
ENROLLMENT
Table of Contents

1. General
 - .1 Purpose
 - .2 Source of Authority
 - .3 Policies

2. Rolls Defined
 - .1 Allotment Roll (or Allotment Schedule)
 - .2 Annuity Roll
 - .3 Base Roll
 - .4 Census Roll
 - .5 Descendancy Roll
 - .6 Membership Roll
 - .7 Payment Roll
 - .8 Tribal Roll For Tribal Purposes

3. Enrollment as a Member of an Indian Tribe
 - .1 Authority
 - .2 Requirements for Membership
 - A. Source
 - B. Blood Degree as a Requirement
 - C. Residence as a Requirement
 - (1) General
 - (2) Residence of Parents at Time of Birth of Child
 - D. Deadlines for Filing
 - .3 Changes in Membership Requirements
 - A. Constitutional Requirements
 - B. Ordinances
 - C. Effect of New Requirements on Enrolled Members
 - D. Approval
 - .4 Basic Enrollees
 - .5 Future Members
 - A. "Automatic" Eligibles
 - B. Admission by Vote of the Tribal Governing Body
 - .6 Adoption into Membership
 - A. Adoption Ordinance
 - (1) Requirements for Adoption
 - (2) Approvals Required
 - B. Rights of Adopted Members
 - C. Enrollment of Children Born to Adopted Members
 - (1) Born After Parent's Adoption
 - (2) Born Before Parent's Adoption
 - D. Finality of Tribe's Decision on Adoption

ENROLLMENT
Table of Contents

- .7 Dual Membership
 - A. For Tribal Purposes
 - (1) Dual Enrollment Prohibitions
 - B. Dual Membership and the Right to Share in Tribal Property and Other Benefits
 - (1) Minors or Incompetents
 - .8 Loss of Membership
 - A. Relinquishment
 - B. Abandonment
 - C. Disenrollment
 - (1) Effective Date
 - (2) Approval
 - (3) Appeals
 - .9 Reinstatement to Membership
 - .10 Responsibility of Superintendent
4. Membership Rolls
- .1 Correcting Base Rolls
 - A. Authority to Correct Base Rolls
 - B. Limited Correction Period
 - C. Approval
 - .2 Constructing a Base Roll
 - A. Required Approval
 - .3 Preparing a Current Membership Roll
 - A. Authority
 - B. Enrollment Ordinance
 - C. Deadlines
 - (1) Eligibility Deadline
 - (2) Application Deadline
 - (3) Publicity
 - D. Accounting for Basic Enrollees
 - E. When Approval is Required
 - .4 Using ADP for Tribal Rolls
 - A. Requests for ADP Service
 - B. Priorities
 - C. ADP Training
 - .5 Membership Rolls to be Used to Distribute Trust Assets
 - A. Certification
 - B. Review for Approval
 - C. Approval
 - .6 Status of Membership Rolls

ENROLLMENT
Table of Contents

- 5. Secretarial Rolls
 - .1 Purpose
 - .2 Qualifications for Enrollment
 - .3 Regulations
 - .4 Publicity
 - A. Individual Notices
 - .5 Applications
 - A. Instructions for Filing
 - B. Privacy Act Statement
 - C. Control of Applications
 - D. Furnishing Applications
 - .6 Deadline for Filing
 - A. Postmark Deadline
 - B. Receipt Deadline
 - C. Soldiers and Sailors Civil Relief Act of 1940
 - D. When Application is Considered Filed
 - .7 Review of Applications
 - A. Determination of Eligibility
 - (1) Burden of Proof
 - (2) Failure to Furnish Birth Certificate
 - (3) Failure to Furnish Other Documentation
 - B. Notice of Eligibility
 - C. Notice of Rejection

- 6. Appeals
 - .1 General
 - .2 Rules to be Followed
 - A. Tribal Procedures
 - B. 25 CFR 42
 - .3 Action by Area Director
 - .4 Submission to Washington for Final Decision
 - .5 Review in Washington Office
 - .6 Notice of Decision
 - .7 Finality of Decision

- 7. Determining Degree of Indian Blood
 - .1 Ancestry Trace
 - .2 Documentation
 - .3 How to Compute
 - .4 Segregated Blood Degree
 - .5 Governing roll
 - .6 Other Roll Specified by Tribe

ENROLLMENT
Table of Contents

- .7 Children of Single Mother
- .4 Denial of Paternity

- 8. Changing Degree of Indian Blood in the Records
 - .1 On an Individual Basis
 - .2 On Entire Membership Roll

- 9. Issuing Certificates of Degree of Indian Blood
 - .1 Documentation Required
 - .2 Use of Bureau Records
 - .3 Use of Other Records
 - .4 Appeals

- 10. Adopted Children and Enrollment
 - .1 Definition
 - .2 Right to Enrollment
 - .3 Children Adopted by Tribal Members
 - .4 Children Born to Members and Adopted by Non-members
 - .5 Obtaining Necessary Records
 - .6 Impact of Indian Child Welfare Act of 1978
 - A. Secretary's Certification
 - B. Effective Applicability
 - .7 Maintaining Confidentiality

Illustrations 1 to 11

ENROLLMENT
General

1. General

1. General. The Bureau function over enrollment matters is derived from its responsibility for the administration of tribal assets and for determining who is entitled to share in any distribution which is made of such assets.

1.1 Purpose. Enrollment may be for the purpose of membership in an Indian tribe or for sharing in the distribution of judgment funds.

1.2 Source of Authority. Enrollment may be authorized by the tribe, by specific Act of Congress or by the Secretary of the Interior acting pursuant to 25 U.S.C. 2 and 9.

1.3 Policies. It is understood that the policies stated in this supplement shall apply to like situations which may occur in preparing rolls under any section of this supplement.

ENROLLMENT
Rolls Defined

2. ROLLS DEFINED

2.1 Allotment Roll (or Allotment Schedule). A list of persons who received allotments of land on an Indian reservation. Generally, allotment rolls do not reflect degree of Indian blood.

2.2 Annuity Roll. List of persons eligible to share in annual payments made to members of an Indian tribe under a Treaty or Act of Congress. The list usually names the members of the tribe as of the date the payment was made.

2.3 Base Roll. The list of original members of a tribe as designated in a tribal constitution or other document specifying enrollment criteria. Future members usually must be able to trace descent from a parent named on the base roll.

2.4 Census Roll. List of the population of a reservation. It usually includes, in addition to tribal members, all other persons associated with the tribal group, whether Indian or non-Indian. Persons named on a census roll who are not regarded as members of the tribe are generally shown as "N.E." (not enrolled.)

2.5 Descendancy Roll. A list prepared for distribution of judgment funds according to a Secretarial plan or Act of Congress. It differs from a tribal roll because it is prepared by the Secretary on a descendancy basis without regard to tribal affiliation and may include persons who are members of other tribes. Being listed on a descendancy roll has no effect on an individual's status as a member of an Indian tribe.

2.6 Membership Roll. A list of persons who meet the requirements for membership in a particular tribe.

2.7 Payment Roll. A list of persons entitled to share in the distribution of assets belonging to an Indian tribe. The payment may be based on membership or on descendancy, depending upon the source of funds and authorization for their use.

2.8 Tribal Roll for Tribal Purposes. A list of persons recognized by a tribe as members of that tribe. Although this roll should be the same as the membership roll, since a tribe has the authority to determine its own membership for tribal purposes, it may or may not contain the names of some persons recognized by the Bureau as members of the tribe. A tribal roll for tribal purposes does not require approval of the Secretary unless the tribal constitution or other tribal document provides for it. A tribal roll for tribal purposes is not binding upon the Secretary in the distribution of trust assets to members of the tribe.

10/17/17
WHO REQUIRES THIS
BIA

ENROLLMENT
Enrollment as a Member of an Indian tribe

3. ENROLLMENT AS A MEMBER OF AN INDIAN TRIBE

3.1 Authority. In the absence of specific legislation by Congress to the contrary, an Indian tribe has complete authority to determine all questions relating to its membership for tribal purposes. The Secretary of the Interior is responsible for determining who shall be classified as members when the roll is prepared for the distribution of assets which are held in trust for the tribe by the Government of the United States.

3.2 Requirements for Membership.

A. Source. Tribes which have adopted constitutions usually included requirements for membership in the constitutions. The requirements might also be provided in ordinances enacted by all the members of a tribe either in general council or by referendum. In some cases, and they are few, an Act of Congress may specify the requirements for membership in a tribe.

B. Blood Degree as a Requirement. Many tribes require that applicants possess a minimum degree of Indian blood to qualify for membership. Others require a minimum degree of blood of the specific tribe, or a combination of both (Example: at least 1/8 degree blood of the tribe and a total of 1/4 degree Indian blood).

"Indian blood" means the blood of any Indian tribe or tribes. It does not mean the blood of a specific tribe even though a person might be named on a census roll of a specific tribe as 1/2 degree Indian blood. If a tribe wishes to restrict membership to persons who possess only the blood of that tribe the enrollment provisions must clearly specify that the blood degree required is that of the tribe.

If a tribe desires, it may in its constitution, or by ordinance, declare that for enrollment purposes the Indian blood possessed by persons named on the base roll shall be considered to be "blood of the tribe." If all Indian blood is not considered "blood of the tribe," the tribe should segregate the degree of tribal blood from the total degree of Indian blood shown on the roll.

In cases where possession of a minimum degree of Indian blood is required and the tribe's basic roll does not show the degree of blood of the enrollees the tribe should specify a roll which will be used for computing blood degree of descendants of basic enrollees. The roll selected should be one that was prepared as close in time as possible to the date of the base roll. See Sec. 7, Determining degree of Indian blood, Sec. 8, Changing degree of Indian blood, and Sec. 9, Issuing certificates of degree of Indian blood, for detailed information about blood degree.

ENROLLMENT

Enrollment as a Member of an Indian tribe

C. Residence as a Requirement.

(1) General. Residence can be a confusing requirement for membership because it is subject to interpretation. Since it is the right and responsibility of the tribe to interpret its constitution, tribes should be urged to pass resolutions defining the term "residence" if it is used as a requirement for enrollment.

"Residence" can be defined in the strictest sense as actual physical presence on the reservation. Tribes may find that this strict interpretation of residence would be a hardship on its members. Many people may have to live away from the reservation for employment purposes, education, military service, health reasons, or because there is no place on the reservation for them to live. The tribes should be encouraged to recognize "constructive residence" whereby enrollment eligibility may be extended to children born to member parents who must reside off the reservation. The effect of any residence requirement found in a tribal constitution or enrollment ordinance should be carefully analyzed. All possible aid should be given to the tribes when they are considering the best way in which to provide for the enrollment of children born to non-resident parents.

(2) Residence of Parents at Time of Birth of Child. Some tribal constitutions or ordinances require that to be eligible for membership in the tribe descendants of persons named on the base roll must be born to members of the tribe who reside on the reservation at the time of birth of the child. This does not mean that the child must be "born on the reservation." It should also be realized that the mere fact a child is born in a hospital on the reservation does not confer reservation residence status upon the parents.

D. Deadlines for Applying. Some tribes have by ordinance provided deadlines for applying for membership. The question was raised as to whether such a provision was inconsistent with the tribal constitution.

