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SENATE

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TO PROVIDE FOR A LAND CONVEYANCE IN THE STATE OF NEVADA

DECEMBER 1, 2014.—Ordered to be printed

Mr. TESTER, from the Senate Committee on Indian Affairs,
submitted the following

R E P O R T

[To accompany S. 2479]

The Committee on Indian Affairs, to which was referred the bill (S. 2479) to provide for a land conveyance in the State of Nevada, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

PURPOSE

The purpose of S. 2479 is to transfer 25,977 acres of land currently managed by the Bureau of Land Management and the Bureau of Reclamation to the Moapa River Indian Reservation and for the Secretary of the Interior to hold those lands in trust for the benefit of the Moapa Band of Paiute Indians.

BACKGROUND AND NEED FOR LEGISLATION

The United States has distinct legal obligations to provide for the general welfare of and protect the trust assets of American Indian tribes. The Secretary of the Interior has the authority to take land into trust for Indian tribes.

The Moapa Band of Paiute Indians (Tribe) is a federally recognized Indian tribe organized under a Constitution approved by the Secretary of the Interior on April 17, 1942. The Moapa River Indian Reservation is located in southern Nevada, 57 miles northeast of Las Vegas. The original reservation that was set aside in 1874 consisted of 2 million acres, but in 1876 it was reduced to 1,000 acres. In 1980, Congress restored 70,500 acres to the reservation. (P.L. 96-491) The current total land base is 71,954 acres. The Tribe's business enterprises include the Moapa Paiute Travel

Plaza, which has a small casino, convenience store, cafe, gas station, and fireworks store. The Tribe is also currently developing a utility-scale solar project on tribal lands.

This legislation, S. 2479, would transfer land into trust for the benefit of the Moapa Band of Paiute Indians to allow them to build housing for their members, preserve their cultural heritage and traditions, and provide opportunities for economic development while protecting existing rights-of-way. This legislation is necessary due to the limited mechanisms for placing federal public lands directly into trust for Indian tribes.

LEGISLATIVE HISTORY

S. 2479 was introduced on June 17, 2014, by Senator Reid. The bill was referred to the Committee on Indian Affairs. On July 9, 2014, the Committee held a hearing on the bill. On July 30, 2014, the Committee met at a business meeting to consider the bill. One amendment was offered and adopted, and the bill, as amended, was ordered to be favorably reported to the Senate by voice vote.

There is a companion bill in the House of Representatives—H.R. 4890, the Moapa Band of Paiutes Land Conveyance Act. The bill was introduced on June 18, 2014, by Representative Horsford.

SUMMARY OF THE AMENDMENT

Chairman Tester offered an amendment in the nature of a substitute at the July 30, 2014, business meeting. The amendment made the following changes:

Section 2. Definitions

The amendment incorporates a more recent map of the area in Section 2(1). The map generally depicts the lands to be taken into trust by the Secretary of the Interior on behalf of the Tribe. The new map represents a reduction of the amount of acres to be taken into trust by the Secretary.

Section 3. Transfer of land to be held in trust for the Moapa Band of Paiutes

The amendment reduces the total number of acres to be taken into trust authorized in Section 3(b) from 26,565 acres to 25,977 acres. The amendment also changes Section 3(d) of the bill by removing various land use limitations (except for the prohibition on Class II or Class III gaming).

Section 4. Tribal fee land to be held in trust

The amendment adds a new Section 4 to clarify that the 88 acres owned by the Tribe in fee are to be taken into trust by the United States for the benefit of the Tribe.

SECTION-BY-SECTION ANALYSIS OF BILL AS ORDERED REPORTED

Section 1. Short title

The Act may be cited as the ‘Moapa Band of Paiutes Land Conveyance Act’.

Section 2. Definitions

Section 2 defines key terms used throughout the Act.

Section 3. Transfer of land to be held in trust for the Moapa Band of Paiutes

Section 3 directs the Secretary of the Interior to take into trust for the benefit of the Moapa Band of Paiute Indians approximately 25,977 acres of land currently administered by the Bureau of Land Management and the Bureau of Reclamation.

Section 3 also prohibits Class II or Class III gaming on the lands to be taken into trust.

Section 4. Tribal fee land to be held in trust

Section 4 converts 88 acres of land currently held in fee by the Tribe into trust ownership.

COST AND BUDGETARY CONSIDERATIONS

The following cost estimate, as provided by the Congressional Budget Office on September 15, 2014, was prepared for S. 2479:

SEPTEMBER 15, 2014.

Hon. JON TESTER,
Chairman, Committee on Indian Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN:, The Congressional Budget Office has prepared the enclosed cost estimate for S. 2479, the Moapa Band of Paiutes Land Conveyance Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Martin von Gnechten.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

S. 2479—Moapa Band of Paiutes Land Conveyance Act

S. 2479 would authorize the conveyance of about 26,000 acres of federal land in the state of Nevada to the Moapa Band of Paiutes. Based on information provided by the Department of the Interior, CBO estimates that implementing the legislation would have no significant effect on the federal budget. Enacting S. 2479 would affect direct spending because the affected lands are expected to generate offsetting receipts for the federal government from leasing the lands' right-of-way; therefore, pay-as-you-go procedures apply. However, the reduction in offsetting receipts in each year and over the 2015–2024 period would be insignificant. Enacting S. 2479 would not affect revenues.

S. 2479 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 2479.

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. 2479 will have a minimal impact on regulatory or paperwork requirements.

CHANGES IN EXISTING LAW (CORDON RULE)

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, the Committee finds that the enactment of S. 2479 will not make any changes in existing law.