

103<sup>RD</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4228**

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**AMENDMENT**

***In the Senate of the United States,***

*September 30 (legislative day, September 12), 1994.*

*Resolved,* That the bill from the House of Representatives (H.R. 4228) entitled “An Act to extend Federal recognition to the United Auburn Indian Community of the Auburn Rancheria of California”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1           ***TITLE I—AUBURN INDIAN***  
2                           ***RESTORATION***

3   ***SEC. 101. SHORT TITLE.***

4           *This title may be cited as the “Auburn Indian Restora-*  
5 *tion Act”.*

6   ***SEC. 102. RESTORATION OF FEDERAL RECOGNITION,***  
7                           ***RIGHTS, AND PRIVILEGES.***

8           *(a) FEDERAL RECOGNITION.—Notwithstanding any*  
9 *other provision of law, Federal recognition is hereby ex-*  
10 *tended to the Tribe. Except as otherwise provided in this*  
11 *Act, all laws and regulations of general application to Indi-*

1 *ans or nations, tribes, or bands of Indians that are not in-*  
2 *consistent with any specific provision of this title shall be*  
3 *applicable to the Tribe and its members.*

4       **(b) RESTORATION OF RIGHTS AND PRIVILEGES.**—*Ex-*  
5 *cept as provided in subsection (d), all rights and privileges*  
6 *of the Tribe and its members under any Federal treaty, Ex-*  
7 *ecutive order, agreement, or statute, or under any other au-*  
8 *thority which were diminished or lost under Public Law*  
9 *85–671 are hereby restored and the provisions of such Act*  
10 *shall be inapplicable to the Tribe and its members after the*  
11 *date of enactment of this Act.*

12       **(c) FEDERAL SERVICES AND BENEFITS.**—*Notwith-*  
13 *standing any other provision of law, and without regard*  
14 *to the existence of a reservation, the Tribe and its members*  
15 *shall be eligible, on and after the date of enactment of this*  
16 *Act, for all Federal services and benefits furnished to feder-*  
17 *ally recognized Indian tribes or their members. In the case*  
18 *of Federal services available to members of federally recog-*  
19 *nized Indian tribes residing on a reservation, members of*  
20 *the Tribe residing in the service area of the Tribe shall be*  
21 *deemed to be residing on a reservation.*

22       **(d) HUNTING, FISHING, TRAPPING, AND WATER**  
23 **RIGHTS.**—*Nothing in this title shall expand, reduce, or af-*  
24 *fect in any manner any hunting, fishing, trapping, gather-*  
25 *ing, or water right of the Tribe and its members.*

1       (e) *INDIAN REORGANIZATION ACT APPLICABILITY.*—  
2 *The Act of June 18, 1934 (48 Stat. 984 et seq., chapter*  
3 *576; 25 U.S.C. 461 et seq.), shall be applicable to the Tribe*  
4 *and its members.*

5       (f) *CERTAIN RIGHTS NOT ALTERED.*—*Except as spe-*  
6 *cifically provided in this title, nothing in this title shall*  
7 *alter any property right or obligation, any contractual*  
8 *right or obligation, or any obligation for taxes levied.*

9       **SEC. 103. ECONOMIC DEVELOPMENT.**

10       (a) *PLAN FOR ECONOMIC DEVELOPMENT.*—*The Sec-*  
11 *retary shall—*

12               (1) *enter into negotiations with the governing*  
13 *body of the Tribe with respect to establishing a plan*  
14 *for economic development for the Tribe;*

15               (2) *in accordance with this section and not later*  
16 *than 2 years after the adoption of a tribal constitu-*  
17 *tion as provided in section 107, develop such a plan;*  
18 *and*

19               (3) *upon the approval of such plan by the gov-*  
20 *erning body of the Tribe, submit such plan to Con-*  
21 *gress.*

22       (b) *RESTRICTIONS.*—*Any proposed transfer of real*  
23 *property contained in the plan developed by the Secretary*  
24 *under subsection (a) shall be consistent with the require-*  
25 *ments of section 104.*

1 **SEC. 104. TRANSFER OF LAND TO BE HELD IN TRUST.**

2 (a) *LANDS TO BE TAKEN IN TRUST.*—The Secretary  
3 shall accept any real property located in Placer County,  
4 California, for the benefit of the Tribe if conveyed or other-  
5 wise transferred to the Secretary if, at the time of such con-  
6 veyance or transfer, there are no adverse legal claims on  
7 such property, including any outstanding liens, mortgages,  
8 or taxes owed. The Secretary may accept any additional  
9 acreage in the service area of the Tribe pursuant to the au-  
10 thority of the Secretary under the Act of June 18, 1934 (48  
11 Stat. 984 et seq., chapter 576; 25 U.S.C. 461 et seq.).