The Assistant Solicitor, Indian Legal Activities, ruled that there may be no way a tribal governing body may by ordinance refuse membership to a person who meets substantive constitutional requirements for tribal membership.

The Assistant Solicitor in making this ruling recognized the tribes' need for a reasonable rule in order to keep records current. Therefore, he recommended that any ordinance requiring applications to be filed within a certain time also include some provision for those who failed to apply through error. (See Illustration 1, Solicitor's memorandum of March 11, 1969.)

Note: This ruling applies only to deadlines for applying for tribal membership generally. It does not apply to deadlines for enrollment on a specific roll to be

ENROLLMENTEnrollment as a Member of an Indian tribe

used for the distribution of trust assets. In those instances an applicant who files after the deadline may be denied for filing late but would be considered for future membership.

3.3 Changes in Membership Requirements. When it is necessary or desirable to change a membership requirement or establish a new one the change must be made in the same way the provision was originally enacted.

A. Constitutional Requirements. Substantive, or concrete, requirements for membership are specified in the tribal constitution and include requirements such as degree of Indian blood required for enrollment, dual enrollment prohibitions, U. S. citizenship, and residence on the reservation. They also include grounds for loss of membership. Such requirements can be changed or added to only through an amendment to the tribal constitution.

A tribal constitution is adopted by a vote of the tribal members and changes to it must be adopted by the same people. The tribal governing body may not act on its own to change or add to the requirements specified in the tribal constitution.

In the past tribes have enacted substantive requirements for future membership under provisions in their constitutions which empowered the tribal governing body to enact "ordinances and resolutions governing future membership." However, since the enactment of the Indian Civil Rights Act in 1968, we have advised tribes not to change substantive requirements by ordinance.

The Bureau will recognize ordinances enacted and approved in the past which impose additional substantive requirements. We will not approve or recognize as effective any ordinance enacted in the future which imposes substantive requirements for membership over and above those contained in the tribal constitution or other governing document.

B. Ordinances. Procedural requirements established in an ordinance may be changed or added to by amendments to the ordinance. Generally, ordinances are enacted by the tribal governing body and can be changed by that body. However, ordinances adopted by the membership of the tribe voting in general council or referendum must be changed in the same manner.

C. Effect of New Requirements on Enrolled Members. New requirements cannot be applied retroactively. That is, they cannot be applied to people who are already members of the tribe or to those who applied for enrollment before the requirements were changed. They can be applied to persons who apply for membership on or after the effective date of the amendment.

Tribes may not withhold action on pending applications when an amendment to the membership requirements is being planned.

ENROLLMENT
Enrollment as a Member of an Indian tribe

D. Approval. All constitutional amendments require Secretarial approval. If the ordinance being amended required Secretarial approval when originally enacted, amendments to the ordinance also require approval. Authority to approval tribal enactments has been redelegated to Area Directors (10 BIAM 3.1).

3.4 Basic Enrollees. The tribal constitution or other document governing enrollment usually specifies a roll or list of people and declares that the people named on that roll or list shall constitute the basic membership of the tribe. These people, "basic enrollees," are those who were recognized as members of the tribe when the governing document was enacted and represent the "first generation" of tribal membership under the governing document.

Rolls cited as base rolls vary. A base roll might be an allotment roll, annuity roll, census roll, or other list of persons recognized as members of the tribe. In some cases names of persons who were considered members do not appear on the roll, or there are other errors. This is especially true when census rolls are used as base rolls. People who were temporarily away from the reservation might not be named on the census.

To take care of this problem, many tribes provide for corrections to be made to the base roll. See Sec. 4.1 of this supplement.

Usually a tribal constitution will require that the persons named on the base roll possess Indian blood or blood of the tribe concerned to be considered as basic members of the tribe.

On a census roll used as a basic roll persons shown as "N.E." (not enrolled) are not considered as basic members of the tribe.

3.5 Future Members. After designating the base roll the tribal constitution generally specifies who the future members will be. In most cases future members must be born to a member of the tribe or be a descendant of a basic enrollee. Most tribes also require that additional requirements be met, such as possession of a minimum degree of Indian blood or residence on the reservation. (See Sec. 3.2B and C.)

A. "Automatic" Eligibles. "Automatic" eligibles are persons who meet the specified requirements for membership. They should not be denied enrollment. While enrollment of an "automatic" eligible does not require approval by the tribe or Secretary, some action should be taken by the tribe to show that the person's application has been reviewed and his or her membership eligibility determined.

B. Admission by Vote of the Tribal Governing Body. Sometimes enrollment requirements specify that to be enrolled a person must meet certain requirements

ENROLLMENT
Enrollment as a Member of an Indian tribe

and be admitted to membership by a majority vote of the tribal governing body. Although an applicant may meet the stated requirements, in the absence of a favorable vote of the governing body he or she may not be enrolled. There is no appeal to the Secretary from a rejection under this type of provision.

3.6 Adoption into Membership. Adoption is the method by which a tribe may admit to membership someone who does not meet the established requirements. Many tribal constitutions give the tribal governing body authority to enact ordinances governing the adoption of members. In the absence of such authority the governing body may not take adoption actions. The adult members of the tribe voting in a general council or referendum could, however, adopt members.

A. Adoption Ordinance.

(1) Requirements for Adoption. The tribe may want to limit adoptions by enacting an ordinance containing qualifications to be met by persons seeking enrollment by adoption. Such requirements will be different from the future membership criteria, and in some ways, less strict. Adoption requirements might include:

Possession of a minimum degree of Indian or tribal blood

Legal marriage to a member

Period of residence on the reservation

No membership in another tribe

Approval by a majority vote of qualified members, or

Approval by a majority vote of the tribal governing body

An adoption procedure gives the tribe some flexibility in enrolling people as members. If the qualifications are too strict the tribe will lose some of that flexibility and the chance to correct oversights and inequities.

(2) Approvals Required. By adopting people as members the tribe is adding to its membership people who do not meet the established requirements. In approving the tribal constitution the Secretary agreed to recognize as members only those who do meet the requirements. Therefore, adoption ordinances require Secretarial approval.

If a tribe has an approved ordinance governing adoption, actions taken under the ordinance require no further approval.

ENROLLMENT

Enrollment as a Member of an Indian tribe

If a tribe has adoption authority but has not enacted an ordinance, it still may adopt persons on an individual basis. However, each individual adoption is subject to approval by the Secretary or his or her authorized representative.

B. Rights of Adopted Members. Specific limitations may be placed on the rights of an adopted member by the tribal constitution or ordinance under which he or she is adopted. If no limitations exist, an adopted member has the same rights and privileges as other tribal members.

C. Enrollment of Children Born to Adopted Members.

(1) Born After Parent's Adoption. Children born to an adopted member after the parent's adoption are considered for membership as children born to members and should be enrolled if they otherwise meet the established requirements for membership.

(2) Born Before Parent's Adoption. Children born before the parent's adoption into membership are not considered as children born to members. They can be enrolled only through the adoption process.

D. Finality of Tribe's Decision on Adoption. An individual is considered for enrollment through adoption because he or she does not meet the established requirements for membership. Consequently, he or she is not entitled to be enrolled unless admitted by a vote of the governing body or tribe, as the case may be. In the absence of a favorable vote he or she cannot be enrolled. The Secretary cannot reverse the tribe's decision and there is no appeal to the Secretary from a rejected application for enrollment through adoption, even if a roll is being prepared for the distribution of trust assets.

3.7 Dual Membership.

A. For Tribal Purposes. A person who meets the membership requirements of more than one tribe may be a member of both tribes for such purposes as the tribe may control, provided the tribal constitution or enrollment ordinance does not expressly exclude from membership persons who are members of another tribe.

(1) Dual Enrollment Prohibitions. Tribes should be cautioned to analyze proposed dual enrollment prohibitions very carefully. They should decide how strict they wish to be in prohibiting dual enrollment and state the prohibition clearly so as not to leave any doubt as to its meaning.

B. Dual Membership and the Right to Share in Tribal Property and Other Benefits. It has long been the policy of the Department that persons who possess the qualifications which enable them to meet the membership requirements in more than one tribe may share in the assets of only one of them. Consequently,

ENROLLMENT
Enrollment as a Member of an Indian tribe

when a roll is being prepared for the purpose of distributing tribal assets to members of an Indian tribe, persons who are members of more than one tribe are required to elect the tribe with which they wish to be enrolled for the purposes of sharing in tribal assets and to relinquish in writing their right to share as members in the assets of the other tribe. (25 CFR 101.4)

(1) Minors or Incompetents. In the case of minor children or incompetent persons the election as to where they will be enrolled to share in tribal assets may be made by the parent, guardian, custodian, or other person who has legal custody of the minor child or incompetent person. (25 CFR 101.4)

3.8 Loss of Membership. A person may lose his or her membership in an Indian tribe in several ways: relinquishment, abandonment, and through disenrollment. Loss of membership has a serious and usually permanent effect on an individual's right to receive benefits. Therefore, grounds for loss of membership should be specified in the tribe's constitution rather than by ordinance. (See Sec. 3.3A.)

A. Relinquishment. A member of a tribe may relinquish his or her membership by submitting a statement in writing to the tribal governing body. Relinquishment may be limited (conditional) or complete, depending upon the wording of the statement. If a person desires to relinquish membership in one tribe in order to be enrolled with another tribe he or she should be urged to make the relinquishment of membership conditional upon his or her acceptance for membership in the other tribe. Otherwise, the enrollee could be in a position where he or she was not enrolled with either tribe. (See Illustration 2.)

Relinquishment of membership is a voluntary act. Except where a person's name appears on a final membership roll, relinquishment of membership cannot be denied.

Copies of relinquishment statements should be furnished any other tribe involved and the local office of the Bureau.

B. Abandonment. A person may lose his or her membership if the constitution provides for loss of membership under certain conditions and the individual meets those conditions. Generally, the conditions for loss of membership include continued absence from the reservation for a specified period without advising the tribal governing body of the member's desire to continue his or her membership or by becoming enrolled as a member of another tribe. Removal from membership because of abandonment usually requires affirmative action by the governing body of the tribe.

C. Disenrollment. Disenrollment is the method used by the tribal governing body to remove from the roll the name of a person who has abandoned

ENROLLMENTEnrollment as a Member of an Indian tribe

his or her membership. An individual can also be disenrolled if he or she is found to be enrolled through error or fraud. In either case, specific procedures should be established to disenroll members.

The procedures should provide that the member who is subject to disenrollment shall be notified by the governing body by certified mail that he or she is subject to removal action. The enrollee should also be advised that he or she may appear at a hearing to be held in no less than 30 days or, if unable to appear, to submit evidence in writing to show cause why he or she should not be disenrolled. A record of any proceedings should be kept. If the findings are against the individual a resolution should be enacted stating all the facts on which the findings are based with the conclusion that the individual is removed from tribal membership. The individual shall be notified in writing of the decision and of his or her right to appeal.

(1) Effective Date. A disenrollment action is effective on the date the tribal governing body first took formal action on the matter. This is generally the date the enrollee was notified of the governing body's intent to disenroll him or her.

