

# Committee on Natural Resources

Rob Bishop, Chairman

Markup Memorandum

June 20, 2017

To: All Natural Resources Committee Members

From: Majority Committee Staff  
Subcommittee on Indian, Insular, and Alaska Native Affairs (x6-9725)

Markup: **H.R. 1404 (Rep. Raul Grijalva)**, 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.  
**June 22 & 27, 2017; 1324 Longworth HOB**

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## **H.R. 1404 (Rep. Raul Grijalva), “Pascua Yaqui Tribe Land Conveyance Act”**

### **Summary of the Bill**

H.R. 1404 was introduced by Rep. Raul Grijalva (D-AZ-3) on March 7, 2017. The bill would authorize a land exchange involving the Pascua Yaqui Tribe (“Tribe”), the Tucson Unified School District No. 1 (“District”), and the Department of the Interior.

Three parcels of land are affected, all identified on a specified map. Under the bill, a 39.65-acre parcel of land (identified as Parcel A on the attached map) currently held by the District shall be placed in trust for the benefit of the Tribe if the District relinquishes all right, title, and interest to it. A 13.24-acre parcel of land (Parcel B) shall be sold by the U.S. to the District at fair market value, and a Federal interest (a restrictive covenant) on 27.5 acres of land held by the District shall be cleared in exchange for the District paying the appraised value of the federal interest. The Federal interest is a reversionary interest imposed on certain land patented to the District under the Recreation and Public Services Act (“RPPA”) of 1926.<sup>1</sup>

All transfers under the bill are subject to valid existing rights. Gaming pursuant to the Indian Gaming Regulatory Act<sup>2</sup> would be prohibited on lands taken into trust under the bill. A map of parcels A, B, and C is attached to this memorandum.

### **Cosponsors**

Rep. Trent Franks (AZ-8), Rep. Andy Biggs (AZ-5), Rep. Ruben Gallego (AZ-7), Rep. Paul Gosar (AZ-4), Rep. Martha McSally (AZ-2), Rep. Tom O’Halloran (AZ-1), Rep. David Schweikert (AZ-6), Rep. Kyrsten Sinema (AZ-9).

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<sup>1</sup> 43 U.S.C. 869 et seq.

<sup>2</sup> 25 U.S.C. 2701 et seq.

## **Background**

The Pascua Yaqui Reservation is located in southern Arizona, 15 miles southwest of Tucson. In 1952, the original 40-acre Pascua Village was annexed by the City of Tucson. In 1964, Congressman Morris K. Udall introduced a bill to transfer 202 acres of desert land southwest of Tucson to the Yaquis. The bill was later signed into law and the deed to the land was transferred to the recently formed Pascua Yaqui Association, a nonprofit Arizona corporation.

The reservation was formally established in 1978 as President Carter signed into law S. 1633,<sup>3</sup> which set forth that the members of Pascua Yaqui Association were federally recognized as the Pascua Yaqui tribe. In 1982, the reservation added an additional 690 acres for improving the socio-economic environment of tribal members<sup>4</sup> with the enactment of H.R. 4364.<sup>5</sup> In the 113<sup>th</sup> Congress, H.R. 507 was enacted which placed two 10 acre parcels into trust for the tribe.<sup>6</sup>

The Tribe is interested in acquiring 40 acres of District land for flood control development through a land exchange with the District. The bill is needed because some lands exchanged under H.R. 1404 were patented to the District in 1981 pursuant to the RPPA and are intended only for a school site. A change in land use for RPPA-patented land requires an Act of Congress.

While no hearing has been held on H.R. 1404 this Congress, a substantively identical bill, H.R. 2009 (Rep. Grijalva) was considered in the 114<sup>th</sup> Congress. On November 4, 2015, a hearing was held on H.R. 2009 in the Subcommittee on Indian, Insular, and Alaska Native Affairs. The Committee reported the bill by unanimous consent on March 16, 2016, and on June 7, 2016, the bill was passed by the full House by voice vote. The bill was received in the Senate and referred to the Senate Energy and Natural Resources Committee, where a hearing was held on it on September 22, 2016. No further action occurred on H.R. 2009 in the 114<sup>th</sup> Congress.

## **Section-by-Section Analysis**

*Section 1. Short Title.* “Pascua Yaqui Tribe Land Conveyance Act.”

*Section 2. Definitions.*

*Section 3. Lands to be Conveyed or Taken into Trust.* Section 3 directs the Secretary to take into trust a parcel of 39.65 acres (“Parcel A” on the map) of District land for the tribe after the District relinquishes to the United States all right, title, and interest to this parcel. The legislation does not require the Tribe to pay any consideration for Parcel A or any costs associated with the acquisition.

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<sup>3</sup> See P.L. 95-375.

<sup>4</sup> See S. Rpt. 97-657.

<sup>5</sup> See P.L. 97-386.

<sup>6</sup> See P.L. 113-134, the Pascua Yaqui Tribe Trust Act.

*Section 4. Lands to be Conveyed to the District.* Section 4 of the bill provides for the transfer of Federal interests in Parcels B and C to the District. Parcel B consists of 13.24 acres, for which the District must pay fair market value (determined by the Secretary in accordance with the usual federal standards of appraisal) and all costs associated with the conveyance. Parcel C shall have a Federal reversionary interest that restricts the District's use of the property after the District submits an offer to acquire such interest. The offer shall represent the appraised value of the Federal interest in Parcel C.

*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.

