SUBCHAPTER LXXXV—GRATON RANCHERIA RESTORATION

§1300n. Findings

The Congress finds that in their 1997 Report to Congress, the Advisory Council on California Indian Policy specifically recommended the immediate legislative restoration of the Graton Rancheria.

(Pub. L. 106–568, title XIV, §1402, Dec. 27, 2000, 114 Stat. 2939.)

SHORT TITLE

Pub. L. 106–568, title XIV, §1401, Dec. 27, 2000, 114 Stat. 2939, provided that: "This title [enacting this subchapter] may be cited as the 'Graton Rancheria Restoration Act'."

§1300n–1. Definitions

For purposes of this subchapter:

(1) The term "Tribe" means the Indians of the Graton Rancheria of California.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Interim Tribal Council" means the governing body of the Tribe specified in section 1300n–5 of this title.

(4) The term "member" means an individual who meets the membership criteria under section 1300n–4(b) of this title.

(5) The term "State" means the State of California.

(6) The term "reservation" means those lands acquired and held in trust by the Secretary for the benefit of the Tribe.

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

(Pub. L. 106–568, title XIV, §1403, Dec. 27, 2000, 114 Stat. 2939.)

§1300n–2. Restoration of Federal recognition, rights, and privileges

(a) Federal recognition

Federal recognition is hereby restored to the Tribe. Except as otherwise provided in this subchapter, all laws and regulations of general application to Indians and nations, tribes, or bands of Indians that are not inconsistent with any specific provision of this subchapter shall be applicable to the Tribe and its members.

(b) Restoration of rights and privileges

Except as provided in subsection (d) of this section, all rights and privileges of the Tribe and its members under any Federal treaty, Executive order, agreement, or statute, or under any other authority which were diminished or lost under the Act of August 18, 1958 (Public Law 85–671; 72 Stat. 619), are hereby restored, and the provisions of such Act shall be inapplicable to the Tribe and its members after December 27, 2000.

(c) Federal services and benefits

(1) In general

Without regard to the existence of a reservation, the Tribe and its members shall be eligible, on and after December 27, 2000, for all Federal services and benefits furnished to federally recognized Indian tribes or their members. For the purposes of Federal services and benefits available to members of federally recognized Indian tribes residing on a reservation, members of the Tribe residing in the Tribe's service area shall be deemed to be residing on a reservation.

(2) Relation to other laws

The eligibility for or receipt of services and benefits under paragraph (1) by a tribe or individual shall not be considered as income, resources, or otherwise when determining the eligibility for or computation of any payment or other benefit to such tribe, individual, or household under—

(A) any financial aid program of the United States, including grants and contracts subject to the Indian Self-Determination Act [25 U.S.C. 450f et seq.]; or

(B) any other benefit to which such tribe, household, or individual would otherwise be entitled under any Federal or federally assisted program.

(d) Hunting, fishing, trapping, gathering, and water rights

Nothing in this subchapter shall expand, reduce, or affect in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and its members.

(e) Certain rights not altered

Except as specifically provided in this subchapter, nothing in this subchapter shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes levied.

(Pub. L. 106–568, title XIV, §1404, Dec. 27, 2000, 114 Stat. 2939.)

References in Text

The Act of August 18, 1958, referred to in subsec. (b), is Pub. L. 85–671, Aug. 18, 1958, 72 Stat. 619, which is not classified to the Code.

The Indian Self-Determination Act, referred to in subsec. (c)(2)(A), is title I of Pub. L. 93–638, Jan. 4, 1975, 88 Stat. 2206, as amended, which is classified principally to part A (§450f et seq.) of subchapter II of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

§1300n–3. Transfer of land to be held in trust

(a) Lands to be taken in trust

Upon application by the Tribe, the Secretary shall accept into trust for the benefit of the Tribe any real property located in Marin or Sonoma County, California, for the benefit of the Tribe after the property is conveyed or otherwise transferred to the Secretary and if, at the time of such conveyance or transfer, there are no adverse legal claims to such property, including outstanding liens, mortgages, or taxes.