(2) Approval. When enrollees lose their membership they also lose their right to share in the distribution of tribal assets. Since the Secretary is responsible for distribution of trust assets to tribal members, disenrollment actions are subject to approval by the Secretary or his authorized representatives. (Authority to approve tribal enactments has been redelegated to Area Directors in 10 BIAM 3.1)

(3) Appeals. Any person whose disenrollment has been approved by the Area Director acting under delegated authority may appeal the adverse decision as provided in 25 CFR 2.

3.9 Reinstatement to Membership. Generally, persons who have relinquished their membership or have been removed from membership by tribal action lose their so-called automatic eligibility for enrollment. However, they may be reenrolled if the tribal constitution does not prohibit reinstatement and they meet the membership requirements in effect at the time they apply for reinstatement and the tribal governing body vested with such authority approves their membership.

3.10 Responsibility of Superintendent. If the Superintendent knows of specific instances where an individual is qualified for enrollment but the tribal governing body does not enroll him or her, or where an individual who does not meet the requirements has been enrolled, it is the responsibility of the Superintendent to bring the matter to the attention of the tribal governing body. If the tribe fails to

ENROLLMENT**Enrollment as a Member of an Indian tribe**

act, a record should be maintained for the Bureau's use in issuing certificates of eligibility for services or reviewing the tribal roll for approval for distribution of trust assets. When necessary, corrective action will be taken before the roll is approved for payment. It must be clearly understood that any corrective action taken by the Bureau, except when the Secretary has authority to make final decisions regarding enrollment, shall be effective only on the payment roll and will not be binding on the tribal roll used for tribal purposes.

ENROLLMENT
Membership Rolls

4. MEMBERSHIP ROLLS

4.1 Correcting Base Rolls. Corrections discussed here include additions, deletions, changes in names, dates of birth, designations of sex, and other information about the enrollees. Corrections of degree of Indian blood are discussed in Sec. 8.

Information on a base roll, especially a census roll used as a base roll, was usually gathered by people who were familiar with the tribe and generally is the best available data for that time. However, there are many reasons why errors exist in base rolls. A census roll of people living on a reservation at a given time could include non-Indians and other non-members. Also, people who should have been listed were omitted because they were temporarily away from the reservation when the census was taken.

A. Authority to Correct Base Rolls. A tribal governing body may not change or correct the base roll unless it has the authority to do so. Authority is usually found in the tribal constitution.

B. Limited Correction Period. Some constitutions limit the period during which the governing body may correct the roll. When that period expires the governing body's authority also expires. The correction period may be extended by an amendment to the tribal constitution. The amendment may again limit the correction period or leave it open indefinitely. The latter is recommended.

C. Approval. The base roll is the list of individuals the tribe and the Secretary agreed to recognize as members when the constitution was originally adopted and approved. Therefore, changes to the base roll require approval by the Secretary or his or her authorized representative. (Authority to approve membership rolls has been redelegated to Area Directors in 10 BIAM 3.1.)

4.2 Constructing a Base Roll. In many instances an official roll as of the date designated in the tribal constitution was never made or all copies have been lost through the years and the roll specified as the base roll does not exist. When this occurs a tribe has two alternatives:

Amend the tribal constitution to designate as a base roll a roll that does exist; or

Construct a base roll as of the date specified

In deciding between the alternatives the tribe should determine whether rolls exist for the years before and after the specified date. If they do not exist, the tribe should consider the time span between the available rolls, the size of the tribe and

ENROLLMENT
Membership Rolls

information available to help in constructing a roll. It may be found that the more advantageous alternative would be an amendment to the constitution.

If the records and information are available, constructing the base roll would be the preferable method. It would ensure that the tribal membership will include all of the people considered as members since the adoption and approval of the tribal constitution. If a base roll is to be constructed it should be done with extreme care. Detailed instructions for constructing base rolls will be contained in additions to this section.

A. Required Approval. A constructed base roll requires approval by the Secretary of the Interior or his or her authorized representative.

4.3 Preparing a Current Membership Roll. The tribal government cannot function properly unless it knows who its members are. The tribe cannot conduct an election without knowing who is entitled to vote or run for office. Preparing and maintaining a current membership roll is one of the keys to good government.

A. Authority. Tribal authority over enrollment, including preparing and maintaining current rolls, usually rests with the tribal governing body. If the governing body has not been empowered to act on enrollment matters, then the authority rests with the adult tribal members.

B. Enrollment Ordinance. The body of the tribe having the authority to do so should enact an enrollment ordinance specifying procedures to be followed in preparing and maintaining a current membership roll. The enrollment ordinance might also provide for the establishment of an enrollment committee to review applications and, where necessary, recommend to the governing body approval or rejection of an application.

C. Deadlines. Generally a membership roll is prepared for a specific purpose. In order to complete a roll for that purpose certain deadlines must be set. This should not be considered as closing the roll for future membership. Eligible persons who are born or apply after a deadline are still considered for future membership even though they may not be included on the current roll as of the cutoff date.

(1) Eligibility Deadline. The first deadline necessary is the eligibility deadline--or cutoff date for the roll. Anyone applying to be enrolled should have been "born on or before and living" on this date.

(2) Application Deadline. Potential members must be given notice of the cutoff date and an opportunity to apply for enrollment. So, an application deadline must be set. The deadline for filing an application should be set far enough after the cutoff date to give all potential members sufficient opportunity to apply.

ENROLLMENT
Membership Rolls

(3) Publicity. To protect the rights of all potential members, both the eligibility (cutoff) and application deadlines must be given wide publicity. No matter how widespread the publicity, there will always be someone who did not hear about the deadline. Therefore, for their own protection the Area Office, Agency, or tribe should publicize the preparation of the roll and deadlines fully. Proof of publicity should be maintained in official records.

D. Accounting for Basic Enrollees. All living basic enrollees who have not died, lost or relinquished their membership should be listed on the current roll. All basic enrollees not included on the current roll must be accounted for. If a name is removed because the enrollee is deceased, proof of death must be on file. Copies of relinquishments from basic enrollees must also be on file.

E. When Approval is Required. Approval of a current membership roll is required only when the roll is to be used to distribute trust assets or when a tribal document requires or requests approval by the Secretary. If neither of these conditions exist, approval of the current membership roll is not required.

4.4 Using ADP for Tribal Rolls. Use of the Bureau automatic data processing system for tribal rolls is available to tribes upon request.

A. Requests for ADP Service. A tribe wishing to use ADP for its roll must submit a request, supported by a resolution, through the Area Director to the Commissioner of Indian Affairs. The request will be acknowledged and the tribe advised of its priority in ADP.

B. Priorities. Priorities must be maintained because of the large number of tribes already processing their rolls on ADP. The existing priorities are: first, tribes for whom rolls are being prepared for the distribution of judgment or other tribal funds and second, tribal rolls being developed for tribal purposes.

C. ADP Training. A manual and slides and tapes giving instructions for using ADP for processing rolls is available in each Area Office. When necessary, additional technical guidance and assistance may be provided to Bureau and/or tribal employees using the system.

4.5 Membership Rolls to be Used to Distribute Trust Assets.

A. Certification. When the tribe has completed its roll the tribal governing officer must certify that the roll contains only the names of members entitled to be enrolled to share in the distribution of the funds. The certification must be attached to and made a part of the roll.

ENROLLMENT
Membership Rolls

B. Review for Approval. The Bureau officer authorized to approve the roll must be assured that the roll is accurate. To insure the accuracy of the roll it must be reviewed by the staff of the appropriate office and any additions, deletions or corrections made before it is submitted to the approving officer.

C. Approval. A statement approving the roll signed by the approving officer must be attached to and made a part of the roll. The statement must indicate whether additions, deletions or corrections have been made and must be supported by lists of such changes with explanations for them.

4.6 Status of Membership Rolls. There is no question as to the status of a roll which has been approved by the Secretary or his or her authorized representative. However, some field offices have questioned the status of unapproved rolls. If a tribe maintains a membership record which reflects its membership as recognized by the tribe, the Bureau will also recognize the record as a tribal membership roll. A membership record need not necessarily be a formal roll. It may include card record systems, resolutions, listings, formal rolls and enrollment systems on ADP.

This is not to say that there will not be instances where the Bureau cannot recognize a member because he or she does not meet the membership requirements, or is a dual enrollee or is otherwise not entitled to receive federal benefits. Eligibility to receive services should be verified when a certification for services has been made from an unapproved tribal roll or membership record. See Sec. 9.

ENROLLMENT
Secretarial Rolls

5. SECRETARIAL ROLLS

5.1 Purpose. Secretarial rolls generally are rolls prepared by the Secretary or his or her authorized representative for the purpose of distributing funds derived from an award of the Indian Claims Commission or Court of Claims.

5.2 Qualifications for enrollment. The Act or Plan which authorizes the disposition of a judgment will specify the requirements to be met by persons entitled to share in any distribution of the funds. The qualifications and a deadline for filing applications will be contained in regulations governing the preparation of the roll.

5.3 Regulations. If the general enrollment regulations in 25 CFR 41 can be used for preparing a roll, section 41.3 will be amended to include the qualifications and deadline for each new descendancy roll to be prepared (See Illustration 3).

If a special situation exists and 25 CFR 41 cannot be used, a whole new part will be issued (See Illustration 4).

A copy of the appropriate regulations in full shall be sent out with each application

5.4 Publicity. It is imperative that wide publicity be given to the preparation of a roll and the deadline for filing. A press release usually is issued by the Public Information Office in Washington. To insure adequate coverage in the local area, the Area Director shall also issue a press release as soon as possible after the effective date of the regulations.

A. Individual notices. The Secretary is responsible for distributing funds derived from a judgment to all eligible beneficiaries of the award. It is not possible for the Bureau staff to know who all of the potential applicants are or where they might be. However, those persons who have inquired about the status of an award are known to the Bureau staff. When regulations have been published as proposed rules the staff of the Area Office and/or Agency involved shall review correspondence files and identify each person who inquired about the status of the judgment for which a roll is to be prepared. When the Area or other local press release is issued, copies shall be sent to those persons., A separate file of press releases returned undelivered shall be maintained.

5.5 Applications. An application form shall be designed so as to reflect information necessary to determine an applicant's eligibility for enrollment. It shall be clear and easily understood. The deadline for filing and the address of the office with which it is to be filed shall be printed prominently at the top of the application (See Illustration 10).

ENROLLMENT
Secretarial Rolls

A. Instructions for filing. Clear, concise instructions for completing the application form shall be prepared and furnished with each application. The instructions shall advise applicants of documentation necessary to establish eligibility. They shall also advise applicants of the importance of filing before the deadline, even if they must file the application and furnish documentation later.

B. Privacy Act statement. A statement as to the applicability of the Privacy Act shall be prepared and furnished with each application (See Illustration 11).

C. Control of applications. A control number shall be stamped on each application. A record shall be maintained of the names of persons furnished applications and the control number or numbers of the applications and the date furnished. The control number is not the application number.

D. Furnishing applications. An application shall be furnished any individual upon written or oral request before or after the deadline. No person shall be denied the opportunity to file and prejudgments of eligibility shall not be made.

5.6 Deadline for filing applications. The deadline for filing cited in the regulations indicates whether the application must be postmarked or received by the deadline.

