tribe with
20 comments advising the tribe why the plan does not
21 comply with such provisions.

22 (d) RESPONSE BY TRIBE.—The tribe shall have 60
23 days after receipt of comments under subsection (c)(2),
24 or other time as the tribe and the Secretary agree upon,

1 in which to respond to such comments and make such re-
2 sponse by submitting a revised plan to the Secretary.

3 (e)(1) If the tribe does not submit a response pursu-
4 ant to subsection (d), the Secretary shall, not later than
5 45 days after the end of the response time for such a re-
6 sponse, approve a plan which complies with the provisions
7 of section 3(b) of Public Law 93–134 (25 U.S.C.
8 1403(b)).

9 (2) If a tribe does not submit a plan to the Secretary
10 within 8 years of the date of enactment of this Act, the
11 Secretary shall approve a plan which complies with the
12 provisions of section 3(b) of Public Law 93–134 (25
13 U.S.C. 1403(b)).

14 (f) GOVERNING LAW AFTER APPROVAL BY SEC-
15 RETARY.—Once approved by the Secretary under this Act,
16 the effective date of the plan and other requisite action,
17 if any, is determined by the provisions of section 5 of Pub-
18 lic Law 93–134 (25 U.S.C. 1405).

19 (g) HEARINGS NOT REQUIRED.—Notwithstanding
20 section 3 and section 4 of Public Law 93–134 (25 U.S.C.
21 1403 and 25 U.S.C. 1404), the Secretary shall not be re-
22 quired to hold hearings or submit transcripts of any hear-
23 ings held previously concerning the Indian judgments
24 which are related to the judgment funds. The Secretary's

1 submission of the plan pursuant to this Act shall comply
2 with section 4 of Public Law 93–134 (25 U.S.C. 1404).

3 **SEC. 6. PREPARATION OF JUDGMENT DISTRIBUTION ROLL**
4 **OF DESCENDANTS.**

5 (a) PREPARATION.—Not later than 9 years after the
6 date of the enactment of this Act, the Secretary shall pre-
7 pare, in accordance with part 61 through part 65 of title
8 25, Code of Federal Regulations, a judgment distribution
9 roll of all citizens of the United States who—

10 (1) were born on or before the date of enact-
11 ment of this Act;

12 (2) were living on the date of the enactment of
13 this Act;

14 (3) are of at least one-quarter Michigan Ottawa
15 or Chippewa Indian blood, or a combination thereof;

16 (4) are not members of the tribal organizations
17 listed in section 4;

18 (5) are lineal descendants whose Michigan Ot-
19 tawa or Chippewa ancestry is derived from at least
20 one of the groups described in subsection (d); and

21 (6) are not described in subsection (e).

22 (b) APPLICATIONS.—Applications for inclusion on the
23 judgment distribution roll of descendants must be filed
24 with the superintendent, Michigan agency, Bureau of In-

1 dian Affairs, Sault Ste. Marie, Michigan, not later than
2 1 year after the date of enactment of this Act.

3 (c) APPEALS.—Appeals arising under this section
4 shall be handled in accordance with part 61 through part
5 65 of title 25, Code of Federal Regulations.

6 (d) GROUPS.—The groups referred to in subsection
7 (a)(5) are—

8 (1) the Ottawa Bands of Grand River, Tra-
9 verse, Grand Traverse, Little Traverse, Maskigo, or
10 L'Arbre Croche;

11 (2) the Chippewa Bands of Sault Ste. Marie,
12 Michilmackinac, or Cheboigan; and

13 (3) any Ottawa or Chippewa subdivisions of any
14 groups referred to in paragraph (1) or (2).

