

110TH CONGRESS
1ST SESSION

H. R. 3069

To reaffirm and clarify the Federal relationship of the Dunlap Band of
Mono Indians as a distinct federally recognized Indian Tribe.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2007

Mr. NUNES (for himself and Mr. COSTA) introduced the following bill; which
was referred to the Committee on Natural Resources

A BILL

To reaffirm and clarify the Federal relationship of the
Dunlap Band of Mono Indians as a distinct federally
recognized Indian Tribe.

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; DEFINITIONS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Dunlap Band of Mono Indians Reaffirmation Act”.

6 (b) DEFINITIONS.—In this Act:

7 (1) TRIBE.—The term “Tribe” means the
8 Dunlap Band of Mono Indians.

9 (2) SECRETARY.—The term “Secretary” means
10 the Secretary of Interior.

1 (3) SERVICE AREA.—The term “service area”
2 refers to the county of Fresno, located within the
3 State of California, and as used under section
4 20.100 of title 25, Federal Code of Regulations, in-
5 cluding for the purpose of delivery of Federal serv-
6 ices to Indians.

7 **SEC. 2. REAFFIRMATION OF FEDERAL RECOGNITION.**

8 Federal recognition of the Dunlap Band of Mono In-
9 dians is hereby reaffirmed. All Federal laws of general ap-
10 plication to Indians and Indian tribes shall apply with re-
11 spect to the Tribe.

12 **SEC. 3. REAFFIRMATION OF RIGHTS AND PRIVILEGES.**

13 All rights and privileges of the Tribe and members
14 of the Tribe that may have been abrogated or diminished
15 or lost as a result of administrative oversight or neglect,
16 or as a result of implementation of the termination policy
17 of the Federal Government in the State of California, are
18 hereby reaffirmed to the Tribe and its members.

19 **SEC. 4. FEDERAL PROGRAMS AND SERVICES.**

20 Beginning on the date of the enactment of this Act,
21 the Tribe and members of the Tribe shall be eligible for
22 all programs, benefits, and services provided by the United
23 States to Indians and Indian tribes, without regard to the
24 existence of a reservation for the Tribe. In the case of pro-
25 grams or services available to Indians residing on a res-

1 ervation, members of the Tribe residing in the Tribe's
2 service area shall be deemed to be residing on a reserva-
3 tion. The eligibility for, or receipt of, services and benefits
4 under this section by the Tribe or its individual members
5 shall not be considered as income, resources, or otherwise
6 when determining the eligibility for, or computation of,
7 any payment or other benefit to the Tribe, individuals, or
8 households under any financial aid program of the United
9 States, including grants and contracts subject to the In-
10 dian Self-Determination Act; or any other benefit to which
11 the Tribe, individuals, or households would otherwise be
12 entitled under any Federal or federally assisted program.

13 **SEC. 5. TRANSFER OF LAND FOR THE BENEFIT OF THE**
14 **TRIBE.**

15 (a) LANDS TO BE TAKEN INTO TRUST.—On applica-
16 tion by the Tribe, the Secretary shall take into trust for
17 the benefit of the Tribe any real property located within
18 a 15 mile radius from the center of Dunlap, California,
19 a point located at 36.738 degrees North, 119.120 degrees
20 West, if the property is conveyed or otherwise transferred
21 to the Secretary and if, at the time of such conveyance
22 or transfer, there are no adverse legal claims to the prop-
23 erty (including outstanding liens, mortgages, and taxes).

24 (b) INTERESTS IN TRUST ALLOTMENT.—Subject to
25 subsection (a), real property eligible for trust status under

1 this section shall include interests in current and former
2 Indian trust allotments held by members of the Tribe or
3 by such member's Indian heirs or successors in interest.

4 (c) TRUST INTERESTS.—On application by the Tribe,
5 and pursuant to the consent of the Tribe's member or
6 such member's Indian heirs or successors in interest hold-
7 ing a trust interest in an Indian trust allotment, the Sec-
8 retary shall approve conveyance of those interests from
9 such persons to the Tribe.

10 (d) FEE INTERESTS.—On application by the Tribe,
11 and pursuant to the consent of the Tribe's member or
12 such member's Indian heirs or successors in interest who
13 possess or have acquired a fee interest in an Indian trust
14 allotment, the Secretary shall take the fee interest into
15 trust for the benefit of the Tribe.

16 (e) LANDS TO BE PART OF RESERVATION.—Any
17 real property taken into trust for the benefit of the Tribe
18 pursuant to this section shall be part of the Tribe's res-
19 ervation.

