

Calendar No. 347

114TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 114-203

TO TAKE CERTAIN FEDERAL LAND LOCATED IN TUOLUMNE COUNTY,
CALIFORNIA, INTO TRUST FOR THE BENEFIT OF THE TUOLUMNE BAND
OF ME-WUK INDIANS, AND FOR OTHER PURPOSES

JANUARY 12, 2016.—Ordered to be printed

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

R E P O R T

[To accompany S. 1822]

The Committee on Indian Affairs, to which was referred the bill (S. 1822) to take certain Federal land located in Tuolumne County, California, into trust for the benefit of the Tuolumne Band of Me-Wuk Indians, and for other purposes, having considered the same, reports favorably with an amendment, and recommends that the bill do pass.

PURPOSE

The purpose of S. 1822 is to transfer approximately 80 acres of land under the administrative jurisdiction of the United States Forest Service into trust for the Tuolumne Band of Me-Wuk Indians.

NEED FOR LEGISLATION

The bill, S. 1822, is needed to transfer Federal land under the administration of the United States Forest Service to the Department of the Interior (DOI) in order for the land to be placed into trust for the Tuolumne Band of Me-Wuk Indians. After the land is taken into trust, the tribe plans to use the land to conduct fuel reduction activities.

BACKGROUND

The Tuolumne Band of Me-Wuk Indians is a federally recognized Indian tribe. The tribe's constitution and bylaws are organized

under the Indian Reorganization Act (IRA)¹ and were approved on January 15, 1936.²

On October 25, 1910, the original Tuolumne Rancheria was approximately 289 acres and was purchased under the Act of June 21, 1906.³ On April 13, 1912, approximately an additional 33 acres of land were set aside for the Tuolumne Band by an Executive Order.⁴

This bill would transfer two 40-acre parcels of land located in Tuolumne County from the U.S. Forest Service (USFS) to the Department of the Interior to be put into trust for the Tuolumne Band of Me-Wuk Indians. The two parcels of land are located 7 miles from the tribe's current reservation. It is contiguous with a ranch owned in fee simple by the tribe and a ranch owned by a private non-Indian owner.

Under the bill, the land would not be eligible for Class II or Class III gaming under the Indian Gaming Regulatory Act.⁵ In 2015, Tuolumne County Board of Supervisors wrote a letter of support for legislation to complete the land transfer, and on June 12, 2015, the private ranch owner wrote a letter to support the land transfer to the tribe.

LEGISLATIVE HISTORY

On July 21, 2015, Senator Boxer introduced S. 1822. Senator Feinstein is a cosponsor. The Senate Committee on Indian Affairs held a legislative hearing on the bill on October 7, 2015, at which the Associate Deputy Chief of the USFS testified that the USFS did not oppose the bill. On October 21, 2015, the Committee held a duly called business meeting to consider the bill. An amendment was offered, and the bill, as amended, was passed by voice vote. The amendment would clarify the legal descriptions at the request of the USFS.

An identical companion bill, H.R. 3079, was introduced in the House on July 15, 2015 by Representative McClintock. On August 4, 2015, the bill was referred to the Subcommittee on Indian, Insular and Alaska Native Affairs of the House Natural Resources Committee. The subcommittee held a hearing on the bill on November 4, 2015.

SECTION-BY-SECTION ANALYSIS OF BILL AS ORDERED REPORTED

Section 1—Land into Trust

Section 1 (a) states that the United States shall hold in trust the land described in subsection (b) for the benefit of the Tuolumne Band of Me-Wuk Indians for nongaming purposes.

Section 1 (b) provides the land descriptions for 80 acres of Federal land under the administrative jurisdiction of the United States Forest Service located in Tuolumne County, California. The 80-acre land total is divided into two 40-acre parcels.

¹ 25 U.S.C. 465 et seq.

² Constitution and Bylaws for the Tuolumne Band of We-Wuk Indians of the Tuolumne Rancheria, California. Department of Interior, Office of Indian Affairs, (Jan. 15, 1936).

³ Public Law 59-257, 34 Stat. 333.

⁴ Executive Order by William H. Taft. (April 13, 1912).

⁵ 25 U.S.C. 2701 et seq.

Section 1 (c) prohibits Class II or Class III gaming under the Indian Gaming Regulatory Act⁶ from being conducted on the land to be taken into trust under this bill.

COST AND BUDGETARY CONSIDERATIONS

The following cost estimate, as provided by the Congressional Budget Office, dated November 4, 2015, was prepared for S. 1822:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 4, 2015.

Hon. JOHN BARRASSO,
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. 1822, a bill to take certain federal land located in Tuolumne County, California, into trust for the benefit of the Tuolumne Band of Me-Wuk Indians, and for other purposes.

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

Sincerely,

KEITH HALL.

Enclosure.

S. 1822—To take certain Federal land located in Tuolumne County, California, into trust for the benefit of the Tuolumne Band of Me-Wuk Indians, and for other purposes

S. 1822 would take into trust, for the benefit of the Tuolumne Band of Me-Wuk Indians, approximately 80 acres of land located in Tuolumne County, California, that is administered by the United States Forest Service. The bill would prohibit certain types of gaming on those lands.

CBO estimates that enacting S. 1822 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 grazing permits; thus, CBO estimates that taking those lands into trust could reduce offsetting receipts which are certain collections that are treated as reductions in outlays. Because the bill could increase direct spending, pay-as-you-go procedures apply; however, based on information from the Forest Service, CBO estimates that any such effects would be negligible. Enacting S. 1822 would not affect revenues.

CBO estimates that enacting S. 1822 would not increase net direct spending or on-budget deficits by more than \$5 billion in any of the next four consecutive 10-year periods beginning in 2026.

S. 1822 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

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

⁶25 U.S.C. 2701 et seq.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 1822.

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. 1822 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, there are no changes to existing law made by S. 1822, as ordered reported.