

icon of Everglades restoration and a true south Florida treasure.

□ 1630

Although it is difficult to conceive in 1997, the Everglades before World War II was considered by most to be a worthless swamp and a hindrance to development and industry. Ms. Douglas was among the first to suggest that the Federal Government's construction programs to drain and redirect the river of grass might upset the natural cycles on which the whole south Florida ecosystem relies. Thanks to Ms. Douglas' foresight, this ecological treasure is now protected in perpetuity.

Mr. Speaker, on the eve of the golden anniversary of the founding of the Everglades National Park, I urge my colleagues to support the bill.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Again, I want to commend the gentleman from Hawaii [Mr. ABERCROMBIE], who is necessarily absent this afternoon, for his comanagement of this piece of legislation, and I want to commend him for his service and contributions to making this bill possible to be brought before the floor for consideration.

At this time I have no additional speakers, Mr. Speaker, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, the gentleman from American Samoa correctly points out the important role that the gentleman from Hawaii [Mr. ABERCROMBIE] played in developing and getting this bill to the floor. So I would like to thank him myself for his support of the National Wildlife Refuge System Volunteer and Community Partnership Acts of 1997.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KINGSTON). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 1856, as amended.

The question was taken.

Mr. FALEOMAVAEGA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PROVIDING FOR THE DIVISION, USE, AND DISTRIBUTION OF JUDGMENT FUNDS OF OTTAWA AND CHIPPEWA INDIANS

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (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, as amended.

The Clerk read as follows:

H.R. 1604

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

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Table of contents.
- Sec. 2. Findings; purpose.
- Sec. 3. Definitions.
- Sec. 4. Division of funds.
- Sec. 5. Development of tribal plans for use or distribution of funds.
- Sec. 6. Preparation of judgment distribution roll of descendants.
- Sec. 7. Plan for use and distribution of Bay Mills Indian Community funds.
- Sec. 8. Plan for use of Sault Ste. Marie Tribe of Chippewa Indians of Michigan funds.
- Sec. 9. Plan for use of Grand Traverse Band of Ottawa and Chippewa Indians of Michigan funds.
- Sec. 10. Payment to newly recognized or reaffirmed tribes.
- Sec. 11. Treatment of funds in relation to other laws.
- Sec. 12. Treaties not affected.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Judgments were rendered in the Indian Claims Commission in dockets numbered 18-E, 58, and 364 in favor of the Ottawa and Chippewa Indians of Michigan and in docket numbered 18-R in favor of the Sault Ste. Marie Tribe of Chippewa Indians.

(2) The funds Congress appropriated to pay these judgments have been held by the Department of the Interior for the beneficiaries pending a division of the funds among the beneficiaries in a manner acceptable to the tribes and descendency group and pending development of plans for the use and distribution of the respective tribes' share.

(3) The 1836 treaty negotiations show that the United States concluded negotiations with the Chippewa concerning the cession of the upper peninsula and with the Ottawa with respect to the lower peninsula.

(4) A number of sites in both areas were used by both the Ottawa and Chippewa Indians. The Ottawa and Chippewa Indians were intermarried and there were villages composed of members of both tribes.

(b) PURPOSE.—It is the purpose of this Act to provide for the fair and equitable division of the judgment funds among the beneficiaries and to provide the opportunity for the tribes to develop plans for the use or distribution of their share of the funds.

SEC. 3. DEFINITIONS.

For purposes of this Act the following definitions apply:

(1) The term "judgment funds" means funds appropriated in full satisfaction of judgments made in the Indian Claims Commission—

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

(B) increased by the amount of any interest accrued with respect to such funds.

(2) The term "dockets 18-E and 58 judgment funds" means judgment funds awarded in dockets numbered 18-E and 58 in favor of the Ottawa and Chippewa Indians of Michigan.

(3) The term "docket 364 judgment funds" means the judgment funds awarded in docket numbered 364 in favor of the Ottawa and Chippewa Indians of Michigan.

(4) The term "docket 18-R judgment funds" means the judgment funds awarded in docket numbered 18-R in favor of the Sault Ste. Marie Band of Chippewa Indians.

(5) The term "judgment distribution roll of descendants" means the roll prepared pursuant to section 6.

(6) The term "Secretary" means the Secretary of the Interior.

SEC. 4. DIVISION OF FUNDS.

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

(1) The lesser of 13.5 percent and \$9,253,104.47, and additional funds as described in this section, for newly recognized or reaffirmed tribes described in section 10 and eligible individuals on the judgment distribution roll of descendants.

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

(A) the lesser of 35 percent of the principal and interest as of December 31, 1996, and \$8,313,877 shall be for the Bay Mills Indian Community; and

(B) the remaining amount (less \$161,723.89 which shall be added to the funds described in paragraph (1)) shall be for the Sault Ste. Marie Tribe of Chippewa Indians of Michigan.

(3) 17.3 percent (less \$161,723.89 which shall be added to the funds described in paragraph (1)) to the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan.

(4) 17.3 percent (less \$161,723.89 which shall be added to the funds described in paragraph (1)) to the Little Traverse Bay Bands of Odawa Indians of Michigan.

(5) 17.3 percent (less \$161,723.89 which shall be added to the funds described in paragraph (1)) to the Little River Band of Ottawa Indians of Michigan.

(6) Any funds remaining after distribution pursuant to paragraphs (1) through (5) shall be divided and distributed to each of the recognized tribes listed in this subsection in an amount which bears the same ratio to the amount so divided and distributed as the distribution of judgment funds pursuant to each of paragraphs (2) through (5) bears to the total distribution under all such paragraphs.

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

(1) The lesser of 20 percent and \$28,026.79 for newly recognized or reaffirmed tribes described in section 10 and eligible individuals on the judgment distribution roll of descendants.

(2) 32 percent to the Sault Ste. Marie Tribe of Chippewa Indians of Michigan and the Bay Mills Indian Community, of which—

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

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

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

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

(5) 16 percent to the Little River Band of Ottawa Indians of Michigan.

(6) Any funds remaining after distribution pursuant to paragraphs (1) through (5) shall be divided and distributed to each of the recognized tribes listed in this subsection in an amount which bears the same ratio to the amount so divided and distributed as the distribution of judgment funds pursuant to each of paragraphs (2) through (5) bears to the total distribution under all such paragraphs.

(c) DOCKET 18-R JUDGMENT FUNDS.—The Secretary shall divide the docket 18-R judgment funds as follows:

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

(2) 35 percent to the Bay Mills Indian Community.

(d) AMOUNTS FOR NEWLY RECOGNIZED OR REAFFIRMED TRIBES OR INDIVIDUALS ON THE JUDGMENT DISTRIBUTION ROLL OF DESCENDANTS HELD IN TRUST.—Pending distribution under this Act to newly recognized or reaffirmed tribes described in section 10 or individuals on the judgment distribution roll of descendants, the Secretary shall hold amounts referred to in subsections (a)(1) and (b)(1) in trust.

