

Union Calendar No. 204

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 1604**

[Report No. 105-352]

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**A BILL**

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

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OCTOBER 28, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

MAY 14, 1997

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

OCTOBER 28, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on May 14, 1997]

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## A BILL

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

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

1 **SECTION 1. TABLE OF CONTENTS.**

2 *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. Payment of per capita shares.*

*Sec. 10. Newly recognized or affirmed tribes.*

*Sec. 11. Treatment of funds in relation to other laws.*

*Sec. 12. Treaties not affected.*

3 **SEC. 2. FINDINGS; PURPOSE.**

4 *(a) FINDINGS.—Congress finds the following:*

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

11 *(2) The funds Congress appropriated to pay*  
 12 *these judgments have been held by the Department of*  
 13 *the Interior for the beneficiaries pending a division of*  
 14 *the funds among the beneficiaries in a manner ac-*  
 15 *ceptable to the tribes and descendency group and*  
 16 *pending development of plans for the use and dis-*  
 17 *tribution of the respective tribes' share.*

18 *(3) The 1836 treaty negotiations show that the*  
 19 *United States concluded negotiations with the Chip-*

1       *pewa concerning the cession of the upper peninsula*  
2       *and with the Ottawa with respect to the lower penin-*  
3       *sula.*

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

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

13       **SEC. 3. DEFINITIONS.**

14       *For purposes of this Act the following definitions*  
15       *apply:*

16             (1) *The term ‘judgment funds’ means funds ap-*  
17       *propriated in full satisfaction of judgments made in*  
18       *the Indian Claims Commission—*

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

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

23             (2) *The term “dockets 18–E and 58 judgment*  
24       *funds” means judgment funds awarded in dockets*

1       *numbered 18–E and 58 in favor of the Ottawa and*  
2       *Chippewa Indians of Michigan.*

3             (3) *The term “docket 364 judgment funds”*  
4       *means the judgment funds awarded in docket num-*  
5       *bered 364 in favor of the Ottawa and Chippewa Indi-*  
6       *ans of Michigan.*

7             (4) *The term “docket 18–R judgment funds”*  
8       *means the judgment funds awarded in docket num-*  
9       *bered 18–R in favor of the Sault Ste. Marie Tribe of*  
10       *Chippewa Indians.*

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

13            (6) *The term “Secretary” means the Secretary of*  
14       *the Interior.*

15       **SEC. 4. DIVISION OF FUNDS.**

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

19            (1) *The lesser of 13.5 percent or \$9,253,104.47,*  
20        *for individuals on the judgment distribution roll of*  
21        *descendants.*

22            (2) *34.6 percent to the Sault Ste. Marie Tribe of*  
23        *Chippewa Indians of Michigan and the Bay Mills In-*  
24        *dian Community, of which—*

1           (A) the lesser of 35 percent of the principal  
2           and interest as of December 31, 1996, or  
3           \$8,313,877 shall be for the Bay Mills Indian  
4           Community; and

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

8           (3) 17.3 percent to the Grand Traverse Band of  
9           Ottawa and Chippewa Indians of Michigan.

10          (4) 17.3 percent to the Little Traverse Bay  
11          Bands of Odawa Indians of Michigan.

12          (5) 17.3 percent to the Little River Band of Ot-  
13          tawa Indians of Michigan.

14          (6) Any funds remaining after distribution pur-  
15          suant to paragraphs (1) through (5) shall be divided  
16          and distributed to each of the recognized tribes listed  
17          in this subsection in an amount which bears the same  
18          ratio to the amount so divided and distributed as the  
19          distribution of judgment funds pursuant to each of  
20          paragraphs (1) through (5) bears to the total distribu-  
21          tion under all such paragraphs.

