

113TH CONGRESS
1ST SESSION

H. R. 1144

To restore an opportunity for tribal economic development on terms that are equal and fair, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2013

Mr. STOCKMAN introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To restore an opportunity for tribal economic development on terms that are equal and fair, 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 “Alabama-Coushatta
5 Tribe of Texas Equal and Fair Opportunity Settlement
6 Act”.

7 **SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATION OF**
8 **POLICY.**

9 Congress finds and declares that:

10 (a) FINDINGS AND DECLARATIONS.—

1 (1) It is the policy of the United States to pro-
2 mote tribal self-determination and economic self-suf-
3 ficiency and to support the resolution of disputes
4 over historical claims.

5 (2) Sam Houston, as a leader in the Texas Rev-
6 olution and the President of the Republic of Texas,
7 established friendly relations with the tribes, ex-
8 pressed his personal appreciation for the assistance
9 of the tribes during the fight for Texas independ-
10 ence, and endeavored to protect their lands and
11 rights.

12 (3) The United States, pursuant to Federal law
13 and in accordance with several Federal court deci-
14 sions, has affirmed the rights of tribes, including the
15 Alabama-Coushatta Tribe of Texas (“Alabama-
16 Coushatta Tribe”), to free and undisturbed use and
17 occupancy of its aboriginal lands, including the right
18 to compensation when those rights are violated.

19 (4) The Alabama-Coushatta Tribe holds ab-
20 original title to land in southeastern Texas that has
21 been subject to illegal trespass and use, depriving
22 the Alabama-Coushatta Tribe of critical economic
23 development opportunities, including valuable timber
24 production and oil and gas leasing.

1 (5) In June 2000, the United States Court of
2 Federal Claims ruled that the Alabama-Coushatta
3 Tribe retained aboriginal title to 5.5 million acres of
4 land in southeastern Texas. In its decision, the
5 Court also ruled that the United States is respon-
6 sible for the Tribe's loss of use of more than 2.85
7 million acres.

8 (6) In October 2002, the United States Court
9 of Federal Claims adopted the sum of Two Hundred
10 Seventy Million Six Hundred Thousand Dollars
11 (\$270,600,000) as the jointly stipulated amount of
12 economic damages to be recovered by the Alabama-
13 Coushatta Tribe from the United States.

14 (7) There is pending before the United States
15 District Court for the Eastern District of Texas a
16 lawsuit by the Alabama-Coushatta Tribe, seeking de-
17 claratory and injunctive relief based on the United
18 States failure to discharge its fiduciary duty to the
19 Tribe.

20 (8) Despite the Alabama-Coushatta Tribe's
21 strongly held beliefs about the rights it possesses re-
22 garding its aboriginal lands, the Tribe has decided
23 to forego, relinquish, waive, and otherwise disclaim
24 any such rights, on the condition that Congress au-

1 thorize a restoration of its Federal status, as herein-
2 after described.

3 (9) The Congress shares with the State of
4 Texas and the parties to this litigation a desire to
5 empower the Alabama-Coushatta Tribe to govern its
6 own economic future and appreciates the Tribe's
7 willingness to forego its aboriginal rights in ex-
8 change for improved economic self-sufficiency.

9 (10) This legislation represents a good faith ef-
10 fort on the part of Congress to provide the Alabama-
11 Coushatta Tribe with an economic development op-
12 portunity under the same terms and conditions as
13 other federally recognized Indian tribes, in exchange
14 for the Tribe's agreement to relinquish its rights as
15 described above.

16 (11) In the absence of Congressional action,
17 these land claims and related claims will be pursued
18 through the courts, a process which in all likelihood
19 will consume many years and thereby promote hos-
20 tility and uncertainty in the State of Texas, to the
21 ultimate detriment of the Alabama-Coushatta Tribe,
22 its members, and all other citizens of the State of
23 Texas.

