

Calendar No. 166

116TH CONGRESS
1ST SESSION

H. R. 1388

[Report No. 116–67]

IN THE SENATE OF THE UNITED STATES

MARCH 27, 2019

Received; read twice and referred to the Committee on Indian Affairs

JULY 29, 2019

Reported by Mr. HOEVEN, without amendment

AN ACT

To take lands in Sonoma County, California, into trust as part of the reservation of the Lytton 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 “Lytton Rancheria
5 Homelands Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The Lytton Rancheria of California is a fed-
2 erally recognized Indian tribe that lost its homeland
3 after its relationship to the United States was un-
4 justly and unlawfully terminated in 1958. The Tribe
5 was restored to Federal recognition in 1991, but the
6 conditions of its restoration have prevented it from
7 regaining a homeland on its original lands.

8 (2) Congress needs to take action to reverse
9 historic injustices that befell the Tribe and that have
10 prevented it from regaining a viable homeland for its
11 people.

12 (3) Prior to European contact there were as
13 many as 350,000 Indians living in what is now the
14 State of California. By the turn of the 19th century,
15 that number had been reduced to approximately
16 15,000 individuals, many of them homeless and liv-
17 ing in scattered bands and communities.

18 (4) The Lytton Rancheria's original homeland
19 was purchased by the United States in 1926 pursu-
20 ant to congressional authority designed to remedy
21 the unique tragedy that befell the Indians of Cali-
22 fornia and provide them with reservations called
23 Rancherias to be held in trust by the United States.

24 (5) After the Lytton Rancheria lands were pur-
25 chased by the United States, the Tribe settled on

1 the land and sustained itself for several decades by
2 farming and ranching.

3 (6) By the mid-1950s, Federal Indian policy
4 had shifted back towards a policy of terminating the
5 Federal relationship with Indian tribes. In 1958,
6 Congress enacted the Rancheria Act of 1958 (72
7 Stat. 619), which slated 41 Rancherias in California,
8 including the Lytton Rancheria, for termination
9 after certain conditions were met.

10 (7) On August 1, 1961, the Federal Govern-
11 ment terminated its relationship with the Lytton
12 Rancheria. This termination was illegal because the
13 conditions for termination under the Rancheria Act
14 had never been met. After termination was imple-
15 mented, the Tribe lost its lands and was left without
16 any means of supporting itself.

17 (8) In 1987, the Tribe joined three other tribes
18 in a lawsuit against the United States challenging
19 the illegal termination of their Rancherias. A Stipu-
20 lated Judgment in the case, Scotts Valley Band of
21 Pomo Indians of the Sugar Bowl Rancheria v.
22 United States, No. C-86-3660 (N.D.Cal. March 22,
23 1991), restored the Lytton Rancheria to its status
24 as a federally recognized Indian tribe.

1 (9) The Stipulated Judgment provides that the
2 Lytton Rancheria would have the “individual and
3 collective status and rights” which it had prior to its
4 termination and expressly contemplated the acquisition of trust lands for the Lytton Rancheria.
5

6 (10) The Stipulated Judgment contains provisions, included at the request of the local county
7 governments and neighboring landowners, that prohibit the Lytton Rancheria from exercising its full
8 Federal rights on its original homeland in the Alexander Valley.
9
10
11

12 (11) In 2000, approximately 9.5 acres of land
13 in San Pablo, California, was placed in trust status
14 for the Lytton Rancheria for economic development
15 purposes.

16 (12) The Tribe has since acquired, from willing
17 sellers at fair market value, property in Sonoma
18 County near the Tribe’s historic Rancheria. This
19 property, which the Tribe holds in fee status, is suitable for a new homeland for the Tribe.
20

21 (13) On a portion of the land to be taken into
22 trust, which portion totals approximately 124.12
23 acres, the Tribe plans to build housing for its members and governmental and community facilities.
24

1 (14) A portion of the land to be taken into
2 trust is being used for viniculture, and the Tribe in-
3 tends to develop more of the lands to be taken into
4 trust for viniculture. The Tribe's investment in the
5 ongoing viniculture operation has reinvigorated the
6 vineyards, which are producing high-quality wines.
7 The Tribe is operating its vineyards on a sustainable
8 basis and is working toward certification of sustain-
9 ability.

10 (15) No gaming shall be conducted on the lands
11 to be taken into trust by this Act.

12 (16) No gaming shall be conducted on any
13 lands taken into trust on behalf of the Tribe in
14 Sonoma County after the date of the enactment of
15 this Act.

16 (17) By directing that these lands be taken into
17 trust, the United States will ensure that the Lytton
18 Rancheria will finally have a permanently protected
19 homeland on which the Tribe can once again live
20 communally and plan for future generations. This
21 action is necessary to fully restore the Tribe to the
22 status it had before it was wrongfully terminated in
23 1961.

24 (18) The Tribe and County of Sonoma have en-
25 tered into a Memorandum of Agreement as amended

1 in 2018 in which the County agrees to the lands in
2 the County being taken into trust for the benefit of
3 the Tribe in consideration for commitments made by
4 the Tribe.

5 **SEC. 3. DEFINITIONS.**

6 For the purpose of this Act, the following definitions
7 apply:

8 (1) COUNTY.—The term “County” means
9 Sonoma County, California.

10 (2) SECRETARY.—The term “Secretary” means
11 the Secretary of the Interior.

12 (3) TRIBE.—The term “Tribe” means the
13 Lytton Rancheria of California.

14 **SEC. 4. LANDS TO BE TAKEN INTO TRUST.**

15 (a) IN GENERAL.—The land owned by the Tribe and
16 generally depicted on the map titled “Lytton Fee Owned
17 Property to be Taken into Trust” and dated May 1, 2015,
18 is hereby taken into trust for the benefit of the Tribe, sub-
19 ject to valid existing rights, contracts, and management
20 agreements related to easements and rights-of-way.

21 (b) LANDS TO BE MADE PART OF THE RESERVA-
22 TION.—Lands taken into trust under subsection (a) shall
23 be part of the Tribe’s reservation and shall be adminis-
24 tered in accordance with the laws and regulations gen-

1 erally applicable to property held in trust by the United
2 States for an Indian tribe.

3 **SEC. 5. GAMING.**

4 (a) LANDS TAKEN INTO TRUST UNDER THIS ACT.—
5 Lands taken into trust for the benefit of the Tribe under
6 section 4 shall not be eligible for gaming under the Indian
7 Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

8 (b) OTHER LANDS TAKEN INTO TRUST.—Lands
9 taken into trust for the benefit of the Tribe in Sonoma
10 County after the date of the enactment of this Act shall
11 not be eligible for gaming under the Indian Gaming Regu-
12 latory Act (25 U.S.C. 2710 et seq.).

13 **SEC. 6. APPLICABILITY OF CERTAIN LAW.**

14 Notwithstanding any other provision of law, the
15 Memorandum of Agreement entered into by the Tribe and
16 the County concerning taking land in the County into
17 trust for the benefit of the Tribe, which was approved by
18 the County Board of Supervisors on March 10, 2015, and
19 any addenda and supplement or amendment thereto, is
20 not subject to review or approval of the Secretary in order
21 to be effective, including review or approval under section
22 2103 of the Revised Statutes (25 U.S.C. 81).

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