

TULE RIVER INDIAN RESERVATION LAND TRUST,
HEALTH, AND ECONOMIC DEVELOPMENT ACT

—————
JULY 1, 2016.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

—————
Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 4685]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4685) to take certain Federal lands located in Tulare County, California, into trust for the benefit of the Tule River Indian Tribe, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 4685 is to take certain Federal lands located in Tulare County, California, into trust for the benefit of the Tule River Indian Tribe.

BACKGROUND AND NEED FOR LEGISLATION

The Tule River Indian Tribe's reservation is located approximately 50 miles north of Bakersfield, California. The reservation, comprising approximately 54,000 acres, spans mountainous, forested foothills along the western edge of the Sierra Nevada Mountains and is almost surrounded by the Sequoia National Forest.¹ The original reservation was established by President Ulysses S. Grant by executive order on January 9, 1873, and expanded by Executive Order on October 3, 1873. The expansion was later rescinded by an executive order in 1878 by President Rutherford B. Hayes. Furthermore, the Act of May 17, 1928, removed an addi-

¹ Tiller's Guide to Indian Country 3rd Edition. Veronica E. Valarde Tiller at 356 (2015).

tional 1,240 acres of forest land from the northern point of the reservation.

In the 96th Congress, President Jimmy Carter signed Public Law 96-338, which placed the 1,240 acres of Forest Service land removed by 1928 Act into trust for the Tribe to again be made part of the reservation.

H.R. 4685 would place into trust approximately 34 acres of Bureau of Land Management land adjacent to the western boundary of the reservation. The land is situated between tribal fee land (land owned by the Tribe but not held in trust) and reservation land, isolated from other federal lands in the area. Under H.R. 4685, the Secretary of the Interior must notify any person claiming a valid existing right that the federal lands are being placed into trust for the Tribe. It is the intent of Congress that such notification by the Secretary shall be carried out in a reasonable manner, by way of U.S. mail to current existing right holders or an entity that has an application pending for an easement or other right-of-way, and by way of notice in the Federal Register. Gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) would be prohibited on the lands placed into trust by this bill.

COMMITTEE ACTION

H.R. 4685 was introduced on March 3, 2016, by Congressman Kevin McCarthy (R-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Indian, Insular and Alaska Native Affairs. On June 14, 2016, the Subcommittee held a hearing on the bill. On June 14, 2016, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent on June 15, 2016.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 29, 2016.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4685, Tule River Indian Reservation Land Trust, Health, and Economic Development Act.

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

Sincerely,

MARK P. HADLEY
(For Keith Hall).

Enclosure.

H.R. 4685—Tule River Indian Reservation Land Trust, Health, and Economic Development Act

H.R. 4685 would take into trust, for the benefit of the Tule River Indian Tribe, approximately 34 acres of federal land located in Tulare County, California, that is administered by the United States Bureau of Land Management (BLM). The bill would direct the Secretary of the Interior to consider applications to continue using the land from individuals claiming to have valid existing rights to the lands being taken into trust. H.R. 4685 also would prohibit certain types of gaming on those lands.

CBO estimates that enacting H.R. 4685 would have no significant effect on the federal budget. We estimate that any change in federal costs to manage lands affected by the bill (which would be subject to appropriation) would be insignificant.

Under current law, CBO expects that the affected lands could generate income from right-of-way permits; thus, CBO estimates that taking those lands into trust could reduce offsetting receipts, which are recorded as reductions in direct spending. Because the bill could increase direct spending, pay-as-you-go procedures apply; however, based on information from BLM detailing the fees collected for rights of way on those lands, CBO estimates that any such effects would be negligible. Enacting H.R. 4685 would not affect revenues.

CBO estimates that enacting H.R. 4685 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 4685 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Robert Reese. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Congressional Budget Office estimates that the bill has “no significant effect on the federal budget”.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to take certain Federal lands located in Tulare County, California, into trust for the benefit of the Tule River Indian Tribe.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

This bill does not amend existing law.