

103^D CONGRESS
2^D SESSION

H. R. 4180

IN THE SENATE OF THE UNITED STATES

OCTOBER 3 (legislative day, SEPTEMBER 12), 1994

Received

AN ACT

To provide for the annual publication of a list of federally recognized Indian tribes, 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 **TITLE I—WITHDRAWAL OF AC-**
4 **KNOWLEDGEMENT OR REC-**
5 **OGNITION**

6 **SEC. 101. SHORT TITLE.**

7 This title may be cited as the “Federally Recognized
8 Indian Tribe List Act of 1994”.

1 **SEC. 102. DEFINITIONS.**

2 For the purposes of this title:

3 (1) The term “Secretary” means the Secretary
4 of the Interior.

5 (2) The term “Indian tribe” means any Indian
6 or Alaska Native tribe, band, nation, pueblo, village
7 or community that the Secretary of the Interior ac-
8 knowledges to exist as an Indian tribe.

9 (3) The term “list” means the list of recognized
10 tribes published by the Secretary pursuant to section
11 104 of this title.

12 **SEC. 103. FINDINGS.**

13 The Congress finds that—

14 (1) the Constitution, as interpreted by Federal
15 case law, invests Congress with plenary authority
16 over Indian Affairs;

17 (2) ancillary to that authority, the United
18 States has a trust responsibility to recognized Indian
19 tribes, maintains a government-to-government rela-
20 tionship with those tribes, and recognizes the sov-
21 ereignty of those tribes;

22 (3) Indian tribes presently may be recognized
23 by Act of Congress; by the administrative procedures
24 set forth in part 83 of the Code of Federal Regula-
25 tions denominated “Procedures for Establishing that

1 an American Indian Group Exists as an Indian
2 Tribe;” or by a decision of a United States court;

3 (4) a tribe which has been recognized in one of
4 these manners may not be terminated except by an
5 Act of Congress;

6 (5) Congress has expressly repudiated the pol-
7 icy of terminating recognized Indian tribes, and has
8 actively sought to restore recognition to tribes that
9 previously have been terminated;

10 (6) the Secretary of the Interior is charged with
11 the responsibility of keeping a list of all federally
12 recognized tribes;

13 (7) the list published by the Secretary should be
14 accurate, regularly updated, and regularly published,
15 since it is used by the various departments and
16 agencies of the United States to determine the eligi-
17 bility of certain groups to receive services from the
18 United States; and

19 (8) the list of federally recognized tribes which
20 the Secretary publishes should reflect all of the fed-
21 erally recognized Indian tribes in the United States
22 which are eligible for the special programs and serv-
23 ices provided by the United States to Indians be-
24 cause of their status as Indians.

1 **SEC. 104. PUBLICATION OF LIST OF RECOGNIZED TRIBES.**

2 (a) PUBLICATION OF THE LIST.—The Secretary shall
3 publish in the Federal Register a list of all Indian tribes
4 which the Secretary recognizes to be eligible for the special
5 programs and services provided by the United States to
6 Indians because of their status as Indians.

7 (b) FREQUENCY OF PUBLICATION.—The list shall be
8 published within 60 days of enactment of this Act, and
9 annually on or before every January 30 thereafter.

10 **TITLE II—CENTRAL COUNCIL OF**
11 **TLINGIT AND HAIDA INDIAN**
12 **TRIBES OF ALASKA**

13 **SEC. 201. SHORT TITLE.**

14 This title may be cited as the “Tlingit and Haida Sta-
15 tus Clarification Act”.

16 **SEC. 202. FINDINGS.**

17 The Congress finds and declares that—

18 (1) the United States has acknowledged the
19 Central Council of Tlingit and Haida Indian Tribes
20 of Alaska pursuant to the Act of June 19, 1935 (49
21 Stat. 388, as amended, commonly referred to as the
22 “Jurisdiction Act”), as a federally recognized Indian
23 tribe;

24 (2) on October 21, 1993, the Secretary of the
25 Interior published a list of federally recognized In-
26 dian tribes pursuant to part 83 of title 25 of the

1 Code of Federal Regulations which omitted the
2 Central Council of Tlingit and Haida Indian Tribes
3 of Alaska;

4 (3) the Secretary does not have the authority to
5 terminate the federally recognized status of an In-
6 dian tribe as determined by Congress;

7 (4) the Secretary may not administratively di-
8 minish the privileges and immunities of federally
9 recognized Indian tribes without the consent of Con-
10 gress; and

11 (5) the Central Council of Tlingit and Haida
12 Indian Tribes of Alaska continues to be a federally
13 recognized Indian tribe.

