

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2619

To reaffirm and clarify the Federal relationship of the Gabrieleno/Tongva Nation as a distinct federally recognized Indian tribe and to restore aboriginal rights, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2001

Ms. SOLIS introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To reaffirm and clarify the Federal relationship of the Gabrieleno/Tongva Nation as a distinct federally recognized Indian tribe and to restore aboriginal rights, and for other purposes.

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 “Gabrieleno/Tongva Na-  
5       tion Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

1           (1) The United States Government has had  
2 continuous dealings with the Gabrieleno/Tongva Na-  
3 tion from 1771 until at least 1961. The Gabrieleno/  
4 Tongva Nation is the descendant of, and political  
5 successor to, the signatories of the June 10, 1851,  
6 Fort Tejon Treaty.

7           (2) The Gabrieleno/Tongva Nation traditionally  
8 occupied the entire Los Angeles Basin and the is-  
9 lands of Santa Catalina, San Nicholas, and San  
10 Clemente, from Topanga Canyon to Laguna Beach,  
11 from the San Gabriel Mountains to the sea, in most  
12 of what is now Los Angeles and Orange Counties.

13           (3) Several Federal officials have in the past  
14 recognized the Nation. In 1851 and 1852, the  
15 United States Government sent Commissioner  
16 Barbour to treat with the Indians of Los Angeles,  
17 but he was called away. Also in 1852, Super-  
18 intendent of Indian Affairs E.F. Beale noted a nu-  
19 merous Indian population within Los Angeles Coun-  
20 ty. In 1855, Superintendent of Indian Affairs Hen-  
21 ley noted that the Indians in and around Los Ange-  
22 les should be moved to a reservation. Records show  
23 that a small number of the Nation lived at the Se-  
24 bastian Reserve at the Tejon Pass, part of Los An-  
25 geles County. In the 1870s former Mission Indian

1 Agent J.Q. Stanley noted the grievances of the Indi-  
2 ans living at Mission San Gabriel.

3 (4) Scholars and academics have also noted the  
4 existence of the Nation. Helen Hunt Jackson, in the  
5 mid-1880s noted that the Gabrieleno/Tongva were  
6 continuing to live in the San Gabriel area where  
7 many worked as day laborers. At the turn of the  
8 century, C. Hart Merriam and J.P. Harrington indi-  
9 cated that there were some groups of the Nation liv-  
10 ing at the Tejon Reservation, and further noted that  
11 one of the tribes represented at the reservation was  
12 the “Tongva of San Gabriel”.

13 (5) In the early 1900s, the Federal Government  
14 allowed Nation members, most of whom were of one-  
15 half Indian blood, to register at the Sherman Indian  
16 School in Riverside, California.

17 (6) The United States purchased land for the  
18 Nation in 1913 according to the Kelsey Map of Indi-  
19 ans of California, which indicates a symbol cor-  
20 responding to “lands recently purchased” at the site  
21 of San Gabriel.

22 (7) By 1928, many Nation members were still  
23 living in their traditional area of San Gabriel and  
24 identifying themselves as tribal members, as evi-  
25 denced by the California Indians’ Jurisdictional Act.

1 This Act authorized the Secretary to create a roll of  
2 California Indians for payment purposes. There are  
3 at least 150 Gabrieleno/Tongvas on this roll, ap-  
4 proximately fifty with one-half degree Indian blood  
5 or more, and 128 of at least one-quarter Indian  
6 blood.

7 (8) The Nation's membership has historically  
8 included and presently includes a verifiable half-  
9 blood community, which is eligible for organization  
10 under section 19 of the Act of June 18, 1934 (25  
11 U.S.C. 479, commonly referred to as the Indian Re-  
12 organization Act), but the Bureau of Indian Affairs  
13 ignored the half-blood community and led the Nation  
14 to believe that it could not organize as a half-blood  
15 community.

16 (9) The Nation has been politically active at the  
17 national level via the Mission Indian Federation,  
18 which lobbied the Congress for various Indian causes  
19 from the 1920s to the 1950s. The Nation was also  
20 a plaintiff in an Indian Claims Commission case in  
21 1949. Forty-six bands filed suit, including the  
22 Tongva. The Bureau of Indian Affairs approved con-  
23 tracts for each band and included the Nation in all  
24 negotiations. After twelve years, all 46 bands were  
25 required to vote on a settlement, and the registers

1 of voters indicated that the Nation members who  
2 voted at these meetings were, or are, relatives of  
3 presentday tribal members.

4 (10) The State of California recognized the  
5 Gabrieleno/Tongva in 1994, stating, “The State of  
6 California...takes pride in recognizing the Indian  
7 inhabitants of the Los Angeles Basin and the contin-  
8 ued existence of the Indian community within our  
9 State”. (“Certificate of Recognition”, signed by Cali-  
10 fornia Assembly member Diane Martinez, 1994).  
11 Furthermore, the city of San Gabriel recognizes the  
12 Gabrieleno/Tongva Nation.

13 (11) The Nation has maintained its distinct  
14 community on its ancestral lands in San Gabriel and  
15 has maintained its unique culture and identity and  
16 maintains governance through a viable tribal govern-  
17 ment and a constitution and bylaws.

18 **SEC. 3. DEFINITIONS.**

19 For the purposes of this Act, the following definitions  
20 apply:

21 (1) MEMBER.—The term “member” means  
22 those individuals enrolled in the Nation pursuant to  
23 section 6.

24 (2) NATION.—The term “Nation” means the  
25 Gabrieleno/Tongva Nation.

1           (3) SECRETARY.—The term “Secretary” means  
2           the Secretary of the Interior.

