

103D CONGRESS
1ST SESSION

S. 282

To provide Federal recognition of the Mowa Band of Choctaw Indians of Alabama.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3 (legislative day, JANUARY 5), 1993

Mr. SHELBY (for himself, Mr. INOUE, and Mr. HEFLIN) introduced the following bill; which was read twice and referred to the Select Committee on Indian Affairs

A BILL

To provide Federal recognition of the Mowa Band of Choctaw Indians of Alabama.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the “Mowa
5 Band of Choctaw Indians Recognition Act”.

6 FEDERAL RECOGNITION

7 SEC. 2. Federal recognition is hereby extended to the
8 Mowa Band of Choctaw Indians of Alabama. All Federal
9 laws of general application to Indians and Indian tribes

1 shall apply with respect to the Mowa Band of Choctaw
2 Indians of Alabama.

3 RESTORATION OF RIGHTS

4 SEC. 3. (a) All rights and privileges of the Mowa
5 Band of Choctaw Indians which may have been abrogated
6 or diminished before the date of enactment of this Act by
7 reason of any provision of Federal law that terminated
8 Federal recognition of the Mowa Band of Choctaw Indians
9 of Alabama are hereby restored and such Federal law shall
10 no longer apply with respect to the Band or the members
11 of the Band.

12 (b) Under the treaties entered into by the ancestors
13 of the Mowa Band of Choctaws, all historical tribal lands
14 were ceded to the United States. Congress does hereby ap-
15 prove and ratify such cession effective as of the date of
16 the said cession and said cession shall be regarded as an
17 extinguishment of all interest of the Mowa Band of Choc-
18 taws, if any, in said lands as of the date of the cession.
19 By virtue of the approval and ratification of the cession
20 of said lands, all claims against the United States, any
21 State or subdivision thereof, or any other person or entity,
22 by the Mowa Band of Choctaws, including but not limited
23 to, claims for trespass damages or claims for use and occu-
24 pancy, arising subsequent to the cession and that are
25 based upon any interest in or right involving such land,

1 shall be regarded as extinguished as of the date of the
2 cession.

3 (c) The Mowa Band of Choctaws has no historical
4 land claim and cannot, and shall not utilize its Federal
5 recognition as provided by this Act to assert any historical
6 land claim. As used herein, “historical land claim” means
7 a claim to land based upon a contention that the Mowa
8 Band of Choctaws, or its ancestors, were the native inhab-
9 itants of such land or based upon the Mowa Band of Choc-
10 taws’ status as native Americans or based upon the Mowa
11 Band of Choctaws’ Federal recognition as provided by this
12 Act.

13 (d) Except as otherwise specifically provided in sec-
14 tion 4 or any other provision of this Act, nothing in this
15 Act may be construed as altering or affecting—

16 (1) any rights or obligations with respect to
17 property,

18 (2) any rights or obligations under any con-
19 tract, or

20 (3) any obligation to pay a tax levied before the
21 date of enactment of this Act.

22 LANDS

23 SEC. 4. (a) All legal rights, title, and interests in
24 lands that are held by the Mowa Band of Choctaw Indians
25 of Alabama on the date of enactment of this Act are here-
26 by transferred to the United States in trust for the use

1 and benefit of the Mowa Band of Choctaw Indians of
2 Alabama.

3 (b)(1) Notwithstanding any other provision of law,
4 the Mowa Band of Choctaw Indians of Alabama shall
5 transfer to the Secretary of the Interior, and the Secretary
6 of the Interior shall accept on behalf of the United States,
7 any interest in lands acquired by such Band after the date
8 of enactment of this Act. Such lands shall be held by the
9 United States in trust for the benefit of the Mowa Band
10 of Choctaw Indians of Alabama.

11 (2) Notwithstanding any other provision of law, the
12 Attorney General of the United States shall approve any
13 deed or other instrument used to make a conveyance
14 under paragraph (1).

15 (c) Any lands held in trust by the United States for
16 the benefit of the Mowa Band of Choctaw Indians of Ala-
17 bama by reason of this section shall constitute the reserva-
18 tion of such Band.

19 (d) The Congress finds that the provisions of this sec-
20 tion are enacted at the request of the Mowa Band of Choc-
21 taw Indians of Alabama and are in the best interests of
22 such Band.

23 SERVICES

24 SEC. 5. The Mowa Band of Choctaw Indians of Ala-
25 bama, and the members of such Band, shall be eligible
26 for all services and benefits that are provided by the Fed-

1 eral Government to Indians because of their status as fed-
2 erally recognized Indians and, notwithstanding any other
3 provision of law, such services and benefits shall be pro-
4 vided after the date of enactment of this Act to the Band,
5 and to the members of the Band, without regard to the
6 existence of a reservation for the Band or the location of
7 the residence of any member of the Band on or near any
8 Indian reservation.

9 CONSTITUTION AND BYLAWS

10 SEC. 6. (a) The Mowa Band of Choctaw Indians of
11 Alabama may organize for its common welfare and adopt
12 a constitution and bylaws in accordance with regulations
13 prescribed by the Secretary of the Interior. The Secretary
14 of the Interior shall offer to assist the Band in drafting
15 a constitution and bylaws for the Band.

16 (b) Any constitution, bylaws, or amendments to the
17 constitution or bylaws that are adopted by the Mowa Band
18 of Choctaw Indians of Alabama shall take effect only after
19 such constitution, bylaws, or amendments are filed with
20 the Secretary of the Interior.

21 MEMBERSHIP

22 SEC. 7. (a) Until a constitution for the Mowa Band
23 of Choctaw Indians of Alabama is adopted, the member-
24 ship of the Band shall consist of every individual who—

25 (1) is named in the tribal membership roll that
26 is in effect on the date of enactment of this Act, or

