

N E X T N O .

H.R. 6786



(Original Signature of Member)

110TH CONGRESS
2^D SESSION

H. R. _____

To provide for the settlement of claims arising from the use and distribution of judgment funds previously awarded and provided to the Delaware Tribe of Indians, the Delaware Nation, the Kansas Delaware Tribe of Indians, Incorporated, and the Delawares of Idaho, Incorporated, to correct underpayment of certain funds, to provide for the settlement of accounting claims arising from, and otherwise achieve the requirements of, certain litigation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SULLIVAN introduced the following bill; which was referred to the Committee on _____

A BILL

To provide for the settlement of claims arising from the use and distribution of judgment funds previously awarded and provided to the Delaware Tribe of Indians, the Delaware Nation, the Kansas Delaware Tribe of Indians, Incorporated, and the Delawares of Idaho, Incorporated, to correct underpayment of certain funds, to provide for the settlement of accounting claims arising from, and otherwise achieve the requirements of, certain litigation, 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 “Delaware Judgment
5 Funds Distribution Settlement Act of 2008”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **CHEROKEE NATION.**—The term “Cherokee
9 Nation” means the Cherokee Nation, with its head-
10 quarters located in Tahlequah, Oklahoma.

11 (2) **CHEROKEE NATION JURISDICTIONAL**
12 **BOUNDARY.**—The term “Cherokee Nation Jurisdic-
13 tional Boundary” means the boundary surrounding
14 lands within the Indian Territory that were ceded by
15 the United States to the Nation pursuant to the
16 Treaties of May 6, 1828, February 14, 1833, and
17 December 29, 1835, 7 Stat. 478, the Indian Re-
18 moval Act of 1830, 4 Stat. 411, and the fee patent
19 executed by President Martin Van Buren on Decem-
20 ber 31, 1838, diminished only by sales under the
21 Acts of February 28, 1877, 19 Stat. 265, June 2,
22 1886, 24 Stat. 121, March 3, 1893, ch. 209, 27
23 Stat. 612, 645, and Proclamation No. 5, 20 Stat.
24 1222 (1893), including any interpretation of that
25 boundary under federal law or by courts of com-

1 petent jurisdiction, and shall also include those spe-
2 cific parcels of Indian lands of the Nation outside
3 that boundary wherever or whenever acquired.

4 (3) DELAWARE NATION.—The term “Delaware
5 Nation” means the Delaware Nation, Oklahoma
6 (formerly known as the “Absentee Delaware Tribe of
7 Western Oklahoma” and the “Western Delaware
8 Tribe”).

9 (4) DELAWARE TRIBE.—The term “Delaware
10 Tribe” means the Delaware Tribe of Indians, Okla-
11 homa (formerly known as the “Cherokee Delaware”
12 and the “Eastern Delaware”).

13 (5) EXISTING AUTHORITY.—The term “existing
14 authority” means

15 (A) the first section of Public Law 87–283
16 (25 U.S.C. 164);

17 (B) Public Law 90–508 (25 U.S.C. 1181
18 et seq.);

19 (C) Public Law 92–456 (25 U.S.C. 1291
20 et seq.);

21 (D) Public Law 93–134 (25 U.S.C. 1401
22 et seq.);

23 (E) Public Law 96–318 (94 Stat. 968);

1 (F) the American Indian Trust Fund Man-
2 agement Reform Act of 1994 (25 U.S.C. 4001
3 et seq.); and

4 (G) any other provision of law (including
5 regulations).

6 (4) HISTORICAL AREAS OF THE DELAWARE
7 TRIBE.—The term “historical areas of the Delaware
8 Tribe” means those counties outside Oklahoma on a
9 list submitted by the Chief of the Delaware Tribe to
10 the Assistant Secretary-Indian Affairs and those
11 areas outside Oklahoma defined by treaties between
12 the Delaware Nation and the United States.

13 (5) IDAHO DELAWARE.—The term “Idaho Dela-
14 ware” means the Delawares of Idaho, Incorporated.

