

112TH CONGRESS
1ST SESSION

S. 1739

To provide for the use and distribution of judgment funds awarded to the Minnesota Chippewa Tribe by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 19, 2011

Mr. FRANKEN (for himself and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To provide for the use and distribution of judgment funds awarded to the Minnesota Chippewa Tribe by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Minnesota Chippewa
5 Tribe Judgment Fund Distribution Act of 2011”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) on January 22, 1948, the Minnesota Chip-
2 pewa Tribe, representing all Chippewa bands in the
3 State of Minnesota except the Red Lake Band, filed
4 a claim before the Indian Claims Commission in
5 Docket No. 19 for an accounting of all amounts re-
6 ceived and expended pursuant to the Act of January
7 14, 1889 (25 Stat. 642, chapter 24) (referred to in
8 this Act as the “Nelson Act”);

9 (2) on August 2, 1951, the Minnesota Chip-
10 pewa Tribe, representing all Chippewa bands in the
11 State of Minnesota except the Red Lake Band, filed
12 a number of claims before the Indian Claims Com-
13 mission in Docket No. 188 for an accounting of the
14 obligation of the Federal Government to each mem-
15 ber Band of the Minnesota Chippewa Tribe under
16 various statutes and treaties not covered by the Nel-
17 son Act;

18 (3) on May 17, 1999, a joint motion for find-
19 ings in aid of settlement of the claims in Docket No.
20 19 and 188 was filed in the Court of Federal
21 Claims;

22 (4) the terms of the settlement were approved
23 by the Court of Federal Claims and final judgment
24 in the matter was entered on May 26, 1999;

1 (5) on June 22, 1999, \$20,000,000 was trans-
2 ferred to the Department of the Interior and depos-
3 ited in a trust fund account established for the bene-
4 ficiaries of the amounts awarded in Docket No. 19
5 and 188;

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

10 (7) on October 1, 2009, the Minnesota Chip-
11 pewa Tribal Executive Committee passed Resolution
12 146–09, approving a plan to distribute the judgment
13 funds and requesting that Congress authorize the
14 distribution of the judgment funds in the manner
15 described by the plan.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) BANDS.—The term “Bands” means—

19 (A) the Bois Forte Band;

20 (B) the Fond du Lac Band;

21 (C) the Grand Portage Band;

22 (D) the Leech Lake Band;

23 (E) the Mille Lacs Band; and

24 (F) the White Earth Band.

1 (2) JUDGMENT FUNDS.—The term “judgment
2 funds” means the \$20,000,000 awarded on May 26,
3 1999, to the Minnesota Chippewa Tribe by the
4 Court of Federal Claims and transferred to the Sec-
5 retary for deposit in a trust fund account established
6 for the beneficiaries of Docket No. 19 and 188.

7 (3) MINNESOTA CHIPPEWA TRIBE.—The term
8 “Minnesota Chippewa Tribe” means the Minnesota
9 Chippewa Tribe, composed solely of the Bands.

10 (4) SECRETARY.—The term “Secretary” means
11 the Secretary of the Interior.

12 **SEC. 4. LOAN REIMBURSEMENTS TO MINNESOTA CHIP-**
13 **PEWA TRIBE.**

14 (a) IN GENERAL.—The Secretary may reimburse the
15 Minnesota Chippewa Tribe the amount that the Minnesota
16 Chippewa Tribe contributed for attorneys’ fees and litiga-
17 tion expenses associated with the litigation of Docket No.
18 19 and 188 in the Court of Federal Claims and the dis-
19 tribution of judgment funds, plus any interest earned on
20 that amount as of the date of payment under this section
21 to the Minnesota Chippewa Tribe.

22 (b) PROCEDURE.—

23 (1) IN GENERAL.—To receive a reimbursement
24 payment under subsection (a), not later than 90
25 days after the date of enactment of this Act, the

1 Minnesota Chippewa Tribe shall submit to the Sec-
2 retary a written claim for the reimbursement
3 amount described in that subsection, subject to the
4 condition that the Minnesota Chippewa Tribe certify
5 that the reimbursement expenses claimed have not
6 been reimbursed to the Tribe by any other entity.

