

## Calendar No. 543

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 1529****[Report No. 109-300]**

To provide for the conveyance of certain Federal land in the city of Yuma,  
Arizona.

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## IN THE SENATE OF THE UNITED STATES

JULY 28, 2005

Mr. KYL (for himself and Mr. McCAIN) introduced the following bill; which  
was read twice and referred to the Committee on Energy and Natural  
Resources

JULY 31, 2006

Reported by Mr. DOMENICI, with an amendment

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

**A BILL**

To provide for the conveyance of certain Federal land in  
the city of Yuma, Arizona.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “City of Yuma Improve-  
5 ment Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **CITY.**—The term “City” means the city of  
4 Yuma, Arizona.

5 (2) **FEDERAL LAND.**—The term “Federal land”  
6 means the Bureau of Reclamation land depicted on  
7 the map and more particularly described as—

8 (A) parcels 2 and 3 of tract 1;

9 (B) a portion of parcel 110-73-019;

10 (C) the old Arizona Department of Trans-  
11 portation weigh station;

12 (D) portions of blocks 52, 53, 54, and 55;

13 (E) the future drying bed location; and

14 (F) the future Arizona Welcome Center.

15 (3) **MAP.**—The term “map” means the map en-  
16 titled “City of Yuma Proposed Property Ownership”  
17 and dated July 25, 2005.

18 (4) **NON-FEDERAL LAND.**—The term “non-Fed-  
19 eral land” means the non-Federal land depicted on  
20 the map and generally known as the “Railroad Par-  
21 ceels”.

22 (5) **SECRETARY.**—The term “Secretary” means  
23 the Secretary of the Interior.

1 **SEC. 3. CONVEYANCE OF FEDERAL LAND AND NON-FED-**  
 2 **ERAL LAND.**

3 (a) **IN GENERAL.**—Subject to valid existing rights,  
 4 easements, and rights-of-way, and in accordance with sub-  
 5 section (b), the Secretary shall convey all right, title, and  
 6 interest of the United States in and to the Federal land  
 7 to the City in exchange for the non-Federal land.

8 (b) **TITLE TO NON-FEDERAL LAND.**—

9 (1) **IN GENERAL.**—On receipt of a deed con-  
 10 veying to the United States fee simple title to the  
 11 non-Federal land that meets the requirements under  
 12 paragraph (2), the Secretary shall record a deed  
 13 from the United States that conveys to the City fee  
 14 simple title to the Federal land.

15 (2) **REQUIREMENTS.**—Title to the non-Federal  
 16 land shall—

17 (A) conform with the regulations and title  
 18 approval standards of the Attorney General  
 19 that are applicable to Federal land acquisitions;  
 20 and

21 (B) include all valid existing rights, ease-  
 22 ments, and rights-of-way.

23 (c) **ADMINISTRATION OF ACQUIRED LAND.**—The  
 24 Secretary, acting through the Commissioner of Reclama-  
 25 tion, shall administer the non-Federal land acquired by  
 26 the Secretary.

1       (d) **RELEASE FROM LIABILITY.**—Effective on the  
 2 date of conveyance to the City of the parcel of Federal  
 3 land under subsection (a), the United States shall not be  
 4 liable for damages arising out of any act, omission, or oc-  
 5 currence relating to the Federal land and facilities con-  
 6 veyed, but shall continue to be liable for damages caused  
 7 by acts of negligence committed by the United States or  
 8 by any employee or agent of the United States before the  
 9 date of conveyance, consistent with chapter 171 of title  
 10 28, United States Code.

11       (e) **ADMINISTRATIVE COSTS.**—All administrative  
 12 costs relating to the conveyance of the Federal land and  
 13 non-Federal land under subsection (a) shall be paid by the  
 14 City to the United States.

15 **SECTION 1. SHORT TITLE.**

16       *This Act may be cited as the “City of Yuma Improve-*  
 17 *ment Act”.*

18 **SEC. 2. DEFINITIONS.**

19       *In this Act:*

20               (1) **CITY.**—*The term “City” means the city of*  
 21 *Yuma, Arizona.*

22               (2) **FEDERAL LAND.**—*The term “Federal land”*  
 23 *means the Bureau of Reclamation land depicted on*  
 24 *the map and more particularly described as—*

25                       (A) *parcels 2 and 3 of tract 1;*

1                   (B) a portion of parcel 110-73-019;

2                   (C) the old Arizona Department of Trans-  
3                   portation weigh station;

4                   (D) portions of blocks 52, 53, 54, and 55;

5                   (E) the future drying bed location; and

6                   (F) the future Arizona Welcome Center.

7                   (3) *MAP.*—The term “map” means the map enti-  
8                   tled “City of Yuma Proposed Property Ownership”  
9                   and dated July 25, 2005.

10                  (4) *NON-FEDERAL LAND.*—The term “non-Fed-  
11                  eral land” means the non-Federal land depicted on  
12                  the map and generally known as the “Railroad Par-  
13                  cels”.

14                  (5) *SECRETARY.*—The term “Secretary” means  
15                  the Secretary of the Interior.