A. Postmark deadline. Generally, the Bureau does not use a postmark deadline. We have found that many postmarks are not legible. Also, if "franked" envelopes are furnished for the return of applications they are not cancelled by the postal service and there will be no postmark. If a postmark deadline is used, the envelope in which the application was mailed must be attached to the application and retained as a permanent part of the file.

B. Receipt deadline. The deadline used most often is the receipt deadline. When this type of deadline is used the applications must be stamped in on the day they are received. It is important that the receipt date be accurate and legible.

Invariably, there is a heavy volume of applications received in the last few days of the filing period. If the volume received makes it impossible to date stamp all applications received on one day the date stamped on them when they are processed must be the date they were received not the day they were processed. This is especially important on applications received on the deadline date.

If a receipt deadline falls on a Saturday, Sunday, official holiday, or other non-business day, it shall automatically be extended to the next working day.

ENROLLMENT
Secretarial Rolls

C. Soldiers and Sailors Civil Relief Act of 1940. The Soldiers and Sailors Civil Relief Act of 1940, as amended, provides protection to members of the military on active duty from applicability of time limitations imposed by a court, board, bureau, commission, department or other agency of the Government (50 Appendix, U.S.C. Sec. 525). Consequently, applications filed after a deadline by members of the military on active duty shall not be rejected solely for late filing. The protection of the Act does not extend to spouses and children.

The timeliness of an application from an applicant who was on active duty during the established filing period is computed by adding the number of days in the filing period to the date of the applicant's discharge from active service. If an application is received from an applicant who was on active duty during the filing period and is still on active duty, the application is considered to be timely filed when received.

D. When application is considered filed. When an application is considered filed depends upon the type of deadline used. If it is a postmark deadline, the application is "filed" as of the date postmarked. If it is a receipt deadline, the application is "filed" when it has been received in the appropriate office. To avoid hardship, some leeway may be given if an application is sent to the wrong office of the Bureau and it may be considered as "filed" when received in a Bureau office. The office receiving the application shall stamp the receipt date on it and immediately forward it to the proper office for processing.

5.7 Review of applications. Procedures for review of applications and determining eligibility will be provided through additions to this section.

A. Determination of eligibility. The eligibility of an applicant shall be determined from the information supplied in the application, supporting documents, and all available records of the Bureau.

(1) Burden of proof. The burden of proving eligibility is on the applicant. However, since most information about Indians is in Bureau records, requiring an applicant to furnish copies of records available to the office preparing the roll would place an undue burden on the applicant.

(2) Failure to furnish birth certificate. Among other documentation, applicants shall be requested to furnish a copy of their birth certificate or other acceptable proof of date of birth and parentage. Other acceptable proof includes:

ENROLLMENT
Secretarial Rolls

Hospital, clinic, doctor's or midwife's records,

Baptismal certificates, and

Affidavits signed by friends, relatives or doctors (these will not stand alone as proof of birth and parentage.)

Affidavits should be from persons who were alive at the time of the birth and old enough at that time to have personal knowledge of the facts being sworn to.

In most circumstances failure to furnish the birth certificate would be sufficient justification for rejecting the application. However, applications for Secretarial rolls contain a certification that the information given is true. The certification also cites a penalty for furnishing false or fraudulent information. On this type of application if the applicant's Indian parent signed the application, corroboration of the statement that the applicant is that person's child is not required. (Failure to supply a birth certificate will not, in these circumstances be justification for rejecting the application (See Illustration 5).)

(3) Failure to furnish other documentation. Failure to furnish other documentation, not available at the Bureau office preparing the roll shall be sufficient reason for rejecting an application. An applicant shall be given a reasonable period of time within which to furnish necessary documents before the application is rejected.

B. Notice of eligibility. Each applicant determined eligible for enrollment shall be notified in writing of that decision. Notices shall be sent out as soon as possible after eligibility has been determined. A copy of the notice shall be maintained as a permanent part of the file.

C. Notice of Rejection. Each applicant found not eligible for enrollment shall be notified in writing of the rejection of the application. The rejection notice shall state clearly and fully the reason or reasons for denial. It shall also advise the rejected applicant of the right to appeal and how an appeal must be filed.

Rejection notices shall be mailed by certified mail, return receipt requested (registered mail, return receipt requested, if mailed outside the United States). A copy of the notice shall be retained and made a permanent part of the file. The return receipt card shall also be made a permanent part of the file.

5-1 (cc) 1972
Ok (N) LOW - 1972

ENROLLMENT
Appeals

6. APPEALS

6.1 General. Any person who has been denied enrollment should have the right to appeal that decision. If the final decision as to eligibility rests with the Secretary, the appeal is made to him or her. Authority to decide enrollment appeals has been delegated to the Commissioner (230 DM 1).

If the final decision rests with the tribe, the appeal must be made to the tribe. Tribes which do not have a procedure for rejected applicants to file appeals should be urged to enact such procedures.

Specific guidelines and procedures for handling enrollment appeals will be provided through amendments and additions to this section.

6.2 Rules or regulations to be followed.

A. Tribal procedures. If a tribal ordinance specifies adequate appeal procedures the tribal procedures shall be followed. If the tribal procedures are not adequate, that is, they do not cover a specific situation which may arise, the procedures specified in 25 CFR 42 shall govern.

B. 25 CFR 42. The regulations contained in 25 CFR 42 shall be followed in handling appeals for enrollment on rolls being prepared by the Secretary. They shall also be followed in preparing membership rolls of tribes which have no appeal procedures.

6.3 Action by Area Director. The appeal and supporting evidence are reviewed to determine whether procedural requirements have been met and whether the appellant has established eligibility for enrollment. The entire case, including the application, documentation, appeal and supporting evidence, copies of Bureau records used in the original determination and all correspondence relating to the application shall be transmitted to the Area Director with a statement of findings and a recommendation for the Area Director's action on the appeal.

6.4 Submission to Commissioner for final decision. If the appeal is not sustained by the Area Director, it shall be forwarded to the Washington Office for a final decision by the Commissioner. The Area Director shall forward with the appeal a recommendation for action stating the reasons for his or her recommendation.

6.5 Review in Washington Office. The staff of the Branch of Tribal Enrollment Services is responsible for reviewing appeals submitted for final decision by the Commissioner acting under delegated authority. Detailed procedures will be included in additions to this section.

ENROLLMENT
Appeals

6.6 Notice of decision. A written notice of the final decision is sent to the person who filed the appeal. The letter shall explain in full the reasons for the decision. Copies of the decision shall be furnished the appropriate Area Office, Agency, and where appropriate, the tribal governing body of the tribe involved.

6.7 Finality of decision. The Commissioner's decision on an appeal is final. Requests for reconsideration will be denied unless supported by additional evidence not available at the time of the initial review and decision on the appeal.

ENROLLMENT
Determining Degree of Indian Blood

7. DETERMINING DEGREE OF INDIAN BLOOD

7.1 Ancestry trace. In the absence of any specifications in tribal constitutions or Federal statutes to the contrary, when compiling membership rolls or passing on enrollment applications, a determination as to the degree of Indian blood possessed by descendants of basic enrollees shall be made on the degree of Indian blood shown for the enrolled ancestor on the basic roll designated in the tribe's constitution, resolution, ordinance or other document prescribing enrollment requirements, unless the degree of Indian blood has been changed and such change sanctioned by the Commissioner or his or her authorized representative. Except where discrepancies are determined to be mathematical or clerical errors, no changes will be considered unless the basic enrollee or one of his or her descendants who is an applicant for enrollment or Bureau services questions in writing that the degree be changed. (See Sec. 8 for details re changing degree of Indian blood.)

7.2 Documentation. Birth certification should not be relied upon to establish possession of Indian blood. Such determination generally must be made on the basis of Bureau records. Where there is a conflict in the information reflected in the records as to the degree of Indian blood possessed by an individual, it becomes a question of which records can be accepted as being the most reliable. There is no definite criteria for determining the most reliable records. All available records must be used and the determination as to the degree of Indian blood must be made on the preponderance of evidence in each case. Testimony of older members of the tribe should be considered but should not be relied upon as conclusive evidence. A chart for use in calculating degree of Indian blood is shown as Illustration 6.

7.3 How to compute. The degree of Indian blood possessed by an individual is 1/2 of the combined degree of Indian blood possessed by each of his or her parents. It is important, therefore, to indicate the names and tribal derivation of both parents of each individual who comes within the category of the membership where a specific degree of Indian blood is required.

7.4 Segregated blood degree. In order to determine eligibility for enrollment where a tribal constitution requires the possession of a specified blood degree of that particular tribe, it is necessary to segregate tribal blood. Segregation of tribal blood may be done without request from the individual involved. While other tribal blood may be segregated, the total degree of Indian blood may not be changed.

7.5 Governing Roll. The roll designated in the tribal constitution as the basic membership roll shall be utilized in determining degree of Indian blood. In the absence of an ancestor's name on a basic membership roll, any other official roll which lists tribal members may be utilized.

ENROLLMENT
Determining Degree of Indian Blood

7.6 Other roll specified by tribe. In a few instances, the roll designated by the tribe as a basic membership roll may not show blood degree. In such cases, usually involving annuity rolls, a census roll prepared about the same time as the annuity roll may be utilized for determining degree of Indian blood. The tribe, by resolution, should authorize use of a specific census roll in determining blood degree where blood degree is not shown on the roll designated as the basic membership roll.

7.7 Children of single mother. Degree of Indian blood possessed by children born out of wedlock shall be determined by taking 1/2 the degree of Indian blood possessed by the mother, unless paternity has been established by the courts, determined in inheritance matters or the alleged father submits an acknowledgment of paternity. The name of a person on the birth certificate as the father of a child of a single mother cannot generally be relied upon as evidence to establish that he is, in fact, the father. Copies of the documents on which the documentation is based must be furnished as support of the degree of blood shown for the child.

7.8 Denial of paternity. In cases where a father denies paternity of a child born to his lawful wife, it is a presumption of law that the child is considered as his unless he establishes he was incapable of being the child's father during the critical period. Although denials of paternity are rare, they sometimes arise when the couple has separated and the mother, who has custody of the child, attempts to enroll the child with the father's tribe.

ENROLLMENT

Changing Degree of Indian Blood in the Records

8. CHANGING DEGREE OF INDIAN BLOOD IN THE RECORDS

8.1 On an individual basis. When a basic enrollee or one of his or her descendants who is an applicant for enrollment or Bureau services questions the degree of Indian blood shown on the basic membership roll, he or she may request in writing that the degree be changed. When such a written request is received, the agency records should be examined and a determination made by the Superintendent on the preponderance of the information reflected in the records. The Superintendent shall forward his/her findings and copies of the records on which the determination is based to the Area Director. The Area Office staff should check to see if there is any information in the Area Office files in addition to that furnished by the agency. After reviewing all of the records, the Area Director shall make an evaluation of the case and submit it with his/her recommendation to the Washington office where a final determination will be made. If it is determined that the degree of Indian blood shown in the records should be changed, the tribal officials or, in those instances where the Bureau provides assistance in maintaining current membership rolls, the Superintendent shall be authorized to make an appropriate adjustment in the degree of Indian blood ascribed to all descendants of the person whose blood degree was corrected. A 30-day period for protesting any change must be given to heads of families involved in a blood degree change. Upon settlement of any protest or passage of the 30-day period, the change may be affected. A person requesting a blood degree correction may withdraw such request at any time prior to a decision by the Commissioner or his or her authorized representative. In those cases where tribes have established procedures for correcting degree of Indian blood and such procedures have been approved by the Commissioner or his or her authorized representative, the tribe has complete authority to determine degree of Indian blood in accordance with its approved procedures.

