

SEC. 7. BLM LAND.

(a) CONVEYANCE TO THE YUROK TRIBE.—The following parcels of Bureau of Land Management land within the aboriginal territory of the Yurok Tribe are conveyed in trust status to the Yurok Tribe:

- (1) T. 9N., R. 4E., HUM, sec. 1.
- (2) T. 9N., R. 4E., sec. 7.
- (3) T. 9N., R. 4E., sec. 8, lot 3.
- (4) T. 9N., R. 4E., sec. 9, lots 19 and 20.
- (5) T. 9N., R. 4E., sec. 17, lots 3 through 6.
- (6) T. 9N., R. 4E., sec. 18, lots 7 and 10.
- (7) T. 9N., R. 3E., sec. 13, lots 8 and 12.
- (8) T. 9N., R. 3E., sec. 14, lot 6.

(b) CONVEYANCE TO THE HOOPA VALLEY TRIBE.—The following parcels of Bureau of Land Management land along the western boundaries of the Hoopa Valley Reservation are conveyed in trust status to the Hoopa Valley Tribe:

- (1) T. 9N., R. 3E., sec. 23, lots 7 and 8.
- (2) T. 9N., R. 3E., sec. 26, lots 1 through 3.
- (3) T. 7N., R. 3E., sec. 7, lots 1 and 6.
- (4) T. 7N., R. 3E., sec. 1.

SEC. 8. REPEAL OF OBSOLETE PROVISIONS.

Section 2(c)(4) of the Hoopa-Yurok Settlement Act (25 U.S.C. 1300i-1(c)(4)) is amended by striking "The—" and all that follows through "shall not be" and inserting "The apportionment of funds to the Yurok Tribe under sections 4 and 7 shall not be".

SEC. 9. VOTING MEMBER.

Section 3(c) of the Klamath River Basin Fisheries Restoration Act (16 U.S.C. 460ss-2(c)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6); and

(2) by striking paragraph (3) and inserting the following:

"(3) A representative of the Yurok Tribe who shall be appointed by the Yurok Tribal Council.

"(4) A representative of the Department of the Interior who shall be appointed by the Secretary."

SEC. 10. ECONOMIC SELF-SUFFICIENCY.

Section 10 of the Hoopa-Yurok Settlement Act (25 U.S.C. 1300i-9) is amended by striking subsection (a) and inserting the following:

"(a) PLAN FOR ECONOMIC SELF-SUFFICIENCY.—

"(1) NEGOTIATIONS.—Not later than 30 days after the date of enactment of the Hoopa-Yurok Settlement Amendment Act of 2004, the Secretary shall enter into negotiations with the Yurok Tribe to establish a plan for the economic self-sufficiency of the Yurok Tribe, which shall be completed not later than 18 months after the date of enactment of the Hoopa-Yurok Settlement Amendment Act of 2004.

"(2) SUBMISSION TO CONGRESS.—On the approval of the plan by the Yurok Tribe, the Secretary shall submit the plan to Congress.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$3,000,000 to establish the Yurok Tribe Self-Sufficiency Plan."

SEC. 11. EFFECT OF ACT.

Nothing in this Act or any amendment made by this Act limits the existing rights of the Hoopa Valley Tribe or the Yurok Tribe.

By Mr. CAMPBELL:

S. 2879. A bill to restore recognition to the Winnemem Wintu Indian Tribe of California; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to introduce "The Winnemem Wintu Tribe Clarification

and Restoration Act," a bill that would clarify the status of the Winnemem Wintu Tribe of northern California. I am introducing this bill, at the request of the tribe, primarily to initiate a discussion of the tribe's status among all the interested parties, including the tribe, local communities, and the tribe's congressional delegation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2879

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Winnemem Wintu Tribe Clarification and Restoration Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Winnemem Wintu Indian Tribe was entitled to have been included in the 1979 acknowledgement process that created a list of federally recognized California tribes;

