

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2366

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 1993

Mr. BAKER of Louisiana (for himself, Mr. HAYES, Mr. McCRERY, Mr. LIVINGSTON, and Mr. JEFFERSON) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

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”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

8 (1) In 1903 and 1904, after presenting testi-  
9 mony before the Dawes Commission, ancestors of

1 the Jena Band of Choctaw were identified as  
2 “Fullblood Mississippi Choctaw Indians”.

3 (2) More than 60 percent of the membership on  
4 the Jena Band of Choctaw roll dated December 1,  
5 1984, and later submitted to the Assistant Sec-  
6 retary, Indian Affairs, on May 2, 1985, can docu-  
7 ment possessing one-half or more Choctaw Indian  
8 blood quantum based on descent from individuals  
9 listed as “Mississippi Choctaw” by the Dawes Com-  
10 mission or as “Choctaw” on the Indian Schedules of  
11 the 1900 Federal Population Census.

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

22 (4) The Jena Band of Choctaw has retained a  
23 distinct dialect of the Choctaw language on a contin-  
24 uous basis since historic times, thus, providing sup-  
25 porting evidence that the Jena Band has maintained

1       itself as a separate and distinct historic band of  
2       Choctaw.

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

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

20          (7) Confirmation of the Federal relationship  
21      with the Tribe is supported by all the federally rec-  
22      ognized tribes in Louisiana and by the Mississippi  
23      Band of Choctaw Indians.

24      **SEC. 3. DEFINITIONS.**

25      For purposes of this Act:

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

3           (2) The term “Secretary” means the Secretary  
4 of the Interior.

5           (3) The term “Interim Council” means the  
6 Board of Directors of the Jena Band of Choctaw In-  
7 dians of Louisiana.

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

10          (5) The term “State” means the State of Lou-  
11 isiana.

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

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

20 **SEC. 5. RECOGNITION OF RIGHTS.**

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

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

4 (1) any rights or obligations with respect to  
5 property,

6 (2) any rights or obligations under any con-  
7 tract,

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

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

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

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

1 of the Indian Tribal Government Tax Status Act (26  
2 U.S.C. 7871).

3 **SEC. 7. ECONOMIC DEVELOPMENT.**

4 (a) PLAN FOR ECONOMIC DEVELOPMENT.—The Sec-  
5 retary shall—

6 (1) enter into negotiations with the governing  
7 body of the Tribe with respect to establishing a plan  
8 for economic development for this Tribe;

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

13 (3) upon the approval of such plan by the gov-  
14 erning body of the Tribe, submit such plan to the  
15 Congress.

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

21 **SEC. 8. INTERIM GOVERNMENT.**

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

1 **SEC. 9. MEMBERSHIP.**

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

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

14 (A) that individual's name is listed on the Jena  
15 Band of Choctaw membership list dated December  
16 1, 1984, submitted to the Assistant Secretary, In-  
17 dian Affairs, on May 2, 1985;

18 (B) that individual is not listed on but meets  
19 the requirements established by the Jena Band of  
20 Choctaw Indians of Louisiana in its Articles of In-  
21 corporation, filed and recorded in the State of Lou-  
22 isiana on May 22, 1974, which had to be met to be  
23 included on the Jena Band's list dated December 1,  
24 1984; or

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

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

11 **SEC. 10. TRIBE CONSTITUTION.**

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

22 (b) ELECTION OF TRIBAL OFFICIALS.—Not later  
23 than 120 days after the Tribe adopts a tribal constitution,  
24 the Secretary shall conduct an election by secret ballot for  
25 the purpose of electing tribal officials as provided in the

1 constitution. Such election shall be conducted according  
2 to the procedures stated in subsection (a) except to the  
3 extent that such procedures conflict with the tribal con-  
4 stitution.

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

13 **SEC. 11. REAL PROPERTY.**

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

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

21 (2) foreclosure or sale in accordance with the  
22 laws of the State of Louisiana pursuant to the terms  
23 of any valid obligation in existence at the time of the  
24 acquisition of such land by the Secretary; and

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

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

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