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

1           (1) *The lesser of 20 percent or \$25,026.79 for in-*  
2 *dividuals on the judgment distribution roll of de-*  
3 *scendants.*

4           (2) *32 percent to the Sault Ste. Marie Tribe of*  
5 *Chippewa Indians of Michigan and the Bay Mills In-*  
6 *dian Community, of which—*

7                 (A) *35 percent shall be for the Bay Mills In-*  
8 *dian Community; and*

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

12           (3) *16 percent to the Grand Traverse Band of*  
13 *Ottawa and Chippewa Indians of Michigan.*

14           (4) *16 percent to the Little Traverse Bay Bands*  
15 *of Odawa Indians of Michigan.*

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

18           (6) *Any funds remaining after distribution pur-*  
19 *suant to paragraphs (1) through (5) shall be divided*  
20 *and distributed to each of the recognized tribes listed*  
21 *in this subsection in an amount which bears the same*  
22 *ratio to the amount so divided and distributed as the*  
23 *distribution of judgment funds pursuant to each of*  
24 *paragraphs (1) through (5) bears to the total distribu-*  
25 *tion under all such paragraphs.*

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

3                   (1) *65 percent to the Sault Ste. Marie Tribe of*  
4 *Chippewa Indians of Michigan.*

5                   (2) *35 percent to the Bay Mills Indian Commu-*  
6 *nity.*

7           (d) *AMOUNTS FOR JUDGMENT DISTRIBUTION ROLL OF*  
8 *DESCENDANTS HELD IN TRUST.*—*Pending distribution*  
9 *under this Act to individuals on the judgment distribution*  
10 *roll of descendants prepared under section 6, the Secretary*  
11 *shall hold amounts referred to in subsections (a)(1) and*  
12 *(b)(1) in trust.*

13 **SEC. 5. DEVELOPMENT OF TRIBAL PLANS FOR USE OR DIS-**  
14 **TRIBUTION OF FUNDS.**

15           (a) *DISBURSEMENT OF FUNDS.*—(1) *The Secretary*  
16 *shall disburse each tribe’s respective share of the judgment*  
17 *funds described in subsections (a) and (b) of section 4 to*  
18 *a tribe specified in subsection (b) of this section not later*  
19 *than 30 days after a plan for use and distribution of such*  
20 *funds has been approved in accordance with this section.*  
21 *Disbursement of a tribe’s share shall not be dependent upon*  
22 *approval of any other tribe’s plan.*

23                   (2) *Section 7 shall be the plan for use and distribution*  
24 *of the judgment funds described in subsections (a)(2)(A),*  
25 *(b)(2)(A), and (c)(2) of section 4. Such plan shall be ap-*

1 *proved upon the enactment of this Act and such funds shall*  
2 *be distributed by the Secretary to the Bay Mills Indian*  
3 *Community not later than 90 days after the date of the*  
4 *enactment of this Act to be used and distributed in accord-*  
5 *ance with section 7.*

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

14 *(b) ELIGIBLE TRIBES.—The tribes referred to in sub-*  
15 *section (a) are the Grand Traverse Band of Ottawa and*  
16 *Chippewa Indians of Michigan, the Little Traverse Bay*  
17 *Bands of Odawa Indians of Michigan, and the Little River*  
18 *Band of Ottawa Indians of Michigan.*

19 *(c) APPROVAL OR COMMENT OF SECRETARY.—*

20 *(1) The tribe shall develop a plan for the use and*  
21 *distribution of its respective share of the judgment*  
22 *funds. The tribe shall hold a hearing or general mem-*  
23 *bership meeting on its proposed plan. The tribe shall*  
24 *submit to the Secretary its plan together with an ac-*  
25 *companying resolution of its governing body accept-*

1        *ing such plan, a transcript of its hearings or meetings*  
2        *in which the plan was discussed with its general*  
3        *membership, any documents circulated or made avail-*  
4        *able to the membership on the proposed plan, and*  
5        *comments from its membership received on the pro-*  
6        *posed plan.*

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

10            (A) *if the plan complies with the provisions*  
11        *of section 3(b) of the Indian Tribal Judgment*  
12        *Funds Use or Distribution Act (25 U.S.C.*  
13        *1403(b)), approve the plan; or*

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

20            (d) *RESPONSE BY TRIBE.—The tribe shall have 60*  
21        *days after receipt of comments under subsection (c)(2), or*  
22        *other time as the tribe and the Secretary agree upon, in*  
23        *which to respond to such comments and make such response*  
24        *by submitting a revised plan to the Secretary.*

