

Calendar No. 349

114TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 114-205

AN ACT TO ALLOW THE MIAMI TRIBE OF OKLAHOMA TO LEASE OR TRANSFER CERTAIN LANDS

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. 487]

The Committee on Indian Affairs, to which was referred the bill (H.R. 487) to allow the Miami Tribe of Oklahoma to lease or transfer certain lands, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of H.R. 487 is to allow the transfer of fee simple lands owned by the Tribe without further congressional approval.

NEED FOR LEGISLATION

The bill, H.R. 487, is needed to provide certainty for fee simple land transfers owned by the Tribe to third parties.

BACKGROUND

The Non-Intercourse Act (25 U.S.C. § 177) authorizes the United States to have the exclusive right to acquire Indian lands. The Act prevents the transfer, sale, lease, or other conveyance of land owned by an Indian tribe to third parties without federal approval.

Congress has passed legislation clarifying that the Non-Intercourse Act would not interfere with the lease, sale, or transfer of fee land owned by certain tribes.

In the 113th Congress, a bill similar to H.R. 487 was enacted into law, allowing the Fond du Lac Band of Lake Superior Chip-

pewa to lease or transfer fee land owned by the tribe.¹ In the 106th Congress, a bill was enacted into law with a similar purpose for the Lower Sioux Indian Community in Minnesota², and in the 102nd Congress, a similar bill was enacted into law for the Mississippi Band of Choctaw Indians.³

This legislation, H.R. 487, would allow the Tribe to have more control over fee simple land owned by the Tribe without the need for further Congressional approval for certain transactions. The bill simply ensures that the Non-Intercourse Act does not interfere with the ability to convey fee simple land owned by the Tribe. The Tribe has informed the Committee that title insurance companies may not issue title assurances to lenders or prospective purchasers due to uncertainties regarding the Non-Intercourse Act.

LEGISLATIVE HISTORY

On January 22, 2015, Representative Mullin introduced H.R. 487. On June 10, 2015, the House Subcommittee on Indian, Insular, and Alaska Native Affairs of the Natural Resources Committee held a hearing on the bill. Witnesses representing the Administration and the Miami Tribe testified in support of H.R. 487. The House Committee on Natural Resources held a business meeting on July 9, 2015 and ordered the bill reported without amendment. The House of Representatives passed the bill on September 16, 2015. On September 17, 2015, H.R. 487 was referred to the Senate Committee on Indian Affairs. The Committee held a business meeting on October 7, 2015, and by voice vote, ordered the bill reported favorably without amendment.

SECTION-BY-SECTION ANALYSIS OF BILL AS ORDERED REPORTED

Section 1—Approval not required to validate land transactions

Section 1(a) would allow the Miami Tribe of Oklahoma to transfer all or any part of its interests in any real property that the Tribe owns in fee without further Congressional approval.

Section 2(b) Nothing in this section would authorize the Miami Tribe of Oklahoma to lease, sell, convey, warrant, or otherwise transfer all or any part of an interest in any real property that is held in trust for the Tribe or affect the operation of any law governing the leasing, selling, conveying, warranting, or otherwise transferring of any interest in such trust land.

COST AND BUDGETARY CONSIDERATIONS

OCTOBER 19, 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. 487, a bill to allow the Miami Tribe of Oklahoma to lease or transfer certain lands.

¹Pub. L. 113–88, 128 Stat. 1019.

²Pub. L. 106–217, 114 Stat. 344.

³Pub. L. 102–497, 106 Stat. 3255.

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

Sincerely,

KEITH HALL.

H.R. 487—A bill to allow the Miami Tribe of Oklahoma to lease or transfer certain lands

H.R. 487 would authorize the Miami Tribe of Oklahoma to lease, sell, warrant, or otherwise transfer any tribal property that is not held in trust by the federal government for the benefit of the tribe. Based on information provided by the Bureau of Indian Affairs, CBO estimates that implementing the legislation would have no effect on the federal budget.

Enacting H.R. 487 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. Any receipts from the transfer of the land under the legislation would be paid directly to the tribe.

CBO estimates that enacting H.R. 487 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2026.

H.R. 487 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would benefit the tribe.

On July 22, 2015, CBO transmitted a cost estimate for H.R. 487, a bill to allow the Miami Tribe of Oklahoma to lease or transfer certain lands, as ordered reported by the House Committee on Natural Resources on July 9, 2015. The two versions of the legislation are identical and CBO's estimate of the budgetary effects are the same.

The CBO staff contact for this estimate is Kim Cawley. 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. 487.

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. 487 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, if enacted, H.R. 487, as ordered reported, does not make any changes to existing law.