8.2 On entire membership roll. In those cases where a roll designated in a tribal constitution is a census, allotment, or annuity roll which does not reflect blood degree, the tribe may, by resolution, request authority to determine blood degree for all members of the tribe. If granted, the tribe may utilize other Bureau records to determine the blood degree of basic enrollees. If it desires, the tribe may establish a committee of tribal elders to assist in the determination of degree of Indian blood. When such a corrected basic membership roll is completed, the basic enrollees, or their descendants if they are deceased, should be advised of the blood degree ascribed to them and given an opportunity to protest any change. After resolution of any protests, the roll should be forwarded through appropriate channels to the Area Office staff for review and approval.

ENROLLMENT
Issuing Certificates of Degree of Indian Blood

9. ISSUING CERTIFICATES OF DEGREE OF INDIAN BLOOD

9.1 General. Certificates of degree of Indian blood are issued by the custodian of the Bureau records of the tribe involved. In cases where an individual possesses other Indian blood, that individual must present proof of his/her possession of other Indian blood in order to have the other blood reflected in a certificate of degree of Indian blood. The agency of the tribe with which the individual is enrolled will issue the certificate. Unless specific justification is presented, certificates of degree of Indian blood will not include Canadian, non-federally recognized or terminated Indian blood. (See Illustrations 7 and 8 for examples of certificates of degree of Indian blood.)

9.2 Documentation required. An applicant for a certificate of degree of Indian blood must present proof of descent, ancestor by ancestor, from an individual named on a tribal membership roll or other record recognized by the Bureau as reflecting tribal membership. Of course, if the individual is named on a current tribal membership roll, no historical documentation is required. The official issuing the certificate should, however, insure that the applicant for a certificate is, in fact, the person named on the current membership roll.

9.3 Use of Bureau Records. Inasmuch as the Bureau is the custodian of the most reliable form of records for verifying the degree of Indian blood possessed by an applicant's ancestors, the Bureau custodian of the records shall make such records available to the applicant upon request. Appropriate charges may be made for copies of Bureau records. Safeguards contained in the Privacy Act and the Freedom of Information Act must be observed.

9.4 Use of Other Records. Proof of descent may be verified by birth, death, baptismal, census or school records or any other record which shows family relationship. In the absence of a birth certificate, a witnessed or notarized statement from the Indian parent may be accepted. Affidavits from contemporaries of the parents of a person lacking a birth certificate may likewise be considered. Self-serving affidavits executed more recently do not carry the weight of older records.

9.5 Appeals. The decision of a certifying officer not to include or consider certain records in certifying degree of Indian blood is subject to appeal pursuant to 25 CFR Part 2--Appeals from Administrative Actions and the applicant requesting a certificate must so be advised when certification is furnished.

ENROLLMENT
Adopted Children and Enrollment

10. ADOPTED CHILDREN AND ENROLLMENT

10.1 Definition. "Adopted" children refers to children whose biological parents' parental rights have been terminated and given to another. It does not refer to adoption into membership.

10.2 Right to enrollment. An Indian child who has been adopted does not by reason of the adoption lose the right to be enrolled in the tribe of his or her biological parent or parents, unless the tribal constitution prohibits the enrollment of adopted children.

The right to enrollment is derived through lineal descent from a member of the tribe as well as possession of Indian blood. Consequently, it is difficult to establish eligibility of children adopted before November 8, 1978 (Indian Child Welfare Act of 1978--see Sec. 10.6), because the adoption records are sealed and information about the child's biological parents is not available.

10.3 Children adopted by tribal members. If the language of a tribal constitution provides for enrollment of "a child of a member" it is generally interpreted to mean a child born to a member, unless the constitution specifically states that the term includes children adopted by member. Indian blood is derived from the biological parents. Therefore, the degree of Indian blood possessed by the adoptive parents shall not be used in computing the child's blood degree.

10.4 Children born to members and adopted by non-members. Unless prohibited by the tribal constitution, children born to tribal members are entitled to be enrolled if it can be established that they meet the requirements for membership.

10.5 Obtaining necessary records. Obtaining the necessary documentation to establish an adopted child's eligibility for enrollment is sometimes possible through contacting State Welfare Departments or other child placement services.

10.6 Impact of Indian Child Welfare Act of 1978. The Indian Child Welfare Act of 1978 (P. L. 95-608, November 8, 1978), provides in Title III that certain information concerning adopted Indian children shall be furnished to the Secretary of the Interior. It further provides that at the request of an Indian child over the age of 18, the adoptive or foster parents of an Indian child, or an Indian tribe the Secretary shall disclose whatever information may be necessary for the enrollment of the child or for determining the child's eligibility to any rights or benefits associated with that membership. (See Illustration 9.)

A. Secretary's certification. Where the records about the adopted child contain an affidavit from the biological parents or parent requesting anonymity, the Secretary shall certify to the child's eligibility for enrollment.

ENROLLMENTAdopted Children and Enrollment

B. Effective applicability. The law is applicable only to final decrees or orders entered by a State court after November 8, 1978. It does not apply to adoptions prior to that date.

10.7 Maintaining confidentiality. Information about adopted children is confidential and shall be protected at all times. Breaches of confidentiality could result in great harm to the individuals involved as well as destroying our working relationship with the various state agencies.



United States Department of the Interior Page 1 of 2

OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

C
O
P
Y

IN REPLY REFER TO:

March 11, 1969

Memorandum

To: Commissioner of Indian Affairs

From: Assistant Solicitor, Indian Legal Activities

Subject: Blackfeet Ordinance 14

You submitted for review a draft reply to the Area Director, Billings Area who raised this question: Is the establishment by ordinance of a deadline for filing membership applications inconsistent with the membership article of the Blackfeet Constitution?

The ordinance (Blackfeet Ordinance No. 14, Sec. 5(e)), requires that for persons born after March 31, 1967, an application for enrollment must be filed within one year of birth. No exception in compliance is provided for in the ordinance even for the most worthy cases. We would agree that the Tribal Business Council has authority to enact an ordinance prescribing procedures for enrollment in the tribe. It is doubtful, however, that such procedural requirements could be so stringent as to exclude persons who meet the substantive requirements of membership, i.e., those who possess requisite quantum of Blackfeet blood and are residents as prescribed in Article II of constitution.

Of course, the tribe needs a reasonable rule in order to keep records current as much as possible. Even so, in making a procedural rule, some provision should be made for those who through error have failed to make application. (See our memo of November 14, 1967, regarding similar provision in Minnesota Chippewa Constitution). It may well be that such provision is required under the due process clause of the recent Civil Rights Act of April 11, 1968, Title II, Section 202, (8), 82 Stat. 73. Indeed, there may be no way that the tribal council may by ordinance refuse membership to a person who meets substantive constitutional requirements of tribal membership.

It is recommended, therefore, that this ordinance be amended to include a provision for the establishment of membership where a

deadline is, because of error or disability, not met. The memorandum should be revised to so advise the Billings Area Director.

(SGD) CHARLES M. SOLLER

Charles M. Soller

C
O
P
Y

(Suggested form only)

RELINQUISHMENT

I, _____, hereby relinquish my membership and all rights or title to any privileges or benefits which I may have had as a member of the _____ Tribe of Indians, CONDITIONED UPON my acceptance as a member of the _____ Tribe. If such enrollment is not approved, this relinquishment is not effective. I am making this relinquishment in order to be enrolled with the _____ Tribe of Indians with which I am eligible for membership. I am making this relinquishment voluntarily and I understand that I will no longer be considered a member of the _____ Tribe if accepted as a member of the _____ Tribe, or be entitled to any of the benefits or privileges accorded other members of that tribe.

(Signature)

WITNESSES:

(Signature)

(Signature)

(Street)

(Street)

(City & State)

(City & State)

217 and dockets 15-M, 29-K and 146. A deadline for applying for enrollment is also established.

No comments or suggestions were received. The only change in the amendment is the insertion in § 41.3(dd)(2) of the deadline for filing applications, November 15, 1979.

The authority for issuing this amendment is contained in 5 U.S.C. 301 and sections 463 and 465 of the revised statutes (25 U.S.C. 2 and 9) and 230 DM 1 and 2.

The amendment proposes a deadline for applying for enrollment to share in the judgment funds. The 30-day deferred effective date would curtail the filing period, which would not be in the public interest. Therefore, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970).

The Department of the Interior has determined that this document does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

The principal author of this amendment is Ms. Janet L. Parks, Chief, Branch of Tribal Enrollment Services, Bureau of Indian Affairs, Washington, D.C. 20242.

Part 41, Chapter I of Title 25 of the Code of Federal Regulations is amended by the addition of a new paragraph (dd) to read as set forth below. No further changes are made in the text of Part 41.

*Rick Lavia,
Deputy Assistant Secretary—Indian Affairs.*

§ 41.3 Qualifications for enrollment and the deadline for filing.

(dd) *Potawatomi Indians of Michigan and Indiana.* (1) All persons born on or prior to and living on March 6, 1978.

(i) Who are citizens of the United States, and

(ii) Whose names appear on or as lineal descendants can trace their ancestry to persons designated on the following official records of Potawatomi Indians or Michigan and Indiana: Cadman payment roll of 1896, Taggart census roll of 1904, other payment or annuity rolls of persons designated as "Potawatomi Indians of Michigan and Indiana," Huron Band, Pokagon Band, or "Notawasepi and other Bands," acceptable to the Secretary, and

(iii) Who are not enrolled or entitled to be enrolled as members of the Citizen Band of Potawatomi Indians, Oklahoma, Prairie Band of Potawatomi Indians, Kansas, Hannahville Indian Community of Michigan, or the Forest County Potawatomi Community, Wisconsin.

(2) Applications for enrollment must be filed with the Superintendent, Michigan Agency, Bureau of Indian Affairs, P.O. Box 884, Sault Ste. Marie, Michigan, 49783, and must be received at the agency no later than close of business November 15, 1979. Applications received after that date will be rejected for failure to file in time, regardless of whether the applicant otherwise meets the requirements for enrollment.

[FR Doc. 79-0028 Filed 3-30-79; 8:46 am]
BILLING CODE 4310-02

**DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs**

25 CFR Part 41

**Potawatomi Tribe or Nation of Indians;
Distribution of Funds**

AGENCY: Bureau of Indian Affairs,
Department of the Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs is amending its regulations to include requirements for enrollment and a deadline for filing applications to be enrolled to share in the distribution of funds derived from a judgment awarded the Potawatomi Tribe and Nation of Indians. A plan for the disposition of the judgment funds was developed and presented to Congress as required by law. The amendment will implement that plan.

EFFECTIVE DATE: April 2, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Fairbanks, Superintendent, Michigan Agency, Bureau of Indian Affairs, P.O. Box 884, Sault Ste. Marie, Michigan 49783, telephone 906-632-8809.

