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HOUSE OF REPRESENTATIVES
REPORT
108–715

TO DIRECT THE SECRETARY OF THE INTERIOR TO CONVEY CERTAIN LAND HELD IN TRUST FOR THE PAIUTE INDIAN TRIBE OF UTAH TO THE CITY OF RICHFIELD, UTAH, AND FOR OTHER PURPOSES

SEPTEMBER 30, 2004.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 3982]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3982) to direct the Secretary of the Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes, 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. 3982 is to direct the Secretary of the Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 3982 authorizes the sale of three acres of tribal trust land owned by the Paiute Indian Tribe of Utah to a local municipal airport, and authorizes the transfer of additional Paiute Indian trust land to two of the tribe's constituent bands.

The Paiute Indian Tribe of Utah was restored through legislation in 1980. The Tribe has five constituent bands: the Shivwits, Kanosh, Koosharem, Indian Peaks, and Cedar City Bands. All five bands reside in southwestern and central Utah.

Under a tribal resolution passed in 2001, the Paiute Tribe has requested the sale of three acres of its tribal trust land to the City of Richfield, Utah, for expansion of the City's municipal airport. Land held in trust by the United States for the benefit of Indians cannot be alienated. H.R. 3982 authorizes the Secretary to take such land out of trust, when requested by the tribe, to enable the

sale. Under the legislation, the land must be sold for not less than its appraised fair market value; if the sale is not effected, the land will be placed back in trust for benefit of the Paiute Tribe.

The Tribe further wishes to transfer three other parcels of its trust land, each totaling one acre or less in size, to the Shivwits and Kanosh Bands. According to the Tribe, two of the parcels have been used exclusively by the Kanosh Band for over twenty years. The third parcel would be used by the Shivwits Band for a community center.

H.R. 3982 authorizes the Secretary to place these parcels of property into trust for the two bands upon a request, by tribal resolution, by the Paiute Tribe.

Finally, H.R. 3982 changes the name of the Cedar City Band to the "Cedar Band."

COMMITTEE ACTION

H.R. 3982 was introduced on March 17, 2004, by Congressman Chris Cannon (R–UT). The bill was referred to the Committee on Resources. On September 15, 2004, the Full Resources Committee met to consider the bill. No amendments were offered and the bill 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 I, section 8 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 Com-

mittee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 3982—A bill to direct the Secretary of the Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the city of Richfield, Utah, and for other purposes

CBO estimates that implementing H.R. 3982 would have no significant impact on the federal budget. Enacting H.R. 3982 would not affect revenues or directing spending. H.R. 3982 would direct the Secretary of the Interior to convey three acres of land held in trust for the Paiute Indian Tribe of Utah to Richfield, Utah, for use by a local municipal airport. Because the bill would require the city to pay all costs related to the conveyance, there would be no federal administrative costs for the transfer.

H.R. 3982 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. The land conveyances authorized by this bill would be voluntary on the part of the Paiute Tribe and the city of Richfield. Any costs they might incur to comply with the conditions of the conveyance would be incurred voluntarily.

The CBO staff contact for this estimate is Mike Waters. 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 MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PAIUTE INDIAN TRIBE OF UTAH RESTORATION ACT

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SEC. 2. For the purposes of this Act—

(1) the term "tribe" means the Cedar [City], Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Paiute Indians of Utah;

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SEC. 3. (a) The Federal trust relationship is restored to the Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Paiute Indians of Utah and restored or confirmed with respect to the Cedar [City] Band of Paiute of Indians of Utah. The provisions of the Act of June 18, 1934 (48 Stat. 984) as amended, except as inconsistent with specific provisions of this Act, are made applicable to the tribe and the members of the tribe. The tribe and the members of the tribe shall be eligible for all Federal services and bene-

fits furnished to federally recognized Indian tribes. Notwithstanding any provision to the contrary in any law establishing such services or benefits, eligibility of the tribe and its members for such Federal services and benefits shall become effective upon enactment of this Act without regard to the existence of a reservation for the tribe or the residence of members of the tribe on a reservation. For the purpose of providing for Federal services and benefits, the service area shall be Iron, Millard, Sevier, and Washington Counties, Utah, except that should lands in any other county be added to the reservation pursuant to section 7(c), the service area shall also include the area on or near the additions to the reservation.

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SEC. 4. (a) * * *

(b)(1) Until after the initial election of tribal officers under the tribal constitution and bylaws, a person shall be a member of the tribe and his name shall be placed on the membership roll if he is living and if—

(A) * * *

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(D) his name is listed on the roll established pursuant to the Act of October 17, 1968 (82 Stat. 1147), for the disposition of judgment funds, as a member of the Cedar [City] Band of Paiute Indians;

(E) he was entitled on October 17, 1968, to be on the judgment distribution roll as a member of the Cedar [City] Band as specified in subparagraph (D) but his name was not listed on that roll; or

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SEC. 7. (a) * * *

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(c) Inasmuch as the Kanosh, Koosharem and Indian Peaks Bands of Paiute Indians lost land which had been their former reservations and the Cedar [City] Band of Paiute Indians had never had a reservation, the Secretary shall negotiate with the tribe or bands, or with representatives of the tribe chosen by the tribe or bands, concerning the enlargement of the reservation for the tribe established pursuant to subsection (a) and shall within two years after the date of enactment of this Act, develop a plan for the enlargement of the reservation for the tribe. The plan shall include acquisition of not to exceed a total of fifteen thousand acres of land to be selected from available public, State, or private lands within Beaver, Iron, Millard, Sevier, or Washington Counties, Utah. Upon approval of such plan by the tribal officials elected under the tribal constitution and bylaws adopted pursuant to section 6, the Secretary shall submit such plan, in the form of proposed legislation, to the Congress.

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