

107TH CONGRESS  
1ST SESSION

# S. 533

To provide for the equitable settlement of certain Indian land disputes  
regarding land in Illinois.

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IN THE SENATE OF THE UNITED STATES

MARCH 14, 2001

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

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## A BILL

To provide for the equitable settlement of certain Indian  
land disputes regarding land in Illinois.

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 CLAIMS.**

4       (a) FINDINGS.—The Congress finds the following:

5               (1) The Miami Tribe of Oklahoma, the Ottawa  
6       Tribe of Oklahoma, and the Potawatomi Tribe of  
7       Kansas have raised questions with respect to the  
8       title of certain lands within the State of Illinois  
9       based upon treaties negotiated with the United  
10      States.

1           (2) The Miami Tribe of Oklahoma has filed a  
2       lawsuit in the United States District Court for the  
3       Southern District of Illinois against private land-  
4       owners who hold title pursuant to land patents  
5       issued by the United States alleging that the Miami  
6       Tribe are the rightful owners of 2,600,000 acres of  
7       land within the State of Illinois.

8           (3) There are no allegations that the State of  
9       Illinois and its citizens have violated the Trade and  
10      Intercourse Act of 1790 or any other Federal law  
11      against any of the aforementioned tribes, and there-  
12      fore the sole issue is whether the United States  
13      properly acquired title to the lands claimed by the  
14      tribes before the issuance of Federal land patents.

15          (4) None of the aforementioned tribes currently  
16      resides or has federally recognized Indian trust land  
17      in the State of Illinois, nor does the State of Illinois  
18      contain any other federally recognized Indian trust  
19      land.

20          (5) The pendency of the lawsuit and the poten-  
21      tial for additional lawsuits may result in severe eco-  
22      nomic hardships for residents of Illinois who have in  
23      good faith relied upon the land patents issued by the  
24      United States.

(6) The Congress shares with the State of Illinois and the party defendants to the lawsuits a desire to remove all clouds on titles resulting from such Indian land claims, while allowing the tribes to resolve any outstanding issues with the United States over compensation for the Federal acquisition of the property.

(b) EXTINGUISHMENT OF TITLE AND CLAIMS.—

(1) CLAIMS BASED UPON TREATIES.—Except with regard to the United States as a defendant as provided in subsection (c), any claim by any Indian tribe, any member of any Indian tribe, or any predecessors or successors in interest thereof in or to any land or interest in land in the State of Illinois arising out of Article IV of the Treaty of Grouseland, dated August 21, 1805 (7 Stat. 91); and any claim by any Indian tribe, any member of any Indian tribe, or any predecessors or successors in interest thereof in or to any land or interest in land in land in DeKalb County, Illinois, arising out of Article III of a treaty with the United Nations of Chippewa, Ottawa, and Potawatamie Indians, dated July 29, 1829 (7 Stat. 320) or Article 2 of a treaty with the United Tribes of the Ottawas, Chipawas and

1 Pottowotomees, dated August 24, 1816 (7 Stat.  
2 146) is hereby extinguished.

3 (2) ABORIGINAL TITLE AND CLAIMS EXTIN-  
4 GUISHED.—To the extent that any Indian tribe de-  
5 scribed in paragraph (a) or any member of such  
6 tribe, or any predecessors or successors in interest  
7 thereof had aboriginal title to any land or interest  
8 in land described in paragraph (1), such aboriginal  
9 title is hereby extinguished. Except with regard to  
10 the United States as a defendant as provided in sub-  
11 section (c), any claims based upon such aboriginal  
12 title to such lands is hereby extinguished.

13 (c) CLAIMS AGAINST THE UNITED STATES.—Not-  
14 withstanding any other provision of law, exclusive jurisdic-  
15 tion is hereby conferred upon the United States Court of  
16 Federal Claims to hear, determine, and render judgment  
17 with respect to any claim otherwise extinguished by sub-  
18 section (b). The United States shall be the only person  
19 or entity liable regarding such a claim and monetary dam-  
20 ages shall be the only available remedy. All such claims  
21 against the United States shall be extinguished unless  
22 filed not later than 1 year after the date of enactment  
23 of this Act.

24 (d) DEFINITION OF CLAIM.—For the purposes of this  
25 Act, the term “claim” includes, but is not limited to, any

- 1 claim for trespass damages, use and occupancy, natural
- 2 resources, and hunting and fishing rights.