SEC. 5. DEVELOPMENT OF TRIBAL PLANS FOR USE OR DISTRIBUTION OF FUNDS.

(a) DISBURSEMENT OF FUNDS.—(1) Except as provided in paragraphs (2), (3), and (4), the Secretary shall disburse each tribe's respective share of the judgment funds described in subsections (a), (b), and (c) of section 4 not later than 30 days after a plan for use and distribution of such funds has been approved in accordance with this section. Disbursement of a tribe's share shall not be dependent upon approval of any other tribe's plan.

(2) Section 7 shall be the plan for use and distribution of the judgment funds described in subsections (a)(2)(A), (b)(2)(A), and (c)(2) of section 4. Such plan shall be approved upon the enactment of this Act and such funds shall be distributed by the Secretary to the Bay Mills Indian Community not later than 90 days after the date of the enactment of this Act to be used and distributed in accordance with section 7.

(3) Section 8 shall be the plan for use and distribution of the judgment funds described in subsections (a)(2)(B), (b)(2)(B), and (c)(1) of section 4. Such plan shall be approved upon the enactment of this Act and such funds shall be distributed by the Secretary to the Sault Ste. Marie Tribe of Chippewa Indians of Michigan not later than 90 days after the date of the enactment of this Act to be used and distributed in accordance with section 8.

(4) Section 9 shall be the plan for use and distribution of the judgment funds described in subsections (a)(3) and (b)(3) of section 4. Such plan shall be approved upon the enactment of this Act and such funds shall be distributed by the Secretary to the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan, not later than 90 days after the date of the enactment of this Act to be used and distributed in accordance with section 9.

(b) APPROVAL OR COMMENT OF SECRETARY.—(1) Except as otherwise provided in this Act, each tribe shall develop a plan for the use and distribution of its respective share of the judgment funds. The tribe shall hold a hearing or general membership meeting on its proposed plan. The tribe shall submit to the Secretary its plan together with an accompanying resolution of its governing body accepting such plan, a transcript of its hearings or meetings in which the plan was discussed with its general membership, any documents circulated or made available to the membership on the proposed plan, and comments from its membership received on the proposed plan.

(2) Not later than 90 days after a tribe makes its submission under paragraph (1), the Secretary shall—

(A) if the plan complies with the provisions of section 3(b) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)), approve the plan; or

(B) if the plan does not comply with the provisions of section 3(b) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)), return the plan to the tribe with comments advising the tribe why the plan does not comply with such provisions.

(c) RESPONSE BY TRIBE.—The tribe shall have 60 days after receipt of comments under subsection (b)(2), or other time as the tribe and the Secretary agree upon, in which to respond to such comments and make such re-

sponse by submitting a revised plan to the Secretary.

(d) SUBMISSION TO CONGRESS.—(1) The Secretary shall, within 45 days after receiving the governing body's comments under subsection (c), submit a plan to Congress in accordance with the provisions of section 3(b) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)). If the tribe does not submit a response pursuant to subsection (c), the Secretary shall, not later than 45 days after the end of the response time for such a response, submit a plan to Congress in accordance with the provisions of section 3(b) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)).

(2) If a tribe does not submit a plan to the Secretary within 8 years of the date of enactment of this Act, the Secretary shall approve a plan which complies with the provisions of section 3(b) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)).

(e) GOVERNING LAW AFTER APPROVAL BY SECRETARY.—Once approved by the Secretary under this Act, the effective date of the plan and other requisite action, if any, is determined by the provisions of section 5 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1405).

(f) HEARINGS NOT REQUIRED.—Notwithstanding section 3 and section 4 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403 and 25 U.S.C. 1404), the Secretary shall not be required to hold hearings or submit transcripts of any hearings held previously concerning the Indian judgments which are related to the judgment funds. The Secretary's submission of the plan pursuant to this Act shall comply with section 4 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1404).

SEC. 6. PREPARATION OF JUDGMENT DISTRIBUTION ROLL OF DESCENDANTS.

(a) PREPARATION.—

(1) IN GENERAL.—The Secretary shall prepare, in accordance with parts 61 and 62 of title 25, Code of Federal Regulations, a judgment distribution roll of all citizens of the United States who—

(A) were born on or before the date of enactment of this Act;

(B) were living on the date of the enactment of this Act;

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

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

(E) are lineal descendants of the Michigan Ottawa or Chippewa bands or tribes that were parties to either the 1820 treaty (7 Stat. 207), the 1836 treaty (7 Stat. 491), or the 1855 treaty (11 Stat. 621);

(F) are lineal descendants of at least one of the groups described in subsection (d); and

(G) are not described in subsection (e).

(2) TIME LIMITATIONS.—The judgment distribution roll of descendants prepared pursuant to paragraph (1)—

(A) shall not be approved before 8 years after the date of the enactment of this Act or a final determination has been made regarding each petition filed pursuant to section 10, whichever is earlier; and

(B) shall be approved not later than 9 years after the date of the enactment of this Act.

(b) APPLICATIONS.—Applications for inclusion on the judgment distribution roll of descendants must be filed with the superintendent, Michigan agency, Bureau of Indian Affairs, Sault Ste. Marie, Michigan, not later than 1 year after the date of enactment of this Act.

(c) APPEALS.—Appeals arising under this section shall be handled in accordance with

parts 61 and 62 of title 25, Code of Federal Regulations.

(d) GROUPS.—The groups referred to in subsection (a)(1)(F) are Chippewa or Ottawa tribe or bands of—

(1) Grand River, Traverse, Grand Traverse, Little Traverse, Maskigo, or L'Arbre Croche, Cheboigan, Sault Ste. Marie, Michilmackinac; and

(2) any subdivisions of any groups referred to in paragraph (1).

(e) INELIGIBLE INDIVIDUALS.—AN INDIVIDUAL IS NOT ELIGIBLE UNDER THIS SECTION, IF THAT INDIVIDUAL—

(1) received benefits pursuant to the Secretarial Plan effective July 17, 1983, for the use and distribution of Potawatomi judgment funds;

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

(3) is a member of the Keweenaw Bay Chippewa Indian Community of Michigan on the date of the enactment of this Act;

(4) is a member of the Lac Vieux Desert Band of Lake Superior Chippewa Indians on the date of the enactment of this Act; or

(5) is a member of a tribe whose membership is predominantly Potawatomi.

(f) USE OF HORACE B. DURANT ROLL.—In preparing the judgment distribution roll of descendants under this section, the Secretary shall refer to the Horace B. Durant Roll, approved February 18, 1910, of the Ottawa and Chippewa Tribe of Michigan, as qualified and corrected by other rolls and records acceptable to the Secretary, including the Durant Field Notes of 1908-1909 and the Annuity Payroll of the Ottawa and Chippewa Tribe of Michigan approved May 17, 1910. The Secretary may employ the services of the descendant group enrollment review committees.

