

115TH CONGRESS
1ST SESSION

H. R. 3535

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

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2017

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

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 2017”.

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

1 to Indians and nations, tribes, or bands of Indians that
2 are not inconsistent with any specific provision of this Act
3 shall be applicable to the Tribe and its members.

4 (b) RESTORATION OF RIGHTS AND PRIVILEGES.—
5 Except as provided in subsection (d), all rights and privi-
6 leges of the Tribe and its members under any Federal
7 treaty, Executive order, agreement, or statute, or under
8 any other authority which were diminished or lost under
9 the Act of August 18, 1958 (Public Law 85–671; 72 Stat.
10 619), are hereby restored, and the provisions of such Act
11 shall be inapplicable to the Tribe and its members after
12 the date of the enactment of this Act.

13 (c) FEDERAL SERVICES AND BENEFITS.—

14 (1) IN GENERAL.—Without regard to the exist-
15 ence of a reservation, the Tribe and its members
16 shall be eligible, on and after the date of the enact-
17 ment of this Act, for all Federal services and bene-
18 fits furnished to federally recognized Indian Tribes
19 or their members. For the purposes of Federal serv-
20 ices and benefits available to members of federally
21 recognized Indian tribes residing on a reservation,
22 members of the Tribe residing in the Tribe’s service
23 area shall be deemed to be residing on a reservation.

24 (2) RELATION TO OTHER LAWS.—The eligibility
25 on the part of the Tribe and its members for, or re-

1 receipt of, services and benefits under paragraph (1)
2 shall not be considered as income, resources, or oth-
3 erwise when determining the eligibility for or com-
4 putation of any payment or other benefit to such
5 tribe, individual, or household under—

6 (A) any financial aid program of the
7 United States, including grants and contracts
8 subject to the Indian Self-Determination Act; or

9 (B) any other benefit to which such tribe,
10 household, or individual would otherwise be en-
11 titled under any Federal or federally assisted
12 program.

13 (d) HUNTING, FISHING, TRAPPING, GATHERING,
14 AND WATER RIGHTS.—Nothing in this Act shall expand,
15 reduce, or affect in any manner any hunting, fishing, trap-
16 ping, gathering, or water rights of the Tribe and its mem-
17 bers.

18 (e) CERTAIN RIGHTS NOT ALTERED.—Except as
19 specifically provided in this Act, nothing in this Act shall
20 alter any property right or obligation, any contractual
21 right or obligation, or any obligation for taxes levied.

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

23 (a) LANDS TO BE TAKEN IN TRUST.—Upon applica-
24 tion by the Tribe, the Secretary shall have the authority
25 under this section to accept into trust for the benefit of

1 the Tribe not more than 441 acres of real property located
2 in Siskiyou County, California, after the property is con-
3 veyed or otherwise transferred to the Secretary and if, at
4 the time of such conveyance or transfer, there are no ad-
5 verse legal claims to such property, including outstanding
6 liens, mortgages, or taxes.

7 (b) FORMER TRUST LANDS OF THE RUFFEY
8 RANCHERIA.—Subject to the conditions specified in this
9 section, real property eligible for trust status under this
10 section shall include Indian owned fee land held by persons
11 listed as distributees or dependent members in the dis-
12 tribution plan approved by the Bureau of Indian Affairs
13 and published in the Federal Register on April 11, 1961,
14 or such distributees' or dependent members' Indian heirs
15 or successors in interest.

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

20 (d) LANDS TO BE NONTAXABLE.—Any real property
21 taken into trust for the benefit of the Tribe pursuant to
22 this section shall be exempt from all local, State, and Fed-
23 eral taxation as of the date that such land is transferred
24 to the Secretary.

1 **SEC. 4. MEMBERSHIP ROLLS.**

2 (a) COMPILATION OF TRIBAL MEMBERSHIP ROLL.—

3 Not later than 1 year after the date of the enactment of
4 this Act, the Secretary shall, after consultation with the
5 Tribe, compile a membership roll of the Tribe.

6 (b) CRITERIA FOR ENROLLMENTS.—

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

13 (A) such individual's name was listed on
14 the Ruffey Rancheria distribution list compiled
15 by the Bureau of Indian Affairs and approved
16 by the Secretary and published in the Federal
17 Register on April 11, 1961, under Public Law
18 85-671;

19 (B) such individual was not listed on, but
20 met the requirements that had to be met to be
21 listed on the Ruffey Rancheria distribution list;

22 (C) such individual is of Indian ancestry
23 and enumerated on any documents prepared by
24 or at the direction of the Bureau of Indian Af-
25 fairs for the Etna, Etna Mills, Fort Jones,
26 Meamber, Ager, Bogus Creek, Hornbrook,

1 Cleveland, or Sunnyside Districts, Siskiyou
2 County, California, vicinities, or on any Federal
3 census for Etna, Etna Mills, or Etna Township,
4 Siskiyou County, California; or

5 (D) the individual is a lineal descendant of
6 an individual, living or dead, identified in sub-
7 paragraph (A), (B), or (C).

8 (2) ROLL AFTER ADOPTION OF CONSTITU-
9 TION.—After adoption of a tribal constitution under
10 section 6, such tribal constitution shall govern mem-
11 bership in the Tribe.

