



OFFICE OF THE TRIBAL CHIEF CYRUS BEN

101 Industrial Road • P.O. Box 6010 • Choctaw, Mississippi 39350

Phone: (601) 656-5251 • Fax: (601) 650-1606

March 22, 2023

US EPA Region 4

Attn: Daniel Blackman, Regional Administrator

61 Forsyth Street SW

Atlanta, Ga 30303

RE: Application for Treatment as an Affected State Status Under the Tribal Authority Rule for Purposes of Sections 107(c), 107(d), 319, 126(a), 126(b), 110(a)(2)(D)(i), 505(a)(2), and 105 of the Clean Air Act

Dear Mr. Blackman,

As the principal executive officer of the Mississippi Band of Choctaw Indians ("MBCI"), I hereby submit the enclosed application for Treatment as an Affected State under the Environmental Protection Agency's Tribal Authority Rule. The MBCI Tribal Council resolution authorizing this application is also enclosed for reference. MBCI's Office of Environmental Protection is available to answer any questions and respond to any concerns about the application materials. Thank you for your consideration of MBCI's application.

Sincerely,

Cyrus Ben
Tribal Chief

Cc: Sarah Medlock, Development Division Director
Reggie Shumaker, Director of Public Works
Jerry Cain, Environmental Manager

Enclosures (as stated)

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 23-048

A RESOLUTION TO AUTHORIZE THE MISSISSIPPI BAND OF CHOCTAW INDIANS TO
APPLY FOR TREATMENT AS A STATE FOR THE CLEAN AIR ACT, CLEAN WATER
ACT AND SAFE DRINKING WATER ACT TO THE U.S. ENVIRONMENTAL
PROTECTION AGENCY

WHEREAS, Section 1, Subsection (a) of Article VIII of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians ("MBCI" or the "Tribe") empowers the Tribal Council to negotiate with and to approve or disapprove contracts or agreements with Federal, State, or local governments, with private persons, or with corporate bodies; and

WHEREAS, on June 17, 1994, the Tribal Council adopted Resolution CHO 190-94 which established MBCI's Office of Environmental Protection; and

WHEREAS, 40 U.S.C. §7601, 33 U.S.C. §1251, and 42 U.S.C. §300j—11 authorize the U.S. Environmental Protection Agency to treat Indian Tribes as States for the purpose of the Clean Air Act, Clean Water Act and Safe Drinking Water Act, provided that Indian Tribes must first apply to the U.S. Environmental Protection Agency for Treatment as a State under those Federal laws; and

WHEREAS, Indian Tribes that are treated as States for the purpose of the Clean Air Act, Clean Water Act and Safe Drinking Water Act have authority to regulate air quality, water quality, and public water systems and are eligible to receive Federal funding to develop and implement their regulations; and

WHEREAS, Tribal regulation of air quality, water quality, and public water systems would further promote Tribal sovereignty and Self-Determination; and

WHEREAS, the Chairman of the Natural Resources Committee has reviewed this Resolution and recommended it to be forwarded to the Tribal Council for approval; now therefore be it

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief or his designee, to apply and submit applications for Treatment as a State for the Clean Air Act, Clean Water Act and Safe Drinking Water Act to the U.S. Environmental Protection Agency; and be it further

RESOLVED, that the Tribal Council does hereby authorize the Tribal Chief or his designee, to sign additional documents, forms, or contracts directly related to the aforementioned applications without further Council action.

CERTIFICATION

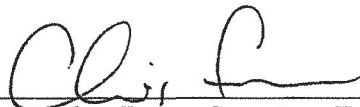
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 14 of whom, constituting a quorum were present at a Special Call meeting duly called, noticed, convened and held this the 27th day of February, 2023; and that the foregoing Resolution was duly Adopted by a vote of 14 members in favor, 0 opposed and 0 abstaining.

Dated this 27th day of February, 2023.

ATTEST:



Cyrus Ben, Tribal Chief



Christopher Eaves, Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS
APPLICATION FOR TREATMENT AS AN AFFECTED STATE STATUS UNDER THE
TRIBAL AUTHORITY RULE FOR PURPOSES OF SECTIONS 107(c), 107(d), 319, 126(b),
110(a)(2)(D)(I), 505(a)(2), AND 105 OF THE CLEAN AIR ACT

I. Introduction

The Mississippi Band of Choctaw Indians (MBCI) hereby submits this application for Treatment as an Affected State (TAS) under the Tribal Authority Rule for the purposes of Titles I, II, and V of the Clean Air Act (CAA) to the United States Environmental Protection Agency (EPA). Assumption grants tribes the authority to implement the pertinent program or portions thereof with the same authority as that of a state under the CAA at the same or more stringent requirements. Assumption asserts the sovereignty of the tribe and the inherent authority of indigenous tribes to govern themselves.

§ 49.3 General Tribal Clean Air Act authority.

Tribes meeting the eligibility criteria of § 49.6 shall be treated in the same manner as States with respect to all provisions of the Clean Air Act and implementing regulations, except for those provisions identified in § 49.4 and the regulations that implement those provisions.

This document outlines the eligibility criteria listed below (40 CFR §49.6):

- Federally recognized tribe
- Governing body with substantial governing duties and powers
- Ability to implement the program consistent with the CAA and applicable regulations and
- Ability to identify the exterior boundaries of the reservation and, for non-reservation areas, to demonstrate the basis for jurisdiction.

MBCI intends to apply for the following CAA Program Areas:

A. Administrative TAS

1. §103 Research, Investigation, Training, and Other Activities
2. §105 Grants for Support of Air Pollution Planning and Control Programs
3. §107(c) Authority of Administrator to Designate Regions
4. §107(d) Designations
5. §319 Air Quality Monitoring

B. TAS for Notification – “Good Neighbor Provision”

1. §126
 - i. Written Notification to all Nearby States
 - ii. Petition for finding that major sources emit or would emit prohibited air pollutants

C. Recognition of the Tribe as an Affected State

1. §110
 - i. (a)(2)(d)(i) requirement of states to include adequate provisions in their SIP that ensure that air quality in the neighboring jurisdictions is protected

2. §505(a) Notification to Affected State

II. TAS Criteria

The statement of MBCI's legal counsel appended to this narrative fully discusses the criteria set forth in 40 C.F.R. § 49.7(a)(1)-(3), 40 C.F.R. § 49.7(a)(4)(i), and 40 C.F.R. § 49.7(a)(4)(iii). The criteria set forth in 40 C.F.R. § 49.7(a)(4)(ii) and 40 C.F.R. § 49.7(a)(4)(iv)-(v) are discussed in greater detail below.

A. Capability to Administer the Clean Air Act Program §49.7(a)(4)(ii), (iv)-(v)

MBCI has shown the capability to administer the CAA program through seven years of successful CAA §103 capacity building grants management and has garnered training and experience needed to assume delegation under the CAA. MBCI has further demonstrated the ability to implement environmental programs, having been granted TAS for Clean Water Act §106 and §319. MBCI also utilizes funding from Indian Health Service under the Indian Sanitation Facility Construction Activity Act to construct and maintain wastewater treatment systems.

1. Existing Environmental Programs §49.7(a)(4)(ii)

MBCI has had an active CAA Section 103 Grant since 2016. The Section 103 grant is being used to develop the capacity to assume authority for the CAA. The program has hired staff, trained extensively on ambient and indoor air topics, conducted an Emissions Inventory, and coordinated with the Tribal Government and Schools Divisions to assess and address ambient and indoor air quality concerns.

MBCI's Office of Environmental Protection (OEP) also manages the following EPA programs:

- General Assistance Program (GAP)
 - Underground Storage Tank,
 - Individual On-site Wastewater Treatment
 - Recycling and Solid Waste Management
 - Environmental Laboratory
 - Stormwater
- Performance Partnership Grant (PPG)
 - Lead (Pb)
 - CWA §106
 - CWA §319
 - CWA §319s
- National Environmental Policy Act
- BIA Water Resources
- Brownfields

MBCI continues to gain capacity to implement the CAA program through training, development of an ambient air monitoring program, and applying for a CAA 105 grant in FY2023. The proposed Section 105 grant will be included in the existing PPG.

2. Office of Environmental Protection Description §49.7(a)(4)(iv)

The CAA program will be managed by the MBCI Office of Environmental Protection (OEP), Public Works Department, Development Division. OEP is now comprised of nine full-time employees with varying responsibilities. The positions held are as follows:

- One Environmental Manager
- Two Environmental Scientist Supervisors
- Three Environmental Scientists
- One Environmental Administrator
- One Administrative Assistant
- One Environmental Technician

3. Technical and Administrative Capabilities §49.7(a)(4)(v)

OEP is actively administering a Section 103 Air Grant Program. The focus of this has been capacity building, moving towards a Section 105 program and applying for TAS. OEP continues to build capacity, technical expertise and administrative capabilities utilizing the §103 EPA Grant funds to attend training courses such as those held by the Institute for Tribal Environmental Professionals (ITEP). OEP coordinated with Tribal Air Monitoring Support Center (TAMS) to obtain PM2.5 monitoring equipment and operated this equipment for just shy of one year. OEP has worked with EPA, ITEP, and individual manufacturers to design an air monitoring shelter to report air quality and meteorological data to EPA and Air Now. MBCI is an active member of the National Tribal Air Association (NTAA).

Two staff members are assigned to the Air Program and are overseen by the Environmental Manager:

The Environmental Scientist, Nicklaus Shumake has been working on the air program for 4 years. He graduated from The University of Southern Mississippi with a B.S. degree in liberal study with a minor in biology. His responsibilities include working closely with other tribes and USEPA to address Air Quality concerns. He is actively studying ambient air quality monitoring methods and indoor air quality diagnostics and participating in training through ITEP. Nick played a vital role in completing the Emissions Inventory and has coordinated the air monitoring shelter's design, installation, training, and will take the lead on operations and reporting.

The Environmental Scientist, George Wishork, Jr, has recently been hired to provide additional support to the air quality program. In the few months since George was hired, he has attended multiple training sessions at ITEP and is getting hands on training will assisting with the air monitoring shelter design and installation. He will operate the sensors and manage data.

The Environmental Scientist Supervisor, Jessica Lewis, has worked under the Section 103 air grant for 5 years. She graduated from the University of Southern Mississippi with a BS in Biological Sciences with a minor in Chemistry and MS in Marine Sciences and has over 18 years of experience in environmental science. During this time, she was able to oversee the completion of a level 4 Emissions Inventory. She has completed Air Quality Fundamentals and Air Pollution

Technology and attended multiple other air quality training courses and is currently enrolled in Advanced Quality Assurance Program Plan training through ITEP.

The Environmental Manager, Mr. Jerry Cain, has over 40 years of experience as a practicing Environmental Engineer. He has been in his current position of Environmental Manager for the Mississippi Band of Choctaw Indians since 2013. He retired from the Mississippi Department of Environmental Quality as the Director of the Office of Pollution Control after 35 years of service. Jerry received both his BS and MS degrees in Civil and Environmental Engineering from Mississippi State University in 1977 and 1978, respectively, and is a Registered Professional Engineer by the State of Mississippi and a Board-Certified Environmental Engineer by the American Academy of Environmental Engineers and Scientists.



OFFICE OF THE ATTORNEY GENERAL

PHONE (601) 656-4507 • FAX (601) 656-1357

MISSISSIPPI BAND OF CHOCTAW INDIANS

P. O. BOX 6258 / 354 INDUSTRIAL ROAD

CHOCTAW, MISSISSIPPI 39350

May 16, 2023

US EPA Region 4

Attn: Daniel Blackman, Reg'l Adm'r

61 Forsyth Street SW

Atlanta, Ga 30303

RE: Application for Treatment as an Affected State Status Under the Tribal Authority Rule for Purposes of Sections 107(c), 107(d), 319, 126(a), 126(b), 110(a)(2)(D)(i), 505(a)(2), and 105 of the Clean Air Act

Dear Mr. Blackman,

This letter serves as the statement of legal counsel for the Mississippi Band of Choctaw Indians ("MBCI") in support of its application for Treatment as an Affected State ("TAS") under the Clean Air Act of 1963 ("CAA"), Pub. L. 88-206, 77 Stat. 392 (codified as amended at 25 U.S.C. §§7401-7671q).¹ CAA Sections 7601(d)(2) and 7602(r), as implemented by 40 C.F.R. § 49.7, require an application for TAS to demonstrate that: (1) the Indian tribe is "federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians" (42 U.S.C. § 7602(r)); (2) "the Indian tribe has a governing body carrying out substantial governmental duties and powers" (42 U.S.C. § 7601(d)(2)(A)); (3) "the functions to be exercised by the Indian tribe pertain to the management and protection of air resources within the exterior boundaries of the reservation or other areas within the tribe's jurisdiction" (42 U.S.C. § 7601(d)(2)(B)); and (4) "the Indian tribe is reasonably expected to be capable...of carrying out the functions to be exercised in a manner consistent with the terms and purposes of [the CAA] and all applicable regulations (42 U.S.C. § 7601(d)(2)(C)). Each of these requirements is discussed below.

I. MBCI is a Federally-Recognized Indian Tribe (42 U.S.C. § 7602(r))

MBCI is a federally-recognized Indian tribe.² By virtue of its status as a federally-recognized Indian tribe, MBCI is eligible to receive funding and services from the Bureau of Indian Affairs ("BIA").³

¹ MBCI's Office of the Attorney General serves as legal counsel for MBCI's tribal government. MISS. BAND CHOCTAW INDIANS ORDINANCE 16-AA (Mar. 22, 1994) (establishing MBCI's Office of the Attorney General) (enclosed).

² Indian Entities Recognized and Eligible to Receive Services, 86 Fed. Reg. 4,636, 4,638 (Jan. 28, 2022).

³ *Id.*

II. MBCI has a Governing Body Carrying out Substantial Governmental Duties and Powers (42 U.S.C. § 7601(d)(2)(A))

MBCI has adopted a constitution approved by the Secretary of the Interior pursuant to the Section 16 of the Indian Reorganization Act of 1934, Pub. L. 73-383, 48 Stat. 984 (codified as amended at 25 U.S.C. § 5123).⁴ MBCI is governed by a Tribal Council of seventeen elected representatives (the legislature), an elected Tribal Chief (the executive), and an independent judiciary established by MBCI's Tribal Council.⁵ MBCI's Tribal Council has enacted various ordinances that demonstrate its authority to regulate for the protection of the health and welfare of MBCI's tribal members. These ordinances have been codified into the *Choctaw Tribal Code*.⁶

III. The Functions to be Exercised by MBCI Pertain to the Management and Protection of Air Resources Within the Exterior Boundaries of MBCI's Reservation (42 U.S.C. § 7601(d)(2)(B))

MBCI's Reservation consists of all lands acquired by the United States in trust for MBCI.⁷ The United States has acquired land in trust for MBCI in Attala, Carroll, Jackson, Jones, Kemper, Leake, Neshoba, Newton, Noxubee, Scott, and Winston counties in Mississippi and Lauderdale County in Tennessee.⁸ Maps depicting the MBCI Reservation lands for which MBCI is seeking TAS approval are enclosed with this letter.⁹

MBCI exercises its civil regulatory jurisdiction subject to firmly established precedent from the federal courts of the United States that limit the inherent authority of Indian tribes to regulate the activities of non-Indians.¹⁰ However, these limitations do not apply where, as here, Congress has delegated federal authority to Indian tribes through a law authorizing tribal

⁴ THEODORE H. HAAS, TEN YEARS OF TRIBAL GOVERNMENT UNDER THE I.R.A. 22 (1947) *available at* <https://www.doi.gov/sites/doi.gov/files/migrated/library/internet/subject/upload/Haas-TenYears.pdf>; *see also* MISS. BAND OF CHOCTAW INDIANS REVISED CONST. AND BYLAWS *available at* https://www.choctaw.org/government/court/pdf/MBCI%20Constituion%20&%20Bylaws_ElectonicVersion_41216.pdf.

⁵ MISS. BAND OF CHOCTAW INDIANS REVISED CONST. AND BYLAWS, *supra* note 4, at arts. IV, V, VIII, IX; MISS. BAND OF CHOCTAW INDIANS RES. CHO 79-84(B) (Apr. 10, 1984) (authorizing self-determination contracts to fund tribal government operation of various BIA programs, including the "court system") (enclosed); MISS. BAND CHOCTAW INDIANS ORDINANCE 16-D (Dec. 3, 1984) (acknowledging "transfer of administration of the court [system] from [BIA] to the tribe, effective January 1, 1985") (enclosed).

⁶ MISS. BAND OF CHOCTAW INDIANS ORDINANCE 16 (July 14, 1980) (establishing the *Choctaw Tribal Code*) (enclosed); CHOCTAW TRIBAL CODE *available at* <http://www.choctaw.org/government/court/code.html>.

⁷ Act of June 29, 2000, Pub. L. 106-228, 114 Stat. 462 (declaring that "all lands taken in trust by the United States for the benefit of the Mississippi Band of Choctaw Indians on or after December 23, 1944, shall be part of the Mississippi Choctaw Indian Reservation"); Lands Acquired for the Benefit of Choctaw Indians in Mississippi, 9 Fed. Reg. 14,907 (Dec. 23, 1944) (proclaiming that all lands acquired by the United States for the benefit of Choctaw Indians in Mississippi prior to December 23, 1944 "to be an Indian reservation for the benefit of [the] members of the Mississippi Band of Choctaw Indians").

⁸ As of the date of this letter, there are 153 tracts held by the United States in trust for MBCI. There are hundreds of pages of documents proving ownership of these tracts that are available for EPA inspection.

⁹ This application for TAS approval does not include the MBCI Reservation lands located in Lauderdale County, Tennessee.

¹⁰ *See generally Montana v. United States*, 450 U.S. 544 (1981).

enforcement of a federal statute.¹¹ Therefore, MBCI has jurisdiction to regulate the activities of all persons for the protection of air quality within MBCI's Reservation.