(g) PAYMENT OF FUNDS.—Subject to section 10, not later than 90 days after the approval by the Secretary of the judgment distribution roll of descendants prepared pursuant to this section, the Secretary shall distribute per capita the funds described in subsections (a)(1) and (b)(1) of section 4 to the individuals listed on that judgment distribution roll of descendants. Payment under this section—

(1) to which a living, competent adult is entitled under this Act shall be paid directly to that adult;

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

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

SEC. 7. PLAN FOR USE AND DISTRIBUTION OF BAY MILLS INDIAN COMMUNITY FUNDS.

(a) TRIBAL LAND TRUST.—(1) The Executive Council of the Bay Mills Indian Community shall establish a nonexpendable trust to be known as the "Land Trust". Not later than 60 days after receipt of the funds distributed to the Bay Mills Indian Community pursuant to this Act, the Executive Council of the Bay Mills Indian Community shall deposit 20 percent of the share of the Bay Mills Indian Community into the Land Trust.

(2) The Executive Council shall be the trustee of the Land Trust and shall administer the Land Trust in accordance with this section. The Executive Council may retain or hire a professional trust manager and may pay the prevailing market rate for such services. Such payment for services shall be

made from the current income accounts of the trust and charged against earnings of the current fiscal year.

(3) The earnings generated by the Land Trust shall be used exclusively for improvements on tribal land or the consolidation and enhancement of tribal landholdings through purchase or exchange. Any land acquired with funds from the Land Trust shall be held as Indian lands are held.

(4) The principal of the Land Trust shall not be expended for any purpose, including but not limited to, per capita payment to members of the Bay Mills Indian Community.

(5) The Land Trust shall be maintained as a separate account, which shall be audited at least once during each fiscal year by an independent certified public accountant who shall prepare a report on the results of such audit. Such report shall be a public document, and shall be available for inspection by any member of the Bay Mills Indian Community.

(6) Notwithstanding any other provision of law, the approval of the Secretary of any payment from the Land Trust shall not be required and the Secretary shall have no trust responsibility for the investment, supervision, administration, or expenditure of funds from the Land Trust.

(b) LAND CLAIMS DISTRIBUTION TRUST.—(1) The Executive Council of the Bay Mills Indian Community shall establish a non-expendable trust to be known as the "Land Claims Distribution Trust Fund". Not later than 60 days after receipt of the funds distributed to the Bay Mills Indian Community pursuant to this Act, the Executive Council of the Bay Mills Indian Community shall deposit into the Land Claims Distribution Trust Fund the principal funds which shall consist of—

(A) amounts remaining of the funds distributed to the Bay Mills Indian Community after distribution pursuant to subsections (a) and (c);

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

(C) such other funds which the Executive Council chooses to add to the Land Claims Distribution Trust Fund.

(2) The Executive Council shall be the trustee of the Land Claims Distribution Trust Fund and shall administer the Land Claims Distribution Trust Fund in accordance with this section. The Executive Council may retain or hire a professional trust manager and may pay for said services the prevailing market rate. Such payment for services shall be made from the current income accounts of the trust and charged against earnings of the current fiscal year.

(3) 90 percent of the annual earnings of the Land Claims Distribution Trust Fund shall be distributed on October 1 of each year after the creation of the trust fund to any person who—

(A) is enrolled as a member of the Bay Mills Indian Community;

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

(C)(i) has been enrolled as a member of the Bay Mills Indian Community for a minimum of 25 years as of the annual distribution date, or

(ii) was adopted as a member of the Bay Mills Indian Community on or before June 30, 1996.

(4) In the event that a member of the Bay Mills Indian Community who is eligible for payment under subsection (b)(3), should die after preparation of the annual distribution roll and prior to the October 1 distribution, that individual's share for that year shall be provided to the member's heirs at law.

(5) In the event that a member of the Bay Mills Indian Community who is at least 55

years of age and who is eligible for payment under subsection (b)(3), shall have a guardian appointed for said individual, such payment shall be made to the guardian.

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

(7) The Land Claims Distribution Trust Fund shall be maintained as a separate account, which shall be audited at least once during each fiscal year by an independent certified public accountant who shall prepare a report on the results of such audit. Such report shall be a public document and shall be available for inspection by any member of the Bay Mills Indian Community.

(8) Notwithstanding any other provision of law, the approval of the Secretary of any payment from the Land Claims Distribution Trust Fund shall not be required and the Secretary shall have no trust responsibility for the investment, supervision, administration, or expenditure of the Fund.

(c) LAND CLAIMS INITIAL PAYMENT.—As compensation to the members of the Bay Mills Indian Community for the delay in distribution of the judgment fund, payment shall be made by the Executive Council within 30 days of receipt of the Bay Mills Indian Community's share of the judgment fund from the Secretary, as follows:

(1) The sum of \$3,000 to each enrolled member of the Bay Mills Indian Community living on the date of enactment of this legislation, who has attained the age of 55 years, but is less than 62 years of age, if that individual was adopted into or a member of the Bay Mills Indian Community on or before June 30, 1996.

(2) The sum of \$5,000 to each enrolled member of the Bay Mills Indian Community living on the date of enactment of this legislation, who is at least 62 years of age and less than 70 years of age, if that individual was adopted into or a member of the Bay Mills Indian Community on or before June 30, 1996.

(3) The sum of \$10,000 to each enrolled member of the Bay Mills Indian Community living on the date of enactment of this legislation, who is 70 years of age or older, if that individual was adopted into or a member of the Bay Mills Indian Community on or before June 30, 1996.

(d) ANNUAL PAYMENTS FROM LAND CLAIMS DISTRIBUTION TRUST FUND.—The Executive Council shall prepare the annual distribution roll and ensure its accuracy prior to August 30 of each year prior to distribution. The distribution roll shall identify each member of the Bay Mills Indian Community who, on the date of distribution, will have attained the minimum age and membership duration required for distribution eligibility, as specified in subsection (b)(3). The number of eligible persons in each age category defined in this subsection, multiplied by the number of shares for which the age category is entitled, added together for the 3 categories, shall constitute the total number of shares to be distributed each year. On each October 1, the shares shall be distributed as follows:

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

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

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

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

(a) SELF-SUFFICIENCY FUND.

(1) The Sault Ste. Marie Tribe of Chippewa Indians of Michigan (referred to in this sec-

tion as the "Sault Ste. Marie Tribe"), through its board of directors, shall establish a trust fund for the benefit of the Sault Ste. Marie Tribe which shall be known as the "Self-Sufficiency Fund". The principal of the Self-Sufficiency Fund shall consist of—

(A) the Sault Ste. Marie Tribe's share of the judgment funds transferred by the Secretary to the board of directors pursuant to subsection (e);

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

(C) any other funds that the board of directors of the Sault Ste. Marie Tribe chooses to add to the principal.

