

Calendar No. 498

112TH CONGRESS
2^D SESSION

S. 3193

[Report No. 112–207]

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.

IN THE SENATE OF THE UNITED STATES

MAY 16, 2012

Mrs. FEINSTEIN (for herself, Mr. AKAKA, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

AUGUST 28, 2012

Reported, under authority of the order of the Senate of August 2, 2012, by
Mr. AKAKA, without amendment

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FINDINGS; PURPOSES.**

5 (a) FINDINGS.—Congress finds that—

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

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

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

17 (4) it is the intent of Congress that, if the land
18 described in section 121(b) of the Native American
19 Technical Corrections Act of 2004 (118 Stat. 544)
20 (as amended by section 3) is used to bring water to
21 the Barona Indian Reservation, the effort is author-
22 ized only if the effort also addresses water avail-
23 ability for neighboring off-reservation land located
24 along Old Barona Road that is occupied as of the
25 date of enactment of this Act by providing guaran-
26 teed access to that water supply at a mutually agree-

1 able site on the southwest boundary of the Barona
2 Indian Reservation.

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

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

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

10 **SEC. 3. LAND TRANSFER.**

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

14 (1) by striking subsection (b) and inserting the
15 following:

16 “(b) DESCRIPTION OF LAND.—The land referred to
17 in subsection (a) is land comprising approximately 86.87
18 acres in San Diego County, California, and described more
19 particularly as follows: T. 14 S., R. 1 E. San Bernardino
20 Meridian; Section 21, SW¹/₄ SW¹/₄, excepting the north
21 475 ft.; W¹/₂ SE¹/₄ SW¹/₄, excepting the north 475 ft.;
22 E¹/₂ SE¹/₄ SW¹/₄, excepting the north 350 ft.; Together
23 with that portion W¹/₂ SE¹/₄, lying southwesterly of the
24 following line: Beginning at the intersection of the south-
25 erly line of said SE¹/₄ Section 21 with the westerly bound-

1 ary of Rancho Canada De San Vicente Y Mesa Del Padre
 2 Barona as shown on United States Government Resurvey
 3 approved January 21, 1939; thence northwesterly along
 4 said boundary to an intersection with the westerly line of
 5 said SE¹/₄; containing 68.75 acres more or less; Section
 6 28, NW¹/₄ NW¹/₄, excepting the east 750 ft.; containing
 7 17.02 acres more or less.”; and

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

9 “(d) CLARIFICATIONS.—

10 “(1) EFFECT ON SECTION.—The provisions of
 11 subsection (c) shall apply to the land described in
 12 subsection (b), as in effect on the day after the date
 13 of enactment of the Barona Band of Mission Indians
 14 Land Transfer Clarification Act of 2012.

15 “(2) EFFECT ON PRIVATE LAND.—The parcel
 16 of private, non-Indian land referenced in subsection
 17 (a) and described in subsection (b), as in effect on
 18 the day before the date of enactment of the Barona
 19 Band of Mission Indians Land Transfer Clarifica-
 20 tion Act of 2012, but excluded from the revised de-
 21 scription of the land in subsection (b) was not in-
 22 tended to be—

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

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

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