



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

October 3, 2002

S. 2989

A bill to protect certain lands held in fee by the Pechanga Band of Luiseno Mission Indians from condemnation until a final decision is made by the Secretary of the Interior regarding a pending fee to trust application for that land, and for other purposes

As ordered reported by the Senate Committee on Indian Affairs on October 1, 2002

S. 2989 would prohibit the transfer or condemnation of certain lands held in fee by the Pechanga Band of Luiseno Mission Indians until the Secretary of the Interior renders a final decision on the pending application to designate such fee lands as held in trust and until final decisions have been made regarding all appeals to that application.

In March 2002 the Secretary decided to take the land into trust for the Band, but the Sempra Energy company has appealed that decision. San Diego Gas and Electric (SDG&E), a subsidiary of Sempra Energy, has proposed a new corridor for an electric transmission line that would cross this property and has indicated its intention to condemn the property. (Electric utilities in California have the power of eminent domain.)

Under current law, these fee lands may be taken for public use upon just compensation paid to the owners of the land. Such compensation would be paid directly to the Pechanga Band of Luiseno Mission Indian tribe. Enacting S. 2989 could delay or prevent a taking of the land by SDG&E, but that transaction would not affect the federal budget. In addition, we estimate that enactment of S. 2989 would not affect direct spending or receipts of the federal government.

S. 2989 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. Enacting this legislation would benefit the Pechanga Band because it would protect tribal land from condemnation until its application to have that land taken into trust is resolved.

S. 2989 contains a private-sector mandate as defined by UMRA. The costs of the mandate, if any, would be the expected incremental costs to SDG&E of choosing among several alternative properties as routes for the new transmission line. CBO expects that the direct

cost of the mandate would be below the annual threshold for the private sector established by UMRA (\$115 million in 2002, adjusted annually for inflation).

On July 29, 2002, CBO transmitted a cost estimate for H.R. 3476, as ordered reported by the House Committee on Resources on July 10, 2002. The two bills and our cost estimates are identical.

The CBO staff contacts for this estimate are Lanette J. Walker (for federal costs), Marjorie Miller (for the state and local impact), and Cecil McPherson (for the private-sector impact). This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.