12 (b) *FORMER TRUST LANDS OF THE AUBURN*  
13 *RANCHERIA.*—Subject to the conditions specified in this sec-  
14 tion, real property eligible for trust status under this section  
15 shall include fee land held by the White Oak Ridge Associa-  
16 tion, Indian owned fee land held communally pursuant to  
17 the distribution plan prepared and approved by the Bureau  
18 of Indian Affairs on August 13, 1959, and Indian owned  
19 fee land held by persons listed as distributees or dependent  
20 members in such distribution plan or the Indian heirs or  
21 successors in interest of such distributees or dependent mem-  
22 bers.

23 (c) *LANDS TO BE PART OF THE RESERVATION.*—Sub-  
24 ject to the conditions imposed by this section, any real prop-  
25 erty conveyed or transferred under this section shall be  
26 taken in the name of the United States in trust for the Tribe

1 *or, as applicable, an individual member of the Tribe, and*  
2 *shall be part of the reservation of the Tribe.*

3 **SEC. 105. MEMBERSHIP ROLLS.**

4 (a) *COMPILATION OF TRIBAL MEMBERSHIP ROLL.—*  
5 *Within 1 year after the date of the enactment of this Act,*  
6 *the Secretary shall, after consultation with the Tribe, com-*  
7 *pile a membership roll of the Tribe.*

8 (b) *CRITERIA FOR ENROLLMENTS.—(1) Until a tribal*  
9 *constitution is adopted pursuant to section 107, an individ-*  
10 *ual shall be placed on the membership roll compiled under*  
11 *this section if the individual is living, is not an enrolled*  
12 *member of another federally recognized Indian tribe, is of*  
13 *United Auburn Indian Community ancestry, possesses at*  
14 *least one-eighth or more of Indian blood quantum, and if—*

15 (A) *the name of the individual was listed on the*  
16 *Auburn Indian Rancheria distribution roll compiled*  
17 *and approved by the Bureau of Indian Affairs on Au-*  
18 *gust 13, 1959, pursuant to Public Law 85–671;*

19 (B) *the individual was not listed on, but met the*  
20 *requirements that the individual was required to meet*  
21 *to be listed on, the Auburn Indian Rancheria dis-*  
22 *tribution list compiled and approved by the Bureau*  
23 *of Indian Affairs on August 13, 1959, pursuant to*  
24 *Public Law 85–671; or*

1           (C) the individual is a lineal descendant of an  
2           individual, living or dead, identified in subparagraph  
3           (A) or (B).

4           (2) After the adoption of a tribal constitution pursuant  
5           to section 107, such tribal constitution shall govern member-  
6           ship in the Tribe, except that in addition to meeting any  
7           other criteria imposed in such tribal constitution, any per-  
8           son added to the membership roll of the Tribe shall be of  
9           United Auburn Indian Community ancestry and shall not  
10          be an enrolled member of another federally recognized In-  
11          dian tribe.

12          (c) *CONCLUSIVE PROOF OF UNITED AUBURN INDIAN*  
13          *COMMUNITY ANCESTRY.*—For the purpose of subsection (b),  
14          the Secretary shall accept any available evidence establish-  
15          ing United Auburn Indian Community ancestry. The Sec-  
16          retary shall accept as conclusive evidence of United Auburn  
17          Indian Community ancestry information contained in the  
18          Auburn Indian Rancheria distribution list compiled by the  
19          Bureau of Indian Affairs on August 13, 1959.

20          **SEC. 106. INTERIM GOVERNMENT.**

21           Until a new tribal constitution and bylaws are adopt-  
22           ed and become effective under section 107, the governing  
23           body of the Tribe shall be an Interim Council. The initial  
24           membership of the Interim Council shall consist of the mem-  
25           bers of the Executive Council of the Tribe on the date of

1 *the enactment of this Act, and the Interim Council shall*  
2 *continue to operate in the manner prescribed for the Execu-*  
3 *tive Council under the tribal constitution of the Tribe*  
4 *adopted on July 20, 1991, to the extent that such constitu-*  
5 *tion is not contrary to Federal law. Any new members fill-*  
6 *ing vacancies on the Interim council shall meet the enroll-*  
7 *ment criteria set forth in section 105(b) and be elected in*  
8 *the same manner as are Executive Council members under*  
9 *the tribal constitution adopted July 20, 1991.*