7 (2) PAYMENT.—If the Minnesota Chippewa
8 Tribe submits a claim to the Secretary in accordance
9 with paragraph (1), the Secretary shall, using the
10 judgment funds, pay to the Minnesota Chippewa
11 Tribe the full reimbursement amount claimed, plus
12 interest on that amount, calculated at the rate of 6.0
13 percent per year, simple interest, beginning on the
14 date on which the amounts were expended by the
15 Tribe and ending on the date on which the amounts
16 are reimbursed to the Tribe.

17 **SEC. 5. DISTRIBUTION OF JUDGMENT FUNDS.**

18 (a) MEMBERSHIP ROLLS.—Not later than 90 days
19 after the date of enactment of this Act, the Minnesota
20 Chippewa Tribe shall submit to the Secretary an updated
21 membership roll for each Band of the Tribe, each of which
22 shall include the names of all enrolled members of that
23 Band living on the date of enactment of this Act.

24 (b) DISBURSEMENT OF AVAILABLE FUNDS.—

1 (1) PER CAPITA ACCOUNT.—After the date on
2 which any amounts under section 4 have been dis-
3 bursed and the Secretary has received the updated
4 membership rolls under subsection (a), the Secretary
5 shall, from the remaining judgment funds, deposit in
6 a per capita account established by the Secretary for
7 each Band, an amount that is equal to \$300 for
8 each member of that Band listed on the updated
9 membership roll.

10 (2) REMAINING AMOUNTS.—If, after the dis-
11 bursement described in paragraph (1), any judgment
12 funds remain undisbursed, the Secretary shall de-
13 posit in an account established by the Secretary for
14 each Band, which shall be separate from the per
15 capita account described in paragraph (1), all re-
16 maining amounts, divided equally among the Bands.

17 (c) USE OF AMOUNTS.—

18 (1) DISBURSEMENT OF PER CAPITA PAY-
19 MENTS.—Any amounts deposited in the per capita
20 account of a Band described in subsection (b)(1)
21 shall be—

22 (A) made available to the Band for imme-
23 diate withdrawal; and

24 (B) used by the Band solely for the pur-
25 pose of distributing 1 \$300 payment to each in-

1 dividual member of the Band listed on the up-
2 dated membership roll.

3 (2) TREATMENT OF DEPENDENTS.—For each
4 minor or dependent member of the Band listed on
5 the updated roll, the Band may—

6 (A) distribute the \$300 payment to a par-
7 ent or legal guardian of that dependent Band
8 member; or

9 (B) deposit in a trust account the \$300
10 payment of that dependent Band member for
11 the benefit of that dependent Band member, to
12 be distributed under the terms of the trust.

13 (d) UNCLAIMED PAYMENTS.—If, on the date that is
14 1 year after the date on which the amounts described in
15 subsection (b)(1) are made available to a Band, any
16 amounts remain unclaimed, those amounts shall be re-
17 turned to the Secretary, who shall deposit the remaining
18 amounts in the accounts described in subsection (b)(2) in
19 equal shares for each Band.

20 (e) NO LIABILITY.—The Secretary shall not be liable
21 for the expenditure or investment of any amounts dis-
22 bursed to a Band from the accounts described in sub-
23 section (b) after those amounts are withdrawn by the
24 Band.

1 **SEC. 6. ADMINISTRATION.**

2 Amounts disbursed under this Act—

3 (1) shall not be liable for the payment of pre-
4 viously contracted obligations of any recipient, as
5 provided in section 2(a) of Public Law 98–64 (25
6 U.S.C. 117b(a)); and

7 (2) shall be subject to section 7 of the Indian
8 Tribal Judgment Funds Use or Distribution Act (25
9 U.S.C. 1407).

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