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113TH CONGRESS
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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

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A BILL

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alabama-Coushatta Tribe of Texas Equal and Fair Opportunity Settlement Act".

SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY.

Congress finds and declares that:

(a) FINDINGS AND DECLARATIONS.—

(1) It is the policy of the United States to promote tribal self-determination and economic self-sufficiency and to support the resolution of disputes over historical claims.

(2) Sam Houston, as a leader in the Texas Revolution and the President of the Republic of Texas, established friendly relations with the tribes, expressed his personal appreciation for the assistance of the tribes during the fight for Texas independence, and endeavored to protect their lands and rights.

(3) The United States, pursuant to Federal law and in accordance with several Federal court decisions, has affirmed the rights of tribes, including the Alabama-Coushatta Tribe of Texas (''Alabama-Coushatta Tribe''), to free and undisturbed use and occupancy of its aboriginal lands, including the right to compensation when those rights are violated.

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

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

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

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

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

thorize a restoration of its Federal status, as hereinafter described.

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

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

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

(b) PURPOSES.—

It is the purpose of this subchapter—

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

(2) to restore an economic development opportunity to the Alabama-Coushatta Tribe on terms that are equal and fair;

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

(4) to insulate the Federal Government and taxpayers from potentially greater and ongoing liability from these claims.

SEC. 3. RESTORATION ACT AMENDMENT.

For the purpose of restoring an economic development opportunity on terms that are equal and fair, Section 207 of the Alabama-Coushatta Tribes of Texas Restoration Act, Public Law 100–89 (25 U.S.C. 737) is hereby deleted.

SEC. 4. JUDGMENT AND DISMISSAL OF LITIGATION.

Not later than six months after the date of enactment, the United States and the Alabama-Coushatta Tribe of Texas shall execute and file with the United States District Court for the Eastern District of Texas

in the pending litigation a motion for entry of final judgment in accordance with the terms of this subchapter.

SEC. 5. APPROVAL OF PRIOR TRANSFERS AND EXTINGUISHMENT OF CLAIMS AND ABORIGINAL TITLE.

(a) APPROVAL AND RATIFICATION OF PRIOR TRANSFERS.—

Any invalid transfer before the date of the introduction of this legislation of land or natural resources located within the State of Texas, including but not limited to transfers pursuant to a statute or treaty of, or with, any State or the United States, from, by, or on behalf of the Alabama-Coushatta Tribe of Texas, or any predecessor in interest or any of its members, shall be deemed to have been made in compliance with the Constitution and all laws of the United States. Congress hereby does approve and ratify any such invalid transfer effective as of the date of said transfer.

(b) EXTINGUISHMENT OF ABORIGINAL TITLE.—

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

land or natural resources the transfer of which was approved and ratified by subsection (a) of this section shall be regarded as extinguished as of the date of such transfer.

(c) EXTINGUISHMENT OF CLAIMS.—

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

(1) any interest in or right involving any land or natural resources the transfer of which was approved and ratified by subsection (a) of this section, or

(2) any aboriginal title to land or natural resources the extinguishment of which was effected by subsection (b) of this section,

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

(d) SAVINGS PROVISIONS.—

(1) Nothing in this section shall be construed to affect or eliminate the personal claim of an individual Indian (except for a Federal common law fraud claim) which is pursued under any law of general applicability that protects non-Indians as well as Indians.

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

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