

Calendar No. 708

105TH CONGRESS
2D SESSION

S. 391

[Report No. 105-379]

A BILL

To provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes.

OCTOBER 7 (legislative day, OCTOBER 2), 1998
Reported with an amendment

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IN THE SENATE OF THE UNITED STATES

MARCH 4, 1997

Mr. DORGAN (for himself, Mr. CONRAD, Mr. JOHNSON, Mr. DASCHLE, Mr. BAUCUS, and Mr. BURNS) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

OCTOBER 7 (legislative day, OCTOBER 2), 1998

Reported by Mr. CAMPBELL, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, 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 “Mississippi Sioux~~
5 ~~Tribes Judgment Fund Distribution Act of 1997”.~~

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act, the following definitions
3 shall apply:

4 (1) COVERED INDIAN TRIBE.—The term “cov-
5 ered Indian tribe” means an Indian tribe listed in
6 section 4(a).

7 (2) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 (3) TRIBAL GOVERNING BODY.—The term
10 “tribal governing body” means the duly elected gov-
11 erning body of a covered Indian tribe.

12 **SEC. 3. DISTRIBUTION TO, AND USE OF CERTAIN FUNDS BY,**
13 **THE SISSETON AND WAHPETON TRIBES OF**
14 **SIOUX INDIANS.**

15 Notwithstanding any other provision of law, including
16 Public Law 92-555 (25 U.S.C. 1300d et seq.), any funds
17 made available by appropriations under chapter II of Pub-
18 lic Law 90-352 (82 Stat. 239) to the Sisseton and
19 Wahpeton Tribes of Sioux Indians to pay a judgment in
20 favor of the Tribes in Indian Claims Commission dockets
21 numbered 142 and 359, including interest, after payment
22 of attorney fees and other expenses, that, as of the date
23 of enactment of this Act, have not been distributed, shall
24 be distributed and used in accordance with this Act.

1 **SEC. 4. DISTRIBUTION OF FUNDS TO TRIBES.**

2 (a) **IN GENERAL.**—Subject to section 5, as soon as
3 practicable after the date that is 1 year after the date of
4 enactment of this Act, the Secretary shall distribute an
5 aggregate amount, equal to the funds described in section
6 3 reduced by \$1,469,831.50, as follows:

7 (1) 28.9276 percent of such amount shall be
8 distributed to the tribal governing body of the Spirit
9 Lake Sioux Tribe of North Dakota.

10 (2) 57.3145 percent of such amount shall be
11 distributed to the tribal governing body of the
12 Sisseton and Wahpeton Sioux Tribe of South Da-
13 kota.

14 (3) 13.7579 percent of such amount shall be
15 distributed to the tribal governing body of the As-
16 siniboine and Sioux Tribes of the Fort Peck Res-
17 ervation in Montana, as designated under subsection
18 (b).

19 (b) **TRIBAL GOVERNING BODY OF ASSINIBOINE AND**
20 **SIoux TRIBES OF FORT PECK RESERVATION.**—For pur-
21 poses of making distributions of funds pursuant to this
22 Act, the Sisseton and Wahpeton Sioux Council of the As-
23 siniboine and Sioux Tribes shall act as the governing body
24 of the Assiniboine and Sioux Tribes of the Fort Peck Res-
25 ervation.

1 **SEC. 5. ESTABLISHMENT OF TRIBAL TRUST FUNDS.**

2 (a) IN GENERAL.—As a condition to receiving funds
3 distributed under section 4, each tribal governing body re-
4 ferred to in section 4(a) shall establish a trust fund for
5 the benefit of the covered Indian tribe under the jurisdic-
6 tion of that tribal governing body, consisting of—

7 (1) amounts deposited into the trust fund; and

8 (2) any interest that accrues from investments
9 made from amounts deposited into the trust fund.

10 (b) TRUSTEE.—Each tribal governing body that es-
11 tablishes a trust fund under this section shall—

12 (1) serve as the trustee of the trust fund; and

13 (2) administer the trust fund in accordance
14 with section 6.

15 **SEC. 6. USE OF DISTRIBUTED FUNDS.**

16 (a) PROHIBITION.—No funds distributed to a covered
17 Indian tribe under section 4 may be used to make per cap-
18 ita payments to members of the covered Indian tribe.

