

Calendar No. 348

114TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 114-204

TO PROVIDE FOR CERTAIN LAND TO BE TAKEN INTO TRUST FOR THE
BENEFIT OF MORONGO BAND OF MISSION INDIANS, AND FOR OTHER
PURPOSES

JANUARY 12, 2016.—Ordered to be printed

Mr. BARRASSO, from the Senate Committee on Indian Affairs,
submitted the following

R E P O R T

[To accompany H.R. 387]

The Committee on Indian Affairs, to which 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, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of H.R. 387 is to provide land into trust for the Morongo Band of Mission Indians (Morongo Tribe) and to address land use needs identified by a private land owner, the Morongo Tribe, and local government.

NEED FOR LEGISLATION

The bill, H.R. 387, is needed to complete a land exchange between the Morongo Tribe and a private land owner. The bill would create certainty for land use and development in the region.

BACKGROUND

The Morongo Tribe's reservation is located in southern California and was established by Executive Orders issued on May 15, 1876¹ and March 9, 1881.² Today, the current reservation consists

¹ Executive Order. Issued by Ulysses S. Grant, (May 15, 1876).

² Executive Order. Issued by James A. Garfield, (March 9, 1881).

of approximately 32,400 acres³ and is located adjacent to the City of Banning, California.

In 1995, a private landowner, Lloyd Fields, acquired a 41-acre parcel of land from other non-Indian private landowners near Interstate 10 in Banning, California. The Morongo Tribe later acquired the lands surrounding the Fields property and added it to their existing reservation.

When Mr. Fields planned to develop his property, disputes arose between him, the Tribe, and the City of Banning. All three parties resolved the matter by agreeing to an exchange of land and interests. Since the reservation lands are held in trust by the federal government for the benefit of the Morongo Tribe, Congressional action is needed to carry out the land exchange authorized by H.R. 387. To ensure the exchange is implemented 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.

H.R. 387 involves four parcels of land in the State of California and three parties: the City of Banning, the Morongo Tribe, and a private land owner, Lloyd Fields.

Parcels A and B are each 41.15 acres. Parcel A is currently held in fee simple by Lloyd Fields and Parcel B is held in trust for the Morongo Tribe. H.R. 387 would exchange Parcels A and B. Parcel A would be held in trust for the Morongo Tribe and Parcel B would become fee simple land for Lloyd Fields. H.R. 387 would require that an easement over Parcel D, which is held in trust by the federal government, will be recorded and issued to the City of Banning. The easement will enable the land owner to access utility services for his newly acquired parcel. Finally H.R. 387 would place Parcel C, a 1.21-acre parcel currently owned by the City of Banning, in trust for the Morongo Band of Mission Indians.

LEGISLATIVE HISTORY

On January 14, 2015, H.R. 387 was introduced by Representative Ruiz with co-sponsors Representative Cárdenas, Representative Cook, Representative Huffman, Representative LaMalfa, Representative MacArthur, and Representative Torres. On June 11, 2015, the House Natural Resources Committee held a business meeting and ordered the bill to be reported favorably by unanimous consent. On June 23, 2015, the bill was placed on the Union Calendar. On July 13, 2015, the bill was laid on the table and agreed to without objection by the House of Representatives.

The bill was received in the Senate and referred to the Committee on July 14, 2015. The Committee held a legislative hearing on the bill on October 7, 2015. On October 21, 2015, the Committee held a business meeting on the bill, which was ordered to be reported favorably without an amendment.

Senator Boxer introduced an identical bill, S. 175, on July 13, 2015. Senator Moran is a co-sponsor. The bill was referred to the Committee.

³Tiller, Veronica E. Velarde. Tiller's guide to Indian country: Economic Profiles of American Indian Reservations. Edited and Compiled by Veronica E. Velarde Tiller. 2005 ed. Albuquerque, N.M.: Bow Arrow Publishing Company, c2005, 444.

SECTION-BY-SECTION ANALYSIS OF BILL AS ORDERED REPORTED

Sec. 1. Short title

Section 1 states that the Act may be cited as the “Economic Development Through Tribal Land Exchange Act.”

Sec. 2. Definitions

Section 2 defines the parcels of land to be transferred in this bill in accordance with the map titled, ‘Morongo Indian Reservation, County of Riverside, State of California Land Exchange Map’, on file at the Sacramento BLM State Office in Sacramento, California, dated May 22, 2014. The map identifies four parcels of land (Parcels A, B, C, and D).

Sec. 3. Transfer of lands; trust lands, easement

Parcels A and B are each 41.15 acres. Parcel A is currently held in fee simple by Lloyd Fields and Parcel B is held in trust for the Morongo Tribe. H.R. 387 would exchange Parcels A and B. Parcel A would be held in trust for the Morongo Tribe and Parcel B would become fee simple land for Lloyd Fields. H.R. 387 would require that an easement over Parcel D, which is held in trust by the federal government, will be recorded and issued to the City of Banning. The easement will enable the land owner to access utility services for his newly acquired parcel. Finally H.R. 387 would place Parcel C, a 1.21-acre parcel currently owned by the City of Banning, in trust for the Morongo Band of Mission Indians.

COST AND BUDGETARY CONSIDERATIONS

The following cost estimate, as provided by the Congressional Budget Office, dated November 3, 2015, was prepared for H.R. 387:

NOVEMBER 3, 2015.

Hon. JOHN BARRASSO,
Chairman, Committee on Indian Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 387, the Economic Development Through Tribal Land Exchange Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

KEITH HALL.

Enclosure.

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 legislation 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. CBO estimates

that enacting H.R. 387 would not increase net direct spending or on-budget deficits in any of the next four consecutive 10-year periods beginning in 2026.

H.R. 387 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On June 18, 2015, CBO transmitted a cost estimate for H.R. 387 as ordered reported by the House Committee on Natural Resources on June 11, 2015. The two versions of the legislation are identical, and the estimated budgetary effects are the same.

The CBO staff contact for this estimate is Megan Carroll. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding H.R. 387.

REGULATORY AND PAPERWORK IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that H.R. 387 will have a minimal impact on regulatory or paperwork requirements.

CHANGES IN EXISTING LAW (CORDON RULE)

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, there are no changes to existing law made by H.R. 387, as ordered reported.