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93^d CONGRESS
1ST SESSION

S. 1016

IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 1973

Mr. JACKSON (for himself and Mr. ABOTREZK) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To provide a more democratic and effective method for the distribution of funds appropriated by the Congress to pay certain judgments of the Indian Claims Commission and the Court of Claims, 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 That this Act may be cited as the "Indian Judgment Funds
4 Distribution Act of 1973".

5 STATEMENT OF FINDINGS AND PURPOSE

6 SEC. 2. (a) The Congress declares that a new method
7 of distributing funds of Indian judgments must be estab-
8 lished as the existing procedures for developing, approving.

II

1 and enacting a distribution plan for each Indian judgment
2 are cumbersome and—

3 (1) infringe upon the full and free development of
4 the unique relationship between the Indian people and
5 the Federal Government;

6 (2) inhibit democratic and effective expression of
7 the desires and needs of the Indian people;

8 (3) limit the opportunity for Indian people to par-
9 ticipate in and exercise effective control over decisions
10 which determine their economic, social, and cultural
11 well-being; and

12 (4) reduce the time available to, and limit the
13 ability of, Congress to effectively investigate and legislate
14 in the areas of substantive Indian policy.

15 (b) It is the purpose of this Act to declare a policy for
16 the distribution of judgment funds to Indians; to delegate
17 certain ministerial functions to, and establish specific guide-
18 lines and standards to be followed by, the Secretary of the
19 Interior in the development of plans for the distribution of
20 such funds; to provide maximum participation to Indian
21 tribes, bands, groups, pueblos, or communities in determining
22 the uses to be made of such funds; to protect the interests
23 of any groups and individuals who are in a minority position
24 but who are also entitled to receive such funds; to enhance

1 the educational, social, and economic opportunities available
2 to the Indian people; and to enable the committees of the
3 Congress to dedicate the time and resources of their members
4 more fully to substantive policy issues associated with the
5 historic relationship between the Indian people and the
6 United States Government and to the improvement of this
7 relationship.

8

INDIAN JUDGMENTS

9 SEC. 3. Notwithstanding any other provision of law,
10 from and after the date of enactment of this Act, all distribu-
11 tions of funds appropriated by the Congress to pay in favor
12 of Indian tribes, bands, groups, pueblos, or communities
13 judgments of the Indian Claims Commission and of the
14 Court of Claims (hereinafter referred to as "Indian judg-
15 ments" or "Indian judgment") shall be made pursuant to
16 the provisions of this Act.

17 PLAN FOR DISTRIBUTION OF FUNDS OF INDIAN JUDGMENTS

18 SEC. 4. (a) Within six months after the date of the
19 appropriation of funds by the Congress to pay each Indian
20 judgment, the Secretary of the Interior (hereinafter referred
21 to as the "Secretary") shall prepare and submit to the
22 Congress a recommended plan for the distribution of such
23 funds (hereinafter referred to as a "plan") to the Indian
24 tribe, band, group, pueblo, or community in whose favor

1 such judgment is rendered and such funds appropriated.
2 The Secretary shall also submit to the Congress with such
3 plan—

4 (1) copies of the transcripts of hearings held by
5 him concerning the Indian judgment pursuant to clause
6 (2) of subsection (c) and all other papers and docu-
7 ments considered by him in the preparation of such
8 plan, including any resolution, communication, or sug-
9 gested distribution plan of the pertinent Indian tribe,
10 band, group, pueblo, or community submitted pursuant
11 to clause (1) of subsection (c); and

12 (2) a statement of the extent to which such plan
13 reflects the desires of the tribe, band, group, pueblo, com-
14 munity, or individuals who are entitled to such funds,
15 which statement shall specify the alternatives, if any,
16 proposed by such tribe, band, group, pueblo, community,
17 or individuals in lieu of such plan, together with an indi-
18 cation of the degree of support among the interested
19 parties for each such alternative.

20 (b) The plan shall be prepared by the Secretary pur-
21 suant to the provisions of subsections (c) and (d) of this
22 section and such rules and regulations as the Secretary may
23 prescribe in accordance with section 7 of this Act.

24 (c) The Secretary shall prepare a plan which shall best
25 serve the interests of all those individuals entitled to receive

1 the funds of each Indian judgment. Prior to final preparation
2 of the plan, the Secretary shall—

3 (1) receive and consider any resolution or com-
4 munication, together with any suggested distribution
5 plan, which any Indian tribe, band, group, pueblo, or
6 community in whose favor the Indian judgment is
7 rendered, may wish to submit to him; and

8 (2) hold a hearing or hearings of record, after
9 appropriate public notice, to obtain the testimony of
10 leaders and members of the Indian tribe, band, group,
11 pueblo, or community and any individual who may re-
12 ceive any portion, or be affected by the distribution, of
13 such funds. Such hearing or hearings shall be held in
14 the area or areas in which such Indian tribe, band,
15 group, pueblo, or community resides and at a time or
16 times which shall best serve the convenience of eligible
17 members thereof;

