

108TH CONGRESS
2D SESSION

S. 2879

To restore recognition to the Winnemem Wintu Indian Tribe of California.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30, 2004

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

A BILL

To restore recognition to the Winnemem Wintu Indian Tribe 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 “Winnemem Wintu
5 Tribe Clarification and Restoration Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the Winnemem Wintu Indian Tribe was en-
9 titled to have been included in the 1979 acknowl-
10 edgement process that created a list of federally rec-
11 ognized California tribes;

1 (2) in addition to its continuous historic rela-
2 tionship with the Federal Government, the trust sta-
3 tus of the Tribe was reaffirmed by the provisions of
4 the Act of July 30, 1941 (55 Stat. 612, chapter
5 334), which granted to the United States all tribal
6 and allotted Indian land within the area embraced
7 by the Central Valley Project;

8 (3) under that Act, the Secretary, acting
9 through the Commissioner of Reclamation, on Janu-
10 ary 5, 1942, created the Shasta Reservoir Indian
11 Cemetery, which contains Winnemem Wintu re-
12 mains, markers, and other appurtenances held in
13 trust by the United States;

14 (4) Winnemem Wintu remains were removed to
15 that cemetery from the traditional cemetery of the
16 Tribe in the McCloud River valley that was flooded
17 by the Shasta Reservoir;

18 (5) the Bureau of Reclamation informed the
19 Area Director of the Indian Service in writing on
20 December 22, 1942, of the new cemetery and its
21 status as Federal trust land;

22 (6) the Secretary, through an administrative
23 oversight or inaction of the Indian Service, over-
24 looked the trust status of the Tribe, which was re-
25 affirmed by the making of partial restitution by the

1 Secretary for the taking of tribal land and the 1941
2 relocation of the remains of tribal members, which
3 remain interred in the Shasta Reservoir Indian Cem-
4 etery;

5 (7) the ongoing trust relationship of the Tribe
6 with the Federal Government should have been rec-
7 ognized by the Secretary, and the Tribe should have
8 been included in the 1979 listing of federally recog-
9 nized California tribes; and

10 (8) the Tribe, as a matter of sovereign choice,
11 has determined that the conduct of gaming by the
12 Tribe would be detrimental to the maintenance of its
13 traditional tribal culture.

14 **SEC. 3. DEFINITIONS.**

15 In this Act:

16 (1) SECRETARY.—The term “Secretary” means
17 the Secretary of the Interior.

18 (2) SERVICE AREA.—The term “service area”
19 means the counties of Shasta and Siskiyou, Cali-
20 fornia.

21 (3) TRIBE.—The term “Tribe” means the Indi-
22 ans of the Winnemem Wintu Tribe of northern Cali-
23 fornia.

1 **SEC. 4. CLARIFICATION OF FEDERAL STATUS AND RES-**
2 **TORATION OF FEDERAL RIGHTS AND PRIVI-**
3 **LEGES.**

4 (a) **FEDERAL STATUS.**—Federal status is restored to
5 the Tribe.

6 (b) **APPLICABLE LAW.**—Except as otherwise provided
7 in this Act, all laws (including regulations) of general ap-
8 plicability to Indians and nations, tribes, or bands of Indi-
9 ans that are not inconsistent with any provision of this
10 Act shall be applicable to the Tribe and members of the
11 Tribe.

12 (c) **RESTORATIONS OF RIGHTS AND PRIVILEGES.**—
13 Except as provided in subsection (d), all rights and privi-
14 leges of the Tribe and members of the Tribe under any
15 Federal treaty, Executive order, agreement, or statute, or
16 under any other authority that were diminished or lost
17 under Public Law 85–671 (72 Stat. 619) are restored, and
18 that Act shall be inapplicable to the Tribe or members
19 of the Tribe after the date of enactment of this Act.

20 (d) **FEDERAL SERVICES AND BENEFITS.**—

21 (1) **ELIGIBILITY.**—

22 (A) **IN GENERAL.**—Without regard to the
23 existence of a reservation, the Tribe and its
24 members shall be eligible, on and after the date
25 of enactment of this Act, for all Federal serv-

1 ices and benefits furnished to federally recog-
2 nized Indian tribes or their members.

3 (B) RESIDING ON A RESERVATION.—For
4 the purposes of Federal services and benefits
5 available to members of federally recognized In-
6 dian tribes residing on a reservation, members
7 of the Tribe residing in the service area shall be
8 deemed to be residing on a reservation.

9 (2) RELATION TO OTHER LAWS.—The eligibility
10 for or receipt of services and benefits under para-
11 graph (1) by the Tribe or a member of the Tribe
12 shall not be considered as income, resources, or oth-
13 erwise when determining the eligibility for or com-
14 putation of any payment or other benefit to the
15 Tribe or member under—

16 (A) any financial aid program of the
17 United States, (including grants and contracts
18 under the Indian Self-Determination and Edu-
19 cation Assistance Act (25 U.S.C. 450 et seq.);
20 or

21 (B) any other benefit to which the Tribe or
22 member would otherwise be entitled under any
23 Federal or federally assisted program.

24 (e) HUNTING, FISHING, TRAPPING, GATHERING, AND
25 WATER RIGHTS.—Nothing in this Act expands, reduces,

1 or otherwise affects in any manner any hunting, fishing,
2 trapping, gathering, or water rights of the Tribe and mem-
3 bers of the Tribe.

4 (f) CERTAIN RIGHTS NOT ALTERED.—Except as spe-
5 cifically provided in this Act, nothing in this Act alters
6 any property right or obligation, any contractual right or
7 obligation, or any obligation for taxes levied.

8 **SEC. 5. RESERVATION OF THE TRIBE.**

9 Not later than 1 year after the date of enactment
10 of this Act, the Secretary shall take the 42.5-acre site
11 presently occupied by the Tribe into trust for the benefit
12 of the Tribe, and that land shall be the reservation of the
13 Tribe.

14 **SEC. 6. GAMING.**

15 The Tribe shall not have the right to conduct gaming
16 (within the meaning of the Indian Gaming Regulatory Act
17 (25 U.S.C. 2701 et seq.)).

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