

103D CONGRESS
1ST SESSION

S. 1078

AN ACT

To confirm the Federal relationship with the Jena
Band of Choctaw Indians of Louisiana.

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To confirm the Federal relationship with the Jena Band
of Choctaw Indians of Louisiana.

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 “Jena Band of Choctaw
5 Indians of Louisiana Confirmation Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) In 1903 and 1904, after presenting testi-
4 mony before the Dawes Commission, ancestors of
5 the Jena Band of Choctaw were identified as
6 “Fullblood Mississippi Choctaw Indians”.

7 (2) More than 60 percent of the membership on
8 the Jena Band of Choctaw roll dated December 1,
9 1984, and later submitted to the Assistant Sec-
10 retary, Indian Affairs, on May 2, 1985, can docu-
11 ment possessing one-half or more Choctaw Indian
12 blood quantum based on descent from individuals
13 listed as “Mississippi Choctaw” by the Dawes Com-
14 mission or as “Choctaw” on the Indian Schedules of
15 the 1900 Federal Population Census.

16 (3) High blood degree such as that dem-
17 onstrated and documented by the Jena Band of
18 Choctaw, although not a requirement for maintain-
19 ing a Federal tribal relationship provides exceptional
20 evidence which supports confirmation of that rela-
21 tionship outside the normal administrative process,
22 because a group cannot maintain a high blood de-
23 gree without a continuity of close and significant so-
24 cial relationships which in themselves demonstrate
25 distinct social community.

1 (4) The Jena Band of Choctaw has retained a
2 distinct dialect of the Choctaw language on a contin-
3 uous basis since historic times, thus, providing sup-
4 porting evidence that the Jena Band has maintained
5 itself as a separate and distinct historic band of
6 Choctaw.

7 (5) The Jena Band's Choctaw ancestors resided
8 in close proximity in historic Catahoula Parish, the
9 predecessor to modern Catahoula and La Salle Par-
10 ishes, according to the 1880, 1900 and 1910 Fed-
11 eral population censuses; Federal documents place
12 the members of the Tribe in this same area in the
13 1930's and 1950's; 72 percent of the Tribe's current
14 membership still resides in La Salle, and neighbor-
15 ing Grant and Rapides Parishes, thus providing sup-
16 porting evidence for continuity of membership and
17 location.

18 (6) The Jena Band of Choctaw can document
19 and identify traditional leaders by name from 1850
20 to 1968 and elected leaders from 1974 to the
21 present, which in the historical context of their com-
22 munity provides supporting evidence for continuity
23 of political influence.

24 (7) Confirmation of the Federal relationship
25 with the Tribe is supported by all the federally rec-

1 ognized tribes in Louisiana and by the Mississippi
2 Band of Choctaw Indians.

3 **SEC. 3. DEFINITIONS.**

4 For purposes of this Act:

5 (1) The term “Tribe” means the Jena Band of
6 Choctaw Indians of Louisiana.

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

9 (3) The term “Interim Council” means the
10 Board of Directors of the Jena Band of Choctaw In-
11 dians of Louisiana.

12 (4) The term “member” means an individual
13 who is enrolled on the membership roll of the Tribe.

14 (5) The term “State” means the State of
15 Louisiana.

16 **SEC. 4. CONFIRMATION OF FEDERAL RELATIONSHIP.**

17 Federal Recognition as a Tribe is hereby confirmed
18 with regard to the Jena Band of Choctaw Indians of Lou-
19 isiana. All Federal laws of general application to Indians
20 and Indian tribes, including the Act of June 18, 1934 (48
21 Stat. 984; 25 U.S.C. 461 et seq.), popularly known as the
22 “Indian Reorganization Act”, shall apply with respect to
23 the Tribe and to the members.

1 **SEC. 5. RECOGNITION OF RIGHTS.**

2 (a) EXISTING RIGHTS OF TRIBE.—Nothing in this
3 Act may be construed to diminish any rights or privileges
4 of the Tribe, or of its members, that existed prior to the
5 date of the enactment of this Act.

6 (b) EXISTING RIGHTS AND OBLIGATIONS.—Except
7 as otherwise specifically provided in this Act, nothing in
8 this Act may be construed as altering or affecting—

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

11 (2) any rights or obligations under any con-
12 tract,

13 (3) any hunting, fishing, trapping, gathering, or
14 water rights of the Tribe or its members, or

15 (4) any obligation to pay a tax levied before the
16 date of enactment of this Act.

17 **SEC. 6. FEDERAL SERVICES AND BENEFITS.**

18 Notwithstanding any other provision of law, and
19 without regard to the existence of a reservation, the Tribe
20 and its members shall be eligible, on and after the date
21 of enactment of this Act, for all Federal services and bene-
22 fits furnished to federally recognized Indian tribes or their
23 members. In the case of Federal services available to mem-
24 bers of federally recognized tribes residing on a reserva-
25 tion, members of the Jena Band of Choctaw Indians of
26 Louisiana residing in La Salle, Rapides, and Grant Par-

1 ishes, Louisiana, shall be deemed to be residing on a res-
2 ervation. Notwithstanding any other provision of law, the
3 Tribe shall be considered an Indian tribe for the purpose
4 of the Indian Tribal Government Tax Status Act (26
5 U.S.C. 7871).

