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ALBUQUERQUE INDIAN SCHOOL LAND TRANSFER ACT

AUGUST 4, 2015.—Ordered to be printed

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

R E P O R T

[To accompany S. 986]

The Committee on Indian Affairs, to which was referred the bill (S. 986) 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 without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 986 is to require the Secretary of the Interior to take into trust four parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico.

BACKGROUND

This bill would require the Secretary of the Interior (Secretary) to take four tracts of land totaling approximately 11.11 acres into trust for the benefit of the 19 Pueblo tribes (Pueblos) in the State of New Mexico. Upon transfer and after the Secretary satisfies requirements under the *National Environmental Policy Act of 1969* (42 U.S.C. 4321 et seq.), the lands would be used by the Pueblos for educational, health, cultural, business, and economic development purposes. All classes of gaming as defined under section four of the *Indian Gaming Regulatory Act* (25 U.S.C. § 2703) would be prohibited on the lands.

The four tracts were historically part of the Albuquerque Indian School (School). In 1881, the United States established the School for Native American children. The School closed in 1979.

In response to requests from the Pueblos, the Department of the Interior took ownership of 44 acres, a portion of the former School site, and placed the land into trust for the collective benefit of the Pueblos in 1984. The Pueblos have since used that land to establish the Indian Pueblo Cultural Center and to create businesses and government offices.

This bill, S. 986, uses a similar legislative process as the 2008 *Albuquerque Indian School Act* (introduced by Senator Domenici and enacted into law in December, 2008 as Public Law No: 110–453). The *Albuquerque Indian School Act* required the Secretary to take into trust roughly 18 additional acres of Federal land that were part of the former School site. The need for the 2008 *Albuquerque Indian School Act* arose because the Department of the Interior changed its regulations in 1995. That regulatory change did not contemplate the placement of land in trust in common for multiple tribes.

A prior bill was considered in the 113th Congress. On June 11, 2014, Senator Udall of New Mexico introduced S. 2465, the *Albuquerque Indian School Land Transfer Act.* On July 9, 2014, the Committee held a legislative hearing on S. 2465. On July 30, 2014, the Committee favorably reported an amended version of S. 2465. This amended version of S. 2465 is identical to S. 986.

SECTION-BY-SECTION ANALYSIS OF BILL

Sec. 1. Short title

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

Sec. 2. Definitions

Section 2 defines the key terms used throughout this Act.

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

Section 3 requires the Secretary to take the land into trust, and to take any action which the Secretary 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.

Sec. 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.

NEED FOR LEGISLATION

The Federal government closed the Albuquerque Indian School in 1979. The Pueblos have sought to have the former School's Federal parcels held in trust for their education, cultural, business, and economic development purposes. Other parcels already in trust for the Pueblos have been used for the collective benefit of the Pueblos and includes establishing the Indian Pueblo Cultural Center and creating businesses and government offices.

LEGISLATIVE HISTORY

On April 16, 2015, Senator Udall and cosponsor Senator Heinrich introduced S. 986, the *Albuquerque Indian School Land Transfer Act*. On May 13, 2015, the Committee on Indian Affairs met to consider the bill.

An identical bill was introduced in the House of Representatives. On April 16, 2015, Representative Michelle Luján Grisham and cosponsor Representative Ben Ray Luján introduced H.R. 1880, the *Albuquerque Indian School Land Transfer Act.* On May 7, 2015, the bill was referred to the House Committee on Natural Resources. On July 22, 2015, the Subcommittee on Indian, Insular and Alaska Native Affairs held a legislative hearing on H.R. 1880.

COMMITTEE RECOMMENDATION

On May 13, 2015 the Committee on Indian Affairs ordered the bill to be reported favorably to the full Senate with the recommendation that it do pass.

COST AND BUDGETARY CONSIDERATIONS

The following cost estimate, as provided by the Congressional Budget Office, dated May 26, 2015, was prepared for S. 986:

MAY 26, 2015.

Hon. JOHN BARRASSO,
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. 986, 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,

KEITH HALL.

Enclosure.

S. 986—Albuquerque Indian School Land Transfer Act

S. 986 would authorize the Secretary of the Interior to place four parcels of federal land (totaling about 11 acres) 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. Additionally, the bill would allow the Bureau of Indian Affairs (BIA) to continue to use the facilities on that land as they were used prior to enactment.

CBO estimates that implementing the legislation would have no significant effect on the federal budget. Discretionary spending for the administrative costs of the transfer would be negligible.

Based on information provided by BIA, those parcels of federal land currently generate no receipts and are not expected to do so over the 2016–2025 period. Therefore, CBO estimates that transferring the lands into trust for the Pueblos would not affect offsetting receipts (a credit against direct spending). Because enacting S. 986 would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

S. 986 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 H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 986.

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. 986 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 the S. 986 will not make any changes in existing law.

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