

116TH CONGRESS
1ST SESSION

H. R. 1388

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Lytton Rancheria
3 Homelands Act of 2019”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

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

13 (2) Congress needs to take action to reverse
14 historic injustices that befell the Tribe and that have
15 prevented it from regaining a viable homeland for its
16 people.

17 (3) Prior to European contact there were as
18 many as 350,000 Indians living in what is now the
19 State of California. By the turn of the 19th century,
20 that number had been reduced to approximately
21 15,000 individuals, many of them homeless and liv-
22 ing in scattered bands and communities.

23 (4) The Lytton Rancheria’s original homeland
24 was purchased by the United States in 1926 pursu-
25 ant to congressional authority designed to remedy
26 the unique tragedy that befell the Indians of Cali-

1 fornia and provide them with reservations called
2 Rancherias to be held in trust by the United States.

3 (5) After the Lytton Rancheria lands were pur-
4 chased by the United States, the Tribe settled on
5 the land and sustained itself for several decades by
6 farming and ranching.

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

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

21 (8) In 1987, the Tribe joined three other tribes
22 in a lawsuit against the United States challenging
23 the illegal termination of their Rancherias. A Stipu-
24 lated Judgment in the case, Scotts Valley Band of
25 Pomo Indians of the Sugar Bowl Rancheria v.

1 United States, No. C–86–3660 (N.D.Cal. March 22,
2 1991), restored the Lytton Rancheria to its status
3 as a federally recognized Indian tribe.

4 (9) The Stipulated Judgment provides that the
5 Lytton Rancheria would have the “individual and
6 collective status and rights” which it had prior to its
7 termination and expressly contemplated the acquisi-
8 tion of trust lands for the Lytton Rancheria.

9 (10) The Stipulated Judgment contains provi-
10 sions, included at the request of the local county
11 governments and neighboring landowners, that pro-
12 hibit the Lytton Rancheria from exercising its full
13 Federal rights on its original homeland in the Alex-
14 ander Valley.

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

19 (12) The Tribe has since acquired, from willing
20 sellers at fair market value, property in Sonoma
21 County near the Tribe’s historic Rancheria. This
22 property, which the Tribe holds in fee status, is suit-
23 able for a new homeland for the Tribe.

24 (13) On a portion of the land to be taken into
25 trust, which portion totals approximately 124.12

1 acres, the Tribe plans to build housing for its mem-
2 bers and governmental and community facilities.

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

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

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

18 (17) By directing that these lands be taken into
19 trust, the United States will ensure that the Lytton
20 Rancheria will finally have a permanently protected
21 homeland on which the Tribe can once again live
22 communally and plan for future generations. This
23 action is necessary to fully restore the Tribe to the
24 status it had before it was wrongfully terminated in
25 1961.

1 (18) The Tribe and County of Sonoma have en-
2 tered into a Memorandum of Agreement as amended
3 in 2018 in which the County agrees to the lands in
4 the County being taken into trust for the benefit of
5 the Tribe in consideration for commitments made by
6 the Tribe.

7 **SEC. 3. DEFINITIONS.**

8 For the purpose of this Act, the following definitions
9 apply:

10 (1) COUNTY.—The term “County” means
11 Sonoma County, California.

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

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

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

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

23 (b) LANDS TO BE MADE PART OF THE RESERVA-
24 TION.—Lands taken into trust under subsection (a) shall
25 be part of the Tribe’s reservation and shall be adminis-

1 tered in accordance with the laws and regulations gen-
2 erally applicable to property held in trust by the United
3 States for an Indian tribe.

4 **SEC. 5. GAMING.**

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

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

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

15 Notwithstanding any other provision of law, the
16 Memorandum of Agreement entered into by the Tribe and
17 the County concerning taking land in the County into
18 trust for the benefit of the Tribe, which was approved by
19 the County Board of Supervisors on March 10, 2015, and
20 any addenda and supplement or amendment thereto, is
21 not subject to review or approval of the Secretary in order

1 to be effective, including review or approval under section
2 2103 of the Revised Statutes (25 U.S.C. 81).

Passed the House of Representatives March 26,
2019.

Attest:

Clerk.

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