

BRIDGEPORT INDIAN COLONY LAND TRUST, HEALTH,
AND ECONOMIC DEVELOPMENT ACT OF 2012

JULY 19, 2012.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural
Resources, submitted the following

R E P O R T

[To accompany H.R. 2467]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2467) to take certain Federal lands in Mono County, California, into trust for the benefit of the Bridgeport Indian Colony, 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. SHORT TITLE.

This Act may be cited as the “Bridgeport Indian Colony Land Trust, Health, and Economic Development Act of 2012”.

SEC. 2. LANDS TO BE TAKEN INTO TRUST.

(a) **IN GENERAL.**—Subject to valid existing rights and management agreements related to easements and rights-of-way, all right, title, and interest (including improvements and appurtenances) of the United States in and to the Federal lands described in subsection (b) are hereby declared to be held in trust by the United States for the benefit of the Bridgeport Indian Colony, except that the oversight and renewal of all easements and rights-of-way with the Bridgeport Public Utility District in existence on the date of the enactment of this Act shall remain the responsibility of the Bureau of Land Management.

(b) **FEDERAL LANDS DESCRIBED.**—The Federal lands referred to in subsection (a) are the approximately 39.36 acres described as follows:

(1) The South half of the South half of the Northwest quarter of the Northwest quarter of the Northeast quarter and the North half of the Southwest quarter of the Northwest quarter of the Northeast quarter of Section 21, Township 8 North, Range 23 East, Mount Diablo Meridian, containing 7.5 acres, more or less, as identified on the map titled “Bridgeport Camp Antelope Parcel” and dated July 26, 2010.

(2) Lots 1 and 2 of the Bureau of Land Management survey plat entitled “Dependent resurvey of a portion of the subdivision of Section 28, designed to re-

store the corners in their true original locations according to the best available evidence, and the further subdivision of Section 28 and the metes and bounds survey of a portion of the right-of-way of California State Highway No. 182, Township 5 North, Range 25 East, Mount Diablo Meridian, California” and dated February 21, 2003 containing 31.86 acres, more or less.

(c) AVAILABILITY OF MAP.—The maps referred to in subsection (b) shall be on file and available for public inspection at the office of the California State Director, Bureau of Land Management.

PURPOSE OF THE BILL

The purpose of H.R. 2467, as ordered reported, is to take certain Federal lands in Mono County, California, into trust for the benefit of the Bridgeport Indian Colony.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 2467 places 39.36 acres of federal land administered by the Bureau of Land Management in trust for the benefit of the Bridgeport Indian Colony, subject to valid existing rights. Of this acreage, a 31.86-acre tract is contiguous to the tribe’s existing 40-acre reservation, and a 7.5-acre tract is located off the tribe’s reservation.

The Bridgeport Indian Colony is a small group of Paiute Indians who came to reside on federal lands near Bridgeport, Mono County, California, in the late 1800’s. The lands on which they were residing were patented to a homesteader, who reportedly obtained the patent after falsely certifying that no Indians occupied the lands.

In 1974, Congress enacted Public Law 93–451, which authorized the transfer of a 40-acre parcel of Bureau of Land Management (BLM) lands in trust for the benefit of the Tribe. This Act was enacted over the objections of the Department of the Interior, which argued that the trust land transfer would constitute formal federal recognition of the Tribe. Subsequent to the trust transfer, the Tribe acquired recognition from the Department.

The Tribe’s reservation is located about a quarter mile from Highway 182, separated by undeveloped federal land administered by the BLM. The Tribe reports that it has no additional space on its existing reservation for economic development and new housing. Previous attempts to acquire mostly unused BLM land to add to the Tribe’s reservation have been frustrated by a variety of bureaucratic delays and certain local political opposition that has been resolved.

H.R. 2467 places in trust for the Bridgeport Indian Colony two tracts of federal land currently administered by the BLM. One is a 32-acre tract located along Highway 182, adjacent to the Tribe’s existing reservation, which the Tribe says it will use for housing and related community development. While the Indian Gaming Regulatory Act (IGRA) generally prohibits gaming on lands acquired in trust after October 17, 1988 (the date of enactment of IGRA), the 32-acre parcel of land placed in trust under H.R. 2467 would be eligible for gaming under an exception made for lands contiguous to a reservation in existence on October 17, 1988 (see 25 U.S.C. 2719(a)(1)). The Tribe testified that it has no immediate plans to pursue gaming because the remote location of the Tribe and the sparse population of Mono County (estimated to be 13,000) do not make a casino viable; however, the Tribe will not rule out gaming in the future.