16 **SEC. 3. CONVEYANCE OF FEDERAL LAND AND NON-FED-**  
17 **ERAL LAND.**

18                  (a) *IN GENERAL.*—Subject to valid existing rights,  
19                  easements, and rights-of-way, and in accordance with this  
20                  Act, the Secretary shall convey all right, title, and interest  
21                  of the United States in and to the Federal land to the City  
22                  in exchange for the non-Federal land.

23                  (b) *TITLE TO NON-FEDERAL LAND.*—

24                         (1) *IN GENERAL.*—On receipt of a deed con-  
25                         veying to the United States fee simple title to the non-

1       *Federal land that meets the requirements under para-*  
2       *graph (2), the Secretary shall record a deed from the*  
3       *United States that conveys to the City fee simple title*  
4       *to the Federal land.*

5               (2) *REQUIREMENTS.—Title to the non-Federal*  
6       *land shall—*

7                       (A) *conform with the regulations and title*  
8                       *approval standards of the Attorney General that*  
9                       *are applicable to Federal land acquisitions; and*

10                      (B) *include all valid existing rights, ease-*  
11                      *ments, and rights-of-way.*

12               (c) *ADMINISTRATION OF ACQUIRED LAND.—The Sec-*  
13       *retary, acting through the Commissioner of Reclamation,*  
14       *shall administer the non-Federal land acquired by the Sec-*  
15       *retary.*

16               (d) *RELEASE FROM LIABILITY.—Effective on the date*  
17       *of conveyance to the City of the parcel of Federal land under*  
18       *subsection (a), the United States shall not be liable for dam-*  
19       *ages arising out of any act, omission, or occurrence relating*  
20       *to the Federal land and facilities conveyed, but shall con-*  
21       *tinue to be liable for damages caused by acts of negligence*  
22       *committed by the United States or by any employee or*  
23       *agent of the United States before the date of conveyance,*  
24       *consistent with chapter 171 of title 28, United States Code.*

1       (e) *ADMINISTRATIVE COSTS.*—*All administrative costs*  
 2 *relating to the conveyance of the Federal land and non-Fed-*  
 3 *eral land under subsection (a) shall be paid by the City*  
 4 *to the United States.*

5       (f) *VALUATION, APPRAISALS, AND EQUALIZATION.*—

6           (1) *IN GENERAL.*—*The value of the Federal and*  
 7 *the non-Federal land—*

8                   (A) *shall be equal, as determined by ap-*  
 9 *praisals conducted in accordance with para-*  
 10 *graph (2); or*

11                   (B) *if not equal, shall be equalized in ac-*  
 12 *cordance with paragraph (3).*

13           (2) *APPRAISALS.*—

14                   (A) *IN GENERAL.*—*The Federal land and*  
 15 *non-Federal land shall be appraised by an inde-*  
 16 *pendent appraiser selected by the Secretary.*

17                   (B) *REQUIREMENTS.*—*An appraisal con-*  
 18 *ducted under subparagraph (A) shall be con-*  
 19 *ducted in accordance with—*

20                           (i) *the Uniform Appraisal Standards*  
 21 *for Federal Land Acquisition; and*

22                           (ii) *the Uniform Standards of Profes-*  
 23 *sional Appraisal Practice.*

24                   (C) *EQUALIZATION OF VALUES.*—

1                   (i) *IN GENERAL.*—*If the value of the*  
 2                   *Federal land and the non-Federal land is*  
 3                   *not equal, the value may be equalized by—*

4                               (I) *the Secretary making a cash*  
 5                               *equalization payment to the City;*

6                               (II) *the City making a cash*  
 7                               *equalization payment to the Secretary;*  
 8                               *or*

9                               (III) *reducing the acreage of the*  
 10                              *Federal land or non-Federal land, as*  
 11                              *appropriate.*

12                   (ii) *DISPOSITION OF PROCEEDS.*—*Any*  
 13                   *cash equalization payments received by the*  
 14                   *Secretary under clause (i)(II) shall be de-*  
 15                   *posited in the general fund of the Treasury.*

16 **SEC. 4. CONVEYANCE OF UNITED STATES FISH AND WILD-**  
 17 **LIFE SERVICE LAND TO THE CITY OF YUMA.**

18           (a) *IN GENERAL.*—*Subject to valid existing rights, the*  
 19 *Secretary shall convey to the City by quitclaim deed, all*  
 20 *right, title, and interest of the United States in and to the*  
 21 *parcel of United States Fish and Wildlife Service land lo-*  
 22 *cated at 356 West First Street, Yuma, Arizona.*

23           (b) *CONSIDERATION.*—*In exchange for the conveyance*  
 24 *of land under subsection (a), the City shall pay to the Sec-*  
 25 *retary consideration in an amount that reflects the fair*



1 *market value of the land conveyed to the City under that*  
2 *subsection, as determined by an appraisal prepared in ac-*  
3 *cordance with—*

4           (1) *the Uniform Appraisal Standards for Fed-*  
5 *eral Land Acquisitions; and*

6           (2) *the Uniform Standards of Professional Ap-*  
7 *praisal Practice.*

8           (c) *ADMINISTRATIVE COSTS.—Any administrative*  
9 *costs relating to the conveyance of land under subsection*  
10 *(a) shall be paid by the City to the United States.*

11           (d) *DISPOSITION OF PROCEEDS.—The Secretary shall*  
12 *deposit the proceeds of the sale of land under subsection (a)*  
13 *in the general fund of the Treasury.*

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