

Union Calendar No. 393

106TH CONGRESS
2^D SESSION

H. R. 3023

[Report No. 106-699]

To authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 1999

Mr. PASTOR introduced the following bill; which was referred to the Committee on Resources

JUNE 26, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on October 5, 1999]

A BILL

To authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CONVEYANCE OF LANDS TO THE GREATER**
2 **YUMA PORT AUTHORITY.**

3 (a) *AUTHORITY TO CONVEY.*—

4 (1) *IN GENERAL.*—*The Secretary of the Interior,*
5 *acting through the Bureau of Reclamation, may, in*
6 *the 5-year period beginning on the date of the enact-*
7 *ment of this Act and in accordance with the condi-*
8 *tions specified in subsection (b) convey to the Greater*
9 *Yuma Port Authority the interests described in para-*
10 *graph (2).*

11 (2) *INTERESTS DESCRIBED.*—*The interests re-*
12 *ferred to in paragraph (1) are the following:*

13 (A) *All right, title, and interest of the*
14 *United States in and to the lands comprising*
15 *Section 23, Township 11 South, Range 24 West,*
16 *G&SRBM, Lots 1–4, NE¹/₄, N¹/₂ NW¹/₄, exclud-*
17 *ing lands located within the 60-foot border strip,*
18 *in Yuma County, Arizona.*

19 (B) *All right, title, and interest of the*
20 *United States in and to the lands comprising*
21 *Section 22, Township 11 South, Range 24 West,*
22 *G&SRBM, East 300 feet of Lot 1, excluding*
23 *lands located within the 60-foot border strip, in*
24 *Yuma County, Arizona.*

25 (C) *All right, title, and interest of the*
26 *United States in and to the lands comprising*

1 *Section 24, Township 11 South, Range 24 West,*
2 *G&SRBM, West 300 feet, excluding lands in the*
3 *60-foot border strip, in Yuma County, Arizona.*

4 *(D) All right, title, and interest of the*
5 *United States in and to the lands comprising the*
6 *East 300 feet of the Southeast Quarter of Section*
7 *15, Township 11 South, Range 24 West,*
8 *G&SRBM, in Yuma County, Arizona.*

9 *(E) The right to use lands in the 60-foot*
10 *border strip excluded under subparagraphs (A),*
11 *(B), and (C), for ingress to and egress from the*
12 *international boundary between the United*
13 *States and Mexico.*

14 *(b) DEED COVENANTS AND CONDITIONS.—Any convey-*
15 *ance under subsection (a) shall be subject to the following*
16 *covenants and conditions:*

17 *(1) A reservation of rights-of-way for ditches and*
18 *canals constructed or to be constructed by the author-*
19 *ity of the United States, this reservation being of the*
20 *same character and scope as that created with respect*
21 *to certain public lands by the Act of August 30, 1890*
22 *(26 Stat. 391; 43 U.S.C. 945), as it has been, or may*
23 *hereafter be amended.*

24 *(2) A leasehold interest in Lot 1, and the west*
25 *100 feet of Lot 2 in Section 23 for the operation of*

1 *a Cattle Crossing Facility, currently being operated*
2 *by the Yuma-Sonora Commercial Company, Incorporated.*
3 *The lease as currently held contains 24.68*
4 *acres, more or less. Any renewal or termination of the*
5 *lease shall be by the Greater Yuma Port Authority.*

6 *(3) Reservation by the United States of a 245-*
7 *foot perpetual easement for operation and maintenance*
8 *of the 242 Lateral Canal and Well Field along*
9 *the northern boundary of the East 300 feet of Section*
10 *22, Section 23, and the West 300 feet of Section 24*
11 *as shown on Reclamation Drawing Nos. 1292-303-*
12 *3624, 1292-303-3625, and 1292-303-3626.*

13 *(4) A reservation by the United States of all*
14 *rights to the ground water in the East 300 feet of Section*
15 *15, the East 300 feet of Section 22, Section 23,*
16 *and the West 300 feet of Section 24, and the right to*
17 *remove, sell, transfer, or exchange the water to meet*
18 *the obligations of the Treaty of 1944 with the Republic*
19 *of Mexico, and Minute Order No. 242 for the delivery*
20 *of salinity controlled water to Mexico.*

21 *(5) A reservation of all rights-of-way and easements*
22 *existing or of record in favor of the public or*
23 *third parties.*

24 *(6) A right-of-way reservation in favor of the*
25 *United States and its contractors, and the State of*

