

JAMUL INDIAN VILLAGE LAND TRANSFER ACT

APRIL 5, 2024.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 6443]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 6443) to take certain land in the State of California into trust for the benefit of the Jamul Indian Village of California Tribe, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 6443 is to take certain land in the State of California into trust for the benefit of the Jamul Indian Village of California Tribe, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Jamul Indian Village of California is part of the Kumeyaay people of southern California, also known as the Mission Indians. The tribe traces its history back 12,000 years. However, it achieved federal recognition in 1981.¹ The tribe currently has approximately 75 members.²

Since 1981, the tribe has slowly acquired a land base for itself. The San Diego Diocesan Office of Apostolic Ministry deeded approximately 2.34 acres of land to the tribe in 1912. The Daley Corporation deeded approximately 4 acres to the tribe in 1978, cre-

¹U.S. Department of the Interior. Bureau of Indian Affairs Office of Government Services. https://www.supremecourt.gov/DocketPDF/20/20-091559/178651/20210511093611330_Jamul%20Appx2.pdf.

²Meeting between Jamul Indian Village and HNR Staff 11.28.2023.

ating the approximately 6.04 acres of the tribe’s reservation.³ The tribe has submitted fee-to-trust applications for the parcels identified in this legislation, including one submitted in August 2015, that the DOI has not finalized.⁴ This bill would place the 172.1 acres of land into trust legislatively rather than continuing through the BIA administrative process.⁵ This bill would also prohibit any class II or class III gaming under the Indian Gaming Regulatory Act (IGRA)⁶ on the parcels taken into trust.

According to the tribe, they intend to build housing for tribal members to bring members living outside the area back to the community, develop non-gaming economic development projects, and create tribal community spaces for the continuation of the tribe’s cultural traditions.⁷ Parcel three contains the only road leading to the current reservation, the tribal cemetery, and the tribe’s currently operating casino. Ensuring continued access by placing the land into trust is very important, according to the tribe.⁸

COMMITTEE ACTION

H.R. 6442 was introduced on November 17, 2023, by Rep. Darrell Issa (R–CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Indian and Insular Affairs. On December 5, 2023, the Subcommittee on Indian and Insular Affairs held a hearing on the bill. On January 17, 2024, the Committee on Natural Resources met to consider the bill. The Subcommittee on Indian and Insular Affairs was discharged from further consideration of H.R. 6443 by unanimous consent. The bill was 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: hearing by the Subcommittee on Indian and Insular Affairs held on December 5, 2023.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This Act may be cited as the “Jamul Indian Village Land Transfer Act.”

Section 2. Land to be taken into trust for the Jamul Indian Village of California tribe

Approximately 172.1 acres of land owned by the Jamul Indian Village of California is taken into trust by the U.S. for the benefit of the tribe. The land will be part of the Jamul Indian Village of California reservation and will be administered under the laws and regulations applicable to Indian trust land. No class II or class III gaming pursuant to the Indian Gaming Regulatory Act may occur on the land being taken into trust.

³“Jamul,” Tiller’s Guide to Indian Country, Veronica E. Velarde Tiller (2015).

⁴Meeting between Jamul Indian Village and HNR Staff, 11.28.2023.

⁵25 CFR 151. <https://www.ecfr.gov/current/title-25/chapter-1/subchapter-H/part-151>.

⁶25 USC 2701 *et seq.*

⁷Meeting between Jamul Indian Village and HNR Staff, 11.28.2023.

⁸*Id.*

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) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

H.R. 6443, Jamul Indian Village Land Transfer Act			
As ordered reported by the House Committee on Natural Resources on January 17, 2024			
By Fiscal Year, Millions of Dollars	2024	2024-2029	2024-2034
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
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Statutory pay-as-you-go procedures apply? No	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Mandate Effects	
		Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 6443 would direct the Department of the Interior (DOI) to take into trust 172 acres of land in San Diego County, California, owned by the Jamul Indian Village. Under the bill, DOI would hold title to that land for the benefit of the tribe. The bill also would prohibit certain types of gaming on that land. Using information from DOI, CBO estimates that the administrative costs to implement H.R. 6443 would not be significant; any spending would be subject to the availability of appropriated funds.

The bill would impose intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the cost of the mandates would not exceed the annual threshold established in that act (\$100 million in 2023, adjusted annually for inflation).

The bill would prohibit gambling on tribal land obtained by the Jamul Indian Village of California that is contiguous with current land held in trust for the benefit of the tribe. Because gaming on such land is currently allowed under federal law, the proposed ban would impose a mandate. However, because the tribe has no plan to conduct gaming on the land being placed into trust, the cost of the mandate would be small.

H.R. 6443 also would prohibit state and local governments from taxing land taken into trust for the Jamul Indian Village. Information from the County of San Diego about taxes and other receipts associated with the land indicates that those foregone revenues would total less than \$250,000 annually.

The bill contains no private-sector mandates as defined in UMRA.

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

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

2. *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 land in the State of California into trust for the benefit of the Jamul Indian Village of California Tribe, and for other purposes.

EARMARK STATEMENT

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

UNFUNDED MANDATES REFORM ACT STATEMENT

According to the Congressional Budget Office, H.R. 6443 would impose intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). However, CBO estimates that the cost of the mandates would not exceed the annual threshold established in UMRA.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

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.

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

As ordered reported by the Committee on Natural Resources, H.R. 6443 makes no changes in existing law.

