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104TH CONGRESS }
1st Session }

SENATE

{ REPORT
104-85

TO TRANSFER A PARCEL OF LAND TO THE TAOS PUEBLO INDIANS OF NEW MEXICO

MAY 19 (legislative day, MAY 15), 1995.—Ordered to be printed

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

REPORT

[To accompany H.R. 101]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 101) to transfer a parcel of land to the Taos Pueblo Indians of New Mexico, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 101 is to transfer 764.33 acres of land within the Wheeler Peak Wilderness in New Mexico to the Secretary of the Interior to be held in trust for Pueblo de Taos Indians.

BACKGROUND AND NEED

H.R. 101 would transfer 764.33 acres of lands in the Carson National Forest in New Mexico to the Secretary of the Interior, to be held in trust for Pueblo de Taos Indian tribe. The lands are within the Congressionally designated Wheeler Peak Wilderness.

The lands, known as the “Bottleneck Track,” are surrounded on three sides by Pueblo lands. The adjacent Pueblo lands are known as the Blue Lake Wilderness. These lands were transferred in 1970 to the Pueblo pursuant to Public Law 91-550. That Act authorizes the Pueblo to use the lands for traditional purposes, but otherwise requires the Pueblo to manage the Blue Lake Wilderness area to be “forever wild” and to be maintained as a wilderness as defined in section 2(c) of the Wilderness Act of 1964.

H.R. 101 directs that the Bottleneck Tract be managed under the 1970 Act once it is transferred to the Pueblo. Committee notes that the Pueblo intends to manage this area as part of the Pueblo's Blue Lake Wilderness. The entire Blue Lake area, including the Bottleneck Tract, is sacred to the Pueblo and is used for religious ceremonial purposes. The Bottleneck Tract is crossed by a sacred trail known as the "Trail of Life." From the Bottleneck Tract, the public can look down at Blue Lake, making it difficult to maintain privacy for religious ceremonies. Transfer of the Bottleneck Tract will enable the Pueblo to protect the wilderness characteristics of the area while ensuring privacy for the Pueblo's traditional and religious ceremonies.

LEGISLATIVE HISTORY

H.R. 101 was introduced in the House of Representatives by Congressman Richardson. The bill was favorably reported from the Resources Committee on January 18, 1995 and was passed by the House of Representatives by a voice vote on February 1, 1995. Companion legislation, S. 166, was introduced by Senators Bingaman, Domenici, and Dole, on January 5, 1995.

In the 103rd Congress, similar legislation was introduced in both the House and the Senate. The Subcommittee on Public Lands, National Parks and Forests held a hearing on the Senate measure, S. 1509, on April 21, 1994.

At the business meeting on March 29, 1995, the Committee on Energy and Natural Resources ordered H.R. 101 favorably reported without amendment.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on March 29, 1995, by a unanimous vote of a quorum present, recommends that the Senate pass H.R. 101 without amendment.

The rollcall vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS

NAYS

Mr. Murkowski
 Mr. Hatfield ¹
 Mr. Domenici
 Mr. Nickles ¹
 Mr. Craig
 Mr. Campbell ¹
 Mr. Thomas ¹
 Mr. Kyl ¹
 Mr. Grams
 Mr. Jeffords ¹
 Mr. Burns ¹
 Mr. Johnston
 Mr. Bumpers
 Mr. Ford
 Mr. Bradley
 Mr. Bingaman
 Mr. Akaka
 Mr. Wellstone ¹
 Mr. Heflin ¹
 Mr. Dorgan

¹ Indicates voted by proxy.

SECTION-BY-SECTION ANALYSIS

Section 1(a) transfers the lands known as the Bottleneck tract to the Secretary of the Interior to be held in trust for the Pueblo de Taos. It directs that these lands be managed in accordance with section 4 of the Act of May 31, 1933 (48 Stat. 108) as amended, including Public Law 91-550 (84 Stat. 1437).

Subsection (b) describes the lands to be transferred and references a map.

Subsection (c) adjusts the boundaries of the Carson National Forest and the Wheeler Peak Wilderness, accordingly.

Subsection (d) states that the Congress finds and declares that as a result of the enactment of this Act, the Taos Pueblo has no unresolved equitable or legal claims against the United States on the lands transferred pursuant to this Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
 CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 10, 1995.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 101, an act to transfer a parcel of land to the Taos Pueblo Indians of New Mexico, as ordered reported by the Senate Committee on Energy and Natural Resources on March 29, 1995. CBO estimates that H.R. 101 would have no significant impact on

the federal budget and no impact on the budgets of state and local governments. Because enactment of H.R. 101 would not affect direct spending or receipts, pay-as-you-go procedures would not apply to the act.

H.R. 101 would transfer to the Secretary of the Interior 764 acres of Carson National Forest lands, which would be held in trust for the Pueblo de Taos and be part of the Pueblo de Taos Reservation. Enacting the legislation would not result in the loss of timber receipts because the land is currently managed under the Wilderness Act of 1964, which prohibits the extraction of natural resources.

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

Sincerely,

JUNE E. O'NEILL, *Director*.

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 H.R. 101. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic 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 H.R. 101, as ordered reported.

EXECUTIVE COMMUNICATIONS

On May 11, 1995, the Committee on Energy and Natural Resources requested legislative reports from the Department of Agriculture and the Office of Management and Budget setting forth Executive agency recommendations on H.R. 101. These reports had not been received at the time the report on H.R. 101 was filed. When these 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 H.R. 101, as ordered reported.