

Calendar No. 582

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4228**

[Report No. 103-340]

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**AN ACT**

To extend Federal recognition to the United Auburn Indian Community of the Auburn Rancheria of California.

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AUGUST 18, 1994

Reported with an amendment

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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

AUGUST 18, 1994

Reported by Mr. INOUE, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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**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 ~~plied 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.

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

4           (7) The term “service area” means the counties  
5           of Placer, Nevada, Yuba, Sutter, El Dorado, and  
6           Sacramento, in the State of California.

7   **SEC. 9. REGULATIONS.**

8           The Secretary may promulgate such regulations as  
9           may be necessary to carry out the provisions of this Act.

10 **SECTION 1. SHORT TITLE.**

11           *This Act may be cited as the “Auburn Indian Restora-*  
12 *tion Act”.*

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

15           (a) *FEDERAL RECOGNITION.*—Notwithstanding any  
16 *other provision of law, Federal recognition is hereby ex-*  
17 *tended to the Tribe. Except as otherwise provided in this*  
18 *Act, all laws and regulations of general application to Indi-*  
19 *ans or nations, tribes, or bands of Indians that are not in-*  
20 *consistent with any specific provision of this Act shall be*  
21 *applicable to the Tribe and its members.*

22           (b) *RESTORATION OF RIGHTS AND PRIVILEGES.*—*Ex-*  
23 *cept as provided in subsection (d), all rights and privileges*  
24 *of the Tribe and its members under any Federal treaty, Ex-*  
25 *ecutive order, agreement, or statute, or under any other au-*

1 *thority which were diminished or lost under Public Law*  
2 *85-671 are hereby restored and the provisions of such Act*  
3 *shall be inapplicable to the Tribe and its members after the*  
4 *date of enactment of this Act.*

5       (c) *FEDERAL SERVICES AND BENEFITS.*—*Notwith-*  
6 *standing any other provision of law, and without regard*  
7 *to the existence of a reservation, the Tribe and its members*  
8 *shall be eligible, on and after the date of enactment of this*  
9 *Act, for all Federal services and benefits furnished to feder-*  
10 *ally recognized Indian tribes or their members. In the case*  
11 *of Federal services available to members of federally recog-*  
12 *nized Indian tribes residing on a reservation, members of*  
13 *the Tribe residing in the service area of the Tribe shall be*  
14 *deemed to be residing on a reservation.*

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

19       (e) *INDIAN REORGANIZATION ACT APPLICABILITY.*—  
20 *The Act of June 18, 1934 (48 Stat. 984 et seq., chapter*  
21 *576; 25 U.S.C. 461 et seq.), shall be applicable to the Tribe*  
22 *and its members.*

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

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

3 **SEC. 3. 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 2 years after the adoption of a tribal constitu-*  
11 *tion as provided in section 7, develop such a plan;*  
12 *and*

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

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 4.*

20 **SEC. 4. 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 Placer County,*  
23 *California, for the benefit of the Tribe if conveyed or other-*  
24 *wise transferred to the Secretary if, at the time of such con-*  
25 *veyance or transfer, there are no adverse legal claims on*

1 *such property, including any outstanding liens, mortgages,*  
2 *or taxes owed. The Secretary may accept any additional*  
3 *acreage in the service area of the Tribe pursuant to the au-*  
4 *thority of the Secretary under the Act of June 18, 1934 (48*  
5 *Stat. 984 et seq., chapter 576; 25 U.S.C. 461 et seq.).*

6 (b) *FORMER TRUST LANDS OF THE AUBURN*  
7 *RANCHERIA.—Subject to the conditions specified in this sec-*  
8 *tion, real property eligible for trust status under this section*  
9 *shall include fee land held by the White Oak Ridge Associa-*  
10 *tion, Indian owned fee land held communally pursuant to*  
11 *the distribution plan prepared and approved by the Bureau*  
12 *of Indian Affairs on August 13, 1959, and Indian owned*  
13 *fee land held by persons listed as distributees or dependent*  
14 *members in such distribution plan or the Indian heirs or*  
15 *successors in interest of such distributees or dependent mem-*  
16 *bers.*

17 (c) *LANDS TO BE PART OF THE RESERVATION.—Sub-*  
18 *ject to the conditions imposed by this section, any real prop-*  
19 *erty conveyed or transferred under this section shall be*  
20 *taken in the name of the United States in trust for the Tribe*  
21 *or, as applicable, an individual member of the Tribe, and*  
22 *shall be part of the reservation of the Tribe.*

