

## Union Calendar No. 843

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3535

[Report No. 115–1087]

To restore Federal recognition to the Ruffey Rancheria of California, and  
for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2017

Mr. LAMALFA introduced the following bill; which was referred to the  
Committee on Natural Resources

DECEMBER 20, 2018

Reported with an amendment, committed to the Committee of the Whole  
House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on July 28, 2017]

# **A BILL**

To restore Federal recognition to the Ruffey Rancheria of  
California, 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 “Ruffey Rancheria Res-*  
5 *toration Act of 2018”.*

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

8        (a) *FEDERAL RECOGNITION.*—*Federal recognition is*  
9 *hereby restored to the Tribe. Except as otherwise provided*  
10 *in this Act, all laws and regulations of general application*  
11 *to Indians and nations, tribes, or bands of Indians that*  
12 *are not inconsistent with any specific provision of this Act*  
13 *shall be applicable to the Tribe and its members.*

14        (b) *RESTORATION OF RIGHTS AND PRIVILEGES.*—*Ex-*  
15 *cept as provided in subsection (d), all rights and privileges*  
16 *of the Tribe and its members under any Federal treaty, Ex-*  
17 *ecutive order, agreement, or statute, or under any other au-*  
18 *thority which were diminished or lost under the Act of Au-*  
19 *gust 18, 1958 (Public Law 85–671; 72 Stat. 619), are here-*  
20 *by restored, and the provisions of such Act shall be inappli-*  
21 *cable to the Tribe and its members after the date of the en-*  
22 *actment of this Act. Such Federal treaties and other author-*  
23 *ity shall not include any treaty, Executive Order, agree-*  
24 *ment, statute or other authority entered into in the Terri-*

1 *tory or State of Oregon or affecting any tribe or band of*  
2 *Indians whose historical territory was located therein.*

3 *(c) FEDERAL SERVICES AND BENEFITS.—*

4 *(1) IN GENERAL.—Without regard to the exist-*  
5 *ence of a reservation, the Tribe and its members shall*  
6 *be eligible, on and after the date of the enactment of*  
7 *this Act, for all Federal services and benefits fur-*  
8 *nished to federally recognized Indian Tribes or their*  
9 *members. For the purposes of Federal services and*  
10 *benefits available to members of federally recognized*  
11 *Indian tribes residing on a reservation, members of*  
12 *the Tribe residing in the Tribe's service area shall be*  
13 *deemed to be residing on a reservation.*

14 *(2) RELATION TO OTHER LAWS.—The eligibility*  
15 *on the part of the Tribe and its members for, or re-*  
16 *ceipt of, services and benefits under paragraph (1)*  
17 *shall not be considered as income, resources, or other-*  
18 *wise when determining the eligibility for or computa-*  
19 *tion of any payment or other benefit to such tribe, in-*  
20 *dividual, or household under—*

21 *(A) any financial aid program of the*  
22 *United States, including grants and contracts*  
23 *subject to the Indian Self-Determination Act; or*

24 *(B) any other benefit to which such tribe,*  
25 *household, or individual would otherwise be enti-*

1            *tled under any Federal or federally assisted pro-*  
2            *gram.*

3            *(d) HUNTING, FISHING, TRAPPING, GATHERING, AND*  
4            *WATER RIGHTS.—Nothing in this Act shall expand, reduce,*  
5            *or affect in any manner any hunting, fishing, trapping,*  
6            *gathering, or water rights of the Tribe and its members,*  
7            *provided, that any such rights shall not extend into the Ter-*  
8            *ritory or State of Oregon.*

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

13           *(f) RIGHTS OF THE QUARTZ VALLEY INDIAN RES-*  
14           *ERVATION.—Nothing in this Act shall be construed as in-*  
15           *fringing upon or diminishing the territorial rights or sov-*  
16           *ereignty of the Quartz Valley Indian Reservation.*

17           **SEC. 3. TRANSFER OF LAND TO BE HELD IN TRUST.**

18           *(a) LANDS TO BE TAKEN IN TRUST.—Upon applica-*  
19           *tion by the Tribe, the Secretary shall have the authority*  
20           *under this section to accept into trust for the benefit of the*  
21           *Tribe real property located in Siskiyou County, California,*  
22           *after the property is conveyed or otherwise transferred to*  
23           *the Secretary and if, at the time of such conveyance or*  
24           *transfer, there are no adverse legal claims to such property,*  
25           *including outstanding liens, mortgages, or taxes.*

