

## NEVADA NATIVE NATIONS LAND ACT

APRIL 12, 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. 2733]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2733) to require the Secretary of the Interior to take land into trust for certain Indian tribes, 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. SHORT TITLE.

This Act may be cited as the “Nevada Native Nations Land Act”.

#### SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term “Secretary” means the Secretary of the Interior.

#### SEC. 3. CONVEYANCE OF LAND TO BE HELD IN TRUST FOR CERTAIN INDIAN TRIBES.

(a) CONVEYANCE OF LAND TO BE HELD IN TRUST FOR THE FORT McDERMITT PAIUTE AND SHOSHONE TRIBE.—

(1) DEFINITION OF MAP.—In this subsection, the term “map” means the map entitled “Fort McDermitt Indian Reservation Expansion Act”, dated February 21, 2013, and on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(2) CONVEYANCE OF LAND.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (3)—

(A) is held in trust by the United States for the benefit of the Fort McDermitt Paiute and Shoshone Tribe; and

(B) shall be part of the reservation of the Fort McDermitt Paiute and Shoshone Tribe.

(3) DESCRIPTION OF LAND.—The land referred to in paragraph (2) is the approximately 19,094 acres of land administered by the Bureau of Land Management as generally depicted on the map as “Reservation Expansion Lands”.

(b) CONVEYANCE OF LAND TO BE HELD IN TRUST FOR THE SHOSHONE PAIUTE TRIBES.—

(1) DEFINITION OF MAP.—In this subsection, the term “map” means the map entitled “Mountain City Administrative Site Proposed Acquisition”, dated July 29, 2013, and on file and available for public inspection in the appropriate offices of the Forest Service.

(2) CONVEYANCE OF LAND.—Subject to valid existing rights and paragraph (4), all right, title, and interest of the United States in and to the land described in paragraph (3)—

(A) is held in trust by the United States for the benefit of the Shoshone Paiute Tribes of the Duck Valley Indian Reservation; and

(B) shall be part of the reservation of the Shoshone Paiute Tribes of the Duck Valley Indian Reservation.

(3) DESCRIPTION OF LAND.—The land referred to in paragraph (2) is the approximately 82 acres of land administered by the Forest Service as generally depicted on the map as “Proposed Acquisition Site”.

(4) CONDITION ON CONVEYANCE.—The conveyance under paragraph (2) shall be subject to the reservation of an easement on the conveyed land for a road to provide access to adjacent National Forest System land for use by the Forest Service for administrative purposes.

(5) FACILITIES AND IMPROVEMENTS.—The Secretary of Agriculture (acting through the Chief of the Forest Service) shall convey to the Shoshone Paiute Tribes of the Duck Valley Indian Reservation any existing facilities or improvements to the land described in paragraph (3).

(c) CONVEYANCE OF LAND TO BE HELD IN TRUST FOR THE SUMMIT LAKE PAIUTE TRIBE.—

(1) DEFINITION OF MAP.—In this section, the term “map” means the map entitled “Summit Lake Indian Reservation Conveyance”, dated February 28, 2013, and on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(2) CONVEYANCE OF LAND.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (3)—

(A) is held in trust by the United States for the benefit of the Summit Lake Paiute Tribe; and

(B) shall be part of the reservation of the Summit Lake Paiute Tribe.

(3) DESCRIPTION OF LAND.—The land referred to in paragraph (2) is the approximately 941 acres of land administered by the Bureau of Land Management as generally depicted on the map as “Reservation Conveyance Lands”.

(d) CONVEYANCE OF LAND TO BE HELD IN TRUST FOR THE RENO-SPARKS INDIAN COLONY.—

(1) DEFINITION OF MAP.—In this subsection, the term “map” means the map entitled “Reno-Sparks Indian Colony Expansion”, dated June 11, 2014, and on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(2) CONVEYANCE OF LAND.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (3)—

(A) is held in trust by the United States for the benefit of the Reno-Sparks Indian Colony; and

(B) shall be part of the reservation of the Reno-Sparks Indian Colony.

