

PROVIDING THAT LAND WHICH IS OWNED BY THE SEMINOLE TRIBE OF FLORIDA BUT WHICH IS NOT HELD IN TRUST BY THE UNITED STATES FOR THE TRIBE MAY BE MORTGAGED, LEASED, OR TRANSFERRED BY THE TRIBE WITHOUT FURTHER APPROVAL BY THE UNITED STATES

SEPTEMBER 25, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HANSEN, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 4853]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4853) to provide that land which is owned by the Seminole Tribe of Florida but which is not held in trust by the United States for the Tribe may be mortgaged, leased, or transferred by the Tribe without further approval by the United States, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. APPROVAL NOT REQUIRED TO VALIDATE CERTAIN LAND TRANSACTIONS.

(a) **TRANSACTIONS.**—The Seminole Tribe of Florida may mortgage, lease, sell, convey, warrant, or otherwise transfer all or any part of any interest in any real property that—

- (1) was held by the Tribe on September 1, 2002; and
- (2) is not held in trust by the United States for the benefit of the Tribe.

(b) **NO FURTHER APPROVAL REQUIRED.**—Transactions under subsection (a) shall be valid without further approval, ratification, or authorization by the United States.

(c) **TRUST LAND NOT AFFECTED.**—Nothing in this section is intended or shall be construed to—

- (1) authorize the Seminole Tribe of Florida to mortgage, lease, sell, convey, warrant, or otherwise transfer all or any part of an interest in any real property that is held in trust by the United States for the benefit of the Tribe; or

- (2) affect the operation of any law governing mortgaging, leasing, selling, conveying, warranting, or otherwise transferring any interest in such trust land.

Amend the title so as to read:

A bill to provide that real property interests owned by the Seminole Tribe of Florida on September 1, 2002, which are not held in trust by the United States for the

Tribe may be obligated or transferred by the Tribe without further approval by the United States.

PURPOSE OF THE BILL

The purpose of H.R. 4853, as ordered reported, is to provide that real property interests owned by the Seminole Tribe of Florida on September 1, 2002, which are not held in trust by the United States for the Tribe may be obligated or transferred by the Tribe without further approval by the United States.

BACKGROUND AND NEED FOR LEGISLATION

Between 1790 and 1834, Congress enacted a series of bills commonly referred to as the Nonintercourse Act (2 stat. 528). One of the Act's purposes was to prevent unfair, improvident, or improper disposition of lands owned or possessed by Indians without the consent of Congress. It acknowledged and guaranteed the Indian tribes' right of possession and imposed on the federal government a fiduciary duty to protect the lands covered by the Act. H.R. 4853 provides the Seminole Tribe of Florida with the statutory authority to sell its non-trust land without further approval from the United States. The Tribe believes that such authorization will assist it in promoting and advancing a number of economic opportunities for the benefit of the Tribe, its members, and surrounding communities.

More than 20 years ago, land was deeded to the Seminole Tribe in an exchange with Broward County, Florida. The land is located in an unincorporated part of Broward County, is noncontiguous to the Tribe's reservation, and serves no useful purpose for the Tribe. The Tribe has been approached by a prospective buyer who wishes to purchase nine of the tribe's twenty-two acres of fee land to construct a residence. However, the contract calls for the sale to be closed by October 1, 2002, and the title will not be clear without Congressional authorization for the sale.

COMMITTEE ACTION

H.R. 4853 was introduced on May 23, 2002, by Congressman Robert Wexler (D-FL). The bill was referred to the Committee on Resources. On September 12, 2002, the Full Resources Committee met to consider the bill. Chairman James V. Hansen offered an amendment in the nature of a substitute to limit the applicability of the legislation to fee land held by the Tribe on September 1, 2002. The amendment was adopted by unanimous consent. The bill, as amended, was then 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 Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) 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)(3)(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.

2. 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.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. 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:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 20, 2002.

Hon. JAMES V. HANSEN,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4853, a bill to provide that real property interest owned by the Seminole Tribe of Florida on September 1, 2002, which are not held in trust by the United States for the Tribe may be obligated or transferred by the Tribe without further approval by the United States.

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

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 4853—A bill to provide that real property interests owned by the Seminole Tribe of Florida on September 1, 2002, which are not held in trust by the United States for the Tribe may be obligated or transferred by the Tribe without further approval by the United States

Enacting H.R. 4853 would not affect the federal budget. The bill would allow the Seminole Tribe of Florida to transfer any property owned by the tribe that is not held in trust by the United States. Under current law, the tribe must receive Congressional approval before such transfer. Compensation for the transfer would be paid directly to the Seminole Tribe and the transaction would not affect the federal budget. Because enactment of H.R. 4853 would not af-

fect direct spending or receipts of the federal government, pay-as-you-go procedures would not apply.

H.R. 4853 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Lanette J. Walker. This estimate was approved by Robert A. Sunshine, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

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.

