

PASCUA YAQUI TRIBE LAND CONVEYANCE ACT

MAY 10, 2016.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 2009]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2009) to provide for the conveyance of certain land inholdings owned by the United States to the Tucson Unified School District and to the Pascua Yaqui Tribe of Arizona, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pascua Yaqui Tribe Land Conveyance Act”.

SEC. 2. DEFINITIONS.

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

(1) DISTRICT.—The term “District” means the Tucson Unified School District No. 1, a school district recognized as such under the laws of the State of Arizona.

(2) MAP.—The term “Map” means the map titled “Pascua Yaqui Tribe Land Conveyance Act”, dated March 14, 2016, and on file and available for public inspection in the local office of the Bureau of Land Management.

(3) RECREATION AND PUBLIC PURPOSES ACT.—The term “Recreation and Public Purposes Act” means the Act of June 14, 1926 (43 U.S.C. 869 et seq.).

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

(5) TRIBE.—The term “Tribe” means the Pascua Yaqui Tribe of Arizona, a federally recognized Indian tribe.

SEC. 3. LAND TO BE HELD IN TRUST.

(a) PARCEL A.—Subject to subsection (b) and to valid existing rights, all right, title, and interest of the United States in and to the approximately 39.65 acres of Federal lands generally depicted on the map as “Parcel A” are declared to be held in trust by the United States for the benefit of the Tribe.

(b) **EFFECTIVE DATE.**—Subsection (a) shall take effect on the day after the date on which the District relinquishes all right, title, and interest of the District in and to the approximately 39.65 acres of land described in subsection (a).

SEC. 4. LANDS TO BE CONVEYED TO THE DISTRICT.

(a) **PARCEL B.**—

(1) **IN GENERAL.**—Subject to valid existing rights and payment to the United States of the fair market value, the United States shall convey to the District all right, title, and interest of the United States in and to the approximately 13.24 acres of Federal lands generally depicted on the map as “Parcel B”.

(2) **DETERMINATION OF FAIR MARKET VALUE.**—The fair market value of the property to be conveyed under paragraph (1) shall be determined by the Secretary in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(3) **COSTS OF CONVEYANCE.**—As a condition of the conveyance under this subsection, all costs associated with the conveyance shall be paid by the District.

(b) **PARCEL C.**—

(1) **IN GENERAL.**—If, not later than one year after the completion of the appraisal required by paragraph (3), the District submits to the Secretary an offer to acquire the Federal reversionary interest in all of the approximately 27.5 acres of land conveyed to the Association under Recreation and Public Purposes Act and generally depicted on the map as “Parcel C”, the Secretary shall convey to the District such reversionary interest in the lands covered by the offer. The Secretary shall complete the conveyance not later than 30 days after the date of the offer.

(2) **SURVEY.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall complete a survey of the lands described in this subsection to determine the precise boundaries and acreage of the lands subject to the Federal reversionary interest.

(3) **APPRAISAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal reversionary interest in the lands identified by the survey required by paragraph (2). The appraisal shall be completed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(4) **CONSIDERATION.**—As consideration for the conveyance of the Federal reversionary interest under this subsection, the District shall pay to the Secretary an amount equal to the appraised value of the Federal interest, as determined under paragraph (3). The consideration shall be paid not later than 30 days after the date of the conveyance.

(5) **COSTS OF CONVEYANCE.**—As a condition of the conveyance under this subsection, all costs associated with the conveyance, including the cost of the survey required by paragraph (2) and the appraisal required by paragraph (3), shall be paid by the District.

SEC. 5. GAMING PROHIBITION.

The Tribe may not conduct gaming activities on lands taken into trust pursuant to this Act, either as a matter of claimed inherent authority, under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), or under regulations promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 6. WATER RIGHTS.

(a) **IN GENERAL.**—There shall be no Federal reserved right to surface water or groundwater for any land taken into trust by the United States for the benefit of the Tribe under this Act.

(b) **STATE WATER RIGHTS.**—The Tribe retains any right or claim to water under State law for any land taken into trust by the United States for the benefit of the Tribe under this Act.

(c) **FORFEITURE OR ABANDONMENT.**—Any water rights that are appurtenant to land taken into trust by the United States for the benefit of the Tribe under this Act may not be forfeited or abandoned.

(d) **ADMINISTRATION.**—Nothing in this Act affects or modifies any right of the Tribe or any obligation of the United States under Public Law 95–375 (25 U.S.C. 1300f et seq.).

PURPOSE OF THE BILL

The purpose of H.R. 2009 is to provide for the conveyance of certain land inholdings owned by the United States to the Tucson Unified School District and to the Pascua Yaqui Tribe of Arizona.

