

TO AMEND THE OMNIBUS INDIAN ADVANCEMENT ACT TO ALLOW CERTAIN LAND TO BE USED TO GENERATE INCOME TO PROVIDE FUNDING FOR ACADEMIC PROGRAMS, AND FOR OTHER PURPOSES

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DECEMBER 1, 2011.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

## R E P O R T

[To accompany H.R. 1556]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1556) to amend the Omnibus Indian Advancement Act to allow certain land to be used to generate income to provide funding for academic programs, 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 H.R. 1556 is to amend the Omnibus Indian Advancement Act to allow certain land to be used to generate income to provide funding for academic programs.

### BACKGROUND AND NEED FOR LEGISLATION

The Santa Fe Indian School in Santa Fe, New Mexico, is owned and operated by the 19 Pueblo Governors of New Mexico and is comprised of middle and high school students. Established in the late 1800s as a federal off-reservation boarding school, it later became a Tribally Controlled and Operated Grant School with funding through the Bureau of Indian Affairs Schools Program, under provisions of Public Law 100-297.

On December 20, 2000, Public Law 106-568 transferred the Santa Fe Indian School property and the 115-acre property into trust for the 19 Pueblos of New Mexico, with certain limitations. Specifically, Section 824 of Public Law 106-568 strictly states that land taken into trust can only be used for educational, health-re-

lated, or cultural purposes and prohibits Indian gaming. H.R. 1556 would amend Section 824 of Public Law 106–568 so that the land already taken into trust can be used for economic purposes, while still maintaining the prohibition on Indian gaming.

#### COMMITTEE ACTION

H.R. 1556 was introduced on April 14, 2011, by Congressman Ben Lujan (D–NM). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Indian and Alaska Native Affairs. On September 22, 2011, the Subcommittee held a hearing on the bill. On October 5, 2011, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Indian and Alaska Native Affairs was discharged by unanimous consent. No amendments were offered to the bill, 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 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 section 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. 1556—A bill to amend the Omnibus Indian Advancement Act to allow certain lands to be used to generate income to provide funding for academic programs, and for other purposes*

H.R. 1556 would allow the 19 Pueblos of New Mexico, which operate the Sante Fe Indian School, to use property held in trust by the federal government for economic development activities. Under current law, the property can only be used for educational, health-related, or cultural purposes of the Sante Fe Indian School. Any income generated from economic development activities could be used by the Pueblos to promote educational, health-related, or cultural outcomes among students of the Sante Fe Indian School.

Based on information from the Department of the Interior, CBO expects that the legislation would have an insignificant impact on the agency’s administrative costs. H.R. 1556 would have no effect on direct spending or revenues because any income resulting from new economic development activities would be paid directly to the Pueblos; therefore, pay-as-you-go procedures do not apply.

H.R. 1556 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.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, 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.

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 amend the Omnibus Indian Advancement Act to allow certain land to be used to generate income to provide funding for academic programs.

#### 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.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### OMNIBUS INDIAN ADVANCEMENT ACT

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### TITLE VIII—TECHNICAL CORRECTIONS

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#### Subtitle B—Santa Fe Indian School

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#### SEC. 824. LAND USE.

[(a) LIMITATION FOR EDUCATIONAL AND CULTURAL PURPOSES.—The land taken into trust under section 823(a) shall be used solely

for the educational, health, or cultural purposes of the Santa Fe Indian School, including use for related non-profit or technical programs, as operated by Santa Fe Indian School, Inc. on the date of the enactment of this Act.】

*(a) LIMITATION FOR EDUCATIONAL, HEALTH, CULTURAL, AND ECONOMIC DEVELOPMENT PURPOSES.—The land taken into trust under section 823(a) shall be used solely for the educational, health, or cultural purposes of the Santa Fe Indian School and economic development projects that provide funding for such purposes.*

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