

Union Calendar No. 361

109TH CONGRESS
2^D SESSION

H. R. 631

[Report No. 109-621]

To provide for acquisition of subsurface mineral rights to land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2005

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

SEPTEMBER 6, 2006

Additional sponsor: Mr. PASTOR

SEPTEMBER 6, 2006

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To provide for acquisition of subsurface mineral rights to land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe, and for other purposes.

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. DEFINITIONS.**

2 For the purposes of this Act, the following definitions
3 apply:

4 (1) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

6 (2) STATE.—The term “State” means the State
7 of Arizona.

8 (3) TRIBE.—The term “Tribe” means the
9 Pascua Yaqui Tribe.

10 **SEC. 2. ACQUISITION OF SUBSURFACE MINERAL INTER-**
11 **ESTS FROM THE STATE FOR THE TRIBE.**

12 (a) ACQUISITION AUTHORIZED.—The Secretary shall
13 acquire, by use of the powers of eminent domain, and the
14 Department of Justice shall act on behalf of the Secretary
15 to do so, pursuant to the laws and regulations of the
16 United States governing use of the power of eminent do-
17 main, but only with the consent of the State, the following:

18 (1) Any trust mineral estate of the State lo-
19 cated beneath the surface estates of the Tribe in
20 land consisting of approximately 436.18 acres in
21 Pima County, Arizona.

22 (2) Any trust mineral estate of the State lo-
23 cated beneath the surface estates held in trust for
24 the Tribe in land consisting of approximately 140.18
25 acres in Pima County, Arizona.

1 (b) CONSIDERATION.—Subject to subsection (c), as
2 consideration for the acquisition of subsurface mineral in-
3 terests by the United States pursuant to subsection (a),
4 the Tribe shall pay to the State an amount equal to the
5 market value of those subsurface mineral interests as de-
6 termined by—

7 (1) a mineral assessment completed—

8 (A) by a team of mineral specialists agreed
9 upon by the State and the Tribe; and

10 (B) reviewed, and accepted as complete
11 and accurate by a certified review mineral ex-
12 aminer of the Bureau of Land Management;

13 (2) negotiation between the Tribe and the State
14 in order to arrive at a mutually agreed price; or

15 (3) in the event the tribe and the state cannot
16 arrive at a mutually agreed Price, an Appraisal re-
17 port completed in accordance with subsection (d)—

18 (A) by the State and reviewed by the
19 Tribe; and

20 (B) if requested by the Tribe through the
21 Bureau of Indian Affairs, reviewed and accept-
22 ed as complete and accurate by the Office of
23 the Special Trustee for American Indians in the
24 Department of the Interior.

1 (c) CONDITIONS OF ACQUISITION.—The Secretary
2 may make the acquisition under subsection (a) only if—

3 (1) the payment to the State required under
4 subsection (b) is accepted by the State as full con-
5 sideration for the subsurface mineral interests ac-
6 quired by the United States under subsection (a);
7 and

8 (2) the acquisition terminates all right, title,
9 and interest of all parties other than the United
10 States in and to the acquired subsurface mineral in-
11 terests.

12 (d) DETERMINATION OF MARKET VALUE.—Notwith-
13 standing any other provision of law, unless State and
14 Tribe shall otherwise agree to a stipulated market value,
15 the value of the subsurface mineral interests acquired by
16 the United States under this section shall be determined
17 in accordance with the Uniform Appraisal Standards for
18 Federal Land Acquisition, as published by the Appraisal
19 Institute in 2000 in cooperation with the Department of
20 Justice. Any appraisal shall be subject to the review and
21 acceptance by the Land Department of the State and the
22 Office of Special Trustee for American Indians in the De-
23 partment of the Interior.

24 (e) DESCRIPTION OF LAND.—The exact acreage and
25 legal descriptions of the land and interests in land ac-

1 quired by the United States under this section shall be
2 determined by surveys that are satisfactory to the Sec-
3 retary and the State.

4 (f) **ADDITIONAL TERMS AND CONDITIONS.**—The Sec-
5 retary may require such additional terms and conditions
6 in connection with the acquisition of subsurface interests
7 in land under this section as the Secretary considers ap-
8 propriate to protect the interests of the United States and
9 any valid existing rights.

10 **SEC. 3. INTERESTS IN LAND TAKEN INTO TRUST FOR THE**
11 **TRIBE.**

12 (a) **LAND TRANSFERRED.**—Notwithstanding any
13 other provision of law, after the Tribe makes the payment
14 described in subsection (b), the Secretary shall take into
15 trust for the benefit of the Tribe the subsurface rights,
16 formerly reserved to the United States, to the approxi-
17 mately 360.23 acres of land located in Pima County, Ari-
18 zona, the surface rights to which are held in trust for the
19 benefit of the Tribe.

20 (b) **CONSIDERATION AND COSTS.**—The Tribe shall
21 pay to the Secretary all transaction costs associated with
22 assessment, review, and transfer of the interest in the es-
23 tate authorized to be taken into trust pursuant to sub-
24 section (a).

1 (c) DETERMINATION OF FAIR MARKET VALUE.—

2 Notwithstanding any other provision of law, unless the
3 Secretary and the Tribe agree to a stipulated fair market
4 value, the value of the subsurface mineral interests taken
5 into trust under this section shall be determined in accord-
6 ance with the Uniform Appraisal Standards for Federal
7 Land Acquisition, as published by the Appraisal Institute
8 in 2000 in cooperation with the Department of Justice.

9 (d) DESCRIPTION OF LAND.—The exact acreage and
10 legal description of the land described in subsection (a)
11 shall be determined by the Secretary.

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[Report No. 109-621]

A BILL

To provide for acquisition of subsurface mineral rights to land owned by the Pasena Yaqui Tribe and land held in trust for the Tribe, and for other purposes.

SEPTEMBER 6, 2006

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed