

104TH CONGRESS
2D SESSION

H. R. 3671

To provide for the recognition of the United Houma Nation and to provide for the settlement of land claims of the United Houma Nation.

IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 1996

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

A BILL

To provide for the recognition of the United Houma Nation and to provide for the settlement of land claims of the United Houma Nation.

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 “United Houma Nation
5 Recognition and Land Claims Settlement Act of 1996”.

6 **SEC. 2. DECLARATION OF POLICY, CONGRESSIONAL FIND-**
7 **INGS AND PURPOSE.**

8 (a) FINDINGS.—The Congress declares and finds the
9 following:

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 through settlements mutually
5 agreed to by Indian and non-Indian parties.

6 (2) The United Houma Nation have used, occu-
7 pied, and possessed vast tracts of lands within the
8 State of Louisiana and adjacent States, and by this
9 use, occupancy, and possession have laid claim to
10 these lands.

11 (3) The significant historical events which have
12 led to the present state of affairs include (but are
13 not limited to) the following:

14 (A) The United Houma Nation have an
15 unbroken tribal existence from time immemorial
16 and before recorded history.

17 (B) The United Houma Nation enters re-
18 corded history in 1682, when the explorer Rob-
19 ert Cavalier, Sieur de La Salle encountered this
20 tribe at the intersection of the Mississippi and
21 Red Rivers.

22 (C) By 1706, the United Houma Nation
23 reacted to the rivalry between the French and
24 English by migrating south, in order to be clos-
25 er to their French allies.

1 (D) During the early 1700's, the United
2 Houma Nation fought with other Indian tribes,
3 and the French, over lands.

4 (E) The United States assumed sov-
5 ereignty over these lands with the purchase of
6 the Louisiana Territory in 1803 and promised
7 all Indian tribes inhabiting the newly acquired
8 territory that their land ownership and posses-
9 sion would be protected and honored as such
10 ownership was protected and honored by the
11 former sovereigns of Spain and France.

12 (F) In order to protect themselves from
13 threats presented by non-Indian peoples, por-
14 tions of the United Houma Nation sought ref-
15 uge and safety in the then remote wetlands and
16 bayous of southern Louisiana where they con-
17 tinued their social life and existence as a tribal
18 entity.

19 (G) Members of the United Houma Nation
20 have always been accorded the status of Indians
21 as evidenced by—

22 (i) receiving educational support from
23 the Federal Government; and

1 (ii) recognition of the United Houma
2 Nation as an Indian tribe by the State of
3 Louisiana.

4 (H) The United Houma Nation reorga-
5 nized their government under a corporate form
6 in the 1970's, which culminated in the creation
7 of a corporate entity known as the "United
8 Houma Nation" in 1979.

9 (4) The assertion of the land claims of the
10 United Houma Nation through litigation will lead to
11 substantial economic and social hardship for a large
12 number of landowners, citizens, and communities in
13 the State of Louisiana, including the United Houma
14 Nation itself. Congress recognizes that if these
15 claims are not resolved—

16 (A) litigation against thousands of land-
17 owners would be likely;

18 (B) any final resolution of these disputes
19 through a process of litigation would—

20 (i) take many years and entail great
21 expenses to all parties;

22 (ii) continue economically and socially
23 damaging controversies;

24 (iii) prolong uncertainty as to the
25 ownership of property; and

1 (iv) seriously impair long-term eco-
2 nomic planning and development for all
3 parties.

4 (5) The settlement of these land claims and the
5 avoidance of costly, protracted, and uncertain litiga-
6 tion—

7 (A) will advance the goals of the Federal
8 policy of Indian self-determination; and

9 (B) in recognition of the obligation of the
10 United States as a guardian and trustee, will be
11 in furtherance of the Federal policy of settling
12 historical Indian claims through legislation
13 rather than confrontation.

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

15 (1) to recognize the United Houma Nation, the
16 historical descendant of the group known in history
17 as the Houma Tribe, as a federally recognized tribe
18 on a sovereign-to-sovereign basis, with all rights,
19 benefits, and responsibilities thereto;

20 (2) to authorize and direct the Secretary of the
21 Interior to implement the terms and provisions of
22 this Act;

23 (3) to remove the cloud on titles in the State
24 of Louisiana resulting from any land claims which

1 have been asserted, are being asserted, or may be
2 asserted, by the United Houma Nation; and

3 (4) to confirm and recognize the trust relation-
4 ship between the United Houma Nation and the
5 United States.

