

## CHAPTER 15—CONSTITUTIONAL RIGHTS OF INDIANS

### SUBCHAPTER I—GENERALLY

#### § 1301. Definitions

For purposes of this subchapter, the term—

[See main edition for text of (1)]

(2) "powers of self-government" means and includes all governmental powers possessed by an Indian tribe, executive, legislative, and judicial, and all offices, bodies, and tribunals by and through which they are executed, including courts of Indian offenses; and means the inherent power of Indian tribes, hereby recognized and affirmed, to exercise criminal jurisdiction over all Indians;

(3) "Indian court" means any Indian tribal court or court of Indian offense; and

(4) "Indian" means any person who would be subject to the jurisdiction of the United States as an Indian under section 1153, title 18, if that person were to commit an offense listed in that section in Indian country to which that section applies.

(As amended Pub. L. 101-511, title VIII, § 8077(b), (c), Nov. 5, 1990, 104 Stat. 1892.)

#### AMENDMENTS

1990—Par. (2). Pub. L. 101-511, § 8077(b), inserted at end "means the inherent power of Indian tribes, hereby recognized and affirmed, to exercise criminal jurisdiction over all Indians;"

Par. (4). Pub. L. 101-511, § 8077(c), added par. (4).

#### TIME LIMITATION ON CRIMINAL MISDEMEANOR JURISDICTION OF TRIBAL COURTS OVER NON-MEMBER INDIANS

Section 8077(d) of Pub. L. 101-511, as amended by Pub. L. 102-124, § 1, Oct. 9, 1991, 105 Stat. 616, which provided that the effects of subsecs. (b) and (c), which amended this section, as those subsections affect the criminal misdemeanor jurisdiction of tribal courts over non-member Indians have no effect after Oct. 18, 1991, was repealed by Pub. L. 102-137, Oct. 28, 1991, 105 Stat. 646. Subsequent to repeal, Pub. L. 102-172, title VIII, § 8112A(b), Nov. 26, 1991, 105 Stat. 1202, purported to amend section 8077(d) of Pub. L. 101-511 by substituting "1993" for "1991".

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2801 of this title; title 5 section 8331; title 22 section 4044.

## SUBCHAPTER III—JURISDICTION OVER CRIMINAL AND CIVIL ACTIONS

#### § 1323. Retrocession of jurisdiction by State

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 715d, 1300b-15, 1300f-1, 1772d of this title.

## CHAPTER 16—DISTRIBUTION OF JUDGMENT FUNDS

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 117b, 609c of this title; title 20 section 1087uu-1.

## § 1401. Funds appropriated in satisfaction of judgments of Indian Claims Commission or United States Court of Federal Claims

#### (a) Use and distribution

Notwithstanding any other law, all use or distribution of funds appropriated in satisfaction of a judgment of the Indian Claims Commission or the United States Court of Federal Claims in favor of any Indian tribe, band, group, pueblo, or community (hereinafter referred to as "Indian tribe"), together with any investment income earned thereon, after payment of attorney fees and litigation expenses, shall be made pursuant to the provisions of this chapter.

[See main edition for text of (b) and (c)]

(As amended Pub. L. 102-572, title IX, § 902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

#### AMENDMENTS

1992—Subsec. (a). Pub. L. 102-572 substituted "United States Court of Federal Claims" for "United States Claims Court".

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

#### § 1402. Plan for use or distribution of funds

(a) Preparation and submission to Congress by Secretary of the Interior; contents; copy to affected Indian tribe

Within one year after appropriation of funds to pay a judgment of the Indian Claims Commission or the United States Court of Federal Claims to any Indian tribe, the Secretary of the Interior shall prepare and submit to Congress a plan for the use and distribution of the funds. Such plan shall include identification of the present-day beneficiaries, a formula for the division of the funds among two or more beneficiary entities if such is warranted, and a proposal for the use and distribution of the funds. The Secretary shall simultaneously submit a copy of such plan to each affected tribe or group.

[See main edition for text of (b) to (e)]

(As amended Pub. L. 102-572, title IX, § 902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

#### AMENDMENTS

1992—Subsec. (a). Pub. L. 102-572 substituted "United States Court of Federal Claims" for "United States Claims Court".

#### CHANGE OF NAME

Select Committee on Indian Affairs of the Senate redesignated Committee on Indian Affairs of the Senate by section 25 of Senate Resolution No. 71, Feb. 25, 1993, One Hundred Third Congress.

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.