

COCOPAH LANDS ACT

JULY 30, 2007.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 673]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 673) to direct the Secretary of the Interior to take lands in Yuma County, Arizona, into trust as part of the reservation of the Cocopah Indian Tribe, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Cocopah Lands Act”.

SEC. 2. FINDINGS.

Congress finds the following:

- (1) The reservation of the Cocopah Tribe of Arizona is located in Yuma County, Arizona.
- (2) That reservation was created by an Executive order signed by President Woodrow Wilson in 1917.
- (3) The Tribe’s land holdings are located within 3 noncontiguous reservations comprising a total of approximately 6,226.3 acres of trust land.
- (4) The Tribe purchased the additional lands to provide infrastructure to housing areas, water, and economic development to tribal members.
- (5) The current trust land base of the reservation is insufficient to provide such needs.
- (6) The Tribe acquired 7 parcels of land contiguous to its present reservation lands in 1986, 1993, 1997, and 2005, and these parcels are currently classified as “Tribal fee lands” under Federal law.
- (7) The acquired parcels shall not be taken into trust for gaming purposes.
- (8) The best means of solving the Tribe’s land and economic needs to its tribal members is to require the Secretary to take lands in Yuma County, Arizona,

that are acquired by the Tribe into trust for the Tribe subject to the provisions of this Act.

SEC. 3. DEFINITIONS.

For the purpose of this Act, the following definitions apply:

- (1) **TRIBE.**—The term “Tribe” means the Cocopah Tribe of Arizona.
- (2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 4. LANDS TO BE TAKEN INTO TRUST.

(a) **LANDS TO BE TAKEN INTO TRUST.**—If the Tribe transfers title to the land described in subsection (b) to the Secretary, the Secretary shall take that land into trust for the benefit of the Tribe, if at the time of such transfer there are no recognized environmental conditions or contamination related concerns and no adverse legal claims to such land, including outstanding liens, mortgages, or taxes owed.

(b) **LAND DESCRIBED.**—The land referred to in subsection (a) is described as follows:

(1) **PARCEL 1 (SIBLEY PURCHASE 1986).**—Lot 4 and the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, of Sec. 1, T. 10 S., R. 25 W., of the Gila and Salt River Base and Meridian, Yuma County, Arizona, except that portion of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, of said Sec. 1, T. 10 S., R. 25 W., lying southeasterly of the north right-of-way line of the Bureau of Reclamation levee.

(2) **PARCEL 2 (SIBLEY PURCHASE 1986).**—Lot 1 and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, of Sec. 2, T. 10 S., R. 25 W., of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

(3) **PARCEL 3 (MCDANIEL PURCHASE 1993).**—That part of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$, lying south of the East Main Bureau of Reclamation Canal right of way in Sec. 30, T. 9 S., R. 23 W., of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

(4) **PARCEL 4 (HOLLAND PURCHASE 1997).**—That portion of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, of Sec. 31, T. 16 S., R. 22 E., of the San Bernardino Base and Meridian, Yuma County, Arizona, lying north of the levee and Salinity Canal; except the north 220 feet.

(5) **PARCEL 5 (HOLLAND PURCHASE 1997).**—An easement over the easterly 15 feet of the north 220 feet of that portion of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, of Sec. 31, T. 16 S., R. 22 E., of the San Bernardino Base and Meridian, Yuma County, Arizona, lying north of the levee and Salinity Canal for irrigation purposes.

(6) **PARCEL 6 (POWERS PURCHASE 1997).**—Lots 21, 24, and 25, Sec. 29, and Lots 16 and 17 and the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, of Sec. 30, T. 16 S., R. 22 E., of the San Bernardino Meridian, Yuma County, Arizona, according to the dependent resurvey of the Bureau of Land Management, accepted December 9, 1960.

(7) **PARCEL 7 (SPEED WAY PURCHASE 2005).**—That portion of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 30, T. 9 S., R. 23 W., of the Gila and Salt River Base and Meridian, Yuma County, Arizona, lying south and east of the East Main Canal; except the south 33 feet thereof; except one-third interest in and to all mineral rights, as reserved in the deed recorded in Docket 1461, page 600, records of Yuma County, Arizona.

(c) **LANDS TO BE MADE PART OF THE RESERVATION.**—Land taken into trust pursuant to subsection (a) shall be considered to be part of the Tribe’s initial reservation.

(d) **SERVICE AREA.**—For the purposes of the delivery of Federal services to enrolled members of the Tribe, the Tribe’s service area shall be Yuma County, Arizona.

(e) **GAMING PROHIBITED.**—Land taken into trust for the benefit of the Tribe under this Act shall not be used for gaming under the Indian Gaming Regulatory Act.

Amend the title so as to read:

A bill to direct the Secretary of the Interior to take lands in Yuma County, Arizona, into trust as part of the reservation of the Cocopah Tribe of Arizona, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 673, as ordered reported, is to direct the Secretary of the Interior to take lands in Yuma County, Arizona, into trust as part of the reservation of the Cocopah Tribe of Arizona, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Cocopah (Kwapa) Indians, also known as the river people, are descendants of the greater Yuman language-speaking people. They have lived along the Colorado River since before recorded history. According to historical documents, the Tribe's domain once included portions of Arizona, Southern California and Sonora, Mexico. After the Treaty of Guadalupe Hildalgo was signed in 1848 the Tribe's lands were divided between the United States and Mexico.

