

107TH CONGRESS
2^D SESSION

H. R. 3824

To extend Federal recognition to the Gabrieleno Band of Mission Indians,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2002

Mrs. BONO introduced the following bill; which was referred to the Committee
on Resources

A BILL

To extend Federal recognition to the Gabrieleno Band of
Mission Indians, 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Gabrieleno Band of
5 Mission Indians Federal Recognition Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The Gabrieleno Indians, aboriginally known
9 as the kumi-vit, live within their homelands along
10 the drainages of the Santa Ana and San Gabriel

1 Rivers and the San Pedro, Wilmington, and Paso
2 Robles areas of southern California.

3 (2) The Gabrieleno Band of Mission Indians
4 are recognized by anthropologists, historians, and
5 genealogists, as the lineal, social, and political de-
6 scendants of Native Americans contacted by Spanish
7 and Portuguese explorers and settlers in the 16th
8 and 17th centuries.

9 (3) In the 17th and 18th centuries, the Spanish
10 Mission San Gabriel was established on Gabrieleno
11 Indian homelands causing the loss of their land base
12 and disruption of the Gabrieleno Band of Mission
13 Indians.

14 (4) Today's Gabrieleno Indians are direct lineal
15 descendants of enrollees on the 1928 Indian Census
16 and on the 1933 supplemental roll book pursuant to
17 the Act of May 8, 1928.

18 (5) Gabrieleno tribal culture, manifest in life
19 and burial rites and other social and religious prac-
20 tices, has been handed down generation-to-genera-
21 tion to the present day.

22 (6) The Gabrieleno Band of Mission Indians is
23 an Indian Tribe which is recognized as eligible for
24 the special programs and services provided by the

1 United States to Indians because of their status as
2 Indians and does in fact receive such services.

3 (7) The Bureau of Indian Affairs has deter-
4 mined the Gabrieleno tribal blood quantum of each
5 of the enrolled members of the Gabrieleno Band of
6 Mission Indians and, for this and other reasons, the
7 members of the Gabrieleno Band of Mission Indians
8 receive certain Federal and State services that are
9 afforded to them only because they are Indians.

10 (8) The Gabrieleno Band of Mission Indians of
11 California, Inc., was incorporated as a California
12 nonprofit corporation on May 16, 2000, for the pur-
13 pose of administering the business of the Tribe.

14 (9) The Department of Health and Human
15 Services has determined that the Gabrieleno Band of
16 Mission Indians of California, Inc., is eligible for
17 certain Federal programs because of its tribal and
18 legal status and has provided grants to it in support
19 of tribal governance.

20 (10) The Gabrieleno Band of Mission Indians,
21 Inc., is recognized by other federally recognized
22 tribes in San Bernardino and Riverside Counties of
23 California, as the governing body of the Gabrieleno
24 Band of Mission Indians.

1 (11) The Gabrieleno Band of Mission Indians is
2 desirous of securing its cultural and its social and
3 economic future and land on which to bury the re-
4 mains of ancestors and for other purposes.

5 **SEC. 3. DEFINITIONS.**

6 For the purposes of this Act the following definitions
7 apply:

8 (1) MEMBER.—The term “member” means an
9 enrolled member of the Gabrieleno Band of Mission
10 Indians, as of the date of the enactment of this Act,
11 or an individual who has been placed on the mem-
12 bership roles in accordance with this Act.

13 (2) SECRETARY.—The term “Secretary” means
14 the Secretary of the Interior.

15 (3) TRIBE.—The term “Tribe” means the
16 Gabrieleno Band of Mission Indians.

17 **SEC. 4. FEDERAL RECOGNITION.**

18 Federal recognition is hereby extended to the
19 Gabrieleno Band of Mission Indians. All laws and regula-
20 tions of the United States of general application to Indi-
21 ans, or nations, tribes, or band of Indians, including the
22 Act of June 18, 1934 (25 U.S.C. 461 et seq.) which are
23 not inconsistent with any specific provision of this Act,
24 shall be applicable to the Tribe and its members.

1 **SEC. 5. FEDERAL SERVICES AND BENEFITS.**

2 (a) IN GENERAL.—The Tribe and its members shall
3 be eligible, on and after the date of the enactment of this
4 Act, for all future services and benefits provided by the
5 Federal Government to federally recognized tribes without
6 regard to the existence of a reservation for the Tribe or
7 the location of the residence of any member on or near
8 any Indian reservation.

9 (b) SERVICE AREA.—For purposes of the delivery of
10 Federal services to enrolled members of the Tribe, the
11 Tribe’s service area shall be coterminous with the Mission
12 Area of the Southern California Agency of the Sacramento
13 Area Office of the Bureau of Indian Affairs.

14 **SEC. 6. MEMBERSHIP.**

15 Not later than 18 months after the date of the enact-
16 ment of this Act, the Tribe shall submit to the Secretary
17 a membership roll consisting of all individuals enrolled in
18 the Tribe. The qualifications for inclusion on the member-
19 ship roll of the Tribe shall be determined by the member-
20 ship clauses in the Tribe’s governing document, in con-
21 sultation with the Secretary. Upon completion of the roll,
22 the Secretary shall immediately publish notice of the roll
23 in the Federal Register. The Tribe shall ensure that such
24 roll is maintained and kept current.

25 **SEC. 7. CONSTITUTION AND GOVERNING BODY.**

26 (a) CONSTITUTION.—

1 (1) ADOPTION.—Not later than 24 months
2 after the date of the enactment of this Act, the
3 Tribe shall conduct, by secret ballot, an election to
4 adopt a constitution and bylaws for the Tribe.

5 (2) INTERIM GOVERNING DOCUMENTS.—Until
6 such time as a new constitution is adopted under
7 paragraph (1), the governing documents in effect on
8 the date of the enactment of this Act shall be the
9 interim governing documents for the Tribe.

10 (b) OFFICIALS.—Not later than 6 months after the
11 Tribe adopts a constitution and bylaws pursuant to sub-
12 section (a), the Tribe shall elect a governing body in ac-
13 cordance with the procedures set forth in its constitution
14 and bylaws. Until such time as a new governing body is
15 elected, the governing body of the Tribe shall be the gov-
16 erning body selected under the election procedures speci-
17 fied in the interim governing documents of the Tribe.

18 **SEC. 8. LAND IN TRUST.**

19 (a) REQUIREMENT TO TAKE LAND INTO TRUST.—
20 If, not later than 25 years after the date of the enactment
21 of this Act, the Tribe transfers all right, title, and interest
22 in and to any land identified under subsection (b) as its
23 aboriginal homelands to the Secretary, the Secretary shall
24 take such land into trust for the benefit of the Tribe.

1 (b) IDENTIFICATION OF ABORIGINAL LANDS.—Not
2 later than 10 years after the date of the enactment of this
3 Act, the Secretary of the Interior and the Secretary of Ag-
4 riculture shall identify those lands which shall be consid-
5 ered the aboriginal homelands of the Tribe for the pur-
6 poses of subsection (a).

7 **SEC. 9. GAMING.**

8 Gaming regulated by the Indian Gaming Regulatory
9 Act shall not be conducted on lands taken into trust for
10 the benefit of the Tribe pursuant to this Act.

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