III. MBCI is Reasonably Expected to Be Capable of Carrying Out the Functions to Be Exercised in a Manner Consistent with the Clean Air Act and All Applicable Regulations (42 U.S.C. § 7601(d)(2)(C))

MBCI is a self-governance tribe for purposes of the Indian Self-Determination and Education Assistance Act of 1975, Pub. L. 93-638, 88 Stat. 2203 (codified as amended at 25 U.S.C. §§ 450–450n, 455–458e, 458aa–458hh, 458aaa–458aaa-18). By virtue of its status as a self-governance tribe, MBCI administers virtually all of its governmental functions (including education, health care, job training, housing, police and fire protection, courts, utilities, and other community infrastructure) pursuant to annual funding agreements with federal agencies.¹² MBCI's Office of Environmental Protection ("OEP") is the subdivision of MBCI's tribal government that administers environmental programs funded by various organizations and government agencies, including EPA.¹³ OEP presently administers EPA grants for the following program areas: Brownfields, Environmental Laboratory, Individual On-Site Wastewater Treatment, Lead, National Environmental Policy Act, Underground Storage Tanks, Recycling and Solid Waste Management, Sections 106 and 319 of the Clean Water Act, Stormwater, and Wetlands.

MBCI's application demonstrates that: (1) MBCI is a federally-recognized Indian tribe; (2) MBCI possesses significant authority to carry out substantial governmental duties, including the regulation of air quality within MBCI's Reservation; (3) MBCI has jurisdiction to regulate the activities of all persons for the protection of air quality within MBCI's Reservation; and (4) through OEP, MBCI has the capability to conduct the activities related to the CAA program areas for which MBCI seeks TAS approval. Therefore, MBCI's application satisfies EPA's regulatory requirements for TAS under the CAA.

Respectfully submitted,

¹¹ *Ariz. Public Service Comm'n v. EPA*, 211 F.3d 1280, 1288 (D.C. Cir. 2000) *cert denied sub nom. Michigan v. EPA*, 121 S. Ct. 1600 (2001) (holding that CAA Section 301(d) "express[es] congressional intent to grant tribal jurisdiction over nonmember owned fee land within a reservation without the need to determine, on a case-specific basis, whether a tribe possesses 'inherent sovereign power' under *Montana*").

¹² *See, e.g.*, MISS. BAND OF CHOCTAW INDIANS RES. CHO 79-84(B) (Apr. 10, 1984) (authorizing self-determination contracts to fund tribal government operation of various BIA programs) (enclosed); MISS. BAND OF CHOCTAW INDIANS RES. CHO 22-89(B) (Nov. 30, 1988) (authorizing a self-determination contract to fund tribal government operation of BIA schools) ("effective July 1, 1989, the tribal government of [MBCI] contracted for the operation of all [BIA] Choctaw Agency educational programs") (enclosed); MISS. BAND OF CHOCTAW INDIANS RES. CHO 193-94(B) (June 28, 1994) (authorizing a self-governance compact to fund tribal government operation of various healthcare services programs) (enclosed).

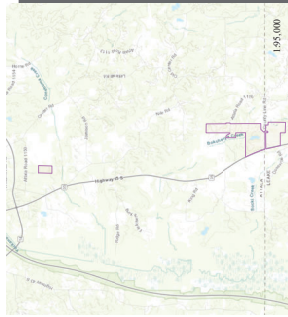
¹³ *See, e.g.*, MISS. BAND OF CHOCTAW INDIANS RES. CHO 190-94 (Jun. 17, 1994) (establishing OEP) (enclosed); MISS. BAND OF CHOCTAW INDIANS RES. CHO 14-074 (Jul. 15, 2014) (authorizing "the [Tribal] Chief to apply for...any grant funds offered by EPA that would support the objectives of [OEP]...on an ongoing basis") (enclosed); MISS. BAND OF CHOCTAW INDIANS RES. CHO 21-117 (Sept. 1, 2021) (authorizing "the Tribal Chief to apply for U.S. Fish & Wildlife Service funding on an ongoing basis, provided that such funding supports the objectives of [OEP]") available at <http://www.choctaw.org/aboutmbci/council/2021/Regular%20Call%20-%20September%2001,%202021.pdf>.

A handwritten signature in black ink, appearing to read 'W. Holley', written over a horizontal line.

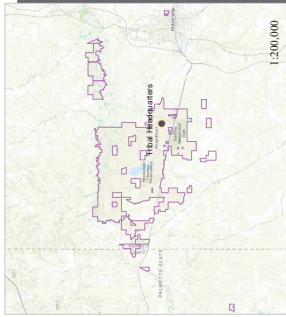
Will Holley
Staff Attorney

Cc: Cyrus Ben, Tribal Chief
Diane Maxwell, Attorney General
Sarah Medlock, Development Director
Reggie Shumaker, Department of Public Works
Jerry Cain, Environmental Manager

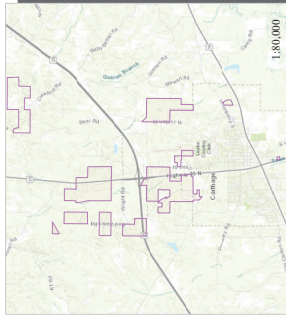
Enclosures (as stated)



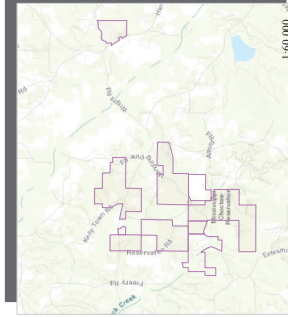
Attala Leake County - 602 Ac +/-



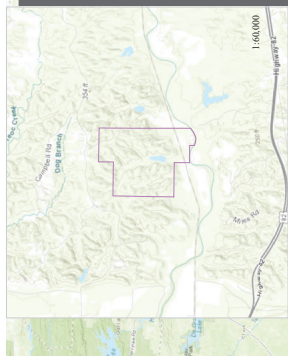
Pearl River Community - 15,444 Ac +/-



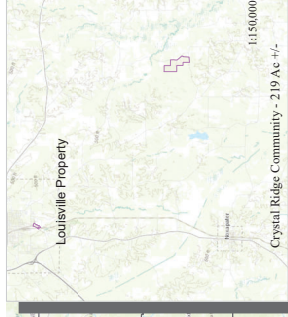
Red Water Community - 1,596 Ac +/-



Standing Pine Community - 1,470 Ac +/-



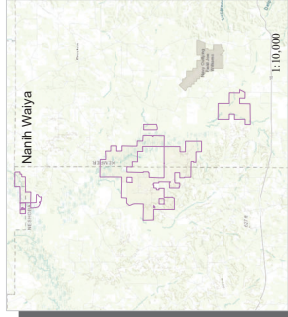
Malmison Property - 876 Ac +/-



Crystal Ridge Community - 219 Ac +/-



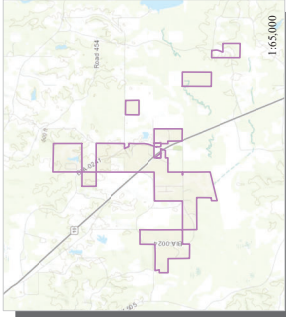
Noxubee County - 3.8 Ac +/-



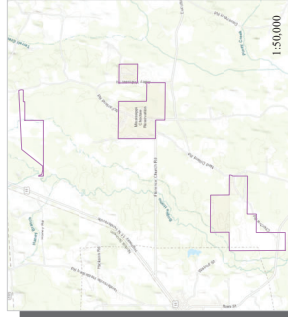
Bogue Chitto Community - 6,873 Ac +/-
& Nantah Waiya



