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113TH CONGRESS }
2d Session }

SENATE

{ REPORT
113-267

TO REQUIRE THE SECRETARY OF THE INTERIOR TO TAKE INTO TRUST
FOUR PARCELS OF FEDERAL LAND FOR THE BENEFIT OF CERTAIN IN-
DIAN PUEBLOS IN THE STATE OF NEW MEXICO

OCTOBER 1, 2014.—Ordered to be printed

Filed, under authority of the order of the Senate of September 18, 2014

Mr. TESTER, from the Senate Committee on Indian Affairs,
submitted the following

R E P O R T

[To accompany S. 2465]

The Committee on Indian Affairs, to which was referred the bill (S. 2465) to require the Secretary of the Interior to take into trust 4 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

PURPOSE

The purpose of S. 2465 is to require the Secretary of the Interior to take into trust four parcels of Federal land for the benefit of the 19 Indian Pueblos in the State of New Mexico (Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia, and Zuni).

BACKGROUND

In 1881, the Federal government established the Albuquerque Indian School in Albuquerque, New Mexico to serve as a boarding school for Native American children. After Federal policies shifted away from operating boarding schools to instead supporting Indian self-determination, the Albuquerque Indian School was closed in 1979.

In 1981, the 19 Pueblos of New Mexico petitioned the BIA to transfer the 44 acres of the former Indian School site. In 1984 the Assistant Secretary—Indian Affairs, Department of the Interior, approved the request and held ownership of those acres in trust for

the collective benefit of the 19 Pueblos of New Mexico. The Pueblos have since used this tract of land for the establishment of the Indian Pueblo Cultural Center and for the creation of business and government offices.

In 2003, the 19 Pueblos petitioned the Secretary of the Interior to convert roughly 18 additional acres of the former Indian School site from Federal land to trust land. In 2008, Senator Domenici introduced the Albuquerque Indian School Act, which required those tracts to be placed into trust for the Pueblos collectively. That bill was favorably reported out by the Committee on Indian Affairs and signed into law in December 2008 (Public Law No: 110–453).

This legislation, S. 2465, would allow the Secretary of the Interior to take four more tracts of this property into trust for the 19 Pueblos.

NEED FOR LEGISLATION

Since 1995, Federal regulations have limited the ability of the Secretary of the Interior to take land into trust for the benefit of multiple Indian tribes without specific legislation (see 25 CFR Part 151). This legislation, S. 2465, will allow a trust acquisition for the collective benefit of the 19 Pueblos. The addition of these four tracts of land will allow the 19 Pueblos of New Mexico to expand their economic development projects for the benefit of both the Pueblos' citizens and the larger Albuquerque community.

LEGISLATIVE HISTORY

This legislation, S. 2465, was introduced on June 11, 2014, by Senators Tom Udall (D–NM) and Martin Heinrich (D–NM). The bill was referred to the Committee on Indian Affairs. On July 9, 2014, the Committee held a hearing on the bill. On July 30, 2014, the Committee met at a business meeting to consider the bill. One amendment was offered and adopted, and the bill, as amended, was ordered to be reported favorably to the Senate by voice vote.

SUMMARY OF THE AMENDMENT

Senator Udall of New Mexico offered an amendment at the July 30, 2014, business meeting, which makes two changes to S. 2465. First, the amendment incorporates by reference a different map of the property identified in Section 2 of the bill, to address the BIA's request to clarify the boundaries of the land to be taken into trust. Second, at the request of the BIA, Section 3 is amended to include a new Section 3(f), which requires the Pueblos to allow the BIA to continue using its existing facilities on the lands being transferred. The BIA currently uses several parcels within the four tracts being transferred to house equipment used for fire, roads, and natural resource programs carried out by the BIA's Southwest Region and Southern Pueblo Agency offices.

SECTION-BY-SECTION ANALYSIS OF BILL AS ORDERED REPORTED

Section 1. Short title

The Act may be cited as the 'Albuquerque Indian School Land Transfer Act.'

Section 2. Definitions

Section 2 defines the key terms used throughout this Act.

Section 3. Land taken into trust for the benefit of 19 Pueblos

Section 3 requires the Secretary of the Interior to take the land into trust, and to take any action which she determines is necessary to document the transfer. Section 3 also provides a legal description, in conjunction with a map, of the property to be transferred. The Secretary is required to conduct a land survey and may make any minor corrections to the survey and legal description as necessary to correct clerical, typographical and surveying errors. The land taken into trust is to be used for the educational, health, cultural, business, and economic benefit of the 19 Pueblos identified in the bill. The property remains subject to any private or municipal encumbrance, right-of-way, restriction, easement of record, or utility service agreement in effect on the date of enactment of this Act, and the 19 Pueblos must allow the BIA to continue to use facilities located on the property until the Secretary determines they are no longer needed by the BIA.

Section 4. Effect of other laws

The land taken into trust shall be subject to Federal laws otherwise applicable to or relating to Indian Land. No Class I gaming, Class II gaming, or Class III gaming shall be carried out on this parcel of land.

COST AND BUDGETARY CONSIDERATIONS

The following cost estimate, as provided by the Congressional Budget Office, September 5, 2014, was prepared for S. 2465:

SEPTEMBER 5, 2014.

Hon. JON TESTER,
Chairman, Committee on Indian Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2465, the Albuquerque Indian School Land Transfer Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Martin von Gnechten.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

S. 2465—Albuquerque Indian School Land Transfer Act

S. 2465 would authorize the Secretary of the Interior to place four parcels consisting of about 11 acres of federal land in Albuquerque, New Mexico, into trust for the benefit of 19 Indian Pueblos in New Mexico. Under the bill, those Pueblos would be authorized to use the land for educational, health, cultural, business, or economic purposes. The bill would prohibit gaming activities on the affected properties.

CBO estimates that implementing the legislation would have no significant effect on the federal budget. Enacting S. 2465 would not

affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 2465 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

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

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 2465.

REGULATORY AND PAPERWORK IMPACT STATEMENT

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 believes that S. 2465 will have a minimal impact on regulatory or paperwork requirements.

CHANGES IN EXISTING LAW (CORDON RULE)

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, the Committee finds that the enactment of S. 2465 will not make any changes in existing law.

