

EASTERN BAND OF CHEROKEE HISTORIC LANDS
REACQUISITION ACT

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. 2088]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2088) to take certain Federal lands in Tennessee into trust for the benefit of the Eastern Band of Cherokee 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. 2088 is to take certain Federal lands in Tennessee into trust for the benefit of the Eastern Band of Cherokee Indians.

BACKGROUND AND NEED FOR LEGISLATION

The Eastern Band of Cherokee Indians is one of three federally recognized Cherokee tribes and is the only federally recognized tribe in North Carolina. The Eastern Band's ancestral homeland includes substantial parts of seven eastern states, including Tennessee. The 57,000-acre "Qualla Boundary" is the name of the Cherokee Indian Reservation in North Carolina.

H.R. 2088 will transfer approximately 76 acres of historically significant lands from the Tennessee Valley Authority (TVA) to the United States to be held in trust for the Eastern Band of Cherokee Indians. It also grants two permanent easements over TVA property to be held in trust for the Tribe to create recreational trails between the sites.

The properties are located in Monroe County, Tennessee, near the town of Vonore, and are adjacent to Tellico Lake, the reservoir behind TVA's Tellico Dam. The Tribe currently manages most of

these properties under two permanent easements granted in 1984 and 1986. These easements were a result of an informal agreement to address the Tribe's objections to TVA's construction of the Tellico Dam and Reservoir in 1979, which inundated the sacred sites and archaeological remains of historic Overland Cherokee towns, including the Cherokee capitals of the 1700s, along the lower Little Tennessee and Tellico Rivers.

COMMITTEE ACTION

H.R. 2088 was introduced on March 19, 2021, by Representative Chuck Fleischmann (R-TN). 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. 146 (115th), the version of the bill from the 115th Congress, is available and

shows the bill as having a “negligible” 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 likely: would not affect revenues, would have an insignificant net effect on direct spending over the 2022–2031 period, and 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 Federal lands in Tennessee into trust for the benefit of the Eastern Band of Cherokee 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. 146 (115th), the version of the bill from the 115th Congress, is available and shows the bill as not creating any mandates for purposes of UMRA.²

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.

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.

¹ <https://www.cbo.gov/system/files/115th-congress-2017-2018/costestimate/hr146.pdf>.

² *Id.*

SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS
None.

