

**TESTIMONY OF  
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UNITED STATES DEPARTMENT OF THE INTERIOR  
TO THE SUBCOMMITTEE ON INDIAN, INSULAR AND ALASKA NATIVE AFFAIRS  
UNITED STATES HOUSE OF REPRESENTATIVES  
HEARING ON  
H.R. 3535**

**SEPTEMBER 26, 2017**

Chairman LaMalfa, Ranking Member Torres, and Members of the Subcommittee – my name is John Tahsuda, I am the Principal Deputy Assistant Secretary for Indian Affairs at the Department of the Interior (Department or Interior). Thank you for the opportunity to present testimony on behalf of the Department regarding H.R. 3535, the Ruffey Rancheria Restoration Act of 2017. Interior welcomes the opportunity to assist the sponsor on a number of technical recommendations.

The Ruffeys Rancheria, as it is historically known, was one of several tribes terminated by Congress under the California Rancheria Act of 1958 (Act) of August 18, 1958 (Public Law 85-671, as amended; 72 Stat. 619). Although Ruffeys Rancheria was a member of the plaintiff class in *Hardwick v. United States*, its claims were ultimately dismissed without prejudice. H.R. 3535 would restore federal recognition to Ruffeys Rancheria. Congress has legislatively restored three other Rancherias that were terminated under the Act. H.R. 3535 is largely identical to legislation that restored recognition to the Graton Rancheria in California, except for language regarding gaming and fee-to-trust.

Given that Ruffeys Rancheria was terminated at the direction of Congress, one remedy is to petition Congress for Federal recognition or restoration. Congress maintains plenary power over Indian affairs and, as such, has the authority to recognize tribes and restore the Federal relationship with tribes it has terminated. Congress has exercised that power by recognizing entities as Indian tribes for purposes of Federal law, thereby initiating or restoring a government-to-government relationship with terminated tribes.

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The land in question for Ruffeys Rancheria was acquired in 1907 under the authority of the Act of June 21, 1906 (34 Stat. 333), which appropriated funds for the purpose of purchasing lands for California Indians. According to the Ruffey Rancheria Plan for Distribution, published in the Federal Register April 11, 1961, 26 FR 3073, there were four distributees. Traditionally, when assisting the tribes terminated under the Termination Act of 1958 the Department would refer back to the distributees and their descendants to formally organize.

Section 4 in H.R. 3535 provides broader enrollment criteria than what has been used in the past when a terminated tribe has been legislatively restored. Without further clarification of the individuals eligible for enrollment, complications may arise in determining who is eligible for

enrollment in the tribe. We would appreciate an opportunity to work with the sponsor on this language.

Section 3 of H.R. 3535 relates to the acquisition of trust land for the Ruffeys Rancheria. Subsection 3(a) authorizes the Secretary to accept “not more than 441 acres” of land in Siskiyou County, California, in trust for the Tribe. Subsection 3(c) provides that any lands taken into trust for the Tribe pursuant to the Act shall be deemed part of the Tribe’s reservation. Subsection 3(b) describes lands in the Tribe’s former reservation eligible for trust acquisition. These include “Indian owned” fee lands held by distributees or dependent members listed on the distribution plan prepared for the Ruffeys Rancheria’s termination, or their Indian heirs or successors in interest.

Section 3(a) provides statutory authority for the trust acquisition of up to 441 acres within a specified geographic area. While the Department has supported land acquisition provisions in other restoration acts in the past, we would like to further examine as to whether H.R. 3535, precludes trust acquisitions other than the specified 441 acres under other authority.

Section 6(a) sets forth an election process for the purpose of ratifying a final constitution for the Tribe. We suggest that Section 6(a) also include a reference to the Secretarial election process outlined in 25 C.F.R. Part 81.

Section 7 of H.R. 3535 prohibits gaming conducted pursuant to certain exceptions under Section 20 of the Indian Gaming Regulatory Act (IGRA) on lands taken into trust for the Ruffeys Rancheria under any authority unless the Secretary also determines that the Ruffeys Rancheria has shown substantial and direct “modern” and “aboriginal” connections to the land. Before being considered eligible for gaming pursuant to IGRA’s restored lands exception under H.R. 3535, the Ruffeys Rancheria would therefore need to comply with two sets of “restored land” criteria: those found in 25 C.F.R. Part 292, and those set out in Section 8(8)-(9) of H.R.3535. The Department supports the goals of these provisions and looks forward to working with the sponsor and members of this Subcommittee on this legislative proposal.

## **Conclusion**

The Department of the Interior appreciates the sponsor’s work on this issue and welcomes further opportunities to engage the cosponsors, this Committee, and the Congress on H.R. 3535, the Ruffey Rancheria Restoration Act of 2017.

Thank you for the opportunity to testify today. I look forward to answering your questions.