

authority of section 1301(b) of Pub. L. 113-235, set out as a note preceding section 301 of Title 44, Public Printing and Documents.

CHAPTER 16—DISTRIBUTION OF JUDGMENT FUNDS

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§ 1401. Funds appropriated in satisfaction of judgments of Indian Claims Commission or United States Court of Federal Claims

(a) Use and distribution

Notwithstanding any other law, all use or distribution of funds appropriated in satisfaction of a judgment of the Indian Claims Commission or the United States Court of Federal Claims in favor of any Indian tribe, band, group, pueblo, or community (hereinafter referred to as “Indian tribe”), together with any investment income earned thereon, after payment of attorney fees and litigation expenses, shall be made pursuant to the provisions of this chapter.

(b) Amounts remaining to be held in trust unless otherwise provided

Except as provided in sections 164 and 165 of this title, amounts which the Secretary of the Interior has remaining after execution of either a plan under this chapter, or another Act enacted heretofore or hereafter providing for the use or distribution of amounts awarded in satisfaction of a judgment in favor of an Indian tribe or tribes, together with any investment income earned thereon and after payment of attorney fees and litigation expenses, shall be held in trust by the Secretary for the tribe or tribes involved if the plan or Act does not otherwise provide for the use of such amounts.

(c) Short title

This chapter may be cited as the “Indian Tribal Judgment Funds Use or Distribution Act”.

(Pub. L. 93-134, § 1, Oct. 19, 1973, 87 Stat. 466; Pub. L. 97-164, title I, § 160(a)(1), Apr. 2, 1982, 96 Stat. 48; Pub. L. 100-153, § 4, Nov. 5, 1987, 101 Stat. 886; Pub. L. 102-572, title IX, § 902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

REFERENCES IN TEXT

The Indian Claims Commission, referred to in text, terminated Sept. 30, 1978. See Codification note set out under former section 70 et seq. of this title.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court”.

1987—Subsec. (a). Pub. L. 100-153, § 4(1), (2), designated existing provision as subsec. (a) and substituted “any investment income” for “any interest”.

Subsecs. (b), (c). Pub. L. 100-153, § 4(3), added subsecs. (b) and (c).

1982—Pub. L. 97-164 substituted “United States Claims Court” for “Court of Claims”.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

SHORT TITLE OF 2014 AMENDMENT

Pub. L. 113-290, § 1, Dec. 19, 2014, 128 Stat. 3291, provided that: “This Act [amending section 1407 of this title] may be cited as the ‘Grand Portage Band Per Capita Adjustment Act’.”

§ 1402. Plan for use or distribution of funds

(a) Preparation and submission to Congress by Secretary of the Interior; contents; copy to affected Indian tribe

Within one year after appropriation of funds to pay a judgment of the Indian Claims Commission or the United States Court of Federal 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) Time for preparation and submission of plan

With respect to judgments, for which funds have been appropriated prior to January 12, 1983, but for which use or distribution has not been authorized by enactment of legislation or by an effective plan under this chapter, the Secretary shall prepare and submit such plans within one year of January 12, 1983.

(c) Submission of proposed legislation and report to Congress

In any case where the Secretary determines that the circumstances do not permit the preparation and submission of a plan as provided in this chapter, 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) Submission of proposed legislation and report to Congress in absence of consent of tribal governments to division of judgment funds between two or more beneficiary entities

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 January 12, 1983, he shall submit proposed legislation to the Congress as provided in subsection (c).

(e) Extension of time for preparation and submission of plan

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 Committee on Indian Affairs and the United States House of Representatives Committee on Natural Resources.

(Pub. L. 93-134, §2, Oct. 19, 1973, 87 Stat. 466; Pub. L. 97-164, title I, §160(a)(1), Apr. 2, 1982, 96 Stat. 48; Pub. L. 97-458, §1, Jan. 12, 1983, 96 Stat. 2512; Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516; Pub. L. 103-437, §10(e)(1), (2)(A), Nov. 2, 1994, 108 Stat. 4589.)

