

106TH CONGRESS  
2D SESSION

# S. 2633

To restore Federal recognition to the Indians of the Graton Rancheria of California.

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IN THE SENATE OF THE UNITED STATES

MAY 25, 2000

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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## A BILL

To restore Federal recognition to the Indians of the Graton 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Graton Rancheria Res-  
5       toration Act”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds the following:

8               (1) In their 1997 Report to Congress, the Advi-  
9       sory Council on California Indian Policy specifically

1 recommended the immediate legislative restoration  
2 of the Graton Rancheria.

3 (2) The Federated Indians of Graton Rancheria  
4 Tribal Council has made the express decision to re-  
5 strict gaming consistent with the provisions of this  
6 Act.

7 **SEC. 3. DEFINITIONS.**

8 For purposes of this Act:

9 (1) The term “Tribe” means the Indians of the  
10 Graton Rancheria of California.

11 (2) The term “Secretary” means the Secretary  
12 of the Interior.

13 (3) The term “Interim Tribal Council” means  
14 the governing body of the Tribe specified in section  
15 7.

16 (4) The term “member” means an individual  
17 who meets the membership criteria under section  
18 6(b).

19 (5) The term “State” means the State of Cali-  
20 fornia.

21 (6) The term “reservation” means those lands  
22 acquired and held in trust by the Secretary for the  
23 benefit of the Tribe.

24 (7) The term “service area” means the counties  
25 of Marin and Sonoma, in the State of California.

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

3 (a) FEDERAL RECOGNITION.—Federal recognition is  
4 hereby restored to the Tribe. Except as otherwise provided  
5 in this Act, all laws and regulations of general application  
6 to Indians and nations, tribes, or bands of Indians that  
7 are not inconsistent with any specific provision of this Act  
8 shall be applicable to the Tribe and its members.

9 (b) RESTORATION OF RIGHTS AND PRIVILEGES.—  
10 Except as provided in subsection (d), all rights and privi-  
11 leges of the Tribe and its members under any Federal  
12 treaty, Executive order, agreement, or statute, or under  
13 any other authority which were diminished or lost under  
14 the Act of August 18, 1958 (Public Law 85–671; 72 Stat.  
15 619), are hereby restored, and the provisions of such Act  
16 shall be inapplicable to the Tribe and its members after  
17 the date of the enactment of this Act.

18 (c) FEDERAL SERVICES AND BENEFITS.—

19 (1) IN GENERAL.—Without regard to the exist-  
20 ence of a reservation, the Tribe and its members  
21 shall be eligible, on and after the date of enactment  
22 of this Act for all Federal services and benefits fur-  
23 nished to federally recognized Indian tribes or their  
24 members. For the purposes of Federal services and  
25 benefits available to members of federally recognized  
26 Indian tribes residing on a reservation, members of

1 the Tribe residing in the Tribe's service area shall  
2 be deemed to be residing on a reservation.

3 (2) RELATION TO OTHER LAWS.—The eligibility  
4 for or receipt of services and benefits under para-  
5 graph (1) by a tribe or individual shall not be con-  
6 sidered as income, resources, or otherwise when de-  
7 termining the eligibility for or computation of any  
8 payment or other benefit to such tribe, individual, or  
9 household under—

10 (A) any financial aid program of the  
11 United States, including grants and contracts  
12 subject to the Indian Self-Determination Act; or

13 (B) Any other benefit to which such tribe,  
14 household, or individual would otherwise be en-  
15 titled under any Federal or federally assisted  
16 program.

17 (d) HUNTING, FISHING, TRAPPING, GATHERING,  
18 AND WATER RIGHTS.—Nothing in this Act shall expand,  
19 reduce, or affect in any manner any hunting, fishing, trap-  
20 ping, gathering, or water rights of the Tribe and its mem-  
21 bers.

22 (e) CERTAIN RIGHTS NOT ALTERED.—Except as  
23 specifically provided in this Act, nothing in this Act shall  
24 alter any property right or obligation, any contractual  
25 right or obligation, or any obligation for taxes levied.

1 **SEC. 5. TRANSFER OF LAND TO BE HELD IN TRUST.**

2 (a) LANDS TO BE TAKEN IN TRUST.—Upon applica-  
3 tion by the Tribe, the Secretary shall accept into trust for  
4 the benefit of the Tribe any real property located in Marin  
5 or Sonoma County, California, for the benefit of the Tribe  
6 after the property is conveyed or otherwise transferred to  
7 the Secretary and if, at the time of such conveyance or  
8 transfer, there are no adverse legal claims to such prop-  
9 erty, including outstanding liens, mortgages, or taxes.

10 (b) FORMER TRUST LANDS OF THE GRATON  
11 RANCHERIA.—Subject to the conditions specified in this  
12 section, real property eligible for trust status under this  
13 section shall include Indian owned fee land held by persons  
14 listed as distributees or dependent members in the dis-  
15 tribution plan approved by the Secretary on September 17,  
16 1959, or such distributees' or dependent members' Indian  
17 heirs or successors in interest.

