

114TH CONGRESS
1ST SESSION

H. R. 2684

To restore tribal economic development opportunity for the Alabama-Coushatta Tribe of Texas on terms that are equal and fair, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2015

Mr. YOUNG of Alaska (for himself, Mr. BABIN, Mr. GENE GREEN of Texas, Mr. LAMALFA, Mr. BARTON, Mr. LOWENTHAL, Mr. GRIJALVA, Mr. COOK, Mr. DENHAM, Mr. CÁRDENAS, and Mr. RUIZ) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To restore tribal economic development opportunity for the Alabama-Coushatta Tribe of Texas 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”.

1 **SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATION OF**
2 **POLICY.**

3 (a) FINDINGS AND DECLARATIONS.—Congress finds
4 and declares the following:

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

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

16 (3) The United States, pursuant to Federal law
17 and in accordance with several Federal court deci-
18 sions, has affirmed the rights of the Alabama-
19 Coushatta Tribe of Texas (Alabama-Coushatta
20 Tribe), to free and undisturbed use and occupancy
21 of its aboriginal lands, including the right to com-
22 pensation when those rights are violated.

23 (4) The Alabama-Coushatta Tribe's lands in
24 southeastern Texas have been subject to illegal tres-
25 pass and use, depriving the Alabama-Coushatta
26 Tribe of critical economic development opportunities,

1 including valuable timber production and oil and gas
2 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 Alabama-Coushatta Tribe by
7 knowingly failing to protect 2.85 million acres
8 of the aboriginal lands of the Tribe in south-
9 eastern Texas;

10 (B) this failure would have constituted a
11 claim eligible to be heard by the Indian Claims
12 Commission established by the first section of
13 the Act of August 13, 1946; and

14 (C) as described in House Resolution 69
15 (98th Congress), which was passed on Novem-
16 ber 1, 1983, it was the sense of the House of
17 Representatives that the Federal Government
18 should pay full monetary compensation to the
19 Alabama-Coushatta Tribe for the loss of the
20 2,850,000 acres of aboriginal lands illegally oc-
21 cupied by non-Indian settlers after 1845.

22 (6) In October 2002, the United States Court
23 of Federal Claims adopted \$270,600,000 as the
24 jointly stipulated amount of economic damages to be

1 recovered by the Alabama-Coushatta Tribe from the
2 United States.

3 (7) While the Alabama-Coushatta Tribe is as-
4 serting outstanding claims regarding its aboriginal
5 lands, the Tribe has elected to forego, relinquish,
6 waive, and otherwise extinguish any such claims, on
7 the condition that Congress amend the Tribe's 1987
8 Restoration Act, as hereinafter described.

9 (8) Congress desires to empower the Alabama-
10 Coushatta Tribe to govern its own economic future
11 and appreciates the Tribe's willingness to forego
12 these land claims in exchange for improved economic
13 self-sufficiency.

14 (9) This Act is a good faith effort on the part
15 of Congress to compensate the Alabama-Coushatta
16 Tribe for the loss of its aboriginal lands by providing
17 the Tribe with the same economic development op-
18 portunity, under the same terms and conditions,
19 that is available to other federally recognized Indian
20 tribes, in exchange for the Tribe's agreement to re-
21 linquish its land claims as described above.

22 (10) In the absence of Congressional action,
23 these land claims will likely be pursued through the
24 courts, a process that would take many years and
25 thereby promote divisiveness and uncertainty in the

1 State of Texas, to the ultimate detriment of the Ala-
2 bama-Coushatta Tribe, its members, and all other
3 citizens of the State of Texas.

4 (b) PURPOSES.—The purposes of this Act are as fol-
5 lows:

6 (1) To recognize and compensate the Alabama-
7 Coushatta Tribe for the loss of its aboriginal lands
8 and the resulting loss of economically productive use
9 of those lands for decades.

10 (2) To restore economic development oppor-
11 tunity to the Alabama-Coushatta Tribe on terms
12 that are equal and fair.

13 (3) To resolve claims by the Alabama-
14 Coushatta Tribe regarding the loss of its aboriginal
15 lands.

16 (4) To insulate the Federal Government and
17 taxpayers from the potential for greater and ongoing
18 liability stemming from these claims.

19 **SEC. 3. RESTORATION ACT AMENDMENT.**

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

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

24 Not later than 180 days after the date of the enact-
25 ment of this Act, the United States and the Alabama-

1 Coushatta Tribe shall execute and file in each applicable
2 court a motion for dismissal of any pending claim arising
3 out of, or relating to, the aboriginal lands, or an interest
4 in the aboriginal lands, of the Tribe.

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

6 (a) EXTINGUISHMENT OF CLAIMS.—Any claim (in-
7 cluding any claim for damages for trespass or for use and
8 occupancy) by, or on behalf of, the Alabama-Coushatta
9 Tribe of Texas, or any predecessor in interest or any of
10 its members, against the United States, the State of
11 Texas, or any landowner, which is based on any interest
12 in, or right involving, any land or natural resources, shall
13 be regarded as extinguished.

14 (b) CONSTRUCTION.—Nothing in this section—

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

20 (2) alters the status of lands held in trust by
21 the United States on behalf of the Alabama-
22 Coushatta Tribe.

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