15 (6) INDIAN COUNTRY.—The term “Indian
16 Country” means “Indian Country” as defined by
17 Federal law.

18 (7) JOINT DELAWARE TRUST FUNDS.—The
19 term “Joint Delaware Trust Funds” means—

20 (A) the trust fund accounts numbered
21 JA9483106 and JA9480698 (including all in-
22 terest on those accounts); and

23 (B) 63 percent of the trust fund account
24 numbered JA9480102 as of the date of enact-

1 ment of this Act (including all interest on that
2 portion of the account).

3 (8) KANSAS DELAWARE.—The term “Kansas
4 Delaware” means the Kansas Delaware Tribe of In-
5 dians, Incorporated.

6 (9) LIST.—The term “List” means the list of
7 tribal entities published in the Federal Register pur-
8 suant to section 104 of the Federally Recognized In-
9 dian Tribe List Act of 1994 (25 U.S.C. 479a-1)

10 (10) RESTRICTED LAND.—The term “Re-
11 stricted land” means any land, the title to which is
12 held in the name of an Indian or Indian tribe sub-
13 ject to restrictions by the United States against
14 alienation.

15 (11) SECRETARY.—The term “Secretary”
16 means the Secretary of the Interior.

17 (12) TRUST LAND.—The term “Trust land”
18 means land, the title to which is held by the United
19 States in trust for the benefit of an Indian tribe or
20 individual.

21 (13) UNDISTRIBUTED DELAWARE TRIBE TRUST
22 FUNDS.—The term “undistributed Delaware Tribe
23 Trust Funds” means any amounts in the trust fund
24 accounts numbered JA9484104, JA9484377,

1 JA9285105, and JA9285378 (including all interest
2 on those accounts).

3 (14) UNDISTRIBUTED IDAHO DELAWARE TRUST
4 FUNDS.—The term “undistributed Idaho Delaware
5 Trust Funds” means the trust fund accounts num-
6 bered JA9483692, JA9483379, and JA9483015 (in-
7 cluding all interest on those accounts).

8 (15) UNDISTRIBUTED KANSAS DELAWARE
9 TRUST FUNDS.—The term “undistributed Kansas
10 Delaware Trust Funds” means—

11 (A) the trust fund account numbered
12 JA9480011 (including all interest on that ac-
13 count); and

14 (B) 37 percent of the trust fund account
15 numbered JA9480102 as of the date of enact-
16 ment of this Act (including all interest on that
17 portion of the account).

18 (16) UNDISTRIBUTED PER CAPITA DISTRIBU-
19 TIONS TO CERTAIN DELAWARE TRIBE MEMBERS.—
20 The term “undistributed per capita payments to cer-
21 tain Delaware Tribe members” means the trust fund
22 accounts numbered JA9284108 and JA9284371 (in-
23 cluding all interest on those accounts).

1 **SEC. 3. DELAWARE TRIBE TRUST FUNDS MISMANAGEMENT**
2 **CLAIMS SETTLEMENT.**

3 Not later than 30 days after the date of enactment
4 of this Act, the United States shall offer to file with the
5 Delaware Tribe a joint motion for entry of judgment in
6 the amount of \$437,165 in Docket No. 02-26L in the
7 United States Court of Federal Claims, as a full and final
8 judicial settlement of all trust fund claims of the Delaware
9 Tribe that were or could have been brought under that
10 docket.

11 **SEC. 4. DISTRIBUTIONS TO TRIBES, ELIGIBLE MEMBERS,**
12 **AND ENROLLEES.**

13 (a) **IN GENERAL.**—Notwithstanding existing author-
14 ity, the Secretary shall carry out such actions as the Sec-
15 retary determines to be necessary to satisfy any remaining
16 monetary obligations identified in the judgment for the
17 case styled *Delawares of Idaho, Inc., et al. v. Clark*, Civ.
18 No. 83-1192 (D. Idaho) (October 2, 1984) and subse-
19 quent orders of that court.