6 **SEC. 7. ECONOMIC DEVELOPMENT.**

7 (a) PLAN FOR ECONOMIC DEVELOPMENT.—The Sec-
8 retary shall—

9 (1) enter into negotiations with the governing
10 body of the Tribe with respect to establishing a plan
11 for economic development for this Tribe;

12 (2) in accordance with this section and not later
13 than 2 years after the adoption of a tribal constitu-
14 tion as provided in section 10, develop such a plan;
15 and

16 (3) upon the approval of such plan by the gov-
17 erning body of the Tribe, submit such plan to the
18 Congress.

19 (b) RESTRICTIONS TO BE CONTAINED IN PLAN.—
20 Any proposed transfer of real property contained in the
21 plan developed by the Secretary under subsection (a) shall
22 be consistent with the requirements of section 11 of this
23 Act.

1 **SEC. 8. INTERIM GOVERNMENT.**

2 Until such time as a constitution for the Tribe is
3 adopted in accordance with section 10(a), the Tribe shall
4 be governed by the Interim Council.

5 **SEC. 9. MEMBERSHIP.**

6 (a) **BASE ROLL.**—The Jena Band of Choctaw mem-
7 bership list dated December 1, 1984, and submitted to
8 the Assistant Secretary, Indian Affairs, on May 2, 1985,
9 shall constitute the base roll of the Tribe subject to the
10 review and approval of the Secretary.

11 (b) **ELIGIBILITY.**—(1) Until a tribal constitution is
12 adopted, a person shall be placed on the Jena membership
13 roll, if the individual is living, possesses at least one-fourth
14 or more Choctaw Indian blood quantum derived directly
15 from those Choctaw who lived in the historic Catahoula
16 Parish, and is not an enrolled member of another federally
17 recognized tribe, and if—

18 (A) that individual's name is listed on the Jena
19 Band of Choctaw membership list dated December
20 1, 1984, submitted to the Assistant Secretary, In-
21 dian Affairs, on May 2, 1985;

22 (B) that individual is not listed on but meets
23 the requirements established by the Jena Band of
24 Choctaw Indians of Louisiana in its Articles of In-
25 corporation, filed and recorded in the State of Lou-
26 isiana on May 22, 1974, which had to be met to be

1 included on the Jena Band's list dated December 1,
2 1984; or

3 (C) that individual is a lineal descendant of an
4 individual, living or dead, identified by subparagraph
5 (A) or (B).

6 (2) After adoption of a tribal constitution, such con-
7 stitution shall govern membership in the Tribe. In addi-
8 tion to meeting any other criteria imposed in such tribal
9 constitution, any person added to the roll must be of Choc-
10 tow ancestry derived directly from those Choctaw who
11 lived in the historic Catahoula Parish and cannot be a
12 member of another federally recognized Indian tribe.

13 **SEC. 10. TRIBE CONSTITUTION.**

14 (a) IN GENERAL.—Upon the written request of the
15 Interim Council, the Secretary shall conduct, by secret bal-
16 lot, an election to adopt a constitution for the Tribe which
17 is consistent with this Act. Such constitution shall be sub-
18 mitted by the Interim Council to the Secretary no later
19 than 1 year following the date of enactment of this Act.
20 Absentee balloting shall be permitted regardless of voter
21 residence. The election shall be conducted in accordance
22 with section 16 of the Act of June 18, 1934 (48 Stat.
23 987; 25 U.S.C. 476), as amended.

24 (b) ELECTION OF TRIBAL OFFICIALS.—Not later
25 than 120 days after the Tribe adopts a tribal constitution,

1 the Secretary shall conduct an election by secret ballot for
2 the purpose of electing tribal officials as provided in the
3 constitution. Such election shall be conducted according
4 to the procedures stated in subsection (a) except to the
5 extent that such procedures conflict with the tribal
6 constitution.

7 (c) TRIBAL GOVERNMENT.—Notwithstanding any
8 other provision of law, the governing body of the Tribe
9 established under the constitution adopted under sub-
10 section (a), shall be treated as an Indian tribal govern-
11 ment for purposes of the Internal Revenue Code of 1986,
12 and all other Federal laws of general application to Indi-
13 ans and Indian tribes, including the Act of June 18, 1934
14 (48 Stat. 984; 25 U.S.C. 461 et seq.), as amended.

15 **SEC. 11. REAL PROPERTY.**

16 (a) SUBJECT TO EXISTING RIGHTS AND OBLIGA-
17 TIONS.—Any real property taken in trust by the Secretary
18 shall be subject to—

19 (1) all legal rights and interests in such lands
20 existing at the time of acquisition of such land by
21 the Secretary, including any lien, mortgage, or pre-
22 viously levied and outstanding State or local tax;

23 (2) foreclosure or sale in accordance with the
24 laws of the State of Louisiana pursuant to the terms

1 of any valid obligation in existence at the time of the
2 acquisition of such land by the Secretary; and

3 (3) the provisions of the Indian Gaming Regu-
4 latory Act (25 U.S.C. 2701 et seq.).

5 (b) TAX EXEMPTION.—Any real property held in
6 trust by the Secretary pursuant to this Act shall be ex-
7 empt from Federal, State, and local taxation on and after
8 the date such property is accepted by the Secretary.

Passed the Senate August 5 (legislative day, June
30), 1993.

Attest:

Secretary.