

**TESTIMONY OF
CONGRESSMAN CHIP CRAVAACK
U.S. HOUSE OF REPRESENTATIVES
BEFORE THE
HOUSE SUBCOMMITTEE ON INDIAN AND ALASKA NATIVE AFFAIRS
ON
H.R. 1272: TO PROVIDE FOR THE USE AND DISTRIBUTION OF THE FUNDS AWARDED TO THE
MINNESOTA CHIPPEWA TRIBE IN *MINNESOTA CHIPPEWA TRIBE V. UNITED STATES*, DOCKET
Nos. 19 AND 188, UNITED STATES COURT OF FEDERAL CLAIMS.**

THURSDAY, MARCH 1, 2012

Thank you Chairman Young and Ranking Member Boren for holding today's important legislative hearing, and I thank the whole subcommittee for kindly allowing me to testify on behalf of H.R. 1272, the Minnesota Chippewa Tribe Judgment Fund Distribution Act of 2011. This bill would provide for the long-overdue release and distribution of funds awarded to the Minnesota Chippewa Tribe in a 1999 legal settlement of claims against the United States for damages stemming from the implementation of the Nelson Act of 1889.

Mr. Chairman, I represent five of the six bands that constitute the Minnesota Chippewa Tribe, a sovereign, federally-recognized tribal government that includes six Chippewa bands. It was the Minnesota Chippewa Tribe that was the sole plaintiff in the litigation whose settlement gives rise to this legislation. The five bands that reside in my district are: Bois Forte, Grand Portage, Mille Lacs, Leech Lake, and Fond Du Lac. I have met with representatives from all five Bands on a number of occasions in the 112th Congress, and they have all made it very clear to me that it is more than past-time to bring resolution to this long-standing issue. I agree.

The \$20 million legal settlement on behalf of the Minnesota Chippewa Tribe entered into in 1999 has been sitting in a Department of the Interior trust fund ever since, and, with interest, has grown to about \$28 million. That money now belongs to the Minnesota Chippewa Tribe. The United States' only role is to temporarily hold it in trust for them until it can be distributed. Pursuant to the Judgment Fund Distribution Act of 1973, legislation is now required to disburse these trust funds, because the Department of Interior failed to distribute the funds within one year of the 1999 judgment. Thus, I have joined with my fellow Minnesota Representatives, Mr. Peterson and Mr. Paulsen, in cosponsoring the legislation before you today that will fulfill this obligation.

The disbursement formula put forth in H.R. 1272 seeks to reflect and honor the formula decided democratically by the governing body of the Minnesota Chippewa Tribe known as the Tribal Executive Committee, an elected body consisting of two representatives from each of the six tribal bands. On October 1st, 2009, the Minnesota Chippewa Tribe executive committee, voted for, and passed by a vote of 10-2, a resolution that supported a per-capita apportionment of \$300 per member enrolled in each of the six bands, followed by an equal 6 way split of the remaining settlement funds. H.R. 1272 will distribute the settlement funds according to this formula.

I acknowledge that the Leech Lake Band of Ojibwe does not join the other five member Bands of the Minnesota Chippewa Tribe in support of the distribution formula set forth in H.R. 1272. It is always difficult to craft a compromise between six different and competing interests, and I would prefer that the distribution plan have unanimous support. However, Representative Petersen and I agree that H.R. 1272 is the solution that must be enacted in order to fulfill the U.S. government's legal obligations, conclude its litigation with the Minnesota Chippewa Tribe, and release the over \$28 million in settlement funds in a fair and expeditious manner. Plus, the distribution formula in H.R. 1272 was chosen, democratically, by a majority vote of the stakeholders themselves. H.R. 1272 respects the decision of the governing body of the entity that brought forth the claim on behalf of all six Bands and that the U.S. Court of Federal Claims recognizes as having the constitutional authority to enter into a proposed settlement on behalf of all six Bands. That governing body is the Minnesota Chippewa Tribe's Tribal Executive Committee. And that Tribal Executive Committee has asked us to enact H.R. 1272. All six bands shared equally in the expense and risk of prosecuting the case, and the Tribal Executive Committee provided the six Bands an equal opportunity to vote on how the judgment funds should be disbursed.

The release of these \$28 million dollars to the members of the Minnesota Chippewa Tribe will have positive implications far beyond just righting a past wrong. This money will flow directly into the hands of the Bands and their members, sparking much needed consumer activity, and hopefully investment, in these reservations and in Northern Minnesota. This will

benefit the entire region. Thus, I am hopeful that the House Natural Resources Committee will move quickly to report H.R. 1272 out of the full committee, ready it for floor consideration, and bring resolution to this long-standing issue as requested by a super majority of the six constituent bands of the Minnesota Chippewa Tribe.

Again, thank you Chairman Young, Ranking Member Boren, and all members of the Subcommittee for allowing me the opportunity to testify today.