

## Public Law 93-134

October 19, 1973  
[S. 1016]

## AN ACT

To provide for the use or distribution of funds appropriated in satisfaction of certain judgments of the Indian Claims Commission and the Court of Claims, and for other purposes.

Indians.  
Judgment funds,  
distribution.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding any other law, all use or distribution of funds appropriated in satisfaction of a judgment of the Indian Claims Commission or the Court of Claims in favor of any Indian tribe, band, group, pueblo, or community (hereinafter referred to as "Indian tribe"), together with any interest earned thereon, after payment of attorney fees and litigation expenses, shall be made pursuant to the provisions of this Act.

Plan, submittal  
to Congress.

SEC. 2. (a) Within one hundred and eighty days after the 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 (hereinafter referred to as the "Secretary") shall prepare and submit to the Congress a plan for the use or distribution of such funds: *Provided, however,* That with respect to judgments for which funds have been appropriated and for which legislation authorizing use or distribution has not been enacted prior to enactment of this Act, the one hundred and eighty-day period shall begin upon the date of enactment of this Act. 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, within such one hundred and eighty-day period, proposed legislation as provided in section 5 (b).

Extension re-  
quest, submittal  
to congressional  
committees.

(b) An extension of the one hundred and eighty-day period, not to exceed ninety 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 and House of Representatives Committees on Interior and Insular Affairs.

Notification.

(c) The Secretary shall notify the affected Indian tribe on the date of submission of such plan and provide it with a copy thereof.

SEC. 3. (a) 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—

Prerequisites to final preparation.

(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) 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—

Guidelines for plan formulation.

(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;

(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 full accord with the principles of fairness and equity;

(5) a significant portion of such funds shall be set aside and programed to serve common tribal needs, educational requirements, and such other purposes as the circumstances of the affected Indian tribe may justify, except not less than 20 per centum of such funds shall be so set aside and programed unless the Secretary determines that the particular circumstances of the pertinent Indian tribe clearly warrant otherwise; and

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

SEC. 4. When submitting the plan as provided in section 2, the Secretary shall also submit to the Congress with such plan—

Hearing transcripts and tribal support statements, submittal to Congress.

(1) copies of the transcripts of hearings held by him concerning the Indian judgment pursuant to clause (2) of section 3(a) and all other papers and documents considered by him in the preparation of such plan, including any resolution, communication, or suggested use or distribution plan of the pertinent Indian tribe submitted pursuant to clause (1) of section 3(a); and

(2) a statement of the extent to which such plan reflects the desires of the Indian tribe or individuals who are entitled to such funds, which statement shall specify the alternatives, if any, proposed by such Indian tribe or individuals in lieu of such plan, together with an indication of the degree of support among the interested parties for each such alternative.

- Effective date. SEC. 5. (a) The plan prepared by the Secretary shall become effective, and he shall take immediate action to implement the plan for the use or distribution of such judgment funds, at the end of the sixty-day period (excluding days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) beginning on the day such plan is submitted to the Congress, unless during such sixty-day period either House adopts a resolution disapproving such plans.
- Proposed legislation, report to Congress. (b) Within thirty calendar days after the date of adoption of a resolution disapproving a plan, the Secretary shall submit to the Congress proposed legislation, together with a report thereon, authorizing use or distribution of such funds.
- Rules and regulations. SEC. 6. (a) The Secretary shall promulgate rules and regulations to implement this Act no later than the end of the one hundred and eighty-day period beginning on the date of enactment of this Act. Among other things, such rules and regulations shall provide for adequate notice to all entities and persons who may receive funds under any Indian judgment of all relevant procedures pursuant to this Act concerning any such judgment.
- Publication in Federal Register. (b) No later than sixty days prior to the promulgation of such rules and regulations the Secretary shall publish the proposed rules and regulations in the Federal Register.
- Hearings. (c) No later than thirty days prior to the promulgation of such rules and regulations, the Secretary shall provide, with adequate public notice, the opportunity for hearings on the proposed rules and regulations, once published, to all interested parties.
- Tax exemption. SEC. 7. None of the funds distributed per capita or held in trust under the provisions of this Act shall be subject to Federal or State income taxes, and the per capita payments shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act.
- 49 Stat. 620.  
42 USC 1305.
- Approved October 19, 1973.