19 (b) PURPOSES.—The funds distributed under section
20 4 may be used by a tribal governing body referred to in
21 section 4(a) only for the purpose of making investments
22 or expenditures that the tribal governing body determines
23 to be reasonably related to—

24 (1) economic development that is beneficial to
25 the covered Indian tribe;

1 (2) the development of resources of the covered
2 Indian tribe; or

3 (3) the development of a program that is bene-
4 ficial to members of the covered Indian tribe, includ-
5 ing educational and social welfare programs.

6 (c) AUDITS.—

7 (1) IN GENERAL.—The Secretary shall conduct
8 an annual audit to determine whether each tribal
9 governing body referred to in section 4(a) is manag-
10 ing the trust fund established by the tribal govern-
11 ing body under section 5 in accordance with the re-
12 quirements of this section.

13 (2) ACTION BY THE SECRETARY.—

14 (A) IN GENERAL.—If, on the basis of an
15 audit conducted under paragraph (1), the Sec-
16 retary determines that a covered Indian tribe is
17 not managing the trust fund established by the
18 tribal governing body under section 5 in accord-
19 ance with the requirements of this section, the
20 Secretary shall require the covered Indian tribe
21 to take remedial action to achieve compliance.

22 (B) APPOINTMENT OF INDEPENDENT
23 TRUSTEE.—If, after a reasonable period of time
24 specified by the Secretary, a covered Indian
25 tribe does not take remedial action under sub-

1 paragraph (A), the Secretary, in consultation
 2 with the tribal governing body of the covered
 3 Indian tribe, shall appoint an independent
 4 trustee to manage the trust fund established by
 5 the tribal governing body under section 5.

6 **SEC. 7. EFFECT OF PAYMENTS TO COVERED INDIAN**
 7 **TRIBES ON BENEFITS.**

8 (a) IN GENERAL.—A payment made to a covered In-
 9 dian tribe or an individual under this Act shall not—

10 (1) for purposes of determining the eligibility
 11 for a Federal service or program of a covered Indian
 12 tribe, household, or individual, be treated as income
 13 or resources; or

14 (2) otherwise result in the reduction or denial
 15 of any service or program to which, pursuant to
 16 Federal law (including the Social Security Act (42
 17 U.S.C. 301 et seq.)), the covered Indian tribe,
 18 household, or individual would otherwise be entitled.

19 (b) TAX TREATMENT.—A payment made to a covered
 20 Indian tribe or individual under this Act shall not be sub-
 21 ject to any Federal or State income tax.

22 **SEC. 8. DISTRIBUTION OF FUNDS TO LINEAL DESCEND-**
 23 **ANTS.**

24 Not later than 1 year after the date of enactment
 25 of this Act, of the funds described in section 3, the Sec-

1 retary shall, in the manner prescribed in section 202(e)
 2 of Public Law 92-555 (25 U.S.C. 1300d-4(e)), distribute
 3 an amount equal to \$1,469,831.50 to the lineal descend-
 4 ants of the Sisseton and Wahpeton Tribes of Sioux Indi-
 5 ans.

6 **SECTION 1. SHORT TITLE.**

7 *This Act may be cited as the “Mississippi Sioux Tribes*
 8 *Judgment Fund Distribution Act of 1998”.*

9 **SEC. 2. DEFINITIONS.**

10 *In this Act:*

11 (1) *COVERED INDIAN TRIBE.*—*The term “covered*
 12 *Indian tribe” means an Indian tribe listed in section*
 13 *4(a).*

14 (2) *FUND ACCOUNT.*—*The term “Fund Account”*
 15 *means the consolidated account for tribal trust funds*
 16 *in the Treasury of the United States that is managed*
 17 *by the Secretary—*

18 (A) *through the Office of Trust Fund Man-*
 19 *agement of the Department of the Interior; and*

20 (B) *in accordance with the American In-*
 21 *Indian Trust Fund Management Reform Act of*
 22 *1994 (25 U.S.C. 4001 et seq.).*

23 (3) *SECRETARY.*—*The term “Secretary” means*
 24 *the Secretary of the Interior.*

1 (4) *TRIBAL GOVERNING BODY.*—*The term “tribal*
 2 *governing body” means the duly elected governing*
 3 *body of a covered Indian tribe.*

