

TO TAKE CERTAIN FEDERAL LANDS LOCATED IN LASSEN COUNTY, CALIFORNIA, INTO TRUST FOR THE BENEFIT OF THE SUSANVILLE INDIAN RANCHERIA, AND FOR OTHER PURPOSES

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OCTOBER 27, 2015.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. BISHOP of Utah, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 2212]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2212) to take certain Federal lands located in Lassen County, California, into trust for the benefit of the Susanville Indian Rancheria, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. LAND INTO TRUST FOR THE SUSANVILLE INDIAN RANCHERIA.**

(a) **IN GENERAL.**—The land described in subsection (b) is hereby taken into trust for the benefit of the Susanville Indian Rancheria, subject to valid existing rights.

(b) **LAND DESCRIPTION.**—The land taken into trust pursuant to subsection (a) is the approximately 301 acres of Federal land under the administrative jurisdiction of the Bureau of Land Management identified as “Conveyance Boundary” on the map titled “Susanville Indian Rancheria Land Conveyance” and dated December 31, 2014.

(c) **GAMING.**—Class II and class III gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall not be allowed at any time on the land taken into trust pursuant to subsection (a).

**PURPOSE OF THE BILL**

The purpose of H.R. 2212 is to take certain Federal lands located in Lassen County, California, into trust for the benefit of the Susanville Indian Rancheria.

**BACKGROUND AND NEED FOR LEGISLATION**

The Susanville Indian Rancheria is located in northeastern California at the juncture of the Cascade Range and the Sierra Nevada

mountains. The original Rancheria was created under the Landless and Homeless Indian Act in 1923 when the U.S. purchased 30 acres in Lassen County, California. The Rancheria was a nontribal specific assignment, though members of the Susanville community claim tribal associations to the Maidu, Paiute, Pit River, and Washoe Tribes of California.

The Tribe elected to charter under the authority of the Indian Reorganization Act of 1934 and in 1969 the Secretary of the Interior approved the initial Rancheria constitution and bylaws. Under Public Law 95-459, Congress placed 120 acres of land in trust for the Rancheria. With additions to the Tribe's land base, today the Rancheria has approximately 1,101 acres held in trust and 240 acres of fee land in six locations.

In 2005, the local Bureau of Land Management (BLM) office at Eagle Lake identified a 300-acre parcel in Lassen County, California, as suitable for disposal, and in 2007 BLM included the parcel its proposed Resource Management Plan and Final Environmental Impact Statement.<sup>1</sup> The 300-acre parcel, which is adjacent to existing tribal lands, is isolated from other BLM-managed lands and has become difficult for BLM to continue to manage.

The Rancheria has indicated that if H.R. 2212 is enacted, the Tribe will build a recreational area, Pow Wow grounds, and cultural center and museum on the land being transferred under the bill. The BLM field office has expressed a commitment to assist with the land transfer provided under this bill.

H.R. 2212 directs the Secretary of the Interior to take approximately 300 acres of public land administered by BLM into trust for the Susanville Indian Rancheria. The transfer of the BLM lands into trust would be subject to valid existing rights and management agreements related to easements and rights-of-way. Additionally, under the bill, class II and class III gaming under the Indian Gaming Regulatory Act is prohibited on these lands. The legislation is necessary as the Department of the Interior does not have the authority to administratively transfer public land into trust for a tribe.

#### COMMITTEE ACTION

H.R. 2212 was introduced on May 1, 2015, by Congressman Doug LaMalfa (R-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Indian, Insular and Alaska Native Affairs. On June 10, 2015, the Subcommittee held a hearing on the bill. On October 7, 2015, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman LaMalfa offered an amendment designated #1; it was adopted by unanimous consent. No additional amendments were offered and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent on October 8, 2015.

#### 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

<sup>1</sup> See <http://www.blm.gov/ca/st/en/fo/eaglelake/propRMP-FEIS.html>.

Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

*H.R. 2212—A bill to take certain Federal lands located in Lassen County, California, into trust for the benefit of the Susanville Indian Rancheria, and for other purposes*

H.R. 2212 would require the Secretary of the Interior to take 300 acres of federal lands in California into trust for the benefit of the Susanville Indian Rancheria. The bill also would prohibit certain gaming activities on the affected lands. CBO estimates that implementing the bill would have no significant effect on the federal budget.

Based on information from the Department of the Interior, CBO estimates the affected lands will generate receipts of about \$2,000 a year from leasing rights-of-way. Because transferring the affected lands to the Rancheria would reduce offsetting receipts by that amount (such receipts are treated as reductions in direct spending), pay-as-you-go procedures apply. Enacting the bill would not affect revenues.

CBO estimates that enacting H.R. 2212 would not increase on-budget deficits or net direct spending by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2026.

H.R. 2212 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would benefit the tribe.

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

2. Section 308(a) of Congressional Budget Act. As required by 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, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, enactment of this bill could reduce offsetting receipts of \$2,000 a year (attributed to right-of-way leasing).

3. 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 Federal lands located in Lassen County, California, into trust for the benefit of the Susanville Indian Rancheria.

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.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

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.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

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