10 **SEC. 107. TRIBAL CONSTITUTION.**

11 *(a) ELECTION; TIME AND PROCEDURE.—Upon the*  
12 *completion of the tribal membership roll under section*  
13 *105(a), and upon the written request of the Interim Coun-*  
14 *cil, the Secretary shall conduct, by secret ballot, an election*  
15 *for the purpose of adopting a constitution and bylaws for*  
16 *the Tribe. The election shall be held according to section*  
17 *16 of the Act of June 18, 1934 (48 Stat. 987, chapter 576;*  
18 *25 U.S.C. 476), except that absentee balloting shall be per-*  
19 *mitted without regard to voter residence.*

20 *(b) ELECTION OF TRIBAL OFFICIALS; PROCEDURES.—*  
21 *Not later than 120 days after the Tribe adopts a constitu-*  
22 *tion and bylaws under subsection (a), the Secretary shall*  
23 *conduct an election by secret ballot for the purpose of elect-*  
24 *ing tribal officials as provided in such tribal constitution.*  
25 *Such election shall be conducted in accordance with the pro-*



1 *cedures specified in subsection (a) except to the extent that*  
2 *such procedures conflict with the tribal constitution.*

3 **SEC. 108. DEFINITIONS.**

4 *For purposes of this title:*

5 (1) *The term “Tribe” means the United Auburn*  
6 *Indian Community of the Auburn Rancheria of Cali-*  
7 *fornia.*

8 (2) *The term “Secretary” means the Secretary of*  
9 *the Interior.*

10 (3) *The term “Interim Council” means the gov-*  
11 *erning body of the Tribe specified in section 106.*

12 (4) *The term “member” means any person meet-*  
13 *ing the enrollment criteria under section 105(b).*

14 (5) *The term “State” means the State of Califor-*  
15 *nia.*

16 (6) *The term “reservation” means those lands ac-*  
17 *quired and held in trust by the Secretary for the bene-*  
18 *fit of the Tribe pursuant to section 104.*

19 (7) *The term “service area” means the counties*  
20 *of Placer, Nevada, Yuba, Sutter, El Dorado, and Sac-*  
21 *ramento, in the State of California.*

22 **SEC. 109. REGULATIONS.**

23 *The Secretary may promulgate such regulations as*  
24 *may be necessary to carry out the provisions of this Act.*

1           **TITLE II—CHOCTAW INDIANS**  
2                           **RECOGNITION**

3   **SEC. 201. SHORT TITLE.**

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

6   **SEC. 202. FEDERAL RECOGNITION.**

7           *Federal recognition is hereby extended to the Mowa*  
8 *Band of Choctaw Indians of Alabama. All Federal laws of*  
9 *general application to Indians and Indian tribes shall*  
10 *apply with respect to the Mowa Band of Choctaw Indians*  
11 *of Alabama.*

12   **SEC. 203. RESTORATION OF RIGHTS.**

13           *(a) IN GENERAL.—All rights and privileges of the*  
14 *Mowa Band of Choctaw Indians which may have been abro-*  
15 *gated or diminished before the date of enactment of this Act*  
16 *by reason of any provision of Federal law that terminated*  
17 *Federal recognition of the Mowa Band of Choctaw Indians*  
18 *of Alabama are hereby restored and such Federal law shall*  
19 *no longer apply with respect to the Band or the members*  
20 *of the Band.*

21           *(b) CONGRESSIONAL APPROVAL.—(1) Congress finds*  
22 *that under the treaties entered into by the ancestors of the*  
23 *Mowa Band of the Choctaw Indians all historical tribal*  
24 *lands were ceded to the United States.*

1           (2) Congress hereby approve and ratifies such cession  
2 effective as of the date of the such cession and such cession  
3 shall be regarded as an extinguishment of all interest of the  
4 Mowa Band of Choctaw Indians, if any, in such lands as  
5 of the date of the cession.

6           (3) By virtue of the approval and ratification of the  
7 cession of such lands, all claims against the United States,  
8 any State or subdivision thereof, or any other person or  
9 entity, by the Mowa Band of Choctaw Indians, including  
10 claims for trespass damages or claims for use and occu-  
11 pancy, arising subsequent to the cession that are based upon  
12 any interest in or right involving such land, shall be consid-  
13 ered as extinguished as of the date of the cession.

14           (c) CLAIMS.—(1) The Mowa Band of Choctaw Indians  
15 may not be considered to have a historical land claim.

16           (2) The Mowa Band of Chowtaw Indians may not use  
17 the Federal recognition provided to the Mowa Band of Choc-  
18 taw Indians under this Act to assert any historical land  
19 claim.