(2) The board of directors shall be the trustee of the Self-Sufficiency Fund and shall administer the Fund in accordance with the provisions of this section.

(b) USE OF PRINCIPAL.—

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

(A) are reasonably related to—

(i) economic development beneficial to the tribe; or

(ii) development of tribal resources;

(B) are otherwise financially beneficial to the tribe and its members; or

(C) will consolidate or enhance tribal landholdings.

(2) At least one-half of the principal of the Self-Sufficiency Fund at any given time shall be invested in investment instruments or funds calculated to produce a reasonable rate of return without undue speculation or risk.

(3) No portion of the principal of the Self-Sufficiency Fund shall be distributed in the form of per capita payments.

(4) Any lands acquired using amounts from the Self-Sufficiency Fund shall be held as Indian lands are held.

(c) USE OF SELF-SUFFICIENCY FUND INCOME.—The interest and other investment income of the Self-Sufficiency Fund shall be distributed—

(1) as an addition to the principal of the Fund;

(2) as a dividend to tribal members;

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

(4) for educational, social welfare, health, cultural, or charitable purposes which benefit the members of the Sault Ste. Marie Tribe; or

(5) for consolidation or enhancement of tribal lands.

(d) GENERAL RULES AND PROCEDURES.—

(1) The Self-Sufficiency Fund shall be maintained as a separate account.

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

(e) TRANSFER OF JUDGMENT FUNDS TO SELF-SUFFICIENCY FUND.—

(1) The Secretary shall transfer to the Self-Sufficiency Fund the share of the funds which have been allocated to the Sault Ste. Marie Tribe pursuant to section 4.

(2) Notwithstanding any other provision of law, after the transfer required by paragraph (1) the approval of the Secretary for any payment or distribution from the principal or income of the Self-Sufficiency Fund shall not be required and the Secretary shall have no trust responsibility for the investment,

administration, or expenditure of the principal or income of the Self-Sufficiency Fund.

(f) LANDS ACQUIRED USING INTEREST OR OTHER INCOME OF THE SELF-SUFFICIENCY FUND.—Any lands acquired using amounts from interest or other income of the Self-Sufficiency Fund shall be held in trust by the Secretary for the benefit of the tribe.

SEC. 9. PLAN FOR USE OF GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS OF MICHIGAN FUNDS.

(a) LAND CLAIMS DISTRIBUTION TRUST FUND.—(1) The share of the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan (hereafter in this section referred to as the "Band"), as determined pursuant to subsections (a)(3) and (b)(3) of section 4, shall be deposited by the Secretary in a non-expendable trust fund to be established by the Tribal Council of the Band to be known as the "Land Claims Distribution Trust Fund" (hereafter in this section referred to as the "Trust Fund").

(2) The principal of the Trust Fund shall consist of—

(A) the funds deposited into the Trust Fund by the Secretary pursuant to this subsection;

(B) annual earnings of the Trust Fund which shall be retained, and added to the principal; and

(C) such other funds as may be added to the Trust Fund by action of the Tribal Council of the Band.

(b) MANAGEMENT OF THE TRUST FUND.—The Tribal Council of the Band shall be the trustee of the Trust Fund and shall administer the Fund in accordance with this section. In carrying out this responsibility, the Tribal Council may retain or hire a professional trust manager and may pay the prevailing market rate for such services. Such payment for services shall be made from the current income accounts of the Trust Fund and charged against the earnings of the fiscal year in which the payment becomes due.

(c) TRUST FUND AS LOAN COLLATERAL.—(1) The Trust Fund shall be used by the Band as collateral to secure a bank loan equal to 80 percent of the principal of the Trust Fund at the lowest interest rate then available. Such loan shall be used by the Band to make a one-time per capita payment to all eligible members.

(2) The loan secured pursuant to this subsection shall be amortized by the earnings of the Trust Fund. The Tribal Council of the Band shall have the authority to invest the principal of the Trust Fund on market risk principles that will ensure adequate payments of the debt obligation while at the same time protecting the principal.

(d) ELDERS' LAND CLAIM DISTRIBUTION TRUST FUND.—(1) Upon the retirement of the loan obtained pursuant to subsection (c), the Tribal Council shall establish the Grand Traverse Band Elders' Land Claims Distribution Trust Fund (hereafter in this section referred to as the "Elders' Trust Fund"). There shall be deposited into the Elders' Trust Fund the principal and all accrued earnings that are in the Land Claims Distribution Trust Fund on the date of retirement of such loan.

(2) Upon establishment of the Elders' Trust Fund, the Tribal Council of the Band shall make a one-time payment to any person who is living on the date of the establishment of the Elders' Trust Fund, and who was an enrolled member of the Band for at least 2 years prior to, the date of the enactment of this Act as follows:

(A) \$500 for each member who has attained the age of 55 years, but is less than 62 years of age.

(B) \$1,000 for each member who has attained the age of 62 years, but is less than 70 years of age.

(C) \$2,500 for each member who is 70 years of age or older.

(3) After distribution pursuant to paragraph (2), the net annual earnings of the Elders' Trust Fund shall be distributed as follows:

(A) 90 percent shall be distributed on October 1 of each year after the creation of the Elder's Trust Fund to all living enrolled members of the Band who have attained the age of 55 years upon such date, and who shall have been an enrolled member of the Band for not less than 2 years upon such date.

(B) 10 percent shall be added to the principal of the Elders' Trust Fund.

(4) Distribution pursuant to paragraph (3)(A) shall be as follows:

(A) One share for each person on the current annual Elders' roll who has attained the age of 55 years, but is less than 62 years of age.

(B) Two shares for each person who has attained the age of 62 years, but is less than 70 years of age.

(C) Three shares for each person who is 70 years of age or older.

(5) None of the funds in the Elders' Trust Fund shall be distributed or expended for any purpose other than as provided in this subsection.

(6) The Elders' Trust Fund shall be maintained as a separate account, which shall be audited at least once during each fiscal year by an independent certified public accountant who shall prepare a report on the results of such audit. Such report shall be reasonably available for inspection by the members of the Band.

(7) The Tribal Council of the Band shall prepare an annual Elders' distribution roll and ensure its accuracy prior to August 30 of each year. The roll shall identify each member of the Band who has attained the minimum age and membership duration required for distribution eligibility pursuant to paragraph (3)(A).

(e) GENERAL PROVISIONS.—(1) In the event that a tribal member eligible for a payment under this section shall die after preparation of the annual distribution roll, but prior to the distribution date, such payment shall be paid to the estate of such member.

(2) In any case where a legal guardian has been appointed for a person eligible for a payment under this section, payment of that person's share shall be made to such guardian.