4 **SEC. 3. DISTRIBUTION TO, AND USE OF CERTAIN FUNDS BY,**
 5 **THE SISSETON AND WAHPETON TRIBES OF**
 6 **SIoux INDIANS.**

7 *Notwithstanding any other provision of law, including*
 8 *Public Law 92–555 (25 U.S.C. 1300d et seq.), any funds*
 9 *made available by appropriations under chapter II of Pub-*
 10 *lic Law 90–352 (82 Stat. 239) to the Sisseton and*
 11 *Wahpeton Tribes of Sioux Indians to pay a judgment in*
 12 *favor of those Indian tribes in Indian Claims Commission*
 13 *dockets numbered 142 and 359, including interest, that, as*
 14 *of the date of enactment of this Act, have not been distrib-*
 15 *uted, shall be distributed and used in accordance with this*
 16 *Act.*

17 **SEC. 4. DISTRIBUTION OF FUNDS TO TRIBES.**

18 (a) *IN GENERAL.*—

19 (1) *AMOUNT DISTRIBUTED.*—

20 (A) *IN GENERAL.*—*Subject to section 8(e)*
 21 *and if no action is filed in a timely manner (as*
 22 *determined under section 8(d)) raising any*
 23 *claim identified in section 8(a), not earlier than*
 24 *365 days after the date of enactment of this Act*
 25 *and not later than 415 days after the date of en-*

1 *actment of this Act, the Secretary shall transfer*
 2 *to the Fund Account to be credited to accounts*
 3 *established in the Fund Account for the benefit*
 4 *of the applicable governing bodies under para-*
 5 *graph (2) an aggregate amount determined*
 6 *under subparagraph (B).*

7 *(B) AGGREGATE AMOUNT.—The aggregate*
 8 *amount referred to in subparagraph (A) is an*
 9 *amount equal to the remainder of—*

10 *(i) the funds described in section 3;*

11 *minus*

12 *(ii) an amount equal to 71.6005 per-*
 13 *cent of the funds described in section 3.*

14 *(2) DISTRIBUTION OF FUNDS TO ACCOUNTS IN*
 15 *THE FUND ACCOUNT.—The Secretary shall ensure that*
 16 *the aggregate amount transferred under paragraph*
 17 *(1) is allocated to the accounts established in the*
 18 *Fund Account as follows:*

19 *(A) 28.9276 percent of that amount shall be*
 20 *allocated to the account established for the benefit*
 21 *of the tribal governing body of the Spirit Lake*
 22 *Tribe of North Dakota.*

23 *(B) 57.3145 percent of that amount, after*
 24 *payment of any applicable attorneys' fees and*
 25 *expenses by the Secretary under the contract*

1 *numbered A00C14202991, approved by the Sec-*
2 *retary on August 16, 1988, shall be allocated to*
3 *the account established for the benefit of the trib-*
4 *al governing body of the Sisseton and Wahpeton*
5 *Sioux Tribe of South Dakota.*

6 (C) *13.7579 percent of that amount shall be*
7 *allocated to the account established for the benefit*
8 *of the tribal governing body of the Assiniboine*
9 *and Sioux Tribes of the Fort Peck Reservation in*
10 *Montana, as designated under subsection (c).*

11 (b) *USE.—Amounts distributed under this section to*
12 *accounts referred to in subsection (d) for the benefit of a*
13 *tribal governing body shall be distributed and used in a*
14 *manner consistent with section 5.*

15 (c) *TRIBAL GOVERNING BODY OF ASSINIBOINE AND*
16 *SIoux TRIBES OF FORT PECK RESERVATION.—For pur-*
17 *poses of making distributions of funds pursuant to this Act,*
18 *the Sisseton and Wahpeton Sioux Council of the Assiniboine*
19 *and Sioux Tribes shall act as the governing body of the As-*
20 *siniboine and Sioux Tribes of the Fort Peck Reservation.*

21 (d) *TRIBAL TRUST FUND ACCOUNTS.—The Secretary*
22 *of the Treasury, in cooperation with the Secretary of the*
23 *Interior, acting through the Office of Trust Fund Manage-*
24 *ment of the Department of the Interior, shall ensure that*
25 *such accounts as are necessary are established in the Fund*

