

TO PROVIDE FOR CERTAIN LANDS TO BE HELD IN  
TRUST FOR THE UTU UTU GWAITU PAIUTE TRIBE

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JULY 13, 2006.—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. 854]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 854) to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe, 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. LANDS TO BE HELD IN TRUST.**

(a) **IN GENERAL.**—Subject to valid existing rights, all right, title, and interest of the United States in and to the lands, including improvements and appurtenances, described in subsection (b) are hereby declared to be held in trust by the United States for the benefit of the Utu Utu Gwaitu Paiute Tribe, Benton Paiute Reservation.

(b) **LAND DESCRIPTION.**—The lands to be held in trust pursuant to subsection (a) are the approximately 240 acres described as follows: Mount Diablo Base and Meridian, Township 2 South, Range 31 East Section 11: SE $\frac{1}{4}$  and E $\frac{1}{2}$  of SW $\frac{1}{4}$ .

(c) **GAMING RESTRICTION.**—Lands taken into trust pursuant to subsection (a) shall not be considered to have been taken into trust pursuant to subsection (a) for, class II gaming or class III gaming (as those terms are used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)).

**PURPOSE OF THE BILL**

The purpose of H.R. 854 would be to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe.

## BACKGROUND AND NEED FOR LEGISLATION

The purpose of this legislation is to transfer 240 acres of land from the Bureau of Land Management (BLM) and place that land into trust for the benefit of the Utu Utu Gwaitu Paiute Tribe. The 240 acres are federal lands adjacent to the existing reservation that have been classified as “suitable for disposal” through the BLM land use planning process. These lands would specifically be used to support the Tribe’s ongoing quest to increase economic self-sufficiency.

The Tribe’s Benton Paiute Indian Reservation is located approximately 40 miles northeast of Bishop, California. The 240 acres proposed for transfer would be used specifically to build additional tribal housing units, a health clinic, fire station, police station and an industrial park for manufacturing businesses. H.R. 854 would add a significant portion of land to the Tribe’s small, remote reservation footprint. Currently, there is not enough reservation land to house tribal members or support any form of economic diversification.

## COMMITTEE ACTION

H.R. 854 was introduced on February 16, 2005, by Representative Howard P. “Buck” McKeon (R-CA). The bill was referred to the Committee on Resources. On June 21, 2006, the Full Resources Committee met to consider the bill. Chairman Richard Pombo (R-CA) offered an amendment in the nature of a substitute with technical changes and added a no-gaming restriction on the relevant acreage. It was adopted by unanimous consent. The bill as amended was then ordered favorably reported to the House of Representatives 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 IV, section 3, clause 2 of the Constitution of the United States grants Congress the authority to enact this bill.

## COMPLIANCE WITH HOUSE RULE XIII

1. 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.

2. 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.

3. 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.

4. 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:

*H.R. 854—A bill to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe*

CBO estimates that enacting H.R. 854 would have no significant impact on the federal budget. H.R. 854 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. This legislation would impose no significant costs on state, local, or tribal governments and would benefit the Utu Utu Gwaitu Paiute Tribe.

H.R. 854 would direct the Secretary of the Interior to give approximately 240 acres of federal land in California to the Benton Paiute Reservation to be held in trust by the United States on behalf of the Utu Utu Gwaitu Paiute Tribe. According to the Department of the Interior, the land to be conveyed currently generates no receipts from mineral leasing or other activities and is not expected to do so during the next 10 years. Hence, CBO estimates that conveying the land would not significantly affect offsetting receipts (a credit against direct spending).

The CBO staff contact for this estimate is Gregory Waring. This estimate was approved by Peter H. Fontaine, Deputy Assistance 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 to existing law.

