Public Law 97-429
97th Congress

An Act

To grant Federal recognition to the Texas Band of Kickapoo Indians; to clarify the status of the members of the band; to provide trust lands to the band, and for other purposes.

Jan. 8, 1983
[H.R. 4496]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Texas Band of Kickapoo Act".

Texas Band of Kickapoo Act.
25 USC 1300b-11 note.

CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) Congress finds that the Texas Band of Kickapoo Indians is a subgroup of the Kickapoo Tribe of Oklahoma; that many years ago, the Band was forced to migrate from its ancestral lands to what is now the State of Texas and the nation of Mexico; that, although many members of the band meet the requirements for United States citizenship, some of them cannot prove that they are United States citizens; that, although the Band resides in the State of Texas, it owns no land there; that, because the Band owns no land in Texas, members of the Band are considered ineligible for services which the United States provides to other Indians who are members of federally recognized tribes because of their status as Indians except when the members of the Band are on or near the reservation of the Kickapoo Tribe of Oklahoma; that members of the Band live under conditions that pose serious threats to their health; and that, because their culture is derived from three different cultures, they have unique needs including, especially, educational needs.

25 USC 1300b-11.

(b) Congress therefore declares that the Band should be recognized by the United States; that the right of the members of the Band to pass and repass the borders of the United States should be clarified; that services which the United States provides to Indians because of their status as Indians should be provided to members of the Band in Maverick County, Texas; and, that land in the State of Texas should be taken in trust by the United States for the benefit of the Band.

DEFINITIONS

SEC. 3. For purposes of this Act—

25 USC 1300b-12.

(a) "Band" means the Texas Band of Kickapoo Indians, a subgroup of the Kickapoo Tribe of Oklahoma;

(b) "Tribe" means the Kickapoo Tribe of Oklahoma; and

(c) "Secretary" means the Secretary of the Interior.

ESTABLISHMENT OF BAND ROLL; CLARIFICATION OF UNITED STATES CITIZENSHIP

SEC. 4. (a) Within one year of the enactment of this Act, the Secretary shall, after consultation with the Tribe, compile a roll of those members of the Tribe who possess Kickapoo blood and who are also members of the Band. When said roll is complete, the Secretary

25 USC 1300b-13.

Notice, publication in Federal Register.

shall immediately publish notice in the Federal Register stating that the roll has been completed. The Secretary shall ensure that the roll, once completed, is maintained and that it is current.

Report to Congress.

(b) If the Secretary does not compile the roll within the period prescribed in subsection 4(a), he shall submit a report to Congress setting forth the reasons he did not do so.

Citizenship.

(c) For a period of five years after the publication of the Federal Register notice required under subsection 4(a), any member of the Band whose name appears on the roll compiled by the Secretary, may, at his option, apply for United States citizenship. Such application shall be made to the Immigration and Naturalization Service and, upon receipt of the application, citizenship shall promptly be granted to the applicant.

8 USC 1101 note.

(d) Notwithstanding the Immigration and Nationality Act, all members of the Band shall be entitled to freely pass and repass the borders of the United States and to live and work in the United States.

LAND ACQUISITION; APPLICABILITY OF THE INDIAN REORGANIZATION ACT

25 USC 1300b-14.
25 USC 461 note.

SEC. 5. (a) The Act of June 18, 1934 (48 Stat. 984), is hereby made applicable to the Band: *Provided, however,* That the Secretary is only authorized to exercise his authority under section 5 of that Act (25 U.S.C. 465) with respect to lands located in Maverick County, Texas.

(b) The Secretary is authorized and directed to accept no more than one hundred acres of land in Maverick County, Texas which shall be offered for the benefit of the Band with the approval of the Tribe. Nothing in this subsection shall be construed as limiting the authority of the Secretary under section 5 of the Act of June 18, 1934 (48 Stat. 985).

25 USC 465.

JURISDICTION

25 USC 1300b-15.

SEC. 6. The State of Texas shall exercise jurisdiction over civil causes of action and criminal offenses arising on the Band's trust lands in accordance with section 1360 of title 28, United States Code, and section 1162 of title 18, United States Code, as if it had assumed jurisdiction pursuant to sections 401 and 402 of the Act of April 11, 1968 (82 Stat. 78, 79). The provisions of section 403 of the Act of April 11, 1968 (82 Stat. 79), shall be applicable and available to the State of Texas.

25 USC 1321, 1322.
25 USC 1323.
28 USC 1360 note.

PROVISION OF FEDERAL INDIAN SERVICES

25 USC 1300b-16.

SEC. 7. (a) Notwithstanding any other provision of law authorizing the provision of special programs and services by the United States to Indians because of their status as Indians, the Band and its members in Maverick County, Texas shall be eligible for such programs and services without regard to the existence of a reservation, the residence of members of the Band on or near a reservation, or the compilation of the roll pursuant to subsection 4(a) of this Act.

Consultation and cooperation with Mexican Government.

(b) In providing services pursuant to subsection (a), the Secretary and the head of each department and agency shall consult and cooperate with appropriate officials or agencies of the Mexican Government to the greatest extent possible to ensure that such services meet the special tricultural needs of the Band and its members. Such consultation and cooperation may include, whenever

practicable, joint funding agreements between such agency or department of the United States and the appropriate agencies and officials of the Mexican Government.

Approved January 8, 1983.

LEGISLATIVE HISTORY—H.R. 4496:

HOUSE REPORT No. 97-858 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 97-684 (Comm. on Indian Affairs).
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Sept. 29, considered and passed House.
Dec. 20, considered and passed Senate, amended.
Dec. 21, House agreed to Senate amendments.