

TO DIRECT THE SECRETARY OF AGRICULTURE TO CONVEY CERTAIN
LAND IN THE LAKE TAHOE BASIN MANAGEMENT UNIT, NEVADA, TO
THE SECRETARY OF THE INTERIOR, IN TRUST FOR THE WASHOE INDIAN
TRIBE OF NEVADA AND CALIFORNIA

JUNE 26, 2003.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 74]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 74) to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 74 is to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 74 conveys for no consideration a 24.3-acre parcel of National Forest System land in the Lake Tahoe Basin Management Unit to the Secretary of the Interior in trust for the Washoe Tribe of Nevada and California. Use of the land, located on the shore of Lake Tahoe (Nevada), would be restricted to traditional and customary uses of the Tribe.

The concept of transferring land on Lake Tahoe for the Tribe's cultural purposes was ratified by a group of Federal, State, and local government leaders in 1997. The Tribe's ancestral homeland

includes a 5,000-square-mile area in and around the Lake Tahoe Basin, but it currently owns no land in the Lake Tahoe Basin Management Unit. The Tribe historically gathered along the shore of Lake Tahoe for activities such as spiritual renewal, land stewardship, traditional learning, and reunification of tribal and family bonds.

Under this bill, permanent residential or recreational development or commercial use of the land is forbidden. Violation of this condition results in a reversion of the parcel to the Secretary of Agriculture.

H.R. 74 reserves to the United States an easement on the parcel for public and administrative access to adjacent National Forest lands. The Tribe receives a reciprocal easement permitting vehicular access to the parcel over a forest development road for safety and administrative purposes, and to assist tribal members who could not easily gain access to their land by foot.

H.R. 74 does not affect current law. Similar or identical bills were passed in the 106th Congress. In the 107th Congress, Senate hearings were held on identical legislation, which was passed by the Senate and then reported by the House Resources Committee. No further action occurred.

COMMITTEE ACTION

H.R. 74 was introduced on January 7, 2003, by Congressman Jim Gibbons (R-NV). The bill was referred to the Committee on Resources. On June 11, 2003, the Full Resources Committee met to consider the bill. H.R. 74 was ordered favorably reported to the House of Representatives, without amendment, by unanimous consent.

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

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

Cost of Legislation. Clause 3(d)(2) 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)(3)(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.

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.

General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

Congressional Budget Office Cost Estimate. 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:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 16, 2003.

Hon. RICHARD POMBO,
Chairman, Committee on Resources, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 74, a bill to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California.

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

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 74—A bill to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California

Based on information from the Forest Service, CBO estimates that implementing H.R. 74 would have no significant impact on the Federal budget. The legislation would not affect direct spending or revenues. H.R. 74 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments.

H.R. 74 would direct the Secretary of Agriculture to convey, without consideration, about 24 acres of national forest system land within the Lake Tahoe Basin Management Unit to the Secretary of the Interior, to be taken into trust on behalf of the Washoe Indian Tribe of Nevada and California. According to the Forest Service, the lands to be conveyed currently generate no receipts and are not expected to over the next 10 years. The Secretary of Agriculture would retain an easement to provide for access to Federal lands adjacent to those that would be conveyed. H.R. 74 outlines conditions for the tribe's use of the conveyed lands and specifies that ownership of the lands would revert back to the Secretary of Agriculture if the tribe violates those conditions.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

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.

