

114TH CONGRESS
1ST SESSION

S. 1457

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

IN THE SENATE OF THE UNITED STATES

MAY 22, 2015

Mr. TESTER introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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 (a) FINDINGS AND DECLARATIONS.—Congress finds
10 and declares that—

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 (A) established friendly relations with In-
8 dian tribes;

9 (B) expressed his personal appreciation for
10 the assistance of the tribes during the fight for
11 Texas independence; and

12 (C) endeavored to protect the land and
13 rights of the tribes;

14 (3) the United States, pursuant to Federal law
15 and in accordance with several Federal court deci-
16 sions, has affirmed the rights of tribes, including the
17 Alabama-Coushatta Tribe of Texas (referred to in
18 this Act as the “Tribe”), to free and undisturbed
19 use and occupancy of the aboriginal lands of the
20 tribes, including the right to compensation when
21 those rights are violated;

22 (4) the land of the Tribe in southeastern Texas
23 has been subject to illegal trespass and use, depriv-
24 ing the Tribe of critical economic development op-

1 portunities, including valuable timber production and
2 oil and gas leasing;

3 (5) in June 2000, the United States Court of
4 Federal Claims ruled that—

5 (A) the United States violated its fiduciary
6 obligations to the Tribe by knowingly failing to
7 protect 2,850,000 acres of the aboriginal lands
8 of the Tribe in southeastern Texas;

9 (B) that failure would have constituted a
10 claim eligible to be heard by the Indian Claims
11 Commission established by the first section of
12 the Act of August 13, 1946 (60 Stat. 1049,
13 chapter 959) (commonly known as the “Indian
14 Claims Commission Act”) (and terminated by
15 section 23 of that Act (70 Stat. 624, chapter
16 679)); and

17 (C) as described in House Resolution 69
18 (98th Congress) (November 1, 1983), it was
19 the sense of the House of Representatives that
20 the Federal Government should pay full mone-
21 tary compensation to the Tribe for the loss of
22 the 2,850,000 acres of aboriginal lands illegally
23 occupied by non-Indian settlers after 1845;

24 (6) in October 2002, the United States Court
25 of Federal Claims adopted \$270,600,000 as the

1 jointly stipulated amount of economic damages to be
2 recovered by the Tribe from the United States;

3 (7) while the Tribe is asserting outstanding
4 claims regarding the aboriginal lands of the Tribe,
5 the Tribe has decided to forego, relinquish, waive,
6 and otherwise extinguish any such claims, on the
7 condition that Congress shall amend the 1987 Res-
8 toration Act of the Tribe, enacted as Public Law
9 100–89 (25 U.S.C. 1300g et seq.), in accordance
10 with this Act;

11 (8) Congress desires to empower the Tribe to
12 govern its own economic future and appreciates the
13 willingness of the Tribe to forego the land claims de-
14 scribed in paragraph (7) in exchange for improved
15 economic self-sufficiency;

16 (9) this Act represents a good faith effort on
17 the part of Congress to compensate the Tribe for the
18 loss of the aboriginal lands of the Tribe by providing
19 the Tribe with an economic development opportunity
20 under the same terms and conditions as other feder-
21 ally recognized Indian tribes, in exchange for the
22 agreement of the Tribe to relinquish the land claims
23 described in paragraph (7); and

24 (10) in the absence of Congressional action,
25 those land claims will be pursued through the courts,

1 a process that in all likelihood will consume many
2 years and thereby promote hostility and uncertainty
3 in the State of Texas, to the ultimate detriment of
4 the Tribe, the members of the Tribe, and all other
5 citizens of the State of Texas.

6 (b) PURPOSES.—The purposes of this Act are—

7 (1) to recognize and compensate the Tribe for
8 the loss of the aboriginal lands of the Tribe and the
9 resulting loss of any economically productive use of
10 those lands for decades;

11 (2) to restore an economic development oppor-
12 tunity to the Tribe on terms that are equal and fair;

13 (3) to resolve claims by the Tribe regarding the
14 loss of the aboriginal lands of the Tribe; and

15 (4) to insulate the Federal Government and
16 taxpayers from potentially greater and ongoing li-
17 ability from those claims.

18 **SEC. 3. RESTORATION ACT AMENDMENT.**

19 For the purpose of restoring an economic develop-
20 ment opportunity on terms that are equal and fair, section
21 207 of Public Law 100–89 (25 U.S.C. 737) is repealed.

22 **SEC. 4. DISMISSAL OF LAND CLAIMS.**

23 Not later than 180 days after the date of enactment
24 of this Act, the United States and the Tribe shall execute
25 and file in each applicable court a motion for dismissal

1 of any pending claim arising out of or relating to the ab-
 2 original lands, or an interest in the aboriginal lands, of
 3 the Tribe.

4 **SEC. 5. EXTINGUISHMENT OF CLAIMS.**

5 (a) EXTINGUISHMENT.—Any claim (including any
 6 claim for damages for trespass or for use and occupancy)
 7 by, or on behalf of, the Tribe, or any predecessor in inter-
 8 est or any of the members of the Tribe, against the United
 9 States, the State of Texas, or any landowner, that is based
 10 on any interest in or right involving any land or natural
 11 resources, shall be regarded as extinguished.

12 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
 13 tion—

14 (1) affects or limits the personal claim of an in-
 15 dividual Indian (except for a Federal common law
 16 fraud claim) that is pursued under any law of gen-
 17 eral applicability that protects non-Indians as well as
 18 Indians; or

19 (2) alters the status of land held in trust by the
 20 United States on behalf of the Tribe.

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