15 (e) INELIGIBLE INDIVIDUALS.—An individual is not
16 eligible under this section, if that individual—

17 (1) received funds pursuant to the Secretarial
18 Plan effective July 17, 1983, for the use and dis-
19 tribution of Potawatomi judgment funds;

20 (2) received funds pursuant to the Secretarial
21 Plan effective November 12, 1977, for the use and
22 distribution of Saginaw Chippewa judgment funds;

23 (3) is a member of the Keweenaw Bay Chip-
24 pewa Indian Community of Michigan on the date of
25 the enactment of this Act; or

1 (2) The Executive Council shall be the trustee of the
2 Land Trust and shall administer the Land Trust in ac-
3 cordance with this section. The Executive Council may re-
4 tain or hire a professional trust manager and may pay
5 the prevailing market rate for such services. Such payment
6 for services shall be made from the current income ac-
7 counts of the trust and charged against earnings of the
8 current fiscal year.

9 (3) The earnings generated by the Land Trust shall
10 be used annually and exclusively for the consolidation and
11 enhancement of tribal landholdings through purchase or
12 exchange. Any land so acquired shall be held in trust by
13 the United States for the Bay Mills Indian Community.

14 (4) The principal of the Land Trust shall not be ex-
15 pended for any purpose, including but not limited to, per
16 capita payment to members of the Bay Mills Indian Com-
17 munity.

18 (5) The Land Trust shall be maintained as a separate
19 account, which shall be audited at least once during each
20 fiscal year by a certified public accountant who shall pre-
21 pare a report on the results of such audit. Such report
22 shall be a public document, and shall be available for in-
23 spection by any member of the Bay Mills Indian Commu-
24 nity.

1 (6) Notwithstanding any other provision of law, the
2 approval of the Secretary of any payment from the Land
3 Trust shall not be required and the Secretary shall have
4 no trust responsibility for the investment, supervision, ad-
5 ministration, or expenditure of funds from the Land
6 Trust.

7 (b) LAND CLAIMS DISTRIBUTION TRUST.—(1) The
8 Executive Council of the Bay Mills Indian Community
9 shall establish a nonexpendable to be known as the “Land
10 Claims Distribution Trust Fund”. Not later than 60 days
11 after receipt of the funds distributed to the Bay Mills In-
12 dian Community pursuant to this Act, the Executive
13 Council of the Bay Mills Indian Community shall deposit
14 into the Land Claims Distribution Trust Fund the prin-
15 cipal funds which shall consist of—

16 (A) amounts remaining of the funds distributed
17 to the Bay Mills Indian Community after distribu-
18 tion pursuant to subsections (a) and (c);

19 (B) 10 percent of the annul earnings generated
20 by the Land Claims Distribution Trust Fund; and

21 (C) such other funds which the Executive Coun-
22 cil chooses to add to the Land Claims Distribution
23 Trust Fund.

24 (2) The Executive Council shall be the trustee of the
25 Land Claims Distribution Trust Fund and shall admin-

1 ister the Land Claims Distribution Trust Fund in accord-
2 ance with this section. The Executive Council may retain
3 or hire a professional trust manager and may pay for said
4 services the prevailing market rate. Such payment for
5 services shall be made from the current income accounts
6 of the trust and charged against earnings of the current
7 fiscal year.

8 (3) 90 percent of the annual earnings of the Land
9 Claims Distribution Trust fund shall be distributed on Oc-
10 tober 1 of each year after the creation of the trust fund
11 to any person who—

12 (A) is enrolled as a member of the Bay Mills
13 Indian Community on the date of the enactment of
14 this Act;

15 (B) is alive on the date of the enactment of this
16 Act;

17 (C) is at least 55 years of age as of the annual
18 distribution date; and

19 (D) has been enrolled as a member of the Bay
20 Mills Indian Community for a minimum of 25 years
21 as of the annual distribution date or was adopted as
22 a member of the Bay Mills Indian Community on or
23 before June 30, 1996.

24 (4) In the event that a member of the Bay Mills In-
25 dian Community who is eligible for payment under sub-

1 section (b)(3), should die after preparation of the annual
2 distribution roll and prior to the October 1 distribution,
3 that individual's share for that year shall be provided to
4 the member's heirs at law.