Dekalb, MS - 7.56 Ac +/-



Tucker Community - 1,484 Ac +/-



Bogue Homas Community - 712 Ac +/-

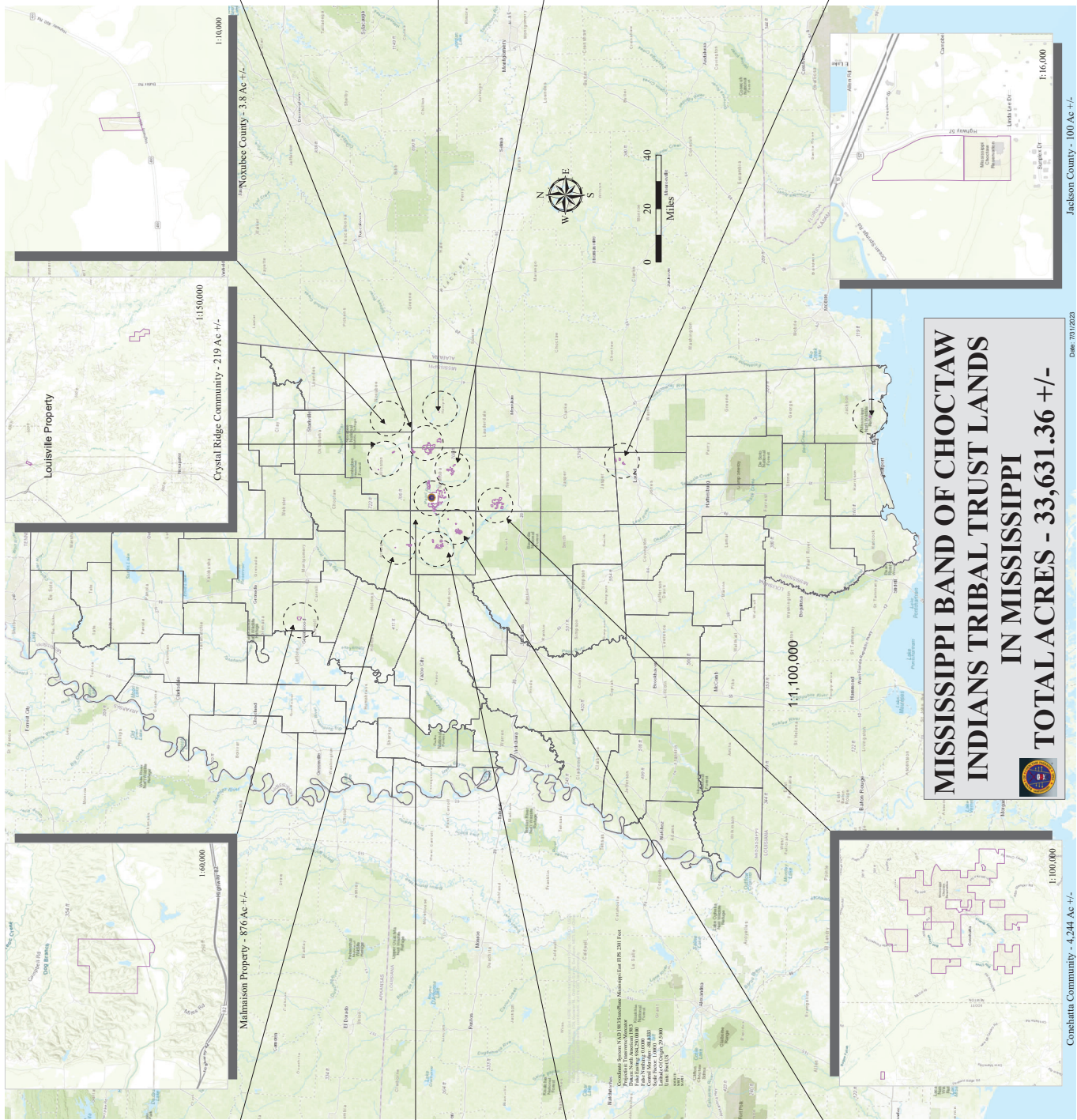


Jackson County - 100 Ac +/-

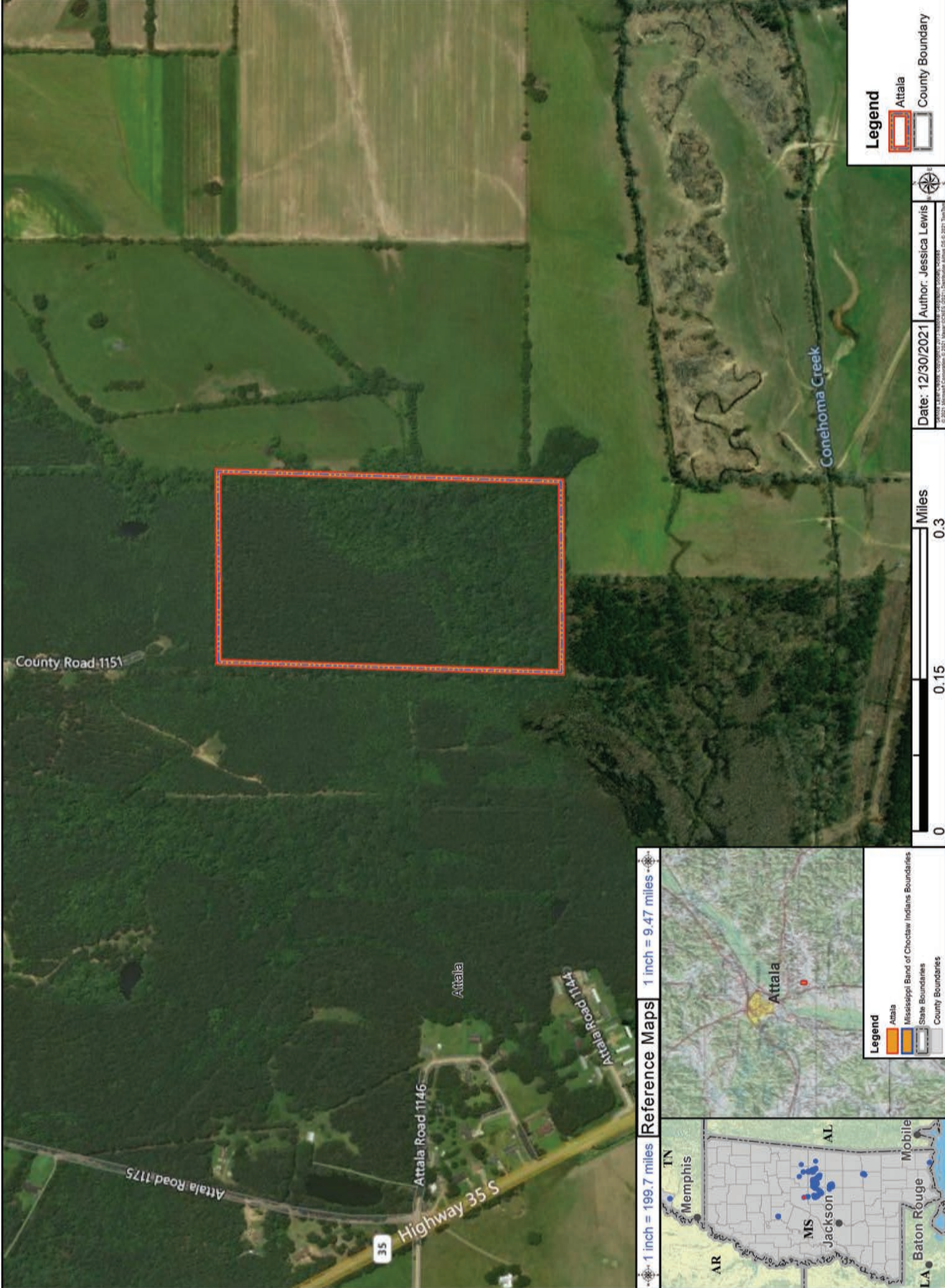


**MISSISSIPPI BAND OF CHOCTAW
INDIANS TRIBAL TRUST LANDS**
IN MISSISSIPPI
TOTAL ACRES - 33,631.36 +/-

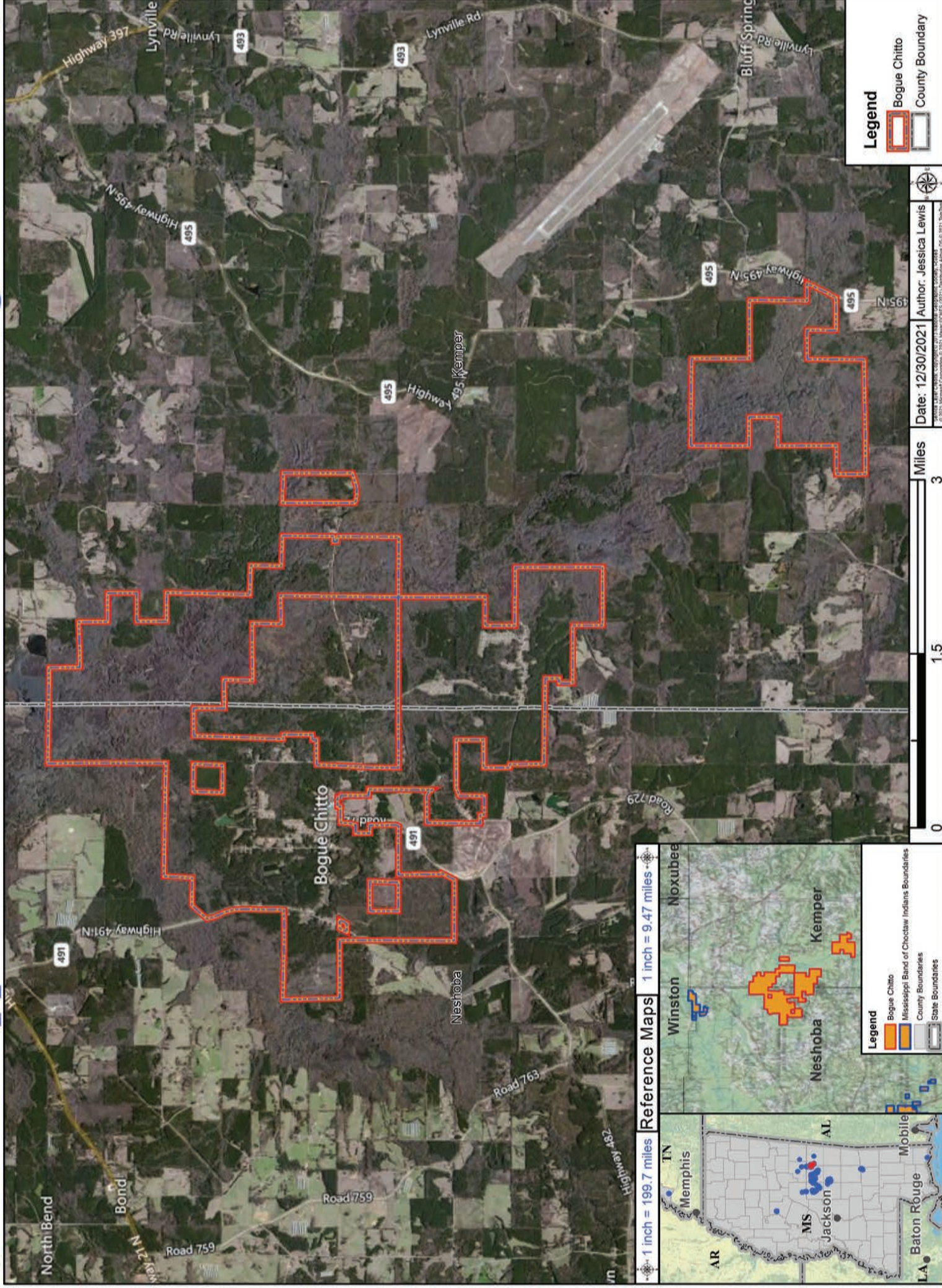
Date: 7/11/2023



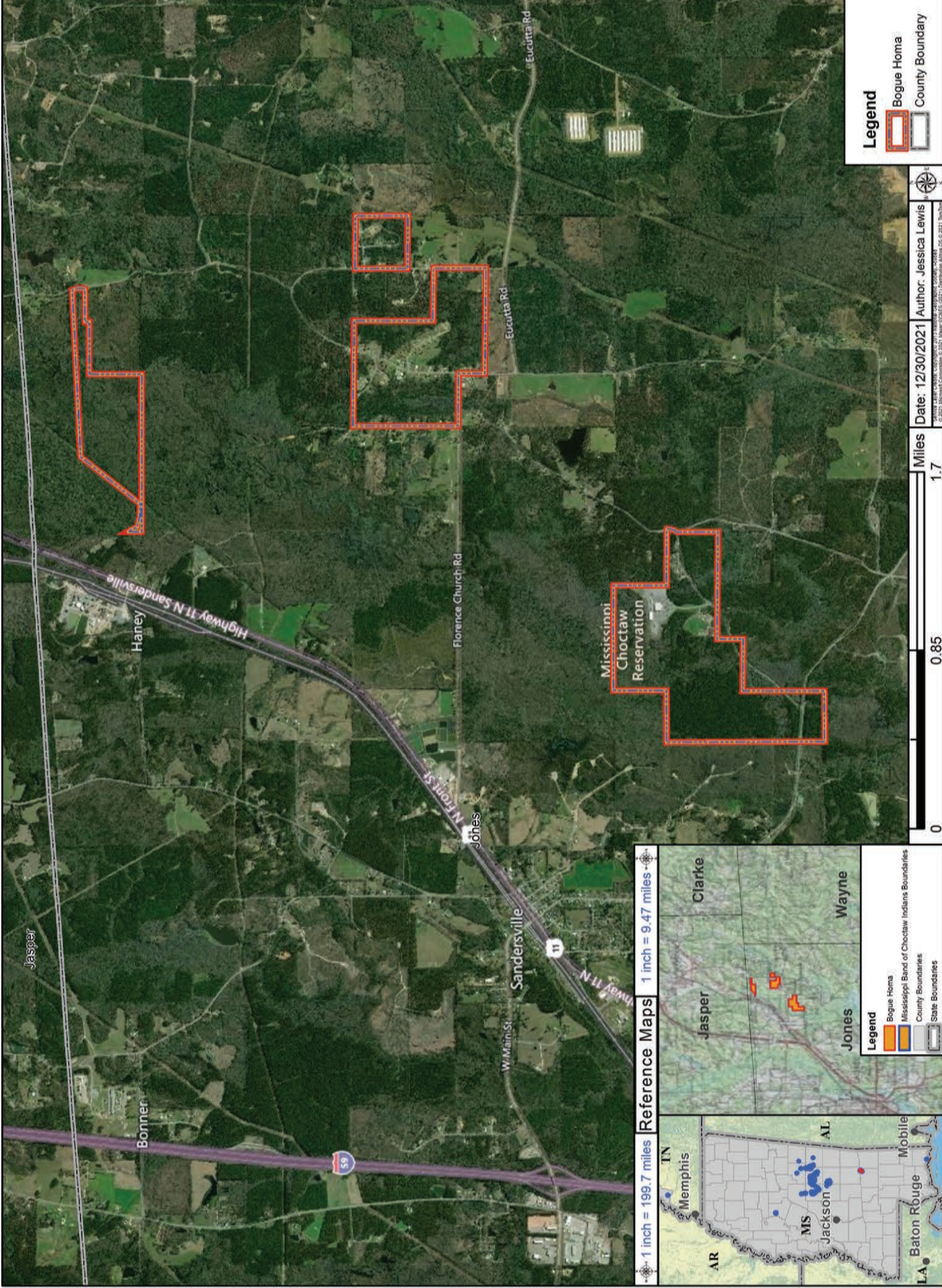
Mississippi Band of Choctaw Indians: Attala



Mississippi Band of Choctaw Indians: Bogue Chitto



Mississippi Band of Choctaw Indians: Bogue Homa



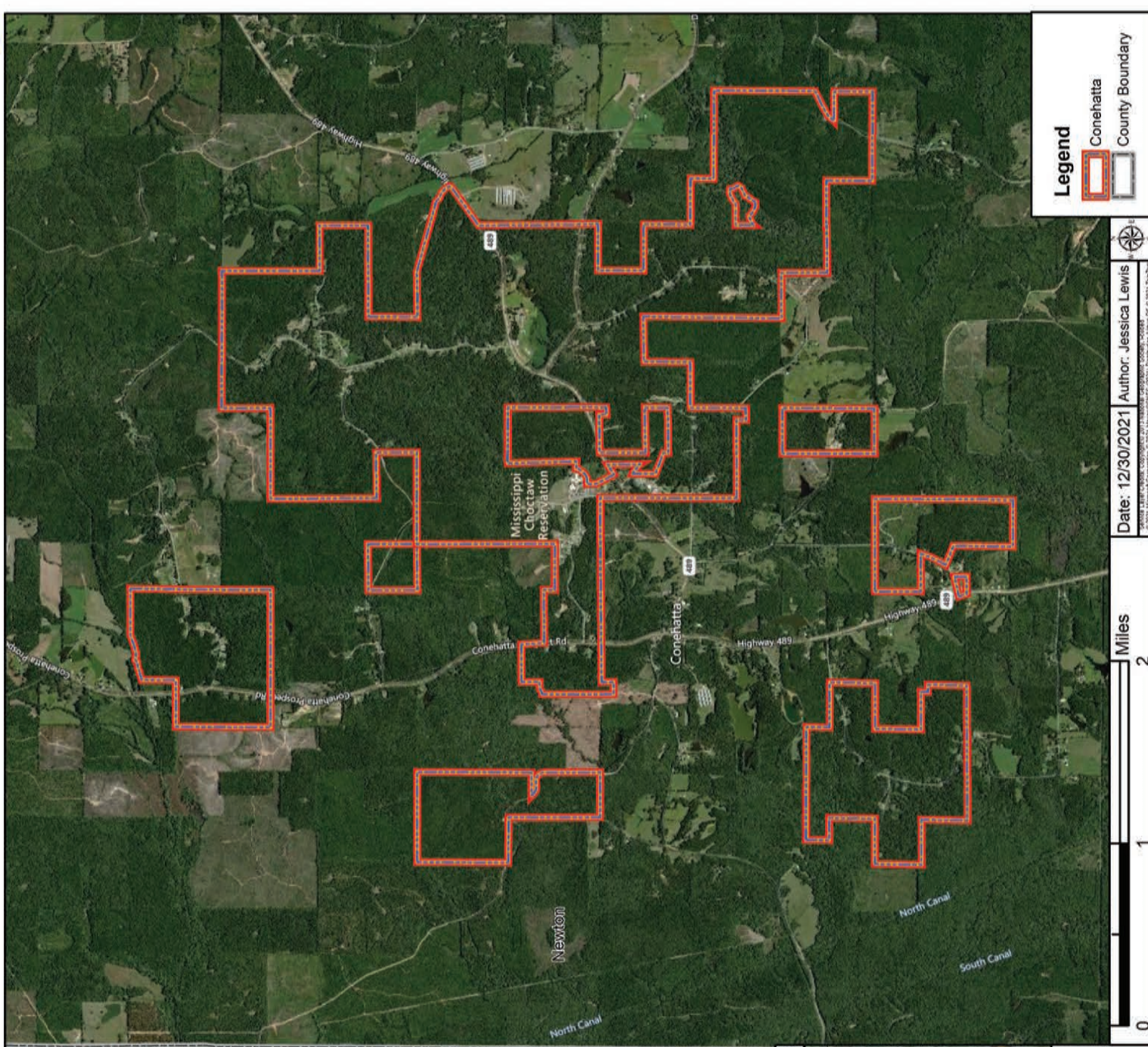
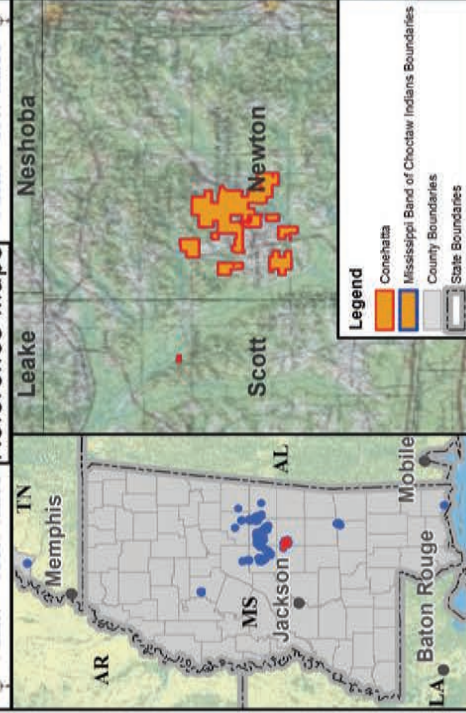
Mississippi Band of Choctaw Indians: Conehatta



1 inch = 199.7 miles

Reference Maps

1 inch = 9.47 miles



Legend

- Conehatta
- Mississippi Band of Choctaw Indians Boundaries
- County Boundaries
- State Boundaries

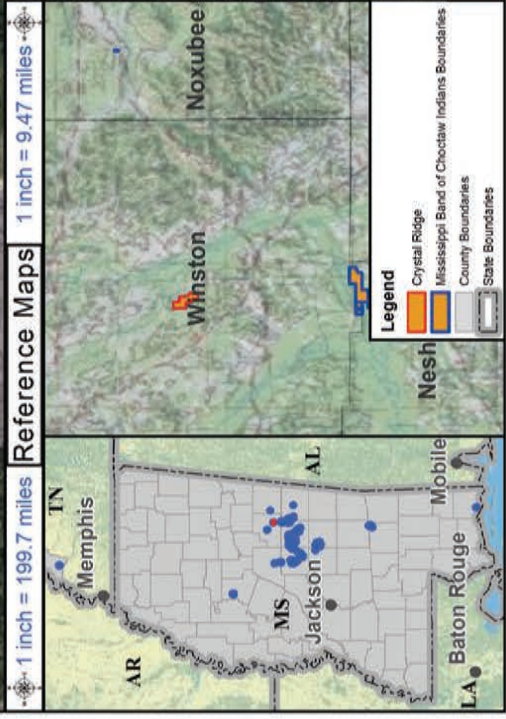
Legend

- Conehatta
- County Boundary



Date: 12/30/2021 Author: Jessica Lewis

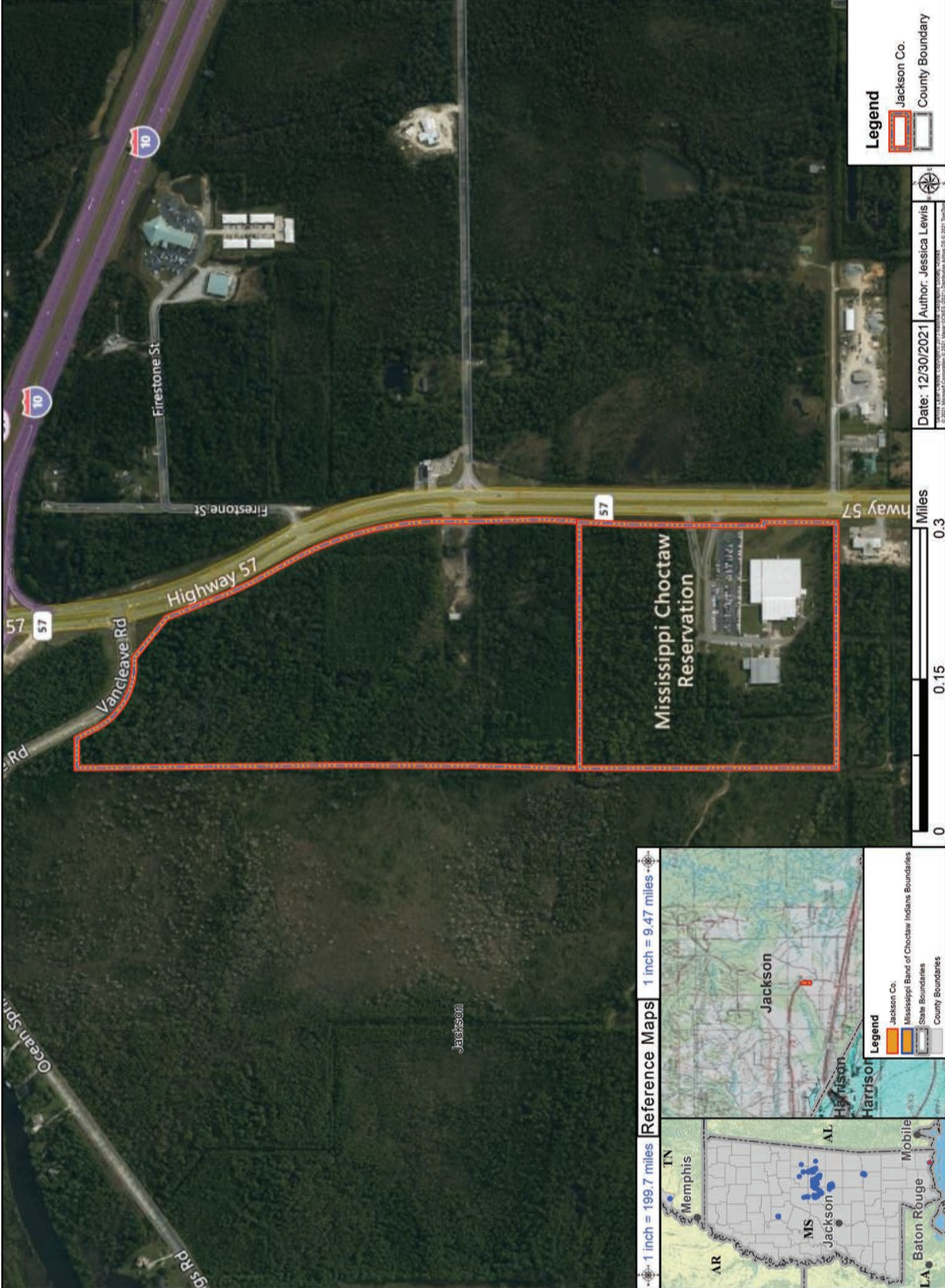




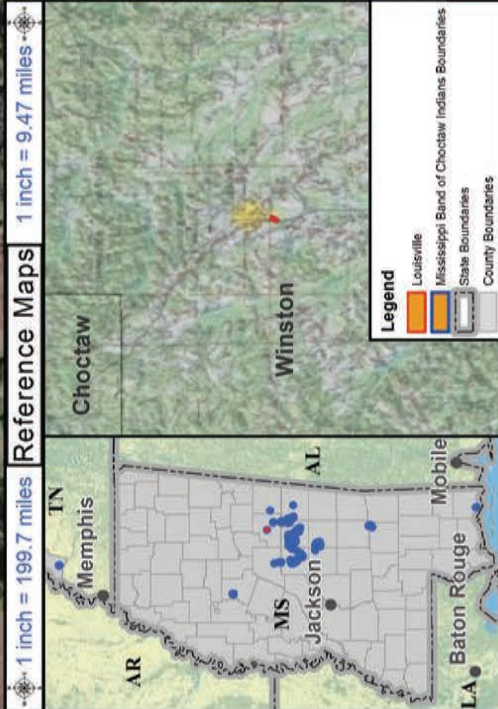
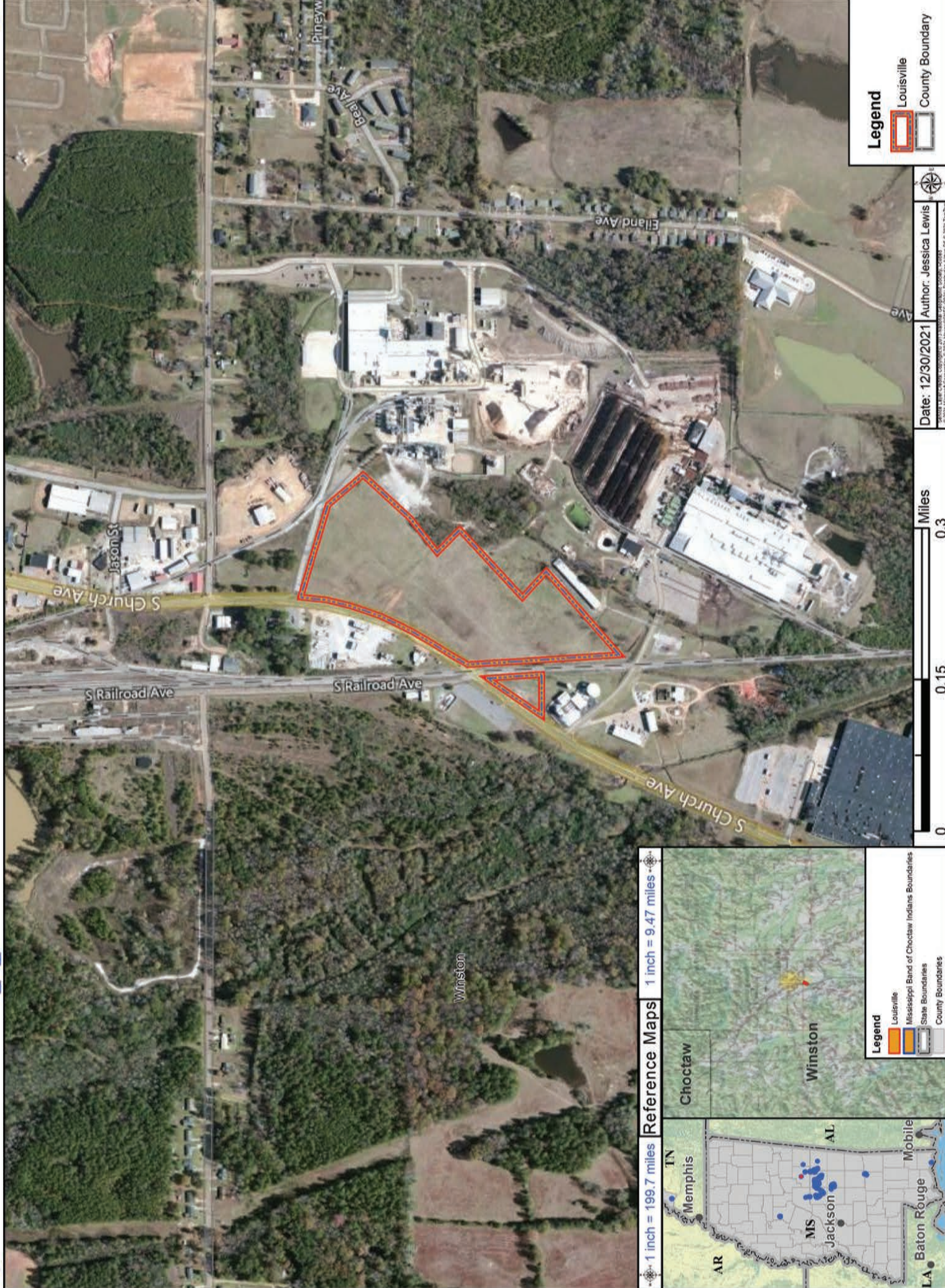
Mississippi Band of Choctaw Indians: Dekalb