(2) in addition to its continuous historic relationship with the Federal Government, the trust status of the Tribe was reaffirmed by the provisions of the Act of July 30, 1941 (55 Stat. 612, chapter 334), which granted to the United States all tribal and allotted Indian land within the area embraced by the Central Valley Project;

(3) under that Act, the Secretary, acting through the Commissioner of Reclamation, on January 5, 1942, created the Shasta Reservoir Indian Cemetery, which contains Winnemem Wintu remains, markers, and other appurtenances held in trust by the United States;

(4) Winnemem Wintu remains were removed to that cemetery from the traditional cemetery of the Tribe in the McCloud River valley that was flooded by the Shasta Reservoir;

(5) the Bureau of Reclamation informed the Area Director of the Indian Service in writing on December 22, 1942, of the new cemetery and its status as Federal trust land;

(6) the Secretary, through an administrative oversight or inaction of the Indian Service, overlooked the trust status of the Tribe, which was reaffirmed by the making of partial restitution by the Secretary for the taking of tribal land and the 1941 relocation of the remains of tribal members, which remain interred in the Shasta Reservoir Indian Cemetery;

(7) the ongoing trust relationship of the Tribe with the Federal Government should have been recognized by the Secretary, and the Tribe should have been included in the 1979 listing of federally recognized California tribes; and

(8) the Tribe, as a matter of sovereign choice, has determined that the conduct of gaming by the Tribe would be detrimental to the maintenance of its traditional tribal culture.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) SERVICE AREA.—The term "service area" means the counties of Shasta and Siskiyou, California.

(3) TRIBE.—The term "Tribe" means the Indians of the Winnemem Wintu Tribe of northern California.

SEC. 4. CLARIFICATION OF FEDERAL STATUS AND RESTORATION OF FEDERAL RIGHTS AND PRIVILEGES.

(a) FEDERAL STATUS.—Federal status is restored to the Tribe.

(b) APPLICABLE LAW.—Except as otherwise provided in this Act, all laws (including regulations) of general applicability to Indians and nations, tribes, or bands of Indians that are not inconsistent with any provision of this Act shall be applicable to the Tribe and members of the Tribe.

(c) RESTORATIONS OF RIGHTS AND PRIVILEGES.—Except as provided in subsection (d), all rights and privileges of the Tribe and members of the Tribe under any Federal treaty, Executive order, agreement, or statute, or under any other authority that were diminished or lost under Public Law 85-671 (72 Stat. 619) are restored, and that Act shall be inapplicable to the Tribe or members of the Tribe after the date of enactment of this Act.

(d) FEDERAL SERVICES AND BENEFITS.—

(1) ELIGIBILITY.—

(A) IN GENERAL.—Without regard to the existence of a reservation, the Tribe and its members shall be eligible, on and after the date of enactment of this Act, for all Federal services and benefits furnished to federally recognized Indian tribes or their members.

(B) RESIDING ON A RESERVATION.—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 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 the Tribe or a member of the Tribe shall not be considered as income, resources, or otherwise when determining the eligibility for or computation of any payment or other benefit to the Tribe or member under—

(A) any financial aid program of the United States, (including grants and contracts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); or

(B) any other benefit to which the Tribe or member would otherwise be entitled under any Federal or federally assisted program.

(e) HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.—Nothing in this Act expands, reduces, or otherwise affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

(f) CERTAIN RIGHTS NOT ALTERED.—Except as specifically provided in this Act, nothing in this Act alters any property right or obligation, any contractual right or obligation, or any obligation for taxes levied.

SEC. 5. RESERVATION OF THE TRIBE.

Not later than 1 year after the date of enactment of this Act, the Secretary shall take the 42.5-acre site presently occupied by the Tribe into trust for the benefit of the Tribe, and that land shall be the reservation of the Tribe.

SEC. 6. GAMING.

The Tribe shall not have the right to conduct gaming (within the meaning of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)).