(f) NO SECRETARIAL RESPONSIBILITIES FOR TRUST FUND.—The Secretary shall have no trust responsibility for the investment, supervision, administration, or expenditure of the Land Claims Distribution Trust Fund or the Elders' Trust Fund.

SEC. 10. PAYMENT TO NEWLY RECOGNIZED OR REAFFIRMED TRIBES.

(a) ELIGIBILITY.—In order to be eligible for tribal funds under this Act, a tribe that is not federally recognized or reaffirmed on the date of the enactment of this Act—

(1) must be a signatory to either the 1836 treaty (7 Stat. 491) or the 1855 treaty (11 Stat. 621);

(2) must have a membership that is predominantly Chippewa and Ottawa;

(3) shall not later than 6 months after the date of the enactment of this Act, submit to the Bureau of Indian Affairs a letter of intent for Federal recognition if such a letter is not on file with the Bureau of Indian Affairs; and

(4) shall not later than 3 years after the date of the enactment of this Act, submit to the Bureau of Indian Affairs a documented petition for Federal recognition if such a petition is not on file with the Bureau of Indian Affairs.

(b) DISTRIBUTION OF FUNDS ALLOTTED FOR NEWLY RECOGNIZED OR REAFFIRMED TRIBES.—

Not later than 90 days after a tribe that has submitted a timely petition pursuant to subsection (a) is federally recognized or reaffirmed, the Secretary shall segregate and hold in trust for such tribe, its respective share of the funds described in sections 4(a)(1) and (b)(1), \$3,000,000 plus 30 percent of any income earned on the funds described in section 4(a)(1) and (b)(1) up to the date of such distribution.

(c) DISTRIBUTION OF FUNDS ALLOTTED FOR CERTAIN INDIVIDUALS.—If, after the date of the enactment of this Act and before approval by the Secretary of the judgment distribution roll of descendants, Congress or the Secretary recognizes a tribe which has as a member an individual that is listed on the judgment distribution roll of descendants as approved pursuant to section 6, the Secretary shall, not later than 90 days after the approval of such judgment distribution roll of descendants, remove that individual's name from the descendants roll and reallocate the funds allotted for that individual to the fund established for such newly recognized or reaffirmed tribe.

(d) FUNDS SUBJECT TO PLAN.—Funds held in trust for a newly recognized or reaffirmed tribe shall be subject to plans that are approved in accordance with this Act.

(e) DETERMINATION OF MEMBERSHIP IN NEWLY RECOGNIZED OR REAFFIRMED TRIBE.—

(1) SUBMISSION OF MEMBERSHIP ROLL.—For purposes of this section—

(A) if the tribe is acknowledged by the Secretary under part 83 of title 25, Code of Federal Regulations, the Secretary shall use the tribe's most recent membership list provided under such part;

(B) unless otherwise provided by the statutes which recognizes the tribe, if Congress recognizes a tribe, the Secretary shall use the most recent membership list provided to Congress. If no membership list is provided to Congress, the Secretary shall use the most recent membership list provided with the tribe's petition for acknowledgment under part 83 of title 25, Code of Federal Regulations. If no such list was provided to Congress or under such part, the newly recognized tribe shall submit a membership list to the Secretary before the judgment distribution roll of descendants is approved or the judgment funds shall be distributed per capita pursuant to section 6;

(C) a tribe that has submitted a membership roll pursuant to this section may update its membership rolls not later than 180 days before distribution pursuant to section 6.

(2) FAILURE TO SUBMIT UPDATED MEMBERSHIP ROLL.—If a membership list was not provided—

(A) to the Secretary, the Secretary will use the tribe's most recent membership list provided to the Bureau of Indian Affairs in their petition for Federal acknowledgment filed under part 83 of title 25, Code of Federal Regulations, unless otherwise provided in the statute which recognized the tribe;

(B) to the Bureau of Indian Affairs, the newly recognized or reaffirmed tribe shall submit a membership list before the judgment distribution roll of descendants is approved by the Secretary, unless otherwise provided in the statute which recognized the tribe; and

(C) before the judgment distribution roll of descendants is approved, the judgment funds shall be distributed per capita pursuant to section 6.

SEC. 11. TREATMENT OF FUNDS IN RELATION TO OTHER LAWS.

The eligibility for or receipt of distributions under this Act by a tribe or individual shall not be considered as income, resources, or otherwise when determining the eligibility for or computation of any payment or other benefit to such tribe, individual, or household under—

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

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

SEC. 12. TREATIES NOT AFFECTED.

No provision of this Act shall be construed to constitute an amendment, modification, or interpretation of any treaty to which a tribe mentioned in this Act is a party nor to any right secured to such a tribe or to any other tribe by any treaty.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Michigan [Mr. KILDEE] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1604 will provide for the division, use and distribution of judgment funds of the Ottawa and Chippewa Indians of Michigan pursuant to the Indian Claims Commission dockets.

These judgment funds were appropriated by Congress years ago and have been held by the Department of Interior for the beneficiaries. The funds would be divided according to a formula included in H.R. 1604 between individuals and on judgment distribution rules of decedents to be created by the Secretary of the Interior and 5 Michigan tribes. Those portions of the funds to be distributed to each tribe shall be disbursed after a plan for use and distribution by each tribe has been approved by the Secretary of the Interior.

This is a good bill, it is fair. It has been approved by the tribes with whom we have worked who are entitled to the distribution of money. The Federal Government has delayed the distribution of these funds long enough. It is now time to act, and I urge a "yea" vote.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

(Mr. KILDEE asked and was given permission to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, the legislation before us today, the Michigan Land Claims Settlement Act, will resolve a long-standing injustice perpetrated against the Chippewa and Ottawa Indian Nations in Michigan.

Over a century and a half ago, the Chippewa and Ottawa Tribes signed a treaty in which the Michigan Indian Nations agreed to cede over 12 million acres of land to the Federal Government in exchange for a series of annuities to be paid to the tribes. This land encompassed most of the upper Lower Peninsula of Michigan and the eastern part of the upper peninsula. The final compensation considered paid to these tribes was approximately 15 cents an acre.

In 1948, the tribes filed suit with the Indian Claims Commission to examine

the fairness of compensation paid to the Michigan tribes. After a thorough and exhaustive review, the Indian Claims Commission called the 15 cents an acre payment an "unconscionable consideration" and determined the tribes should have been given 90 cents an acre for their land. In 1971, the tribes were awarded over \$10 million by the Congress to settle this lands claim.

These monies were placed in a trust fund that has been administered by the BIA for the last 26 years. Today, that fund is worth over \$74 million.

The legislation before us, Mr. Speaker, will allow these funds to be distributed to the tribes. H.R. 1604 represents a negotiated compromise between the Michigan tribes and descendency groups to finally bring about the justice they so rightly deserve.

When the House Committee on Resources considered this bill, it was passed by a voice vote. The administration is supportive of this bill, and I am hopeful that the Senate will take it up before we adjourn this year. I urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SAXTON. Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding me this time, since most of these lands were ceded in my district.