1 *Arizona, and its contractors, to utilize a 33-foot ease-*
2 *ment along all section lines to freely give ingress to,*
3 *passage over, and egress from areas in the exercise of*
4 *official duties of the United States and the State of*
5 *Arizona.*

6 *(7) Reservation of a right-of-way to the United*
7 *States for a 100-foot by 100-foot parcel for each of the*
8 *Reclamation monitoring wells, together with unre-*
9 *stricted ingress and egress to both sites. One moni-*
10 *toring well is located in Lot 1 of Section 23 just north*
11 *of the Boundary Reserve and just west of the Cattle*
12 *Crossing Facility, and the other is located in the*
13 *southeast corner of Lot 3 just north of the Boundary*
14 *Reserve.*

15 *(8) An easement comprising a 50-foot strip lying*
16 *North of the 60-foot International Boundary Reserve*
17 *for drilling and operation of, and access to, wells.*

18 *(9) A reservation by the United States of $^{15}/_{16}$ of*
19 *all gas, oil, metals, and mineral rights.*

20 *(10) A reservation of $^{1}/_{16}$ of all gas, oil, metals,*
21 *and mineral rights retained by the State of Arizona.*

22 *(11) Such additional terms and conditions as the*
23 *Secretary considers appropriate to protect the inter-*
24 *ests of the United States.*

25 *(c) CONSIDERATION.—*

1 (1) *IN GENERAL.*—*As consideration for the con-*
2 *veyance under subsection (a), the Greater Yuma Port*
3 *Authority shall pay the United States consideration*
4 *equal to the fair market value on the date of the en-*
5 *actment of this Act of the interest conveyed.*

6 (2) *DETERMINATION.*—*For purposes of para-*
7 *graph (1), the fair market value of any interest in*
8 *land shall be determined—*

9 (A) *taking into account that the land is un-*
10 *developed, that 80 acres of the land is intended*
11 *to be dedicated to use by the Federal Government*
12 *for Federal governmental purposes, and that an*
13 *additional substantial portion of the land is*
14 *dedicated to public right-of-way, highway, and*
15 *transportation purposes; and*

16 (B) *deducting the cost of compliance with*
17 *applicable Federal laws pursuant to subsection*
18 *(e).*

19 (d) *USE.*—*The Greater Yuma Port Authority and its*
20 *successors shall use the interests conveyed solely for the pur-*
21 *pose of the construction and operation of an international*
22 *port of entry and related activities.*

23 (e) *COMPLIANCE WITH LAWS.*—*Before the date of the*
24 *conveyance, actions required with respect to the conveyance*
25 *under the National Environmental Policy Act of 1969 (42*

1 *U.S.C. 4321 et seq.*), the *Endangered Species Act of 1973*
2 *(16 U.S.C. 1531 et seq.)*, the *National Historic Preservation*
3 *Act (16 U.S.C. 470 et seq.)*, and other applicable Federal
4 laws must be completed at no cost to the United States.

5 (f) *USE OF 60-FOOT BORDER STRIP.*—Any use of the
6 60-foot border strip shall be made in coordination with Fed-
7 eral agencies having authority with respect to the 60-foot
8 border strip.

9 (g) *DESCRIPTION OF PROPERTY.*—The exact acreage
10 and legal description of property conveyed under this sec-
11 tion, and of any right-of-way that is subject to a right of
12 use conveyed pursuant to subsection (a)(2)(E), shall be de-
13 termined by a survey satisfactory to the Secretary. The cost
14 of the survey shall be borne by the Greater Yuma Port Au-
15 thority.

16 (h) *DEFINITIONS.*—

17 (1) *60-FOOT BORDER STRIP.*—The term “60-foot
18 border strip” means lands in any of the Sections of
19 land referred to in this Act located within 60 feet of
20 the international boundary between the United States
21 and Mexico.

22 (2) *GREATER YUMA PORT AUTHORITY.*—The
23 term “Greater Yuma Port Authority” means Trust
24 No. 84–184, Yuma Title & Trust Company, an Ari-
25 zona Corporation, a trust for the benefit of the

1 *Cocopah Tribe, a Sovereign Nation, the County of*
2 *Yuma, Arizona, the City of Somerton, and the City*
3 *of San Luis, Arizona, or such other successor joint*
4 *powers agency or public purpose entity as unani-*
5 *mously designated by those governmental units.*

6 (3) *SECRETARY.—The term “Secretary” means*
7 *the Secretary of the Interior, acting through the Bu-*
8 *reau of Reclamation.*

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