1           (e) *SUBMISSION TO CONGRESS.*—(1) *The Secretary*  
2 *shall, within 45 days after receiving the governing body’s*  
3 *comments under subsection (d), submit a plan to Congress*  
4 *in accordance with the provisions of section 3(b) of the In-*  
5 *dian Tribal Judgment Funds Use or Distribution Act (25*  
6 *U.S.C. 1403(b)). If the tribe does not submit a response pur-*  
7 *suant to subsection (d), the Secretary shall, not later than*  
8 *45 days after the end of the response time for such a re-*  
9 *sponse, submit a plan to Congress in accordance with the*  
10 *provisions of section 3(b) of the Indian Tribal Judgment*  
11 *Funds Use or Distribution Act (25 U.S.C. 1403(b)).*

12           (2) *If a tribe does not submit a plan to the Secretary*  
13 *within 8 years of the date of enactment of this Act, the Sec-*  
14 *retary shall approve a plan which complies with the provi-*  
15 *sions of section 3(b) of the Indian Tribal Judgment Funds*  
16 *Use or Distribution Act (25 U.S.C. 1403(b)).*

17           (f) *GOVERNING LAW AFTER APPROVAL BY SEC-*  
18 *RETARY.*—*Once approved by the Secretary under this Act,*  
19 *the effective date of the plan and other requisite action, if*  
20 *any, is determined by the provisions of section 5 of the In-*  
21 *dian Tribal Judgment Funds Use or Distribution Act (25*  
22 *U.S.C. 1405).*

23           (g) *HEARINGS NOT REQUIRED.*—*Notwithstanding sec-*  
24 *tion 3 and section 4 of the Indian Tribal Judgment Funds*  
25 *Use or Distribution Act (25 U.S.C. 1403 and 25 U.S.C.*

1 1404), the Secretary shall not be required to hold hearings  
2 or submit transcripts of any hearings held previously con-  
3 cerning the Indian judgments which are related to the judg-  
4 ment funds. The Secretary's submission of the plan pursu-  
5 ant to this Act shall comply with section 4 of the Indian  
6 Tribal Judgment Funds Use or Distribution Act (25 U.S.C.  
7 1404).

8 **SEC. 6. PREPARATION OF JUDGMENT DISTRIBUTION ROLL**  
9 **OF DESCENDANTS.**

10 (a) *PREPARATION.*—Not later than 9 years after the  
11 date of the enactment of this Act, the Secretary shall pre-  
12 pare, in accordance with parts 61 and 62 of title 25, Code  
13 of Federal Regulations, a judgment distribution roll of all  
14 citizens of the United States who—

15 (1) were born on or before the date of enactment  
16 of this Act;

17 (2) were living on the date of the enactment of  
18 this Act;

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

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

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

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

2           (b) *APPLICATIONS*.—Applications for inclusion on the  
3 judgment distribution roll of descendants must be filed with  
4 the superintendent, Michigan agency, Bureau of Indian Af-  
5 fairs, Sault Ste. Marie, Michigan, not later than 1 year  
6 after the date of enactment of this Act.

7           (c) *APPEALS*.—Appeals arising under this section shall  
8 be handled in accordance with parts 61 and 62 of title 25,  
9 Code of Federal Regulations.

10          (d) *GROUPS*.—The groups referred to in subsection  
11 (a)(5) are—

12           (1) the Ottawa Bands of Grand River, Traverse,  
13 Grand Traverse, Little Traverse, Maskigo, or L'Arbre  
14 Croche;

15           (2) the Chippewa Tribes of Sault Ste. Marie,  
16 Michilmackinac, or Cheboigan; and

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

19          (e) *INELIGIBLE INDIVIDUALS*.—An individual is not  
20 eligible under this section, if that individual—

21           (1) received benefits pursuant to the Secretarial  
22 Plan effective July 17, 1983, for the use and distribu-  
23 tion of Potawatomi judgment funds;



1 *Bay Mills Indian Community pursuant to this Act, the Ex-*  
2 *ecutive Council of the Bay Mills Indian Community shall*  
3 *deposit 20 percent of the share of the Bay Mills Indian*  
4 *Community into the Land Trust.*

5       (2) *The Executive Council shall be the trustee of the*  
6 *Land Trust and shall administer the Land Trust in accord-*  
7 *ance with this section. The Executive Council may retain*  
8 *or hire a professional trust manager and may pay the pre-*  
9 *vailing market rate for such services. Such payment for*  
10 *services shall be made from the current income accounts of*  
11 *the trust and charged against earnings of the current fiscal*  
12 *year.*

