

Calendar No. 370

115TH CONGRESS  
2D SESSION

**H. R. 1404**

**[Report No. 115-222]**

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IN THE SENATE OF THE UNITED STATES

JULY 12, 2017

Received; read twice and referred to the Committee on Energy and Natural  
Resources

APRIL 10, 2018

Reported by Ms. MURKOWSKI, without amendment

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## **AN ACT**

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.

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 “Pascua Yaqui Tribe  
5 Land Conveyance Act”.

1 **SEC. 2. DEFINITIONS.**

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

4 (1) DISTRICT.—The term “District” means the  
5 Tucson Unified School District No. 1, a school dis-  
6 trict recognized as such under the laws of the State  
7 of Arizona.

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

13 (3) RECREATION AND PUBLIC PURPOSES  
14 ACT.—The term “Recreation and Public Purposes  
15 Act” means the Act of June 14, 1926 (43 U.S.C.  
16 869 et seq.).

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

19 (5) TRIBE.—The term “Tribe” means the  
20 Pascua Yaqui Tribe of Arizona, a federally recog-  
21 nized Indian tribe.

22 **SEC. 3. LAND TO BE HELD IN TRUST.**

23 (a) PARCEL A.—Subject to subsection (b) and to  
24 valid existing rights, all right, title, and interest of the  
25 United States in and to the approximately 39.65 acres of  
26 Federal lands generally depicted on the map as “Parcel

1 A” are declared to be held in trust by the United States  
2 for the benefit of the Tribe.

3 (b) EFFECTIVE DATE.—Subsection (a) shall take ef-  
4 fect on the day after the date on which the District relin-  
5 quishes all right, title, and interest of the District in and  
6 to the approximately 39.65 acres of land described in sub-  
7 section (a).

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

9 (a) PARCEL B.—

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

17 (2) DETERMINATION OF FAIR MARKET  
18 VALUE.—The fair market value of the property to be  
19 conveyed under paragraph (1) shall be determined  
20 by the Secretary in accordance with the Uniform  
21 Appraisal Standards for Federal Land Acquisitions  
22 and the Uniform Standards of Professional Ap-  
23 praisal Practice.

24 (3) COSTS OF CONVEYANCE.—As a condition of  
25 the conveyance under this subsection, all costs asso-

1       ciated with the conveyance shall be paid by the Dis-  
2       trict.

3       (b) PARCEL C.—

4             (1) IN GENERAL.—If, not later than 1 year  
5       after the completion of the appraisal required by  
6       paragraph (3), the District submits to the Secretary  
7       an offer to acquire the Federal reversionary interest  
8       in all of the approximately 27.5 acres of land con-  
9       veyed to the District under Recreation and Public  
10      Purposes Act and generally depicted on the map as  
11      “Parcel C”, the Secretary shall convey to the Dis-  
12      trict such reversionary interest in the lands covered  
13      by the offer. The Secretary shall complete the con-  
14      veyance not later than 30 days after the date of the  
15      offer.

16            (2) SURVEY.—Not later than 90 days after the  
17      date of the enactment of this Act, the Secretary  
18      shall complete a survey of the lands described in this  
19      subsection to determine the precise boundaries and  
20      acreage of the lands subject to the Federal rever-  
21      sionary interest.

22            (3) APPRAISAL.—Not later than 180 days after  
23      the date of enactment of this Act, the Secretary  
24      shall complete an appraisal of the Federal rever-  
25      sionary interest in the lands identified by the survey

1 required by paragraph (2). The appraisal shall be  
2 completed in accordance with the Uniform Appraisal  
3 Standards for Federal Land Acquisitions and the  
4 Uniform Standards of Professional Appraisal Prac-  
5 tice.

6 (4) CONSIDERATION.—As consideration for the  
7 conveyance of the Federal reversionary interest  
8 under this subsection, the District shall pay to the  
9 Secretary an amount equal to the appraised value of  
10 the Federal interest, as determined under paragraph  
11 (3). The consideration shall be paid not later than  
12 30 days after the date of the conveyance.

13 (5) COSTS OF CONVEYANCE.—As a condition of  
14 the conveyance under this subsection, all costs asso-  
15 ciated with the conveyance, including the cost of the  
16 survey required by paragraph (2) and the appraisal  
17 required by paragraph (3), shall be paid by the Dis-  
18 trict.

19 **SEC. 5. GAMING PROHIBITION.**

20 The Tribe may not conduct gaming activities on lands  
21 taken into trust pursuant to this Act, either as a matter  
22 of claimed inherent authority, under the authority of any  
23 Federal law, including the Indian Gaming Regulatory Act  
24 (25 U.S.C. 2701 et seq.), or under regulations promul-

1 gated by the Secretary or the National Indian Gaming  
2 Commission.

3 **SEC. 6. WATER RIGHTS.**

4 (a) IN GENERAL.—There shall be no Federal re-  
5 served right to surface water or groundwater for any land  
6 taken into trust by the United States for the benefit of  
7 the Tribe under this Act.

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

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

1           (d) ADMINISTRATION.—Nothing in this Act affects or  
2 modifies any right of the Tribe or any obligation of the  
3 United States under Public Law 95–375.

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