

111TH CONGRESS  
2D SESSION

# H. R. 5149

To extend Federal recognition to the Mowa Band of Choctaw Indians of Alabama, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2010

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

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## A BILL

To extend Federal recognition to the Mowa Band of Choctaw Indians of Alabama, 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; DEFINITIONS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Mowa Band of Choctaw Indians Recognition Act”.

6       (b) DEFINITIONS.—For the purposes of this Act:

7               (1) TRIBE.—The term “Tribe” means the  
8       Mowa Band of Choctaws and Mowa Band of Choc-  
9       taw Indians of Alabama.

1           (2) SECRETARY.—The term “Secretary” means  
2           the Secretary of the Interior.

3   **SEC. 2. FEDERAL RECOGNITION.**

4           Federal recognition is hereby extended to the Mowa  
5   Band of Choctaw Indians of Alabama. All Federal laws  
6   of general application to Indians and Indian tribes shall  
7   apply with respect to the Tribe.

8   **SEC. 3. RESTORATION OF RIGHTS.**

9           (a) IN GENERAL.—All rights and privileges of the  
10   Tribe which may have been abrogated or diminished be-  
11   fore the date of the enactment of this Act by reason of  
12   any provision of Federal law that terminated Federal rec-  
13   ognition of the Tribe are hereby restored and such Federal  
14   law shall no longer apply with respect to the Tribe or the  
15   members of the Tribe.

16          (b) APPROVAL OF TRANSFERS.—Under the treaties  
17   entered into by the ancestors of the Tribe, all historical  
18   tribal lands were ceded to the United States. Congress  
19   does hereby approve and ratify such cession effective as  
20   of the date of the cession and the cession shall be regarded  
21   as an extinguishment of all interest of the Tribe, if any,  
22   in said lands as of the date of the cession. By virtue of  
23   the approval and ratification of the cession of said lands,  
24   all claims against the United States, any State or subdivi-  
25   sion thereof, or any other person or entity, by the Tribe,

1 including but not limited to, claims for trespass damages  
2 or claims for use and occupancy, arising subsequent to the  
3 cession and that are based upon any interest in or right  
4 involving such land, shall be regarded as extinguished as  
5 of the date of the cession.

6 (c) HISTORICAL LAND CLAIMS.—The Tribe has no  
7 historical land claim and cannot and shall not use its Fed-  
8 eral recognition to assert any historical land claim. As  
9 used herein, “historical land claim” means a claim to land  
10 based upon a contention that the Tribe, or its ancestors,  
11 were the native inhabitants of such land or based upon  
12 the Tribe’s “status as native Americans or based upon the  
13 Mowa Band of Choctaws” Federal recognition.

14 (d) REQUEST AND BEST INTEREST OF TRIBE.—Con-  
15 gress finds that the provisions of this section are enacted  
16 at the request of the Tribe and are in the best interests  
17 of the Tribe.

18 **SEC. 4. LANDS.**

19 (a) LAND TAKEN INTO TRUST.—All legal rights,  
20 title, and interests in lands that are held by the Tribe on  
21 the date of the enactment of this Act are hereby trans-  
22 ferred, at the request of the Tribe, to the United States  
23 in trust for the use and benefit of the Tribe.

24 (b) FUTURE LANDS INTO TRUST.—(1) Notwith-  
25 standing any other provision of law, if the Tribe transfers

1 to the Secretary any interest in lands acquired by the  
2 Tribe after the date of the enactment of this Act, the Sec-  
3 retary shall accept such land on behalf of the United  
4 States. Such lands shall be held by the United States in  
5 trust for the benefit of the Tribe.

6 (2) Notwithstanding any other provision of law, the  
7 Attorney General of the United States shall approve any  
8 deed or other instrument used to make a conveyance  
9 under paragraph (1).

10 (c) Any lands held in trust by the United States for  
11 the use and benefit of the Tribe pursuant to this section  
12 shall constitute the reservation of the Tribe.

13 (d) Congress finds that the provisions of this section  
14 are enacted at the request of the Tribe and are in the  
15 best interests of the Tribe.

16 **SEC. 5. SERVICES AND BENEFITS.**

17 The Tribe, and the members of the Tribe, shall be  
18 eligible for all services and benefits that are provided by  
19 the Federal Government to Indians because of their status  
20 as federally recognized Indians and, notwithstanding any  
21 other provision of law, such services and benefits shall be  
22 provided after the date of the enactment of this Act to  
23 the Tribe, and to the members of the Tribe, without re-  
24 gard to the existence of a reservation for the Tribe or the

1 location of the residence of any member of the Tribe on  
2 or near an Indian reservation.

3 **SEC. 6. CONSTITUTION AND BYLAWS.**

4 (a) IN GENERAL.—The Tribe may organize for its  
5 common welfare and adopt a constitution and bylaws in  
6 accordance with regulations prescribed by the Secretary.  
7 The Secretary shall offer to assist the Tribe in drafting  
8 a constitution and bylaws for the Tribe.

9 (b) FILING WITH SECRETARY.—Any constitution,  
10 bylaws, or amendments to the constitution or bylaws that  
11 are adopted by the Tribe shall take effect only after such  
12 constitution, bylaws, or amendments are filed with the  
13 Secretary.

14 **SEC. 7. MEMBERSHIP.**

15 (a) INTERIM MEMBERSHIP.—Until a constitution for  
16 the Tribe is adopted, the membership of the Tribe shall  
17 consist of every individual who—

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

21 (2) is a descendant of any individual described  
22 in paragraph (1).

23 (b) MEMBERSHIP AFTER ADOPTION OF CONSTITU-  
24 TION AND BYLAWS.—After the adoption of a constitution  
25 by the Tribe, the membership of the Tribe shall be deter-

1 mined in accordance with the terms of such constitution  
2 or any bylaws adopted under such constitution.

3 **SEC. 8. REGULATIONS.**

4       The Secretary shall prescribe such regulations as may  
5 be necessary to carry out the purposes of this Act.