20 (f) LIMITATION UNDER IGRA.—Application of sec-
21 tion 20 (b)(1)(B) of the Indian Gaming Regulatory Act
22 (25 U.S.C. 2719(b)(1)(B)) shall be limited to real prop-
23 erty taken into trust by the Secretary under this section.

1 **SEC. 6. INITIAL MEMBERSHIP.**

2 (a) COMPILATION OF TRIBAL MEMBERSHIP
3 ROLLS.— The Secretary shall, after consultation with the
4 Tribe, compile a base membership roll of the Tribe within
5 one year after the date of enactment of this Act. The base
6 membership roll shall include only individuals who are liv-
7 ing, are not members of any other federally recognized In-
8 dian tribe, have not relinquished membership in the Tribe,
9 and who meet the eligibility criteria under subsection (b).

10 (b) ELIGIBILITY CRITERIA FOR BASE ROLL.—The
11 following individuals are eligible for inclusion on the base
12 membership roll of the Tribe—

13 (1) all persons of Entimbitch or Woponunch an-
14 cestry whose names appear on any of the following
15 Indian rolls—

16 (A) the official roll of California Indians
17 prepared pursuant to the Act of May 12, 1928
18 (45 Stat. 502), as approved by the Secretary of
19 the Interior on May 16, 1933;

20 (B) the 1944 rolls prepared for the 1944
21 land claim enrollment of California Indians;

22 (C) the roll prepared for the 1964 land
23 claim enrollment of California Indians; or

24 (D) the 1940 Census taken in Fresno
25 County, California; and

1 (2) all $\frac{1}{32}$ degree descendants of the individuals
2 identified in subsection (b)(1).

3 (c) **FUTURE MEMBERSHIP.**—After adoption of a
4 Tribal constitution pursuant to this Act, the Tribe's con-
5 stitution shall govern membership in the Tribe.

6 (d) **CONCLUSIVE PROOF OF INDIAN ANCESTRY.**—For
7 the purpose of subsection (b), the Secretary shall—

8 (1) accept any available evidence establishing a
9 person's Dunlap Mono ancestral relationship to the
10 Tribe;

11 (2) accept as conclusive evidence of such ances-
12 try, information contained in—

13 (A) any census of the Indians in or near
14 Dunlap prepared by Special Indian Agents of
15 the Federal Government; or

16 (B) in any other roll, census, or list of In-
17 dians from the Dunlap area prepared by, or at
18 the direction of, the Bureau of Indian Affairs.

19 **SEC. 7. INTERIM GOVERNMENT.**

20 The governing body of the Tribe shall serve as In-
21 terim Tribal Council until the Tribe ratifies its constitu-
22 tion consistent with section 9. The initial membership of
23 the Interim Tribal Council shall consist of the members
24 of the Tribal Council elected pursuant to the Tribe's con-
25 stitution as adopted on June 19, 1999, and serving on

1 the date of the enactment of this Act. The Interim Tribal
2 Council shall continue to operate in the manner prescribed
3 for the Tribal Council under the Tribe's constitution as
4 adopted on June 19, 1999, until the Tribe ratifies its con-
5 stitution pursuant to section 9. Any vacancies on the In-
6 terim Tribal Council shall be filled by individuals who
7 meet the membership criteria set forth in section 7(b) and
8 who are elected in the same manner as are Tribal Council
9 members pursuant to the Tribe's constitution.

10 **SEC. 8. CONSTITUTION.**

11 (a) **ELECTION; TIME AND PROCEDURE.**—The Sec-
12 retary shall conduct an election by secret ballot for the
13 purpose of ratifying a constitution for the Tribe upon the
14 written request of the Interim Tribal Council and after
15 the compilation of the Tribal membership roll pursuant
16 to section 7. The election shall be consistent with sections
17 16(c)(1) and 16(c)(2)(A) of the Act of June 18, 1934 (the
18 Indian Reorganization Act, 25 U.S.C. 476(c)(1) and
19 476(c)(2)(A)). Voting members shall be permitted to cast
20 absentee ballots regardless of their residence.

21 (b) **ELECTION OF TRIBAL OFFICIALS.**—The Sec-
22 retary shall conduct elections by secret ballot for the pur-
23 pose of electing Tribal officials as provided in the Tribe's
24 constitution not later than 120 days after the Tribe rati-
25 fies its constitution under subsection (a). Such elections

1 shall be conducted according to the procedures specified
2 in subsection (a), except to the extent that such proce-
3 dures conflict with the Tribe's constitution.

4 **SEC. 9. REGULATIONS.**

5 The Secretary may promulgate such regulations as
6 are necessary to carry out the provisions of this Act.

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