6 **SEC. 3. DEFINITIONS.**

7 For the purposes of this Act:

8 (1) The term “Tribe” means the United
9 Houma Nation, as described in the “Constitution of
10 the United Houma Nation, Inc.”, and the “United
11 Houma Nation By-Laws”, dated 1979 and 1983, re-
12 spectively, and the successor in interest to the
13 former “Houma Tribe, Inc.”, the former “The
14 Houma Alliance, Inc.”, and the historic Houma
15 Tribe.

16 (2) The term “claim” means any claim which
17 was asserted, is being asserted presently, or could be
18 asserted, by the Tribe, or by individuals as a tribal
19 claim, or any other claim, of any species or origin
20 whatsoever, of a right, title, or interest in or to real
21 property (and improvements thereon), to trespass or
22 damages to real property (and improvements there-
23 on), to mesne profits, or of seasonal subsistence
24 hunting, fishing, or other rights to natural re-
25 sources, if such claim is based or premised upon—

1 (A) original aboriginal title; or

2 (B) aboriginal title based upon—

3 (i) use, occupancy, or possession for a
4 number of years, or

5 (ii) title confirmed or guaranteed by
6 Articles III and VI of the Treaty of Pur-
7 chase between the United States of Amer-
8 ica and France, dated April 30, 1803.

9 (3) The term “Secretary” means the Secretary
10 of the Interior.

11 (4) The term “State” means the State of Lou-
12 isiana.

13 **SEC. 4. ESTABLISHMENT OF FEDERAL TRUST RELATION-**
14 **SHIP.**

15 (a) **FEDERAL RECOGNITION.**—Federal recognition is
16 hereby extended to the Tribe. All laws and regulations of
17 general application to Indians and nations, tribes, or
18 bands of Indians that are not inconsistent with any spe-
19 cific provision of this Act shall be applicable to the Tribe
20 and its members.

21 (b) **FEDERAL BENEFITS AND SERVICES.**—

22 (1) **IN GENERAL.**—The Tribe and its members
23 shall be eligible for all Federal benefits and services
24 furnished to federally recognized Indian tribes and
25 their members because of their status as Indians.

1 (2) SERVICE AREA.—In the case of Federal
2 services available to members of federally recognized
3 Indian tribes residing on a reservation, members of
4 the Tribe residing in the Tribe’s service area shall
5 be deemed to be residing on a reservation. For the
6 purposes of this paragraph, the term “service area”
7 means the area comprised by the civil parishes of
8 Terrebonne, Lafourche, Jefferson, St. Mary,
9 Plaquemines, Orleans, and St. Bernard, in the State
10 of Louisiana.

11 (c) INDIAN REORGANIZATION ACT APPLICABILITY.—
12 The Act of June 18, 1934 (25 U.S.C. 461 et seq.), shall
13 be applicable to the Tribe and its members.

14 (d) EFFECT ON PROPERTY RIGHTS AND OTHER OB-
15 LIGATIONS.—Except as otherwise specifically provided in
16 this Act, this Act shall not affect any property right or
17 obligation, or any contractual right or obligation in exist-
18 ence before the date of the enactment of this Act, or for
19 any obligation for taxes assessed before that date.

20 **SEC. 5. RATIFICATION OF PRIOR TRANSFERS; EXTINGUISH-**
21 **MENT OF ABORIGINAL TITLE, RIGHTS AND**
22 **CLAIMS.**

23 (a) RATIFICATION OF TRANSFERS.—Any transfer be-
24 fore the date of enactment of this Act of real property

1 (and improvements thereon) or natural resources located
2 anywhere within the United States—

3 (1) from, by, or on behalf of the Tribe, any one
4 or more of its members, or anyone purporting to be
5 a member, including (but not limited to) any trans-
6 fer pursuant to any treaty, compact, or statute of
7 any State, and

8 (2) from, by, or on behalf of the United States
9 to the State of Louisiana,

10 shall be deemed to have been made in accordance with
11 the Constitution and all laws of the United States, and
12 Congress hereby approves and ratifies any such transfer
13 effective as of the date of such transfer.

14 (b) ABORIGINAL TITLE.—Aboriginal title to real
15 property or natural resources described in subsection (a)
16 of the Tribe, any of its members, or anyone purporting
17 to be a member, or any other Indian, Indian Nation, or
18 Tribe or band of Indians is hereby extinguished as of the
19 date of such transfer or conveyance.