BACKGROUND AND NEED FOR LEGISLATION

The Pascua Yaqui Reservation is located in southern Arizona, 15 miles southwest of Tucson. In 1964, Congressman Morris K. Udall (D-AZ) introduced a bill to transfer 202 acres of desert land southwest of Tucson to the Yaquis (Private Law 88-350, 78 Stat. 1196). The bill was later signed into law and the deed to the land was transferred to the recently formed Pascua Yaqui Association, a non-profit Arizona corporation.

The Reservation was formally established in 1978 as President Carter signed into law a bill which set forth that the members of Pascua Yaqui Association were federally recognized as the Pascua Yaqui Tribe (Public Law 95-375). In 1982, with the enactment of H.R. 4364, the Reservation was expanded by 690 acres with the intent of improving the socio-economic environment of tribal members (Public Law 97-386; S. Rpt. 97-657). In the 113th Congress, H.R. 507 was enacted which placed two 10-acre parcels into trust for the Tribe (Public Law 113-134, the Pascua Yaqui Tribe Trust Act).

The Tribe is interested in acquiring 40 acres of Tucson Unified School District No. 1 land for flood control development. H.R. 2009 is needed because lands were patented to the District in 1981 pursuant the Recreation and Public Purposes Act of 1926 (RPPA, 43 U.S.C. 869 et seq.) and were only intended for a school site. A change in land use patented under the RPPA requires an Act of Congress.

SECTION-BY-SECTION ANALYSIS (AS ORDERED REPORTED)

Section 1. Short Title. Section 1 sets forth that the Act is to be cited as the Pascua Yaqui Tribe Land Conveyance Act.

Section 2. Definitions. Section 2 sets forth definitions under the Act.

Section 3. Land to be Held in Trust. Section 3 directs the Secretary of the Interior to take into trust, the day after the date on which the District relinquishes title, 39.65 acres of District land for the Tribe.

Section 4. Lands to be Conveyed to the District. Section 4 provides that the Secretary will transfer, subject to payment of fair market value by the District, 13.24 acres of federal land to the District. Furthermore, section 4 provides that if the District submits an offer to acquire the Federal reversionary interest of the 27.5 acres of land conveyed to the District under RPPA and pays fair market value, the United States shall convey to the District such reversionary interest. All conveyance costs will be paid for by the District. Fair market value determination under section 4 shall be done in accordance with Uniform Appraisal Standards for Federal Land Acquisitions.

Section 5. Gaming Prohibition. Section 5 makes clear that the Tribe may not conduct gaming on the lands taken into trust under section 3.

Section 6. Water Rights. Section 6 states that any water rights that are appurtenant to land taken into trust under the bill for the Tribe may not be forfeited or abandoned.

COMMITTEE ACTION

H.R. 2009 was introduced on April 23, 2015, by Congressman Raul M. Grijalva (D–AZ). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Indian, Insular and Alaska Native Affairs and the Subcommittee on Federal Lands. On November 4, 2015, the Subcommittee on Indian, Insular and Alaska Native Affairs held a hearing on the bill. On March 15, 2016, the Natural Resources Committee met to consider the bill. The Subcommittees were discharged by unanimous consent. Congressman Raul M. Grijalva offered an amendment designated 094; it was adopted by unanimous consent. No further amendments were offered, and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent on March 16, 2016.

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.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 9, 2016.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2009, the Pascua Yaqui Tribe Land Conveyance Act of 2015.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 2009—Pascua Yaqui Tribe Land Conveyance Act of 2015

H.R. 2009 would authorize exchanges of land and related interests among the Pascua Yaqui Indian Tribe in Pima County, Arizona, the Tucson Unified School District, and the federal government. The proposed transactions involve three parcels of land and would be contingent on the school district relinquishing its interest in nearly 40 acres of land, which the Department of the Interior (DOI) would take into trust on behalf of the tribe. In exchange, DOI would convey to the school district roughly 13 acres of other land and, if requested by the district, the federal government's reversionary interest in nearly 28 acres of additional land, provided that the school district pays DOI the fair market value of such lands and interests.

CBO estimates that enacting H.R. 2009 would have no significant effect on the federal budget. Based on information from DOI, CBO estimates that any administrative costs incurred under the bill (which would be subject to appropriation), would not exceed \$500,000 in any year. According to DOI, the affected lands currently generate no significant receipts and are not expected to do so over the next 10 years. Based on information from the Pima County Assessor's Office about the estimated market value of lands and interests that would be conveyed to the school district under the bill, CBO estimates that any proceeds to the federal government would total less than \$500,000. Any such amounts would be recorded as offsetting receipts (a credit against direct spending); therefore, pay-as-you-go procedures apply. Enacting H.R. 2009 would not affect revenues.

CBO estimates that enacting H.R. 2009 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 2009 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Megan Carroll. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Congressional Budget Office estimates that implementing this bill "would have no significant effect on the federal budget."

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to provide for the conveyance of certain land inholdings owned by the United States to the Tucson Unified School District and to the Pascua Yaqui Tribe of Arizona.

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.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

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