I just want to say I certainly endorse this proposal. I hope it will be passed. It is long overdue. It has been a long time, 1971, this money has been sitting here. I thank the chairman and the gentleman from Michigan [Mr. KILDEE], the ranking member, for all their hard work in moving this legislation forward. It is a good, fair settlement. The Native Americans are entitled to this money and I certainly strongly support this legislation, and I thank the Members for assisting us in getting to this stage here today.

Mr. YOUNG of Alaska, Mr. Speaker, I submit the following: section-by-section analysis 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.

SECTION 1. TABLE OF CONTENTS

Section 1 of the bill provides the Table of Contents for the Act.

SECTION 2. FINDINGS: PURPOSE

Subsection (a) contains various Congressional findings relating to the Act. These findings specifically note that judgments were rendered in the Indian Claims Commission in dockets numbered 18-E, 58 and 364 in favor of the Ottawa and Chippewa Indians of Michigan and in docket numbered 18-R in favor of the Sault Ste. Marie Bank of Chippewa Indians. It also notes that the funds Congress appropriated to pay these judgments have been held by the U.S. Department of the Interior pending a division of the fund in a manner acceptable to the tribes

and descendance group and pending the development of plans for the use and distribution of the respective tribe's share.

Subsection (b) states that the purpose of this Act is to provide for a fair and equitable division of these judgment funds among the beneficiaries and to allow the tribes to develop plans for the use and distribution of their respective shares of the funds.

SECTION 3. DEFINITIONS

This section defines the important terms used in the Act.

SECTION 4. DIVISION OF FUNDS

Subsection (a) provides for the Secretary of the Interior's division of the principal and interest generated by the funds appropriated to pay the claims stemming from dockets 18-E and 58.

Paragraph (1) provides that the lesser of 13.5% or \$9,253,104.47 of the funds shall be paid to newly recognized or reaffirmed tribes as well as individuals whose names are found on the judgment distribution roll of descendants which the Secretary of the Interior is mandated to develop pursuant to section 6 of this Act.

Paragraph (2) states that the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians shall each receive a share of the next 34.6% of these monies. Of this 34.6%, the Bay Mills Indian Community shall receive the lesser of 35% of the principal and interest as of December 31, 1997, or \$8,313,877 and the Sault Ste. Marie Tribe of Chippewa Indians shall receive the remaining amount minus \$161,723.89 that will be added to the funds described in paragraph (1).

Paragraphs (3)-(5) provide that the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan, the Little Traverse Bay Bands of Odawa Indians of Michigan and the Little River Band of Ottawa Indians of Michigan shall each receive 17.3% of the principal and interest, minus \$161,723.89 from each tribe to be added to the fund provided for in paragraph (1).

Paragraph (6) states that any funds remaining after the aforementioned distributions are made shall be divided among the recognized tribes listed in paragraphs (1)-(5) of this section in an amount which bears the same ratio to the amount so divided and distributed as the distribution of judgment funds pursuant to each of subsections (1)-(5) above bears to the total distribution under all such subsections.

Subsection (b) explains how the Secretary of the Interior is to divide the principal and interest generated on the funds appropriated to pay the claims stemming from docket 364.

Paragraph (1) provides that the lesser of 20% or \$28,026.79 of the principal and interest shall be paid to the individuals whose names are found on the judgment distribution roll of descendants which the Secretary of the Interior is mandated to develop pursuant to section 6 of this Act.

Paragraph (2) states that the Bay Mills Indian Community and the Sault Ste. Marie Tribe of Chippewa Indians shall each receive a share of the next 32% of these monies. Of this 32%, the Bay Mills Indian Community shall receive 35% and the Sault Ste. Marie Tribe of Chippewa Indians shall receive the remaining amount.

Paragraphs (3)-(5) provide that the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan, the Little Traverse Bay Bands of Odawa Indians of Michigan and the Little River Bank of Ottawa Indians of Michigan shall each receive 16% of the principal and interest.

Paragraph (6) states that any funds remaining after the aforementioned distributions are made shall be divided between the recognized tribes listed in this subsection in an amount which bears the same ratio to the

amount so divided and distributed as the distribution of judgment funds pursuant to each of subsections (1)–(5) above bears to the total distribution under all such subsections.

Subsection (c) provides for the Secretary of the Interior to pay 65% of the principal and interest generated on the funds appropriated to pay the claims stemming from docket 18-R to the Sault Ste. Marie Tribe of Chippewa Indians of Michigan and 35% to the Bay Mills Indian Community.

Subsection (d) requires the Secretary to hold all amounts to be paid to the individuals whose names are found on the judgment distribution roll of descendants, developed pursuant to section 6 of this Act, in trust until those monies are distributed to those individuals.

SECTION 5. DEVELOPMENT OF TRIBAL PLANS FOR USE OR DISTRIBUTION OF FUNDS

Section 5 provides for the development of tribal plans for the use and distribution of these judgment funds to the Bay Mills Indian Community, the Sault Ste. Marie Tribe of Chippewa Indians, the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan, the Little Traverse Bay Bands of Odawa Indians of Michigan and the Little River Band of Ottawa Indians of Michigan.

Paragraph (1) requires the Secretary to distribute the funds allocated by this Act to the Grand Traverse Band of Ottawa and Chippewa Indians of Michigan, the Little Traverse Bay Bands of Odawa Indians of Michigan and the Little River Band of Ottawa Indians of Michigan no later than 30 days after each tribe submits and the Secretary approves a plan for that tribe's use and distribution of its respective share.

Paragraphs (2), (3) and (4) provide that the plans set forth in sections 7, 8 and 9 of this Act detailing the Bay Mills Indian Community's, the Sault Ste. Marie Tribe's, and the Grand Traverse Band's use and distribution of their respective shares of these judgment monies shall be deemed approved by the enactment of this Act. It also requires the Secretary to distribute the monies allocated to these tribes no later than 90 days after the enactment of this Act and requires the tribes to use these monies in the manner provided by the aforementioned plans.

Subsection (b) describes the process that the Little Traverse Bay Bands of Odawa Indians of Michigan, and the Little River Band of Ottawa Indians of Michigan must undertake to obtain the release of their respective shares of these judgment funds. This subsection requires each tribe to develop a plan for the use and distribution of its respective share. It further requires the tribe to hold a hearing or general membership meeting on that proposed plan and submit that plan together with a tribal government resolution, a transcription of its hearing or meeting on the plan, any documents circulated or made available to the membership on the plan, and the comments it received to the Secretary of the Interior. It also establishes time-lines within which the Secretary must act on the plans and the steps the Secretary must take if a tribe does not submit a plan within eight years of the date of enactment.