12 (c) CONCLUSIVE PROOF OF RUFFEY RANCHERIA AN-
13 CESTRY.—For the purpose of subsection (b), the Secretary
14 shall accept any available evidence establishing Ruffey In-
15 dian ancestry. The Secretary shall accept as conclusive
16 evidence of Ruffey Indian ancestry information contained
17 in the census of the Indians from Etna, Fort Jones,
18 Meamber, Cleveland, or Sunnyside Districts, Siskiyou
19 County, California, vicinities, prepared by or at the direc-
20 tion of Special Indian Agent C. E. Kelsey, in any roll or
21 census of Etna, Etna Mills, Fort Jones, Ager, Bogus
22 Creek, Hornbrook, or Salmon River Indians prepared by
23 or at the direction of the Bureau of Indian Affairs or the
24 U.S. Census, or in the Ruffey Rancheria distribution list
25 compiled by the Bureau of Indian Affairs and approved

1 by the Secretary and published in the Federal Register
2 on April 11, 1961.

3 **SEC. 5. INTERIM GOVERNMENT.**

4 Until a new tribal constitution and bylaws are adopt-
5 ed and become effective under section 6, the governing
6 body of the Tribe shall be an Interim Council. The initial
7 membership of the Interim Council shall consist of the
8 members of the Executive Council of the Tribe on the date
9 of the enactment of this Act, and the Interim Council shall
10 continue to operate in the manner prescribed for the Exec-
11 utive Council under the tribal constitution of the Tribe
12 adopted on December 19, 2014, to the extent that such
13 constitution is not contrary to Federal law. Any new mem-
14 bers filling vacancies on the Interim Council shall meet
15 the enrollment criteria set forth in section 4(b) and be
16 elected in the same manner as are Executive Council mem-
17 bers under the tribal constitution adopted December 19,
18 2014.

19 **SEC. 6. TRIBAL CONSTITUTION.**

20 (a) ELECTION; TIME; PROCEDURE.—After the com-
21 pilation of the tribal membership roll under section 4,
22 upon the written request of the Interim Tribal Council,
23 the Secretary shall conduct, by secret ballot, an election
24 for the purpose of ratifying a final constitution for the
25 Tribe. The election shall be held consistent with sections

1 16(c)(1) and 16(c)(2)(A) of the Act of June 18, 1934
2 (commonly known as the Indian Reorganization Act; 25
3 U.S.C. 5123(c)(1) and 5123(c)(2)(A), respectively). Ab-
4 sentee voting shall be permitted regardless of voter resi-
5 dence.

6 (b) ELECTION OF TRIBAL OFFICIALS; PROCE-
7 DURES.—Not later than 120 days after the Tribe ratifies
8 a final constitution under subsection (a), the Secretary
9 shall conduct an election by secret ballot for the purpose
10 of electing tribal officials as provided in such tribal con-
11 stitution. Such election shall be conducted consistent with
12 the procedures specified in subsection (a) except to the
13 extent that such procedures conflict with the tribal con-
14 stitution.

15 **SEC. 7. LIMITATIONS ON INDIAN GAMING ON ACQUIRED**
16 **LANDS.**

17 In addition to any other requirements under applica-
18 ble Federal law, gaming conducted pursuant to an excep-
19 tion under section 20(b)(1)(b) of the Indian Gaming Reg-
20 ulatory Act (25 U.S.C. 2719) shall not be conducted on
21 any land taken into trust by the United States for the
22 benefit of the Tribe unless the Secretary determines, on
23 the date that the land is taken into trust, that the Tribe—

24 (1) has received a written determination by the
25 Secretary that the land is eligible to be used for

1 gaming under section 20 of the Indian Gaming Reg-
2 ulatory Act; and

3 (2) demonstrates—

4 (A) a substantial, direct, modern connec-
5 tion to the land taken into trust; and

6 (B) a substantial, direct, aboriginal con-
7 nection to the land taken into trust.

8 **SEC. 8. DEFINITIONS.**

9 For purposes of this Act:

10 (1) **TRIBE.**—The term “Tribe” means the
11 Ruffey Rancheria of California.

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

14 (3) **INTERIM COUNCIL.**—The term “Interim
15 Council” means the governing body of the Tribe
16 specified in section 6.

17 (4) **MEMBER.**—The term “member” means any
18 person meeting the enrollment criteria under section
19 4(b).

20 (5) **STATE.**—The term “State” means the State
21 of California.

22 (6) **RESERVATION.**—The term “reservation”
23 means those lands acquired and held in trust by the
24 Secretary for the benefit of the Tribe pursuant to
25 section 3.

1 (7) SERVICE AREA.—The term “service area”
2 means the counties of Siskiyou and Shasta, in the
3 State of California.

4 (8) SUBSTANTIAL, DIRECT, MODERN CONNEC-
5 TION TO THE LAND.—The term “substantial, direct,
6 modern connection to the land” means those lands
7 within a 25-mile radius of land included in a request
8 by the Tribe under section 3(a) made within 5 years
9 following the date of the enactment of this Act.

10 (9) SUBSTANTIAL, DIRECT, ABORIGINAL CON-
11 NECTION TO THE LAND.—The term “substantial, di-
12 rect, aboriginal connection to the land” means those
13 lands that the Secretary determines are within a 25-
14 mile radius of culturally significant sites to the
15 Tribe, the area in which the language of the Tribe
16 was spoken; or the historical presence of the Tribe
17 on the land.

○