14 **SEC. 203. REAFFIRMATION OF TRIBAL STATUS.**

15 The Congress reaffirms and acknowledges that the
16 Central Council of Tlingit and Haida Indian Tribes of
17 Alaska is a federally recognized Indian tribe.

18 **SEC. 204. DISCLAIMER.**

19 (a) IN GENERAL.—Nothing in this title shall be inter-
20 preted to diminish or interfere with the government-to-
21 government relationship between the United States and
22 other federally recognized Alaska Native tribes, nor to vest
23 any power, authority, or jurisdiction in the Central Coun-
24 cil of Tlingit and Haida Indian Tribes of Alaska over other
25 federally recognized Alaska Native tribes.

1 (b) CONSTITUTION OF CENTRAL COUNCIL OF THE
2 TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA.—Noth-
3 ing in this title shall be construed as codifying the Con-
4 stitution of the Central Council of the Tlingit and Haida
5 Indian Tribes of Alaska into Federal law.

6 **SEC. 205. PROHIBITION AGAINST DUPLICATIVE SERVICES.**

7 Other federally recognized tribes in Southeast Alaska
8 shall have precedence over the Central Council of Tlingit
9 and Haida Indian Tribes of Alaska in the award of a Fed-
10 eral compact, contract or grant to the extent that their
11 service population overlaps with that of the Central Coun-
12 cil of Tlingit and Haida Indian tribes of Alaska. In no
13 event shall dually enrolled members result in duplication
14 of Federal service funding.

15 **TITLE III—PASKENTA BAND OF**
16 **NOMLAKI INDIANS OF CALI-**
17 **FORNIA**

18 **SEC. 301. SHORT TITLE.**

19 This title may be cited as the “Paskenta Band Res-
20 toration Act”.

21 **SEC. 302. DEFINITIONS.**

22 For purposes of this title:

23 (1) The term “Tribe” means the Paskenta
24 Band of Nomlaki Indians of the Paskenta Rancheria
25 of California.

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

3 (3) The term “Interim Council” means the gov-
4 erning body of the Tribe specified in section 307.

5 (4) The term “member” means an individual
6 who meets the membership criteria under section
7 306(b).

8 (5) The term “State” means the State of Cali-
9 fornia.

10 (6) The term “reservation” means those lands
11 acquired and held in trust by the Secretary for the
12 benefit of the Tribe pursuant to section 305.

13 (7) The term “service area” means the counties
14 of Tehama and Glenn, in the State of California.

15 **SEC. 303. RESTORATION OF FEDERAL RECOGNITION,**
16 **RIGHTS, AND PRIVILEGES.**

17 (a) FEDERAL RECOGNITION.—Federal recognition is
18 hereby extended to the Tribe. Except as otherwise pro-
19 vided in this title, all laws and regulations of general appli-
20 cation to Indians and nations, tribes, or bands of Indians
21 that are not inconsistent with any specific provision of this
22 title shall be applicable to the Tribe and its members.

23 (b) RESTORATION OF RIGHTS AND PRIVILEGES.—
24 Except as provided in subsection (d), all rights and privi-
25 leges of the Tribe and its members under any Federal

1 treaty, Executive order, agreement, or statute, or under
2 any other authority which were diminished or lost under
3 the Act of August 18, 1958 (Public Law 85-671; 72 Stat.
4 619), are hereby restored and the provisions of such Act
5 shall be inapplicable to the Tribe and its members after
6 the date of enactment of this Act.

7 (c) FEDERAL SERVICES AND BENEFITS.—Without
8 regard to the existence of a reservation, the Tribe and its
9 members shall be eligible, on and after the date of enact-
10 ment of this Act, for all Federal services and benefits fur-
11 nished to federally recognized Indian tribes or their mem-
12 bers. In the case of Federal services available to members
13 of federally recognized Indian tribes residing on a reserva-
14 tion, members of the Tribe residing in the Tribe's service
15 area shall be deemed to be residing on a reservation.

16 (d) HUNTING, FISHING, TRAPPING, AND WATER
17 RIGHTS.—Nothing in this title shall expand, reduce, or af-
18 fect in any manner any hunting, fishing, trapping, gather-
19 ing, or water right of the Tribe and its members.

