

Public Law 97-458
97th Congress

An Act

Jan. 12, 1983
[H.R. 3731]

To amend the Act of October 19, 1973 (87 Stat. 466), relating to the use or distribution of certain judgment funds awarded by the Indian Claims Commission or the Court of Claims.

Indians.
Judgment funds,
distribution.

Plan, submittal
to Congress.
25 USC 1402.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of October 19, 1973 (87 Stat. 466; 25 U.S.C. 1401 et seq.) is amended to read as follows:

"SEC. 2. (a) Within one year after appropriation of funds to pay a judgment of the Indian Claims Commission or the Court of Claims to any Indian tribe, the Secretary of the Interior shall prepare and submit to Congress a plan for the use and distribution of the funds. Such plan shall include identification of the present-day beneficiaries, a formula for the division of the funds among two or more beneficiary entities if such is warranted, and a proposal for the use and distribution of the funds. The Secretary shall simultaneously submit a copy of such plan to each affected tribe or group.

"(b) With respect to judgments, for which funds have been appropriated prior to the enactment of this amended section, but for which use or distribution has not been authorized by enactment of legislation or by an effective plan under this Act, the Secretary shall prepare and submit such plans within one year of the enactment of this amended section.

Proposed
legislation,
submittal to
Congress.

"(c) In any case where the Secretary determines that the circumstances do not permit the preparation and submission of a plan as provided in this Act, he shall submit to the Congress within the one-year period proposed legislation to authorize use or distribution of such funds, together with a report thereon.

"(d) In cases where the Secretary has to submit a plan dividing judgment funds between two or more beneficiary entities, he shall obtain the consent of the tribal governments involved to the proposed division. If the Secretary cannot obtain such consent within one hundred and eighty days after appropriation of the funds for the award or within one hundred and eighty days of the enactment of this amended section, he shall submit proposed legislation to the Congress as provided in section 2(c).

Extension
request,
submittal to
congressional
committees.

"(e) An extension of the one-year period, not to exceed one hundred and eighty days, may be requested by the Secretary or by the affected Indian tribe, submitting such request to the committees through the Secretary, and any such request will be subject to the approval of both the Senate Select Committee on Indian Affairs and the United States House of Representatives Committee on Interior and Insular Affairs."

25 USC 1403.

SEC. 2. (a) Section 3(b)(3) of said Act is hereby amended by adding at the end thereof the following proviso: "Provided, That such funds may be disbursed to the parents or legal guardian of such minors or legal incompetents in such amounts as may be necessary for the minor or legal incompetent's health, education, welfare, or emergencies under a plan or plans approved by the Secretary and the tribal

governing body of the Indian tribe involved." Such plan or plans shall be limited to urgent needs arising from extenuating circumstances and shall accord with general principles governing administration of trust funds of minors and legal incompetents, including a requirement for strict accounting for expenditures.

25 USC 1403
note.

(b) Clause (5) of section 3(b) of said Act is hereby striking out "warrant otherwise" and inserting in lieu thereof the following: "warrant otherwise: *Provided*, That in the development of such plan the Secretary shall survey past and present plans of the tribe for economic development, shall consider long range benefits which might accrue to the tribe from such plans, and shall encourage programming of funds for economic development purposes where appropriate."

25 USC 1403.

SEC. 3. (a) Subsection (a) of section 5 of said Act is amended by deleting "either House adopts a resolution" and inserting in lieu thereof "a joint resolution is enacted".

25 USC 1405.

(b) Subsection (b) of section 5 of said Act is amended by deleting "adoption of a resolution" and inserting in lieu thereof "enactment of a joint resolution".

(c) Section 5 of said Act is amended by adding the following new subsections at the end thereof:

"(c) Within the sixty-day period and before the adoption of any resolution disapproving a plan, the Secretary may withdraw or amend such plan: *Provided*, That any amendments affecting the division of an award between two or more beneficiary entities shall be subject to the consent of these entities as provided in section 2(d) of this Act. Any such amended plan shall become valid at the end of a sixty-day period beginning on the day such amendment is submitted to the Congress, unless during such sixty-day period, a joint resolution is enacted disapproving such plan as amended.

Plan,
withdrawal
or amendment.

"(d) Once a plan is withdrawn before the end of a sixty-day period, the Secretary has until the expiration of the original one-year deadline to resubmit a plan to Congress. Such a plan shall become valid at the end of a sixty-day period beginning on the day such new plan is submitted to the Congress, unless during such sixty-day period, a joint resolution is enacted disapproving such plan.

"(e) Upon the introduction of the first such resolution of disapproval in either the House of Representatives or the Senate, the sixty-day period shall be recomputed from the date of such introduction and shall not again be extended."

SEC. 4. Section 7 of said Act is amended to read as follows:

25 USC 1407.
Tax exemption.

"SEC. 7. None of the funds which—

"(1) are distributed per capita or held in trust pursuant to a plan approved under the provisions of this Act, or

"(2) on the date of enactment of this Act, are to be distributed per capita or are held in trust pursuant to a plan approved by the Congress prior to the date of enactment of this Act, or

"(3) were distributed pursuant to a plan approved by Congress after December 31, 1981 but prior to the date of enactment of this Act, and any purchases made with such funds,

including all interest and investment income accrued thereon while such funds are so held in trust, shall be subject to Federal or State income taxes, nor shall such funds nor their availability be considered as income or resources nor otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled under

42 USC 1305.

the Social Security Act or, except for per capita shares in excess of \$2,000, any Federal or federally assisted program.

25 USC 1408.

"Sec. 8. Interests of individual Indians in trust or restricted lands shall not be considered a resource in determining eligibility for assistance under the Social Security Act or any other Federal or federally assisted program."

Approved January 12, 1983.

LEGISLATIVE HISTORY—H.R. 3731:

HOUSE REPORT No. 97-340 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 97-658 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD:

Vol. 127 (1981): Dec. 15, considered and passed House.

Vol. 128 (1982): Dec. 19, considered and passed Senate, amended.

Dec. 20, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 19, No. 2 (1983):

Jan. 12, Presidential statement.