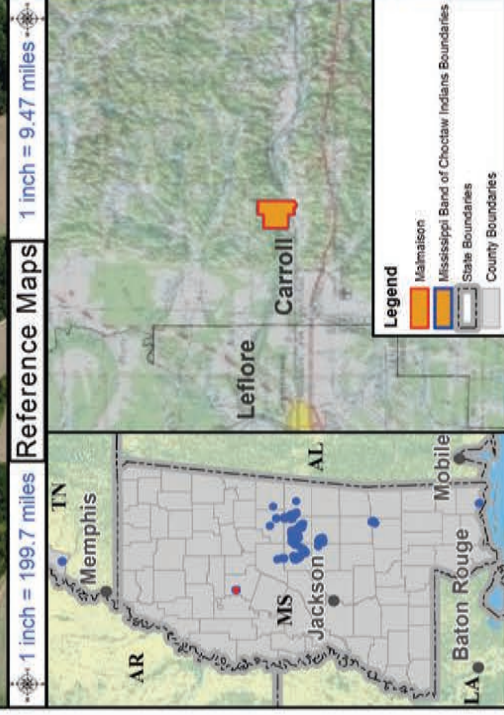
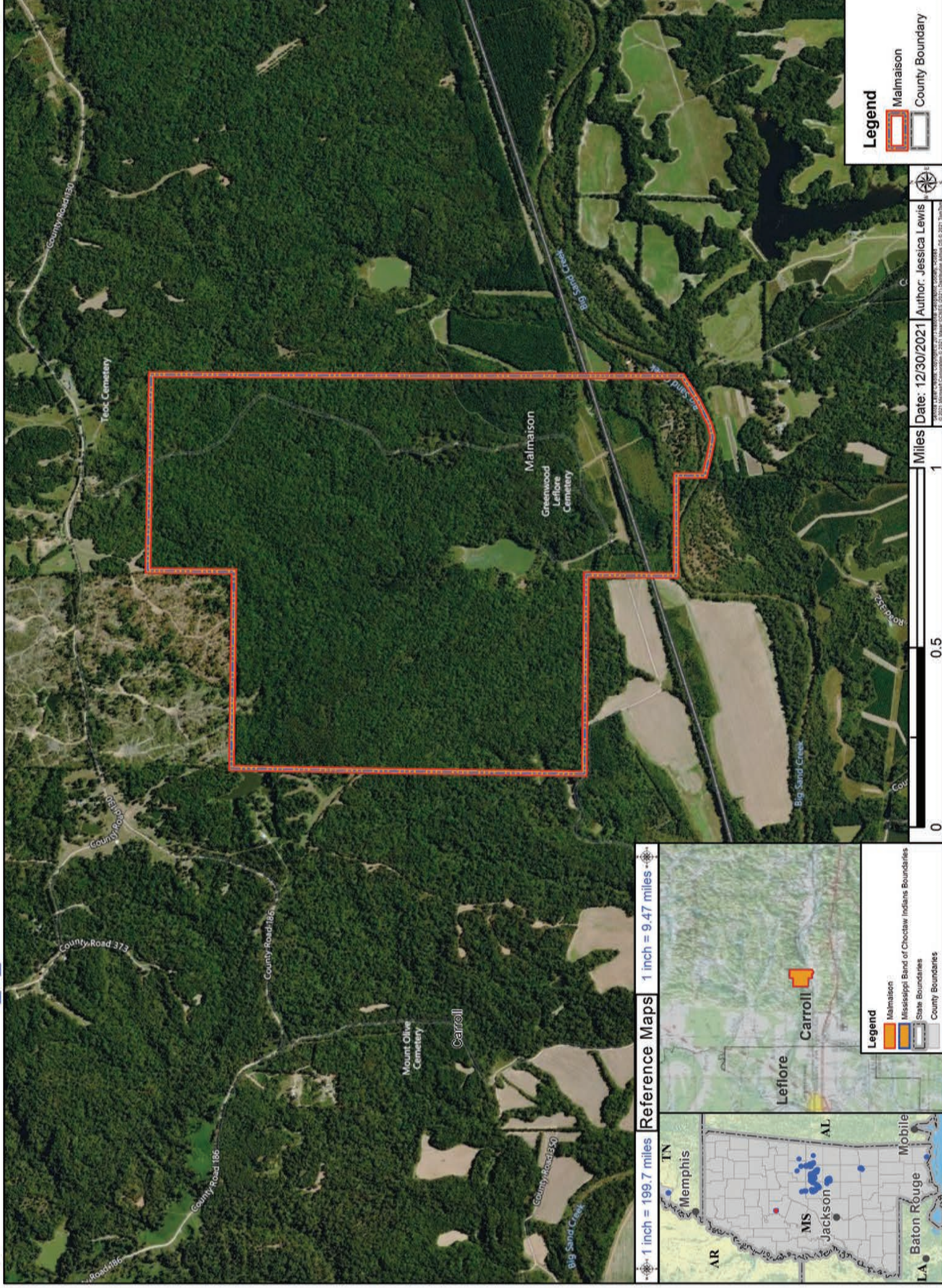
Mississippi Band of Choctaw Indians: Jackson Co



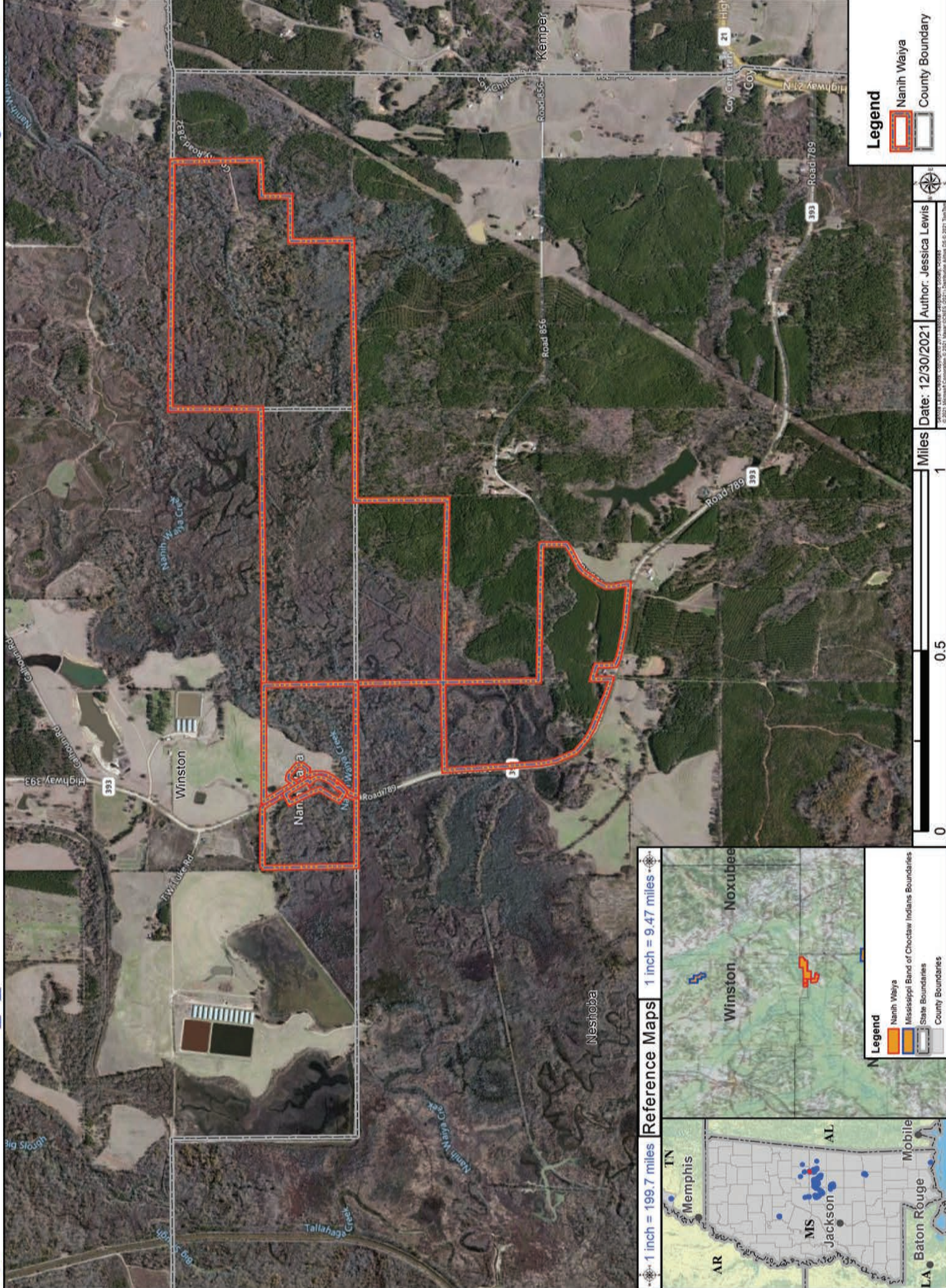
Mississippi Band of Choctaw Indians: Louisville



Mississippi Band of Choctaw Indians: Malmaison



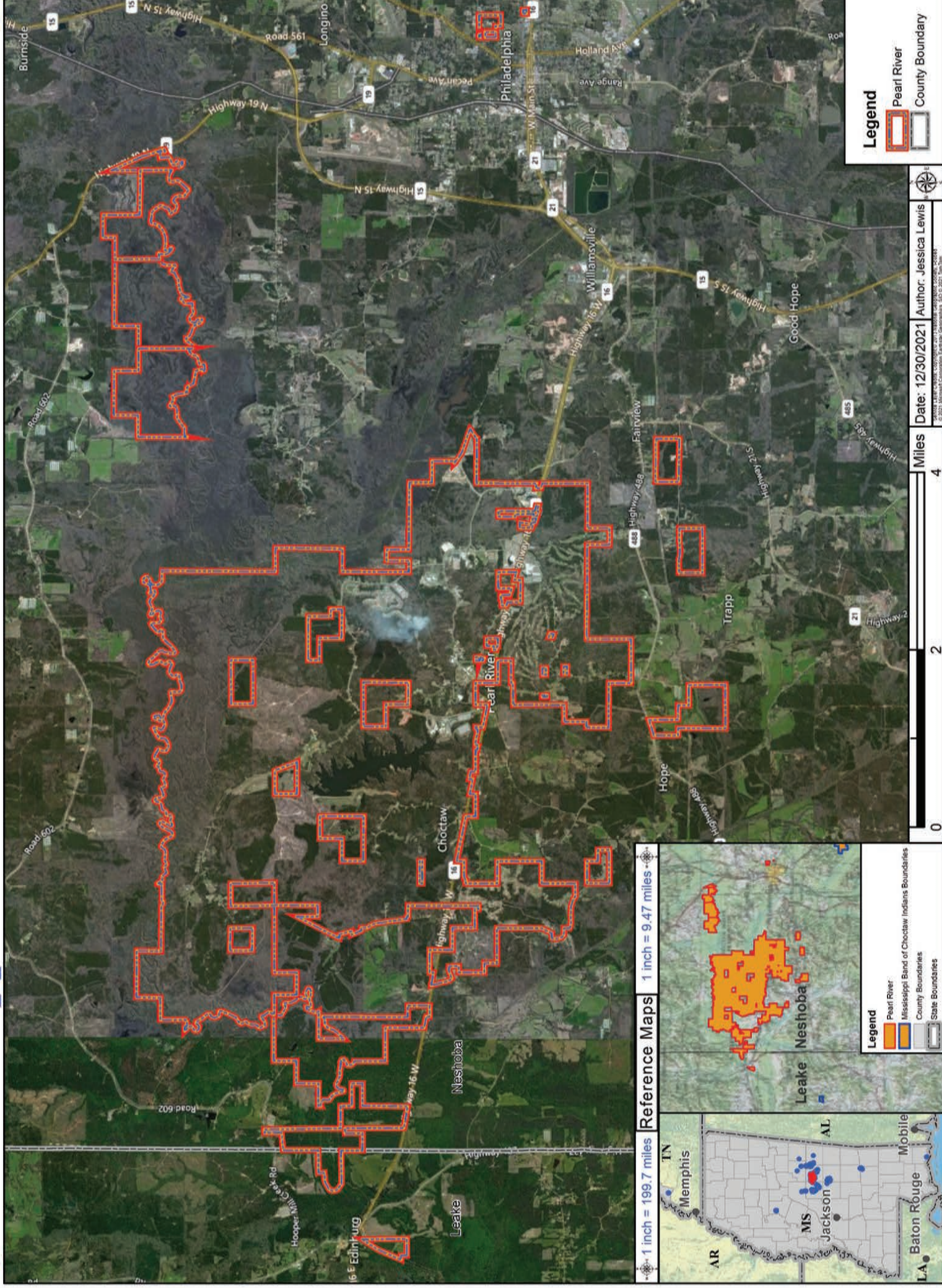
Mississippi Band of Choctaw Indians: Nanih Waiya



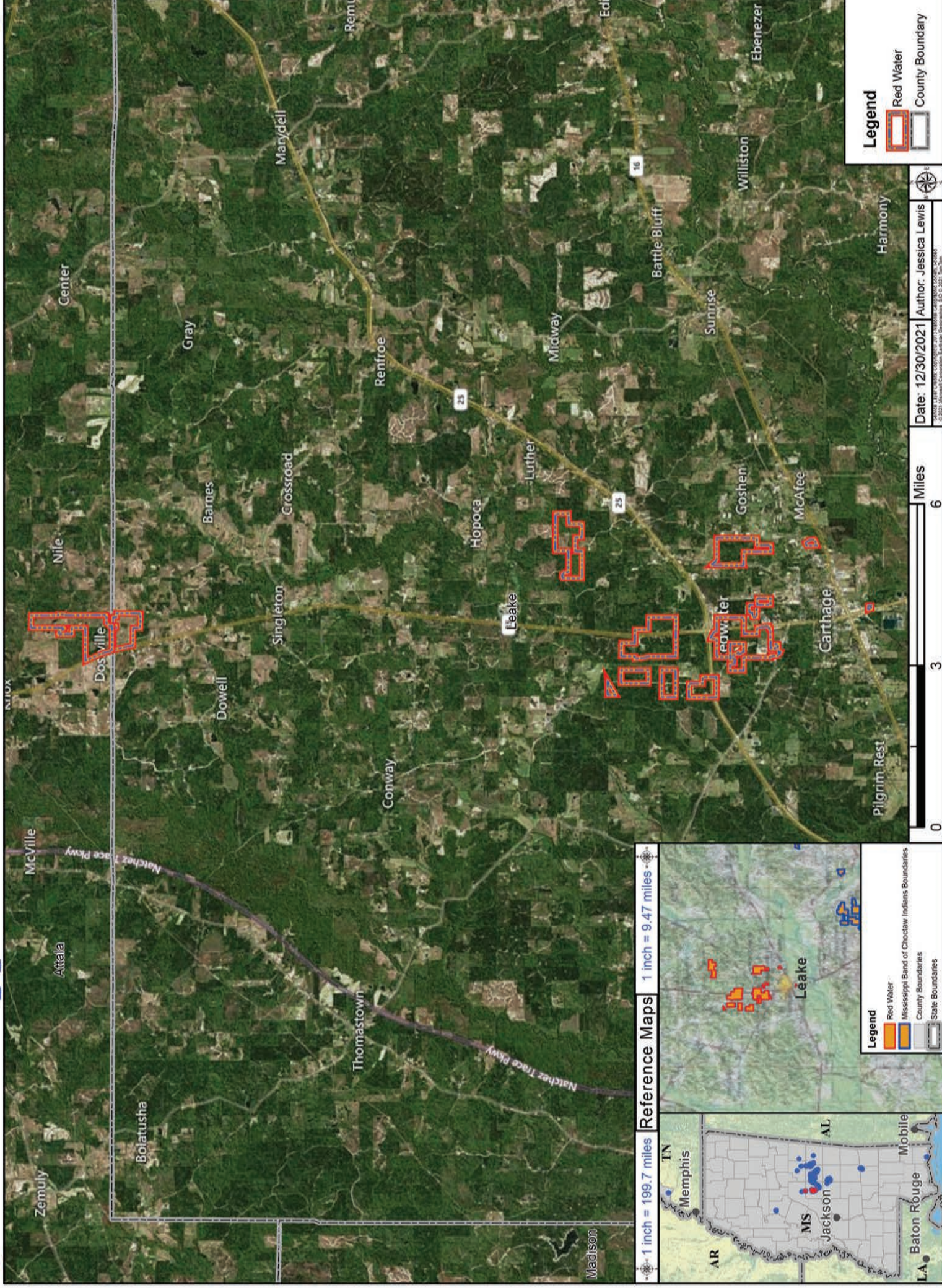
Mississippi Band of Choctaw Indians: Noxubee



