

113TH CONGRESS
1ST SESSION

S. 1167

To require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Te-moak Tribe of Western Shoshone Indians of Nevada, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2013

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

A BILL

To require the Secretary of the Interior to convey certain Federal land to Elko County, Nevada, and to take land into trust for the Te-moak Tribe of Western Shoshone Indians of Nevada, 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,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Elko Motocross and Tribal Conveyance Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—ELKO MOTOCROSS LAND CONVEYANCE

Sec. 101. Definitions.

Sec. 102. Conveyance of land to county.

TITLE II—ELKO INDIAN COLONY EXPANSION

Sec. 201. Definitions.

Sec. 202. Land to be held in trust for the Te-moak Tribe of Western Shoshone Indians of Nevada.

Sec. 203. Authorization of appropriations.

1 **SEC. 2. DEFINITION OF SECRETARY.**

2 In this Act, the term “Secretary” means the Sec-
3 retary of the Interior, acting through the Bureau of Land
4 Management.

5 **TITLE I—ELKO MOTOCROSS**
6 **LAND CONVEYANCE**

7 **SEC. 101. DEFINITIONS.**

8 In this title:

9 (1) CITY.—The term “city” means the city of
10 Elko, Nevada.

11 (2) COUNTY.—The term “county” means the
12 county of Elko, Nevada.

13 (3) MAP.—The term “map” means the map en-
14 titled “Elko Motocross Park” and dated January 9,
15 2010.

16 **SEC. 102. CONVEYANCE OF LAND TO COUNTY.**

17 (a) IN GENERAL.—As soon as practicable after the
18 date of enactment of this Act, subject to valid existing
19 rights and the provisions of this section, the Secretary
20 shall convey to the county, without consideration, all right,

1 title, and interest of the United States in and to the land
2 described in subsection (b).

3 (b) DESCRIPTION OF LAND.—The land referred to in
4 subsection (a) consists of approximately 275 acres of land
5 managed by the Bureau of Land Management, Elko Dis-
6 trict, Nevada, as generally depicted on the map as “Elko
7 Motocross Park”.

8 (c) MAP AND LEGAL DESCRIPTION.—

9 (1) IN GENERAL.—As soon as practicable after
10 the date of enactment of this Act, the Secretary
11 shall finalize the legal description of the parcel to be
12 conveyed under this section.

13 (2) MINOR ERRORS.—The Secretary may cor-
14 rect any minor error in—

15 (A) the map; or

16 (B) the legal description.

17 (3) AVAILABILITY.—The map and legal descrip-
18 tion shall be on file and available for public inspec-
19 tion in the appropriate offices of the Bureau of
20 Land Management.

21 (d) USE OF CONVEYED LAND.—The land conveyed
22 under this section shall be used only as a motocross, bicy-
23 cle, off-highway vehicle, or stock car racing area, or for
24 any other public purpose consistent with uses allowed
25 under the Act of June 14, 1926 (commonly known as the

1 “Recreation and Public Purposes Act”), (43 U.S.C. 869
2 et seq.).

3 (e) ADMINISTRATIVE COSTS.—The Secretary shall
4 require the county to pay all survey costs and other admin-
5 istrative costs necessary for the preparation and comple-
6 tion of any patents for, and transfers of title to, the land
7 described in subsection (b).

8 (f) REVERSION.—If the land conveyed under this sec-
9 tion ceases to be used for a public purpose in accordance
10 with subsection (d), the land shall, at the discretion of the
11 Secretary, revert to the United States.

12 **TITLE II—ELKO INDIAN COLONY** 13 **EXPANSION**

14 **SEC. 201. DEFINITIONS.**

15 In this title:

16 (1) MAP.—The term “map” means the map en-
17 titled “Te-moak Tribal Land Expansion”, dated
18 September 30, 2008, and on file and available for
19 public inspection in the appropriate offices of the
20 Bureau of Land Management.

21 (2) TRIBE.—The term “Tribe” means the Te-
22 moak Tribe of Western Shoshone Indians of Nevada,
23 which is a federally recognized Indian tribe.

1 **SEC. 202. LAND TO BE HELD IN TRUST FOR THE TE-MOAK**
2 **TRIBE OF WESTERN SHOSHONE INDIANS OF**
3 **NEVADA.**

4 (a) IN GENERAL.—Subject to valid existing rights,
5 all right, title, and interest of the United States in and
6 to the land described in subsection (b)—

7 (1) shall be held in trust by the United States
8 for the benefit and use of the Tribe; and

9 (2) shall be part of the reservation of the Tribe.

10 (b) DESCRIPTION OF LAND.—The land referred to in
11 subsection (a) consists of approximately 373 acres of land
12 administered by the Bureau of Land Management, as gen-
13 erally depicted on the map as “Lands to be Held in
14 Trust”.

15 (c) SURVEY.—Not later than 180 days after the date
16 of enactment of this Act, the Secretary shall complete a
17 survey of the boundary lines to establish the boundaries
18 of the land taken into trust under subsection (a).

19 (d) CONDITIONS.—

20 (1) GAMING.—Land taken into trust under sub-
21 section (a) shall not be eligible, or considered to
22 have been taken into trust, for class II gaming or
23 class III gaming (as those terms are defined in sec-
24 tion 4 of the Indian Gaming Regulatory Act (25
25 U.S.C. 2703)).

26 (2) USE OF TRUST LAND.—

1 (A) IN GENERAL.—The Tribe shall use the
2 land taken into trust under subsection (a) only
3 for—

4 (i) traditional and customary uses;

5 (ii) stewardship conservation for the
6 benefit of the Tribe; or

7 (iii) residential or recreational devel-
8 opment.

9 (B) OTHER USES.—If the Tribe uses any
10 portion of the land taken into trust under sub-
11 section (a) for a purpose other than a purpose
12 described in subparagraph (A), the Tribe shall
13 pay to the Secretary an amount that is equal to
14 the fair market value of the portion of the land,
15 as determined by an appraisal.

16 (C) USE OF FUNDS.—Any amounts re-
17 ceived by the Secretary under subparagraph (B)
18 shall be—

19 (i) deposited in the Federal Land Dis-
20 posal Account established by section
21 206(a) of the Federal Land Transaction
22 Facilitation Act (43 U.S.C. 2305(a)); and

23 (ii) used in accordance with that Act.

24 (3) THINNING; LANDSCAPE RESTORATION.—

25 With respect to the land taken into trust under sub-

1 section (a), the Secretary, in consultation and co-
2 ordination with the Tribe, may carry out any fuels
3 reduction and other landscape restoration activities
4 on the land that is beneficial to the Tribe and the
5 Bureau of Land Management.

6 **SEC. 203. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated such sums
8 as are necessary to carry out this title.

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