(3) DESCRIPTION OF LAND.—The land referred to in paragraph (2) is the approximately 13,434 acres of land administered by the Bureau of Land Management as generally depicted on the map as “RSIC Amended Boundary”.

(e) CONVEYANCE OF LAND TO BE HELD IN TRUST FOR THE PYRAMID LAKE PAIUTE TRIBE.—

(1) MAP.—In this subsection, the term “map” means the map entitled “Pyramid Lake Indian Reservation Expansion”, dated April 13, 2015, and on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(2) CONVEYANCE OF LAND.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (3)—

(A) is held in trust by the United States for the benefit of the Pyramid Lake Paiute Tribe; and

(B) shall be part of the reservation of the Pyramid Lake Paiute Tribe.

(3) DESCRIPTION OF LAND.—The land referred to in paragraph (2) is the approximately 6,357 acres of land administered by the Bureau of Land Management as generally depicted on the map as “Reservation Expansion Lands”.

(f) CONVEYANCE OF LAND TO BE HELD IN TRUST FOR THE DUCKWATER SHOSHONE TRIBE.—

(1) MAP.—In this subsection, the term “map” means the map entitled “Duckwater Reservation Expansion”, dated October 15, 2015, and on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(2) CONVEYANCE OF LAND.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (3)—

(A) is held in trust by the United States for the benefit of the Duckwater Shoshone Tribe; and

(B) shall be part of the reservation of the Duckwater Shoshone Tribe.

(3) DESCRIPTION OF LAND.—The land referred to in paragraph (2) is the approximately 31,229 acres of land administered by the Bureau of Land Management as generally depicted on the map as “Reservation Expansion Lands”.

(g) REVOCATION OF PUBLIC LAND ORDERS.—Any public land order that withdraws any portion of land conveyed to an Indian tribe under this section shall be revoked to the extent necessary to permit the conveyance of the land.

#### SEC. 4. ADMINISTRATION.

(a) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust for each Indian tribe under section 3.

(b) USE OF TRUST LAND.—

(1) GAMING.—Land taken into trust under section 3 shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

(2) THINNING; LANDSCAPE RESTORATION.—With respect to the land taken into trust under section 3, the Secretary, in consultation and coordination with the applicable Indian tribe, may carry out any fuel reduction and other landscape restoration activities, including restoration of sage grouse habitat, on the land that is beneficial to the Indian tribe and the Bureau of Land Management.

#### PURPOSE OF THE BILL

The purpose of H.R. 2733 is to require the Secretary of the Interior to take land into trust for certain Indian tribes.

#### BACKGROUND AND NEED FOR LEGISLATION

The Fort McDermitt Paiute Tribe and Shoshone Tribe both share the Fort McDermitt Reservation, located in Humboldt County, Nevada and Malheur County, Oregon. The reservation, originally established by Executive Order in 1867, is approximately 32,000 acres in size and is 75 miles north of Winnemucca, Nevada. The land was allotted under the General Allotment Act of 1887 (24 Stat. 388) and it was further opened to homesteading by non-Indians. A number of Acts of Congress have authorized the reacquisition of some of these lands by the tribes. According to the Nevada Indian Commission, the tribes currently have approximately 16,000 acres of trust land in Nevada and approximately 18,000 acres in Oregon. The tribes plan to use the land transferred under the bill for the development of natural resources.

The Duck Valley Reservation, on the Nevada-Idaho border (Elko County, Nevada, and Owyhee County, Idaho), encompassing close to 290,000 acres, was established by several Executive Orders beginning with one by President Rutherford B. Hayes in 1877 and expanded by Executive Orders in 1886 and 1910, by President Grover Cleveland and President William Taft, respectively. The Shoshone and Paiute Tribes of the Duck Valley Reservation plan to use the lands transferred under Section 3(b) of the bill to address a tribal housing shortage.