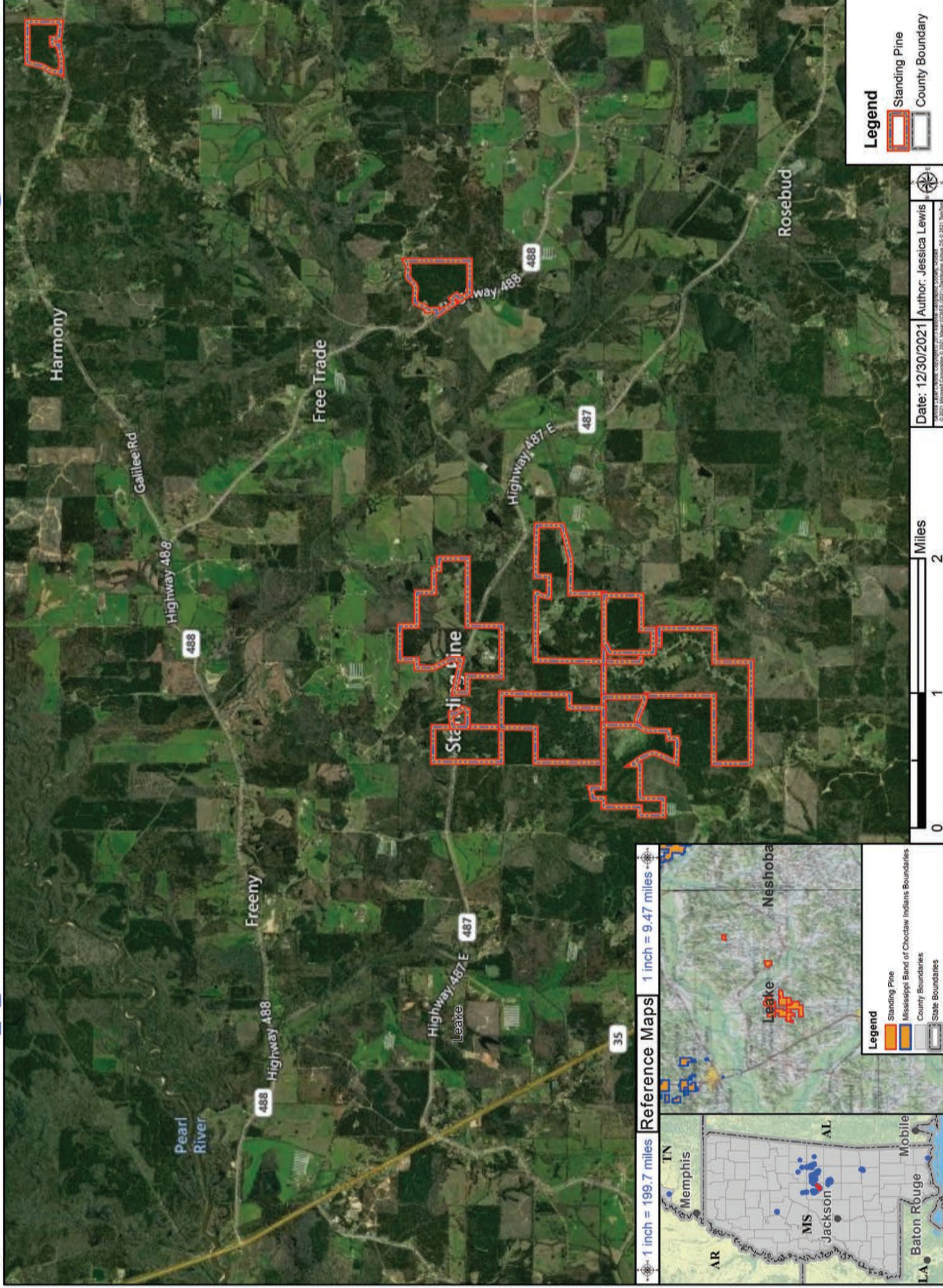
Mississippi Band of Choctaw Indians: Pearl River



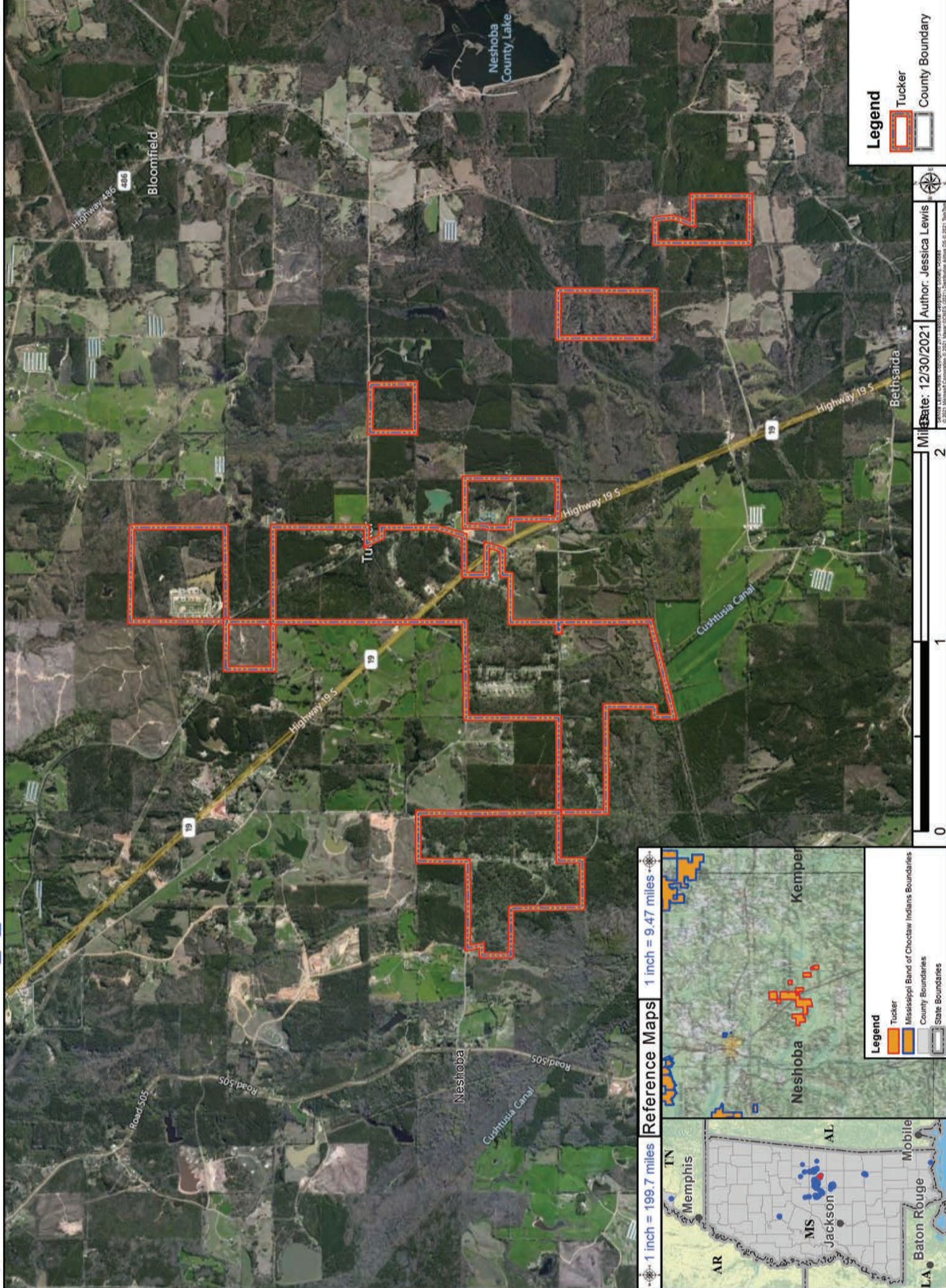
Mississippi Band of Choctaw Indians: Red Water



Mississippi Band of Choctaw Indians: Standing Pine

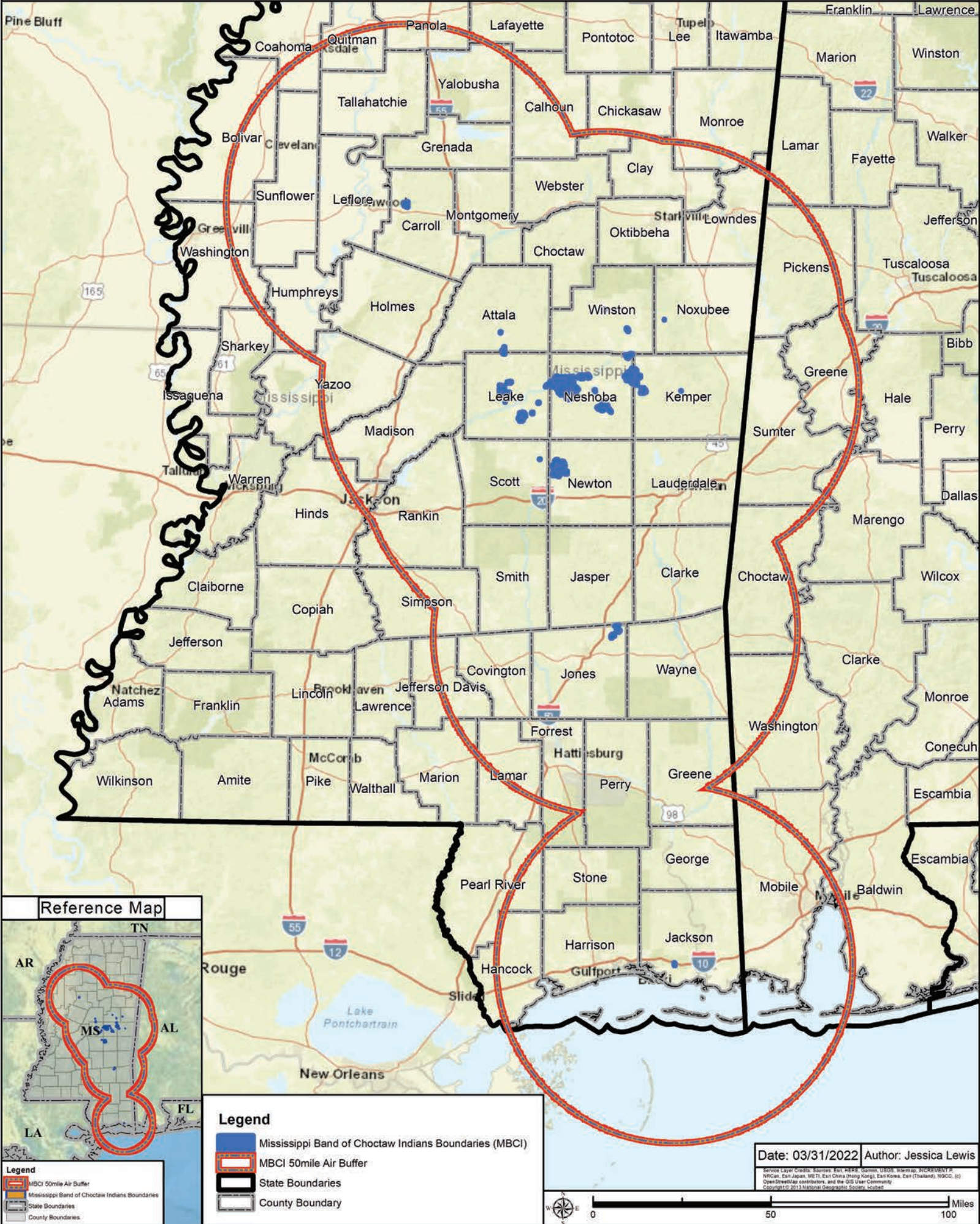


Mississippi Band of Choctaw Indians: Tucker





Mississippi Band of Choctaw Indians: 50 Mile Community Buffer



MISSISSIPPI BAND OF CHOCTAW INDIANS
Box 6010 Choctaw Branch
Philadelphia Mississippi 39350

ORDINANCE No. 16-AA

AN ORDINANCE AMENDING THE TRIBAL CODE

WHEREAS, §1-6-5 of the tribal Code currently provides for tribal prosecutorial services to be furnished by a prosecutor or prosecutors, confirmable by the Tribal Council, whose purview is limited strictly to cases arising in the tribal Court, and

WHEREAS, §1-6-5 does not provide for an office formally known as Attorney General, nor does said section identify to whom a prosecutor should report, and

WHEREAS, this Ordinance has been reviewed and approved by the Committee on Judicial Affairs and Law Enforcement of the Tribal Council, now therefore be it

ENACTED, that the Tribal Council does hereby amend the Tribal Code by striking the current contents of §1-6-5, and inserting in lieu thereof:

The chief law enforcement prosecutorial office of the tribal government shall be the office of the Attorney General of the Mississippi Band of Choctaw Indians. The Attorney General shall report directly to the Chief and shall be considered a political appointee under the tribal Personnel Policies for tribal employees. Subject to the availability of funds, the Chief shall nominate such persons as the Chief feels are qualified to fill the position of Attorney General. Before taking office, such persons shall be confirmed by a majority vote of the Tribal Council. No person shall be nominated or appointed as Attorney General unless he or she is a member in good standing of the bar of the state of Mississippi. The Attorney General shall be considered a permanent political appointee, and the Chief may appoint other persons, as necessary and without Council confirmation, to serve on the staff of the Attorney General. The Chief may also retain, subject to the availability of funds, other, special, prosecutors in such instances for specific tasks when it is determined that such are necessary and in the best interest of the tribe. Such persons shall be nominated and confirmed in the same manner as set forth for the Attorney General of the Mississippi Band of Choctaw Indians, and the qualifications shall be the same as those set forth above for the Attorney General. A person filling such position shall report to the Chief and shall be a temporary political appointee.

The Attorney General of the Mississippi Band of Choctaw Indians, or any special prosecutor, shall have the power to subpoena witnesses and compel testimony in all matters, pursuant to a case pending before the tribal Court, or not, as the case may be; but if in a matter not pending before the Court, only with the prior written authorization of the Chief and approval by a judge of the tribal Court.

and be it further

ENACTED, that the Chairman of the Committee on Judicial Affairs and Law Enforcement is hereby directed to ensure that a properly amended Code is prepared in accordance with tribal

Ordinance No. 16, by preparing additional pages for the provisions of the Code as amended by this Ordinance, with each page thereof to be date stamped March 22, 1994.

CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 16 members, of whom 16, constituting a quorum, were present at a special meeting thereof, duly called, noticed, convened, and held this 22nd day of March, 1994; and that the foregoing Ordinance was duly enacted by a vote of 14 members in favor, 2 opposed, and 0 abstaining.

Dated this 22nd day of March, 1994.

ATTEST:

Phillip Martin
Chief

Grant Steer
Secretary-Treasurer

RECOMMENDED:

Robert C. Berry
Superintendent, Choctaw Agency

March 29, 1994
Date

Submitted by: Chief

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 79-84(B)

A RESOLUTION TO CONTRACT WITH THE BUREAU OF INDIAN AFFAIRS FOR
BUREAU PROGRAMS DURING FISCAL YEAR 1985

WHEREAS, the Mississippi Band of Choctaw Indians has contracted with the Bureau of Indian Affairs under Public Law 93-630 for the operation of several programs since 1974, and

WHEREAS, the Tribal Council finds that the contracting of Bureau functions is generally better for the social and economic improvement of the Choctaw people than administration of all programs by the Bureau, and

WHEREAS, the impact of the policy of self-determination on the reservation has been a significant strengthening of the tribal government, increased responsiveness to the needs of the people, and an improved standard of living, and

WHEREAS, this resolution has been reviewed and approved by the Budget and Finance Committee of the Tribal Council, now therefore be it

RESOLVED, that the Tribal Council does hereby authorize the Chief and Secretary-Treasurer to submit applications for, and the Chief to negotiate and approve contracts for the following Bureau of Indian Affairs programs for the period October 1, 1984, through September 30, 1985:

Education Programs:

- Scholarships
- Adult Education
- Parent-Child Development Program
- Johnson-O'Malley

Non-Education Programs:

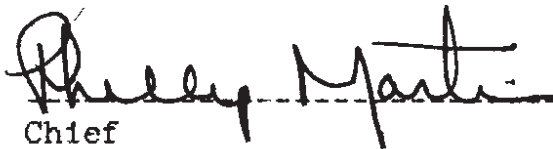
- Agricultural Extension Services
- Other Aid to Tribal Government
- Social Services Administration/TWEPT/Grants
- Housing
- Credit and Financing
- Adult Vocational Training
- Agriculture
- Wildlife and Parks
- Special Judge (portion of Tribal Courts)
- Boque Homa Law Enforcement (portion of LES)
- Forestry Development Projects (TSI and Reforestation)
- Law and Order
- Court System

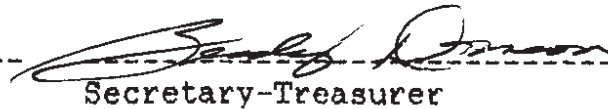
CERTIFICATION

I, the undersigned, Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 16 members, of whom 14, constituting a quorum, were present at a Regular meeting thereof, duly called, noticed, convened, and held this 10 day of April, 1984; and that the foregoing resolution was duly Adopted at such meeting by the vote of 11 members for, 3 against, and 0 abstained.

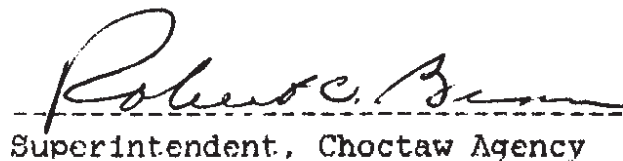
Dated this 10 day of April, 1984.