SECTION 6. PREPARATION OF JUDGMENT DISTRIBUTION ROLL OF DESCENDANTS

Section 6 requires the Secretary to develop a judgment distribution roll of descendants and details the procedures that he must follow in performing that task. This roll must be developed within nine years after the date of enactment of this Act and in accordance with parts 61 and 62 of title 25, of the Code of Federal Regulations. The roll shall consist of the names of all citizens of the United States who were both born and living on or before the date of enactment of this Act and who are at least one-quarter Michigan Ottawa or

Chippewa Indian blood, or a combination thereof. This roll shall not include persons who are members of one of the tribes receiving judgment funds pursuant to section 4 of this Act. The persons whose names are contained on this roll must be lineal descendants whose Michigan Ottawa or Chippewa ancestry is derived from the Chippewa and/or Ottawa Bands of Cheboignon, Grand River, Traverse, Grand Traverse, Little Traverse, Maskigo, L'Arbre Croche, Michilmackinac, Sault Ste. Marie, or any Ottawa or Chippewa subdivisions of any of these groups. The Secretary shall also exclude from this roll the names of persons who are deemed ineligible under subsection (e).

In preparing this roll of descendants, the Secretary shall refer to the Horace B. Durant Roll, approved February 18, 1910, of the Ottawa or Chippewa Tribe of Michigan, as that roll has been qualified and corrected by other rolls and records acceptable to the Secretary, including the Durant Field Notes of 1908–1909 and the Annuity Payroll of the Ottawa or Chippewa Tribe of Michigan approved May 17, 1910. The Secretary is authorized to employ the services of descendant group enrollment review committees to assist in this effort.

SECTION 7. PLAN FOR USE AND DISTRIBUTION OF BAY MILLS INDIAN COMMUNITY FUNDS

The section establishes an approved plan for the Bay Mills Indian Community's use of its share of the judgment funds. Specifically the section authorizes the establishment of two tribal trust funds, a "Land Trust" which shall be used exclusively for the improvement of current and future tribal lands and the consolidation of the tribal land base, and a "Land Claims Distribution Trust" which shall be used to assist Bay Mills Members over the age of 55. Both funds shall be administered by the Bay Mills Executive Council. The Secretary of the Interior shall have no trust responsibility for the investment, supervision, administration or expenditure of the funds once they are transferred to these tribal accounts. The funds are, however, subject to an annual audit and the auditor's report must be made available for inspection by any member of the tribe.

SECTION 8. PLAN FOR USE OF SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS OF MICHIGAN FUNDS

This section establishes an approved plan for the Sault Ste. Marie Tribe's use of its share of the judgment funds. Specifically it authorizes the tribe to establish a "Self-Sufficiency" trust fund for the benefit of the tribe. This fund is administered by the tribe's board of directors. The principal of this fund must be used exclusively for investments or expenditures which the board determines are financially beneficial to the tribe, reasonably related to economic development, for the development of tribal resources, or for the consolidation or enhancement of tribal land holdings. The income produced by the fund can be used in one of five ways. It can be added to the fund's principal, it can be distributed as a dividend to tribal members, it can be distributed as per capita payment to some group or category of tribal members, or it can be used for educational, social welfare, health, cultural, or charitable purposes which benefit the tribe's members, or it can be used to purchase or exchange land to consolidate or enhance the tribal land holdings. All lands so acquired shall be held as Indian lands are held. The fund must be maintained as a separate account and shall be subject to an audit by a certified public accountant at least once a year. The Secretary of the Interior must transfer the tribe's share of said judgment funds directly into this fund and the approval of the Secretary shall not be required

for any payment or distribution from the principal or income of the fund, nor shall the Secretary have any trust responsibility for the investment, supervision, administration, or expenditure of the funds it contains.

SECTION 9. PLAN FOR USE OF GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS OF MICHIGAN FUNDS

Section 9 of the bill authorizes the Secretary to deposit the total share of the Grand Traverse Band, as determined in section 4(a)(3) and section 4(b)(3), into a "Land Claims Distribution Trust Fund" to be established by the Band. The Band is empowered to use such funds as collateral for a loan in the amount of 80% of the share. The proceeds of this loan would be used by the Band to make a per capita payment to its members. The annual earnings of the Trust Fund, less amounts for administration, would be used to amortize the loan.

As soon as the loan was repaid from the proceeds of the Trust Fund, the Band would create a new trust fund to be known as the "Elders Land Claims Distribution Trust Fund." The principal and accrued earnings remaining in the first fund would then be deposited in the Elders' Trust Fund. Thereafter, 90% of the earnings of the Elders' Trust Fund would be used by the Band to make supplementary income payments to their elderly members. The remaining 10% of the earnings would be added to the principal of the Elders' Trust Fund each year.

SECTION 10. PAYMENT TO NEWLY RECOGNIZED OR REAFFIRMED TRIBES

This section requires the Secretary to distribute the funds in section 4(a)(1) of this Act to the persons listed on the judgment distribution roll of descendants and to the newly recognized or reaffirmed tribes. This roll shall be prepared pursuant to section 6 of this Act. Upon federal recognition or reaffirmation, each tribe will receive a minimum of \$3 million or more as called for in this section. The per capita payments are to be made directly to each living competent adult. However, if a person entitled to receive these funds is deceased, the funds shall be paid to that individual's heirs or legatees in accordance with the regulations prescribed by the Secretary. If a person entitled to a share of these funds is legally incompetent or is under the age of 18 years, the funds shall be paid in accordance with the procedures which the Secretary determines are necessary to protect and preserve the person's interests.

Subsection 10(c) provides that if, after the date of enactment of this Act, but before the Secretary's approval of the judgment distribution roll of descendants, a tribe is recognized, Congressionally or by the Secretary, which includes one or more individuals whose names are on the judgment distribution roll of descendants, the funds allotted for that individual shall be held in trust for that newly recognized or affirmed tribe. These funds shall then be subject to a plan approved in accordance with this Act.

Subsection 10(e) provides criteria to be used by the Secretary in determining whether one of more persons whose names are contained on the judgment distribution roll of descendants is included in a newly recognized tribe.

Subsection 10(e)(1)(A) provides that if the tribe is acknowledged by the Secretary under part 83 of title 25 of the Code of Federal Regulations, the Secretary shall use the tribe's most recent membership list provided under that part. If a tribe is recognized by Congress, the Secretary shall use the most recent membership list provided to Congress, unless the recognition statute otherwise provides. If the tribe did not submit a membership list to Congress, the Secretary shall use

the most recent membership list it was provided under part 83 of title 25 of the Code of Federal Regulations. If none of these lists were provided, the newly recognized tribe shall submit a membership list to the Secretary before the judgment fund distribution roll of descendants is approved. If it fails to do so, its share of the funds will be distributed to the individuals named on the judgment fund distribution roll of descendants.

