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Folder Title: 02/06/2002 [H.R. 1913] [771107]

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Barcode Scanning Sheet	Acoma Indian Reservation Mineral Rights	1	11/14/2008	b2;

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02/06/2002 [H.R. 1913] [771107]

FRC ID:
6358

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

LAW_M

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FG006-01

Barcode Scanning Sheet

Collection Code:	**SECLOG**
Staff Name:	
Document Date:	
Correspondent:	**TIM SAUNDERS**
Subject/Description:	**OVERSIZE ATTACHMENT # 9465 NARA # 9356 BOX 1 FOLDER 2B BILL FILL RECEIVED FROM THE OFFICE OF THE EXECUTIVE CLERK - FEB 06 02 ENROLLED BILL H.R. 1913 - ACOMA INDIAN RESERVATION MINERAL RIGHTS**

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

February 6, 2002

'02 FEB 6 AM10:51

THE PRESIDENT HAS SEEN
2-06-02

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 1913 - Acoma Indian Reservation Mineral Rights
Sponsors - Rep. Skeen (R) NM and 2 others

Last Day for Action

February 12, 2002 - Tuesday

Purpose

Requires the Secretary of the Interior to conduct a valuation of nontribal subsurface rights within the boundaries of the Acoma Pueblo Indian Reservation and to acquire the rights through a land exchange or purchase.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Department of Justice	No objection (Informally)
Council on Environmental Quality (CEQ)	No comment (Informally)

Discussion

During the nineteenth century, the Federal Government awarded public land grants to various private interests as an incentive to build railroad and telegraph lines along the 35th parallel. The land grants included a large amount of Acoma Pueblo Indian tribal land in New Mexico. Certain of these lands were eventually owned by the New Mexico and Arizona Land Company (the NZ Company). In the 1930s, the United States purchased land (including approximately 68,000 acres of land that became part the Acoma Pueblo Indian Reservation) from the NZ Company, but the company retained all subsurface rights to the land, and right of access to its mineral resources.

The Acoma Pueblo has long expressed its desire to have its land rights (both surface and subsurface) intact. According to the House Committee report on H.R. 1913, the Tribe and the NZ Company have worked for more than a decade to return subsurface mineral rights to the Tribe, but have been unable to proceed without Federal assistance.

H.R. 1913 directs the Secretary of the Interior, within six months of the bill's enactment, to determine the nontribal ownership value of the subsurface rights on approximately 68,000 acres of land within the boundaries of the Acoma Indian Reservation. (The cost of the valuation would be split between the Federal Government and the corporation that owns the mineral interests.) Upon completion of the valuation, the Secretary would be required to negotiate an exchange with any willing sellers of interests in these lands for interests of approximately equal value in other Federal lands. The Department of the Interior advises in its views letter that "[t]he owner of the mineral estate has informed the Acoma Pueblo that a trade of land of equal value would be acceptable." Alternatively, the enrolled bill would authorize the Secretary to acquire the subsurface rights through direct cash purchase or mineral leasing and bidding credits, equal to the fair market value of the subsurface rights. Under the enrolled bill, the negotiations and exchanges are to be completed within three years of enactment and, once the subsurface rights are acquired, they would be put into trust for the tribe.

Pay-As-You-Go Scoring

H.R. 1913 would affect direct spending; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. Our preliminary estimate is that H.R. 1913 would result in outlays of less than $2 million in FY 2002.

Conclusion and Recommendations

In its views letter, the Department of the Interior recommends approval of H.R. 1913, advising that "[e]xploration for minerals on the reservation would disrupt the Acoma Pueblo's traditional way of life."

We join Interior in recommending the approval of H.R. 1913, which passed the House by voice vote and the Senate by unanimous consent.

M E Daniels

Mitchell E. Daniels, Jr.
Director

Enclosures

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Attention: Assistant Director for Legislative Reference
Washington, DC 20503

JAN 29 2002

Dear Mr. Daniels:

This letter responds to your request for the views of the Department of the Interior with respect to enrolled bill H.R. 1913, "To require the valuation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation, and for other purposes."

We recommend that the President approve the enrolled bill.

H.R. 1913 would direct the Secretary of the Interior to conduct a valuation and exchange of non-tribal subsurface rights within the boundaries of the Acoma Pueblo Indian Reservation. Mineral interests could be acquired through either a land exchange, a direct purchase, or by using transferable bidding credits (interest free). H.R. 1913 also provides for a cost-sharing arrangement if either an exchange or purchase takes place. The Department would have 3 years after the date of enactment of this Act to conduct an exchange.

When the United States created the Acoma Pueblo Reservation, minerals within the reservation lands were already in private ownership and were never transferred to the Acoma Pueblo. Exploration for minerals on the reservation would disrupt the Acoma Pueblo's traditional way of life and leaders of the Acoma Pueblo have long expressed their desire to have their land rights, both surface and mineral estate, intact.

The owner of the mineral estate has informed the Acoma Pueblo that a trade for land of equal value would be acceptable. The non-tribal interest ownership of the mineral estate within the boundaries of the Acoma Pueblo Indian Reservation is approximately 68,000 acres and consists primarily of sand and gravel but also has the potential for oil and gas. While the private mineral owners have estimated the cost of an outright purchase of their mineral estate within the Reservation to be between $1 million and $1.7 million, a federally-approved appraisal of the mineral estate interest has not been completed and it is possible that the actual value is less than the estimate.

In testimony given by the Department at a hearing before the House Resources Subcommittee on Energy and Minerals on September 13, 2001, the Department's witness requested a purchase option, a transferable bidding credit, and a cost share arrangement be added to the bill. The requested changes have been made to the legislation. Accordingly, the Department of the Interior supports H.R. 1913 and recommends that the President approve the enrolled bill.