1           (b) *FORMER TRUST LANDS OF THE RUFFEY*  
2 *RANCHERIA.*—Subject to the conditions specified in this sec-  
3 tion, real property eligible for trust status under this section  
4 shall include Indian owned fee land in Siskiyou County,  
5 California, that is held by persons listed as distributees or  
6 dependent members in the distribution plan approved by  
7 the Bureau of Indian Affairs and published in the Federal  
8 Register on April 11, 1961, or such distributees' or depend-  
9 ent members' Indian heirs or successors in interest, pro-  
10 vided, that such lands shall not include any lands located  
11 within the boundaries of the State of Oregon.

12           (c) *LANDS TO BE PART OF THE RESERVATION.*—Any  
13 real property taken into trust for the benefit of the Tribe  
14 pursuant to this Act shall be part of the Tribe's reservation.

15           (d) *LANDS TO BE NONTAXABLE.*—Any real property  
16 taken into trust for the benefit of the Tribe pursuant to this  
17 section shall be exempt from all local, State, and Federal  
18 taxation as of the date that such land is transferred to the  
19 Secretary.

20 **SEC. 4. MEMBERSHIP ROLLS.**

21           (a) *COMPILATION OF TRIBAL MEMBERSHIP ROLL.*—  
22 Not later than 1 year after the date of the enactment of  
23 this Act, the Secretary shall, after consultation with the  
24 Tribe, compile a membership roll of the Tribe.

25           (b) *CRITERIA FOR ENROLLMENTS.*—

1           (1) *PRECONSTITUTION ROLL.*—Until a tribal  
2           *constitution is adopted pursuant to section 6, an in-*  
3           *dividual shall be placed on the Ruffey Rancheria*  
4           *membership roll if the individual is living, is not an*  
5           *enrolled member of another federally recognized In-*  
6           *dian tribe, and if—*

7                   (A) *such individual's name was listed on*  
8                   *the Ruffey Rancheria distribution list compiled*  
9                   *by the Bureau of Indian Affairs and approved*  
10                  *by the Secretary and published in the Federal*  
11                  *Register on April 11, 1961, under Public Law*  
12                  *85-671;*

13                  (B) *such individual was not listed on, but*  
14                  *met the requirements that had to be met to be*  
15                  *listed on the Ruffey Rancheria distribution list;*  
16                  *or*

17                  (C) *the individual is a lineal descendant of*  
18                  *an individual, living or dead, identified in sub-*  
19                  *paragraph (A) or (B), and has never been an en-*  
20                  *rolled member of any other Federally recognized*  
21                  *Indian tribe.*

22           (2) *ROLL AFTER ADOPTION OF CONSTITUTION.*—  
23           *After adoption of a tribal constitution under section*  
24           *6, such tribal constitution shall govern membership in*  
25           *the Tribe.*

1           (c) *CONCLUSIVE PROOF OF RUFFEY RANCHERIA IN-*  
2 *DIAN ANCESTRY.*—*For the purpose of subsection (b), the*  
3 *Secretary shall accept any available evidence establishing*  
4 *Ruffey Rancheria Indian ancestry. The Secretary shall ac-*  
5 *cept as conclusive evidence of Ruffey Rancheria Indian an-*  
6 *cestry information contained in the letter regarding certain*  
7 *lands purchased for the use of Ruffey and other Indians*  
8 *near Etna, California, sent by Charles E. Kelsey, Special*  
9 *Agent for the California Indians, to the Commissioner of*  
10 *Indian Affairs dated June 24, 1913; residence on or adja-*  
11 *cent to lands purchased or leased in Siskiyou County, Cali-*  
12 *fornia, by Special Agent Charles E. Kelsey, provided that*  
13 *such lands were occupied by an individual with a bona fide*  
14 *relationship to the Ruffey Rancheria; and in the Ruffey*  
15 *Rancheria distribution list compiled by the Bureau of In-*  
16 *dian Affairs and approved by the Secretary and published*  
17 *in the Federal Register on April 11, 1961.*