20 (b) **REQUIREMENTS.**—

21 (1) **DELAWARE TRIBE.**—

22 (A) **DEFINITION OF ELIGIBLE MEMBER.**—

23 In this paragraph, the term “eligible member”
24 means a member of the Delaware Tribe identi-
25 fied as underpaid in the memorandum decision

1 and judgment of the case described in sub-
2 section (a).

3 (B) PAYMENTS UNDER CERTAIN
4 AMOUNT.—The Secretary shall pay to the gov-
5 erning body of the Delaware Tribe for program-
6 ming purposes each per capita payment of an
7 eligible member or heir or legatee under this
8 paragraph in an amount that is less than \$5.

9 (C) REMAINING AMOUNTS.—Notwith-
10 standing existing authority

11 (i) IN GENERAL.—Any amounts re-
12 maining on the date that is 1 year after
13 the date on which 80 percent of the initial
14 distributions under this paragraph have
15 been made shall be provided to the gov-
16 erning body of the Delaware Tribe for pro-
17 gramming purposes.

18 (ii) DETERMINATION.—No more than
19 1 series of per capita payments under this
20 paragraph shall be required before deter-
21 mining that amounts remaining are eligible
22 for distribution to the governing body of
23 the Delaware Tribe under this subpara-
24 graph.

1 (2) KANSAS DELAWARE AND IDAHO DELA-
2 WARE.—

3 (A) DEFINITION OF ELIGIBLE EN-
4 ROLLEE.—In this paragraph, the term “eligible
5 enrollee” means an enrollee of the Kansas Dela-
6 ware or the Idaho Delaware identified as under-
7 paid in the memorandum decision and judg-
8 ment of the case described in subsection (a).

9 (B) PAYMENTS UNDER CERTAIN
10 AMOUNT.—Of each per capita payment of an el-
11 igible enrollee or heir or legatee under this
12 paragraph in an amount that is less than \$5,
13 the Secretary shall pay, for programming pur-
14 poses

15 (i) 19 percent of the amount to the
16 Delaware Nation; and

17 (ii) 81 percent of the amount to the
18 Delaware Tribe.

19 (C) REMAINING AMOUNTS.—Notwith-
20 standing existing authority

21 (i) IN GENERAL.—Any amounts re-
22 maining on the date that is 1 year after
23 the date on which 80 percent of the initial
24 distributions under this paragraph have

1 been made shall be provided for program-
2 ming purposes

3 (I) 17 percent to the Delaware
4 Nation; and

5 (II) 83 percent to the Delaware
6 Tribe.

7 (ii) DETERMINATION.—No more than
8 1 series of per capita payments under this
9 paragraph shall be required before deter-
10 mining that amounts remaining are eligible
11 for distribution to the governing bodies of
12 those tribes under this subparagraph.

13 (c) CONSTRUCTION.—If any order of the court in the
14 case described in subsection (a) issued prior to the date
15 of enactment of this Act is inconsistent with a provision
16 of subsection (c), the order of the court shall govern unless
17 amended by the court.

18 **SEC. 5. DISTRIBUTION OF TRUST FUNDS.**

19 (a) IN GENERAL.—Notwithstanding existing author-
20 ity, not later than 60 days after the date on which the
21 motion filed under section 3 is granted, of amounts in the
22 Joint Delaware Trust Funds, the Secretary shall

23 (1) distribute to the Delaware Nation 17 per-
24 cent for programming purposes;

1 (2) implement a process to use 72 percent to
2 make per capita distributions to members of the
3 Delaware Tribe, in accordance with subsection (c);
4 and

5 (3) implement a process to distribute to the
6 Kansas Delaware and the Idaho Delaware 11 per-
7 cent, in accordance with subsection (e).

8 (b) DEFINITION.—In this section, “update the roll”
9 means using reasonable efforts to obtain current addresses
10 for persons listed on the specified roll, to identify such
11 persons who are deceased, and to ascertain the heirs and
12 legatees of such deceased persons. Where this section per-
13 mits the Secretary to contract the updating of a roll, some
14 or all of these functions may be contracted.