13       (3) *The earnings generated by the Land Trust shall*  
14 *be used annually and exclusively for the consolidation and*  
15 *enhancement of tribal landholdings through purchase or ex-*  
16 *change. Any land so acquired shall be held in trust by the*  
17 *United States for the Bay Mills Indian Community.*

18       (4) *The principal of the Land Trust shall not be ex-*  
19 *pendent for any purpose, including but not limited to, per*  
20 *capita payment to members of the Bay Mills Indian Com-*  
21 *munity.*

22       (5) *The Land Trust shall be maintained as a separate*  
23 *account, which shall be audited at least once during each*  
24 *fiscal year by a certified public accountant who shall pre-*  
25 *pare a report on the results of such audit. Such report shall*

1 *be a public document, and shall be available for inspection*  
2 *by any member of the Bay Mills Indian Community.*

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

8 *(b) LAND CLAIMS DISTRIBUTION TRUST.—(1) The Ex-*  
9 *ecutive Council of the Bay Mills Indian Community shall*  
10 *establish a nonexpendable to be known as the “Land Claims*  
11 *Distribution Trust Fund”. Not later than 60 days after re-*  
12 *ceipt of the funds distributed to the Bay Mills Indian Com-*  
13 *munity pursuant to this Act, the Executive Council of the*  
14 *Bay Mills Indian Community shall deposit into the Land*  
15 *Claims Distribution Trust Fund the principal funds which*  
16 *shall consist of—*

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

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

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

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

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

14               (A) *is enrolled as a member of the Bay Mills In-*  
15 *Indian Community on the date of the enactment of this*  
16 *Act;*

17               (B) *is alive on the date of the enactment of this*  
18 *Act;*

19               (C) *is at least 55 years of age as of the annual*  
20 *distribution date; and*

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

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

1           (4) *In the event that a member of the Bay Mills Indian*  
2 *Community who is eligible for payment under subsection*  
3 *(b)(3), should die after preparation of the annual distribu-*  
4 *tion roll and prior to the October 1 distribution, that indi-*  
5 *vidual's share for that year shall be provided to the mem-*  
6 *ber's heirs at law.*

7           (5) *In the event that a member of the Bay Mills Indian*  
8 *Community who is at least 55 years of age and who is eligi-*  
9 *ble for payment under subsection (b)(3), shall have a guard-*  
10 *ian appointed for said individual, such payment shall be*  
11 *made to the guardian.*

12           (6) *Under no circumstances shall any part of the prin-*  
13 *icipal of the Land Claims Distribution Trust fund be dis-*  
14 *tributed as a per capita payment to members of the Bay*  
15 *Mills Indian Community, or used or expended for any other*  
16 *purpose by the Executive Council.*

17           (7) *The Land Claims Distribution Trust fund shall be*  
18 *maintained as a separate account, which shall be audited*  
19 *at least once during each fiscal year by an independent cer-*  
20 *tified public accountant who shall prepare a report on the*  
21 *results of such audit. Such report shall be a public docu-*  
22 *ment, and shall be available for inspection by any member*  
23 *of the Bay Mills Indian Community.*

24           (8) *Notwithstanding any other provision of law, the*  
25 *approval of the Secretary of any payment from the Land*

1 *Claims Distribution Trust fund shall not be required and*  
2 *the Secretary shall have no trust responsibility for the in-*  
3 *vestment, supervision, administration, or expenditure of the*  
4 *fund.*

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

11           (1) *The sum of \$3,000 to each enrolled member*  
12 *of the Bay Mills Indian Community living on the*  
13 *date of enactment of this legislation, who has attained*  
14 *the age of 55 years, but is less than 62 years of age*  
15 *if that individual was adopted into or a member of*  
16 *the Bay Mills Indian Community on or before June*  
17 *30, 1996.*

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

24           (3) *The sum of \$10,000 to each enrolled member*  
25 *of the Bay Mills Indian Community living on the*

1        *date of enactment of this legislation, who is 70 years*  
2        *of age or older if that individual was adopted into or*  
3        *a member of the Bay Mills Indian Community on or*  
4        *before June 30, 1996.*