Sincerely,

Neal A. McCaleb

Neal A. McCaleb
Assistant Secretary for Indian Affairs

One Hundred Seventh Congress
of the
United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Wednesday, the twenty-third day of January, two thousand and two

An Act

To require the valuation of nontribal interest ownership of subsurface rights within the boundaries of the Acoma Indian Reservation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PUEBLO OF ACOMA LAND AND MINERAL CONSOLIDATION.

(a) VALUATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Interior shall determine the extent and the value of the nontribal interest ownership of the subsurface rights, including mineral rights, within the boundaries of the Acoma Indian Reservation.

(b) LAND EXCHANGES.—Upon completion of the valuation required by subsection (a), the Secretary shall, unless the Secretary exercises an option under subsection (c), negotiate an exchange with any willing sellers of interests in nontribal land (including interests in mineral or other surface or subsurface rights) within the boundaries of the Acoma Indian Reservation for interests in Federal land that is—

(1) located within the boundaries of the State of New Mexico;

(2) identified by the Bureau of Land Management as available for disposal; and

(3) of approximately the same value as the interest in land for which it is being exchanged.

(c) PURCHASE OPTION.—At the discretion of the Secretary, instead of a land exchange under subsection (b), the Secretary may acquire interests in nontribal land (including interests in mineral or other surface or subsurface rights) within the boundaries of the Acoma Indian Reservation through—

(1) direct cash purchase of the interests in nontribal land for the fair market value determined under subsection (a); and

(2) issuance to any owner of the interests in nontribal land of a Certificate of Bidding Rights in such form and manner as provided for under regulations promulgated by the Secretary under provisions of the Act of February 25, 1920 (commonly known as the Mineral Leasing Act (30 U.S.C. 181 et seq.)) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) for mineral leasing and bidding rights equal to the fair market value determined under subsection (a).

(d) COST SHARING.—The costs of the valuation required under subsection (a) and any land exchange under subsection (b) shall be equally shared between the owners of the interests in nontribal land and the Secretary. This subsection shall apply to the cost of the valuation under subsection (a) even if the Secretary elects to exercise the options for acquisition under subsection (c).

SEC. 2. TIMELINE; LAND TAKEN INTO TRUST.

The Secretary shall complete such negotiations and exchanges not later than 3 years after the date of the enactment of this Act and shall place interests in land within the boundaries of the Acoma Indian Reservation that are acquired under this Act into trust for the Pueblo of Acoma.

Speaker of the House of Representatives.

Vice President of the United States and
President of the Senate.

February 7, 2002

FOR THE FILE:

The pen used to sign Enrolled Bill H.R. 1913 was given to Reuben Barrales to give to the Chief of the Indian Reservation in New Mexico.

Debbie Bird

2/6/02

Original given to
Harriet to take
to Oral —

Document Origi[nal]
Attached to
Following Page

S05477

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

February 6, 2002

2.6.02

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Mitchell E. Daniels, Jr.
Director

Enclosures

H. R. 1913

One Hundred Seventh Congress of the United States of America

AT THE SECOND SESSION

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Dennis Hastert

Speaker of the House of Representatives.

Robert C. Byrd

~~Vice President of the United States and~~
President of the Senate. Pro Tempore.

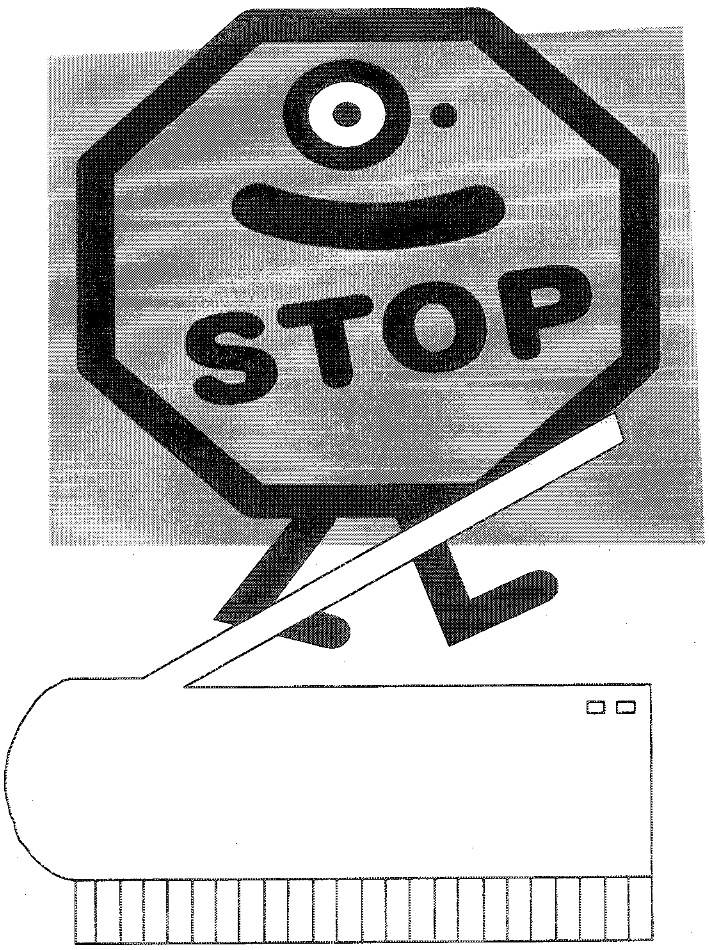
APPROVED

FEB - 6 2002

George Bush

ORM

Scanning insert sheet



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