15 (c) PER CAPITA DISTRIBUTIONS.—

16 (1) UPDATING ROLL.—

17 (A) IN GENERAL.—The Secretary shall im-
18 plement a process to update, or offer to enter
19 into a contract with the Delaware Tribe under
20 which the Delaware Tribe shall update, the roll
21 of members prepared by the Secretary under
22 section 5(a)(2) of Public Law 96–318 (94 Stat.
23 968).

24 (B) CONTRACT REQUIREMENT.—Notwith-
25 standing section 552a of title 5, United States

1 Code (Commonly known as the “Privacy Act of
2 1974”), or any other provision of law, if the
3 Secretary enters into a contract with the Dela-
4 ware Tribe under subparagraph (A), the Sec-
5 retary may provide to the Delaware Tribe—

6 (i) the roll prepared by the Secretary
7 under section 5(a)(2) of Public Law 96-
8 318 (94 Stat. 968); and

9 (ii) any other information the Sec-
10 retary determines to be necessary to carry
11 out the contract.

12 (2) DISTRIBUTIONS.—

13 (A) DEFINITION OF ELIGIBLE MEMBER.—

14 In this paragraph, the term “eligible member”
15 means a member of the Delaware Tribe who is
16 listed on the roll prepared under section 5(a)(2)
17 of Public Law 96-318 (94 Stat. 968).

18 (B) ADULT MEMBERS.—The Secretary
19 shall make per capita payments to eligible
20 members aged 18 or older directly to the eligi-
21 ble members.

22 (C) DISABLED MEMBERS.—The Secretary
23 shall make per capita payments to legally dis-
24 abled eligible members in accordance with such
25 procedures (including the establishment of

1 trusts) as the Secretary determines to be appro-
2 priate to protect the best interests of those eli-
3 gible members.

4 (D) DECEASED ELIGIBLE MEMBERS.—The
5 Secretary shall make any per capita payment
6 owed to a deceased eligible member that is
7 \$100 or more to the appropriate living heirs
8 and legatees in accordance with a summary dis-
9 tribution prepared by the Superintendent, Bu-
10 reau of Indian Affairs, Muskogee, Oklahoma,
11 that identifies those heirs or legatees who are
12 living and located, and pay to the governing
13 body of the Delaware Tribe for programming
14 purposes (i) any portion owed to a deceased
15 heir or legatee, and (ii) any per capita payment
16 owed to a deceased eligible member that is less
17 than \$100. If the Secretary contracts the deter-
18 mination of heirs and legatees under paragraph
19 (1)(B), the Superintendent may rely on the re-
20 sults under that contract.

21 (E) PAYMENTS UNDER CERTAIN
22 AMOUNT.—The Secretary shall pay to the gov-
23 erning body of the Delaware Tribe for program-
24 ming purposes each per capita payment of an

1 eligible member under this paragraph in an
2 amount that is less than \$20.

3 (F) REMAINING AMOUNTS.—Notwith-
4 standing existing authority—

5 (i) IN GENERAL.—The Secretary shall
6 provide to the governing body of the Dela-
7 ware Tribe for programming purposes any
8 amounts remaining on the date that is 1
9 year after the date on which the Secretary
10 completes the initial distributions and
11 transfers under this paragraph.

12 (ii) DETERMINATION.—The Secretary
13 shall not be required to make more than 1
14 series of per capita payments under this
15 paragraph before determining that
16 amounts remaining are eligible for dis-
17 tribution to the governing body of the
18 Delaware Tribe under this subparagraph.

19 (d) UNDISTRIBUTED DELAWARE TRIBE TRUST
20 FUNDS.—Notwithstanding existing authority, not later
21 than 60 days after the date on which the motion filed
22 under section 3 is granted, the Secretary shall distribute
23 to the governing body of the Delaware Tribe for program-
24 ming purposes all amounts in the undistributed Delaware
25 Tribe Trust Funds.

