

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3535
OFFERED BY MR. LAMALFA OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Ruffey Rancheria Res-
3 toration Act of 2018”.

**4 SEC. 2. RESTORATION OF FEDERAL RECOGNITION, RIGHTS,
5 AND PRIVILEGES.**

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

12 (b) RESTORATION OF RIGHTS AND PRIVILEGES.—
13 Except as provided in subsection (d), all rights and privi-
14 leges of the Tribe and its members under any Federal
15 treaty, Executive order, agreement, or statute, or under
16 any other authority which were diminished or lost under
17 the Act of August 18, 1958 (Public Law 85–671; 72 Stat.
18 619), are hereby restored, and the provisions of such Act

1 shall be inapplicable to the Tribe and its members after
2 the date of the enactment of this Act. Such Federal trea-
3 ties and other authority shall not include any treaty, Exec-
4 utive Order, agreement, statute or other authority entered
5 into in the Territory or State of Oregon or affecting any
6 tribe or band of Indians whose historical territory was lo-
7 cated therein.

8 (c) FEDERAL SERVICES AND BENEFITS.—

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

19 (2) RELATION TO OTHER LAWS.—The eligibility
20 on the part of the Tribe and its members for, or re-
21 ceipt of, services and benefits under paragraph (1)
22 shall not be considered as income, resources, or oth-
23 erwise when determining the eligibility for or com-
24 putation of any payment or other benefit to such
25 tribe, individual, or household under—

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

4 (B) any other benefit to which such tribe,
5 household, or individual would otherwise be en-
6 titled under any Federal or federally assisted
7 program.

8 (d) HUNTING, FISHING, TRAPPING, GATHERING,
9 AND WATER RIGHTS.—Nothing in this Act shall expand,
10 reduce, or affect in any manner any hunting, fishing, trap-
11 ping, gathering, or water rights of the Tribe and its mem-
12 bers, provided, that any such rights shall not extend into
13 the Territory or State of Oregon.

14 (e) CERTAIN RIGHTS NOT ALTERED.—Except as
15 specifically provided in this Act, nothing in this Act shall
16 alter any property right or obligation, any contractual
17 right or obligation, or any obligation for taxes levied.

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

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 real property located in Siskiyou County, Cali-
2 fornia, after the property is conveyed or otherwise trans-
3 ferred to the Secretary and if, at the time of such convey-
4 ance or transfer, there are no adverse legal claims to such
5 property, including outstanding liens, mortgages, or taxes.

6 (b) FORMER TRUST LANDS OF THE RUFFEY
7 RANCHERIA.—Subject to the conditions specified in this
8 section, real property eligible for trust status under this
9 section shall include Indian owned fee land in Siskiyou
10 County, California, that is held by persons listed as
11 distributees or dependent members in the distribution plan
12 approved by the Bureau of Indian Affairs and published
13 in the Federal Register on April 11, 1961, or such
14 distributees' or dependent members' Indian heirs or suc-
15 cessors in interest, provided, that such lands shall not in-
16 clude any lands located within the boundaries of the State
17 of Oregon.

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

22 (d) LANDS TO BE NONTAXABLE.—Any real property
23 taken into trust for the benefit of the Tribe pursuant to
24 this section shall be exempt from all local, State, and Fed-

1 eral taxation as of the date that such land is transferred
2 to the Secretary.

3 **SEC. 4. MEMBERSHIP ROLLS.**

4 (a) COMPILATION OF TRIBAL MEMBERSHIP ROLL.—
5 Not later than 1 year after the date of the enactment of
6 this Act, the Secretary shall, after consultation with the
7 Tribe, compile a membership roll of the Tribe.

8 (b) CRITERIA FOR ENROLLMENTS.—

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

15 (A) such individual's name was listed on
16 the Ruffey Rancheria distribution list compiled
17 by the Bureau of Indian Affairs and approved
18 by the Secretary and published in the Federal
19 Register on April 11, 1961, under Public Law
20 85–671;

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

1 (C) the individual is a lineal descendant of
2 an individual, living or dead, identified in sub-
3 paragraph (A) or (B), and has never been an
4 enrolled member of any other Federally recog-
5 nized Indian tribe.

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

10 (c) CONCLUSIVE PROOF OF RUFFEY RANCHERIA IN-
11 DIAN ANCESTRY.—For the purpose of subsection (b), the
12 Secretary shall accept any available evidence establishing
13 Ruffey Rancheria Indian ancestry. The Secretary shall ac-
14 cept as conclusive evidence of Ruffey Rancheria Indian an-
15 cestry information contained in the letter regarding cer-
16 tain lands purchased for the use of Ruffey and other Indi-
17 ans near Etna, California, sent by Charles E. Kelsey, Spe-
18 cial Agent for the California Indians, to the Commissioner
19 of Indian Affairs dated June 24, 1913; residence on or
20 adjacent to lands purchased or leased in Siskiyou County,
21 California, by Special Agent Charles E. Kelsey, provided
22 that such lands were occupied by an individual with a bona
23 fide relationship to the Ruffey Rancheria; and in the
24 Ruffey Rancheria distribution list compiled by the Bureau

1 of Indian Affairs and approved by the Secretary and pub-
2 lished in the Federal Register 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, as amended by Tribal
13 Resolution 18-02, to the extent that such constitution is
14 not contrary to Federal law. Any new members filling va-
15 cancies on the Interim Council shall meet the enrollment
16 criteria set forth in section 4(b) and be elected in the same
17 manner as are Executive Council members under the trib-
18 al constitution adopted December 19, 2014, as amended
19 by Tribal Resolution 18-02.

20 **SEC. 6. TRIBAL CONSTITUTION.**

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

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

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

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

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

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

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

8 **SEC. 8. DEFINITIONS.**

9 For purposes of this Act:

10 (1) INTERIM COUNCIL.—The term “Interim
11 Council” means the governing body of the Tribe
12 specified in section 6.

13 (2) MEMBER.—The term “member” means any
14 person meeting the enrollment criteria under section
15 4(b).

16 (3) RESERVATION.—The term “reservation”
17 means those lands acquired and held in trust by the
18 Secretary for the benefit of the Tribe pursuant to
19 section 3.

20 (4) SECRETARY.—The term “Secretary” means
21 the Secretary of the Interior.

22 (5) SERVICE AREA.—The term “service area”
23 means Siskiyou County in the State of California.
24 Neither the Tribe’s service area nor its near-reserva-
25 tion area shall be extended into or located within the

1 State of Oregon for any Federal or State program
2 or service.

3 (6) STATE.—The term “State” means the State
4 of California.

5 (7) TRIBE.—The term “Tribe” means the
6 Ruffey Rancheria of California.

