

TO AUTHORIZE THE SEMINOLE TRIBE OF FLORIDA TO
LEASE OR TRANSFER CERTAIN LAND, AND FOR OTHER
PURPOSES

JULY 14, 2022.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 164]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 164) to authorize the Seminole Tribe of Florida to lease or transfer certain land, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 164 is to authorize the Seminole Tribe of Florida to lease or transfer certain land.

BACKGROUND AND NEED FOR LEGISLATION

The Seminole Tribe of Florida is a federally recognized tribe with its tribal headquarters located in Hollywood, Florida. It is one of three federally recognized Seminole entities, and many of its enrolled members reside on its six reservations in Florida.

The Tribe seeks to establish a state-chartered subsidiary entity to act as a holding company for certain properties owned by the Tribe. However, the Tribe has been unable to move forward with this project due to concerns raised by lenders and proposed title insurance companies about the Indian Nonintercourse Act. This Act prohibits any “purchase, grant, lease or other conveyance of lands, or of any title or claim thereto, from an Indian nation or tribe of Indians” unless authorized by Congress.

Lenders require that they be granted a mortgage on the property financed and that the mortgage be insured with a mortgagee title insurance policy. At least two title insurance companies approached by the Tribe have interpreted the Act to apply to real estate owned by a state-chartered subsidiary entity of the Tribe. As such, the title companies will not insure the mortgage without exception from the Act, which effectively kills any ability to finance an acquisition. Relief from the Indian Nonintercourse Act is sometimes necessary to allow tribes to manage lands and put them to productive use effectively.

H.R. 164 clarifies that the Seminole Tribe of Florida has the authority to lease, sell, convey, warrant, or otherwise transfer their interests in property not held in trust by the federal government without further approval from the federal government.

In November 2021, Congress passed and the President signed S. 108,¹ which was the Senate's identical companion bill to H.R. 164. The bill became Public Law No. 117–65.

COMMITTEE ACTION

H.R. 164 was introduced on January 4, 2021, by Representative Darren Soto (D–FL). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee for Indigenous Peoples of the United States. On May 26, 2021, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered, and the bill was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

On January 28, 2021, Senator Marco Rubio (R–FL) introduced S. 108, an identical companion bill. The bill was referred to the Senate Committee on Indian Affairs, which met on March 10, 2021, to consider the bill and ordered it favorably reported without amendment. On May 26, 2021, the Senate passed S. 108 without amendment by unanimous consent. On May 28, 2021, the House received the engrossed bill from the Senate. On November 1, 2021, the House considered S. 108 under suspension of the rules. A recorded vote was ordered and postponed. On November 2, 2021, the House voted 425–2 to suspend the rules and pass the bill. On November 16, 2021, the bill was presented to the President, who signed it on November 23, 2021. The bill became Public Law No. 117–65.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following proceeding was used to develop or consider this measure: full committee markup held on May 26, 2021.

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.

¹ For additional information, see S. REP. NO. 117–10 (2021), <https://www.congress.gov/117/crpt/srpt10/CRPT-117srpt10.pdf>.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET
ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

H.R. 164, A bill to authorize the Seminole Tribe of Florida to lease or transfer certain land, and for other purposes			
As ordered reported by the House Committee on Natural Resources on May 26, 2021			
By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	0	0
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 164 would allow the Seminole Tribe of Florida to sell, lease, or otherwise 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 a transfer. Compensation for transfers would be paid directly to the Seminole Tribe and such transactions would not affect the federal budget.

On April 6, 2021, CBO transmitted a cost estimate for S. 108, a bill to authorize the Seminole Tribe of Florida to lease or transfer certain land, and for other purposes, as ordered reported by the Senate Committee on Indian Affairs on March 10, 2021. The two versions of the legislation are similar, and CBO's estimates of their budgetary effects are the same.

The CBO staff contact for this estimate is Jon Sperl. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to authorize the Seminole Tribe of Florida to lease or transfer certain land.

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.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to CBO, this bill contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

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

SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

None.