1 (e) UNDISTRIBUTED PER CAPITA DISTRIBUTIONS TO
2 CERTAIN DELAWARE TRIBE MEMBERS.—

3 (1) DISTRIBUTIONS.—

4 (A) IN GENERAL.—Notwithstanding exist-
5 ing authority, not later than 60 days after the
6 date on which the motion filed under section 3
7 is granted, the Secretary shall implement a
8 process under which the Secretary shall—

9 (i) determine, based on available in-
10 formation, which members of the Delaware
11 Tribe listed on the roll prepared under
12 Public Law 92–456 (25 U.S.C. 1291 et
13 seq.) did not receive a distribution; and

14 (ii) make the required per capita pay-
15 ments to those members in accordance
16 with subsection (b)(2)(B)(E).

17 (B) REMAINING AMOUNTS.—Notwith-
18 standing existing authority—

19 (i) IN GENERAL.—The Secretary shall
20 provide to the governing body of the Dela-
21 ware Tribe for programming purposes any
22 amounts remaining on the date that is 1
23 year after the date on which the Secretary
24 completes the initial distributions and
25 transfers under this paragraph.

1 (ii) DETERMINATION.—The Secretary
2 shall not be required to make more than 1
3 series of per capita payments under this
4 paragraph before determining that
5 amounts remaining are eligible for dis-
6 tribution to the governing body of the
7 Delaware Tribe under this subparagraph.

8 (2) UPDATING ROLL.—

9 (A) IN GENERAL.—To the extent the Sec-
10 retary determines to be necessary to carry out
11 paragraph (1), the Secretary shall update, or
12 offer to enter into a contract with the Delaware
13 Tribe under which the Delaware Tribe shall up-
14 date, the roll prepared by the Secretary under
15 Public Law 92–456 (25 U.S.C. 1291 et seq.).

16 (B) CONTRACT REQUIREMENT.—Notwith-
17 standing section 552a of title 5, United States
18 Code (“commonly known as the”Privacy Act of
19 1974”), or any other provision of law, if the
20 Secretary enters into a contract with the Dela-
21 ware Tribe under subparagraph (A), the Sec-
22 retary may provide to the Delaware Tribe—

23 (i) the roll prepared by the Secretary
24 under Public Law 92–456 (25 U.S.C.
25 1291 et seq.); and

1 (ii) any other information the Sec-
2 retary determines to be necessary to carry
3 out the contract.

4 (e) UNDISTRIBUTED KANSAS DELAWARE TRUST
5 FUNDS AND UNDISTRIBUTED IDAHO DELAWARE TRUST
6 FUNDS.—

7 (1) UPDATING ROLL.—

8 (A) IN GENERAL.—To the extent necessary
9 to fulfill the purposes of this Act, the Secretary
10 shall implement a process to update the rolls, or
11 offer to enter into contracts with the Idaho
12 Delaware and the Kansas Delaware under
13 which the Idaho Delaware and Kansas Dela-
14 ware shall update their respective roll, prepared
15 by the Secretary under paragraphs (1) and (3)
16 of section 5(a) of Public Law 96-318 (94 Stat.
17 968).

18 (B) CONTRACT REQUIREMENT.—Notwith-
19 standing section 552a of title 5, United States
20 Code (commonly known as the “Privacy Act of
21 1974”), or any other provision of law, if the
22 Secretary enters into a contract with the Idaho
23 Delaware or the Kansas Delaware under sub-
24 paragraph (A), the Secretary may provide to

1 the Idaho Delaware, the Kansas Delaware, or
2 both—

3 (i) their respective roll prepared by
4 the Secretary under paragraphs (1) and
5 (3) of section 5(a) of Public Law 96–318
6 (94 Stat. 968); and

7 (ii) any other information the Sec-
8 retary determines to be necessary to carry
9 out the contract.

10 (2) DEFINITION OF ENROLLEE.—In this sub-
11 section, the term “enrollee” means a person who is
12 listed on the rolls prepared under paragraph (1) or
13 (3) of section 5(a) of Public Law 96–318 (94 Stat.
14 968).

