

## ALBUQUERQUE INDIAN SCHOOL LAND TRANSFER ACT

SEPTEMBER 30, 2015.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources, submitted the following

### R E P O R T

[To accompany H.R. 1880]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1880) 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, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of H.R. 1880 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 AND NEED FOR LEGISLATION

Beginning in the late 19th century, many American Indian children found themselves thrust into boarding schools during the federal “allotment and assimilation” policy period which lasted from 1871 to 1928. In 1881, the Federal Government established the Albuquerque Indian School in New Mexico. The subsequent century saw several shifts in Federal Indian policy, up to the present policy period of self-determination and self-governance. As the nation and tribes moved into a new era, so, too, did the former Indian school. In 1969, the Bureau of Indian Affairs conveyed 11 acres of the former school to the 19 Pueblos by quitclaim deed.<sup>1</sup> The 19 Pueblos are the New Mexico Indian Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh (San Juan), Picuris,

<sup>1</sup> See Senate Report 95-445 at 2.

Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia, and Zuni.

Since 1969, the United States has engaged in the process of converting in piecemeal fashion the Albuquerque Indian School Reserve. H.R. 1880 is needed to transfer 11 acres of federal land at this site into trust for the benefit of the 19 Pueblos to expand economic development for the 19 Pueblos and the Albuquerque community.

By 1976, the Indian Pueblo Cultural Center had been completed on 11 acres of the former school site by the 19 Pueblos.<sup>2</sup> In 1978, these 11 acres were placed into trust under legislation sponsored by members of the New Mexico Congressional delegation, Senator Pete Domenici and Congressman Manuel Lujan in the 95th Congress (S. 1509, Public Law 95–232). In 1981, the All Indian Pueblo Council<sup>3</sup> (AIPC) petitioned the Bureau of Indian Affairs to transfer 44 acres of the former Indian School site into trust. In 1984, the Assistant Secretary for Indian Affairs approved the land into trust application for the 19 Pueblos.

In 2003, the AIPC again petitioned the Interior Department to place into trust approximately 8.5 acres of the former Indian School site, but the Interior Department was unable to proceed. Its land-in-trust regulations<sup>4</sup> had been revised in 1995 in a manner that did not contemplate the placement of land into trust for the benefit of multiple tribes collectively. In 2008, the Albuquerque Indian School Act was enacted to place the lands in trust for the benefit of the Pueblos collectively (S. 1193, Public Law 110–453).

As noted above, the 95th and 110th Congresses enacted legislation like H.R. 1880 for the same purpose and intent at the former Albuquerque Indian School site. More recently, both Congresswoman Michelle Lujan Grisham and Senator Tom Udall introduced legislation nearly identical to H.R. 1880 in the 113th Congress (H.R. 5625 and S. 2465). The Senate bill did receive a hearing and was reported favorably out of Committee (Senate Report 113–267) but saw no further action before the end of the 113th Congress.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short title*

The short title of the bill is the “Albuquerque Indian School Land Transfer Act”.

##### *Section 2. Definitions*

As defined, the “19 Pueblos” means the New Mexico Indian Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh (San Juan), Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia, and Zuni. The map reference for the lands to be taken into trust is dated August 12, 2011. Secretary is defined as Secretary of the Interior.

<sup>2</sup>Senate Hearing 113–419 at 57.

<sup>3</sup>The AIPC is composed of the Governors of the 19 Pueblos, which serves to administer social service programs for the benefit of the 19 Pueblos. Until 2013, AIPC was an IRS 501(c)(3) organization.

<sup>4</sup>25 CFR Part 151.

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

Subsection (a) directs the Secretary of the Interior to place into trust all right, title, and interest of the United States in and to the Federal land described for the 19 Pueblos.

Subsection (b) describes the land depicted on U.S. Department of the Interior, Bureau of Land Management and Bureau of Indian Affairs map to include an abandoned Indian School Road, 0.83 acres; Southern part of Tract D, 6.18 acres; Tract 1, 0.41 acres; and Western part Tract B, 3.69 acres.

Subsection (c) directs the Secretary to conduct a survey and correct any clerical, typographical, or surveying errors in the map.

Under subsection (d), the lands taken into trust by the Secretary under this Act are only to be used for the educational, health, cultural, business, and economic development of the 19 Pueblos.

Subsection (e) provides that the land shall remain 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.

Subsection (f) grandfathers Bureau of Indian Affairs rights to use the lands for facilities and purposes in existence on the date of enactment of this Act. The Bureau will not incur any rental fee.

*Section 4. Effect of other laws*

Section 4 makes clear that the lands taken in trust shall be subject to other Federal laws relating to trust lands, except that gaming under the Indian Gaming Regulatory Act is prohibited on such lands.

COMMITTEE ACTION

H.R. 1880 was introduced on April 16, 2015, by Congresswoman Michelle Lujan Grisham (D-NM). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Indian, Insular and Alaska Native Affairs. The Subcommittee held a hearing on the bill on July 22, 2015. On September 9, 2015, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent on September 10, 2015.

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 sec-

tion 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:

*H.R. 1880—Albuquerque Indian School Land Transfer Act*

H.R. 1880 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, the affected 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, which are certain collections that are treated as reductions in direct spending. Because enacting H.R. 1880 would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

H.R. 1880 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On May 26, 2015, CBO transmitted a cost estimate for S. 986, the Albuquerque Indian School Land Transfer Act, as ordered reported by the Senate Committee on Indian Affairs on May 13, 2015. The two bills are similar, and the estimated budgetary effects are the same.

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.

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. The Congressional Budget Office estimates that implementing the legislation would have “no significant effect” on the federal budget.

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 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.

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.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

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.