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SENATE

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GALISTEO BASIN ARCHAEOLOGICAL SITES PROTECTION ACT

FEBRUARY 11, 2003.—Ordered to be printed

Mr. DOMENICI, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany S. 210]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 210) to provide for the protection of archaeological sites in the Galisteo Basin in New Mexico, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 210 is to establish a system of archaeological protection sites in the Galisteo Basin in New Mexico.

BACKGROUND AND NEED

S. 210 would designate a system of 24 sites in the Galisteo Basin in New Mexico, located southeast of Santa Fe, as archaeological protection sites. These sites contain the ruins of Indian pueblos dating back almost 900 years. When Coronado and Spanish conquistadores first entered what is now New Mexico in 1541, they encountered a thriving Pueblo culture, with its own traditions of religion, architecture, and art, influenced through an extensive trade system. These pueblos remained occupied up through the Pueblo revolt in 1680. When the Spanish returned to the area several years later, the sites were deserted, ending a period of over 700 years of continuous use. Included among the sites that would be protected under S. 210 are the largest pueblo ruins ever discovered.

In addition to the pueblo ruins, many of the sites contain historic artifacts and sites relating to the Spanish colonization of the area, including ruins of some of the oldest Spanish missions built in this country. Many of the sites are now threatened by development, ero-

sion, vandalism, or other threats. S. 210 authorizes the Secretary of the Interior to enter into cooperative agreements with affected landowners to protect these resources.

The Department of the Interior submitted formal legislative views in support of substantially similar legislation on behalf of the Administration on October 24, 2002.

LEGISLATIVE HISTORY

S. 210 was introduced by Senator Bingaman on January 23, 2003. During the 107th Congress the Committee considered similar legislation sponsored by Senator Bingaman, S. 2776. The Full Committee held a hearing on S. 2776 in Santa Fe, New Mexico on August 7, 2002, and the Subcommittee on National Parks held a hearing on the bill on September 19, 2002. The Committee ordered S. 2276 favorably reported with an amendment on October 4, 2002. The text of the bill was adopted by the Senate as part of an amendment to S. 941, which passed the Senate by unanimous consent.

At its business meeting on February 5, 2003, the Committee ordered S. 210 favorably reported without amendment.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on February 5, 2003, by a voice vote of a quorum present, recommends that the Senate pass S. 210 as described herein.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill the “Galisteo Basin Archaeological Sites Protection Act.”

Section 2(a) contains congressional findings.

Subsection (b) states that the purpose of the Act is to provide for the preservation, protection, and interpretation of the nationally significant archaeological resources in the Galisteo Basin in New Mexico.

Section 3 designates 24 sites in the Galisteo Basin as “Galisteo Basin Archaeological Protection Sites.” The sites comprise approximately 4,591 acres. The sites listed are identified on a series of 19 maps. The Secretary of the Interior (“Secretary”) is authorized to make minor boundary adjustments to the sites by publishing a notice in the Federal Register.

Section 4 directs the Secretary to search for additional Native American and Spanish colonial sites in the Galisteo Basin and submit to Congress recommendations for additions, deletions, or modifications to the list of archaeological protection sites. New additions to the system may only be made by Act of Congress.

Section 5(a) directs the Secretary to administer archaeological protection sites located on Federal land in accordance with the Archaeological Resources Protection Act (ARPA), the Native American Graves and Repatriation Act (NAGPRA), and other applicable laws in a manner that will protect, preserve, and maintain the archaeological resources and allow for continuing research on them. The subsection clarifies that the Secretary shall have no authority to administer sites on non-Federal lands except to the extent provided for in a cooperative agreement entered into between the Secretary

and the landowner. The subsection further clarifies that nothing in this Act shall be construed to extend the authorities of either ARPA or NAGPRA to private lands which are designated as an archaeological protection site.

Subsection (b) directs the Secretary to prepare a general management plan for the identification, research, protection, and public interpretation of sites located on Federal land as well as for other sites for which the Secretary has entered into a cooperative agreement pursuant to section 6.

Section 6 authorizes the Secretary to enter into cooperative agreements with owners of non-Federal lands regarding an archaeological protection site located on their property. The purpose of the agreements is to enable the Secretary to assist with the protection, preservation, maintenance, administration, and where appropriate, interpretation of the sites.

Section 7 authorizes the Secretary to acquire lands within the sites, on a willing seller basis, by purchase, donation, or exchange. Lands owned by the State of New Mexico could be acquired only by donation, or for State trust lands, by exchange.

Section 8 withdraws the sites on Federal lands from the public lands laws, mining law, and mineral and geothermal laws, subject to valid existing rights.

Section 9 contains several provisions to clarify that the Act does not authorize the regulation of private property, diminish the authority of any government, or restrict or limit an Indian tribe or pueblo from protecting cultural or religious sites on tribal lands.

Section 10 authorizes the appropriation of such sums as may be necessary to carry out the Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 7, 2003.

Hon. PETE V. DOMENICI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 210, the Galisteo Basin Archaeological Sites Protection Act.

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

Sincerely,

DOUGLAS HOLTZ-EAKIN, *Director.*

Enclosure.

S. 210—Galisteo Basin Archaeological Sites Protection Act

CBO estimates that implementing S. 210 would not significantly affect the federal budget. The bill could affect direct spending, but we estimate that any such effects would be negligible. S. 210 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

S. 210 would designate 24 sites in New Mexico as the Galisteo Basin Archaeological Protection Sites. The bill would direct the Secretary of the Interior, in consultation with state and local entities, to develop a management plan for those sites, but it specifies that the Secretary would only have authority to administer federal lands within them. S. 210 would authorize the Secretary, at the request of nonfederal landowners, to enter into cooperative agreements with those landowners to protect and manage archaeological resources on their lands. The bill also would authorize the Secretary to acquire such lands from willing sellers. Finally, S. 210 would withdraw federal lands within the proposed sites from programs to develop geothermal and mineral resources.

Based on information from the Bureau of Land Management (BLM), CBO estimates that the agency would spend less than \$500,000 annually to develop a management plan, implement cooperative agreements, and acquire nonfederal lands, assuming appropriation of the necessary amounts. Withdrawing federal lands from programs to develop certain resources could result in forgone receipts (a credit against direct spending) if, under current law, the lands would generate income from such activities. According to BLM, however, the federal lands within the proposed sites currently generate no significant receipts and are not expected to do so over the next 10 years; hence, we estimate that any forgone offsetting receipts under S. 210 would be negligible.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Paul R. Cullinan, Chief for Human Resources Cost Estimates Unit of the Budget Analysis Division.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 210. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 210.

EXECUTIVE COMMUNICATIONS

On, February 6, 2003, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 210. These reports had not been received at the time the report on S. 210 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 210, as ordered reported.