15 (3) APPORTIONMENT.—Notwithstanding exist-
16 ing authority, of amounts in the undistributed Idaho
17 Delaware Trust Funds and the undistributed Kan-
18 sas Delaware Trust Funds, the Secretary shall dis-
19 tribute

20 (A) to the Delaware Tribe for program-
21 ming purposes not later than 60 days after the
22 date on which the motion filed under section 3
23 is granted, 37 percent of amounts in the trust
24 fund account numbered JA9480102 as of the
25 date of enactment of this Act (including inter-

1 est accruing on that account after that date) to
2 correct payments erroneously made from an ac-
3 count of the Delaware Tribe to enrollees of the
4 Kansas Delaware;

5 (B) to any appropriate attorney who
6 makes a claim within 60 days to the Secretary,
7 amounts set aside pursuant to Public Law 96-
8 318 (94 Stat. 968) that are held in trust for at-
9 torney's fees as of the date of enactment of this
10 Act and are determined to be owing by the Sec-
11 retary;

12 (C) to enrollees of the Kansas Delaware, in
13 accordance with paragraph (4)—

14 (i) 9.2 percent of the Joint Delaware
15 Trust Funds; and

16 (ii) amounts remaining in the undis-
17 tributed Kansas Delaware Trust Funds
18 after making the distributions under sub-
19 paragraphs (A) and (B); and

20 (D) to enrollees of the Idaho Delaware, in
21 accordance with paragraph (4)—

22 (i) 1.8 percent of the Joint Delaware
23 Trust Funds; and

24 (ii) amounts remaining in the undis-
25 tributed Idaho Delaware Trust Funds

1 after making any distributions under sub-
2 paragraph (B).

3 (4) PAYMENTS TO ENROLLEES.—

4 (A) ADULT ENROLLEES.—The Secretary
5 shall make per capita payments under subpara-
6 graphs (C) and (D) of paragraph (3) to enroll-
7 ees aged 18 or older directly to the enrollees.

8 (B) DISABLED ENROLLEES.—The Sec-
9 retary shall make per capita payments under
10 subparagraphs (C) and (D) of paragraph (3) to
11 legally disabled enrollees in accordance with
12 such procedures (including the establishment of
13 trusts) as the Secretary determines to be appro-
14 priate to protect the best interests of those en-
15 rollees.

16 (C) DECEASED ENROLLEES.—The Sec-
17 retary shall make any per capita payment owed
18 to a deceased eligible enrollee under subpara-
19 graphs (C) and (D) of paragraph (3) that is
20 \$100 or more to the appropriate living heirs
21 and legatees in accordance with a summary dis-
22 tribution prepared by the appropriate Super-
23 intendent, Bureau of Indian Affairs, that iden-
24 tifies those heirs or legatees who are living and
25 located, and pay to the tribal governing bodies

1 pursuant to subparagraph (E)(i) for program-
2 ming purposes, (i) any portion owed to a de-
3 ceased heir or legatee, and, (ii) any per capita
4 payment owed to a deceased eligible enrollee
5 that is less than \$100. If the Secretary con-
6 tracts the determination of heirs and legatees
7 under paragraph (1)(B), the Superintendent
8 may rely on the results under that contract.

9 (D) PAYMENTS UNDER CERTAIN
10 AMOUNT.—Of each per capita payment of an
11 enrollee or heir or legatee under this paragraph
12 in an amount that is less than \$20, the Sec-
13 retary shall pay, for programming purposes—

14 (i) 19 percent of the amount to the
15 Delaware Nation; and

16 (ii) 81 percent of the amount to the
17 Delaware Tribe.

18 (E) REMAINING AMOUNTS.—Notwith-
19 standing existing authority—

20 (i) IN GENERAL.—Of any amounts re-
21 maining on the date that is 1 year after
22 the date on which the Secretary completes
23 the initial distributions and transfers
24 under this paragraph, the Secretary shall
25 pay, for programming purposes

1 (I) 17 percent to the Delaware
2 Nation; and

3 (II) 83 percent to the Delaware
4 Tribe.

