

Union Calendar No. 492

114TH CONGRESS
2^D SESSION

H. R. 2538

[Report No. 114–633]

To take lands in Sonoma County, California, into trust as part of the reservation of the Lytton Rancheria of California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2015

Mr. HUFFMAN (for himself and Mr. DENHAM) introduced the following bill;
which was referred to the Committee on Natural Resources

JUNE 21, 2016

Additional sponsor: Mr. THOMPSON of California

JUNE 21, 2016

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on May 21, 2015]

A BILL

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 2015”.*

6 **SEC. 2. FINDINGS.**

7 *Congress finds the following:*

8 *(1) The Lytton Rancheria of California is a fed-*
9 *erally recognized Indian tribe that lost its homeland*
10 *after it was unjustly and unlawfully terminated in*
11 *1958. The Tribe was restored to Federal recognition*
12 *in 1991, but the conditions of its restoration have pre-*
13 *vented it from regaining a homeland on its original*
14 *lands.*

15 *(2) Congress needs to take action to reverse his-*
16 *toric injustices that befell the Tribe and have pre-*
17 *vented it from regaining a viable homeland for its*
18 *people.*

19 *(3) Prior to European contact there were as*
20 *many as 350,000 Indians living in what is now the*
21 *State of California. By the turn of the 19th century,*
22 *that number had been reduced to approximately*
23 *15,000 individuals, many of them homeless and living*
24 *in scattered bands and communities.*

1 (4) *The Lytton Rancheria's original homeland*
2 *was purchased by the United States in 1926 pursuant*
3 *to congressional authority designed to remedy the*
4 *unique tragedy that befell the Indians of California*
5 *and provide them with reservations called Rancherias*
6 *to be held in trust by the United States.*

7 (5) *After the Lytton Rancheria lands were pur-*
8 *chased by the United States, the Tribe settled on the*
9 *land and sustained itself for several decades by farm-*
10 *ing and ranching.*

11 (6) *By the mid-1950s, Federal Indian policy had*
12 *shifted back towards a policy of terminating Indian*
13 *tribes. In 1958, Congress enacted the Rancheria Act*
14 *of 1958 (72 Stat. 619), which slated 41 Rancherias in*
15 *California, including the Lytton Rancheria, for ter-*
16 *mination after certain conditions were met.*

17 (7) *On August 1, 1961, the Lytton Rancheria*
18 *was terminated by the Federal Government. This ter-*
19 *mination was illegal because the conditions for termi-*
20 *nation under the Rancheria Act had never been met.*
21 *After termination was implemented, the Tribe lost its*
22 *lands and was left without any means of supporting*
23 *itself.*

24 (8) *In 1987, the Tribe joined three other tribes*
25 *in a lawsuit against the United States challenging the*

1 *illegal termination of their Rancherias. A Stipulated*
2 *Judgment in the case, Scotts Valley Band of Pomo*
3 *Indians of the Sugar Bowl Rancheria v. United*
4 *States, No. C-86-3660 (N.D.Cal. March 22, 1991), re-*
5 *stored the Lytton Rancheria to its status as a feder-*
6 *ally recognized Indian tribe.*

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

12 (10) *The Stipulated Judgment contains provi-*
13 *sions, included at the request of the local county gov-*
14 *ernments and neighboring landowners, that prohibit*
15 *the Lytton Rancheria from exercising its full Federal*
16 *rights on its original homeland in the Alexander Val-*
17 *ley.*

18 (11) *In 2000, approximately 9.5 acres of land in*
19 *San Pablo, California, was placed in trust status for*
20 *the Lytton Rancheria for economic development pur-*
21 *poses.*

22 (12) *The Tribe has since acquired, from willing*
23 *sellers at fair market value, property in Sonoma*
24 *County near the Tribe’s historic Rancheria. This*

1 *property, which the Tribe holds in fee status, is suit-*
2 *able for a new homeland for the Tribe.*