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

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

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

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

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

3 *(a) SELF-SUFFICIENCY FUND.*

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

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

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

18 *(C) any other funds that the board of direc-*  
19 *tors of the Sault Ste. Marie Tribe choose to add*  
20 *to the principal.*

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

24 *(b) USE OF PRINCIPAL.—*

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

4                   (A) *are reasonably related to—*

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

7                           (ii) *development of tribal resources; or*

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

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

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

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

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

24                   (2) *as a dividend to tribal members;*

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

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

7           (d) *GENERAL RULES AND PROCEDURES.—*

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

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

18           (e) *TRANSFER OF JUDGMENT FUNDS TO SELF-SUFFI-*  
19 *CIENCY FUND.—*

20           (1) *The Secretary shall transfer to the Self-Suffi-*  
21 *ciency Fund the share of the funds which have been*  
22 *allocated to the Sault Ste. Marie Tribe pursuant to*  
23 *section 4.*

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

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

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

8        *Subject to section 10, the Secretary shall distribute per*  
9        *capita the funds described in subsections (a)(1) and (b)(1)*  
10       *of section 4 to the individuals listed on the judgment dis-*  
11       *tribution roll of descendants prepared pursuant to section*  
12       *6. Payment of a per capita share of funds—*

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

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

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

1 **SEC. 10. NEWLY RECOGNIZED OR AFFIRMED TRIBES.**

2       (a) *DISTRIBUTION OF FUNDS ALLOTTED FOR MEM-*  
3 *BERS OF NEWLY RECOGNIZED OR AFFIRMED TRIBES.—If,*  
4 *after the date of the enactment of this Act and before ap-*  
5 *proval by the Secretary of the judgment distribution roll*  
6 *of descendants prepared pursuant to section 6, Congress or*  
7 *the Secretary recognizes a tribe which includes an individ-*  
8 *ual on the judgment distribution roll of descendants, the*  
9 *funds allotted for that individual shall be held in trust for*  
10 *the newly recognized or affirmed tribe in accordance with*  
11 *the provisions of this section.*

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

15       (c) *DETERMINATION OF MEMBERSHIP IN NEWLY REC-*  
16 *OGNIZED OR AFFIRMED TRIBE.—(1) For purposes of this*  
17 *section, if:*

18               (A) *The tribe is acknowledged by the Secretary*  
19 *under part 83 of title 25, Code of Federal Regula-*  
20 *tions, the Secretary shall use the tribe's most recent*  
21 *membership list provided under such part.*

22               (B) *Unless otherwise provided by the statutes*  
23 *which recognizes the tribe, if Congress recognizes a*  
24 *tribe, the Secretary shall use the most recent member-*  
25 *ship list provided to Congress. If no membership list*  
26 *is provided to Congress, the Secretary shall use the*

1       *most recent membership list provided with the tribe's*  
2       *petition for acknowledgment under part 83 of title 25,*  
3       *Code of Federal Regulations. If no such list was pro-*  
4       *vided to Congress or under such part, the newly rec-*  
5       *ognized tribe shall submit a membership list to the*  
6       *Secretary before the judgment distribution roll of de-*  
7       *scendants is approved, or the judgment funds shall be*  
8       *distributed per capita under section 9.*

9       *(2) If a membership list was not provided—*

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

16           *(B) to the Bureau of Indian Affairs, the newly*  
17       *recognized or affirmed tribe shall submit a member-*  
18       *ship list before the judgment distribution roll of de-*  
19       *scendants is approved by the Secretary, unless other-*  
20       *wise provided in the statute which recognized the*  
21       *tribe; and*

22           *(C) before the judgment distribution roll of de-*  
23       *scendants is approved, the judgment funds shall be*  
24       *distributed per capita under section 9.*

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

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

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

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

21                   (2) *any other benefit to which such tribe, house-*  
22 *hold, or individual would otherwise be entitled under*  
23 *any Federal or federally assisted program.*

1 **SEC. 12. TREATIES NOT AFFECTED.**

2       *No provision of this Act shall be construed to constitute*  
3 *an amendment, modification, or interpretation of any trea-*  
4 *ty to which a tribe mentioned in this Act is a party nor*  
5 *to any right secured to such a tribe or to any other tribe*  
6 *by any treaty.*