5 (ii) DETERMINATION.—The Secretary
6 shall not be required to make more than 1
7 series of per capita payments under this
8 paragraph before determining that
9 amounts remaining are eligible for dis-
10 tribution to the governing bodies of those
11 tribes under this subparagraph.

12 (5) IDAHO DELAWARE ACTION.—

13 (A) The Idaho Delaware filed on May 25,
14 2007 an action in the United States District
15 Court for the District of Idaho styled Dela-
16 wares of Idaho, Inc. v. Kempthorne, No. 1:07-
17 cv-00237, seeking a writ of mandamus compel-
18 ling distributions of the amounts due the Idaho
19 Delaware enrollees under this section.

20 (B) This section shall not obligate the Sec-
21 retary to make any distribution or take any
22 other action that would be duplicative of any
23 distribution or action taken by the Secretary in
24 that case voluntarily or pursuant to the Judg-
25 ment and Order of June 26, 2008 or any other

1 tional Boundary shall be binding upon Federal agen-
2 cies unless otherwise prohibited by law. If waived in
3 such an agreement, the sovereign immunity of the
4 Delaware Tribe, as reorganized, shall not prevent
5 the enforcement of such an agreement by the Cher-
6 okee Nation in any United States district court. Dis-
7 putes regarding enforcement of such agreements
8 arise under federal Indian law for purposes of fed-
9 eral court jurisdiction.

10 (2) The Secretary shall process a request to
11 have land acquired in trust for general purposes
12 within the historical areas of the Delaware Tribe as
13 an on-reservation acquisition under 25 C.F.R. Part
14 151 or its equivalent under any successor regulation,
15 if such consideration is expressly requested by the
16 Delaware Tribe within 25 years of a reorganization
17 of the Delaware Tribe by the Secretary under the
18 Oklahoma Indian Welfare Act.

19 (3) No land within the Cherokee Nation Juris-
20 dictional Boundary may be taken into trust or re-
21 stricted status under any provision of law for the
22 benefit of the Delaware Tribe without the written
23 consent of the Cherokee Nation.

24 (4) Unless the Cherokee Nation and the Dela-
25 ware Tribe agree otherwise in writing, the Delaware

1 Tribe shall have no tribal jurisdiction over any In-
2 dian Country within the Cherokee Nation Jurisdic-
3 tional Boundary.

4 (5) The Delaware Tribe is entitled to partici-
5 pate in the Small Business Administration's 8(a)
6 program with a new graduation period and without
7 any penalty or negative consequences that might
8 otherwise flow from its prior participation in the
9 program.

10 **SEC. 7. CONSTRUCTION.**

11 (a) NO RECOGNITION OF CERTAIN DELAWARE ENTI-
12 TIES.—Nothing contained in this Act shall be construed
13 as recognizing the Kansas Delaware, the Kansas Delaware
14 Tribe of Indians, Incorporated, the Idaho Delaware, or the
15 Delawares of Idaho, Incorporated, as federally recognized
16 tribes.

17 (b) NO OTHER TRIBAL INTEREST IN DELAWARE
18 FUNDS.—Nothing in this Act shall be construed as pro-
19 viding any other tribe or the members of any other tribe
20 who are not otherwise eligible members of the Delaware
21 Tribe, or heirs or legatees of such members, with any in-
22 terest in, or authority or jurisdiction over, any funds that
23 are subject to sections 1 through 5 of this Act.

1 **SEC. 8. NO TAXATION OF DISTRIBUTIONS.**

2 None of the funds distributed per capita or made
3 available for programming purposes under this Act shall
4 be subject to Federal or State income taxes or be consid-
5 ered income or resources in determining eligibility for as-
6 sistance under Federal, State, or local programs.

7 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated such sums
9 as are necessary to carry out this Act.