

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4208

To approve the use or distribution of judgment funds of the Red Lake Band of Chippewa Indians of Minnesota by the Senate and the House of Representatives, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 11, 2002

Mr. PETERSON of Minnesota introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To approve the use or distribution of judgment funds of the Red Lake Band of Chippewa Indians of Minnesota by the Senate and the House of Representatives, 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 “Red Lake Band of  
5       Chippewa Indians of Minnesota Use or Distribution of In-  
6       dian Judgment Funds Plan Approval Act”.

7       **SEC. 2. FINDINGS.**

8       Congress finds the following:

1           (1) On August 2, 1951, the Red Lake Band of  
2 Chippewa Indians of Minnesota filed a complaint be-  
3 fore the Indian Claims Commission in Red Lake  
4 Band of Chippewa Indians v. United States, Docket  
5 Nos. 189–A, 189–B, and 189–C, pursuant to the In-  
6 dian Claims Commission Act (25 U.S.C. 70 et seq.).

7           (2) Upon the close of the Indian Claims Com-  
8 mission in 1976, all of the cases then remaining un-  
9 resolved, included Red Lake Band of Chippewa Indi-  
10 ans v. United States, Docket Nos. 189–A, 189–B,  
11 and 189–C, were transferred to the Court of Claims  
12 (now known as the United States Court of Federal  
13 Claims).

14           (3) The Red Lake Band obtained a settlement  
15 in Dockets 189–A and 189–B in 1997, for a total  
16 of \$27,105,000.

17           (4) That 1997 settlement was distributed pur-  
18 suant to the Indian Tribal Judgment Funds Use or  
19 Distribution Act (25 U.S.C. 1401 et seq.), except for  
20 \$3,780,616.20, which were escrowed in the name of  
21 the Red Lake Band at the Office of Trust Funds  
22 Management of the Department of the Interior pur-  
23 suant to an Escrow Agreement dated August 20,  
24 1998.

1           (5) The escrowed funds were for the purpose of  
2           securing repayment to the United States for certain  
3           expert witness loans made by the United States to  
4           the Red Lake Band to assist the Band in developing  
5           the evidence needed to prosecute its claims in Dock-  
6           ets 189–A, 189–B, and 189–C.

7           (6) Pursuant to section 813 of the Omnibus In-  
8           dian Advancement Act (Public Law 106–568), the  
9           balance of such Red Lake Band expert witness loans  
10          was canceled, thereby releasing the Red Lake Band  
11          from any liability associated with such loans.

12          (7) The escrowed funds and the investment in-  
13          come earned thereon are ready for distribution along  
14          with other funds secured to the Red Lake Band  
15          from the order and judgment entered in its favor by  
16          the Court of Federal Claims on January 16, 2001,  
17          in the amount of \$53,500,000 and the investment  
18          income earned thereon.

19          (8) A use or distribution plan for those funds  
20          was approved by the Secretary and submitted to  
21          Congress pursuant to the Indian Tribal Judgment  
22          Funds Use or Distribution Act (25 U.S.C. 1401 et  
23          seq.) and provides as follows:

24                  (A) \$40,000,000 shall be disbursed to a  
25                  permanent trust fund that, consistent with the

1 Settlement Agreement entered into between the  
2 Red Lake Band and the United States in Docket  
3 189–C, the Red Lake Band has created pursuant to  
4 Tribal Resolution No. 243–2000 and Ordinance  
5 adopted thereby No. 02–2000, and from which fund  
6 some of the interest income will be expended in  
7 accordance with a reforestation plan, which is  
8 described in the Use or Distribution Plan and  
9 which may be amended from time to time as  
10 provided in the Use or Distribution Plan.  
11

12 (B) \$7,525,657 shall be disbursed to the  
13 Red Lake Band for reimbursement to the Band  
14 for litigation-related fees, costs, and expenses it  
15 has incurred in the successful prosecution of  
16 the claims in Docket 189–C, and \$680,578  
17 shall be disbursed to the Red Lake Band for  
18 expenses and fees, including legal costs, related  
19 to the Band’s ongoing land restoration project.

20 (C) The remaining funds, estimated to be  
21 \$10,422,394.00, together with all investment  
22 income earned on the Current Red Lake Judgment  
23 Funds through the date of disbursement  
24 by the Office of Trust Funds Management,  
25 shall be paid out per capita to the members of

1           the Red Lake Band who were born and alive on  
2           July 31, 2001.

3           (9) The Use or Distribution Plan is in the best  
4           interests of the Red Lake Band.

5 **SEC. 3. DEFINITIONS.**

6           In this Act, the following definitions apply:

7           (1) CURRENT RED LAKE JUDGMENT FUNDS.—  
8           The term “Current Red Lake Judgment Funds”  
9           means the escrowed funds described in section  
10          2(a)(4), together with the judgment amount of Jan-  
11          uary 16, 2001, described in section 2(a)(7), along  
12          with all interest earned on those amounts while held  
13          by the Office of Trust Funds Management.

14          (2) RED LAKE BAND.—The term “Red Lake  
15          Band” means the Red Lake Band of Chippewa Indi-  
16          ans of Minnesota of the Red Lake Indian Reserva-  
17          tion in north central Minnesota.

18          (3) SECRETARY.—The term “Secretary” means  
19          the Secretary of the Interior.

20          (4) USE OR DISTRIBUTION PLAN.—The term  
21          “Use or Distribution Plan” means the use or dis-  
22          tribution plan approved by the Secretary and sub-  
23          mitted to Congress as described in section 2(8).

1 **SEC. 4. APPROVAL OF SECRETARIAL PLAN**

2 Congress hereby approves the Use or Distribution  
3 Plan.

4 **SEC. 5. PLAN APPROVAL AND AUTHORIZATION FOR IMME-**  
5 **DIATE DISBURSEMENT OF FUNDS.**

6 The Secretary, through the Office of Trust Funds  
7 Management, shall immediately disburse the funds identi-  
8 fied in this Act as follows:

9 (1) \$40,000,000 to a permanent trust fund  
10 that, consistent with the Settlement Agreement en-  
11 tered into between the Red Lake Band and the  
12 United States in Docket 189–C, the Red Lake Band  
13 has created pursuant to Tribal Resolution No. 243–  
14 2000 and Ordinance adopted thereby No. 02–2000,  
15 and from which fund some of the interest income  
16 shall be expended in accordance with a reforestation  
17 plan, which is described in the Use or Distribution  
18 Plan and which may be amended from time to time  
19 as provided in the Use or Distribution Plan.

20 (2) \$7,525,657 to the Red Lake Band for reim-  
21 bursement to the Band for litigation-related fees,  
22 costs, and expenses it has incurred in the successful  
23 prosecution of the claims in Docket 189–C and re-  
24 lated matters.

1           (3) \$680,578 to the Red Lake Band for ex-  
2           penses and fees, including legal costs, related to the  
3           Band's ongoing land restoration project.

4           (4) \$10,422,394, and all investment income  
5           earned on the Current Red Lake Judgment Funds  
6           through the date of disbursement by the Secretary  
7           through the Office of Trust Funds Management, per  
8           capita to the members of the Red Lake Band who  
9           were born and alive on July 31, 2001. Such pay-  
10          ments shall be exempt to the extent provided in sec-  
11          tion 7 of the Indian Tribal Judgment Funds Use or  
12          Distribution Act (25 U.S.C. 1407).

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