

103^D CONGRESS
2^D SESSION

H. R. 4228

IN THE SENATE OF THE UNITED STATES

JULY 26 (legislative day, JULY 20), 1994

Received; read twice and referred to the Committee on Indian Affairs

AN ACT

To extend Federal recognition to the United Auburn Indian
Community of the Auburn 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Auburn Indian Res-
5 toration Act”.

1 **SEC. 2. RESTORATION OF FEDERAL RECOGNITION, RIGHTS,**
2 **AND PRIVILEGES.**

3 (a) **FEDERAL RECOGNITION.**—Notwithstanding any
4 other provision of law, Federal recognition is hereby ex-
5 tended to the Tribe. Except as otherwise provided in this
6 Act, all laws and regulations of general application to Indi-
7 ans or nations, tribes, or bands of Indians that are not
8 inconsistent with any specific provision of this Act shall
9 be applicable to the Tribe and its members.

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

19 (c) **FEDERAL SERVICES AND BENEFITS.**—Notwith-
20 standing any other provision of law and without regard
21 to the existence of a reservation, the Tribe and its mem-
22 bers shall be eligible, on and after the date of enactment
23 of this Act, for all Federal services and benefits furnished
24 to federally recognized Indian tribes or their members. In
25 the case of Federal services available to members of feder-
26 ally recognized Indian tribes residing on a reservation,

1 members of the Tribe residing in the Tribe's service area
2 shall be deemed to be residing on a reservation.

3 (d) HUNTING, FISHING, TRAPPING, AND WATER
4 RIGHTS.—Nothing in this Act shall expand, reduce, or af-
5 fect in any manner any hunting, fishing, trapping, gather-
6 ing, or water right of the Tribe and its members.

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

10 (f) CERTAIN RIGHTS NOT ALTERED.—Except as spe-
11 cifically provided in this Act, nothing in this Act shall alter
12 any property right or obligation, any contractual right or
13 obligation, or any obligation for taxes levied.

14 **SEC. 3. ECONOMIC DEVELOPMENT.**

15 (a) PLAN FOR ECONOMIC DEVELOPMENT.—The Sec-
16 retary shall—

17 (1) enter into negotiations with the governing
18 body of the Tribe with respect to establishing a plan
19 for economic development for the Tribe;

20 (2) in accordance with this section and not later
21 than 2 years after the adoption of a tribal constitu-
22 tion as provided in section 7, develop such a plan;
23 and

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

4 (b) RESTRICTIONS.—Any proposed transfer of real
5 property contained in the plan developed by the Secretary
6 under subsection (a) shall be consistent with the require-
7 ments of section 4.

8 **SEC. 4. TRANSFER OF LAND TO BE HELD IN TRUST.**

9 (a) LANDS TO BE TAKEN IN TRUST.—The Secretary
10 shall accept any real property located in Placer County,
11 California, for the benefit of the Tribe if conveyed or oth-
12 erwise transferred to the Secretary if, at the time of such
13 conveyance or transfer, there are no adverse legal claims
14 on such property, including outstanding liens, mortgages,
15 or taxes owed. The Secretary may accept any additional
16 acreage in the Tribe's service area pursuant to the author-
17 ity of the Secretary under the Act of June 18, 1934 (25
18 U.S.C. 461 et seq.).

19 (b) FORMER TRUST LANDS OF THE AUBURN
20 RANCHERIA.—Subject to the conditions specified in this
21 section, real property eligible for trust status under this
22 section shall include fee land held by the White Oak Ridge
23 Association, Indian owned fee land held communally pur-
24 suant to the distribution plan prepared and approved by
25 the Bureau of Indian Affairs on August 13, 1959, and

1 Indian owned fee land held by persons listed as
2 distributees or dependent members in such distribution
3 plan or such distributees' or dependent members' Indian
4 heirs or successors in interest.