On September 27, 1917, President Woodrow Wilson signed Executive Order No. 2711. This order established the Cocopah Indian Reservation, now located 13 miles south of Yuma, AZ, in Yuma County along the Colorado River. On August 17, 1961, Public Law 87-150 was approved granting eighty-one acres of public domain to the Tribe. In 1985, the Cocopah Land Acquisition Act was enacted granting the Tribe an additional 4,200 acres. Today, the reservation contains over 6,500 acres, most of which is leased as agricultural land to non-Indian farmers.

Beginning in 1986, the Tribe began purchasing various tracts of land. The "Sibley Purchase," bought in 1986, consists of two parcels totaling 142 acres. The "McDaniel Purchase," bought in 1993, includes 69.52 acres and was purchased for future development purposes. The "Holland Purchase," bought in 1996, consists of two parcels totaling 7.9 acres and was purchased to provide entry into the Cocopah Golf and RV Resort. The "Powers Purchase," bought in 1997, includes 140 acres. The "Speedway Purchase," bought in 2005, includes 63 acres purchased for economic development.

Currently, the lands are not held in trust, and therefore the Tribe does not have jurisdiction over them. As a result, tribal development is limited. In order for the Tribe to govern the lands, they must be placed into trust for the Tribe by the Secretary of the Interior. After this occurs, jurisdictional responsibilities will be clarified, land holdings will be consolidated and the Tribe will enjoy further economic and social opportunities.

Land into Trust (25 C.F.R. Part 151)

Tribes may have land placed into trust in accordance with regulations promulgated by the Department of the Interior. Over the past several years, the Committee has received complaints from Indian tribes about the cost and amount of time that the land into trust process takes. Tribes have insisted that there is an informal moratorium by the Department on processing land into trust applications.

Indian Gaming Regulatory Act

Generally, the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701 et seq., prohibits gaming on land acquired after October 17, 1988 but an exception is made for lands within or contiguous to existing reservation lands. This legislation, however, prohibits gaming on these lands.

Legislative History

During the 107th Congress, similar legislation (H.R. 5000) was introduced by Representative Ed Pastor (D-AZ) on June 21, 2002 and was referred to the House Committee on Resources. Last Con-

gress, H.R. 4951 was introduced by Representative Grijalva (D-AZ) on March 14, 2006 and was referred to the House Committee on Resources.

COMMITTEE ACTION

H.R. 673 was introduced on January 24, 2007 by Representative Grijalva (D-AZ). The bill was referred to the Committee on Natural Resources on January 24, 2007. A hearing was held by the full Natural Resources Committee on June 13, 2007, at which the Department of the Interior testified in support of the measure with some suggested changes. On July 18, 2007, the full Committee on Natural Resources met to mark up the bill. Representative Grijalva (D-AZ) offered an en bloc amendment to include the Department's suggested changes. The amendment made technical changes, such as correcting typographical errors and correcting the Tribe's name, as well as directing the Secretary to place land into trust if there are no recognized environmental conditions or contamination related concerns. It was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 provides that this Act may be cited as the 'Cocopah Lands Act'.

Section 2. Findings

Section 2 sets forth findings supporting the background and reason for this bill, including that the Tribe purchased the additional lands to provide infrastructure for housing areas, water, and economic development to tribal members.

Section 3. Definitions

Section 3 defines the terms "Tribe" and "Secretary" for purposes of this Act.

Section 4. Lands to be taken into trust

Section 4(a) provides that if the Tribe transfers title to the land to the Secretary, the Secretary must take that land into trust for the benefit of the Tribe, if at the time of such transfer there are no recognized environmental conditions or contamination related concerns and no adverse legal claims to such land. It also sets forth the legal descriptions of the land to be placed into trust pursuant to this Act. Once the land is taken into trust, it shall be part of the Tribe's initial reservation. For purposes of the delivery of federal services to enrolled members of the Tribe, the Tribe's service area shall be Yuma County, Arizona. Finally, gaming under the Indian Gaming Regulatory Act (25 U.S.C. § 2701 et seq.) may not be conducted on the land taken into trust for the benefit of the Tribe under this Act.

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.

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

H.R. 673—Cocopah Lands Act

CBO estimates that enacting H.R. 673 would have no significant impact on the federal budget. H.R. 673 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. It would impose no significant costs on state, local, or tribal governments and would benefit the Cocopah Indian Tribe.

H.R. 673 would authorize the Secretary of the Interior to take lands in Yuma County, Arizona, to hold in trust as part of the reservation of the Cocopah Indian Tribe. The land consists of seven parcels contiguous to the existing reservation lands that have been acquired by the tribe over the past two decades. Enacting this legislation would not affect direct spending or revenues.

The CBO staff contacts for this estimate are Daniel Hoople and David Reynolds. 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.

EARMARK STATEMENT

H.R. 673 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

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.