Subsection 10(e)(2) provides that if a membership list was not provided to the Secretary, the Secretary will use the tribe's most recent membership list provided to the Bureau of Indian Affairs in their petition for federal acknowledgment filed under part 83, of title 25 of the Code of Federal Regulations, unless the statute which recognized the tribe provides otherwise. If the Bureau of Indian Affairs was not provided a membership list, the tribe must submit a membership list to the Secretary before the judgment distribution is approved, unless the statute which recognized the tribe provides otherwise. If the tribe fails to provide either of these lists before the judgment distribution roll of descendants is approved, the judgment funds are to be distributed per capita as provided for in section 9 of this Act.

SECTION 11. TREATMENT OF FUNDS IN RELATION TO OTHER LAWS

Section 11 provides that an individual's or tribe's eligibility or receipt of distributions under this Act shall not be considered as income, resources, or otherwise when determining that tribe's or individual's eligibility for or computation of any payment or other benefit under any financial aid program of the United States, including grants and contracts subject to the Indian Self-Determination Act and any other benefit to which such tribe, household, or individual would otherwise be entitled under any federal or federally assisted program.

SECTION 12. TREATIES NOT AFFECTED

This section makes it clear that no provision of the Act shall be construed to constitute an amendment, modification, or interpretation of any treaty to which a tribe mentioned in the Act is a party, nor to any right secured to such a tribe, or to any other tribe by any treaty.

Mr. KILDEE. Mr. Speaker, I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 1604, as amended.

The question was taken.

Mr. SAXTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

BURT LAKE BAND OF OTTAWA AND CHIPPEWA INDIANS ACT

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 948) to reaffirm and clarify the Federal relationship of the Burt Lake

Band as a distinct federally recognized Indian Tribe, and for other purposes.

The Clerk read as follows:

H.R. 948

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Burt Lake Band of Ottawa and Chippewa Indians Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Burt Lake Band of Ottawa and Chippewa Indians are descendants and political successors to the signatories of the 1836 Treaty of Washington and the 1855 Treaty of Detroit.

(2) The Grand Traverse Band of Ottawa and Chippewa Indians, Little Traverse Bay Band of Odawa Indians, the Little River Band of Ottawa, the Sault Ste. Marie Tribe of Chippewa Indians, and the Bay Mills Band of Chippewa Indians, whose members are also descendants of the signatories to the 1836 Treaty of Washington and the 1855 Treaty of Detroit, have been recognized by the Federal Government as distinct Indian tribes.

(3) The Burt Lake Band of Ottawa and Chippewa Indians consists of over 650 eligible members who continue to reside close to their ancestral homeland as recognized in the Cheboygan Reservation in the 1836 Treaty of Washington and 1855 Treaty of Detroit, which area is now known as Cheboygan County, Michigan.

(4) The Band continues its political and social existence with a viable tribal government. The Band, along with other Michigan Odawa/Ottawa groups, including the tribes described in paragraph (2), formed the Northern Michigan Ottawa Association in 1948. The Association subsequently pursued a successful land claim with the Indian Claims Commission.

(5) Between 1948 and 1975, the Band carried out many of their governmental functions through the Northern Michigan Ottawa Association, while retaining individual Band control over local decisions.

(6) In 1935, the Band petitioned under the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act"), to form a government on behalf of the Band. Again, in spite of the Band's eligibility, the Bureau of Indian Affairs failed to act.

(7) The United States Government, the government of the State of Michigan, and local governments have had continuous dealings with the recognized political leaders of the Band from 1836 to the present.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Band" means the Burt Lake Band of Ottawa and Chippewa Indians;

(2) the term "member" means those individuals enrolled in the Band pursuant to section 7; and

(3) the term "Secretary" means the Secretary of the Interior.

SEC. 4. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—Federal recognition of the Burt Lake Band of Ottawa and Chippewa Indians is hereby reaffirmed. All laws and regulations of the United States of general application to Indians or nations, tribes, or bands of Indians, including the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act"), which are inconsistent with any specific provision of this Act shall not be applicable to the Band and its members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—The Band and its members shall be eligible for all services and benefits provided by the Federal Government to Indi-

ans because of their status as federally recognized Indians, and notwithstanding any other provision of law, such services and benefits shall be provided after the date of the enactment of this Act to the Band and its members without regard to the existence of a reservation or the location of the residence of any member on or near any Indian reservation.

(2) SERVICE AREAS.—For purposes of the delivery of Federal services to the enrolled members of the Band, the area of the State of Michigan within 70 miles of the boundaries of the reservation for the Burt Lake Band as set out in Article I, paragraph "seventh" of the Treaty of 1855 (11 Stat. 621), shall be deemed to be within or near a reservation, notwithstanding the establishment of a reservation for the tribe after the date of the enactment of this Act. Services may be provided to members outside the named service area unless prohibited by law or regulation.

SEC. 5. REAFFIRMATION OF RIGHTS.

(a) IN GENERAL.—All rights and privileges of the Band and its members, which may have been abrogated or diminished before the date of the enactment of this Act are hereby reaffirmed.

(b) EXISTING RIGHTS OF TRIBE.—Nothing in this Act shall be construed to diminish any right or privilege of the Band or of its members that existed before the date of the enactment of this Act. Except as otherwise specifically provided in any other provisions of this Act, nothing in this Act shall be construed as altering or affecting any legal or equitable claim the Band may have to enforce any right or privilege reserved by or granted to the Band which was wrongfully denied to or taken from the Band before the enactment of this Act.

SEC. 6. TRIBAL LANDS.

The Band's tribal lands shall consist of all real property, now or hereafter held by, or in trust for, the Band. The Secretary shall acquire real property for the Band. Any such property shall be taken by the Secretary in the name of the United States in trust for the benefit of the Band and shall become part of the Band's reservation.

SEC. 7. MEMBERSHIP.

Not later than 18 months after the date of the enactment of this Act, the Band shall submit to the Secretary a membership roll consisting of all individuals currently enrolled for membership in the Band. The qualifications for inclusion on the membership roll of the Band shall be determined by the membership clauses in the Band's governing document, in consultation with the Secretary. Upon completion of the roll, the Secretary shall immediately publish notice of such in the Federal Register. The Band shall ensure that such roll is maintained and kept current.

SEC. 8. CONSTITUTION AND GOVERNING BODY.

(a) CONSTITUTION.—

(1) ADOPTION.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall conduct by secret ballot elections for the purpose of adopting a new constitution for the Band. The elections shall be held according to the procedures applicable to elections under section 16 of the Act of June 18, 1934 (25 U.S.C. 476; commonly referred to as the "Indian Reorganization Act").

(2) INTERIM GOVERNING DOCUMENTS.—Until such time as a new constitution is adopted under paragraph (1), the governing documents in effect on the date of the enactment of this Act shall be the interim governing documents for the Band.

(b) OFFICIALS.—

(1) ELECTIONS.—Not later than 6 months after the Band adopts their constitution and