

115TH CONGRESS  
1ST SESSION

# H. R. 1404

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.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2017

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

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## A BILL

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”.

6 **SEC. 2. DEFINITIONS.**

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

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

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

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

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

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

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

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

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

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

7 (a) PARCEL B.—

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

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

22 (3) COSTS OF CONVEYANCE.—As a condition of  
23 the conveyance under this subsection, all costs asso-  
24 ciated with the conveyance shall be paid by the Dis-  
25 trict.

1 (b) PARCEL C.—

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

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

20 (3) APPRAISAL.—Not later than 180 days after  
21 the date of enactment of this Act, the Secretary  
22 shall complete an appraisal of the Federal rever-  
23 sionary interest in the lands identified by the survey  
24 required by paragraph (2). The appraisal shall be  
25 completed in accordance with the Uniform Appraisal

1 Standards for Federal Land Acquisitions and the  
2 Uniform Standards of Professional Appraisal Prac-  
3 tice.

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

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

17 **SEC. 5. GAMING PROHIBITION.**

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

1 **SEC. 6. WATER RIGHTS.**

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

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

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

14 (d) **ADMINISTRATION.**—Nothing in this Act affects or  
15 modifies any right of the Tribe or any obligation of the  
16 United States under Public Law 95–375.

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