SUPPLEMENTARY INFORMATION: On August 9, 1978, a proposed amendment to Title 25, Code of Federal Regulations, Part 41, was published in the Federal Register (43 FR 35346) for comment. The purpose of the amendment is to include in the regulations requirements for enrollment to share as a lineal descendant in funds derived from an award to the Potawatomi Tribe or Nation of Indians by the Indian Claims Commission in dockets 15-K, 29-J and

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 43

**Eastern Creek Indians; Preparation,
Certification and Approval of Roll**

March 23, 1979.

AGENCY: Bureau of Indian Affairs,
Department of the Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Indian Affairs is adding a new part to its regulations to establish procedures for the preparation of a roll of Eastern Creek Indians eligible to share in the distribution of judgment funds.

EFFECTIVE DATE: The new regulations will become effective April 2, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas J. Ellison, Area Director, Bureau of Indian Affairs, Federal Building, Muskogee, Oklahoma 74401, telephone 918-687-2298.

SUPPLEMENTARY INFORMATION: Proposed regulations for the preparation of a roll of Eastern Creek Indians were published for comment in the Federal Register on September 25, 1978 (43 FR 43327). The roll to be prepared will be used to distribute to eligible Eastern Creek Indians funds apportioned to the Eastern Creeks from the award to the Creek Nation in Indian Claims Commission docket 275.

Several comments were received concerning the provisions of proposed § 43.7(h) which specify when a notice of eligibility or rejection is considered to have been made. The commentators believe that considering a notice made if a certified letter is returned undelivered will deprive rejected applicants of their right to appeal. Several reasons are cited as the basis for this belief—the people live in remote areas where mail deliveries are irregular and some are without transportation to go to a post office to pick up certified mail.

The United States Postal Service makes one attempt to deliver a certified letter. If the addressee is not at home a notice of attempt to deliver the letter is left. The notice advises the addressee that the letter is being held at the post office and that the addressee has the option of picking up the letter or telephoning the post office to arrange for delivery at another time. The post office will hold the letter for 15 days before returning it to the sender. In most instances this would appear to be an adequate procedure.

It is not our intent to deprive any rejected applicant of his right to appeal. Therefore, to accommodate applicants who may not be able to pick up their certified mail or to arrange for another delivery we have modified § 43.7 to include a procedure for re mailing, by regular mail, notices returned by the postal service as "Unclaimed." The burden is on the applicant to keep the Director advised of his current address [§ 43.5(c)]. Therefore, notices returned undelivered because the addressee has moved and left no forwarding address, or for any other reason, other than "Unclaimed," will not be re mailed.

The only other modification to the regulations is the insertion in § 43.3(b) of the deadline of November 15, 1979, for filing applications.

The authority for issuing this amendment is contained in 5 U.S.C. 301 and sections 463 and 485 of the revised statutes (25 U.S.C. 2 and 9) and 230 DM 1 and 2.

The regulations impose a deadline for applying for enrollment to share in the judgment funds. The 30-day deferred effective date would curtail the filing period, which would not be in the public interest. Therefore, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970).

Note.—The Department of the Interior has determined that this document does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

The principal author of these regulations is Ms. Janet L. Purks, Chief, Branch of Tribal Enrollment Services, Bureau of Indian Affairs, Washington, D.C. 20242.

Subchapter F of Chapter I of Title 25 of the Code of Federal Regulations is

amended by the addition of a new part to read as set forth below.

*Rick Levin,
Deputy Assistant Secretary—Indian Affairs.*

PART 43—PREPARATION OF A ROLL OF EASTERN CREEK INDIANS

- Sec.
 - 43.1 Definitions.
 - 43.2 Purpose.
 - 43.3 Qualifications for enrollment and the deadline for filing.
 - 43.4 Application and information forms.
 - 43.5 Filing of applications and information forms.
 - 43.6 Burden of proof.
 - 43.7 Action by the Director.
 - 43.8 Appeals.
 - 43.9 Decision of the Secretary on appeals.
 - 43.10 Preparation of roll.
 - 43.11 Certification and approval of the roll.
 - 43.12 Special instructions.
- Authority: 5 U.S.C. sec. 301, R.S. secs. 463 and 485; 25 U.S.C. 2 and 9, and 87 Stat. 486.

§ 43.1 Definitions.

As used in these regulations:

(a) "Plan" means the plan for the use and distribution of Creek judgment funds awarded in docket 275 before the Indian Claims Commission, prepared pursuant to the Act of October 19, 1973, and effective June 15, 1978.

(b) "Secretary" means the Secretary of the Interior or his authorized representative.

(c) "Assistant Secretary" means the Assistant Secretary of the Interior for Indian Affairs or his authorized representative.

(d) "Director" means the Area Director, Muskogee Area Office, Bureau of Indian Affairs, or his authorized representative acting under delegated authority.

(e) "Staff officer" means the Enrollment Officer or other person authorized to prepare the roll.

(f) "Living" means born on or prior to and living on the date specified.

(g) "Lineal ancestor" means an ancestor, living or deceased, who is related to the applicant by direct ascent; namely, parent, grandparent, et cetera. It does not include collateral relatives such as brothers, sisters, aunts, uncles, et cetera.

(h) "Descendants" means those persons who are the issue of the ancestor through whom enrollment rights are claimed, namely the children, grandchildren, et cetera. It does not include collateral relatives such as brothers, sisters, nieces, nephews, cousins, et cetera.

(i) "Sponsor" means a parent, recognized guardian, next friend, next of kin, spouse, executor, or administrator of estate, the Director, or other person

who files an application for enrollment on behalf of another person.

(j) "1968 roll" means the roll of persons designated as Eastern Creek who were eligible to share in the distribution of Creek judgment funds in docket 21 prepared under the act of September 21, 1968, 82 Stat. 855. It does not include those Creek descendants who established eligibility through an ancestor who was a member of the Creek Nation of Oklahoma.

(k) "Indian lineage" means descent by blood from an Indian lineal ancestor.

§ 43.2 Purpose.

The regulations in this part are to govern the compilation of a roll of persons who meet the requirements specified in the plan to serve as the basis for distributing the Eastern Creek portion of judgment funds awarded the Creek Nation of Indians in Indian Claims Commission Docket 275.

§ 43.3 Qualifications for enrollment and the deadline for filing.

(a) The roll shall contain the names of persons living on June 15, 1978, who were listed on the 1968 roll as Eastern Creeks and those who file timely applications and establish that:

(1) They are the children of persons whose names appear on the 1968 roll, regardless of whether the enrolled parent is living or deceased.

(2) They were not enrolled on the 1968 roll although they met the requirements for enrollment as Eastern Creeks as specified in section 1 of the act of September 21, 1968, 82 Stat. 855, i.e.,

(i) They were living on September 21, 1968.

(ii) Their names or the names of lineal ancestors appear on any of the documents listed below or on any available census rolls or other records acceptable to the Secretary, which identify the person as a Creek Indian, including ancient documents or records of the United States located in the National Archives, State, or county records in the archives of the several States or counties therein, or in the courthouses thereof, and other records that would be admissible as evidence in an action to determine Indian lineage.

(A) Claims of Friendly Creek Indians paid under the act of March 3, 1817 (H.F. Doc. 200, 20:1, 1828);

(B) Census of the Creek Nation, 1833, made pursuant to article 2 of the treaty concluded March 24, 1832 (Senate Doc. 512, 1835, Emigration Correspondence, 1831-33, pp. 239-395);

(C) Land Location Registers of Creek Indian Lands, made pursuant to the treaty of March 25, 1832;

(D) Any emigration or muster rolls of Creek Indians;

(E) Any lists of self-emigrant Creek claimants (including those contained in Senate Ex. Doc. 198, 50:1, 1888, and H.R. Ex. Doc. 238; 51:2, 1891).

(3) They are children of persons who qualify for enrollment under (2) of this paragraph.

(b) Applications must be filed with the Area Director, Bureau of Indian Affairs, Federal Building, Muskogee, Okla. 74401, and must be received in his office no later than the close of business on November 15, 1979. Applications received after that date will be rejected for failure to file on time, regardless of whether the applicant otherwise meets the requirements for enrollment. If the filing deadline falls on a Saturday, Sunday, or legal holiday or other nonbusiness day, the deadline will be the next working day thereafter.

§ 43.4 Application and information forms.

(a) Persons entitled to enrollment under paragraph (a)(1) of § 43.3 (1968 enrollees) do not need to reapply for enrollment. They must, however, complete an information form advising the Director of any changes in name and/or address. The Director shall mail an information form to each person on the 1968 roll using the last address of record. Changes in information on the roll will be made only if information form is signed by an adult 1968 enrollee, if living, or the parent or guardian having legal custody of a minor 1968 enrollee. The information form may also be used to notify the Director of the date of death of a deceased 1968 enrollee.

(b) Applications to be filed by applicants for enrollment will be furnished by the Director, or other designated persons upon written or oral request. Each person furnishing application forms shall keep a record of the names of individuals to whom applications are given, as well as the control numbers of the forms and the date furnished. Instructions for completing and filing applications shall be furnished with each form. The form shall indicate prominently the deadline for filing applications.

(c) Among other information, each application shall contain:

(1) Certification as to whether application is for a natural child or an adopted child of the parent through whom eligibility is claimed.

(2) If the application is filed by a sponsor, the name and address of sponsor and relationship to applicant.

(3) A control number for the purpose of keeping a record of applications furnished interested individuals.

§ 43.5 Filing of applications and information forms.

(a) Any person, except a 1968 enrollee, who desires to be enrolled and believes he meets the requirements for enrollment specified in the plan and the regulations in this part must file or have filed for him a completed application form with the Director or other designated person on or before the deadline specified in § 43.3.

(b) Written application forms for minors, mentally incompetent persons or other persons in need of assistance, for members of the Armed Services or other services of the U.S. Government and/or members of their families stationed in Alaska, Hawaii, or elsewhere outside the continental United States, or for a person who died after June 15, 1978, may be filed by the sponsor on or before the deadline.¹

(c) Every applicant or sponsor shall furnish the applicant's mailing address on the application. Thereafter, he shall promptly notify the Director of any change in address, giving appropriate identification of the application; otherwise the address as stated shall be acceptable as the proper address.

§ 43.6 Burden of proof.

The burden of proof of eligibility for enrollment rests upon the applicant. Documentary evidence such as birth certificates, baptismal records, death certificates, copies of probate findings or affidavits must be used to support claim for enrollment.

§ 43.7 Action by the director.

(a) The Director shall consider each application. Upon determining an applicant's eligibility, the Director shall notify the applicant or sponsor, as applicable, in writing of his decision. If the decision is favorable, the name of the applicant shall be placed on the roll. If the Director decides the applicant is not eligible, he shall notify the applicant or sponsor, as applicable, in writing by certified mail, to be received by the addressee only, return receipt requested, and shall explain fully the reasons for rejection and of the right to appeal to the Secretary. (If correspondence is sent out of the States of the United States, it may be necessary to use registered mail.) If an individual files applications on behalf of more than one person, one notice of eligibility or rejection may be addressed to the person who filed the applications. However, said notice must list the name of each person involved. If a certified or registered notice is returned as "Unclaimed" the Director

¹ Criminal penalties are provided by statute for knowingly filing false information in such settlements. (18 U.S.C. 1001.)

shall remain the notice by regular mail together with an acknowledgment of receipt form to be completed by the addressee and returned to the Director. If the acknowledgment of receipt is not returned, computation of the appeal period shall begin on the date the notice was remailed. Certified or registered notices returned for any reason other than "Unclaimed" shall not be remailed.

