

Union Calendar No. 380

106TH CONGRESS
2D SESSION

H. R. 946

[Report No. 106-677]

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 1999

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

JUNE 19, 2000

Additional sponsor: Mr. LANTOS

JUNE 19, 2000

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Graton Rancheria Res-
3 toration Act”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

6 (1) In their 1997 Report to Congress, the Advi-
7 sory Council on California Indian Policy specifically
8 recommended the immediate legislative restoration
9 of the Graton Rancheria.

10 (2) The Federated Indians of Graton Rancheria
11 Tribal Council has made the express decision to re-
12 strict gaming consistent with the provisions of this
13 Act.

14 **SEC. 3. DEFINITIONS.**

15 For purposes of this Act:

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

18 (2) The term “Secretary” means the Secretary
19 of the Interior.

20 (3) The term “Interim Tribal Council” means
21 the governing body of the Tribe specified in section
22 7.

23 (4) The term “member” means an individual
24 who meets the membership criteria under section
25 6(b).

1 (5) The term “State” means the State of Cali-
2 fornia.

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

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

8 **SEC. 4. RESTORATION OF FEDERAL RECOGNITION, RIGHTS,**
9 **AND PRIVILEGES.**

10 (a) **FEDERAL RECOGNITION.**—Federal recognition is
11 hereby restored to the Tribe. Except as otherwise provided
12 in this Act, all laws and regulations of general application
13 to Indians and nations, tribes, or bands of Indians that
14 are not inconsistent with any specific provision of this Act
15 shall be applicable to the Tribe and its members.

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

25 (c) **FEDERAL SERVICES AND BENEFITS.**—

1 (1) IN GENERAL.—Without regard to the exist-
2 ence of a reservation, the Tribe and its members
3 shall be eligible, on and after the date of enactment
4 of this Act for all Federal services and benefits fur-
5 nished to federally recognized Indian tribes or their
6 members. For the purposes of Federal services and
7 benefits available to members of federally recognized
8 Indian tribes residing on a reservation, members of
9 the Tribe residing in the Tribe’s service area shall
10 be deemed to be residing on a reservation.

11 (2) RELATION TO OTHER LAWS.—The eligibility
12 for or receipt of services and benefits under para-
13 graph (1) by a tribe or individual shall not be con-
14 sidered as income, resources, or otherwise when de-
15 termining the eligibility for or computation of any
16 payment or other benefit to such tribe, individual, or
17 household under—

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

21 (B) any other benefit to which such tribe,
22 household, or individual would otherwise be en-
23 titled under any Federal or federally assisted
24 program.

1 (d) HUNTING, FISHING, TRAPPING, GATHERING,
2 AND WATER RIGHTS.—Nothing in this Act shall expand,
3 reduce, or affect in any manner any hunting, fishing, trap-
4 ping, gathering, or water rights of the Tribe and its mem-
5 bers.

6 (e) CERTAIN RIGHTS NOT ALTERED.—Except as
7 specifically provided in this Act, nothing in this Act shall
8 alter any property right or obligation, any contractual
9 right or obligation, or any obligation for taxes levied.

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

11 (a) LANDS TO BE TAKEN IN TRUST.—Upon applica-
12 tion by the Tribe, the Secretary shall accept into trust for
13 the benefit of the Tribe any real property located in Marin
14 or Sonoma County, California, for the benefit of the Tribe
15 after the property is conveyed or otherwise transferred to
16 the Secretary and if, at the time of such conveyance or
17 transfer, there are no adverse legal claims to such prop-
18 erty, including outstanding liens, mortgages, or taxes.

19 (b) FORMER TRUST LANDS OF THE GRATON
20 RANCHERIA.—Subject to the conditions specified in this
21 section, real property eligible for trust status under this
22 section shall include Indian owned fee land held by persons
23 listed as distributees or dependent members in the dis-
24 tribution plan approved by the Secretary on September 17,

1 1959, or such distributees' or dependent members' Indian
2 heirs or successors in interest.

