

## Calendar No. 282

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SENATE

{ REPORT  
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DIRECTING 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

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NOVEMBER 7, 2005.—Ordered to be printed

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Mr. MCCAIN, from the Committee on Indian Affairs,  
submitted the following

### R E P O R T

[To accompany H.R. 680]

The Committee on Indian Affairs, to which was referred the bill (H.R. 680), 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, reports favorably thereon without amendment and recommends that the bill (as amended) do pass.

#### PURPOSE

The purposes of H.R. 680 are to authorize the Secretary of the Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah (“Tribe”) to the City of Richfield, Utah, upon the request of the Tribe and the City; to provide that lands taken into trust for the Paiute Indian Tribe after February 17, 1984, are part of the Tribe’s reservation; to authorize the Secretary, upon request by the Tribe, to transfer land held in trust for the Tribe to two of the Tribe’s constituent bands; and to amend the Paiute Indian Tribe of Utah Restoration Act (25 U.S.C. 761 *et seq.*) by striking the words “Cedar City” wherever it appears in that Act and replacing them with “Cedar”.

#### BACKGROUND

Four of the constituent bands of the Paiute Indian Tribe—specifically, the Shivwits, Kanosh, Koosharem, and Indian Peaks Bands—were the subject of Federal termination legislation enacted in 1954.<sup>1</sup> In 1980, Federal supervision was restored to the four bands,

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<sup>1</sup> See Act of September 1, 1954 (68 Stat. 1099). This Act did not mention the Cedar City Band.

and “restored or confirmed” with respect to the fifth (the Cedar City Band), with the enactment of the Paiute Indian Tribe of Utah Restoration Act. See Public Law 96–227, 25 U.S.C. 761, *et seq.* (94 Stat. 317). Certain lands described in the Paiute Indian Tribe of Utah Reservation Plan published by the Secretary pursuant to Public Law 96–227 were made a part of the Tribe’s reservation in 1984 under Section 1 of Public Law 98–219 (98 Stat. 11). The Committee has been informed that a tract of the Tribe’s trust lands is needed by the City of Richfield, Utah, for purposes of expanding its airport facilities.

#### SUMMARY OF PROVISIONS OF H.R. 680

The principal purpose of H.R. 680 is to give the Secretary of the Interior statutory authority to transfer, upon request by the Tribe and the City of Richfield, a certain tract of land (described in section 5(2) of the bill) to the City pursuant to an agreement for sale between the Tribe and the City.<sup>2</sup> The Committee has received information that the City of Richfield, Utah, needs and intends to use this particular tract of land for expansion of its airport facilities.

The other operative provision of the bill relates to certain tracts of land, currently held by the United States in trust for the tribe, that were acquired for the Tribe subsequent to February 17, 1984, the date on which lands were added to the Tribe’s reservation in Utah under Public Law 98–219. Subsequent to the enactment of Public Law 98–219, the United States acquired lands in trust for the tribe within the state of Utah. The effect of section 2 of the bill is to confirm that these tracts of land are part of the tribe’s reservation.

#### LEGISLATIVE HISTORY

H.R. 680 was introduced on February 9, 2005, by Representative Cannon, and passed by the House on March 14, 2005. After being received by the Senate, the bill was referred to the Senate Committee on Indian Affairs. An identical companion bill, S. 623, was introduced by Senator Hatch on March 15, 2005. Senator Bennett joined as a cosponsor of S. 623 on June 13, 2005.

#### COMMITTEE RECOMMENDATION AND TABULATION OF VOTE

The Committee on Indian Affairs, in an open business session on June 29, 2005, by voice vote ordered the bill reported favorably to the Senate, without amendment.

#### SECTION-BY-SECTION ANALYSIS

##### *Sec. 1. Land conveyance to the city*

Section 1 of the bill directs the Secretary of the Interior to convey all right, title and interest in certain property (specifically defined and identified in section 5 of the bill) to the City of Richfield, Utah, within 90 days after receiving a request from the Tribe and the City. This section sets out the conditions for the conveyance, and

<sup>2</sup>The Secretary must ensure that the terms of the sale have been approved by a resolution of the Tribe, and the consideration given for the land must not be less than its appraised fair market value.

states that the proceeds from the sale of the property shall be paid immediately to the Tribe.

*Sec. 2. Tribal reservation*

Section 2 of the bill states that land acquired by the United States in trust for the Tribe after February 17, 1984, shall be part of the Tribe's reservation.

*Sec. 3. Trust land for Shivwits or Kanosh Bands*

Section 3 directs the Secretary, at the request of the Tribe, to take land out of trust for the Tribe and place the land in trust for the Shivwits or Kanosh Bands of the Tribe.

*Sec. 4. Cedar Band of Paiutes technical correction*

Section 4 of the bill makes a technical amendment to the Paiute Indian Tribe of Utah Restoration Act by striking "Cedar City" and inserting "Cedar" when referencing that band of the Tribe, and directing that the same amendment be made in any other laws, maps, regulations or other records referencing "Cedar City Band of Paiute Indians."

*Sec. 5. Definitions*

Section 5 sets forth the defined terms used in the bill.

COST AND BUDGETARY CONSIDERATIONS

The cost estimate for H.R. 680, as provided by the Congressional Budget Office, is set forth below:

*H.R. 680—An act 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. 680 would have no significant impact on the federal budget. Enacting H.R. 680 would not affect revenues or direct spending. H.R. 680 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 act would require the city to pay all costs related to the conveyance, there would be no federal administrative costs for the transfer.

H.R. 680 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.

EXECUTIVE COMMUNICATIONS

The Committee has received no official executive communications regarding H.R. 680.

## REGULATORY AND PAPERWORK IMPACT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee finds that the regulatory and paperwork impact of H.R. 680 should be minimal.

## CHANGES IN EXISTING LAW

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that enactment of H.R. 680 will effect the following changes to existing law (existing law proposed to be omitted is enclosed in black brackets, and new matter is printed in *italic*):

**25 U.S.C. 761(1)****§ 761. Definitions**

For the purposes of this subchapter—

(1) the term “tribe” means the **【Cedar City】** *Cedar*, Shivwits, Kanosh, Koosharem, and Indian Peaks Bands of Paiute Indians of Utah;

\* \* \* \* \*

**25 U.S.C. 762(a)****§ 762. Federal restoration of supervision**

(a) Trust relationship restored or confirmed; statutory provisions applicable; eligibility for Federal services and benefits

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】** *Cedar* Band of Paiute Indians of Utah.

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**25 U.S.C. 763(b)(1)****§ 763. Membership roll**

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(b) Prerequisites for inclusion

(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—

\* \* \* \* \*

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

**25 U.S.C. 766(c)****§ 766. Tribal reservation**

\* \* \* \* \*

(c) Plan for enlargement of reservation; negotiation; development; scope and approval

Inasmuch as the Kanosh, Koosharem and Indian Peaks Bands of Paiute Indians lost land which had been their former reservations and the **【Cedar City】** *Cedar* Band of Paiute Indians had never had a reservation, the Secretary shall negotiate with the tribe or bands, concerning the enlargement of the reservation for the tribe established pursuant to subsection (a) of this section and shall within two years after April 3, 1980, develop a plan for the enlargement of the reservation for the tribe. \* \* \*