20           (3) As used in this subsection the term “historical land  
21 claim” means a claim to land based upon—

22                   (A) a contention that the Mowa Band of Choc-  
23 taw Indians, or its ancestors, were the native inhab-  
24 itants of such land;

1           (B) *the status of Mowa Band of Choctaw Indi-*  
2           *ans as native Americans; or*

3           (C) *the Federal recognition of the Mowa Band of*  
4           *Choctaw Indians, as provided by this title.*

5           (d) *STATUTORY CONSTRUCTION.—Except as otherwise*  
6           *specifically provided in section 204 or any other provision*  
7           *of this title, nothing in this title may be construed as alter-*  
8           *ing or affecting—*

9           (1) *any rights or obligations with respect to*  
10          *property;*

11          (2) *any rights or obligations under any contract;*  
12          *or*

13          (3) *any obligation to pay a tax levied before the*  
14          *date of enactment of this Act.*

15   **SEC. 204. LANDS.**

16          (a) *IN GENERAL.—All legal rights, title, and interests*  
17          *in lands that are held by the Mowa Band of Choctaw Indi-*  
18          *ans of Alabama on the date of enactment of this Act are*  
19          *hereby transferred to the United States to be held in trust*  
20          *for the use and benefit of the Mowa Band of Choctaw Indi-*  
21          *ans of Alabama.*

22          (b) *INTERESTS.—(1)(A) Notwithstanding any other*  
23          *provision of law, the Mowa Band of Choctaw Indians of*  
24          *Alabama shall transfer to the Secretary of the Interior, and*  
25          *the Secretary of the Interior shall accept on behalf of the*

1 *United States, any interest in lands acquired by such Band*  
2 *after the date of enactment of this Act.*

3 *(B) Such lands shall be held by the United States in*  
4 *trust for the benefit of the Mowa Band of Choctaw Indians*  
5 *of Alabama.*

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 under*  
9 *paragraph (1).*

10 *(c) RESERVATION.—Any lands held in trust by the*  
11 *United States for the benefit of the Mowa Band of Choctaw*  
12 *Indians of Alabama by reason of this section shall con-*  
13 *stitute the reservation of the Mowa Band of Choctaw Indi-*  
14 *ans of Alabama.*

15 *(d) FINDINGS.—Congress finds that the provisions of*  
16 *this section—*

17 *(1) are enacted at the request of the Mowa Band*  
18 *of Choctaw Indians of Alabama; and*

19 *(2) are in the best interest of such Band.*

20 **SEC. 205. SERVICES.**

21 *The Mowa Band of Choctaw Indians of Alabama, and*  
22 *the members of such Band, shall be eligible for all services*  
23 *and benefits that are provided by the Federal Government*  
24 *to Indians because of their status as federally recognized*  
25 *Indians. Notwithstanding any other provision of law, such*

1 *services and benefits shall be provided after the date of en-*  
2 *actment of this Act to the Band, and to the members of*  
3 *the Band, without regard to the existence of a reservation*  
4 *for the Band or the location of the residence of any member*  
5 *of the Band on or near any Indian reservation.*

6 **SEC. 206. CONSTITUTION AND BYLAWS.**

7 (a) *IN GENERAL.*—*The Mowa Band of Choctaw Indi-*  
8 *ans of Alabama may organize for the common welfare of*  
9 *the Band and adopt a constitution and bylaws in accord-*  
10 *ance with regulations prescribed by the Secretary of the In-*  
11 *terior. The Secretary of the Interior shall offer to assist the*  
12 *Band in drafting a constitution and bylaws for the Band.*

13 (b) *FILING.*—*Any constitution, bylaws, or amend-*  
14 *ments to the constitution or bylaws that are adopted by the*  
15 *Mowa Band of Choctaw Indians of Alabama shall take ef-*  
16 *fect only after such constitution, bylaws, or amendments are*  
17 *filed with the Secretary of the Interior.*

18 **SEC. 207. MEMBERSHIP.**

19 (a) *IN GENERAL.*—*Until a constitution for the Mowa*  
20 *Band of Choctaw Indians of Alabama is adopted, the mem-*  
21 *bership of the Band shall consist of each individual who—*

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

24 (2) *is a descendant of any individual described*  
25 *in paragraph (1).*

1       **(b) AFTER THE ADOPTION OF A CONSTITUTION.**—After  
2 *the adoption of a constitution by the Mowa Band of Choc-*  
3 *taw Indians of Alabama, the membership of the Band shall*  
4 *be determined in accordance with the terms of such con-*  
5 *stitution or any bylaws adopted under such constitution.*

6 **SEC. 208. REGULATIONS.**

7       *The Secretary of the Interior shall prescribe such regu-*  
8 *lations as may be necessary to carry out the purposes of*  
9 *this title.*

Attest:

*Secretary.*

HR 4228 EAS—2

HR 4228 EAS—3

HR 4228 EAS—4

HR 4228 EAS—5