(b) A notice of eligibility or rejection is considered to have been made on the date (1) of delivery indicated on the return receipt, (2) of acknowledgment of receipt, (3) of personal delivery, or (4) of the return by the post office of an undelivered certified or registered letter.

(c) In all cases where an applicant is represented by an attorney, such attorney will be recognized as fully controlling the same on behalf of his client; and service of any document relating to the application shall be considered to be service on the applicant he represents. Where an applicant is represented by more than one attorney, service upon one of the attorneys shall be sufficient.

(d) To avoid hardship or gross injustice, the Director may waive technical deficiencies in applications or other submissions. Failure to file by the deadline does not constitute a technical deficiency.

§ 43.8 Appeals.

Appeals from rejected applications must be in writing and must be filed pursuant to part 42 of this subchapter, a copy of which shall be furnished with each notice of rejection.

§ 43.9 Decision of the Secretary on appeals.

The decision of the Secretary on an appeal shall be final and conclusive, and written notice of the decision shall be given to the applicant or sponsor. When so directed by the Secretary, the Assistant Secretary shall cause to be entered on the roll the name of any person whose appeal has been sustained.

§ 43.10 Preparation of roll.

The staff officer shall prepare a minimum of five copies of the roll of those persons determined to be eligible for enrollment, including those whose appeals were sustained. In addition to other information which may be shown, the complete roll shall contain for each person an identification number, name, address, sex, date of birth, and in the remarks column, when applicable, the basic roll number, date of the basic roll, and name and relationship of the

19190

ancestor on the basic roll through whom eligibility was established.

§ 43.11 Certification and approval of the roll.

A certificate shall be attached to the roll by the staff officer certifying that to the best of his knowledge and belief the roll contains only the names of those persons who were determined to meet the requirements for enrollment. The Director shall approve the roll.

§ 43.12 Special instructions.

To facilitate the work of the Director the Assistant Secretary may issue special instructions not inconsistent with the regulations in this part.

(Docket 275)

(FR Doc. 79-4933 Filed 3-30-79; 8:45 am)

BILLING CODE 4310-02-M



United States Department of the Interior

OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

83 BIAM Supplement 2
ILLUSTRATION 5
Page 1 of 2

IN REPLY REFER TO:

NOV 20 1972

Memorandum

To: Area Director, Phoenix, Bureau of Indian Affairs

From: Associate Solicitor, Division of Indian Affairs

Subject: Late filed appeal--Chemehuevi Judgment Roll--Marlene Gail Smith Russell

The Deputy Commissioner of Indian Affairs has requested us to review the memorandum dated October 19, 1972, from Acting Area Director Butler on the above subject. We have done so and have the following comments and recommendations.

First, in regard to your recommendation that the 30-day appeal period provided in 25 CFR 42.4 be waived so that the "appeals" of the minor children of Mrs. Russell may be given favorable consideration and their names placed on the Chemehuevi judgment roll, we have concluded that this is not an acceptable way to handle this matter. While particular circumstances in a specific instance may justify concluding that time limits on filing applications or appeals are satisfied, even where there are apparent deficiencies in those respects, we can find no justification for outright waivers of such time limitations. Were we to recommend that a Secretarial waiver of the regulations be made it would open the door to waiving time limitations whenever eligible applicants present equitable reasons why the time limitations provided by regulations should not be applied to them. This would in turn result in the time limitations being made largely ineffective, and if there are no effective time limitations on the filing of applications and appeals experience has shown judgment rolls cannot be completed.

In view of the foregoing, it is our recommendation that this matter not be handled as a late filed appeal but rather as one for corrective action by your office. It seems to us that such action is warranted since the only defect found with the applications timely filed by Mrs. Russell was the failure to accompany them with supporting proof that she is the mother of the applicants as stated in the applications. Although we agree that generally speaking birth certificates or other evidence of parentage are required of applicants, we think where a woman files applications allegedly on behalf of her children and the

only proof needed to show the applicants' eligibility for enrollment is that in fact the woman filing their application is their mother that such proof is supplied by her statement in the application to that effect. Particularly in this so where, as in this case, there appears immediately preceding the purported mother's signature on the enrollment application the following statement:

In executing this application I am fully aware of the criminal penalties provided in Section 1001 Title 18 U.S.C., for willfully making false or fraudulent statements in connection with any matter within the jurisdiction of any department or agency of the United States.

In sum, when a woman executes an enrollment application and alleges therein that she is the mother of the applicant, she is asserting a fact which she has every reason to know, and when she asserts it knowing she is subject to criminal penalties if the statement is false we do not believe corroboration of the asserted fact that the applicant is her child is required.

Accordingly, it is recommended that you rescind the former rejections of the applications Mrs. Russell submitted on behalf of her children, that you now approve them as of the date of the original rejections for the reasons stated herein and that you have added the names of those children to the roll of Chesebuevi Indians.


William A. Gershuny

Copy to: BIA Attention: Tribal Operations (2)

Chart for calculating Quantum of Indian Blood

N-I	1/16	1/8	3/16	1/4	5/16	3/8	7/16	1/2	9/16	5/8	11/16	3/4	13/16	7/8	15/16	4/4	
1/16	1/32	1/16	3/32	1/8	5/32	3/16	7/32	1/4	9/32	5/16	11/32	3/8	13/32	7/16	15/32	1/2	17/32
1/8	1/16	3/32	1/8	5/32	3/16	7/32	1/4	9/32	5/16	11/32	3/8	13/32	7/16	15/32	1/2	17/32	9/16
3/16	3/32	1/8	5/32	3/16	7/32	1/4	9/32	5/16	11/32	3/8	13/32	7/16	15/32	1/2	17/32	9/16	19/32
1/4	1/8	5/32	3/16	7/32	1/4	9/32	5/16	11/32	3/8	13/32	7/16	15/32	1/2	17/32	9/16	19/32	5/8
5/16	5/32	3/16	7/32	1/4	9/32	5/16	11/32	3/8	13/32	7/16	15/32	1/2	17/32	9/16	19/32	5/8	21/32
3/8	3/16	7/32	1/4	9/32	5/16	11/32	3/8	13/32	7/16	15/32	1/2	17/32	9/16	19/32	5/8	21/32	11/16
7/16	7/32	1/4	9/32	5/16	11/32	3/8	13/32	7/16	15/32	1/2	17/32	9/16	19/32	5/8	21/32	11/16	23/32
1/2	1/4	9/32	5/16	11/32	3/8	13/32	7/16	15/32	1/2	17/32	9/16	19/32	5/8	21/32	11/16	23/32	4
9/16	9/32	5/16	11/32	3/8	13/32	7/16	15/32	1/2	17/32	9/16	19/32	5/8	21/32	11/16	23/32	3/4	25/32
5/8	5/16	11/32	3/8	13/32	7/16	15/32	1/2	17/32	9/16	19/32	5/8	21/32	11/16	23/32	3/4	25/32	13/16
11/16	11/32	3/8	13/32	7/16	15/32	1/2	17/32	9/16	19/32	5/8	21/32	11/16	23/32	3/4	25/32	13/16	27/32
3/4	3/8	13/32	7/16	15/32	1/2	17/32	9/16	19/32	5/8	21/32	11/16	23/32	3/4	25/32	13/16	27/32	7/8
13/16	13/32	7/16	15/32	1/2	17/32	9/16	19/32	5/8	21/32	11/16	23/32	3/4	25/32	13/16	27/32	7/8	29/32
7/8	7/16	15/32	1/2	17/32	9/16	19/32	5/8	21/32	11/16	23/32	3/4	25/32	13/16	27/32	7/8	29/32	15/16
15/16	15/32	1/2	17/32	9/16	19/32	5/8	21/32	11/16	23/32	3/4	25/32	13/16	27/32	7/8	29/32	15/16	31/32
4/4	1/2	17/32	9/16	19/32	5/8	21/32	11/16	23/32	3/4	25/32	13/16	27/32	7/8	29/32	15/16	31/32	4/4
1/32	1/64	3/64	5/64	7/64	9/64	11/64	13/64	15/64	17/64	19/64	21/64	23/64	25/64	27/64	29/64	31/64	33/64
3/32	3/64	5/64	7/64	9/64	11/64	13/64	15/64	17/64	19/64	21/64	23/64	25/64	27/64	29/64	31/64	33/64	35/64
5/32	5/64	7/64	9/64	11/64	13/64	15/64	17/64	19/64	21/64	23/64	25/64	27/64	29/64	31/64	33/64	35/64	37/64
7/32	7/64	9/64	11/64	13/64	15/64	17/64	19/64	21/64	23/64	25/64	27/64	29/64	31/64	33/64	35/64	37/64	39/64
9/32	9/64	11/64	13/64	15/64	17/64	19/64	21/64	23/64	25/64	27/64	29/64	31/64	33/64	35/64	37/64	39/64	41/64
11/32	11/64	13/64	15/64	17/64	19/64	21/64	23/64	25/64	27/64	29/64	31/64	33/64	35/64	37/64	39/64	41/64	43/64
13/32	13/64	15/64	17/64	19/64	21/64	23/64	25/64	27/64	29/64	31/64	33/64	35/64	37/64	39/64	41/64	43/64	45/64
15/32	15/64	17/64	19/64	21/64	23/64	25/64	27/64	29/64	31/64	33/64	35/64	37/64	39/64	41/64	43/64	45/64	47/64
17/32	17/64	19/64	21/64	23/64	25/64	27/64	29/64	31/64	33/64	35/64	37/64	39/64	41/64	43/64	45/64	47/64	49/64
19/32	19/64	21/64	23/64	25/64	27/64	29/64	31/64	33/64	35/64	37/64	39/64	41/64	43/64	45/64	47/64	49/64	51/64
21/32	21/64	23/64	25/64	27/64	29/64	31/64	33/64	35/64	37/64	39/64	41/64	43/64	45/64	47/64	49/64	51/64	53/64
23/32	23/64	25/64	27/64	29/64	31/64	33/64	35/64	37/64	39/64	41/64	43/64	45/64	47/64	49/64	51/64	53/64	55/64
25/32	25/64	27/64	29/64	31/64	33/64	35/64	37/64	39/64	41/64	43/64	45/64	47/64	49/64	51/64	53/64	55/64	57/64
27/32	27/64	29/64	31/64	33/64	35/64	37/64	39/64	41/64	43/64	45/64	47/64	49/64	51/64	53/64	55/64	57/64	59/64
29/32	29/64	31/64	33/64	35/64	37/64	39/64	41/64	43/64	45/64	47/64	49/64	51/64	53/64	55/64	57/64	59/64	61/64
31/32	31/64	33/64	35/64	37/64	39/64	41/64	43/64	45/64	47/64	49/64	51/64	53/64	55/64	57/64	59/64	61/64	63/64

Note: All denominators for lower part of scale are 64. "N-I" stands for non-Indian. To determine degree of blood of children, find degree of one parent in left hand column and of the other parent in top row. Read horizontally to right and vertically below to find the proper degree. Example: Child of parents, one 11/16 and the other 5/8 would be 21/32 degree.