24 (b) PURPOSES.—

25 It is the purpose of this subchapter—

1 (1) to recognize the Alabama-Coushatta Tribe’s
2 loss of its aboriginal lands and the resulting loss of
3 any economically productive use of those lands for
4 decades;

5 (2) to restore an economic development oppor-
6 tunity to the Alabama-Coushatta Tribe on terms
7 that are equal and fair;

8 (3) to resolve questions about the rights and
9 obligations of those landowners in Texas that hold
10 title subject to the Tribe’s aboriginal title; and

11 (4) to insulate the Federal Government and
12 taxpayers from potentially greater and ongoing li-
13 ability from these claims.

14 **SEC. 3. RESTORATION ACT AMENDMENT.**

15 For the purpose of restoring an economic develop-
16 ment opportunity on terms that are equal and fair, Section
17 207 of the Alabama-Coushatta Tribes of Texas Restora-
18 tion Act, Public Law 100–89 (25 U.S.C. 737) is hereby
19 deleted.

20 **SEC. 4. JUDGMENT AND DISMISSAL OF LITIGATION.**

21 Not later than six months after the date of enact-
22 ment, the United States and the Alabama-Coushatta
23 Tribe of Texas shall execute and file with the United
24 States District Court for the Eastern District of Texas

1 in the pending litigation a motion for entry of final judg-
2 ment in accordance with the terms of this subchapter.

3 **SEC. 5. APPROVAL OF PRIOR TRANSFERS AND EXTIN-**
4 **GUISHMENT OF CLAIMS AND ABORIGINAL**
5 **TITLE.**

6 (a) APPROVAL AND RATIFICATION OF PRIOR TRANS-
7 FERS.—

8 Any invalid transfer before the date of the in-
9 troduction of this legislation of land or natural re-
10 sources located within the State of Texas, including
11 but not limited to transfers pursuant to a statute or
12 treaty of, or with, any State or the United States,
13 from, by, or on behalf of the Alabama-Coushatta
14 Tribe of Texas, or any predecessor in interest or any
15 of its members, shall be deemed to have been made
16 in compliance with the Constitution and all laws of
17 the United States. Congress hereby does approve
18 and ratify any such invalid transfer effective as of
19 the date of said transfer.

20 (b) EXTINGUISHMENT OF ABORIGINAL TITLE.—

21 By virtue of the approval and ratification of a
22 transfer of land or natural resources effected by sub-
23 section (a) of this section, any aboriginal title held
24 by the Alabama-Coushatta Tribe of Texas, or any
25 predecessor in interest or any of its members, to any

1 land or natural resources the transfer of which was
2 approved and ratified by subsection (a) of this sec-
3 tion shall be regarded as extinguished as of the date
4 of such transfer.

5 (c) EXTINGUISHMENT OF CLAIMS.—

6 By virtue of the approval and ratification of a
7 transfer of land or natural resources effected by this
8 section, or the extinguishment of aboriginal title ef-
9 fected hereby, any claim (including any claim for
10 damages for trespass or for use and occupancy) by,
11 or on behalf of, the Alabama-Coushatta Tribe of
12 Texas, or any predecessor in interest or any of its
13 members, against the United States or the State of
14 Texas which is based on—

15 (1) any interest in or right involving any land
16 or natural resources the transfer of which was ap-
17 proved and ratified by subsection (a) of this section,
18 or

19 (2) any aboriginal title to land or natural re-
20 sources the extinguishment of which was effected by
21 subsection (b) of this section,

22 shall be regarded as extinguished as of the date of any
23 such transfer.

24 (d) SAVINGS PROVISIONS.—

1 (1) Nothing in this section shall be construed to
2 affect or eliminate the personal claim of an indi-
3 vidual Indian (except for a Federal common law
4 fraud claim) which is pursued under any law of gen-
5 eral applicability that protects non-Indians as well as
6 Indians.

7 (2) Nothing in this subchapter is intended to
8 alter the status of lands held in trust by the United
9 States on behalf of the Alabama-Coushatta Tribe of
10 Texas.

○