### **Cost**

In the 114<sup>th</sup> Congress, the CBO estimated that an identical bill, H.R. 2009 (as reported), would have no significant effect on the federal budget.<sup>7</sup>

### **Administration's Position**

During the 114<sup>th</sup> Congress the Subcommittee on Indian, Insular and Alaska Native Affairs held a hearing regarding H.R. 2009, Rep. Grijalva's previous bill titled the "*Pascua Yaqui Tribe Land Conveyance Act of 2015*". During that hearing the Obama Administration testified in support of the bill with amendments.

### **Anticipated Amendments**

None.

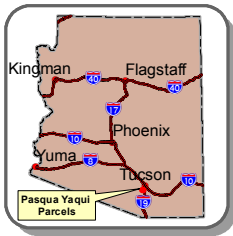
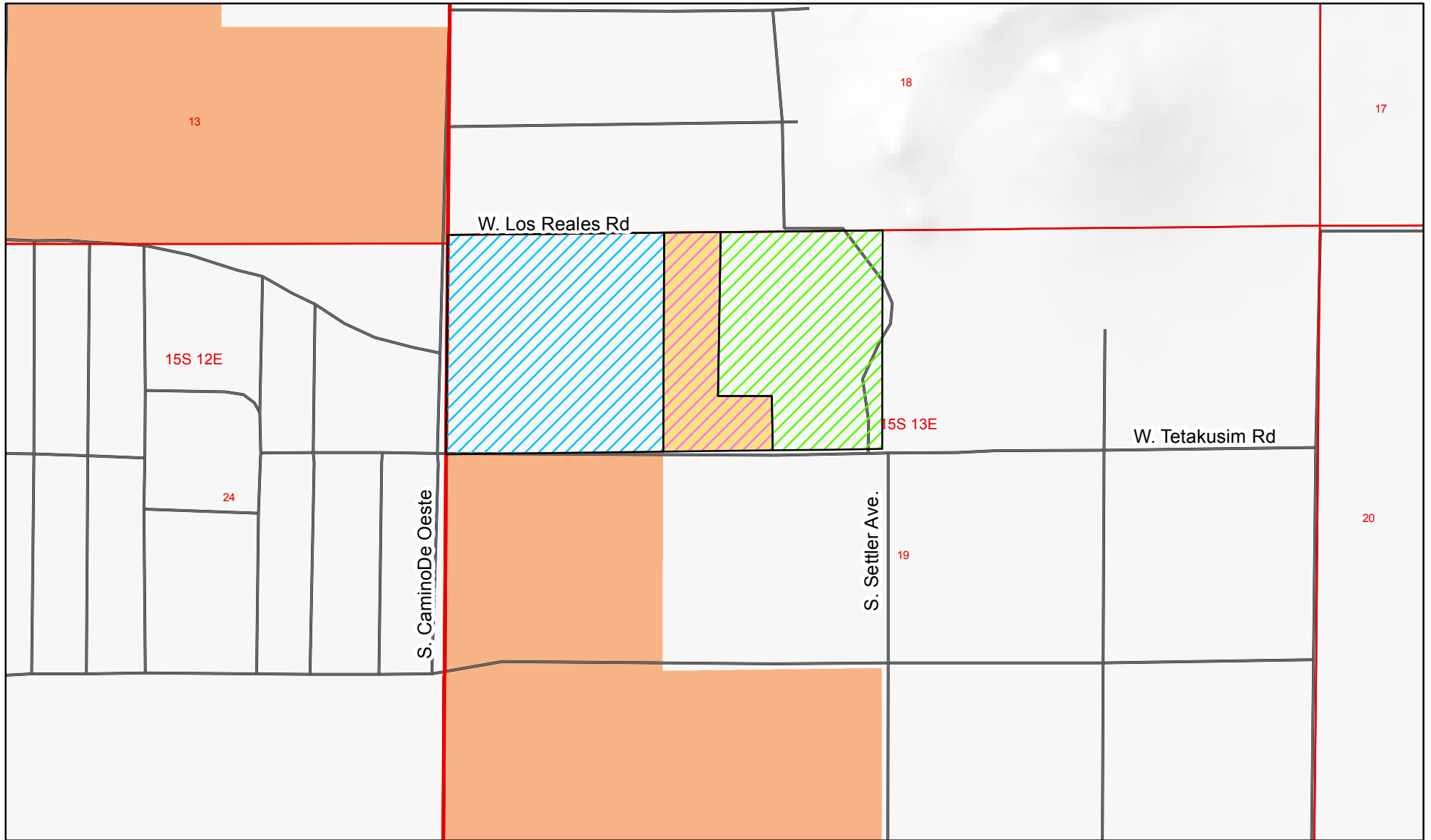
### **Effect on Current Law (Ramseyer)**

None.

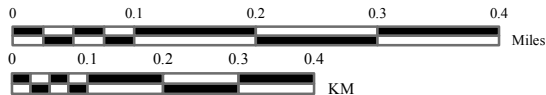
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<sup>7</sup> See House Report 114-550.

Pascua Yaqui Tribe Land Conveyance Act  
 March 14, 2016  
 This map prepared at the request of Representative Raul Grijalva



1 = 10,000



**Legend**

- Pascua Yaqui Land Conveyance Parcels**
- Parcel A
  - Parcel B
  - Parcel C

- Roads
- County Boundary

- AZ Surface Mgmt**
- BLM
  - Indian Lands
  - Private



United States Department of the Interior  
 Bureau of Land Management  
 Arizona State Office

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