REFERENCES IN TEXT

The Indian Claims Commission, referred to in subsec. (a), terminated Sept. 30, 1978. See Codification note set out under former section 70 et seq. of this title.

CODIFICATION

In subsec. (a), "United States Claims Court" [now United States Court of Federal Claims] substituted for "Court of Claims" pursuant to section 160(a)(1) of Pub. L. 97-164, as the probable intent of Congress, notwithstanding later amendment by section 1 of Pub. L. 97-458, which made reference to Court of Claims.

AMENDMENTS

1994—Subsec. (e). Pub. L. 103-437 substituted "Committee on Indian" for "Select Committee on Indian" and "Natural Resources" for "Interior and Insular Affairs".

1992—Subsec. (a). Pub. L. 102-572 substituted "United States Court of Federal Claims" for "United States Claims Court".

1983—Subsec. (a). Pub. L. 97-458 substituted "one year" for "one hundred and eighty days"; inserted provision for contents of the plan; inserted provision for submission of copy of the plan to each affected tribe or group, incorporating part of former subsec. (c); struck out proviso prescribing Oct. 19, 1973, as the commencing date with respect to judgments for which funds were appropriated and for which legislation authorizing use or distribution was not enacted prior to Oct. 19, 1973; and struck out second sentence respecting submission of proposed legislation and report to Congress, incorporated in subsec. (c). See Codification note above.

Subsec. (b). Pub. L. 97-458 added subsec. (b). Former subsec. (b) redesignated (e).

Subsec. (c). Pub. L. 97-458 redesignated second sentence of subsec. (a) as subsec. (c) and substituted "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" for "he shall submit, within such one hundred and eighty-day period, proposed legislation as provided in section 1405(b) of this title". Former subsec. (c) respecting notification of affected Indian tribe on the date of submission of the plan covered in part in subsec. (a) as to provision for a copy of the plan.

Subsec. (d). Pub. L. 97-458 added subsec. (d).

Subsec. (e). Pub. L. 97-458 redesignated subsec. (b) as (e); increased time allowed for submission of plans to one year from a one hundred and eighty-day period and additional time allowed for such submissions to one hundred and eighty from ninety days; and substituted the Senate Select Committee on Indian Affairs for the Senate Committee on Interior and Insular Affairs as the Senate committee approving any extensions.

1982—Subsec. (a). Pub. L. 97-164 substituted "United States Claims Court" for "Court of Claims". See Codification note above.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1982 AMENDMENT

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§ 1403. Preparation of plan

(a) Prerequisites for final preparation

The Secretary shall prepare a plan which shall best serve the interests of all those entities and individuals entitled to receive funds of each Indian judgment. Prior to the final preparation of the plan, the Secretary shall—

(1) receive and consider any resolution or communication, together with any suggested use or distribution plan, which any affected Indian tribe may wish to submit to him; and

(2) hold a hearing of record, after appropriate public notice, to obtain the testimony of leaders and members of the Indian tribe which may receive any portion, or be affected by the use or distribution, of such funds, in the area in which such Indian tribe is located and at a time which shall best serve the convenience of the eligible members thereof.

(b) Guidelines

In preparing a plan for the use or distribution of the funds of each Indian judgment, the Secretary shall, among other things, be assured that—

(1) legal, financial, and other expertise of the Department of the Interior has been made fully available in an advisory capacity to the Indian tribe which is entitled to such funds to assist it to develop and communicate to the Secretary pursuant to clause (1) of subsection (a) of this section its own suggested plan for the distribution and use of such funds;

(2) the needs and desires of any groups or individuals who are in a minority position, but who are also entitled to receive such funds, have been fully ascertained and considered;

(3) the interests of minors and other legally incompetent persons who are entitled to receive any portion of such funds as are subsequently distributed to them are and will be protected and preserved;¹ *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.²

(4) any provision, including enrollment provisions, of the constitution, bylaws, rules, and procedures of such tribe which may affect the distribution or other use of such funds are in

¹ So in original. The semicolon probably should be a colon.

² So in original. The period probably should be a semicolon.