18 (c) LANDS TO BE PART OF RESERVATION.—Any  
19 real property taken into trust for the benefit of the Tribe  
20 pursuant to this Act shall be part of the Tribe's reserva-  
21 tion.

22 (d) GAMING RESTRICTED.—Notwithstanding sub-  
23 section (c), real property taken into trust for the benefit  
24 of the Tribe pursuant to this Act shall not be exempt  
25 under section 20(b) of the Indian Gaming Regulatory Act  
26 (25 U.S.C. 2719(b)).

1 (e) LANDS TO BE NONTAXABLE.—Any real property  
2 taken into trust for the benefit of the Tribe pursuant to  
3 this section shall be exempt from all local, State, and Fed-  
4 eral taxation as of the date that such land is transferred  
5 to the Secretary.

6 **SEC. 6. MEMBERSHIP ROLLS.**

7 (a) COMPILATION OF TRIBAL MEMBERSHIP ROLL.—  
8 Not later than 1 year after the date of the enactment of  
9 this Act, the Secretary shall, after consultation with the  
10 Tribe, compile a membership roll of the Tribe.

11 (b) CRITERIA FOR MEMBERSHIP.—

12 (1) Until a tribal constitution is adopted under  
13 section 8, an individual shall be placed on the  
14 Graton membership roll if such individual is living,  
15 is not an enrolled member of another federally rec-  
16 ognized Indian tribe, and if—

17 (A) such individual's name was listed on  
18 the Graton Indian Rancheria distribution list  
19 compiled by the Bureau of Indian Affairs and  
20 approved by the Secretary of the Interior on  
21 September 17, 1959, under Public Law 85-  
22 671;

23 (B) such individual was not listed on the  
24 Graton Indian Rancheria distribution list, but  
25 met the requirements that had to be met to be

1 listed on the Graton Indian Rancheria distribu-  
2 tion list;

3 (C) such individual is identified as an In-  
4 dian from the Graton, Marshall, Bodega,  
5 Tomales, or Sebastopol, California, vicinities, in  
6 documents prepared by or at the direction of  
7 the Bureau of Indian Affairs, or in any other  
8 public or California mission records; or

9 (D) such individual is a lineal descendant  
10 of an individual, living or dead, identified in  
11 subparagraph (A), (B), or (C).

12 (2) After adoption of a tribal constitution under  
13 section 8, such tribal constitution shall govern mem-  
14 bership in the Tribe.

15 (c) CONCLUSIVE PROOF OF GRATON INDIAN ANCES-  
16 TRY.—For the purpose of subsection (b), the Secretary  
17 shall accept any available evidence establishing Graton In-  
18 dian ancestry. The Secretary shall accept as conclusive  
19 evidence of Graton Indian ancestry information contained  
20 in the census of the Indians from the Graton, Marshall,  
21 Bodega, Tomales, or Sebastopol, California, vicinities, pre-  
22 pared by or at the direction of Special Indian Agent John  
23 J. Terrell in any other roll or census of Graton Indians  
24 prepared by or at the direction of the Bureau of Indian  
25 Affairs and in the Graton Indian Rancheria distribution

1 list compiled by the Bureau of Indian Affairs and ap-  
2 proved by the Secretary on September 17, 1959.

3 **SEC. 7. INTERIM GOVERNMENT.**

4       Until the Tribe ratifies a final constitution consistent  
5 with section 8, the Tribe's governing body shall be an In-  
6 terim Tribal Council. The initial membership of the In-  
7 terim Tribal Council shall consist of the members serving  
8 on the date of enactment of this Act, who have been elect-  
9 ed under the tribal constitution adopted May 3, 1997. The  
10 Interim Tribal Council shall continue to operate in the  
11 manner prescribed under such tribal constitution. Any va-  
12 cancy on the Interim Tribal Council shall be filled by indi-  
13 viduals who meet the membership criteria set forth in sec-  
14 tion 6(b) and who are elected in the same manner as are  
15 Tribal Council members under the tribal constitution  
16 adopted May 3, 1997.

17 **SEC. 8. TRIBAL CONSTITUTION.**

18       (a) ELECTION; TIME; PROCEDURE.—After the com-  
19 pilation of the tribal membership roll under section 6(a),  
20 upon the written request of the Interim Council, the Sec-  
21 retary shall conduct, by secret ballot, an election for the  
22 purpose of ratifying a final constitution for the Tribe. The  
23 election shall be held consistent with sections 16(c)(1) and  
24 16(c)(2)(A) of the Act of June 18, 1934 (commonly  
25 known as the Indian Reorganization Act; 25 U.S.C.

1 476(c)(1) and 76(c)(2)(A), respectively). Absentee voting  
2 shall be permitted regardless of voter residence.

3 (b) ELECTION OF TRIBAL OFFICIALS; PROCE-  
4 DURES.—Not later than 120 days after the Tribe ratifies  
5 a final constitution under subsection (a), the Secretary  
6 shall conduct an election by secret ballot for the purpose  
7 of electing tribal officials as provided in such tribal con-  
8 stitution. Such election shall be conducted consistent with  
9 the procedures specified in subsection (a) except to the  
10 extent that such procedures conflict with the tribal con-  
11 stitution.

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