1 *Account to provide for the distribution of funds under sub-*
2 *section (a)(2).*

3 **SEC. 5. USE OF DISTRIBUTED FUNDS.**

4 (a) *PROHIBITION.*—*No funds allocated for a covered*
5 *Indian tribe under section 4 may be used to make per cap-*
6 *ita payments to members of the covered Indian tribe.*

7 (b) *PURPOSES.*—*The funds allocated under section 4*
8 *may be used, administered, and managed by a tribal gov-*
9 *erning body referred to in section 4(a)(2) only for the pur-*
10 *pose of making investments or expenditures that the tribal*
11 *governing body determines to be reasonably related to—*

12 (1) *economic development that is beneficial to the*
13 *covered Indian tribe;*

14 (2) *the development of resources of the covered*
15 *Indian tribe;*

16 (3) *the development of programs that are bene-*
17 *ficial to members of the covered Indian tribe, includ-*
18 *ing educational and social welfare programs;*

19 (4) *the payment of any existing obligation or*
20 *debt (existing as of the date of the distribution of the*
21 *funds) arising out of any activity referred to in para-*
22 *graph (1), (2), or (3);*

23 (5)(A) *the payment of attorneys' fees or expenses*
24 *of any covered Indian tribe referred to in subpara-*
25 *graph (A) or (C) of section 4(a)(2) for litigation or*

1 *other representation for matters arising out of the en-*
2 *actment of Public Law 92–555 (25 U.S.C. 1300d et*
3 *seq.); except that*

4 *(B) the amount of attorneys’ fees paid by a cov-*
5 *ered Indian tribe under this paragraph with funds*
6 *distributed under section 4 shall not exceed 10 percent*
7 *of the amount distributed to that Indian tribe under*
8 *that section;*

9 *(6) the payment of attorneys’ fees or expenses of*
10 *the covered Indian tribe referred to in section*
11 *4(a)(2)(B) for litigation and other representation for*
12 *matters arising out of the enactment of Public Law*
13 *92–555 (25 U.S.C. 1300d et seq.), in accordance, as*
14 *applicable, with the contracts numbered*
15 *A00C14203382 and A00C14202991, that the Sec-*
16 *retary approved on February 10, 1978 and August*
17 *16, 1988, respectively; or*

18 *(7) the payment of attorneys’ fees or expenses of*
19 *any covered Indian tribe referred to in section 4(a)(2)*
20 *for litigation or other representation with respect to*
21 *matters arising out of this Act.*

22 *(c) MANAGEMENT.—Subject to subsections (a), (b), and*
23 *(d), any funds distributed to a covered Indian tribe pursu-*
24 *ant to sections 4 and 7 may be managed and invested by*
25 *that Indian tribe pursuant to the American Indian Trust*

1 *Fund Management Reform Act of 1994 (25 U.S.C. 4001 et*
2 *seq.).*

3 *(d) WITHDRAWAL OF FUNDS BY COVERED TRIBES.—*

4 *(1) IN GENERAL.—Subject to paragraph (2),*
5 *each covered Indian tribe may, at the discretion of*
6 *that Indian tribe, withdraw all or any portion of the*
7 *funds distributed to the Indian tribe under sections 4*
8 *and 7 in accordance with the American Indian Trust*
9 *Fund Management Reform Act (25 U.S.C. 4001 et*
10 *seq.).*

11 *(2) EXEMPTION.—For purposes of paragraph*
12 *(1), the requirements under subsections (a) and (b) of*
13 *section 202 of the American Indian Trust Fund Man-*
14 *agement Reform Act (25 U.S.C. 4022 (a) and (b))*
15 *and section 203 of such Act (25 U.S.C. 4023) shall*
16 *not apply to a covered Indian tribe or the Secretary.*

17 *(3) RULE OF CONSTRUCTION.—Nothing in para-*
18 *graph (2) may be construed to limit the applicability*
19 *of section 202(c) of the American Indian Trust Fund*
20 *Management Reform Act (25 U.S.C. 4022(c)).*

21 **SEC. 6. EFFECT OF PAYMENTS TO COVERED INDIAN TRIBES**

22 **ON BENEFITS.**

23 *(a) IN GENERAL.—A payment made to a covered In-*
24 *dian tribe or an individual under this Act shall not—*

