

Union Calendar No. 514

112TH CONGRESS
2^D SESSION

S. 3193

[Report No. 112-702]

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2012

Referred to the Committee on Natural Resources

DECEMBER 17, 2012

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Barona Band of Mis-
5 sion Indians Land Transfer Clarification Act of 2012”.

6 **SEC. 2. FINDINGS; PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the legal description of land previously
9 taken into trust by the United States for the benefit
10 of the Barona Band of Mission Indians may be in-
11 terpreted to refer to private, nontribal land;

12 (2) there is a continued, unresolved disagree-
13 ment between the Barona Band of Mission Indians
14 and certain off-reservation property owners relating
15 to the causes of diminishing native groundwater;

16 (3) Congress expresses no opinion, nor should
17 an opinion of Congress be inferred, relating to the
18 disagreement described in paragraph (2); and

19 (4) it is the intent of Congress that, if the land
20 described in section 121(b) of the Native American
21 Technical Corrections Act of 2004 (118 Stat. 544)
22 (as amended by section 3) is used to bring water to
23 the Barona Indian Reservation, the effort is author-
24 ized only if the effort also addresses water avail-
25 ability for neighboring off-reservation land located

1 along Old Barona Road that is occupied as of the
 2 date of enactment of this Act by providing guaran-
 3 teed access to that water supply at a mutually agree-
 4 able site on the southwest boundary of the Barona
 5 Indian Reservation.

6 (b) PURPOSES.—The purposes of this Act are—

7 (1) to clarify the legal description of the land
 8 placed into trust for the Barona Band of Mission In-
 9 dians in 2004; and

10 (2) to remove all doubt relating to the specific
 11 parcels of land that Congress has placed into trust
 12 for the Barona Band of Mission Indians.

13 **SEC. 3. LAND TRANSFER.**

14 Section 121 of the Native American Technical Cor-
 15 rections Act of 2004 (Public Law 108–204; 118 Stat.
 16 544) is amended—

17 (1) by striking subsection (b) and inserting the
 18 following:

19 “(b) DESCRIPTION OF LAND.—The land referred to
 20 in subsection (a) is land comprising approximately 86.87
 21 acres in T. 14 S., R. 1 E., San Bernardino Meridian, San
 22 Diego County, California, and described more particularly
 23 as follows:

24 “(1) The approximately 69.85 acres located in
 25 Section 21 and described as—

1 “(A) SW¹/₄ SW¹/₄, excepting the north 475
2 feet;

3 “(B) W¹/₂ SE¹/₄ SW¹/₄, excepting the
4 north 475 feet;

5 “(C) E¹/₂ SE¹/₄ SW¹/₄, excepting the north
6 350 feet; and

7 “(D) the portion of W¹/₂ SE¹/₄ that lies
8 southwesterly of the following line: Beginning
9 at the intersection of the southerly line of said
10 SE¹/₄ of Section 21 with the westerly boundary
11 of Rancho Canada De San Vicente Y Mesa Del
12 Padre Barona as shown on United States Gov-
13 ernment Resurvey approved January 21, 1939,
14 and thence northwesterly along said boundary
15 to an intersection with the westerly line of said
16 SE¹/₄.

17 “(2) The approximately 17.02 acres located in
18 Section 28 and described as NW¹/₄ NW¹/₄, excepting
19 the east 750 feet.”; and

20 (2) by adding at the end the following:

21 “(d) CLARIFICATIONS.—

22 “(1) EFFECT ON SECTION.—The provisions of
23 subsection (c) shall apply to the land described in
24 subsection (b), as in effect on the day after the date

1 of enactment of the Barona Band of Mission Indians
2 Land Transfer Clarification Act of 2012.

3 “(2) EFFECT ON PRIVATE LAND.—The parcel
4 of private, non-Indian land referenced in subsection
5 (a) and described in subsection (b), as in effect on
6 the day before the date of enactment of the Barona
7 Band of Mission Indians Land Transfer Clarifica-
8 tion Act of 2012, but excluded from the revised de-
9 scription of the land in subsection (b) was not in-
10 tended to be—

11 “(A) held in trust by the United States for
12 the benefit of the Band; or

13 “(B) considered to be a part of the res-
14 ervation of the Band.”.

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