

## TRIBAL ENROLLMENT PROCEDURES

### **Section 1. DEFINITIONS**

- a. ***“the Nation”*** refers to the Catawba Indian Nation which was Restored its Federal Status in October of 1993 by the Catawba Land Claims Settlement Act.
- b. ***“the Settlement Act”*** means the Catawba Land Claims Settlement Act as codified in Public Law 103-116 (Oct. 27, 1993).
- c. ***“Public Law 103-116 (October 27, 1993)”*** the law enacted by the 103d Congress of the United States which settled the Catawba Land Claims and established the terms and conditions for the Restoration of the Nation and the enrollment of its members.
- d. ***“Applicant”*** means the individual who desires to be enrolled with the Catawba Indian Nation.
- e. ***“Executive Committee or Committee”*** means the Governing Body of the tribe as set forth in Section 8 of P.L. 103-116 which is charged with preparing the tribal Roll and determining tribal membership.
- f. ***“Enrollment”*** means acceptance as a member in good standing of the Catawba Indian Nation.
- g. ***“Evidence of Eligibility”*** refers to documents such as birth certificates, affidavits, family or church records, and other such certified documents from individuals or agencies which can be used to establish direct lineage from Catawbas who are listed on the 1943 or 1961 Rolls. In some cases where the applicant must prove descent, DNA or other forms of scientific testing may be required.
- h. ***“Base Rolls”*** refers primarily to the Notice of Final Membership Roll (26 FR 1680-1688) as published in the Federal Register on February 25, 1961. The other Base Roll for reference purposes is the 1943 Roll which was prepared in conjunction with the Nation’s agreement with the United States Government under the Indian Reorganization Act.
- i. ***“descendant”*** for the purposes of this Ordinance shall be defined as a direct lineal descendant such as a son, daughter, and grandchildren.
- j. ***“Final Membership Roll”*** refers to Section 7 of P.L.103-116 in which the Catawba Roll is published 3 times in the Federal Register with the third printing being deemed the Final Membership Roll.
- k. ***“Secretary”*** means the Secretary of the Interior.
- l. ***“Termination”*** was the process by which Congress abolished a tribe's government and terminated the government - to - government relationship with the tribe. This policy has been condemned and most terminated tribes have been restored to their Federal status
- m. ***“Restoration”*** is the process by which a tribe’s Federal status is reinstated.

### **Section 2. ELIGIBILITY FOR ENROLLMENT**

- a. Every living member of the Catawba Indian Nation whose name is listed on either the 1943 or 1961 Base Membership Rolls.

- b. Every living descendant of anyone who is listed on the Base Membership Rolls.
- c. Adopted children are considered to [be] part of the Catawba Indian Nation for purposes of fellowship and community. They are also, by law, entitled to benefits such as health care, through the age of 18 years. They are eligible for other tribal benefits which may from time to time become available. Adopted children are not, however, included in the Membership Rolls of the Nation as Catawbas.
- d. Section 7 of PL. 103-116 authorizes the Executive Committee to include those individuals which it determines “should have been” on the 1961 Base Membership Roll. The 1961 Roll was prepared in great haste as the Federal Government pushed for Termination of the Catawba Nation. As a result, many Catawbas who were eligible to be placed on the 1961 Roll were left off. The criteria used by the Executive Committee in determining who “should have been” included on the 1961 Roll is as follows: 1) does the applicant have parents, brothers, or sisters on the 1961 Roll?; and 2) Is the applicant a direct descendant of a Member listed on the 1943 Base Membership Roll. If the applicant can prove that they meet either of the criteria listed above, then the Executive Committee will determine that the applicant should have been on the 1961 Roll and is eligible for inclusion in the Final Membership Roll. In no case will the clause in Section 7(a) 2 and 3 of P.L.103-116 be used to include applicants who are not direct lineal descendants, as defined in Section 1(i) of this Ordinance.

### **Section 3. APPLICATION FOR ENROLLMENT**

- a. All applicants seeking enrollment in the Catawba Indian Nation must present evidence of eligibility such as a birth certificate with the names of the birth parents of the applicant. In cases where the Catawba birth parent is not listed on the birth certificate, DNA or other legally accepted proof of paternity will be required. Evidence of eligibility is presented to the Roll Coordinator who will verify descendency and eligibility. Once the appropriate documentation has been presented and verified, the Roll Coordinator will present the application to the Executive Committee for approval for placement on the Catawba Membership Roll.

### **Section 4. ACTION ON APPLICATION**

- a. The Roll Coordinator shall present to the Executive Committee a list of all applicants at least once every 60 days. This list shall include all relevant information regarding the applicant and the Roll Coordinator’s recommendation regarding enrollment. If the evidence of eligibility supports the applicant’s request for enrollment and if the Roll Coordinator verifies their descendency, then the Executive Committee shall place the applicant on the Tribal Roll. The applicant must receive a response to their request for enrollment within 90 days. If an applicant’s request is rejected, then they will receive a response, by certified mail, stating the reasons why their application was declined.

- b. Applicants who are minor children, handicapped, or legally incompetent may have their request for enrollment made by their parents, next of kin recognized guardian or other person responsible for their care.
- c. Enrollment of a new born child is the responsibility of the parent, guardian, or next of kin. Until a permanent birth certificate is issued by the state in which the birth occurred, the temporary birth certificate issued by the hospital shall be deemed evidence of eligibility. If, however, a permanent birth certificate or other evidence of eligibility is not filed with the Roll Coordinator by the child's first birthday, then the child will be removed from the Roll. Parents or guardians wishing to have the child placed back on the Roll must go through the normal enrollment process.