1 *201(b) of Public Law 92–555 (25 U.S.C. 1300d–3(b))*
2 *is less than 2,588, the Secretary shall distribute a re-*
3 *duced aggregate amount to the lineal descendants re-*
4 *ferred to in subsection (a), determined by decreas-*
5 *ing—*

6 *(A) the percentage specified in section*
7 *4(a)(B)(ii) by a percentage amount equal to—*

8 *(i) .0277; multiplied by*

9 *(ii) the difference between 2,588 and*
10 *the number of lineal descendants on the*
11 *final roll of lineal descendants, but not to*
12 *exceed 600; and*

13 *(B) the percentage specified in subsection*
14 *(a) by the percentage amount determined under*
15 *subparagraph (A).*

16 *(2) DISTRIBUTION.—If a reduction in the*
17 *amount that otherwise would be distributed under*
18 *subsection (a) is made under paragraph (1), an*
19 *amount equal to that reduction shall be added to the*
20 *amount available for distribution under section*
21 *4(a)(1), for distribution in accordance with section*
22 *4(a)(2).*

23 *(c) VERIFICATION OF ANCESTRY.—In seeking to verify*
24 *the Sisseton and Wahpeton Mississippi Sioux Tribe ances-*
25 *try of any person applying for enrollment on the roll of*

1 *lineal descendants after January 1, 1998, the Secretary*
 2 *shall certify that each individual enrolled as a lineal de-*
 3 *scendant can trace ancestry to a specific Sisseton or*
 4 *Wahpeton Mississippi Sioux Tribe lineal ancestor who was*
 5 *listed on—*

6 (1) *the 1909 Sisseton and Wahpeton annuity*
 7 *roll;*

8 (2) *the list of Sisseton and Wahpeton Sioux pris-*
 9 *oners convicted for participating in the outbreak re-*
 10 *ferred to as the “1862 Minnesota Outbreak”;*

11 (3) *the list of Sioux scouts, soldiers, and heirs*
 12 *identified as Sisseton and Wahpeton Sioux on the roll*
 13 *prepared pursuant to the Act of March 3, 1891 (26*
 14 *Stat. 989 et seq., chapter 543); or*

15 (4) *any other Sisseton or Wahpeton payment or*
 16 *census roll that preceded a roll referred to in para-*
 17 *graph (1), (2), or (3).*

18 (d) *CONFORMING AMENDMENTS.—*

19 (1) *IN GENERAL.—Section 202(a) of Public Law*
 20 *92–555 (25 U.S.C. 1300d–4(a)) is amended—*

21 (A) *in the matter preceding the table—*

22 (i) *by striking “, plus accrued inter-*
 23 *est,”; and*

24 (ii) *by inserting “plus interest received*
 25 *(other than funds otherwise distributed to*

1 *the Sisseton and Wahpeton Tribes of Sioux*
 2 *Indians in accordance with the Mississippi*
 3 *Sioux Tribes Judgment Fund Distribution*
 4 *Act of 1998),” after “docket numbered*
 5 *359,”; and*

6 *(B) in the table contained in that sub-*
 7 *section, by striking the item relating to “All*
 8 *other Sisseton and Wahpeton Sioux”.*

9 (2) *ROLL.—Section 201(b) of Public Law 92–*
 10 *555 (25 U.S.C. 1300d–3(b)) is amended by striking*
 11 *“The Secretary” and inserting “Subject to the Mis-*
 12 *issippi Sioux Tribes Judgment Fund Distribution*
 13 *Act of 1998, the Secretary”.*

14 **SEC. 8. JURISDICTION; PROCEDURE.**

15 (a) *ACTIONS AUTHORIZED.—In any action brought by*
 16 *or on behalf of a lineal descendant or any group or com-*
 17 *bination of those lineal descendants to challenge the con-*
 18 *stitutionality or validity of distributions under this Act to*
 19 *any covered Indian tribe, any covered Indian tribe, sepa-*
 20 *rately, or jointly with another covered Indian tribe, shall*
 21 *have the right to intervene in that action to—*

22 (1) *defend the validity of those distributions; or*
 23 (2) *assert any constitutional or other claim chal-*
 24 *lenging the distributions made to lineal descendants*
 25 *under this Act.*

1 **(b) JURISDICTION AND VENUE.**—

2 **(1) EXCLUSIVE ORIGINAL JURISDICTION.**—Sub-
3 ject to paragraph (2), only the United States District
4 Court for the District of Columbia, and for the dis-
5 tricts in North Dakota and South Dakota, shall have
6 original jurisdiction over any action brought to con-
7 test the constitutionality or validity under law of the
8 distributions authorized under this Act.

