

PALA BAND OF MISSION INDIANS LAND TRANSFER ACT
OF 2021

NOVEMBER 1, 2021.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 1975]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1975) to take certain land located in San Diego County, California, into trust for the benefit of the Pala Band of Mission Indians, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 1975 is to take certain land located in San Diego County, California, into trust for the benefit of the Pala Band of Mission Indians.

BACKGROUND AND NEED FOR LEGISLATION

The Pala Band of Mission Indians is located in northern San Diego County on a reservation home to 918 enrolled members. The rancheria encompasses over 12,000 acres, including 4,000 acres of forests, 6 acres of wetlands, 8 acres of lake, and over 38 miles of streams. Members of the Pala Band belong to the Cupeño and Luiseño tribes, who were forced together by Spanish Franciscan missionaries during the 1800s.

The Pala Band recently purchased property that includes the remaining portion of Gregory Mountain that is not on the existing Pala Reservation and other sacred and culturally significant sites in Gregory Canyon. The land was purchased to protect and preserve Gregory Mountain (Chokla), Medicine Rock, and other sites considered sacred by Luiseño Tribes.

H.R. 1975 takes the purchased 721.12 acres into trust for the benefit of the Pala Band, ensuring that the sacred sites and cultural history will be appropriately honored and safeguarded. The bill also stipulates that current land and water rights are not affected by its enactment, nor are any rights-of-way or rights-of-use currently permitted. Lastly, the Pala Band may not conduct any gaming activities on the land.

COMMITTEE ACTION

H.R. 1975 was introduced on March 17, 2021, by Representative Darrell Issa (R-CA). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee for Indigenous Peoples of the United States. On October 13, 2021, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered. The bill was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: full Committee markup held on October 13, 2021.

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 AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of 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 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee adopts as its own cost estimate the forthcoming cost estimate of the Director of the Congressional Budget Office, should such cost estimate be made available before House passage of the bill.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

The Committee notes that CBO's analysis of H.R. 1031 (116th), last Congress's version of the legislation, is available and shows the

bill as having no effect on direct spending and no effect on revenues.¹

Congressional Budget Office staff have informed the Committee on a preliminary, informal, nonbinding basis that the bill will likely have no direct spending or revenue effects, and that the bill would increase discretionary costs by an insignificant amount over the 2022–2026 period.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to take certain land located in San Diego County, California, into trust for the benefit of the Pala Band of Mission Indians.

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.

UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

The Committee notes that CBO’s analysis of H.R. 1031 (116th), last Congress’s version of the legislation, is available² and shows the bill as not creating a private-sector mandate for purposes of UMRA. The analysis states that H.R. 1031 (116th) would have imposed an intergovernmental mandate as defined in UMRA, but below the statutory threshold. Per CBO: “The bill would prohibit state and local governments from taxing land taken into trust for the Pala Band of Mission Indians. Based on information from San Diego County, the taxable value of the land that would be placed into trust is approximately \$2.3 million. That taxable value indicates that foregone property tax and fee revenues would fall significantly below the annual threshold established in UMRA (\$84 million in 2020, adjusted annually for inflation).”³

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

¹ <https://www.cbo.gov/system/files/2020-11/hr1031.pdf>.

² *Id.*

³ *Id.*

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

None.