

PUEBLO DE SAN ILDEFONSO CLAIMS SETTLEMENT ACT
OF 2005

SEPTEMBER 6, 2006.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany S. 1773]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (S. 1773) to resolve certain Native American claims in New Mexico, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 1773 is to resolve certain Native Americans claims in New Mexico, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Pueblo de San Ildefonso is a federally-recognized Indian tribe in northern New Mexico along the upper Rio Grande River. In 1704 the government of Spain issued a land grant to the Pueblo; however, the grant area was considerably smaller than the total area of the Pueblo's aboriginal lands. In 1848, the United States, under the Treaty of Guadalupe-Hidalgo, recognized the Pueblo's title to the lands included in the Spanish grant, but large parcels of aboriginal lands lying outside of the Spanish grant were not included. Over the years, the United States disposed of the Pueblo's remaining aboriginal territory without compensation to the Pueblo.

In 1951, the Pueblo filed a land claim before the Indian Claims Commission seeking damages for the sale of its land by the United States. The Commission held that the Pueblo used and occupied a larger area than its current land holdings, that portions of those

lands were later taken from the Pueblo by the United States, and that the United States was liable to the Pueblo for most of its claims. After several years, the United States and the Pueblo reached a mutually acceptable settlement that, if approved by Congress, would provide a process for selling and conveying to the Pueblo approximately 7,100 acres of its aboriginal area that is now located within the National Forest System. That agreement is embodied in S. 1773.

COMMITTEE ACTION

S. 1773 was introduced on September 26, 2005, by Senator Pete Domenici (R-NM). The Senate passed the bill with amendments by unanimous consent on May 24, 2006. In the House of Representatives, the bill was referred to the Committee on Resources. On July 26, 2006, the Resources Committee met to consider the bill. No amendments were offered, and the bill was 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 Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, section 3 and Article IV, section 3, clause 2 of the Constitution of the United States grant Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

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

2. 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, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, enactment of this bill would increase direct spending from the Judgment Fund, which could be offset by future indeterminate payments from that fund. In addition, the Congressional Budget Office has concluded that the sales of the federal land to the Pueblo authorized by the bill would not significantly affect offsetting receipts, and the associated direct spending of those receipts by the Forest Service would result in no net budgetary impact. Finally, the Forest Service is authorized to accept gifts of cash for surveys relating to land sales; these receipts would not be significant according to the Congressional Budget Office.

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 is to resolve certain Native Americans claims in New Mexico, and for other purposes.

4. Congressional Budget Office Cost Estimate. 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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S. 1773 would ratify a settlement agreement entered into by the Departments of Justice, the Interior, and Agriculture with the Pueblo de San Ildefonso. Under the agreement, the tribe would receive about \$7 million from the federal government in exchange for extinguishing certain claims against the government. Funds from the settlement would be used by the tribe to acquire land, including about 7,600 acres of national forest land. The legislation also would allow the sales of about 425 acres of federal land to the county of Los Alamos, New Mexico, with an estimated value of about \$500,000 and about 740 acres to the Pueblo of Santa Clara for about \$350,000. All proceedings from the land sales would be available to the U.S. Forest Service to spend, without further appropriation, to purchase nonfederal lands within or adjacent to national forests in New Mexico.

CBO estimates that implementing S. 1773 would increase direct spending from the Judgment Fund of the U.S. Treasury by about \$7 million in fiscal year 2006. That payment could be offset by a reduction in possible future payments from the Judgment Fund to settle the tribe's claims, but CBO cannot estimate the likelihood, magnitude, or timing of such an offset. According to the Forest Service, the lands to be sold currently generate no significant receipts and are not expected to do so during the next 10 years. Hence, CBO estimates that selling the land would not significantly affect offsetting receipts (a credit against direct spending). As noted above, the Forest Service would spend roughly \$850,000 of such proceeds, so there would be no net budget impact from those sales.

The legislation also would allow the Forest Service to accept gifts of cash or services for surveys related to the land sales. CBO estimates that the total value of the gifts would not be significant. In addition, based on information from the Forest Service, we estimate that the administrative costs of implementing this legislation, including the required surveys, would be negligible.

S. 1773 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) because it would preempt state law and require that the settlement agreement be interpreted under federal law. CBO estimates, however, that this mandate would impose no costs on any state, local, or tribal government, and so would not exceed the threshold established in UMRA (\$64 million in 2006, adjusted annually for inflation). Enacting this legislation would benefit the Pueblo de San Ildefonso because it is a necessary step towards implementing the settlement agreement between the Pueblo and the United States resolving the Pueblo's land claims. Any costs or duties that S. 1773 might impose on the Pueblo would be those it has assumed voluntarily as a party to the

agreement. The legislation would impose no other significant costs on any state, local, or tribal government.

S. 1773 contains no new private-sector mandates as defined in UMRA.

On April 19, 2006, CBO transmitted a cost estimate for S. 1773, as ordered reported by the Senate Committee on Indian Affairs on March 30, 2006. The two versions of the legislation are identical, as are the estimated costs.

The CBO staff contacts for this estimate are Matthew Pickford (for federal costs) and Marjorie Miller (for the impact on state, local, and tribal governments). The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

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.

