

TO TAKE CERTAIN FEDERAL LAND LOCATED IN TUOLUMNE COUNTY,
CALIFORNIA, INTO TRUST FOR THE BENEFIT OF THE TUOLUMNE BAND
OF ME-WUK INDIANS, AND FOR OTHER PURPOSES

MARCH 10, 2016.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 3079]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3079) to take certain Federal land located in Tuolumne County, California, into trust for the benefit of the Tuolumne Band of Me-Wuk Indians, 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.

(a) **FEDERAL LAND.**—Subject to valid existing rights, all right, title, and interest (including improvements and appurtenances) of the United States in and to the Federal land described in subsection (b) shall be held in trust by the United States for the benefit of the Tuolumne Band of Me-Wuk Indians for nongaming purposes.

(b) **LAND DESCRIPTION.**—The land taken into trust under subsection (a) is the approximately 80 acres of Federal land under the administrative jurisdiction of the United States Forest Service, located in Tuolumne County, California, and described as follows:

(1) Southwest 1/4 of Southwest 1/4 of Section 2, Township 1 North, Range 16 East.

(2) Northeast 1/4 of Northwest 1/4 of Section 11, Township 1 North, Range 16 East of the Mount Diablo Meridian.

(c) **GAMING.**—Class II and class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) shall not be permitted at any time on the land taken into trust under subsection (a).

PURPOSE OF THE BILL

The purpose of H.R. 3079 is to make certain Federal land located in Tuolumne County, California, into trust for the benefit of the Tuolumne Band of Me-Wuk Indians.

BACKGROUND AND NEED FOR LEGISLATION

The Tuolumne Band of Me-Wuk Indians and Tuolumne Rancheria is a small California tribe located in east-central California, in the western foothills of the Sierra Nevada in Tuolumne County. According to the Tribe, there are currently around 400 members, with about half of its tribal members residing on the Rancheria.

The original Rancheria of 289.52 acres was purchased on October 25, 1910, under authority of the Acts of June 21, 1906 (34 Stat. 345) and April 30, 1908 (35 Stat. 71). In 1912, President Taft issued an Executive Order to add an additional 33 acres to the Rancheria. In the 111th Congress, H.R. 146 was enacted, which placed 423 acres into trust for the tribe (Public Law 111-11, the Omnibus Public Land Management Act of 2009).

Today the tribal land consists of over 1,700 acres of fee and trust land. As part of the 1,700 acres, the Tribe owns in fee simple the "Murphy Ranch". The Ranch was purchased by the Tribe to protect and preserve its traditional ancestral lands, and to ensure that the environment and wildlife of the area is protected. In 2013, the Tribe designated the Ranch as a permanent conservation area, and the Tribe is currently in the process of requesting that the Ranch be taken into federal trust and incorporated into the Reservation.

To the north of the Ranch is another private ranch, owned by the Edward Ingalls Trust. Situated between both ranches are two 40-acre landlocked Forest Service parcels. These two parcels are contiguous to the Ranch and the Ingalls Trust Ranch. Additionally, the two 40 acre parcels are a small part of two larger grazing permits. Many grazing permits cover private land due to checkerboard ownership.

If the Tribe successfully acquires the two parcels the land will be incorporated into the Ranch and designated as part of the 2013 permanent conservation area. The parcels will be inventoried by the Tribe for cultural and natural resources and native wildlife habitat. According to the tribe, laid out in the "Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria Proposal for Federal Land Transfer" published on Aug. 25, 2015, once the findings of the inventory are complete, the Tribe will determine which conservation activities are appropriate for the two parcels. H.R. 3079 would take these parcels into trust for the Tribe, and prohibit gaming activities on the land.

COMMITTEE ACTION

H.R. 3079 was introduced on July 15, 2015, by Congressman Tom McClintock (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 November 4, 2015, the Subcommittee held a hearing on the bill. On February 2, 2016, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Tom McClintock offered amendment designated .071, it was adopted by unanimous consent. No further amendments were offered, and the bill was ordered favorably reported to the House of Representatives by unanimous consent on February 3, 2016.

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

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. 3079—A bill to take certain Federal land located in Tuolumne County, California, into trust for the benefit of the Tuolumne Band of Me-Wuk Indians, and for other purposes

H.R. 3079 would take into trust, for the benefit of the Tuolumne Band of Me-Wuk Indians, approximately 80 acres of land located in Tuolumne County, California, that is administered by the United States Forest Service. The bill would prohibit certain types of gaming on those lands.

CBO estimates that enacting H.R. 3079 would have no significant effect on the federal budget. We estimate that any change in federal costs to manage lands affected by the bill (which would be subject to appropriation) would be insignificant. Under current law, CBO expects that the affected lands could generate income from grazing permits; thus, CBO estimates that taking those lands into trust could reduce offsetting receipts which are certain collections that are treated as reductions in direct spending. Because the bill could increase direct spending, pay-as-you-go procedures apply; however, based on information from the Forest Service, CBO estimates that any such effects would be negligible. Enacting H.R. 3079 would not affect revenues.

CBO estimates that enacting H.R. 3079 would not increase net direct spending or on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2027.

H.R. 3079 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On November 4, 2015, CBO transmitted an estimate for S. 1822, which has the same title, as ordered reported by the Senate Committee on Indian Affairs on October 21, 2015. The two bills are similar, and the CBO's estimate of the budgetary effects are the same.

The CBO staff contact for this estimate is Megan Carroll. 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. The Congressional Budget Office estimates that enactment of this bill “would have no significant effect on the federal budget.” Any effect on offsetting receipts from grazing activities would be “negligible”.

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 make certain Federal land located in Tuolumne County, California, into trust for the benefit of the Tuolumne Band of Me-Wuk 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.

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.