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REPORT
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A BILL TO REAFFIRM THE APPLICABILITY OF THE INDIAN REORGANIZATION ACT TO THE LYTTON RANCHERIA OF CALIFORNIA, AND FOR OTHER PURPOSES

OCTOBER 14, 2025.—Ordered to be printed

Ms. MURKOWSKI, from the Committee on Indian Affairs, submitted the following

REPORT

[To accompany S. 748]

[Including the cost estimate of the Congressional Budget Office]

The Committee on Indian Affairs, to which was referred the bill (S. 748) to reaffirm the applicability of the Indian Reorganization Act to the Lytton Rancheria of California, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

S. 748 would reaffirm the applicability of the Indian Reorganization Act (IRA)[1] to the Lytton Rancheria of California (Rancheria), a federally recognized Indian Tribe, and clarify that it is eligible to have lands taken into trust through the U.S. Department of the Interior's (DOI) administrative land into trust process.

BACKGROUND AND NEED

In 1961, the Department of the Interior officially terminated the federal-tribal relationship with the Lytton Rancheria, pursuant to the California Rancheria Termination Act of 1958.[2] In 1991, the Rancheria's federal status was restored by court order after years

[1] Act of June 18, 1934, Pub. L. No. 73–383, 48 Stat. 984 (1934).
[2] California Rancheria Termination Act of 1958, Pub. L. No. 85–671 (1958).

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of litigation,[3] and in 2000, Congress directed the Secretary of the Interior to take 9.5 acres of land into trust for the Rancheria for gaming purposes in San Pablo, California.[4] In 2019, Congress enacted the *Lytton Rancheria Homelands Act*,[5] which placed more than 500 acres of land into trust for the Rancheria to establish a permanent homeland, and included a prohibition on gaming for these acres and any future lands taken into trust in Sonoma County, California.[6]

Due to the Supreme Court's decision in *Carcieri v. Salazar*, 555 U.S. 379 (2009), the Secretary of the Interior's authority to take land into trust is limited to Indian Tribes that were "under federal jurisdiction" at the time of enactment of the *Indian Reorganization Act*. DOI has struggled to determine whether a Tribe was "under federal jurisdiction" in 1934, as required by the *Carcieri* decision, relying on multiple Interior Solicitor Opinions. In 2023, Interior updated the Part 151 regulations governing the acquisition of land by the United States in trust status for Tribes to further clarify the DOI's process to determine whether a Tribe is under federal jurisdiction.[7] The process, however, remains a fact-specific analysis that is conducted on a Tribe-by-Tribe basis, which is costly and time-consuming for Tribes and the DOI, and is often the subject of litigation.

While the *Lytton Rancheria Homelands Act* contemplated that the Tribe would have future lands taken into trust under the IRA, the Tribe has been unable to proceed with its land into trust application because DOI has not affirmed that the Tribe is "under federal jurisdiction" for purposes of *Carcieri*. S. 738 would reaffirm and make explicit that the Tribe can go through the administrative land into trust process under the IRA.

SUMMARY

S. 748 clarifies that the IRA applies to the Tribe and reaffirms the DOI's ability to take land into trust for the benefit of the Tribe. The bill also reaffirms that any land to be taken into trust for the Tribe will become part of its reservation and the laws and regulations regarding Tribal trust lands will apply.

LEGISLATIVE HISTORY

S. 748 was introduced by Senator Padilla on January 26, 2025. The Committee held a business meeting on March 5, 2025, to consider S. 748 and ordered the bill to be reported favorably, without amendment, by voice vote.

In the 118th Congress, Senator Padilla introduced an identical bill, S. 4000, on March 20, 2024. The Committee held a hearing on S. 4000 on June 12, 2024 (S. Hrg. 118–418). On July 25, 2024, the Committee held a business meeting to consider S. 4000 and ordered the bill to be reported favorably, without amendment, by voice vote (S. Rept. No. 118–222). The Senate passed S. 4000 by voice vote on December 12, 2024.

[3] *Scotts Valley Band of Pomo Indians of the Sugar Bowl Rancheria v. United States*, No. C–86–3660 (N.D.Cal. March 22, 1991).
[4] Omnibus Indian Advancement Act, Pub. L. No. 106–568, § 819, 114 Stat. 2919 (2000).
[5] Lytton Rancheria Homelands Act of 2019, Pub. L. No. L. 116–92 § 2869 (2019).
[6] *Id.; see also* S. REP. NO. 116–67 (2019).
[7] 25 C.F.R. pt.151.

COMMITTEE RECOMMENDATION

The Senate Committee on Indian Affairs in an open business meeting on March 5, 2025, by a majority voice vote of a quorum present, recommends that the Senate pass S. 748 without amendment.

SECTION-BY-SECTION ANALYSIS

Section 1—Lytton Rancheria of California land reaffirmation

Section 1(a) clarifies that the Rancheria is subject to the IRA and reaffirms the Secretary of the Interior's ability to take land into trust for the benefit of the Rancheria.

