

113TH CONGRESS
2D SESSION

S. 2923

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 13, 2014

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 economic development by the Alabama-Coushatta Tribe 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. FINDINGS; PURPOSES.**

8 (a) FINDINGS.—Congress finds that—

9 (1) it is the policy of the United States to pro-
10 mote tribal self-determination and economic self-suf-

1 ficiency and to support the resolution of disputes
2 over historical claims;

3 (2) the United States, pursuant to Federal law
4 and in accordance with several Federal court deci-
5 sions, has affirmed the rights of tribes, including the
6 Alabama-Coushatta Tribe, to free and undisturbed
7 use and occupancy of the aboriginal land of the
8 tribes, including the right to compensation when
9 those rights are violated;

10 (3) in June 2000, in the case entitled Alabama-
11 Coushatta Tribe of Texas v. U.S. (Fed. Cl. Jun 19,
12 2000) (No. 3–83), the United States Court of Fed-
13 eral Claims ruled that—

14 (A) the United States violated the fidu-
15 ciary obligations of the United States by know-
16 ingly failing to protect 2,850,000 acres of the
17 aboriginal land of the Alabama-Coushatta
18 Tribe;

19 (B) that failure would have constituted a
20 claim eligible to be heard by the Indian Claims
21 Commission established by the first section of
22 the Act of August 13, 1946 (commonly known
23 as the “Indian Claims Commission Act”) (60
24 Stat. 1049, chapter 959) (and terminated by

1 section 23 of that Act (70 Stat. 624, chapter
2 679)); and

3 (C) as described in House Resolution 69
4 (98th Congress) (November 1, 1983), it was
5 the sense of the House of Representatives that
6 the Federal Government should pay full mone-
7 tary compensation to the Alabama-Coushatta
8 Tribe for the 2,850,028 acres of aboriginal land
9 illegally occupied by non-Indian settlers after
10 1845;

11 (4) in October 2002, the United States Court
12 of Federal Claims awarded \$270,600,000 as the
13 jointly stipulated amount of economic damages to be
14 recovered by the Alabama-Coushatta Tribe from the
15 United States; and

16 (5) this Act represents a good faith effort on
17 the part of Congress to provide the Alabama-
18 Coushatta Tribe with the compensation that the
19 United States Court of Claims has determined is
20 owed to the Alabama-Coushatta Tribe.

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

22 (1) to recognize the loss by the Alabama-
23 Coushatta Tribe of the aboriginal land and the re-
24 sulting loss of any economically productive use of the
25 aboriginal land for decades;

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

4 (3) to protect the Federal Government and tax-
5 payers from liability arising out of or relating to
6 claims on the aboriginal land.

7 **SEC. 3. RESTORATION ACT AMENDMENT.**

8 Section 207 of Public Law 100–89 (25 U.S.C. 737)
9 is repealed.

10 **SEC. 4. DISMISSAL OF CLAIMS.**

11 Not later than 180 days after the date of enactment
12 of this Act, the United States and the Alabama-Coushatta
13 Tribe shall execute and file in each applicable court a mo-
14 tion for dismissal of any pending claim arising out of or
15 relating to the aboriginal land or an interest in the aborigi-
16 nal land.

17 **SEC. 5. APPROVAL OF INVALID TRANSFERS; EXTINGUISH-**
18 **MENT OF CLAIMS AND ABORIGINAL TITLE.**

19 (a) **EXTINGUISHMENT OF CLAIMS.**—Any claim (in-
20 cluding any claim for damages for trespass or for use and
21 occupancy) by, or on behalf of, the Alabama-Coushatta
22 Tribe against the United States or the State of Texas for
23 the loss of aboriginal title shall be deemed to be extin-
24 guished.

25 (b) **CONSTRUCTION.**—Nothing in this subsection—

1 (1) affects or limits any personal claim (except
2 for a Federal common law fraud claim) of an indi-
3 vidual Indian that is pursued under any law of gen-
4 eral applicability that protects non-Indians and Indi-
5 ans; or

6 (2) alters the status of land held in trust by the
7 United States on behalf of the Alabama-Coushatta
8 Tribe.

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