5 (5) In the event that a member of the Bay Mills In-
6 dian Community who is at least 55 years of age and who
7 is eligible for payment under subsection (b)(3), shall have
8 a guardian appointed for said individual, such payment
9 shall be made to the guardian.

10 (6) Under no circumstances shall any part of the
11 principal of the Land Claims Distribution Trust fund be
12 distributed as a per capita payment to members of the
13 Bay Mills Indian Community, or used or expended for any
14 other purpose by the Executive Council.

15 (7) The Land Claims Distribution Trust fund shall
16 be maintained as a separate account, which shall be au-
17 dited at least once during each fiscal year by an independ-
18 ent certified public accountant who shall prepare a report
19 on the results of such audit. Such report shall be a public
20 document, and shall be available for inspection by any
21 member of the Bay Mills Indian Community.

22 (8) Notwithstanding any other provision of law, the
23 approval of the Secretary of any payment from the Land
24 Claims Distribution Trust fund shall not be required and
25 the Secretary shall have no trust responsibility for the in-

1 vestment, supervision, administration, or expenditure of
2 the fund.

3 (c) LAND CLAIMS INITIAL PAYMENT.—As compensa-
4 tion to the members of the Bay Mills Indian Community
5 for the delay in distribution of the judgment fund, pay-
6 ment shall be made by the Executive Council within 30
7 days of receipt of the Bay Mills Indian Community's share
8 of the judgment fund from the Secretary, as follows:

9 (1) The sum of \$3,000 to each enrolled member
10 of the Bay Mills Indian Community living on the
11 date of enactment of this legislation, who has at-
12 tained the age of 55 years, but is less than 62 years
13 of age if that individual was adopted into or a mem-
14 ber of the Bay Mills Indian Community on or before
15 June 30, 1996.

16 (2) The sum of \$5,000 to each enrolled member
17 of the Bay Mills Indian Community living on the
18 date of enactment of this legislation, who is between
19 the ages of 62 and 69 years of age if that individual
20 was adopted into or a member of the Bay Mills In-
21 dian Community on or before June 30, 1996.

22 (3) The sum of \$10,000 to each enrolled mem-
23 ber of the Bay Mills Indian Community living on the
24 date of enactment of this legislation, who is 70 years
25 of age or older if that individual was adopted into

1 or a member of the Bay Mills Indian Community on
2 or before June 30, 1996.

3 (d) ANNUAL PAYMENTS FROM LAND CLAIMS DIS-
4 TRIBUTION TRUST FUND.—The Executive Council shall
5 prepare the annual distribution roll and ensure its accu-
6 racy prior to August 30 of each year prior to distribution.
7 The distribution roll shall identify each member of the Bay
8 Mills Indian Community who has attained the minimum
9 age and membership duration required for distribution eli-
10 gibility, as specified in subsection (b)(3). The number of
11 eligible persons in each age category defined in this sub-
12 section, multiplied by the number of shares for which the
13 age category is entitled, added together for the 3 cat-
14 egories, shall constitute the total number of shares to be
15 distributed each year. On each October 1, the shares shall
16 be distributed as follows:

17 (1) Each member who is at least 55 years of
18 age and less than 62 years of age shall receive 1
19 share.

20 (2) Each member who is between the ages of 62
21 and 69 years shall receive 2 shares.

22 (3) Each member who is 70 years of age or
23 older shall receive 3 shares.

1 **SEC. 8. PLAN FOR USE OF SAULT STE. MARIE TRIBE OF**
2 **CHIPPEWA INDIANS OF MICHIGAN FUNDS.**

3 (a) SELF-SUFFICIENCY FUND.