20 (e) INDIAN REORGANIZATION ACT APPLICABILITY.—
21 The Act of June 18, 1934 (25 U.S.C. 461 et seq.), shall
22 be applicable to the Tribe and its members.

23 (f) CERTAIN RIGHTS NOT ALTERED.—Except as spe-
24 cifically provided in this title, nothing in this title shall

1 alter any property right or obligation, any contractual
2 right or obligation, or any obligation for taxes levied.

3 **SEC. 304. ECONOMIC DEVELOPMENT.**

4 (a) PLAN FOR ECONOMIC DEVELOPMENT.—The Sec-
5 retary shall—

6 (1) enter into negotiations with the governing
7 body of the Tribe with respect to establishing a plan
8 for economic development for the Tribe;

9 (2) in accordance with this section and not later
10 than two years after the adoption of a tribal con-
11 stitution as provided in section 308, develop such a
12 plan; and

13 (3) upon the approval of such plan by the gov-
14 erning body of the Tribe, submit such plan to the
15 Congress.

16 (b) RESTRICTIONS.—Any proposed transfer of real
17 property contained in the plan developed by the Secretary
18 under subsection (a) shall be consistent with the require-
19 ments of section 305.

20 **SEC. 305. TRANSFER OF LAND TO BE HELD IN TRUST.**

21 (a) LANDS TO BE TAKEN IN TRUST.—The Secretary
22 shall accept any real property located in Tehama County,
23 California, for the benefit of the Tribe if conveyed or oth-
24 erwise transferred to the Secretary if, at the time of such
25 conveyance or transfer, there are no adverse legal claims

1 to such property, including outstanding liens, mortgages,
2 or taxes owed. The Secretary may accept any additional
3 acreage in the Tribe's service area pursuant to the author-
4 ity of the Secretary under the Act of June 18, 1934 (25
5 U.S.C. 461 et seq.).

6 (b) LANDS TO BE PART OF THE RESERVATION.—
7 Subject to the conditions imposed by this section, any real
8 property conveyed or transferred under this section shall
9 be taken in the name of the United States in trust for
10 the Tribe and shall be part of the Tribe's reservation.

11 **SEC. 306. MEMBERSHIP ROLLS.**

12 (a) COMPILATION OF TRIBAL MEMBERSHIP ROLL.—
13 Within one year after the date of the enactment of this
14 Act, the Secretary shall, after consultation with the Tribe,
15 compile a membership roll of the Tribe.

16 (b) CRITERIA FOR MEMBERSHIP.—(1) Until a tribal
17 constitution is adopted pursuant to section 308, an indi-
18 vidual shall be placed on the membership roll if such indi-
19 vidual is living, is not an enrolled member of another fed-
20 erally recognized Indian tribe, is of Nomlaki Indian ances-
21 try, and if—

22 (A) such individual's name was listed on the
23 Paskenta Indian Rancheria distribution roll compiled
24 on February 26, 1959, by the Bureau of Indian Af-

1 fairs and approved by the Secretary of the Interior
2 on July 7, 1959, pursuant to Public Law 85-671;

3 (B) such individual was not listed on the
4 Paskenta Indian Rancheria distribution list, but met
5 the requirements that had to be met to be listed on
6 the Paskenta Indian Rancheria list;

7 (C) such individual is identified as an Indian
8 from Paskenta in any of the official or unofficial
9 rolls of Indians prepared by the Bureau of Indian
10 Affairs; or

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

14 (2) After adoption of a tribal constitution pursuant
15 to section 308, such tribal constitution shall govern mem-
16 bership in the Tribe.

17 **SEC. 308. TRIBAL CONSTITUTION.**

18 (a) ELECTION; TIME AND PROCEDURE.—Upon the
19 completion of the tribal membership roll under section
20 306(a) and upon the written request of the Interim Coun-
21 cil, the Secretary shall conduct, by secret ballot, an elec-
22 tion for the purpose of adopting a constitution and bylaws
23 for the Tribe. The election shall be held according to sec-
24 tion 16 of the Act of June 18, 1934 (25 U.S.C. 476),

1 except that absentee balloting shall be permitted regard-
2 less of voter residence.

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

12 **SEC. 309. GENERAL PROVISION.**

13 The Secretary may promulgate such regulations as
14 may be necessary to carry out the provisions of this title.

Passed the House of Representatives October 3,
1994.

Attest: DONNALD K. ANDERSON,
Clerk.