ATTEST:


Chief


Secretary-Treasurer

RECOMMENDED:


Superintendent, Choctaw Agency

4-23-84
Date

MISSISSIPPI BAND OF CHOCTAW INDIANS
ROUTE 7 BOX 21
PHILADELPHIA MS 39350

TRIBAL ORDINANCE No. 16-D

AN ORDINANCE ESTABLISHING JUDICIAL PROCEDURES FOR THE MISSISSIPPI BAND
OF CHOCTAW INDIANS

WHEREAS, the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians provides at Article VIII, section 1(m), that the Tribal Council shall "establish and enforce ordinances governing the conduct of tribal members; providing for the maintenance of law, order, and the administration of justice; . . . establishing a tribal court; and defining the powers and duties of that court. . .," and

WHEREAS, the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians, unlike the United States Constitution, does not establish a tripartite separation of powers, but establishes only executive and legislative branches of the tribal government, referring to the tribal court in the article concerning the legislative branch, and

WHEREAS, there has thus been established not an independent judiciary but a tribal court under the general purview of the Tribal Council, and

WHEREAS, on July 14, 1980, the Tribal Council adopted Tribal Ordinance No. 16-A, "An Ordinance Enacting the Choctaw Tribal Code," said Code defining the powers and duties of the tribal court, and

WHEREAS, the tribe is currently involved in negotiations with the Bureau of Indian Affairs aimed at transfer of administration of the court from the Bureau to the tribe, effective January 1, 1985, and

WHEREAS, the Code enacted through Tribal Ordinance No. 16-A does not address several issues, including: methods of appointment and removal of judges; general administrative provisions for the payment of court salaries, procurement of goods and services for the court, and disposition of court monies; and ethical standards for the officers of the court, including judges and attorneys, and

WHEREAS, the Choctaw Tribal Code provides, at section 1-1-5 that the "Tribal Code may be amended and additions made [t]hereto. . . in the manner provided for the adoption of tribal ordinances. . . . Approval by the Secretary of the Interior shall not be required. . . except to the extent that such approval may otherwise be required by Federal or Tribal law," now therefore be it

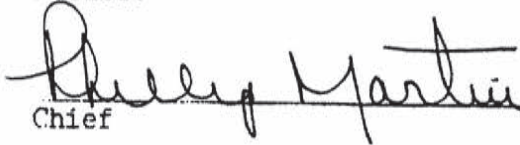
ENACTED, that the document marked Exhibit A, "Choctaw Tribal Court Procedures," attached hereto and made a part hereof and denominated the Choctaw Tribal Court Procedures shall be and hereby is enacted as tribal law effective January 1, 1985.

CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 16 members, of whom 12, constituting a quorum, were present at a Special meeting thereof, duly called, noticed, convened, and held this 3 day of December, 1984; and that the foregoing Ordinance was duly Enacted by a vote of 8 members in favor, 4 opposed, and 0 abstaining.

Dated this 3 day of December, 1984.

ATTEST:


Chief


Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

ORDINANCE NO. 16

AN ORDINANCE ENACTING THE CHOCTAW TRIBAL CODE, TRIBAL ORDINANCE NO. 16

WHEREAS, the Mississippi Band of Choctaw Indians in exercise of its inherit powers of self government and the authority conferred on the Choctaw Tribal Council by its revised constitution and bylaws has developed a basic code of laws to govern the Mississippi Band of Choctaw Indians and certain civil and criminal transactions falling within its territorial and subject matter jurisdiction, now therefore be it

ENACTED, that the document marked exhibit A attached hereto and made a part hereof and denominated Choctaw Tribal Code, said document being in the form of Title I - XII with each page thereof dates stamped "JUL 08 1980" shall be and the same hereby is enacted as Tribal law effective the date of its approval by the Secretary of the Interior pursuant to 25 C.F.R. §11.1(e) and Article VIII, Section 1.(m) of the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians (1974 Rev.).

CERTIFICATION

I, the undersigned as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal council of said Band is composed of 15 members, of whom 11, constituting a quorum, were present at a Regular meeting thereof, duly called, noticed, convened, and held this 14 day of July, 1980, and that the foregoing Ordinance was duly Adopted at such meeting by a vote of 11 members for, 0 against, and 0 abstained.

Dated this 14 day of July, 1980.

ATTEST:

Pherey Martin
Chief

William D. York
Secretary-Treasurer

RECOMMENDED:

Robert C. Bean
Superintendent, Choctaw Agency

08-07-80
Date

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 22-89

A RESOLUTION TO APPROVE TRIBAL OPERATION OF THE CHOCTAW SCHOOLS

WHEREAS, the Tribal Council of the Mississippi Band of Choctaw Indians believes that educational opportunities for Choctaw children can be maximized only through local control of educational institutions, and

WHEREAS, Public Law 100-297, adopted in the spring of 1988, provides for use of the mechanism of a grant for tribes to operate Bureau schools, accompanied by several factors of advantage to tribally-operated schools, including funding flexibility and advance payments; while tribes may still operate Bureau schools through the mechanism of the Public Law 93-638 contract, and

WHEREAS, because of the timetable language in contained in P.L. 100-297, it may not be possible for the tribe to initiate a grant for school operations on or before July 1, 1989, and an initial contract arrangement may be necessary, and

WHEREAS, this Resolution has been reviewed and approved by the Committee on Education of the Tribal Council, now therefore be it

RESOLVED, that the Tribal Council does hereby authorize the Chief and Secretary-Treasurer to apply for, negotiate, and sign either 1) a grant, or 2) a contract for the operation of the Choctaw Schools, i.e., Choctaw Central, Bogue Chitto, Conehatta, Redwater, Tucker, and Standing Pine schools, and to include all school facilities, including housing, and, dependent upon the negotiations, the portions of the Agency Facilities Management program applicable to the Choctaw Schools, and all "pass-through" programs, for the period July 1, 1989, through September 30, 1990; *provided*, however, that should a contract be necessary, and should opportunity for conversion to a grant become available during this period, the Chief and Secretary-Treasurer are hereby authorized to convert the ongoing contract to a grant.

CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 16 members, of whom 14, constituting a quorum, were present at a special meeting thereof, duly called, noticed, convened, and held this 30th day of November, 1988; and that the foregoing Resolution was duly adopted by a vote of 14 members in favor, 0 opposed, and 0 abstaining.

Dated this 30th day of November, 1988.

ATTEST:


Chief


Secretary-Treasurer

RECOMMENDED:

Acting Ray C. Thomas
Superintendent, Choctaw Agency

12-9-88
Date

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 193-94

A RESOLUTION TO APPROVE A SELF-GOVERNANCE COMPACT WITH THE
UNITED STATES FOR DHHS INDIAN HEALTH SERVICE PROGRAMS

WHEREAS, the Mississippi Band of Choctaw Indians has been the recipient of a planning and negotiation grant from the Indian Health Service for a Self-Governance project under the auspices of Title III of the Indian Self-Determination and Education Assistance Act, and

WHEREAS, an extensive series of negotiations has been held with the Nashville Area and Headquarters offices of the Indian Health Service with regard to budget and compact language, and

WHEREAS, under the provisions of Title I of the Act, the Mississippi Band of Choctaw Indians has clearly demonstrated that local control of federal resources for American Indian people results in increased program efficiency and effectiveness, and entering into a Self-Governance Compact under the provisions of Title III will increase that efficiency and effectiveness by reducing institutional barriers at the Area Office and Headquarters levels, and

WHEREAS, this Resolution has been reviewed and approved by the Committee on Health of the Tribal Council, now therefore be it

RESOLVED, that the Tribal Council does hereby approve the attached Self-Governance Compact with the United States for Department of Health and Human Services Indian Health Service Programs, and the attached fiscal year 1995 Annual Funding Agreement, and be it further

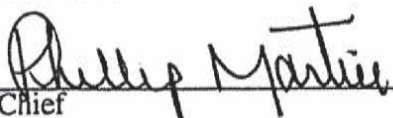
RESOLVED, that the Tribal Council does hereby authorize the Chief and Secretary-Treasurer to execute the Compact and Annual Funding Agreement, to submit the Compact to appropriate officials, including the appropriate Committees of the Congress of the United States, and to make such technical language or financial corrections to the Compact and the Annual Funding Agreement as may be necessary.

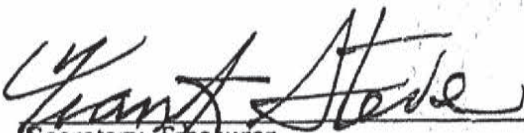
CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 16 members, of whom 15, constituting a quorum, were present at a special meeting thereof, duly called, noticed, convened, and held this 28th day of June, 1994; and that the foregoing Resolution was duly adopted by a vote of 15 members in favor, 0 opposed, and 0 abstaining.

Dated this 28th day of June, 1994.

ATTEST:


Chief


Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 190-94

A RESOLUTION TO ESTABLISH AN OFFICE OF ENVIRONMENTAL QUALITY

WHEREAS, the Mississippi Band of Choctaw Indians is beginning to address the problems which the United States as a whole and the small portion of the country represented by the Choctaw reservation is involved with in the preservation of the quality of the environment, and

WHEREAS, it is necessary for the tribal government to address activities necessary to improve the reservation environment through a multi-disciplinary approach in order to bring the widest possible range of expertise to the problems, and

WHEREAS, the tribe's successful application for a U.S. Environmental Protection Agency 104(b)(3) Clean Water Act grant contained provisions for Council approval of an environmental office, and

WHEREAS, this Resolution has been reviewed and approved by the Committee on Environmental Protection of the Tribal Council, now therefore be it

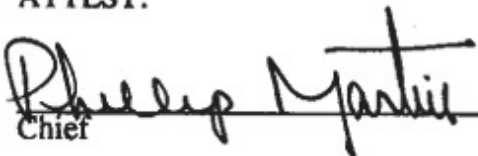
RESOLVED, that the Tribal Council does hereby authorize the Chief to establish an Office of Environmental Protection within the Natural Resources Program of the Office of Economic Development.

CERTIFICATION

I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 16 members, of whom 15, constituting a quorum, were present at a special meeting thereof, duly called, noticed, convened, and held this 17th day of June, 1994; and that the foregoing Resolution was duly adopted by a vote of 15 members in favor, 0 opposed, and 0 abstaining.

Dated this 17th day of June, 1994.

ATTEST:


Chief


Secretary-Treasurer

MISSISSIPPI BAND OF CHOCTAW INDIANS

RESOLUTION CHO 14-074

A RESOLUTION TO APPLY FOR ENVIRONMENTAL GRANTS FROM THE U.S.
ENVIRONMENTAL PROTECTION AGENCY

WHEREAS, The Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians provides for the Tribal Council in Article VII, Section 1(h) "to approve or disapprove all allocations or disbursement of tribal funds (or funds under control of the tribe) not specifically appropriated or authorized in a budget approved by the Tribal Council"; and

WHEREAS, the U.S. Environmental Protection Agency has advised that the Mississippi Band of Choctaw Indians is eligible to receive annual funding from multiple sources; now, therefore be it

RESOLVED, that the Tribal Council does hereby authorize the Chief to apply for, negotiate, accept and administer any grant funds offered by EPA that would support the objectives of the Office of Environmental Protection, including the contracting out of any technical procedures required to meet the terms of these grants; and be it further

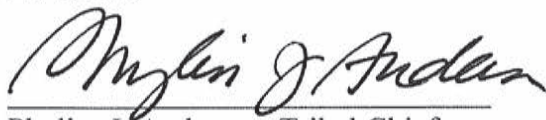
RESOLVED, that the Tribal Council does hereby authorize the Chief to renew the grants on an ongoing basis, subject to the availability of funds, from the U.S. Environmental Protection Agency.

CERTIFICATION

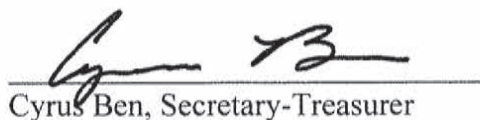
I, the undersigned, as Secretary-Treasurer of the Mississippi Band of Choctaw Indians, certify that the Tribal Council of said Band is composed of 17 members, 13 of whom, constituting a quorum, were present at a Continuation of a Regular Call Tribal Council Meeting thereof, duly called, noticed, convened and held this 15th day of July, 2014; and that the foregoing Resolution was duly Adopted by a vote of 13 members in favor, 0 opposed and 0 abstaining.

Dated this 15th day of July, 2014.

ATTEST:



Phylliss J. Anderson, Tribal Chief



Cyrus Ben, Secretary-Treasurer



List of Tribes Eligible for Clean Water Act (CWA) Section 319 Base and Competitive Funding for FY 2022

All Tribes and Intertribal Consortia listed below (total of 210) have Treatment-in-a-manner-similar-to-a-State (TAS) status for the CWA Section 319 program and have received approval for their nonpoint source (NPS) assessment and management program. These Tribes are eligible to submit applications for both section 319 Base and Competitive funding for FY 2022. For more information, please contact the EPA Tribal NPS Coordinator in your EPA Region.

Tribe Name	EPA Region
Absentee Shawnee Nation of Oklahoma	6
Agua Caliente	9
Ak-Chin	9
Assiniboine & Sioux Tribes	8
Augustine	9
Bad River Band of Lake Superior Chippewa	5
Bay Mills Indian Community	5
Bear River	9
Big Pine	9
Big Sandy	9
Big Valley	9
Bishop	9
Blackfeet Tribe	8
Blue Lake Rancheria	9
Bridgeport Indian Colony	9
Buena Vista Rancheria	9
Cabazon	9
Cahto	9
Cahuilla Band of Mission Indians of the Cahuilla Reservation	9
Campo	9
Catawba Indian Nation	4
Cedarville Rancheria	9
Chemehuevi	9
Cher-Ae Heights Indian Community of the Trinidad Rancheria	9
Cheyenne River Sioux Tribe	8
Chippewa-Cree Tribe	8
Citizen Potawatomi Nation	6
Cocopah	9
Coeur d'Alene Tribe	10

Cold Springs Rancheria	9
Colorado River Indian Tribes (CRIT)	9
Confederated Salish & Kootenai Tribes	8
Confederated Tribes of the Colville Reservation	10
Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians	10
Confederated Tribes of the Grand Ronde	10
Confederated Tribes of the Siletz Indians	10
Confederated Tribes of the Umatilla Indian Reservation	10
Confederated Tribes of Warm Springs	10
Coquille Indian Tribe	10
Cortina	9
Cow Creek	10
Coyote Valley	9
Crow Tribe	8
Cuyapaipe	9
Dry Creek	9
Duck Valley (Shoshone Tribes of)	9
Duckwater Shoshone Tribe	9
Eastern Band of Cherokee Indians	4
Eastern Shawnee Tribe of Oklahoma	6
Elk Valley Rancheria	9
Fallon-Paiute Shoshone	9
Flandreau Santee Sioux Tribe	8
Fond du Lac Band of Lake Superior Chippewa	5
Forest County Potawatomi Community	5
Fort Bidwell Indian Community	9
Fort Independence	9
Fort McDowell	9
Fort Mojave	9
Gila River	9
Goshute	9
Grand Portage Band of Lake Superior	5
Grand Traverse Band of Ottawa and Chippewa Indians	5
Graton (Federated Indians of Graton Rancheria)	9
Gros Ventre and Assiniboine Tribes	8
Havasupai	9
Hoopa	9
Hopi	9
Hopland Band	9
Houlton Band of Maliseet Indians	1
Hualapai	9

Iowa Tribe of Oklahoma	6
Jamestown S'Klallam Tribe	10
Jamul	9
Jicarilla Apache Nation	6
Kaibab Band of Paiute Indians	9
Kalispel Tribe of Indians	10
Karuk	9
Kashia Band of Pomo Indians of the Stewarts Point Rancheria	9
Kaw Nation	6
Kickapoo Tribe in Kansas	7
Kickapoo Tribe of Oklahoma	6
Klamath Consortium	9
Klamath Tribes	10
La Jolla	9
La Posta	9
Lac du Flambeau Band of Lake Superior Chippewa Indians	5
Little River Band of Ottawa Indians	5
Little Traverse Bay Bands of Odawa Indians	5
Lone Pine Paiute Shoshone	9
Los Coyotes	9
Lower Brule Sioux Tribe	8
Lummi Nation	10
Makah Tribe	10
Manzanita	9
Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan (Gun Lake Tribe)	5
Mechoopda Indian Tribe	9
Mesa Grande	9
Mescalero-Apache Tribe	6
Miccosukee Tribe of Indians of Florida	4
Middletown Rancheria of Pomo Indians of California	9
Mississippi Band of Choctaw Indians	4
Moapa	9
Mooretown Rancheria	9
Morongo	9
Muscogee (Creek) Nation of Oklahoma	6
Navajo	9
Nez Perce Tribe	10
Nooksack Indian Tribe	10
Northern Cheyenne Tribe	8
Nottawaseppi Huron Band of the Potawatomi	5
Oglala Sioux Tribe	8

Oneida Tribe of Indians of Wisconsin	5
Pala	9
Passamaquoddy Tribe at Indian Township	1
Passamaquoddy Tribe at Pleasant Point Reservation	1
Pauma	9
Pawnee Nation	6
Pechanga Band	9
Penobscot Indian Nation	1
Peoria Tribe of Indians of Oklahoma	6
Picayune Rancheria of Chukchansi	9
Pinoleville	9
Pit River Tribe	9
Poarch Band of Creek Indians	4
Pokagon Band of Potawatomi Indians	5
Prairie Band Potawatomi Nation	7
Prairie Island Indian Community	5
Pueblo of Acoma	6
Pueblo of Santa Ana	6
Pueblo of Santa Clara	6
Pueblo of Laguna	6
Pueblo of Nambe	6
Pueblo of Taos	6
Pueblo of Tesuque	6
Puyallup Tribe of Indians	10
Pyramid Lake	9
Quapaw Tribe of Oklahoma	6
Quartz Valley Indian Community of the Quartz Valley Reser. of CA	9
Quechan	9
Quileute Indian Tribe	10
Quinault Indian Nation	10
Ramona	9
Red Cliff Band of Lake Superior Chippewas	5
Red Lake Band of Chippewa Indians	5
Redding Rancheria	9
Redwood Valley Band	9
Resighini	9
Robinson Rancheria	9
Round Valley Tribe	9
Sac & Fox of the Mississippi in Iowa (Meskwaki Nation)	7
Saginaw Chippewa	5
Salt River Pima - Maricopa Indian Community	9

