

ECONOMIC DEVELOPMENT THROUGH TRIBAL LAND  
EXCHANGE ACT

—————  
JUNE 23, 2015.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

—————  
Mr. BISHOP of Utah, from the Committee on Natural Resources,  
submitted the following

R E P O R T

[To accompany H.R. 387]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 387) 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 without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 387 is to provide for certain land to be taken into trust for the benefit of the Morongo Band of Mission Indians.

BACKGROUND AND NEED FOR LEGISLATION

The reservation for the Morongo Band of Mission Indians is situated on Interstate 10, 80 miles east of Los Angeles, California, and 22 miles northwest of Palm Springs, California. Initially established by Executive Orders in 1876 and 1881, certain lands were also patented to the Tribe pursuant to an Act of March 1, 1907. Totalling more than 30,000 acres in size, the reservation is adjacent to the City of Banning, California, with several checker-boarded sections (alternating parcels owned by the Tribe and different persons/entities).

In 1995, a private landowner, a businessman from Beverly Hills, Lloyd Fields, acquired a 41-acre parcel of land from other non-Indian private landowners near Interstate 10. The Tribe subsequently acquired the lands surrounding the Fields property and added it to the existing reservation. When Mr. 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 of Banning 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. Because tribal lands are held trust by the federal government for the benefit of the Morongo Tribe, the Tribe needs Congressional authorization. The exchange is authorized by H.R. 387. 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 Morongo Tribe and Lloyd Fields.

#### COMMITTEE ACTION

H.R. 387 was introduced on January 14, 2015, by Congressman Raul Ruiz (D-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Indian, Insular and Alaska Native Affairs. On June 10, 2015, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent on June 11, 2015.

#### 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. 387—Economic Development Through Tribal Land Exchange Act*

H.R. 387 would authorize the exchange of interests in lands among 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. 387 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 387 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 H. Samuel Papenfuss, 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, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Congressional Budget Office concludes that enactment of this 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 the 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.