3 **SEC. 4. FEDERAL RECOGNITION.**

4           (a) FEDERAL RECOGNITION.—Federal recognition of  
5           the Gabrieleno/Tongva Nation is hereby affirmed. All laws  
6           and regulations of the United States of general application  
7           to Indians or nations, tribes, or bands of Indians, includ-  
8           ing the Act of June 18, 1934 (25 U.S.C. 461 et seq.),  
9           which are inconsistent with any specific provision of this  
10          Act shall not be applicable to the Nation and its members.  
11          Such laws and regulations which are not inconsistent with  
12          any specific provision of this Act shall be applicable to the  
13          Nation and its members.

14          (b) FEDERAL SERVICES AND BENEFITS.—

15                 (1) IN GENERAL.—The Nation and its members  
16                 shall be eligible for all services and benefits provided  
17                 by the Federal Government to Indians because of  
18                 their status as federally recognized Indians, and not-  
19                 withstanding any other provision of law, such serv-  
20                 ices and benefits shall be provided after the date of  
21                 the enactment of this Act to the Nation and its  
22                 members without regard to the existence of a res-  
23                 ervation for the Nation or the location of the resi-  
24                 dence of any member on or near any Indian reserva-  
25                 tion.

1           (2) SERVICE AREAS.—For purposes of the de-  
2           livery of Federal services to the enrolled members of  
3           the Nation, the service area shall consist of Los An-  
4           geles County and portions of Ventura and Orange  
5           Counties. Such services shall be provided notwith-  
6           standing the establishment of a reservation for the  
7           Nation after the date of enactment of this Act. Serv-  
8           ices may be provided to members outside the named  
9           service areas unless prohibited by law or regulation.

10 **SEC. 5. REAFFIRMATION OF RIGHTS.**

11           (a) IN GENERAL.—All rights and privileges of the  
12           Nation and its members, which may have been abrogated  
13           or diminished before the date of the enactment of this Act,  
14           are hereby reaffirmed and restored.

15           (b) EXISTING RIGHTS OF NATION.—Nothing in this  
16           Act shall be construed to diminish any right or privilege  
17           of the Nation or of its members that existed before the  
18           date of the enactment of this Act. Except as otherwise  
19           specifically provided in any other provision of this Act,  
20           nothing in this Act shall be construed as altering or affect-  
21           ing any legal or equitable claim the Nation may have to  
22           enforce any right or privilege reserved by or granted to  
23           the Nation which was wrongfully denied or taken from the  
24           Nation before the date of the enactment of this Act.

1 **SEC. 6. TRIBAL MEMBERSHIP.**

2 Not later than 18 months after the date of the enact-  
3 ment of this Act, the Nation shall submit to the Secretary  
4 a membership roll consisting of all individuals currently  
5 enrolled for membership in the Nation. The qualifications  
6 for inclusion on the membership roll of the Nation shall  
7 be determined by the membership clauses in the Nation's  
8 governing document. Upon completion of the roll, the Sec-  
9 retary shall immediately publish notice of such in the Fed-  
10 eral Register. The Nation shall ensure that such roll is  
11 maintained and kept current.

12 **SEC. 7. TRIBAL LANDS.**

13 The Nation's tribal lands shall consist of all real  
14 property, now or hereafter held by, or in trust for, the  
15 Nation. The Secretary shall acquire real property for the  
16 Nation. Any such property shall be taken by the Secretary  
17 in the name of the United States in trust for the benefit  
18 of the Nation and shall become part of the Nation's res-  
19 ervation.

20 **SEC. 8. CONSTITUTION AND GOVERNING BODY.**

21 (a) CONSTITUTION.—

22 (1) ADOPTION.—Not later than 24 months  
23 after the date of the enactment of this Act, the Sec-  
24 retary shall conduct, by secret ballot, elections for  
25 the purpose of adopting a new constitution for the  
26 Nation. The elections shall be held in accordance

1 with the procedures applicable to elections under  
2 section 16 of the Act of June 18, 1934 (25 U.S.C.  
3 476).

4 (2) INTERIM GOVERNING DOCUMENTS.—Until  
5 such time as a new constitution is adopted under  
6 paragraph (1), the governing documents in effect on  
7 the date of the enactment of this Act shall be the  
8 interim governing documents for the Nation.

9 (b) OFFICIALS.—

10 (1) ELECTIONS.—Not later than 6 months  
11 after the Nation adopts their constitution pursuant  
12 to subsection (a), the Nation shall conduct elections  
13 by secret ballot for the purpose of electing officials  
14 for the Nation as provided in the Nation’s governing  
15 constitution. The elections shall be conducted ac-  
16 cording to the procedures described in the Nation’s  
17 constitution.

18 (2) INTERIM GOVERNMENTS.—Until such time  
19 as the Nation elects new officials pursuant to para-  
20 graph (1), the Nation’s governing bodies shall be  
21 those bodies in place on the date of the enactment  
22 of this Act, or any new governing bodies selected  
23 under the election procedures specified in the respec-  
24 tive interim governing documents of the Nation.

1 **SEC. 9. JURISDICTION.**

2       The Nation shall have jurisdiction to the full extent  
3 allowed by law over all lands taken into trust for the ben-  
4 efit of the Nation by the Secretary. The Nation shall exer-  
5 cise jurisdiction over all its members who reside within the  
6 service area in matters pursuant to the Indian Child Wel-  
7 fare Act of 1978 (25 U.S.C. 1901 et seq.), as if the mem-  
8 bers were residing upon a reservation, as defined in that  
9 Act.

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