Samish Indian Nation	10
San Carlos	9
San Manuel	9
San Pasqual	9
Santa Rosa Band	9
Santa Rosa Rancheria	9
Santa Ynez	9
Santa Ysabel	9
Santee Sioux Nation	7
Sauk-Suiattle Indian Tribe	10
Seminole Tribe of Florida	4
Shakopee Mdewakanton Sioux Community	5
Sherwood Valley	9
Shingle Springs Band of Miwok Indians	9
Shoalwater Bay Indian Tribe	10
Sisseton-Wahpeton Oyate's of Lake Traverse	8
Skokomish Indian Tribe	10
Smith River Rancheria	9
Snoqualmie Indian Tribe	10
Soboba Band of Luiseño Indians	9
Sokaogon Chippewa Community	5
South Fork Band of Te-Moak Tribe	9
Southern Ute Indian Tribe	8
Spirit Lake Nation	8
Spokane Tribe	10
Squaxin Island Tribe	10
St. Regis Mohawk Tribe	2
Stillaguamish Tribe of Indians	10
Stockbridge-Munsee Community Band of Mohican Indians	5
Summit Lake	9
Suquamish Indian Tribe	10
Susanville Indian Rancheria	9
Swinomish Indian Tribal Community	10
Table Bluff	9
Table Mountain	9
Timbisha Shoshone	9
Tonkawa Tribe of Oklahoma	6
Torres Martinez	9
Tulalip Tribes	10
Tule River Tribal Council	9
Tuolumne Band of Me-Wuk	9

Turtle Mountain Band of Chippewas	8
Twenty-nine Palms	9
Upper Skagit Indian Tribe	10
Ute Mountain Ute Tribe	8
Viejas Band of Kumeyaay Indians	9
Walker River Paiute	9
Wampanoag Tribe of Gay Head	1
Washoe Tribe of Nevada and California	9
White Mountain Apache	9
Winnebago Tribe of Nebraska	7
Wyandotte Nation	6
Yakama Nation	10
Yavapai Apache	9
Yavapai-Prescott	9
Yerington Paiute	9
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Yurok	9

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REVISED CONSTITUTION OF THE MISSISSIPPI BAND OF CHOCTAW INDIANS

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Reprinted February 2016



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
CHOCTAW AGENCY
PHILADELPHIA, MISSISSIPPI 39350

IN REPLY REFER TO:
Administration

Mr. Phillip Martin, Chief
Mississippi Band of Choctaw Indians
Route 7, Box 21
Philadelphia, Mississippi 39350

Dear Mr. Martin:

There is enclosed the Revised Constitution and Bylaws of the Mississippi
Band of Choctaw Indians which was approved by the Commissioner of Indian
Affairs on March 28, 1975.

Sincerely yours,

Philip H. Martin
Superintendent

Enclosure



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245

IN REPLY, PLEASE TO:
Tribal Government
Services

MAIL ROOM

Through: Area Director, Eastern Area Office
Mr. Robert C. Benn
Superintendent, Choctaw Agency
Dear Mr. Benn:

We have received the results of the election held on December 17, 1974, by the qualified voters of the Mississippi Band of Choctaw Indians. The election was called in accordance with an order duly approved on October 17, 1974, which permitted the qualified voters of the band to adopt or reject a proposed revised constitution and bylaws.

When the original draft of the proposed constitution and bylaws was submitted for Secretarial review, Article III of the bylaws contained a thirty percent adoption requirement. In conjunction with our approval action following the election it was discovered that the thirty percent requirement had been increased to forty percent. As you know, further action on the constitution has been delayed pending clarification of this point as less than forty percent participated in the election. With the adoption of CIO-74-75, the tribal council has adequately clarified this inconsistency, and we have made the necessary correction of Article III of the bylaws to reflect the council's true intent as requested.

As evidenced by the Certificate of Results of Election, signed by the election board members, the proposed revised constitution and bylaws was duly adopted by the voters.

The Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians is hereby approved pursuant to the authority delegated to me by 250 DM 1.1 and returned for delivery to the band.

Sincerely yours,

Maria Thompson
Commissioner of Indian Affairs

Enclosure

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Acting Deputy Commissioner of Indian Affairs on October 17, 1974, the attached Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians was submitted to the qualified voters of the band and was on Dec. 17, 1974, duly adopted by a vote of 325 for, and 237 against, in an election in which at least thirty percent of the 1687 (number) entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

Richard R. Beggs
Chairman, Election Board

James H. Hester
Election Board Member

William D. Hester
Election Board Member



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Eastern Regional Office
545 Marriott Drive, Suite 700
Nashville, TN 37214

IN REPLY
REFER TO:

Tribal Government Services

MAY 03 2006

Honorable Phillip Martin
Chief, Mississippi Band of Choctaw Indians
P.O. Box 6010, Choctaw Branch
Choctaw, Mississippi 39350

Dear Chief Martin:

I have received the results of the Secretarial election held on April 11, 2006, conducted for the Mississippi Band of Choctaw Indians (Band). The election was called in accordance with the original authorization of May 2, 2005, which was extended on August 2, 2005, and December 19, 2005. This authorization permitted the qualified voters of the Band to vote on the adoption or rejection of a proposed amendment to the Band's Revised Constitution and Bylaws.

As evidenced by the "Certificate of Results of Election" signed by the Chairman and two members of the Election Board, proposed Amendment A was duly adopted by the voters of the Mississippi Band of Choctaw Indians on April 11, 2006. As there was no contest to the election by the close of business on April 17, 2006, the "Certificate of Results of Election" was accordingly finalized.

Amendment A is hereby approved pursuant to the authority delegated to me by the Assistant Secretary-Indian Affairs. Having been duly adopted, Amendment A is hereby designated as Amendment No. 1 of the Revised Constitution and Bylaws of the Mississippi Band of Choctaws. Enclosed are all the pertinent documents relating to this approval.

Sincerely,

Director, Eastern Region

Enclosure

cc: Superintendent, Choctaw Agency
Office of Tribal Relations, MS-4519-MIB

AMENDMENT NO. 1

ARTICLE IV – GOVERNING BODY

Sec. 2. The tribal council shall consist of elected representatives from the eight (8) recognized Choctaw communities. Each community shall be entitled to representation on the tribal council according to population as is hereinafter provided:

Bogue Chitto Community	3
Conehatta Community	3
Pearl River Community	3
Red Water Community	2
Standing Pine Community	2
Tucker Community	2
Bogue Homa Community	1
Crystal Ridge Community	1

ARTICLE V – ELECTIONS

Sec. 7. In the regular tribal council election of June, 1975, eight (8) council representatives shall be elected for four (4) year terms and eight (8) council representatives shall be elected for two (2) year terms, to wit:

	4 Year Terms	2 Year Terms
Bogue Chitto Community	1	2
Conehatta Community	1	2
Pearl River Community	1	2
Red Water Community	2	0
Standing Pine Community	1	1
Tucker Community	1	1
Bogue Homa Community	1	0

For the June, 1975, tribal election, the candidate receiving the most votes in each community will be elected to serve for a 4-year term, with the other candidate(s) being elected to serve 2-year term. This provision does not apply to the Red Water and Bogue Homa Communities.

Beginning with the regular tribal council election of June, 1977, and continuing thereafter, all council representatives shall be elected for four (4) year terms.

Upon approval of this paragraph by the Secretary of the Interior, a special election shall be held for the elected representative from the Crystal Ridge Community. Thereafter, regular elections for the Crystal Ridge representative shall be held in election years in which there is not a regular election for the election of tribal chief.

ARTICLE VI – VACANCIES AND REMOVAL FROM OFFICE

Section 7. Any of the eight (8) recognized Choctaw communities represented on the tribal council may petition for the recall of a member it has elected by presenting, at least six months prior to the expiration of such member's term of office, a petition signed by at least forty percent (40%) of the eligible voters in that community. Within sixty (60) days the tribal council shall cause to be held a special election on the question of recall. No council member shall be recalled except by the affirmative vote of a majority of those voting in an election in which at least seventy-five (75%) of the persons eligible to vote shall have voted. Should the recall be approved by the voters, Article VI, Sections 1 and 2, above, shall apply.

ARTICLE VII – COMMUNITY ORGANIZATIONS

The enrolled members of the eight Choctaw communities shall have the right to form local community organizations and adopt their own rules and regulations in harmony with this constitution and bylaws. It shall be the duty of the councilman from each community to report regularly all the actions and decisions of the tribal council to the community organizations.

APPROVAL

I, Franklin Keel, Director, Eastern Regional Office, Bureau of Indian Affairs, by virtue of the authority delegated to the Assistant Secretary-Indian Affairs by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me, do hereby approve the foregoing Amendment No. 1 to the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians; provided, that nothing in this approval would be contrary to Federal law.


Director, Eastern Regional Office

Date: MAY 03 2006

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Eastern Regional Director, Bureau of Indian Affairs, on May 2, 2005 and extended on December 19, 2005, the attached Amendment to the Revised Constitution and Bylaws of the Mississippi Band of Choctaw Indians was submitted to the qualified voters of the Band and was on April 11, 2006, duly adopted/rejected by a vote of 140 for, and 30 against, in an election in which at least forty percent of the 288 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

Ray C. Thomas
Chairman, Election Board

Harvard Bell
Election Board Member

Tom Wickway
Election Board Member

Election Board Member



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Eastern Regional Office
545 Marriott Drive, Suite 700
Nashville, TN 37214

Tribal Government Services

MAR 08 2013

Honorable Phylliss J. Anderson
Chief, Mississippi Band of Choctaw Indians
Choctaw Branch
P.O. Box 6010
Choctaw, Mississippi 39350

Dear Chief Anderson:

A Secretarial Election was held on February 19, 2013, to vote on three proposed Constitutional Amendments to the Constitution and Bylaws of the Mississippi Band of Choctaw Indians.

Pursuant to 25 Code of Federal Regulations Part 81.24, by authority delegated to the Regional Director by the Secretary of Interior, I hereby approve the election results for the following Amendments:

1. Amendment A - Article X, Section 1(g).
2. Amendment B - Article VI, Section 7 and Section 9.
3. Amendment C - Article IV, Section 5 and Section 6.

Please provide a copy of the newly amended Constitution and Bylaws to the Eastern Regional Office, Branch of Tribal Government Services, when the new amendments are incorporated.

If you have any questions, please contact Ms. Chanda Joseph, Tribal Relations Specialist, at 615-564-6750.

Sincerely,
Markus Ved

Director, Eastern Region

Enclosure

AMENDMENT A - ARTICLE X, SECTION 1(g)

Sec.1. The Mississippi Band of Choctaw Indians, in exercising powers of self-government shall not:

(g) Require excessive bail, impose excessive fines, inflict cruel and unusual punishment and in no event impose for conviction of any offense any penalty, punishment or fine, or otherwise impose a sentence involving a total term of imprisonment in a single criminal proceeding, greater than the punishments, penalties, sentences or fines authorized by the Indian Civil Rights Act, as amended, 25 U.S.C. Section 1302

AMENDMENT B - ARTICLE VI, SECTION 7 AND SECTION 9

Sec.7. Any of the eight (8) recognized Choctaw communities represented on the tribal council may petition for the recall of a member it has elected by presenting, at least six months prior to the expiration of such member's term of office, a petition signed by at least forty percent (40%) of the eligible voters in that community. Within sixty (60) days the tribal council shall cause to be held a special election on the question of recall. No council member shall be recalled except by the affirmative vote of a majority of those voting in an election in which at least sixty percent (60%) of the persons eligible to vote shall have voted. Should the recall be approved by the voters, Article VI, Sections 1 and 2, above, shall apply; and

Sec.9. The tribal chief may be removed from office if, at least six months prior to the expiration of his or her term, a petition bearing the signatures of at least forty percent (40%) of the registered voters in the tribe is presented to the tribal council. Within sixty (60) days of such presentation, the tribal council shall cause to be held a special election on the question of recall. If a majority of those voting vote for recall, provisions of Article VI, Section 1 and 2, shall apply, provided that at least sixty percent (60%) of the eligible voters in the tribe shall have voted.

AMENDMENT C - ARTICLE IV, SECTION 5 AND SECTION 6

Sec.5. Any enrolled member of the Mississippi Band of Choctaw Indians may become a candidate for Tribal Council to be filled by tribal election who

- (a) Is at least 21 years of age at the time of election;
- (b) Has not been convicted of, or pled nolo contendere to, any felony offense occurring at any time in any jurisdiction, unless such felony has been pardoned;
- (c) Has a minimum of a High School diploma or a GED of a twelfth grade equivalency;
- (d) Is a resident of the Choctaw community which he or she desires to represent for at least six (6) months prior to the date of election;
- (e) Is registered to vote in the Choctaw community which he desires to represent;
- (f) Secures endorsement signatures by at least 10 persons registered to vote in tribal elections in the community from which he or she intends to run office. (This requirement shall not apply to the Bogue Homa Community and Crystal Ridge Community where three signatures will be required)

Sec.6. Any enrolled member of the Mississippi Band of Choctaw Indians may be come a candidate for Chief who

- (a) Is at least 30 years of age by the time of election;
- (b) Has not been convicted of, or pled nolo contendere to, any felony offense occurring at any time in any jurisdiction, unless such felony conviction has been pardoned;
- (c) Has a minimum of a High School diploma or a GED of a twelfth grade equivalency;
- (d) Is a community resident registered to vote in a community;
- (e) Secures the endorsement signatures of a least 51 registered voters, at least nine each from Pearl River, Bogue Chitto, and Conchatta, at least six each from Tucker, Red Water, and Standing Pine, and at least three from Bogue Homa and Crystal Ridge.

CERTIFICATE OF APPROVAL

I, **Franklin Keel**, Regional Director, Eastern Regional Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 3 IAM 4.4, do hereby approve Amendment A (Resolution CHO 13-011(B)), Amendment B (Resolution CHO 13-012(B)), and Amendment C (Resolution CHO 13-013(B)), of the Constitution and Bylaws of the Mississippi Band of Choctaw Indians. These amendments are effective as of this date: PROVIDED that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

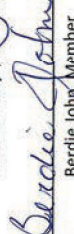

Director, Eastern Region

Date: MAR 08 2013

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial Election authorized by the Regional Director on November 16, 2012, the attached Constitution and Bylaws (Amendment A, Amendment B and Amendment C) of the Mississippi Band of Choctaw Indians was submitted to the qualified voters of the Tribe and on February 19, 2013, was duly **(adopted)** (ratified) (rejected) or (revoked) by a vote for Amendment A, 593 for and 284 against, for Amendment B, 607 for and 261 against, for Amendment C, 675 for and 198 against, and four (4) cast ballots found spoiled or mutilated in an election in which at least 40 percent of the 1891 members entitled to vote, cast their ballot in accordance with 25 CFR Part 81.

Secretarial Election Board:

 Rheta D. Harjo, Chairman	<u>02/21/13</u> Date
 Berdie John, Member	<u>2/21/13</u> Date
 Wanda Davidson, Member	<u>2/21/13</u> Date
 Danita D. Willis, Member	<u>02/21/03</u> Date
 Amy Pauls, Member	<u>2/21/13</u> Date
 Jeremiah Harrison, Member	<u>2/21/13</u> Date
 Gary Williamson, Alternate	<u>2/21/13</u> Date

REVISED CONSTITUTION AND BYLAWS OF THE MISSISSIPPI BAND OF CHOCTAW INDIANS

PREAMBLE

We, the Choctaw Indians, members of the Mississippi Band of Choctaw Indians, desiring to promote the achievement of self-government for the Choctaw people do, for our welfare and benefit, hereby adopt and proclaim the following constitution and bylaws.

ARTICLE I - NAME

The name of this organization shall be the Mississippi Band of Choctaw Indians and may hereinafter be referred to as "the tribe."

ARTICLE II - JURISDICTION

The jurisdiction of the Mississippi Band of Choctaw Indians shall extend to all lands now held or which may hereafter be acquired by or for or which may be used under proper authority by the Mississippi Band of Choctaw Indians, and to all persons who are now or may hereafter become members of the Mississippi Band of Choctaw Indians.

ARTICLE III - MEMBERSHIP

Sec. 1. The membership of the Mississippi Band of Choctaw Indians shall consist of:

- (a) All Choctaw Indians of one-half (1/2) or more Choctaw blood, resident in Mississippi, January 1, 1940, as shown by the census roll maintained by the Bureau of Indian Affairs at the Choctaw Agency, provided that the tribal council shall have the power to revise said rolls, with the approval of the Secretary of the Interior at any time.
- (b) Any child of one-half (1/2) or more Choctaw blood born to any enrolled member of the band after January 1, 1940, shall be entitled to membership.

Sec. 2. The tribal council shall have the power to pass ordinances, subject to the approval of the Secretary of the Interior, governing future membership, loss of membership, and the adoption of new members; provided that no person of less than one-half degree of Choctaw blood shall be admitted to membership in the Mississippi Band of Choctaw Indians.

ARTICLE IV - GOVERNING BODY

Sec. 1. The Mississippi Band of Choctaw Indians shall be governed by a tribal council and a tribal chief whose powers are enumerated in Articles VIII and IX herein.

Sec. 2. The tribal council shall consist of elected representatives from the eight (8) recognized Choctaw communities. Each community shall be entitled to representation on the tribal council according to population as is hereinafter provided:

Bogue Chitto Community	3
Conehatta Community	3
Pearl River Community	3
Red Water Community	2
Standing Pine Community	2
Tucker Community	2
Bogue Homa Community	1
Crystal Ridge Community	1

Sec. 3. The tribal chief shall be elected by the Choctaw people at large with each registered voter entitled to one vote.

Sec. 4. The tribal council shall have authority to make changes in the number of representatives from each community according to future community needs, community population changes or applicable Federal law, subject to the approval of the Secretary of the Interior.

