

lineal descendants certified by the Secretary under section 1300d-3(b) of this title is less than 2,588, the Secretary shall distribute a reduced aggregate amount to the lineal descendants referred to in subsection (a) of this section, determined by decreasing—

(A) the percentage specified in section 1300d-23(a)(B)(ii)¹ of this title by a percentage amount equal to—

(i) .0277; multiplied by
(ii) the difference between 2,588 and the number of lineal descendants on the final roll of lineal descendants, but not to exceed 600; and

(B) the percentage specified in subsection (a) of this section by the percentage amount determined under subparagraph (A).

(2) Distribution

If a reduction in the amount that otherwise would be distributed under subsection (a) of this section is made under paragraph (1), an amount equal to that reduction shall be added to the amount available for distribution under section 1300d-23(a)(1) of this title, for distribution in accordance with section 1300d-23(a)(2) of this title.

(c) Verification of ancestry

In seeking to verify the Sisseton and Wahpeton Mississippi Sioux Tribe ancestry of any person applying for enrollment on the roll of lineal descendants after January 1, 1998, the Secretary shall certify that each individual enrolled as a lineal descendant can trace ancestry to a specific Sisseton or Wahpeton Mississippi Sioux Tribe lineal ancestor who was listed on—

- (1) the 1909 Sisseton and Wahpeton annuity roll;
- (2) the list of Sisseton and Wahpeton Sioux prisoners convicted for participating in the outbreak referred to as the “1862 Minnesota Outbreak”;
- (3) the list of Sioux scouts, soldiers, and heirs identified as Sisseton and Wahpeton Sioux on the roll prepared pursuant to the Act of March 3, 1891 (26 Stat. 989 et seq., chapter 543); or
- (4) any other Sisseton or Wahpeton payment or census roll that preceded a roll referred to in paragraph (1), (2), or (3).

(Pub. L. 105-387, § 7, Nov. 13, 1998, 112 Stat. 3474.)

REFERENCES IN TEXT

Act of March 3, 1891, referred to in subsec. (c)(3), is act Mar. 3, 1891, ch. 543, 26 Stat. 989. Provisions of the act relating to preparation of the roll are not classified to the Code.

CODIFICATION

Section is comprised of section 7 of Pub. L. 105-387. Subsec. (d) of section 7 of Pub. L. 105-387 amended sections 1300d-3 and 1300d-4 of this title.

§ 1300d-27. Jurisdiction; procedure

(a) Actions authorized

In any action brought by or on behalf of a lineal descendant or any group or combination of

¹So in original. Probably should be section “1300d-23(a)(1)(B)(ii)”.

those lineal descendants to challenge the constitutionality or validity of distributions under this part to any covered Indian tribe, any covered Indian tribe, separately, or jointly with another covered Indian tribe, shall have the right to intervene in that action to—

(1) defend the validity of those distributions; or

(2) assert any constitutional or other claim challenging the distributions made to lineal descendants under this part.

(b) Jurisdiction and venue

(1) Exclusive original jurisdiction

Subject to paragraph (2), only the United States District Court for the District of Columbia, and for the districts in North Dakota and South Dakota, shall have original jurisdiction over any action brought to contest the constitutionality or validity under law of the distributions authorized under this part.

(2) Consolidation of actions

After the filing of a first action under subsection (a) of this section, all other actions subsequently filed under that subsection shall be consolidated with that first action.

(3) Jurisdiction by the United States Court of Federal Claims

If appropriate, the United States Court of Federal Claims shall have jurisdiction over an action referred to in subsection (a) of this section.

(c) Notice to covered tribes

In an action brought under this section, not later than 30 days after the service of a summons and complaint on the Secretary that raises a claim identified in subsection (a) of this section, the Secretary shall send a copy of that summons and complaint, together with any responsive pleading, to each covered Indian tribe by certified mail with return receipt requested.

(d) Statute of limitations

No action raising a claim referred to in subsection (a) of this section may be filed after the date that is 365 days after November 13, 1998.

(e) Special rule

(1) Final judgment for lineal descendants

(A) In general

If an action that raises a claim referred to in subsection (a) of this section is brought, and a final judgment is entered in favor of 1 or more lineal descendants referred to in that subsection, section 1300d-23(a) of this title and subsections (a) and (b) of section 1300d-26 of this title shall not apply to the distribution of the funds described in subparagraph (B).

(B) Distribution of funds

Upon the issuance of a final judgment referred to in subparagraph (A) the Secretary shall distribute 100 percent of the funds described in section 1300d-22 of this title to the lineal descendants in a manner consistent with—

- (i) section 202(c) of Public Law 92-555 (25 U.S.C. 1300d-4(c)); and

(ii) section 202(a) of Public Law 92-555 [25 U.S.C. 1300d-4(a)], as in effect on the day before November 13, 1998.