4 (1) The Sault Ste. Marie Tribe of Chippewa In-
5 dians of Michigan (referred to in this section as the
6 “Sault Ste. Marie Tribe”), through its board of di-
7 rectors, shall establish a trust fund for the benefit
8 of the Sault Ste. Marie Tribe which shall be known
9 as the “Self-Sufficiency Fund”. The principal of the
10 Self-Sufficiency Fund shall consist of—

11 (A) the Sault Ste. Marie Tribe’s share of
12 the judgment funds transferred by the Sec-
13 retary to the board of directors pursuant to
14 subsection (e);

15 (B) such amounts of the interest and other
16 income of the Self-Sufficiency Fund as the
17 board of directors may choose to add to the
18 principal; and

19 (C) any other funds that the board of di-
20 rectors of the Sault Ste. Marie Tribe choose to
21 add to the principal.

22 (2) The board of directors shall be the trustee
23 of the Self-Sufficiency Fund and shall administer
24 the fund in accordance with the provisions of the
25 section.

26 (b) USE OF PRINCIPAL.—

1 (1) The principal of the Self-Sufficiency Fund
2 shall be used exclusively for investments or expendi-
3 tures which the board of directors determines—

4 (A) are reasonably related to—

5 (i) economic development beneficial to
6 the tribe; or

7 (ii) development of tribal resources; or

8 (B) are otherwise financially beneficial to
9 the tribe and its members.

10 (2) At least one-half of the principle of the Self-
11 Sufficiency Fund at any given time shall be invested
12 in investment instruments or funds calculated to
13 produce a reasonable rate of return without undue
14 speculation or risk, unless, for good cause shown by
15 the Sault Ste. Marie Tribe, the Secretary determines
16 that a lesser amount may be invested in that man-
17 ner.

18 (3) No portion of the principal of the Self-Suffi-
19 ciency Fund shall be distributed in the form of per
20 capita payments.

21 (c) USE OF SELF-SUFFICIENCY FUND INCOME.—

22 The interest and other investment income of the Self-Suf-
23 ficiency Fund shall be distributed—

24 (1) as an addition to the principal of the fund;

25 (2) as a dividend to tribal members;

1 (3) as a per capita payment to some group or
2 category of tribal members designated by the board
3 of directors; or

4 (4) for educational, social welfare, health, cul-
5 tural, or charitable purposes which benefit the mem-
6 bers of the Sault Ste. Marie Tribe.

7 (d) GENERAL RULES AND PROCEDURES.—

8 (1) The Self-Sufficiency Fund shall be main-
9 tained as a separate account.

10 (2) The books and records of the Self-Suffi-
11 ciency Fund shall be audited at least once during
12 each fiscal year by an independent certified public
13 accountant who shall prepare a report on the results
14 of such audit. Such report shall be treated as a pub-
15 lic document of the Sault Ste. Marie Tribe and a
16 copy of the report shall be available for inspection by
17 any enrolled member of the Sault Ste. Marie Tribe.

18 (e) TRANSFER OF JUDGMENT FUNDS TO SELF-SUF-
19 FICIENCY FUND.—

20 (1) The Secretary shall transfer to the Self-Suf-
21 ficiency Fund the share of the funds which have
22 been allocated to the Sault Ste. Marie Tribe pursu-
23 ant to section 4.

24 (2) Notwithstanding any other provision of law,
25 after the transfer required by paragraph (1) the ap-

1 proval of the Secretary for any payment or distribu-
2 tion from the principal or income of the Self-Suffi-
3 ciency Fund shall not be required and the Secretary
4 shall have no trust responsibility for the investment,
5 administration, or expenditure of the principal or in-
6 come of the Self-Sufficiency Fund.

7 **SEC. 9. PAYMENT OF PER CAPITA SHARES.**

8 Payment of a per capita share of funds—

9 (1) to which a living, competent adult is enti-
10 tled under this Act shall be paid directly to that
11 adult;

12 (2) to which a deceased individual is entitled
13 under this Act shall be paid to that individual's heirs
14 and legatees upon determination of such heirs and
15 legatees in accordance with regulations prescribed by
16 the Secretary; and

17 (3) to which a legally incompetent individual or
18 an individual under 18 years of age is entitled under
19 this Act shall be paid in accordance with such proce-
20 dures (including the establishment of trusts) as the
21 Secretary determines to be necessary to protect and
22 preserve the interests of that individual.