18 **SEC. 5. INTERIM GOVERNMENT.**

19           *Until a new tribal constitution and bylaws are adopt-*  
20 *ed and become effective under section 6, the governing body*  
21 *of the Tribe shall be an Interim Council. The initial mem-*  
22 *bership of the Interim Council shall consist of the members*  
23 *of the Executive Council of the Tribe on the date of the en-*  
24 *actment of this Act, and the Interim Council shall continue*  
25 *to operate in the manner prescribed for the Executive Coun-*

1 *cil under the tribal constitution of the Tribe adopted on*  
2 *December 19, 2014, as amended by Tribal Resolution 18-*  
3 *02, to the extent that such constitution is not contrary to*  
4 *Federal law. Any new members filling vacancies on the In-*  
5 *terim Council shall meet the enrollment criteria set forth*  
6 *in section 4(b) and be elected in the same manner as are*  
7 *Executive Council members under the tribal constitution*  
8 *adopted December 19, 2014, as amended by Tribal Resolu-*  
9 *tion 18-02.*

10 **SEC. 6. TRIBAL CONSTITUTION.**

11 *(a) ELECTION; TIME; PROCEDURE.—After the com-*  
12 *pilation of the tribal membership roll under section 4, upon*  
13 *the written request of the Interim Tribal Council, the Sec-*  
14 *retary shall conduct, by secret ballot, an election for the*  
15 *purpose of ratifying a final constitution for the Tribe. The*  
16 *election shall be held consistent with sections 16(c)(1) and*  
17 *16(c)(2)(A) of the Act of June 18, 1934 (commonly known*  
18 *as the Indian Reorganization Act; 25 U.S.C. 5123(c)(1)*  
19 *and 5123(c)(2)(A), respectively). Absentee voting shall be*  
20 *permitted regardless of voter residence.*

21 *(b) ELECTION OF TRIBAL OFFICIALS; PROCEDURES.—*  
22 *Not later than 120 days after the Tribe ratifies a final con-*  
23 *stitution under subsection (a), the Secretary shall conduct*  
24 *an election by secret ballot for the purpose of electing tribal*  
25 *officials as provided in such tribal constitution. Such elec-*

1 *tion shall be conducted consistent with the procedures speci-*  
 2 *fied in subsection (a) except to the extent that such proce-*  
 3 *dures conflict with the tribal constitution.*

4 **SEC. 7. LIMITATIONS ON INDIAN GAMING ON ACQUIRED**  
 5 **LANDS.**

6 *In addition to any other requirements under applica-*  
 7 *ble Federal law, gaming conducted pursuant to an excep-*  
 8 *tion under subsection (b)(1)(B) of section 20 of the Indian*  
 9 *Gaming Regulatory Act (25 U.S.C. 2719) shall not be con-*  
 10 *ducted on any land taken into trust by the United States*  
 11 *for the benefit of the Tribe unless the Secretary determines,*  
 12 *on the date that the land is taken into trust, that—*

13 *(1) the Tribe has received a written determina-*  
 14 *tion by the Secretary that the land is eligible to be*  
 15 *used for gaming under such section; and*

16 *(2) the land is located in the county of Siskiyou,*  
 17 *California, 5 miles or less away from lands within*  
 18 *such County taken into trust under section 3 of this*  
 19 *Act.*

20 **SEC. 8. DEFINITIONS.**

21 *For purposes of this Act:*

22 *(1) INTERIM COUNCIL.—The term “Interim*  
 23 *Council” means the governing body of the Tribe speci-*  
 24 *fied in section 6.*

1           (2) *MEMBER.*—*The term “member” means any*  
2           *person meeting the enrollment criteria under section*  
3           *4(b).*

4           (3) *RESERVATION.*—*The term “reservation”*  
5           *means those lands acquired and held in trust by the*  
6           *Secretary for the benefit of the Tribe pursuant to sec-*  
7           *tion 3.*

8           (4) *SECRETARY.*—*The term “Secretary” means*  
9           *the Secretary of the Interior.*

10          (5) *SERVICE AREA.*—*The term “service area”*  
11          *means Siskiyou County in the State of California.*  
12          *Neither the Tribe’s service area nor its near-reserva-*  
13          *tion area shall be extended into or located within the*  
14          *State of Oregon for any Federal or State program or*  
15          *service.*

16          (6) *STATE.*—*The term “State” means the State*  
17          *of California.*

18          (7) *TRIBE.*—*The term “Tribe” means the Ruffey*  
19          *Rancheria of California.*

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