Section 1(b) clarifies that land taken into trust for the Rancheria is made part of its reservation and that those lands will be administered in accordance with all laws and regulations applicable to tribal trust lands.

COST AND BUDGETARY CONSIDERATIONS

S. 748, a bill to reaffirm the applicability of the Indian Reorganization Act to the Lytton Rancheria of California, and for other purposes

As ordered reported by the Senate Committee on Indian Affairs on March 5, 2025

By Fiscal Year, Millions of Dollars	2025	2025-2030	2025-2035
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated

Increases *net direct spending* in any of the four consecutive 10-year periods beginning in 2036?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases *on-budget deficits* in any of the four consecutive 10-year periods beginning in 2036?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

* = between zero and $500,000.

S. 748 would clarify that the Department of the Interior has the authority to take land into trust for the Lytton Rancheria of California under the Indian Reorganization Act. The bill also would deem lands that are taken into trust under that act to be part of the tribe's reservation and administered accordingly.

Based on the cost of similar activities, CBO estimates that the administrative costs to implement S. 748 would be insignificant; any related spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Margot Berman. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

REGULATORY AND PAPERWORK IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 748 will have minimal impact on regulatory or paperwork requirements.

EXECUTIVE TESTIMONY AND COMMUNICATIONS

The testimony provided by the U.S. Department of the Interior from the June 12, 2024, hearing on S. 4000 follows:

STATEMENT OF BRYAN NEWLAND, ASSISTANT SECRETARY FOR INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

S. 748, a bill to reaffirm the applicability of the Indian Reorganization Act to the Lytton Rancheria of California, and for other purposes

Good afternoon, Chairman Schatz, Vice Chairman Murkowski, and members of the Committee.

My name is Bryan Newland, and I am the Assistant Secretary for Indian Affairs at the Department of the Interior (Department). Thank you for the opportunity to present testimony on S. 4000, "To reaffirm the applicability of the Indian Reorganization Act to the Lytton Rancheria of California, and for other purposes," . . .

S. 4000 and the Impacts of the Carcieri v. Salazar Decision

In *Carcieri v. Salazar*, the United States Supreme Court was faced with the question of whether the Department could acquire land in trust under section 5 of the Indian Reorganization Act (IRA) on behalf of the Narragansett Tribe of Rhode Island for a housing project. The Court's majority noted that section 5 permits the Secretary to acquire land in trust for Federally recognized Tribes that were "under Federal jurisdiction" in 1934. It then determined that the Secretary was precluded from taking land into trust for the Narragansett Tribe, who had stipulated that it was not "under Federal jurisdiction" in 1934.

The *Carcieri* decision upset the settled expectations of both the Department and Indian Country and led to confusion about the scope of the Secretary's authority to acquire land in trust for all Federally recognized Tribes—including those Tribes that were Federally recognized or restored after the enactment of the Indian Reorganization Act. As many Tribal leaders have noted, the *Carcieri* decision is contrary to existing congressional policy, and has the potential to subject Federally recognized Tribes to unequal treatment under Federal law.

Since the *Carcieri* decision, the Department must examine whether each Tribe seeking to have land acquired in trust under the Indian Reorganization Act was "under Federal jurisdiction" in 1934. This analysis is done on a Tribe-by-Tribe basis, even for those Tribes whose jurisdictional status is unquestioned. This analysis may be time-consuming and costly for Tribes and for the Department.

> Overall, it has made the Department's consideration of fee-to-trust applications more complex and created an additional administrative burden for the Federal government and Tribes related to decisions taking land into trust. The Tribes at issue in S. 3263 and S. 4000 are just two of the many Tribes who have experienced undue burdens to reclaim and develop their lands . . . S. 4000 would clarify that the IRA applies to the Lytton Rancheria and that the Secretary has the authority to take land into trust for the Lytton Tribe under Section 5 of the IRA. The bill would also deem lands taken into trust under Section 5 of the IRA for the Lytton Rancheria as part of the Tribe's reservation and would be administered accordingly.
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> The Department supports . . . S. 4000. Tribal homelands are at the heart of Tribal sovereignty, self-determination, and self-governance. The power to acquire lands in trust is an important tool for the United States to effectuate its longstanding policy of fostering Tribal self-determination. Congress has worked to foster self-determination for all Tribes and did not intend to limit this essential tool to only one class of Tribes. In addition to S. 4000, the Department has consistently expressed strong support for a universal legislative solution to the *Carcieri* decision for all Tribes. Further, the President's budgets for fiscal years 2024 and 2025 proposed a simple and clean fix to the IRA to ensure the Secretary has the authority to take land into trust for all Tribes without the need for the complex review of whether a Tribe was "under Federal jurisdiction" in 1934. The Department urges Congress to consider a legislative fix to *Carcieri* decision for all Tribes to eliminate the need for each Tribe to seek separate legislation.

CHANGES IN EXISTING LAW

In the opinion of the Committee, it is necessary to dispense with the requirements of subsection 12 of rule XXVI of the Standing Rules of the Senate to expedite business of the Senate.

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