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

11 **SEC. 5. MEMBERSHIP ROLLS.**

12 (a) COMPILATION OF TRIBAL MEMBERSHIP ROLL.—
13 Within 1 year after the date of the enactment of this Act,
14 the Secretary shall, after consultation with the Tribe, com-
15 pile a membership roll of the Tribe.

16 (b) CRITERIA FOR ENROLLMENTS.—(1) Until a trib-
17 al constitution is adopted pursuant to section 7, an indi-
18 vidual shall be placed on the membership roll if the indi-
19 vidual is living, is not an enrolled member of another fed-
20 erally recognized Indian tribe, is of United Auburn Indian
21 Community ancestry, possesses at least one-eighth or
22 more of Indian blood quantum, and if—

23 (A) the individual's name was listed on the Au-
24 burn Indian Rancheria distribution roll compiled and

1 approved by the Bureau of Indian Affairs on August
2 13, 1959, pursuant to Public Law 85–671;

3 (B) the individual was not listed on, but met
4 the requirements that had to be met to be listed on,
5 the Auburn Indian Rancheria distribution list com-
6 piled and approved by the Bureau of Indian Affairs
7 on August 13, 1959, pursuant to Public Law 85–
8 671; or

9 (C) the individual is a lineal descendant of an
10 individual, living or dead, identified in subparagraph
11 (A) or (B).

12 (2) After adoption of a tribal constitution pursuant
13 to section 7, such tribal constitution shall govern member-
14 ship in the Tribe, except that in addition to meeting any
15 other criteria imposed in such tribal constitution, any per-
16 son added to the membership roll shall be of United Au-
17 burn Indian Community ancestry and shall not be an en-
18 rolled member of another federally recognized Indian
19 tribe.

20 (c) CONCLUSIVE PROOF OF UNITED AUBURN INDIAN
21 COMMUNITY ANCESTRY.—For the purpose of subsection
22 (b), the Secretary shall accept any available evidence es-
23 tablishing United Auburn Indian Community ancestry.
24 The Secretary shall accept as conclusive evidence of Unit-
25 ed Auburn Indian Community ancestry information con-

1 tained in the Auburn Indian Rancheria distribution list
2 compiled by the Bureau of Indian Affairs on August 13,
3 1959.

4 **SEC. 6. INTERIM GOVERNMENT.**

5 Until a new tribal constitution and bylaws are adopt-
6 ed and become effective under section 7, the Tribe's gov-
7 erning body shall be an Interim Council. The initial mem-
8 bership of the Interim Council shall consist of the mem-
9 bers of the Executive Council of the Tribe on the date
10 of the enactment of this Act, and the Interim Council shall
11 continue to operate in the manner prescribed for the Exec-
12 utive Council under the tribal constitution adopted July
13 20, 1991, as long as such constitution is not contrary to
14 Federal law. Any new members filling vacancies on the
15 Interim council shall meet the enrollment criteria set forth
16 in section 5(b) and be elected in the same manner as are
17 Executive Council members under the tribal constitution
18 adopted July 20, 1991.

19 **SEC. 7. TRIBAL CONSTITUTION.**

20 (a) ELECTION; TIME AND PROCEDURE.—Upon the
21 completion of the tribal membership roll under section
22 5(a) and upon the written request of the Interim Council,
23 the Secretary shall conduct, by secret ballot, an election
24 for the purpose of adopting a constitution and bylaws for
25 the Tribe. The election shall be held according to section

1 16 of the Act of June 18, 1934 (25 U.S.C. 476), except
2 that absentee balloting shall be permitted regardless of
3 voter residence.

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

13 **SEC. 8. DEFINITIONS.**

14 For purposes of this Act:

15 (1) The term “Tribe” means the United Au-
16 burn Indian Community of the Auburn Rancheria of
17 California.

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

20 (3) The term “Interim Council” means the gov-
21 erning body of the Tribe specified in section 6.

22 (4) The term “member” means those persons
23 meeting the enrollment criteria under section 5(b).

24 (5) The term “State” means the State of Cali-
25 fornia.

7 SEC. 9. REGULATIONS.

Passed the House of Representatives July 25, 1994.

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