23 **SEC. 5. MEMBERSHIP ROLLS.**

24 (a) *COMPILATION OF TRIBAL MEMBERSHIP ROLL.—*  
25 *Within 1 year after the date of the enactment of this Act,*

1 *the Secretary shall, after consultation with the Tribe, com-*  
2 *pile a membership roll of the Tribe.*

3 *(b) CRITERIA FOR ENROLLMENTS.—(1) Until a tribal*  
4 *constitution is adopted pursuant to section 7, an individual*  
5 *shall be placed on the membership roll compiled under this*  
6 *section if the individual is living, is not an enrolled member*  
7 *of another federally recognized Indian tribe, is of United*  
8 *Auburn Indian Community ancestry, possesses at least one-*  
9 *eighth or more of Indian blood quantum, and if—*

10 *(A) the name of the individual was listed on the*  
11 *Auburn Indian Rancheria distribution roll compiled*  
12 *and approved by the Bureau of Indian Affairs on Au-*  
13 *gust 13, 1959, pursuant to Public Law 85–671;*

14 *(B) the individual was not listed on, but met the*  
15 *requirements that the individual was required to meet*  
16 *to be listed on, the Auburn Indian Rancheria dis-*  
17 *tribution list compiled and approved by the Bureau*  
18 *of Indian Affairs on August 13, 1959, pursuant to*  
19 *Public Law 85–671; or*

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

23 *(2) After the adoption of a tribal constitution pursuant*  
24 *to section 7, such tribal constitution shall govern member-*  
25 *ship in the Tribe, except that in addition to meeting any*

1 *other criteria imposed in such tribal constitution, any per-*  
2 *son added to the membership roll of the Tribe shall be of*  
3 *United Auburn Indian Community ancestry and shall not*  
4 *be an enrolled member of another federally recognized In-*  
5 *dian tribe.*

6 (c) *CONCLUSIVE PROOF OF UNITED AUBURN INDIAN*  
7 *COMMUNITY ANCESTRY.*—*For the purpose of subsection (b),*  
8 *the Secretary shall accept any available evidence establish-*  
9 *ing United Auburn Indian Community ancestry. The Sec-*  
10 *retary shall accept as conclusive evidence of United Auburn*  
11 *Indian Community ancestry information contained in the*  
12 *Auburn Indian Rancheria distribution list compiled by the*  
13 *Bureau of Indian Affairs on August 13, 1959.*

14 **SEC. 6. INTERIM GOVERNMENT.**

15 *Until a new tribal constitution and bylaws are adopt-*  
16 *ed and become effective under section 7, the governing body*  
17 *of the Tribe shall be an Interim Council. The initial mem-*  
18 *bership of the Interim Council shall consist of the members*  
19 *of the Executive Council of the Tribe on the date of the en-*  
20 *actment of this Act, and the Interim Council shall continue*  
21 *to operate in the manner prescribed for the Executive Coun-*  
22 *cil under the tribal constitution of the Tribe adopted on*  
23 *July 20, 1991, to the extent that such constitution is not*  
24 *contrary to Federal law. Any new members filling vacancies*  
25 *on the Interim council shall meet the enrollment criteria*

1 *set forth in section 5(b) and be elected in the same manner*  
2 *as are Executive Council members under the tribal constitu-*  
3 *tion adopted July 20, 1991.*

4 **SEC. 7. TRIBAL CONSTITUTION.**

5       (a) *ELECTION; TIME AND PROCEDURE.*—Upon the  
6 *completion of the tribal membership roll under section 5(a),*  
7 *and upon the written request of the Interim Council, the*  
8 *Secretary shall conduct, by secret ballot, an election for the*  
9 *purpose of adopting a constitution and bylaws for the*  
10 *Tribe. The election shall be held according to section 16 of*  
11 *the Act of June 18, 1934 (48 Stat. 987, chapter 576; 25*  
12 *U.S.C. 476), except that absentee balloting shall be per-*  
13 *mitted without regard to voter residence.*

14       (b) *ELECTION OF TRIBAL OFFICIALS; PROCEDURES.*—  
15 *Not later than 120 days after the Tribe adopts a constitu-*  
16 *tion and bylaws under subsection (a), the Secretary shall*  
17 *conduct an election by secret ballot for the purpose of elect-*  
18 *ing tribal officials as provided in such tribal constitution.*  
19 *Such election shall be conducted in accordance with the pro-*  
20 *cedures specified in subsection (a) except to the extent that*  
21 *such procedures conflict with the tribal constitution.*

22 **SEC. 8. DEFINITIONS.**

23       *For purposes of this Act:*

