

Union Calendar No. 338

103^D CONGRESS
2^D SESSION

H. R. 4228

[Report No. 103-619]

A BILL

To extend Federal recognition to the United Auburn Indian Community of the Auburn Rancheria of California.

JULY 25, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 1994

Mr. MILLER of California (for himself, Mr. DOOLITTLE, and Mr. RICHARDSON) introduced the following bill; which was referred to the Committee on Natural Resources

JULY 25, 1994

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[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 14, 1994]

A BILL

To extend Federal recognition to the United Auburn Indian Community of the Auburn Rancheria of California.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Auburn Indian Restora-*
3 *tion Act”.*

4 **SEC. 2. RESTORATION OF FEDERAL RECOGNITION, RIGHTS,**
5 **AND PRIVILEGES.**

6 (a) *FEDERAL RECOGNITION.*—*Notwithstanding any*
7 *other provision of law, Federal recognition is hereby ex-*
8 *tended to the Tribe. Except as otherwise provided in this*
9 *Act, all laws and regulations of general application to Indi-*
10 *ans or nations, tribes, or bands of Indians that are not in-*
11 *consistent with any specific provision of this Act shall be*
12 *applicable to the Tribe and its members.*

13 (b) *RESTORATION OF RIGHTS AND PRIVILEGES.*—*Ex-*
14 *cept as provided in subsection (d), all rights and privileges*
15 *of the Tribe and its members under any Federal treaty, Ex-*
16 *ecutive order, agreement, or statute, or under any other au-*
17 *thority which were diminished or lost under the Act of Au-*
18 *gust 18, 1958 (Public Law 85–671), are hereby restored and*
19 *the provisions of such Act shall be inapplicable to the Tribe*
20 *and its members after the date of enactment of this Act.*

21 (c) *FEDERAL SERVICES AND BENEFITS.*—*Notwith-*
22 *standing any other provision of law and without regard*
23 *to the existence of a reservation, the Tribe and its members*
24 *shall be eligible, on and after the date of enactment of this*
25 *Act, for all Federal services and benefits furnished to feder-*
26 *ally recognized Indian tribes or their members. In the case*

1 *of Federal services available to members of federally recog-*
2 *nized Indian tribes residing on a reservation, members of*
3 *the Tribe residing in the Tribe's service area shall be deemed*
4 *to be residing on a reservation.*

5 (d) *HUNTING, FISHING, TRAPPING, AND WATER*
6 *RIGHTS.—Nothing in this Act shall expand, reduce, or af-*
7 *fect in any manner any hunting, fishing, trapping, gather-*
8 *ing, or water right of the Tribe and its members.*

9 (e) *INDIAN REORGANIZATION ACT APPLICABILITY.—*
10 *The Act of June 18, 1934 (25 U.S.C. 461 et seq.), shall be*
11 *applicable to the Tribe and its members.*

12 (f) *CERTAIN RIGHTS NOT ALTERED.—Except as spe-*
13 *cifically provided in this Act, nothing in this Act shall alter*
14 *any property right or obligation, any contractual right or*
15 *obligation, or any obligation for taxes levied.*

16 **SEC. 3. ECONOMIC DEVELOPMENT.**

17 (a) *PLAN FOR ECONOMIC DEVELOPMENT.—The Sec-*
18 *retary shall—*

19 (1) *enter into negotiations with the governing*
20 *body of the Tribe with respect to establishing a plan*
21 *for economic development for the Tribe;*

22 (2) *in accordance with this section and not later*
23 *than 2 years after the adoption of a tribal constitu-*
24 *tion as provided in section 7, develop such a plan;*
25 *and*

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

4 (b) *RESTRICTIONS.*—Any proposed transfer of real
5 property contained in the plan developed by the Secretary
6 under subsection (a) shall be consistent with the require-
7 ments of section 4.

8 **SEC. 4. TRANSFER OF LAND TO BE HELD IN TRUST.**

9 (a) *LANDS TO BE TAKEN IN TRUST.*—The Secretary
10 shall accept any real property located in Placer County,
11 California, for the benefit of the Tribe if conveyed or other-
12 wise transferred to the Secretary if, at the time of such con-
13 veyance or transfer, there are no adverse legal claims on
14 such property, including outstanding liens, mortgages, or
15 taxes owed. The Secretary may accept any additional acre-
16 age in the Tribe's service area pursuant to the authority
17 of the Secretary under the Act of June 18, 1934 (25 U.S.C.
18 461 et seq.).

19 (b) *FORMER TRUST LANDS OF THE AUBURN*
20 *RANCHERIA.*—Subject to the conditions specified in this sec-
21 tion, real property eligible for trust status under this section
22 shall include fee land held by the White Oak Ridge Associa-
23 tion, Indian owned fee land held communally pursuant to
24 the distribution plan prepared and approved by the Bureau
25 of Indian Affairs on August 13, 1959, and Indian owned

1 *fee land held by persons listed as distributees or dependent*
2 *members in such distribution plan or such distributees' or*
3 *dependent members' Indian heirs or successors in interest.*

4 *(c) LANDS TO BE PART OF THE RESERVATION.—Sub-*
5 *ject to the conditions imposed by this section, any real prop-*
6 *erty conveyed or transferred under this section shall be*
7 *taken in the name of the United States in trust for the Tribe*
8 *or, as applicable, an individual member of the Tribe, and*
9 *shall be part of the Tribe's reservation.*

