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SENATE

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PALA BAND OF MISSION INDIANS LAND TRANSFER ACT OF 2021

JUNE 23, 2022.—Ordered to be printed

Mr. SCHATZ, from the Committee on Indian Affairs,
submitted the following

R E P O R T

[To accompany H.R. 1975]

[Including cost estimate of the Congressional Budget Office]

The Committee on Indian Affairs, to which 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

H.R. 1975 authorizes the Secretary of the Interior to take 721.21 acres of land in San Diego County, California, into trust for the benefit of the Pala Band of Mission Indians.

BACKGROUND & NEED FOR LEGISLATION

The reservation for the Pala Band of Mission Indians is located in Northern San Diego County and was originally established through Executive Order.¹ The reservation is currently home to more than 900 enrolled members, and encompasses over 12,000 acres including 4,000 acres of forests, six acres of wetlands, eight acres of lake, and over 38 miles of streams. Members of the Pala Band belong to the Cupeño and Luiseño Tribes.

The 721.21 acres be taken into trust are adjacent to the Tribes' reservation and were originally purchased by developers for the

¹ Exec. Order of December 27, 1875.

purposes of creating a landfill. The City of San Diego Human Relations Commission, the City of Oceanside Water Utilities Department, the City of Oceanside Mayor, the District Councilmember for the City of San Diego, California State Senator Moreno-Ducheny, and San Diego County Board of Supervisors all submitted letters opposing the landfill, and supporting the Tribe’s efforts to take this land into trust in order to preserve the Tribe’s sacred site. The Tribe acquired the property in 2016. The Tribe did so because it includes a portion of Gregory Mountain (*Chok’la*), Medicine Rock, and other places sacred to the Pala and other Luiseño Tribes but not currently located within the existing reservation boundaries.

Taking this land into trust will ensure the Pala Band of Mission Indians can steward their sacred sites and cultural history.

SUMMARY OF H.R. 1975

H.R. 1975 authorizes the Secretary of the Interior to take into trust 721.21 acres for the benefit of the Pala Band of Mission Indians.

SECTION-BY-SECTION ANALYSIS OF H.R. 1975 AS ORDERED REPORTED

Section 1. Short title

This section sets forth the short title as the “Pala Band of Mission Indians Land Transfer Act of 2021.”

Section 2. Transfer of land in trust for the Pala Band of Mission Indians

This section clarifies the administration of the lands to be taken into trust and the scope of the bill.

Subsection 2(a) provides that the Tribe has 180 days to transfer the land to the Department of the Interior and that the Department must take those lands into trust for the benefit of the Pala Band of Mission Indians no later than 180 days following transfer to the department. It also clarifies that the land transferred to the Tribe shall be administered in accordance with the laws and regulations generally applicable to land held in trust by the United States for an Indian Tribe.

Subsection 2(b) provides a description of the land to be transferred into trust.

Subsection 2(c) provides for the rules of construction for the bill.

Subsection 2(d) prohibits gaming on the lands to be taken into trust.

Subsection 2(e) sets forth the definitions to be used in the bill.

LEGISLATIVE HISTORY

H.R. 1975 was introduced in the House of Representatives, by Representatives Issa (R–CA) and Vargas (D–CA) on March 17, 2021. The bill was referred to the House Committee on Natural Resources. The House Committee on Natural Resources ordered H.R. 1975 favorably reported by unanimous consent on October 13, 2021. The House of Representatives passed H.R. 1975 on a vote of 395–25 on November 2, 2021.

The Senate Committee on Indian Affairs held a hearing on H.R. 1975 on November 17, 2021. At that hearing the Department of Interior testified in support of H.R. 1975. The Committee met in an

open business meeting on April 6, 2022 and ordered the bill reported favorably.

COST AND BUDGETARY CONSIDERATIONS

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 26, 2022.

Hon. BRIAN SCHATZ,
*Chairman, Committee on Indian Affairs,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1975, the Pala Band of Mission Indians Land Transfer Act of 2021.

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

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 1975, Pala Band of Mission Indians Land Transfer Act of 2021			
As ordered reported by the Senate Committee on Indian Affairs on June 23, 2022			
By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 1975 would direct the Department of the Interior (DOI) to take into trust approximately 720 acres of land in San Diego County, California, owned by the Pala Band of Mission Indians. Under the act, DOI would hold title to that land for the benefit of the tribe. The legislation also would prohibit certain types of gaming on those lands. Using information provided by DOI, CBO estimates that the administrative costs the agency would incur to implement H.R. 1975 would not be significant.

H.R. 1975 would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA). 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 (\$85 million in 2021, adjusted annually for inflation).

The bill contains no private-sector mandates.

On February 24, 2022, CBO transmitted a cost estimate for H.R. 1975,1A² the Pala Band of Mission Indians Land Transfer Act of 2021, as passed by the House of Representatives on November 2, 2021. The two pieces of legislation and CBO's estimates of their budgetary effects are the same.

The CBO staff contacts for this estimate are Madeleine Fox (for federal costs) and Rachel Austin (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

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 H.R. 1975 will have minimal impact on regulatory or paperwork requirements.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding H.R. 1975.

CHANGES IN EXISTING LAW

On February 11, 2021 the Committee unanimously approved a motion to waive subsection 12 of rule XXVI of the Standing Rules of the Senate. In the opinion of the Committee, it is necessary to dispense with subsection 12 of rule XXVI of the Standing Rules of the Senate to expedite the business of the Senate.

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²Congressional Budget Office, *H.R. 1975, Pala Band of Mission Indians Land Transfer Act of 2021*, <https://www.cbo.gov/publication/57874>.