

116TH CONGRESS  
1ST SESSION

# H. R. 1388

---

IN THE SENATE OF THE UNITED STATES

MARCH 27, 2019

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

---

## 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 viticulture, and the Tribe in-  
5        tends to develop more of the lands to be taken into  
6        trust for viticulture. The Tribe's investment in the  
7        ongoing viticulture 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:

CHERYL L. JOHNSON,

*Clerk.*