Sec. 5. Any enrolled member of the Mississippi Band of Choctaw Indians may become a candidate for Tribal Council to be filled by tribal election who:

- (a) Is at least 21 years of age at the time of election;
- (b) Has not been convicted of, pled nolo contendere to, any felony offense occurring at any time in any jurisdiction, unless such felony conviction has been pardoned;
- (c) Has a minimum of a High School diploma or a GED of a twelfth grade equivalency;
- (d) Is a resident of the Choctaw community which he or she desires to represent for at least six (6) months prior to the date of election;
- (e) Is registered to vote in the Choctaw community which he or she desires to represent;
- (f) Secures endorsement signatures by at least 10 persons registered to vote in tribal elections in the community from which he or she intends to run for office. (This requirement shall not apply to the Bogue Homa Community and Crystal Ridge Community where three signatures will be required.)

Sec. 6. Any enrolled member of the Mississippi Band of Choctaw Indians may become a candidate for Chief who:

- (a) Is at least 30 years of age by the time of the election;
- (b) Has not been convicted of, or pled nolo contendere to, any felony offense occurring at any time in any jurisdiction, unless such felony conviction has been pardoned;
- (c) Has a minimum of a High School diploma or a GED of a twelfth grade equivalency;
- (d) Is a community resident registered to vote in a community;

(e) Secure the endorsement signatures of at least 51 registered voters, at least nine each from Pearl River, Bogue Chitto, and Conehatta, at least six each from Tucker, Red Water, and Standing Pine, and at least 3 from Bogue Homa and Crystal Ridge.

ARTICLE V - ELECTIONS

Sec. 1. Any member of the Mississippi Band of Choctaw Indians, whether male or female, who is eighteen (18) years of age or more and registered according to rules set forth by the tribal council, shall be entitled to vote in any tribal election.

Sec. 2. The tribal council shall prescribe rules and regulations to govern the conduct of tribal elections consistent with this constitution and bylaws. All elections shall be by secret ballot.

Sec. 3. The first regular election under this revised constitution and bylaws shall take place in June 1975. Subsequent thereto, regular elections shall be held in June of odd-numbered years. The present tribal council representatives shall remain in office until their successors are duly elected and seated.

Sec. 4. In all tribal council elections, the person receiving the largest number of votes for a given position shall be declared elected.

Sec. 5. For the election of the tribal chief, the person receiving a majority of the total votes cast for all candidates shall be declared the tribal chief. In the event that no person receives a majority of the total votes cast, the two candidates receiving the highest number of votes shall be paired in a run-off election. This run-off election shall be held within thirty (30) days of the initial election. Of these two candidates, the one who receives a majority of the total votes cast in the run-off election shall be declared the tribal chief.

Sec. 6. The term of office for members of the tribal council shall be four (4) years and until their successors are duly elected and seated, consistent with Sec. 7 below.

Sec. 7. In the regular tribal council election of June, 1975, eight (8) council representatives shall be elected for four (4) year terms and eight (8) council representatives shall be elected for two (2) year terms, to wit:

	4 Year Terms	2 Year Terms
Bogue Chitto Community	1	2
Conehatta Community	1	2
Pearl River Community	1	2
Red Water Community	2	0
Standing Pine Community	1	1
Tucker Community	1	1
Bogue Homa Community	1	0

For the June, 1975, tribal election, the candidate receiving the most votes in each community will be elected to serve for a 4-year term, with the other candidate(s) being elected to serve 2-year term. This provision does not apply to the Red Water and Bogue Homa Communities.

Beginning with the regular tribal council election of June, 1977, and continuing thereafter, all council representatives shall be elected for four (4) year terms.

Upon approval of this paragraph by the Secretary of the Interior, a special election shall be held for the elected representative from the Crystal Ridge Community. Thereafter, regular elections for the Crystal Ridge representative shall be held in election years in which there is not a regular election for the election of tribal chief.

Sec. 8. Newly elected members of the tribal council shall take office at the first regular meeting of the council following their election.

Sec. 9. The term of office for the tribal chief shall be four (4) years and until a successor has been elected and seated.

Sec. 10. At the first regular meeting following each election, the tribal council shall elect, from among the membership of the council, a vice-chief and a secretary-treasurer with such powers and duties as are hereinafter enumerated. These officials shall serve for 2 years or until their successors are elected and seated.

ARTICLE VI - VACANCIES AND REMOVAL FROM OFFICE

Sec. 1. If a vacancy occurs in the membership of the tribal council and less than one (1) year remains of the term of the member who has vacated his position, the tribal chief shall appoint a successor to such member, who shall serve until his successor is duly elected and seated at the next regular election. The appointee shall claim residence in and represent the same community as did the member who vacated his position.

Sec. 2. If a vacancy occurs in the membership of the tribal council and more than one (1) year remains of the term of the member who has vacated his position, the tribal chief shall, within sixty (60) days, cause to be held a special election in the community entitled to representation for the purpose of filling the vacancy.

Sec. 3. If a vacancy occurs in the office of tribal chief and less than one (1) year remains of his term of office, the office shall automatically be filled by the vice-chief of the tribal council.

Sec. 4. If a vacancy occurs in the office of tribal chief and more than one (1) year remains of his term of office, the tribal council shall, within sixty (60) days, cause to be held a special election in which all qualified voters of the tribe may participate for the purpose of filling vacancy. The Tribal vice-chief shall serve as tribal chief during the period of such vacancy until a new tribal chief is elected and seated.

Sec. 5. If a vacancy occurs in the office of vice-chief or of the secretary-treasurer of the tribal council, such a vacancy may be filled by the council by election of one of its members to the office.

Sec. 6. Any member of the tribal government (including the tribal chief and members of the tribal council) or any employee of the Mississippi Band of Choctaw Indians, who during the term for which he is elected or appointed, is convicted of a felony shall be subject to removal from his office by action of the tribal council.

Sec. 7. Any of the eight (8) recognized Choctaw communities represented on the tribal council may petition for the recall of a member it has elected by presenting, at least six months prior to the expiration of such member's term of office, a petition signed by at least forty percent (40%) of the eligible voters in that community. Within sixty (60) days the tribal council shall cause to be held a special election on the question of recall. No council member shall be recalled except by the affirmative vote of a majority of those voting in an election in which at least sixty percent (60%) of the persons eligible to vote shall have voted. Should the recall be approved by the voters, Article VI, Sections 1 and 2, above, shall apply.

Sec. 8. The tribal council may remove council officers from office for cause by two-thirds (2/3) vote of the council members at a meeting at which a quorum is present, but can neither terminate nor affect their status as council members through such action. The tribal council shall prescribe the methods by which this removal from office may be carried out.

Sec. 9. The tribal chief may be removed from office if, at least six months prior to the expiration of his or her term, a petition bearing the signatures of at least forty percent (40%) of the registered voters in the tribe is presented to the tribal council. Within sixty (60) days of such presentation, the tribal council shall cause to be held a special election on the question of recall. If a majority of those voting vote for recall, provisions of Article VI, Section 1 and 2, shall apply, provided that at least sixty percent (60%) of the eligible voters in the tribe shall have voted.

ARTICLE VII - COMMUNITY ORGANIZATIONS

The enrolled members of the eight Choctaw communities shall have the right to form local community organizations and adopt their own rules and regulations in harmony with this constitution and bylaws. It shall be the duty of the councilman from each community to report regularly all the actions and decisions of the tribal council to the community organizations.

ARTICLE VIII - POWERS AND DUTIES OF THE TRIBAL COUNCIL

Sec. 1. The legislative power of the Mississippi Band of Choctaw Indians is vested in the tribal council and shall be exercised in accordance with this constitution and bylaws and the Constitution and Laws of the United States applicable to Indian tribes. In addition to exercising any other lawful legislative power of the Mississippi Band of Choctaw Indians, the tribal council is empowered:

- (a) To negotiate with and to approve or disapprove contracts or agreements with Federal, State, or local governments, with private persons, or with corporate bodies.
- (b) To approve or disapprove any sale, disposition, lease or encumbrance of tribal lands, interests inland, tribal funds, or other tribal assets.

- (c) To establish procedures for the conduct of all tribal government and business operations, including the regulation of conflict of interest and nepotism.
- (d) To advise the Secretary of the Interior with regard to all appropriation estimates of Federal projects for the benefit of the Mississippi Band of Choctaw Indians prior to the submission of such estimates to the Office of Management and Budget and to Congress.
- (e) To employ and pay legal counsel, subject to the approval of the Secretary of the Interior so long as such approval is required by Federal law.
- (f) To appropriate available tribal funds for the benefit of the tribe or of any its communities.
- (g) To approve or disapprove operating budgets upon submission by the tribal chief.
- (h) To approve or disapprove all allocations or disbursement of tribal funds (or funds under the control of the tribe) not specifically appropriated or authorized in a budget approved by the tribal council.
- (i) To establish and enforce rules, consistent with applicable Federal statutes and the regulations of the Secretary of the Interior, for the management of tribal lands, including, but not limited to, the making and revocation of assignments, and the disposition of timber, oil, and mineral resources.
- (j) To create, or to provide by ordinance for the creation of organizations, including public and private corporations, for any lawful purpose, which may be non-profit or profit-making, and to regulate the activities of such organizations by ordinance.
- (k) To promote and protect the health, peace, morals, education, and general welfare of the tribe and its members.
- (l) To borrow money from any source whatsoever without limit as to amount, and on such terms and conditions and for such consideration and periods of time as the tribal council shall determine; to use all funds thus obtained to promote the welfare and betterment of the tribe and of its members; to finance tribal enterprises; or to lend money thus borrowed.
- (m) To establish and enforce ordinances governing the conduct of tribal members; providing for the maintenance of law, order and the administration of justice; regulating wholesale, retail, commercial, or industrial activities on tribal lands; establishing a tribal court; and defining the powers and duties of that court; subject to the approval of the Secretary of the Interior where such approval is required by Federal law.

- (n) To establish a basic departmental structure for the tribal government executive branch.
- (o) To establish policies relating to tribal economic affairs and enterprises in accordance with this constitution and bylaws.
- (p) To pass any ordinances and resolutions necessary or incidental to the exercise of any of the foregoing powers and duties.
- (q) To do such acts of a governmental and public nature as are not prohibited by applicable laws or by this constitution and bylaws.
- (r) To levy and collect taxes and raise revenue to meet the needs of the tribe or to support tribal government operations.

ARTICLE IX - POWERS AND DUTIES OF THE CHIEF

Sec. 1. The tribal chief of the Mississippi Band of Choctaw Indians shall have the following executive powers and duties subject to any limitation imposed by the statutes or the Constitution of the United States or by this constitution and bylaws:

- (a) To serve as the principal executive officer of the tribe and as head of the executive branch of the tribal government.
- (b) To carry out policies established by the tribal council.
- (c) To negotiate contracts or agreements with Federal, State, or local governments, private persons, or corporate bodies and to submit them to the tribal council for approval.
- (d) To manage, administer and direct the operation of the tribal programs, activities, and services and to report to the tribal council the status of each program at least annually.
- (e) To prepare budgets, budget estimates, and financial reports for submission to or at the direction of the tribal council.
- (f) To provide for the proper receipt, deposit, disbursement, and accounting of all funds (or funds under control of the tribe) consistent with this constitution and bylaws and such policies as may be established by the tribal council.
- (g) To provide for the protection and maintenance of the property, equipment, and official records of the tribe.
- (h) To provide for enforcement of the rules, regulations, and ordinances enacted by the tribal council.
- (i) To preside over the meeting of the tribal council and to vote only in case of a tie.

- (i) To exercise such additional executive powers as are necessary or incidental to the performance of the powers and duties enumerated above, and which are neither specifically denied to the tribal chief herein.

ARTICLE X - RIGHTS OF INDIANS

Sec. 1. The Mississippi Band of Choctaw Indians, in exercising powers of self-government shall not:

- (a) Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or of the right of the people peaceably to assemble and to petition for a redress of grievances.
- (b) Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizure, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized.
- (c) Subject any person for the same offense to be twice put in jeopardy.
- (d) Compel any person in any criminal case to be a witness against himself.
- (e) Take any private property for a public use without just compensation.
- (f) Deny to any person in criminal proceeding the right to a speedy and public trial; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and, at his own expense, to have the assistance of counsel for his defense.
- (g) Require excessive bail, impose excessive fines, inflict cruel and unusual punishment, and in no event impose for conviction of any one offense any penalty, punishment or fine, or otherwise impose a sentence involving a total term of imprisonment in a single criminal proceeding, greater than the punishments, penalties, sentences or fines authorized by the Indian Civil Rights Act, as amended, 25 U.S.C. Section 1302.
- (h) Deny to any persons within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law.
- (i) Pass any bill of attainder or ex post facto law.
- (i) Deny to any person accused of an offense punishable by imprisonment, the right, upon request, to a trial by jury of not less than six persons.

Sec. 2. The privilege of the writ of habeas corpus shall be available to any person, in a court of the United States, to test the legality of his detention by order of the tribal court.

ARTICLE XI - INITIATIVE AND REFERENDUM

Sec. 1. The members of the tribe reserve to themselves the power to propose ordinances and resolution and to enact or reject the same at the polls independent of the tribal council, but subject to approval of the Secretary of the Interior as required by this constitution and bylaws. The members of the tribe also reserve power at their own option to approve or reject at the polls any act of the tribal council.

Sec. 2. The first power reserved by the members of the tribe is the initiative. Thirty percent (30%) of the registered voters shall have the right by petition to propose amendments to this constitution and bylaws and to propose ordinances and resolutions. The second power is the referendum which shall be ordered upon a petition signed by thirty percent (30%) of the registered voters.

Sec. 3. Upon receipt of a request for an election in the form of an initiative or referendum petition, the tribal chief shall, after ascertaining that a sufficient number of registered voters have signed, cause to be held an election on the question or issue within sixty (60) days of receipt of said petition; provided, however, that an election on a constitutional amendment must be called by the Secretary of the Interior as provided in Article XIII. Thirty percent (30%) of the registered voters shall constitute a sufficient number of voters under this section.

Sec. 4. Any measures referred to the tribe by the initiative or by the referendum shall take effect and be in force when approval by a majority of the votes cast in such election in which at least forty percent (40%) of the registered voters have voted, except that measures requiring approval of the Secretary of the Interior shall not be effective until approved by him.

Sec. 5. All measures referred to the tribe for approval or disapproval by election shall begin with the words; "Be It Enacted by the Members of the Mississippi Band of Choctaw Indians."

Sec. 6. Referendum or initiative petitions filed under Article XI must be submitted under a cover letter signed by at least three (3) sponsors who are members of the tribe and who are registered to vote in tribal elections. Said cover letter must be signed by the sponsors in the presence of a registered notary public and said petitions must be filed in accordance with a procedure to be established by the tribal council.

ARTICLE XII - REPEAL AND SAVING CLAUSE

Sec. 1. The constitution and bylaws of the Mississippi Band of Choctaw Indians approved May 22, 1945, and revised in November 28, 1969, and in March 28, 1975 under the provisions of the Act of June 18, 1934, as amended, is hereby repealed and superseded by this constitution.

Sec. 2. All ordinances and resolutions heretofore enacted by the Mississippi Band of Choctaw Indians shall remain in full force and effect to the extent that they are consistent with this constitution.

Sec. 3. In the event any sentence, paragraph or section of this constitution and bylaws shall be held unconstitutional or invalid by a Federal court of competent jurisdiction, the remaining sentences, paragraphs or sections shall remain valid and be presumed consistent with the United States Constitution.

ARTICLE XIII - AMENDMENTS

This constitution and bylaws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least forty percent (40%) of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment when requested by a sufficient number of qualified voters as provided in Article XI or by the tribal council.

BYLAWS OF THE MISSISSIPPI BAND OF CHOCTAW INDIANS

ARTICLE I - DUTIES OF TRIBAL COUNCIL OFFICERS

Sec. 1. The vice-chief of the tribal council shall assist the tribal chief when called upon to do so by the chief and, in the absence of the tribal chief, it shall be his duty and responsibility to preside over tribal council meetings.

Sec. 2. The secretary-treasurer of the tribal council shall insure that an accurate record of all transactions of the council is maintained. He shall submit promptly, to the Superintendent of the Choctaw Agency, copies of the minutes, resolutions adopted, and ordinances passed at all regular and special meetings of the tribal council as required by the Secretary of the Interior.

Sec. 3. The secretary-treasurer of the tribal council shall cause to be audited all tribal funds and accounts at least once each year and at such other times as required by the tribal council or by the Secretary of the Interior and shall sign and approve all disbursements of tribal funds (or funds under control of the tribe); he shall also sign and approve all contracts negotiated by the tribal chief on behalf of the tribe unless otherwise provided by the tribal council.

Sec. 4. The secretary-treasurer of the tribal council, and such other officers and employees of the tribe, who are responsible for safeguarding tribal resources, shall be bonded and the cost of such bond shall be borne by the tribe. The amount of the bond shall be determined by the tribal council as required by the Secretary of the Interior.

Sec. 5. The secretary-treasurer of the tribal council, by reason of his office, shall preside over such committees as are established by the tribal council on budgetary and financial matters.

ARTICLE II - MEETINGS

Sec. 1. The tribal council shall hold regular meetings on the second Tuesday in January, April, July, and October of each year. Special meetings of the tribal council:

- (a) may be called by the tribal chief when in his judgment they are required.
- (b) shall be called by the tribal chief at the written request of at least nine (9) members of the tribal council or a majority of the council membership, whichever is higher.

The business of special meetings shall be limited to the matters specified in the call.

Sec. 2. A majority of the members of the tribal council shall constitute a quorum for the transaction of any tribal business.

Sec. 3. The tribal council in the conduct of its business shall be governed by Robert's Rules of Order.

ARTICLE III - ADOPTION

This constitution and bylaws, when adopted by a majority vote of the enrolled members of the Mississippi Band of Choctaw Indians voting in special election called for that purpose by the Secretary of the Interior and in which at least thirty percent (30%) of those persons entitled to vote shall have voted, shall be submitted to the Secretary of the Interior for his approval. The date of such approval shall be effective date of this constitution and bylaws.