

Public Law 100-411
100th Congress

An Act

To settle certain land claims of the Coushatta Tribe of Louisiana against the United States, to authorize the use and distribution of the settlement funds, and for other purposes.

Aug. 22, 1988

[H.R. 3617]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SETTLEMENT PAYMENT.

(a)(1) The Secretary of the Treasury is authorized and directed to pay to the Secretary of the Interior (hereinafter referred to as the "Secretary") for the benefit of the Coushatta Tribe of Louisiana (hereinafter referred to as the "Tribe"), out of any money in the Treasury not otherwise appropriated, the sum of \$1,300,000.

(2) Such sum represents the value of a settlement reached between the Tribe and the United States in a dispute over the uncompensated taking by the United States of land owned or occupied by the Tribe or its historical predecessor-in-interest in the 19th Century.

(b) The payment of such sum shall be in full settlement of, and shall finally dispose of, all rights, claims or demands which the Tribe has asserted, or could have asserted, against the United States under the provisions of the Act of August 13, 1946 (60 Stat. 1049).

(c) Upon payment of the funds as provided in subsection (a), the Secretary shall hold, manage and invest such funds, less—

- (1) the amount paid to the Tribe pursuant to section 2(b), and
- (2) any amount paid as attorney fees or expenses pursuant to section 4, as tribal trust funds until disposed of as provided by section 2 of this Act.

SEC. 2. USE AND DISTRIBUTION OF FUNDS.

(a) All available funds invested by the Secretary pursuant to section 1 plus all accrued interest or income, less the amount reserved for tribal organization pursuant to section 4, shall be distributed as provided in this section.

(b)(1) The Tribe, with the assistance and approval of the Secretary, shall develop a plan for the use and distribution of the funds held by the Secretary pursuant to section 1.

(2) Upon payment by the Secretary of the Treasury of the amount provided in section 1, the Secretary shall, prior to investing such funds, immediately make available to the Tribe 3 per centum of such funds to assist the Tribe in developing such plan and shall render such other advice and assistance as the Tribe may require.

(c) Prior to approving a plan submitted pursuant to subsection (b), the Secretary shall be assured that—

- (1) tribal members were reasonably consulted during the development of the plan; and
- (2) the plan complies with paragraphs (3), (5), and (6) of section 3(b) of the Act of October 19, 1973 (25 U.S.C. 1403).

(d)(1) In the event that the plan provides for the per capita distribution of any portion of the funds to the members of the Tribe, such per capita payments shall be made as provided in this subsection.

Records.

(2)(A) Within one hundred and eighty days after the approval, by the Secretary, of a plan for the use and distribution of funds as provided in subsection (c), the Secretary shall prepare a roll of all persons who—

(i) were born on or prior to and living on the date of enactment of this Act,

(ii) are persons—

(I) on the roll prepared by the Tribe which is on file with the Office of the Assistant Secretary of the Interior for Indian Affairs, or

(II) who can show, by evidence satisfactory to the Secretary, that such person is at least one-fourth degree of Coushatta Tribe of Louisiana blood, and

(iii) are not enrolled with any other Indian tribe.

Federal
Register,
publication.

(B)(i) Within thirty days after the date of the Secretarial approval of a plan, the Secretary shall publish in the Federal Register a notice of the right of persons to apply for enrollment under subparagraph (A)(i)(II) of this paragraph and shall, contemporaneously, publish such notice in an appropriate newspaper or newspapers of general circulation, including those in the parish within which the Tribe is located.

(ii) Applications submitted for enrollment pursuant to subparagraph (A)(i)(II) must be submitted within ninety days after the publication of the notice in the Federal Register as required by this subparagraph.

(C) The determination of the Secretary of the eligibility of an applicant under subparagraph (A)(i)(II) of this paragraph for enrollment under this subsection shall be final.

(3)(A) Upon final approval of the roll by the Secretary, the funds provided for per capita payments under the plan adopted pursuant to this section shall be paid in equal shares to persons on such roll.

(B) Payments made pursuant to this paragraph shall be subject to the provisions of section 7 of the Act of October 19, 1973 (25 U.S.C. 1407).

SEC. 3. ATTORNEY FEES.

Not more than 10 per centum of the payment specified in section 1(a) shall be paid to, or received by, any agent or attorney as consideration for any services rendered in connection with such payment, any contract to the contrary notwithstanding. Violation of this section shall be deemed a misdemeanor punishable by a fine of not more than \$1,000.

Law
enforcement and
crime.

SEC. 4. TRIBAL ORGANIZATION.

(a) The provisions of the Act of June 18, 1934 (25 U.S.C. 461 et seq.) are made applicable to the Coushatta Tribe of Louisiana and the Tribe is authorized to organize under section 16 of such Act.

(b) For the purpose of such organization, the base roll of the Tribe shall be the roll established pursuant to section 2(d) of this Act.

(c)(1) The Secretary shall reserve, for a period of three years, from the funds authorized to be distributed pursuant to section 2 an amount equal to 5 per centum of such funds.

(2) Upon notification by the Tribe of its intent to organize under this section and upon the request of the Tribe, the Secretary shall disburse to the Tribe the amount reserved pursuant to this subsection, plus any accrued interest or income, for purposes of assisting the Tribe in its organizational efforts.

(3) If the Tribe has not requested such funds for organizational purposes by the end of such three year period, the Secretary shall disburse the funds to the Tribe for such purposes as it may desire.

Approved August 22, 1988.

LEGISLATIVE HISTORY—H.R. 3617:

HOUSE REPORTS: No. 100-565, Pt. 1 (Comm. on the Judiciary) and Pt. 2 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-478 (Select Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 134 (1988):

June 13, considered and passed House.

Aug. 11, considered and passed Senate.