20 (c) EXTINGUISHMENT OF CLAIMS.—By virtue of the
21 approval and ratification of any transfer or conveyance of
22 real property (and improvements thereon) or natural re-
23 sources effected by this section, and the extinguishment
24 of aboriginal title effected thereby, all claims against the
25 United States, any State or subdivision thereof, or any

1 other person or entity, by the Tribe, any of its members,
2 or anyone purporting to be a member, or any Indian Na-
3 tion, or tribe or band of Indians, arising at the time of
4 or subsequent to the transfer or conveyance, and based
5 on any interest in or right involving such real property
6 or natural resources shall be extinguished as of the date
7 of the transfer.

8 (d) EXTINGUISHMENT OF TITLE.—

9 (1) IN GENERAL.—All claims and all right, title
10 and interest that—

11 (A) the Tribe or any person or group of
12 persons purporting to be the Houma Indians, or

13 (B) any person or group of persons pur-
14 porting to be any other Indian, Indian Nation,
15 Tribe, or band of Indians who are descendants
16 from any of the progenitors analyzed in Section
17 VIII of the Benealogical Report (including Ap-
18 pendices A and B thereto)—Proposed Find-
19 ing—United Houma Nation, December 13,
20 1994, United States Department of the Inte-
21 rior, Bureau of Indian Affairs, Branch of Ac-
22 knowledgment and Research,

23 may have to aboriginal title, recognized title, or title
24 by grant, patent, or treaty, to the lands or interests
25 in real property (and improvements thereon) located

1 anywhere in the United States, are hereby extin-
2 guished.

3 (2) EXCEPTION.—Paragraph (1) shall not
4 apply to any right, title, or interest in or to property
5 in the possession of any such person or group on the
6 date of enactment of this Act.

7 (e) BAR TO FUTURE CLAIMS.—The United States is
8 hereby barred from asserting by or on behalf of the Tribe
9 any claim arising before the date of enactment of this Act,
10 from the transfer or conveyance of any real property (and
11 improvements thereon) or natural resources by deed, act
12 of sale, or other grant, or by treaty, compact, or act of
13 law, on the grounds that such transfer or conveyance was
14 not made in accordance with the laws of the State of Lou-
15 isiana or laws of the United States.

16 (f) PERSONAL CLAIMS NOT AFFECTED.—Nothing in
17 this section shall be deemed to affect, diminish, or elimi-
18 nate the personal claim of any individual member of the
19 Tribe, or Indian, which is pursued under any law of gen-
20 eral applicability (other than Federal common law fraud)
21 that protects non-Indians as well as Indians.

22 **SEC. 6. BASE MEMBERSHIP ROLL.**

23 (a) IN GENERAL.—Within one year after the date of
24 enactment of this section, the Tribe shall submit to the
25 Secretary its base membership roll. The base membership

1 roll shall be developed and based upon the criteria set out
2 in Article III, Section 1 of the “Constitution of the United
3 Houma Nation, Inc.”

4 (b) FUTURE MEMBERSHIP.—The Tribe shall have
5 the right to determine future membership in the Tribe;
6 however, in no event may an individual be enrolled as a
7 member of the Tribe unless the individual is a lineal de-
8 scendant of a person on the base membership roll, and
9 has continued to maintain political relations with the tribe.

10 (c) MEMBER.—For the purposes of this section, the
11 term “member” means an enrolled member of the Tribe,
12 as of the date of the enactment of this Act, or an individ-
13 ual who has been placed on the membership rolls of the
14 Tribe in accordance with this section.

15 **SEC. 7. TRIBAL CONSTITUTION AND GOVERNANCE.**

16 (a) INDIAN REORGANIZATION ACT.—If the Tribe so
17 elects, it may organize a tribal government under the Act
18 of June 18, 1934 (25 U.S.C. 461 et seq.), commonly re-
19 ferred to as the “Indian Reorganization Act”. Pursuant
20 to any such election, the Tribe shall adopt any new con-
21 stitution or other organic law in accordance with such Act.

22 (b) SCOPE OF CONSTITUTION.—Whether or not the
23 tribe elects under subsection (a) to organize under such

- 1 Act, the Tribe may exercise such authority as is consistent
- 2 with this Act and its constitution.