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

7 (d) GAMING RESTRICTED.—Notwithstanding sub-
8 section (c), real property taken into trust for the benefit
9 of the Tribe pursuant to this Act shall not be exempt
10 under section 20(b) of the Indian Gaming Regulatory Act
11 (25 U.S.C. 2719(b)).

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

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

18 (a) COMPILATION OF TRIBAL MEMBERSHIP ROLL.—
19 Not later than 1 year after the date of the enactment of
20 this Act, the Secretary shall, after consultation with the
21 Tribe, compile a membership roll of the Tribe.

22 (b) CRITERIA FOR MEMBERSHIP.—

23 (1) Until a tribal constitution is adopted under
24 section 8, an individual shall be placed on the
25 Graton membership roll if such individual is living,

1 is not an enrolled member of another federally rec-
2 ognized Indian tribe, and if—

3 (A) such individual's name was listed on
4 the Graton Indian Rancheria distribution list
5 compiled by the Bureau of Indian Affairs and
6 approved by the Secretary of the Interior on
7 September 17, 1959, under Public Law 85–
8 671;

9 (B) such individual was not listed on the
10 Graton Indian Rancheria distribution list, but
11 met the requirements that had to be met to be
12 listed on the Graton Indian Rancheria distribu-
13 tion list;

14 (C) such individual is identified as an In-
15 dian from the Graton, Marshall, Bodega,
16 Tomales, or Sebastopol, California, vicinities, in
17 documents prepared by or at the direction of
18 the Bureau of Indian Affairs, or in any other
19 public or California mission records; or

20 (D) such individual is a lineal descendant
21 of an individual, living or dead, identified in
22 subparagraph (A), (B), or (C).

23 (2) After adoption of a tribal constitution under
24 section 8, such tribal constitution shall govern mem-
25 bership in the Tribe.

1 (c) CONCLUSIVE PROOF OF GRATON INDIAN ANCES-
2 TRY.—For the purpose of subsection (b), the Secretary
3 shall accept any available evidence establishing Graton In-
4 dian ancestry. The Secretary shall accept as conclusive
5 evidence of Graton Indian ancestry information contained
6 in the census of the Indians from the Graton, Marshall,
7 Bodega, Tomales, or Sebastopol, California, vicinities, pre-
8 pared by or at the direction of Special Indian Agent John
9 J. Terrell in any other roll or census of Graton Indians
10 prepared by or at the direction of the Bureau of Indian
11 Affairs and in the Graton Indian Rancheria distribution
12 list compiled by the Bureau of Indian Affairs and ap-
13 proved by the Secretary on September 17, 1959.

14 **SEC. 7. INTERIM GOVERNMENT.**

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

1 Tribal Council members under the tribal constitution
2 adopted May 3, 1997.

3 **SEC. 8. TRIBAL CONSTITUTION.**

4 (a) ELECTION; TIME; PROCEDURE.—After the com-
5 pilation of the tribal membership roll under section 6(a),
6 upon the written request of the Interim Council, the Sec-
7 retary shall conduct, by secret ballot, an election for the
8 purpose of ratifying a final constitution for the Tribe. The
9 election shall be held consistent with sections 16(c)(1) and
10 16(c)(2)(A) of the Act of June 18, 1934 (commonly
11 known as the Indian Reorganization Act; 25 U.S.C.
12 476(c)(1) and 476(c)(2)(A), respectively). Absentee voting
13 shall be permitted regardless of voter residence.

14 (b) ELECTION OF TRIBAL OFFICIALS; PROCE-
15 DURES.—Not later than 120 days after the Tribe ratifies
16 a final constitution under subsection (a), the Secretary
17 shall conduct an election by secret ballot for the purpose
18 of electing tribal officials as provided in such tribal con-
19 stitution. Such election shall be conducted consistent with
20 the procedures specified in subsection (a) except to the
21 extent that such procedures conflict with the tribal con-
22 stitution.

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