

ECONOMIC DEVELOPMENT THROUGH TRIBAL LAND EXCHANGE ACT

SEPTEMBER 19, 2014.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 4867]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4867) to provide for certain land to be taken into trust for the benefit of Morongo Band of Mission Indians, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Economic Development Through Tribal Land Exchange Act”.

SEC. 2. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) BANNING.—The term “Banning” means the City of Banning, which is located in Riverside County, California adjacent to the Morongo Indian Reservation.

(2) FIELDS.—The term “Fields” means Lloyd L. Fields, the owner of record of Parcel A.

(3) MAP.—The term “map” means the map entitled ‘Morongo Indian Reservation, County of Riverside, State of California Land Exchange Map’, and dated May 22, 2014, which is on file in the Bureau of Land Management State Office in Sacramento, California.

(4) PARCEL A.—The term “Parcel A” means the approximately 41.15 acres designated on the map as “Fields lands”.

(5) PARCEL B.—The term “Parcel B” means the approximately 41.15 acres designated on the map as “Morongo lands”.

(6) PARCEL C.—The term “Parcel C” means the approximately 1.21 acres designated on the map as “Banning land”.

(7) PARCEL D.—The term “Parcel D” means the approximately 1.76 acres designated on the map as “Easement to Banning”.

(8) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(9) TRIBE.—The term “Tribe” means the Morongo Band of Mission Indians, a federally recognized Indian tribe.

SEC. 3. TRANSFER OF LANDS; TRUST LANDS, EASEMENT.

(a) TRANSFER OF PARCEL A AND PARCEL B AND EASEMENT OVER PARCEL D.—Subject to any valid existing rights of any third parties and to legal review and approval of the form and content of any and all instruments of conveyance and policies of title insurance, upon receipt by the Secretary of confirmation that Fields has duly executed and deposited with a mutually acceptable and jointly instructed escrow holder in California a deed conveying clear and unencumbered title to Parcel A to the United States in trust for the exclusive use and benefit of the Tribe, and upon receipt by Fields of confirmation that the Secretary has duly executed and deposited into escrow with the same mutually acceptable and jointly instructed escrow holder a patent conveying clear and unencumbered title in fee simple to Parcel B to Fields and has duly executed and deposited into escrow with the same mutually acceptable and jointly instructed escrow holder an easement to the City for a public right-of-way over Parcel D, the Secretary shall instruct the escrow holder to simultaneously cause—

- (1) the patent to Parcel B to be recorded and issued to Fields;
- (2) the easement over Parcel D to be recorded and issued to the City; and
- (3) the deed to Parcel A to be delivered to the Secretary, who shall immediately cause said deed to be recorded and held in trust for the Tribe.

(b) TRANSFER OF PARCEL C.—After the simultaneous transfer of parcels A, B, and D under subsection (a), upon receipt by the Secretary of confirmation that the City has vacated its interest in Parcel C pursuant to all applicable State and local laws, the Secretary shall immediately cause Parcel C to be held in trust for the Tribe subject to—

- (1) any valid existing rights of any third parties; and
- (2) legal review and approval of the form and content of any and all instruments of conveyance.

PURPOSE OF THE BILL

The purpose of H.R. 4867 is to provide for certain land to be taken into trust for the benefit of Morongo Band of Mission Indians.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 4867 authorizes a land exchange in the State of California involving the Morongo Band of Mission Indians, the City of Banning, and non-Indian landowner Lloyd A. Fields of Beverly Hills. The purpose of the exchange is to consolidate in tribal ownership a partially checker-boarded area within the Morongo Reservation containing land currently owned by Mr. Fields. In exchange, the tribe shall convey to Fields a parcel of land on the edge of the reservation affording him suitable accessibility for economic and other uses. Under the bill, several public easements will be provided to the City of Banning for various public purposes.

The Morongo Reservation, situated 80 miles east of Los Angeles on Interstate 10, was initially established by Executive Orders in 1876 and 1881. Pursuant to the Act of March 1, 1907, certain lands were patented to the tribe. More than 30,000 acres in size today, the Morongo Reservation contains several checker-boarded sections adjacent to the City of Banning.

A number of years ago a private landowner, a businessman from Beverly Hills named Lloyd Fields, acquired a 41-acre parcel of land near I-10. The tribe subsequently acquired the lands surrounding the Fields property and added it to the existing reservation. When Fields planned to develop his property, a sharp dispute broke out between him, the tribe, and the City of Banning. The tribe erected

a guard shack on the only road providing access to the Fields property. According to Fields, the tribe then refused reasonable access necessary for him to build on the land. Fields sued the City of Banning over its refusal to remove what he alleged was an illegal tribal guard shack on a public road. The City contended that it could not immediately remove the shack because it was unclear whether the City's public road easement covered the portion of the road on which the shack had been built.

Mr. Fields, the tribe, and the City of Banning resolved their dispute by agreeing to an exchange of land and interests. H.R. 4867 authorizes and implements the exchange.

Under H.R. 4867, the Morongo Tribe and Secretary of the Interior are authorized to convey simple fee title to 41 acres of land currently held in trust for the tribe to Fields. At the same time, the Secretary is authorized to acquire the 41 acres of fee simple land currently owned by Fields within the reservation, and such land shall be placed in federal trust for the benefit of the tribe. The bill additionally authorizes the City and tribe to exchange small parcels of lands and public easements (concerning less than two acres) to consolidate the reservation and to meet public needs of the City. All lands and interests are described in a map referenced in the bill, prepared by the Bureau of Land Management. (Under an amendment offered by Congressman Don Young and adopted by the Committee, the map referenced in the bill is replaced with a newer, more detailed map approved by the parties to the exchange).

To ensure the exchange is executed under the terms and conditions agreed to by the parties, the bill provides that an escrow holder shall accept and convey the deeds to the exchange lands currently owned by the tribe and Fields.

H.R. 4867 was referred to the Subcommittee on Indian and Alaska Native Affairs and to the Subcommittee on Public Lands and Environmental Regulation. On July 15, 2014, the Subcommittee on Indian and Alaska Native Affairs held a hearing on H.R. 4867. In the hearing, a witness for the Department of the Interior testified in support of H.R. 4867. No objections to the bill have come to the attention of the Committee.

COMMITTEE ACTION

H.R. 4867 was introduced on June 12, 2014, by Congressman Raul Ruiz (D-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittees on Indian and Alaska Native Affairs and Public Lands and Environmental Regulation. On July 15, 2014, the Subcommittee on Indian and Alaska Native Affairs held a hearing on the bill. On July 30, 2014, the Full Natural Resources Committee met to consider the bill. The Subcommittees on Indian and Alaska Native Affairs and Public Lands and Environmental Regulation were discharged by unanimous consent. Congressman Don Young (R-AK) offered an amendment designated #1 to the bill; the amendment was adopted by unanimous consent. No further amendments were offered, and the bill, as amended, was adopted and 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. 4867—Economic Development Through Tribal Land Exchange Act

H.R. 4867 would authorize the exchange of interests in lands between the Morongo Band of Mission Indians, a private land owner, and the city of Banning, California. Because the tribal lands are held in trust by the federal government for the benefit of the tribe, the tribe needs Congressional authorization to enter into the land exchange. CBO estimates that implementing the bill would have no significant effect on the federal budget. Enacting H.R. 4867 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 4687 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

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, credit authority, or an increase or decrease in revenues or tax expenditures. CBO estimates that implementing the bill would have no significant effect on the federal budget.

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 provide for certain land to be taken into trust for the benefit of Morongo Band of Mission Indians.

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.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

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

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