(2) Final judgment for covered Indian tribes

(A) In general

If an action that raises a claim referred to in subsection (a) of this section is brought, and a final judgment is entered in favor of 1 or more covered Indian tribes that invalidates the distributions made under this part to lineal descendants, section 1300d-23(a) of this title, other than the percentages under section 1300d-23(a)(2) of this title, and subsections (a) and (b) of section 1300d-26 of this title shall not apply.

(B) Distribution of funds

Not later than 180 days after the date of the issuance of a final judgment referred to in subparagraph (A), the Secretary shall distribute 100 percent of the funds described in section 1300d-22 of this title to each covered Indian tribe in accordance with the judgment and the percentages for distribution contained in section 1300d-23(a)(2) of this title.

(f) Limitation on claims by a covered Indian tribe

(1) In general

If any covered Indian tribe receives any portion of the aggregate amounts transferred by the Secretary to a Fund Account or any other account under section 1300d-23 of this title, no action may be brought by that covered Indian tribe in any court for a claim arising from the distribution of funds under part A of this subchapter.

(2) Rule of construction

Nothing in this subsection shall be construed to limit the right of a covered Indian tribe to—

(A) intervene in an action that raises a claim referred to in subsection (a) of this section; or

(B) limit the jurisdiction of any court referred to in subsection (b) of this section, to hear and determine any such claims.

(Pub. L. 105-387, § 8, Nov. 13, 1997, 112 Stat. 3475.)

SUBCHAPTER LXXVI—ASSINIBOINE TRIBES OF MONTANA: DISTRIBUTION OF JUDGMENT FUND

§ 1300e. Disposition of funds; percentage basis for division; attorney fees and expenses

The funds appropriated by the Act of January 8, 1971 (84 Stat. 1981), to pay a judgment to the Assiniboine Tribes of the Fort Peck and Fort Belknap Reservations, Montana, in Indian Claims Commission docket numbered 279-A, together with interest thereon, after payment of attorney fees and litigation expenses, shall be divided by the Secretary of the Interior on the basis of 50 per centum to the Assiniboine Tribe of the Fort Peck Reservation and 50 per centum to the Assiniboine Tribe of the Fort Belknap Reservation.

(Pub. L. 92-557, § 1, Oct. 25, 1972, 86 Stat. 1171.)

REFERENCES IN TEXT

Act of January 8, 1971, referred to in text, is act Jan. 8, 1971, Pub. L. 91-665, 84 Stat. 1981, known as the Supplemental Appropriations Act, 1971. That portion of the act which appropriated the funds referred to was not classified to the Code.

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.

§ 1300e-1. Per capita shares to members of Assiniboine Tribe of Fort Peck Reservation; deductions; eligibility for payments

The share of the Assiniboine Tribe of the Fort Peck Reservation, after deducting \$50,000 to be used as provided in section 1300e-2 of this title, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before, and living on, October 25, 1972, who is a citizen of the United States, is duly enrolled on the approved roll of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, and is of Assiniboine lineal descent: *Provided*, That persons in the following categories shall not be eligible to receive a per capita payment: (a) persons who possess a greater degree of Fort Peck Sioux blood than Fort Peck Assiniboine blood, (b) persons who possess equal degrees of Fort Peck Assiniboine and Fort Peck Sioux blood and who elect to be enrolled as Sioux, and (c) persons who participated, or were eligible to participate, in the distribution of funds under the provisions of the Act of June 19, 1970 (84 Stat. 313) [25 U.S.C. 1201 et seq.], for the disposition of the judgment of the Sioux Tribe of the Fort Peck Reservation in docket numbered 279-A.

(Pub. L. 92-557, § 2, Oct. 25, 1972, 86 Stat. 1171.)

REFERENCES IN TEXT

Act June 19, 1970, referred to in text, is act June 19, 1970, Pub. L. 91-283, 84 Stat. 313, which is classified generally to subchapter LXII (§ 1201 et seq.) of this chapter. For complete classification of this Act to the Code, see Tables.

§ 1300e-2. Expenditure of withheld funds for certain salaries and expenses; additional per capita distributions

Upon agreement by the Fort Peck Assiniboine Tribe and the Fort Peck Sioux Tribe on the amount each agrees to contribute from the award to each tribe in Indian Claims Commission docket numbered 279-A, the agreed contribution of the Fort Peck Assiniboine Tribe shall be withdrawn from the \$50,000, and interest thereon, withheld from per capita distribution pursuant to section 1300e-1 of this title, and shall be credited to the joint account for expenditure pursuant to the Act of June 29, 1954 (68 Stat. 329): *Provided*, That upon request of the Fort Peck Assiniboine Tribe the Secretary of the Interior in his discretion may distribute all or part of the aforesaid \$50,000 and interest thereon per capita to each person eligible under section 1300e-1 of this title.

(Pub. L. 92-557, § 3, Oct. 25, 1972, 86 Stat. 1171.)

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.