23 **SEC. 10. NEWLY-RECOGNIZED TRIBES.**

24 (a) DISTRIBUTION OF FUNDS ALLOTTED FOR MEM-
25 BERS OF NEWLY-RECOGNIZED TRIBES.—If, after the date

1 of the enactment of this Act and before approval by the
2 Secretary of the judgment distribution roll of descendants
3 prepared pursuant to section 6, Congress or the Secretary
4 recognizes a tribe which includes an individual on the
5 judgment distribution roll of descendants, the funds allot-
6 ted for that individual shall be held in trust for the newly-
7 recognized tribe in accordance with the provisions of this
8 section.

9 (b) FUNDS SUBJECT TO PLAN.—Funds held in trust
10 pursuant to subsection (a) shall be subject to a plan that
11 is approved in accordance with this Act.

12 (c) DETERMINATION OF MEMBERSHIP IN NEWLY-
13 RECOGNIZED TRIBE.—(1) For purposes of this section,
14 the Secretary will use a newly-recognized tribe’s most re-
15 cent membership list provided to the Secretary.

16 (2) If a membership list was not provided—

17 (A) to the Secretary, the Secretary will use the
18 tribe’s most recent membership list provided to the
19 Bureau of Indian Affairs in their petition for Fed-
20 eral acknowledgment filed under **[part 83]** of title
21 25, Code of Federal Regulations, unless otherwise
22 provided in the statute which recognized the tribe;

23 (B) to the Bureau of Indian Affairs, the newly-
24 recognized tribe shall submit a membership list be-
25 fore the judgment distribution roll of descendants is

1 approved by the Secretary, unless otherwise provided
2 in the statute which recognized the tribe; and

3 (C) before the judgment distribution roll of de-
4 scendants is approved, the judgment funds shall be
5 distributed per capita under section **[6]**.

6 (d) NOTIFICATION TO INDIVIDUALS.—The Bureau of
7 Indian Affairs shall notify any individual that is listed on
8 the newly-recognized tribe’s membership list and that the
9 funds to which the individual would be entitled under this
10 Act will be held in trust for the individual’s newly-recog-
11 nized tribe unless, not later than 60 days after such notifi-
12 cation, the individual informs the Bureau of Indian Affairs
13 and the tribe, in writing, that the individual relinquishes
14 membership in the newly-recognized tribe.

15 **SEC. 11. TREATMENT OF FUNDS IN RELATION TO OTHER**
16 **LAWS.**

17 (a) PUBLIC LAW 93–134.—All funds distributed pur-
18 suant to this Act or to any plan approved in accordance
19 with this Act, including interest and investment income
20 accrued on such funds before or while such funds were
21 or are held in trust, shall be subject to the provisions of
22 section 7 of Public Law 93–134.

23 (b) TREATMENT RELATING TO FEDERAL ASSIST-
24 ANCE.—The eligibility for or receipt of distributions under
25 this Act by a tribe or individual shall not considered as

1 income, resources, or otherwise when determining the eli-
2 gibility for or computation of any payment or other benefit
3 to such tribe, individual, or household under—

4 (1) any financial aid program of the United
5 States, including grants and contracts subject to the
6 Indian Self-Determination Act; or

7 (2) any other benefit to which such tribe,
8 household, or individual would otherwise be entitled
9 under any Federal or federally assisted program.

10 **SEC. 12. TREATIES NOT AFFECTED.**

11 No provision of this Act shall be construed to con-
12 stitute an amendment, modification, or interpretation of
13 any treaty to which a tribe mentioned in this Act is a party
14 nor to any right secured to such a tribe or to any other
15 tribe by any treaty.

○