9 **(2) CONSOLIDATION OF ACTIONS.**—After the fil-
10 ing of a first action under subsection (a), all other ac-
11 tions subsequently filed under that subsection shall be
12 consolidated with that first action.

13 **(3) JURISDICTION BY THE UNITED STATES**
14 **COURT OF FEDERAL CLAIMS.**—If appropriate, the
15 United States Court of Federal Claims shall have ju-
16 risdiction over an action referred to in subsection (a).

17 **(c) NOTICE TO COVERED TRIBES.**—In an action
18 brought under this section, not later than 30 days after the
19 service of a summons and complaint on the Secretary that
20 raises a claim identified in subsection (a), the Secretary
21 shall send a copy of that summons and complaint, together
22 with any responsive pleading, to each covered Indian tribe
23 by certified mail with return receipt requested.

24 **(d) STATUTE OF LIMITATIONS.**—No action raising a
25 claim referred to in subsection (a) may be filed after the

1 *date that is 365 days after the date of enactment of this*
2 *Act.*

3 *(e) SPECIAL RULE.—*

4 *(1) FINAL JUDGMENT FOR LINEAL DESCEND-*
5 *ANTS.—*

6 *(A) IN GENERAL.—If an action that raises*
7 *a claim referred to in subsection (a) is brought,*
8 *and a final judgment is entered in favor of 1 or*
9 *more lineal descendants referred to in that sub-*
10 *section, section 4(a) and subsections (a) and (b)*
11 *of section 7 shall not apply to the distribution of*
12 *the funds described in subparagraph (B).*

13 *(B) DISTRIBUTION OF FUNDS.—Upon the*
14 *issuance of a final judgment referred to in sub-*
15 *paragraph (A) the Secretary shall distribute 100*
16 *percent of the funds described in section 3 to the*
17 *lineal descendants in a manner consistent*
18 *with—*

19 *(i) section 202(c) of Public Law 92–*
20 *555 (25 U.S.C. 1300d–4(c)); and*

21 *(ii) section 202(a) of Public Law 92–*
22 *555, as in effect on the day before the date*
23 *of enactment of this Act.*

24 *(2) FINAL JUDGMENT FOR COVERED INDIAN*
25 *TRIBES.—*

1 (A) *IN GENERAL.*—If an action that raises
2 a claim referred to in subsection (a) is brought,
3 and a final judgment is entered in favor of 1 or
4 more covered Indian tribes that invalidates the
5 distributions made under this Act to lineal de-
6 scendants, section 4(a), other than the percent-
7 ages under section 4(a)(2), and subsections (a)
8 and (b) of section 7 shall not apply.

9 (B) *DISTRIBUTION OF FUNDS.*—Not later
10 than 180 days after the date of the issuance of
11 a final judgment referred to in subparagraph
12 (A), the Secretary shall distribute 100 percent of
13 the funds described in section 3 to each covered
14 Indian tribe in accordance with the judgment
15 and the percentages for distribution contained in
16 section 4(a)(2).

17 (f) *LIMITATION ON CLAIMS BY A COVERED INDIAN*
18 *TRIBE.*—

19 (1) *IN GENERAL.*—If any covered Indian tribe
20 receives any portion of the aggregate amounts trans-
21 ferred by the Secretary to a Fund Account or any
22 other account under section 4, no action may be
23 brought by that covered Indian tribe in any court for
24 a claim arising from the distribution of funds under
25 Public Law 92–555 (25 U.S.C. 1300–d et seq.).

1 (2) *RULE OF CONSTRUCTION.*—*Nothing in this*
2 *subsection shall be construed to limit the right of a*
3 *covered Indian tribe to—*

4 (A) *intervene in an action that raises a*
5 *claim referred to in subsection (a); or*

6 (B) *limit the jurisdiction of any court re-*
7 *ferred to in subsection (b), to hear and determine*
8 *any such claims.*