18 (d) In preparing a plan for the distribution of the funds
19 of each Indian judgment, the Secretary shall, among other
20 things, be assured that—

21 (1) legal, financial, and other expertise of the De-
22 partment of the Interior has been made fully available
23 in an advisory capacity to the Indian tribe, band, group,
24 pueblo, or community which is entitled to such funds to
25 assist it to develop and communicate to the Secretary

1 pursuant to subsection (c) its own suggested plan for
2 the distribution and use of such funds;

3 (2) the needs and desires of any groups or indi-
4 viduals who are in a minority position but who are also
5 entitled to receive such funds have been fully considered;

6 (3) the interests of minors and others legally in-
7 competent who are entitled to receive any portion of
8 such funds and such portions as are subsequently dis-
9 tributed to them are and will be protected and pre-
10 served;

11 (4) the constitution, bylaws, rules, or procedures
12 of such Indian tribe, band, group, pueblo, or community
13 which relate to enrollment, eligibility to share in the
14 distribution of such funds, and decisionmaking concern-
15 ing the distribution of such funds accord with the prin-
16 ciples of due process and equal protection: *Provided,*
17 That this clause shall not be deemed to authorize the
18 Secretary to either add persons to or remove persons
19 from those who are clearly designated as recipients of
20 such funds in the pertinent Indian judgment or appro-
21 priation Act;

22 (5) a significant portion, as defined in section 8 of
23 this Act, of the net distributable funds shall be set aside
24 and programed to serve common tribal, band, group,
25 pueblo, or community needs, educational requirements,

1 and such other purposes as the circumstances of the
2 Indian tribe, band, group, pueblo, or community in
3 whose favor the judgment is rendered may justify; and

4 (6) methods exist and will be employed to insure
5 the proper performance of the plan once it becomes
6 effective pursuant to section 5 of this Act.

7 CONGRESSIONAL REVIEW

8 SEC. 5. (a) Congress shall have sixty calendar days,
9 exclusive of days when Congress is adjourned or in recess,
10 from the date of submission of a plan to the Secretary in
11 order to review such plan.

12 (b) Such plan shall become effective and the distribu-
13 tion of Indian judgment funds provided for by such plan
14 shall be made by the Secretary upon the expiration of such
15 sixty-day period.

16 (c) The full sixty-day period, or any portion thereof,
17 may be waived by committee resolutions of the Committees
18 on Interior and Insular Affairs of both the Senate and the
19 House of Representatives. Such plan shall become effective
20 and the distribution of such funds shall be made upon the
21 effective date of the waiver of the committees of the Congress.

22 (d) Such plan shall not become effective and no dis-
23 tribution of such funds shall be made if, within such sixty-
24 day period, a committee resolution disapproving such plan
25 is passed by either House of Congress.

1 (e) Within thirty calendar days of the date of passage
2 of a committee resolution disapproving a plan, the Secretary
3 shall propose legislation embodying such plan, together with
4 whatever changes the Secretary deems appropriate.

5 PROCEEDURES IN ABSENCE OF A PLAN

6 SEC. 6. Whenever the Secretary determines that cir-
7 cumstances do not permit the preparation of a plan for the
8 distribution of funds of an Indian judgment which shall meet
9 the policies or purposes of this Act or the requirements of
10 section 4 or whenever he shall determine that a plan for the
11 distribution of such funds reflects a new policy or purpose
12 not contemplated by this Act, he shall submit to the Congress
13 his recommendations, either in the form of a report or of
14 proposed legislation, to effect the distribution of such funds.

15 RULES AND REGULATIONS

16 SEC. 7. (a) The Secretary shall promulgate rules and
17 regulations to implement this Act no later than six months
18 from the date of enactment of this Act. Among other things,
19 such rules and regulations shall provide for adequate notice
20 to all persons who may receive funds under any Indian
21 judgment of all relevant procedures pursuant to this Act
22 concerning any such judgment.

23 (b) No later than sixty days prior to the promulgation
24 of such rules and regulations the Secretary shall publish
25 the proposed rules and regulations in the Federal Register.

1 (c) No later than thirty days prior to the promulga-
2 tion of such rules and regulations, the Secretary shall pro-
3 vide, with adequate public notice, the opportunity for hear-
4 ings on the proposed rules and regulations, once published, to
5 all interested parties.

6 SEC. 8. For the purposes of clause (5) of subsection
7 4(c), "significant portion of the net distributable funds"
8 means a portion of the net distributable funds of an Indian
9 judgment which shall be no less than 20 per centum unless
10 otherwise warranted by the particular circumstances of the
11 pertinent Indian tribe, band, group, pueblo, or community,
12 or unless otherwise provided for in the pertinent judgment
13 or appropriation Act.

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A BILL

To provide a more democratic and effective method for the distribution of funds appropriated by the Congress to pay certain judgments of the Indian Claims Commission and the Court of Claims, and for other purposes.

By Mr. JACKSON and Mr. ARMOURER

February 20, 1973

Read twice and referred to the Committee on Interior and Insular Affairs