**Section 5. INFORMATION REQUIRED FOR ENROLLMENT**

- a. The following information is required by the Roll Coordinator before a request for enrollment can be processed. The information includes: full legal name and permanent address; Indian, maiden, or other names by which the applicant is known; name of applicant's parents, identification of the parent or parents which are Indian; if the applicant is a minor or otherwise unable to apply on their own behalf, then the name, address, and relationship of the person making the enrollment request; certification by the applicant or his agent that the information given is true and accurate to the best of their knowledge; and if applicable, certification that the applicant is not currently on the roll of any other tribe.

**Section 6. BURDEN OF PROOF**

- a. It is the responsibility of the applicant to prove his eligibility for enrollment.

**Section 7. PROCEDURE FOR APPEAL OR PROTEST**

- a. An appeal is a written request for reconsideration of the enrollment of an individual. The appeal should be made to the Executive Committee of the Catawba Indian Nation, in care of the Roll Coordinator at P.O. Box 188, Catawba, SC 29704.
- b. A protest is a written statement contesting the omission of [or] inclusion of an individual's name on the Membership Roll. A protest should be made in the same manner as an appeal.

**Section 8. WHO MAY APPEAL OR PROTEST**

- a. Any member of the Catawba Indian Nation on behalf or against any individual.
- b. Either parent, guardian, or next of kin of any minor, handicapped, or legally incompetent involved.
- c. Any person whose enrollment is in question or whose application for enrollment has been rejected.
- d. A representative of the Secretary of the Interior.

- e. For purposes of the Final Membership Roll as prepared pursuant to P.L. 103-116, an appeal must be made within 60 days from the date of publication of the Proposed Final Membership Roll. This appeal must be filed with the Executive Committee of the Catawba Indian Nation who, with the Secretary of the Interior will handle all appeals pursuant to this legislation. Appeals may be made by a Member of the Nation with respect to the inclusion of any applicant. Appeals may also be made by any person with respect to the exclusion of their name from the Proposed Final Membership Roll. All such appeals will be resolved within 90 days of the publication of the Proposed Final Membership Roll, The Executive Committee shall review such appeals and render a decision subject to the Secretary's approval. If the Secretary and the Executive Committee disagree, the Secretary's decision shall be final.

**Section 9. EXCEPTION TO WHO MAY APPEAL**

- a. No appeal may be filed by those individuals or in behalf of those individuals rejected for adoption as set forth in Section 2(c) of this Ordinance.

**Section 10. FILING A PROTEST OR APPEAL**

- a. An appeal or protest, other than that noted in Section 8 (e) of this Ordinance, may be made at any time within sixty (60) days after notice of rejection for enrollment. Failure to file an appeal or protest within the deadlines shall be considered conclusive evidence of non-interest.
- b. All decisions of the Executive Committee regarding appeals or protests shall be deemed final. However in no event may an individual be enrolled as a tribal member unless the individual is a lineal descendant of a person on the Final Base Membership Roll. (Pursuant to P.L. 103-116. Section 7[d].)

**Section 11. RELINQUISHMENT OF, OR REMOVAL FROM, ENROLLMENT**

- a. Any member of the Catawba Indian Nation may relinquish his or her membership in the Nation by filing a written request to the Executive Committee. When such a request is received the Executive Committee shall enact a Resolution removing that individual from the Membership Roll and give notice to the tribe that the individual is no longer considered a member nor may they share in any rights or benefits of membership.
- b. A tribal member may be removed from the Roll by Executive Committee Action pursuant to Executive Resolution\_\_\_\_\_ dated \_\_\_\_\_ which codifies the grounds and procedure for removing a member from the Roll. Notice such as that described in Section 11(a) shall be made to the tribe.
- c. Relinquishment or Removal from the Roll shall be done on an individual basis and does not apply to that individuals descendants.

**Section 12. MAINTENANCE OF TRIBAL MEMBERSHIP ROLL**

- a. The Catawba Indian Nation Tribal Membership Roll shall be maintained by the Roll Coordinator using both a computer database and filed documentation. The Roll Coordinator shall keep a record of all deaths of tribal members and adjust the Roll accordingly. An Historic record of all members of the Nation shall also be kept for Genealogical and Archival purposes.

**Section 13. DISTRIBUTION OF TRIBAL ASSETS**

- a. Should, at any time, the Catawba Indian Nation's Executive Committee determine that the tribe is in a position to distribute assets, then each member listed on the Membership Roll as of the date of distribution is eligible for an equal share in the distribution.
- b. Per Capita payments pursuant to the Settlement Agreement shall be made according to the terms outlined in P.L.103-116, Section 11(h et.seq.).

**Section 14. IDENTIFICATION OF MEMBERSHIP**

- a. Each member of the Nation shall be issued a Tribal Membership Card which identifies that person as a member of the tribe in good standing. After publication of the Final Membership Roll pursuant to P.L. 103-116, Section 7, the membership card shall include a photograph of the member, a permanent enrollment number, the member's full, legal name, and the name and seal of the Catawba Indian Nation. This card shall serve as proof of membership in the Catawba Indian Nation.