10 **SEC. 5. MEMBERSHIP ROLLS.**

11 *(a) COMPILATION OF TRIBAL MEMBERSHIP ROLL.—*
12 *Within 1 year after the date of the enactment of this Act,*
13 *the Secretary shall, after consultation with the Tribe, com-*
14 *pile a membership roll of the Tribe.*

15 *(b) CRITERIA FOR ENROLLMENTS.—(1) Until a tribal*
16 *constitution is adopted pursuant to section 7, an individual*
17 *shall be placed on the membership roll if the individual is*
18 *living, is not an enrolled member of another federally recog-*
19 *nized Indian tribe, is of United Auburn Indian Community*
20 *ancestry, possesses at least one-eighth or more of Indian*
21 *blood quantum, and if—*

22 *(A) the individual's name was listed on the Au-*
23 *burn Indian Rancheria distribution roll compiled*
24 *and approved by the Bureau of Indian Affairs on Au-*
25 *gust 13, 1959, pursuant to Public Law 85-671;*

1 (B) the individual was not listed on, but met the
2 requirements that had to be met to be listed on, the
3 Auburn Indian Rancheria distribution list compiled
4 and approved by the Bureau of Indian Affairs on Au-
5 gust 13, 1959, pursuant to Public Law 85–671; or

6 (C) the individual is a lineal descendant of an
7 individual, living or dead, identified in subparagraph
8 (A) or (B).

9 (2) After adoption of a tribal constitution pursuant
10 to section 7, such tribal constitution shall govern member-
11 ship in the Tribe, except that in addition to meeting any
12 other criteria imposed in such tribal constitution, any per-
13 son added to the membership roll shall be of United Auburn
14 Indian Community ancestry and shall not be an enrolled
15 member of another federally recognized Indian tribe.

16 (c) *CONCLUSIVE PROOF OF UNITED AUBURN INDIAN*
17 *COMMUNITY ANCESTRY.*—For the purpose of subsection (b),
18 the Secretary shall accept any available evidence establish-
19 ing United Auburn Indian Community ancestry. The Sec-
20 retary shall accept as conclusive evidence of United Auburn
21 Indian Community ancestry information contained in the
22 Auburn Indian Rancheria distribution list compiled by the
23 Bureau of Indian Affairs on August 13, 1959.

1 **SEC. 6. INTERIM GOVERNMENT.**

2 *Until a new tribal constitution and bylaws are adopt-*
3 *ed and become effective under section 7, the Tribe's govern-*
4 *ing body shall be an Interim Council. The initial member-*
5 *ship of the Interim Council shall consist of the members*
6 *of the Executive Council of the Tribe on the date of the en-*
7 *actment of this Act, and the Interim Council shall continue*
8 *to operate in the manner prescribed for the Executive Coun-*
9 *cil under the tribal constitution adopted July 20, 1991, as*
10 *long as such constitution is not contrary to Federal law.*
11 *Any new members filling vacancies on the Interim council*
12 *shall meet the enrollment criteria set forth in section 5(b)*
13 *and be elected in the same manner as are Executive Council*
14 *members under the tribal constitution adopted July 20,*
15 *1991.*

16 **SEC. 7. TRIBAL CONSTITUTION.**

17 *(a) ELECTION; TIME AND PROCEDURE.—Upon the*
18 *completion of the tribal membership roll under section 5(a)*
19 *and upon the written request of the Interim Council, the*
20 *Secretary shall conduct, by secret ballot, an election for the*
21 *purpose of adopting a constitution and bylaws for the*
22 *Tribe. The election shall be held according to section 16 of*
23 *the Act of June 18, 1934 (25 U.S.C. 476), except that absen-*
24 *tee balloting shall be permitted regardless of voter residence.*

25 *(b) ELECTION OF TRIBAL OFFICIALS; PROCEDURES.—*
26 *Not later than 120 days after the Tribe adopts a constitu-*

1 *tion and bylaws under subsection (a), the Secretary shall*
2 *conduct an election by secret ballot for the purpose of elect-*
3 *ing tribal officials as provided in such tribal constitution.*
4 *Such election shall be conducted according to the procedures*
5 *specified in subsection (a) except to the extent that such pro-*
6 *cedures conflict with the tribal constitution.*

7 **SEC. 8. DEFINITIONS.**

8 *For purposes of this Act:*

9 *(1) The term "Tribe" means the United Auburn*
10 *Indian Community of the Auburn Rancheria of Cali-*
11 *fornia.*

12 *(2) The term "Secretary" means the Secretary of*
13 *the Interior.*

14 *(3) The term "Interim Council" means the gov-*
15 *erning body of the Tribe specified in section 6.*

16 *(4) The term "member" means those persons*
17 *meeting the enrollment criteria under section 5(b).*

18 *(5) The term "State" means the State of Califor-*
19 *nia.*

20 *(6) The term "reservation" means those lands ac-*
21 *quired and held in trust by the Secretary for the bene-*
22 *fit of the Tribe pursuant to section 4.*

23 *(7) The term "service area" means the counties*
24 *of Placer, Nevada, Yuba, Sutter, El Dorado, and Sac-*
25 *ramento, in the State of California.*

1 **SEC. 9. REGULATIONS.**

2 *The Secretary may promulgate such regulations as*
3 *may be necessary to carry out the provisions of this Act.*