The Summit Lake Paiute Reservation is located in northwestern Nevada (Humboldt County), was established by Executive Order in

1913, also by President William Taft, and was later expanded by Congress in 1928 (45 Stat. 160) and 1959 (73 Stat. 64). Today, the reservation is approximately 12,500 acres. The Summit Lake Paiute Tribe is a part of the greater Paiute tribe, a large group of Indian people who occupied a large part of the eastern slopes of the Sierra and Cascades ranges until encroachment by non-Indians led to the creation of a reservation for their use and occupation. The reservation includes a small part of Summit Lake. The Tribe plans to use the lands transferred under the bill for protection and management of Summit Lake, including natural resources and a once-abundant Lahontan cutthroat trout population.

The Reno-Sparks Indian Colony, in western Nevada near the California border, comprises approximately 70 acres in Reno, Nevada, 40 acres south of Reno, and nearly 2,000 acres in Hungry Valley. In 1916, Congress authorized (39 Stat. 143) the purchase of approximately 20 acres as a site for the colony (similar to the manner in which Congress authorized the Department of the Interior to purchase land for Rancherias). Congress authorized the purchase of additional lands in 1926 (44 Stat. 496) and 1986 (100 Stat. 828). Though Congress did not designate these lands as a reservation or as a federal trust, in subsequent years, the Secretary of the Interior nonetheless treated the lands and the Indians living on it as an Indian reservation. The Reno-Sparks Indian Colony tribe plans to use the lands transferred under the bill to alleviate a housing strain, and for cultural preservation and development.

The Pyramid Lake Reservation is approximately a half-million acres in a remote part of western Nevada, in Washoe, Lyon, and Stoney Counties, 40 miles away from Reno. Several Indian communities are within the reservation, including Nixon, Sutcliffe, and Wadsworth. The reservation was formally established by an Executive Order from President Ulysses S. Grant in 1874 after earlier orders by the government began to reserve this area for Paiute Indians after tensions arose with non-Indian settlers. About 112,000 acres of the reservation include Summit Lake, the State's largest lake, while the rest of the lands are high desert. Through receiving additional lands under the bill, the Pyramid Lake Paiute Tribe plans to incorporate the watershed of Pyramid Lake. Other uses include potential economic development and management efficiency.

The Duckwater Indian Reservation is composed of approximately 3,800 acres located in east-central Nevada, approximately 200 miles northwest of Las Vegas. Due to the small land base, the Duckwater Shoshone Tribe has only 94 enrolled members living on the reservation. The Tribe would use additional land to support additional grazing and agricultural activities, promote renewable energy, economic development, and housing.

#### SECTION-BY-SECTION

##### *Section 1. Short title*

This Act may be cited as the "Nevada Native Nations Land Act."

##### *Section 2. Definition of Secretary*

Under the bill, the term "Secretary" means the Secretary of the Interior.

*Section 3. Conveyance of land to be held in trust for certain indian tribes*

Subsection (a) places approximately 19,094 acres of Bureau of Land Management (BLM)-administered public land in trust for the Fort McDermitt Paiute and Shoshone Tribe, subject to valid existing rights. Lands are depicted on a map dated February 21, 2013, titled "Reservation Expansion Lands" on file at the local BLM office.

Subsection (b) places approximately 82 acres of National Forest System land in trust for the benefit of the Shoshone-Paiute Tribe, subject to valid existing rights. Lands are depicted on a map dated July 29, 2013, titled "Mountain City Administrative Site Proposed Acquisition" on file at the local U.S. Forest Service office.

Subsection (c) places approximately 941 acres of BLM-administered public land in trust for the benefit of the Summit Lake Paiute Tribe, subject to valid existing rights. Lands are depicted on a map dated February 28, 2013, titled "Summit Lake Indian Reservation Conveyance" on file at the local BLM office.

Subsection (d) places approximately 13,434 acres of BLM-administered public land in trust for the benefit of the Reno-Sparks Indian Colony, subject to valid existing rights. Lands are depicted on a map dated June 11, 2014, titled "Reno-Sparks Indian Colony Expansion" on file at the local BLM office.