With respect to its current development plans, during the Subcommittee hearing on H.R. 2467, the Tribe submitted into the record a copy of a binding Memorandum of Understanding it entered into with Mono County to mitigate the off-reservation impacts of the trust acquisition authorized in the bill.

Over the last year, the Bridgeport Public Utility District (PUD) brought to the Committee's attention its desire for an existing sewer line easement across the 32-acre parcel to remain with the BLM for use by the PUD customers. In the Committee markup, H.R. 2467 was amended to reflect an agreement by all stakeholders to ensure the BLM would remain responsible for managing existing easements on the parcels of public land conveyed to the tribe.

The other BLM land placed in trust for the tribe is a 7.5-acre tract located 30 miles away from the tribe's reservation. The Tribe originally leased this property from the BLM for a health clinic, which closed. The Tribe has expressed its intent to re-open the clinic. A casino on this parcel could be authorized under another exception in IGRA: if the Secretary of the Interior determined it to be in the best interest of the tribe and not detrimental to the surrounding community, and the Governor of California concurred in this determination (25 U.S.C. 2719(b)(1)(A)).

H.R. 2467 is nearly identical to H.R. 5468, a bill sponsored by Congressman Howard "Buck" McKeon (R-CA) in the 111th Congress. The full Committee on Natural Resources held a hearing on that bill on July 28, 2010; however, the bill was not further considered.

Because the primary purpose of placing specified public lands in trust for the Bridgeport Indian Community under this bill is unrelated to gaming, it is anticipated that an amendment will be made to prohibit class II and class III gaming (as defined under the Indian Gaming Regulatory Act of 1988) on these lands when the bill is considered in the full House of Representatives.

COMMITTEE ACTION

H.R. 2467 was introduced on July 8, 2011, by Congressman Howard "Buck" McKeon (R-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Indian and Alaska Native Affairs. On January 25, 2012, the Subcommittee held a hearing on the bill. On April 25, 2012, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Indian and Alaska Native Affairs was discharged by unanimous consent. Congressman Don Young (R-AK) offered en bloc amendment designated #1 to the bill; the amendment was approved by unanimous consent. The bill, as amended, was then adopted and 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 Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) 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)(2)(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. 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:

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H.R. 2467 would authorize the transfer of 39 acres of federal land into trust for the benefit of the Bridgeport Paiute Indian Colony of California. The land consists of a 32-acre parcel adjacent to the existing 40-acre reservation and a 7.5-acre parcel currently under lease by the Toiyabe Indian Health Project (TIHP), a consortium of seven federally recognized tribes, including the Bridgeport Paiute Indian Colony of California.

Based on information provided by the Bureau of Land Management (BLM), CBO estimates that any administrative costs to carry out the bill's provisions would be minimal. (Any such costs would be subject to the availability of appropriated funds.) Enacting H.R. 2467 would have an insignificant effect on direct spending; therefore, pay-as-you-go procedures apply. Under current law, BLM collects \$1,500 annually under a Recreation and Public Purposes Act lease with the TIHP. Under the bill, those receipts would no longer be collected.

H.R. 2467 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. Enacting the bill would benefit the tribe.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of 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. Based on information provided by the Bureau of Land Management (BLM), CBO estimates that any administrative costs to carry out the bill's provisions would be minimal. (Any such costs would be subject to the availability of appropriated funds.) Enacting H.R. 2467 would have an insignificant effect on direct spending; therefore, pay-as-you-go procedures apply. Under current law, BLM collects \$1,500 annually under a Recreation and Public Purposes Act lease with the TIHP. Under the bill, those receipts would no longer be collected.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective

of this bill, as ordered reported, is to take certain Federal lands in Mono County, California, into trust for the benefit of the Bridgeport Indian Colony.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

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.

