

# Calendar No. 316

107TH CONGRESS  
2D SESSION

# S. 1857

To encourage the negotiated settlement of tribal claims.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 19 (legislative day, DECEMBER 18), 2001

Mr. CAMPBELL (for himself and Mr. INOUE) introduced the following bill;  
which was read twice and referred to the Committee on Indian Affairs

FEBRUARY 13, 2002

Reported by Mr. INOUE, with an amendment

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

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## A BILL

To encourage the negotiated settlement of tribal claims.

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. SETTLEMENT OF TRIBAL CLAIMS.**

4        (a) ~~IN GENERAL.—Solely for purposes of providing~~  
5        ~~an opportunity to explore the settlement of tribal claims,~~  
6        ~~during fiscal year 2002, the statute of limitations shall~~  
7        ~~be deemed not to have run for any claim concerning losses~~  
8        ~~to or mismanagement of tribal trust funds.~~

1       (b) ~~NO PRECLUSION OF FINDINGS.~~—Nothing in this  
 2 section precludes a court or other adjudicatory entity from  
 3 adjudicating a statute of limitations defense either:

4           (1) in an action filed on or after October 1,  
 5 2002; or

6           (2) in any case, controversy, or other pro-  
 7 ceeding pending on the date of enactment of this  
 8 section against the United States in which a court  
 9 or adjudicatory entity is called on to determine  
 10 whether the statute of limitations on such a claim  
 11 has run.

12 **SECTION 1. SETTLEMENT OF TRIBAL CLAIMS.**

13       (a) *IN GENERAL.*—Notwithstanding any other provi-  
 14 sion of law, for purposes of determining the date on which  
 15 an Indian tribe received a reconciliation report for purposes  
 16 of applying a statute of limitations, any such report pro-  
 17 vided to or received by an Indian tribe in response to sec-  
 18 tion 304 of the American Indian Trust Fund Management  
 19 Reform Act of 1994 (25 U.S.C. 4044) shall be deemed to  
 20 have been received by the Indian tribe on December 31,  
 21 1999.

22       (b) *STATEMENT OF PURPOSE.*—Subsection (a) is solely  
 23 intended to provide recipients of reconciliation reports with  
 24 the opportunity to postpone the filing of claims, or to facili-

- 1 *tate the voluntary dismissal of claims, to encourage settle-*
- 2 *ment negotiations with the United States.*

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