Subsection (e) places approximately 6,357 acres of BLM-administered public land in trust for the benefit of the Pyramid Lake Paiute Tribe, subject to valid existing rights. Lands are depicted on a map dated April 13, 2015, titled "Pyramid Lake Indian Reservation Expansion" on file at the local BLM office.

Subsection (f) places approximately 31,229 acres of BLM-managed lands in trust for the benefit of the Duckwater Shoshone Tribe, subject to valid existing rights. Lands are depicted on a map dated October 15, 2015, titled "Duckwater Reservation Expansion" on file at the local BLM office.

*Section 4. Administration*

This section directs the Secretary of Interior, within 180 days of enactment, to complete a survey of boundary lines for each of the sections of land to be taken into trust under Section 3. The Secretary is also authorized to carry out fuel reduction and other landscape restoration activities on the lands taken into trust under Section 3 that are beneficial to an Indian tribe and the Bureau of Land Management.

Finally, any lands taken into trust under Section 3 shall not be eligible for certain gaming activities pursuant to the Indian Gaming Regulatory Act (25 U.S.C. 2703 et seq.).

COMMITTEE ACTION

H.R. 2733 was introduced on June 11, 2015, by Congressman Mark E. Amodei (R-NV). 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 July 15, 2015, the Subcommittee held a hearing on the bill. On March 15, 2016, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent.

Congressman Rob Bishop (R-UT) offered an Amendment in the Nature of a Substitute; it was adopted by unanimous consent. The bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent on March 16, 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. 2733—Nevada Native Nations Land Act*

H.R. 2733 would authorize the following land conveyances between the federal government and various tribes in Nevada:

- 19,094 acres of land managed by the Bureau of Land Management (BLM) to be held in trust for the benefit of the Fort McDermitt Paiute and Shoshone Tribe;
- 82 acres of land managed by the United States Forest Service to be held in trust for the benefit of the Shoshone Paiute Tribes of the Duck Valley Indian Reservation;
- 941 acres of land managed by BLM to be held in trust for the benefit of the Summit Lake Paiute Tribe;
- 13,434 acres of land managed by BLM to be held in trust for the benefit of the Reno-Sparks Indian Colony;
- 6,357 acres of land managed by BLM to be held in trust for the benefit of the Pyramid Lake Paiute Tribe; and
- 31,229 acres of land managed by BLM to be held in trust for the benefit of the Duckwater Shoshone Tribe.

Based on information from the affected agencies, CBO estimates that implementing the legislation would not have a significant effect on the federal budget. Under current law, CBO expects that programs to develop federally owned natural resources on some of the lands to be conveyed will generate receipts, particularly from grazing permits. The federal budget does not recognize any such receipts from land that is held in trust. Thus, CBO estimates that conveying those lands would reduce offsetting receipts (which are treated as increases in direct spending); however, we estimate that such losses would be insignificant.

Because enacting H.R. 2733 would increase direct spending, pay-as-you-go procedures apply. Enacting H.R. 2733 would not affect revenues. CBO estimates that enacting H.R. 2733 would not in-

crease net direct spending or on-budget deficits by more than \$5 billion in any of the next four consecutive 10-year periods beginning in 2027.

H.R. 2733 contains no intergovernmental or private-sector mandates as defined in the On Rinded Mandates Reform Act.

On November 5, 2015, CBO transmitted a cost estimate for S. 1436, the Nevada Native Nations Land Act, as ordered reported by the Senate Committee on Indian Affairs on October 21, 2015. H.R. 2733 and S. 1436 are similar, and the CBO cost estimates are the same.

The CBO staff contact for this estimate is Megan Carroll. The estimate was approved by Theresa Gullo, 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 implementing this bill “would not have a significant effect on the federal budget.”

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 require the Secretary of the Interior to take land into trust for certain Indian tribes.

#### 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.