3 *(13) On a portion of the land to be taken into*
4 *trust, which portion totals approximately 124.12*
5 *acres, the Tribe plans to build housing for its mem-*
6 *bers and governmental and community facilities.*

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

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

17 *(16) No gaming shall be conducted on any lands*
18 *taken into trust on behalf of the Tribe in Sonoma*
19 *County after the date of the enactment of this Act*
20 *north of a line that runs in a cardinal east and west*
21 *direction from the point where Highway Route 12*
22 *crosses Highway 101 as they are physically on the*
23 *ground and used for transportation on January 1,*
24 *2016, and extending to the furthest extent of Sonoma*
25 *County.*

1 (17) *Any agreement, now or in the future, re-*
2 *garding gaming restrictions between Sonoma County*
3 *and the Tribe will be effective without further review*
4 *by the Bureau of Indian Affairs.*

5 (18) *By directing that these lands be taken into*
6 *trust, the United States will ensure that the Lytton*
7 *Rancheria will finally have a permanently protected*
8 *homeland on which they can once again live*
9 *communally and plan for future generations. This ac-*
10 *tion is necessary to fully restore the Tribe to the sta-*
11 *tus it had before it was wrongfully terminated in*
12 *1961.*

13 (19) *The Tribe and County of Sonoma have en-*
14 *tered into a Memorandum of Agreement in which the*
15 *County agrees to the lands in the County being taken*
16 *into trust for the benefit of the Tribe in consideration*
17 *for commitments made by the Tribe.*

18 **SEC. 3. DEFINITIONS.**

19 *For the purpose of this Act, the following definitions*
20 *apply:*

21 (1) *COUNTY.*—*The term “County” means*
22 *Sonoma County, California.*

23 (2) *SECRETARY.*—*The term “Secretary” means*
24 *the Secretary of the Interior.*

1 (3) *TRIBE*.—*The term “Tribe” means the Lytton*
 2 *Rancheria of California.*

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

4 (a) *IN GENERAL*.—*The land owned by the Tribe and*
 5 *generally depicted on the map titled “Lytton Fee Owned*
 6 *Property to be Taken into Trust” and dated May 1, 2015,*
 7 *is hereby taken into trust for the benefit of the Tribe, subject*
 8 *to valid existing rights, contracts, and management agree-*
 9 *ments related to easements and rights-of-way.*

10 (b) *LANDS TO BE MADE PART OF THE RESERVA-*
 11 *TION*.—*Lands taken into trust under subsection (a) shall*
 12 *be part of the Tribe’s reservation and shall be administered*
 13 *in accordance with the laws and regulations generally ap-*
 14 *plicable to property held in trust by the United States for*
 15 *an Indian tribe.*

16 **SEC. 5. GAMING.**

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

21 (b) *OTHER LANDS TAKEN INTO TRUST*.—

22 (1) *TIME-LIMITED PROHIBITION*.—*Lands taken*
 23 *into trust for the benefit of the Tribe in Sonoma*
 24 *County after the date of the enactment of this Act*
 25 *shall not be eligible for gaming under the Indian*

1 *Gaming Regulatory Act (25 U.S.C. 2710 et seq.) until*
2 *after March 15, 2037.*

3 (2) *PERMANENT PROHIBITION.—Notwithstanding*
4 *paragraph (1), lands located north of a line that runs*
5 *in a cardinal east and west direction and is defined*
6 *by California State Highway Route 12 as it crosses*
7 *through Sonoma County at Highway 101 as they are*
8 *physically on the ground and used for transportation*
9 *on January 1, 2016, and extending to the furthest ex-*
10 *tent of Sonoma County shall not be eligible for gam-*
11 *ing under the Indian Gaming Regulatory Act (25*
12 *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 trust*
17 *for the benefit of the Tribe, which was approved by the*
18 *County Board of Supervisors on March 10, 2015, and any*
19 *addenda and supplement thereto, is not subject to review*
20 *or approval of the Secretary in order to be effective, includ-*
21 *ing review or approval under section 2103 of the Revised*
22 *Statutes (25 U.S.C. 81).*

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