(b) Former trust lands of the Graton Rancheria

Subject to the conditions specified in this section, real property eligible for trust status under this section shall include Indian owned fee land held by persons listed as distributees or dependent members in the distribution plan approved by the Secretary on September 17, 1959, or such distributees' or dependent members' Indian heirs or successors in interest.

(c) Lands to be part of reservation

Any real property taken into trust for the benefit of the Tribe pursuant to this subchapter shall be part of the Tribe's reservation.

(d) Lands to be nontaxable

Any real property taken into trust for the benefit of the Tribe pursuant to this section shall be exempt from all local, State, and Federal taxation as of the date that such land is transferred to the

Secretary.

(Pub. L. 106–568, title XIV, §1405, Dec. 27, 2000, 114 Stat. 2940.)

§1300n–4. Membership rolls

(a) Compilation of tribal membership roll

Not later than 1 year after December 27, 2000, the Secretary shall, after consultation with the Tribe, compile a membership roll of the Tribe.

(b) Criteria for membership

(1) Until a tribal constitution is adopted under section 1300n–6 of this title, an individual shall be placed on the Graton membership roll if such individual is living, is not an enrolled member of another federally recognized Indian tribe, and if—

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

(B) such individual was not listed on the Graton Indian Rancheria distribution list, but met the requirements that had to be met to be listed on the Graton Indian Rancheria distribution list;

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

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

(2) After adoption of a tribal constitution under section 1300n–6 of this title, such tribal constitution shall govern membership in the Tribe.

(c) Conclusive proof of Graton Indian ancestry

For the purpose of subsection (b) of this section, the Secretary shall accept any available evidence establishing Graton Indian ancestry. The Secretary shall accept as conclusive evidence of Graton Indian ancestry information contained in the census of the Indians from the Graton, Marshall, Bodega, Tomales, or Sebastopol, California, vicinities, prepared by or at the direction of Special Indian Agent John J. Terrell in any other roll or census of Graton Indians prepared by or at the direction of the Bureau of Indian Affairs and in the Graton Indian Rancheria distribution list compiled by the Bureau of Indian Affairs and approved by the Secretary on September 17, 1959.

(Pub. L. 106–568, title XIV, §1406, Dec. 27, 2000, 114 Stat. 2940.)

References in Text

Public Law 85–671, referred to in subsec. (b)(1)(A), is Pub. L. 85–671, Aug. 18, 1958, 72 Stat. 619, which is not classified to the Code.

§1300n–5. Interim government

Until the Tribe ratifies a final constitution consistent with section 1300n–6 of this title, the Tribe's governing body shall be an Interim Tribal Council. The initial membership of the Interim Tribal Council shall consist of the members serving on December 27, 2000, who have been elected under the tribal constitution adopted May 3, 1997. The Interim Tribal Council shall continue to operate in the manner prescribed under such tribal constitution. Any vacancy on the Interim Tribal Council shall be filled by individuals who meet the membership criteria set forth in section 1300n–4(b) of this title and who are elected in the same manner as are Tribal Council members under the tribal constitution adopted May 3, 1997.

(Pub. L. 106–568, title XIV, §1407, Dec. 27, 2000, 114 Stat. 2941.)

§1300n–6. Tribal constitution

(a) Election; time; procedure

After the compilation of the tribal membership roll under section 1300n–4(a) of this title, upon the written request of the Interim Tribal Council, the Secretary shall conduct, by secret ballot, an election for the purpose of ratifying a final constitution for the Tribe. The election shall be held consistent with sections 476(c)(1) and 476(c)(2)(A) of this title. Absentee voting shall be permitted regardless of voter residence.

(b) Election of tribal officials; procedures

Not later than 120 days after the Tribe ratifies a final constitution under subsection (a) of this section, the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in such tribal constitution. Such election shall be conducted consistent with the procedures specified in subsection (a) of this section except to the extent that such procedures conflict with the tribal constitution.

(Pub. L. 106–568, title XIV, §1408, Dec. 27, 2000, 114 Stat. 2941.)