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS

**VERIFICATION OF INDIAN PREFERENCE FOR EMPLOYMENT
IN BUREAU OF INDIAN AFFAIRS AND INDIAN HEALTH SERVICE ONLY**

To Establish eligibility for Indian preference for employment
with BIA/IHS, complete one of the categories below and submit
with your SF-171, Application for Federal Employment.

Category
A

**MEMBERS OF FEDERALLY RECOGNIZED INDIAN TRIBES, BANDS OR
COMMUNITIES.**

This is to certify that the person named below is a member of the tribe indicated:

Full Name	Date of Birth	Tribal Affiliation
Tribal leader or Representative	BIA Representative	Date
Title	Title	
Date	Agency Name	

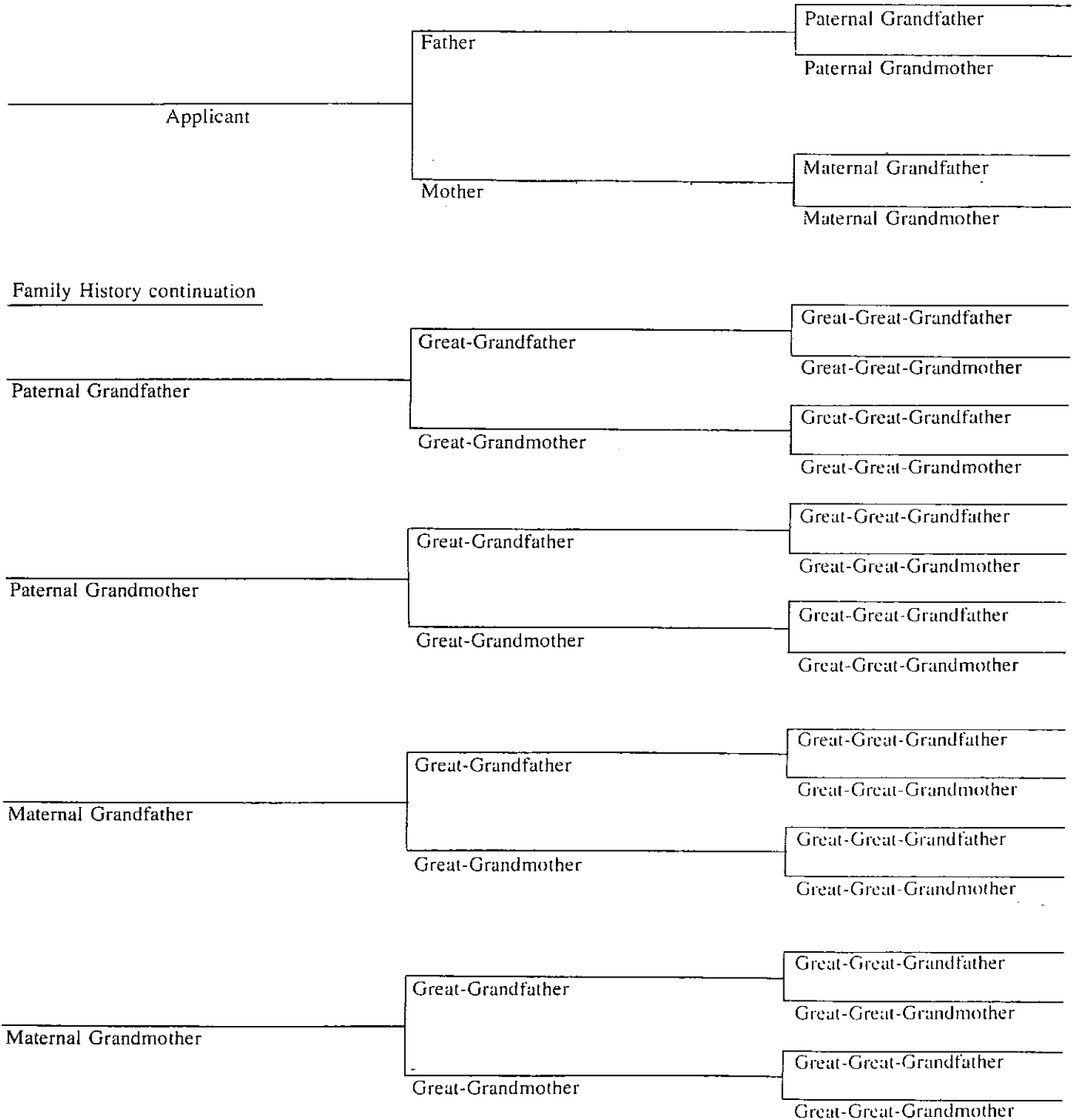
Category
B

**DESCENDANTS OF MEMBERS OF FEDERALLY RECOGNIZED INDIAN TRIBES, BANDS OR
COMMUNITIES WHO WERE RESIDING ON ANY INDIAN RESERVATION ON JUNE 1, 1934.**

This is to certify that the person named below has established to my satisfaction that he is a descendant of an enrolled member of the tribe named below and that he was living on an Indian reservation on June 1, 1934. The applicant's family history is outlined on the attached family history chart:

Name of Individual	Date of Birth	Reservation of Residence on June 1, 1934
Ancestor	Tribal Record of Affiliation	
Date	BIA Representative	
	Title	
	Agency	

FAMILY HISTORY
 for Categories B, C, & D



INSTRUCTIONS FOR COMPLETION OF FORM 5-4432

Instructions to Applicants (Form 5-4432):

It is the responsibility of the individual establishing evidence of entitlement to Indian preference in employment to submit as much background information as possible to verify eligibility for preference.

Category A: If you are a member of a Federally recognized tribe, you may contact either your tribe or the BIA Agency Office servicing your tribe for completion of this category. If the tribe certifies, then the verification must be countersigned by the servicing Bureau office. If the Bureau maintains the records or has a copy of a current tribal roll in its custody, the Bureau verification and signature is sufficient.

Category B, C, and D: If you are claiming preference based on any of these categories, you should provide as much information as possible regarding your family history. This will be the only information which the Bureau will have to certify to your descendency.

Instructions to the Division of Tribal Government Services:

This form has been designed for verification that an individual is entitled to preference in employment. If the applicant does not meet the criteria, the form should not be completed and signed by your office. Upon verification by the Area Director, Superintendent, or the designated BIA Representative, the individual will be entitled to preference in employment.

Instructions to the Personnel Office:

Receipt of this properly verified form, together with SF-171, "Personal Qualifications Statement," entitles an applicant to preference in employment.

VERIFICATION OF INDIAN PREFERENCE FOR EMPLOYMENT IN
THE BUREAU OF INDIAN AFFAIRS, INDIAN HEALTH SERVICE,
AND THE FORT SIMCOE JOB CORPS CENTER

Category E

(Void after
January 17,
1981.)

Descendant of at least one-quarter degree Indian ancestry
of a currently Federally recognized tribe whose rolls
have been closed by an Act of Congress.

This is to verify that _____
(Name of Applicant)

_____, is a descendant of the _____
(Date of Birth)

Tribe and possesses _____ of Indian blood,
(Degree)

Roll No. _____.

BIA Representative

Title

BIA Address

(NOTE: To be completed and submitted with S.F. 171, Application for
Federal Employment, ONLY.)

Instructions for Completion of Form 5-4432-a

Instructions to Applicants (Form 5-4432-a):

It is your responsibility to provide the Bureau Representative with sufficient family history information to verify that you are at least one-quarter degree Indian ancestry of a currently Federally recognized tribe whose rolls have been closed by an Act of Congress.

Instructions to Personnel Office:

Upon verification by the Area Director, Superintendent, or the designated representative, the individual will be entitled to preference in employment

PUBLIC LAW 95-608—NOV. 8, 1978

92 STAT. 3077

(b) Funds for the purposes of this Act may be appropriated pursuant to the provisions of the Act of November 2, 1921 (42 Stat. 203), as amended. 25 USC 13.

SEC. 201. For the purposes of sections 202 and 203 of this title the term "Indian" shall include persons defined in section 4(c) of the Indian Health Care Improvement Act of 1976 (90 Stat. 1400, 1401). 25 USC 1934.
25 USC 1603.

TITLE III—RECORDKEEPING, INFORMATION AVAILABILITY, AND TIMETABLES

SEC. 301. (a) Any State court entering a final decree or order in any Indian child adoptive placement after the date of enactment of this Act shall provide the Secretary with a copy of such decree or order together with such other information as may be necessary to show—
Final decree, information to be included.
25 USC 1951.

- (1) the name and tribal affiliation of the child;
- (2) the names and addresses of the biological parents;
- (3) the names and addresses of the adoptive parents; and
- (4) the identity of any agency having files or information relating to such adoptive placement.

Where the court records contain an affidavit of the biological parent or parents that their identity remain confidential, the court shall include such affidavit with the other information. The Secretary shall insure that the confidentiality of such information is maintained and such information shall not be subject to the Freedom of Information Act (5 U.S.C. 552), as amended.

(b) Upon the request of the adopted Indian child over the age of eighteen, the adoptive or foster parents of an Indian child, or an Indian tribe, the Secretary shall disclose such information as may be necessary for the enrollment of an Indian child in the tribe in which the child may be eligible for enrollment or for determining any rights or benefits associated with that membership. Where the documents relating to such child contain an affidavit from the biological parent or parents requesting anonymity, the Secretary shall certify to the Indian child's tribe, where the information warrants, that the child's parentage and other circumstances of birth entitle the child to enrollment under the criteria established by such tribe.

SEC. 302. Within one hundred and eighty days after the enactment of this Act, the Secretary shall promulgate such rules and regulations as may be necessary to carry out the provisions of this Act. Effective date. Rules and regulations. 25 USC 1952.

ILLUSTRATION 10 to 83 BIAM Supplement 2 is a sample application form clearly showing the deadline date for filing at the top of the form. The illustration will be furnished as soon as a sample form has been prepared.

PRIVACY ACT STATEMENT

To All Applicants for Indian Judgment Funds:

Public Law 93-579, entitled the Privacy Act of 1974, requires that all applicants be informed of the purposes and uses to be made of the information which is solicited. The following is furnished to explain the reason why the information is requested and the general uses to which that information may be put.

AUTHORITY: The Bureau of Indian Affairs is empowered to solicit the information requested in this form under the authority of the Judgment Funds Use and Distribution Act of October 19, 1973 (87 Stat. 466).

PURPOSE: The information requested by this form is considered relevant and necessary to determine eligibility for enrollment to share in the distribution of judgment funds.

USES: The information will be used in identifying individuals entitled to share in the distribution of the funds and other routine uses as described in 40 F.R. 41458, September 5, 1975.

EFFECTS OF NON-DISCLOSURE: Disclosure of the requested information is voluntary. No penalty will be imposed for failure to respond. Failure to file the application will result in not being enrolled and not sharing in the money. Failure to provide sufficient information may result in rejection of the application. The beneficial effect of providing the information may result in possible enrollment and receipt of a share of the funds.