

PASCUA YAQUI TRIBE TRUST LAND ACT

MAY 31, 2012.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 4222]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4222) 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, and for other purposes, 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 Trust Land 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, 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 Trust Land Act” and dated April 23, 2012.

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

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

**SEC. 3. LANDS TO BE HELD IN TRUST.**

(a) **PARCEL A.**—Subject to valid existing rights, all right, title, and interest of the United States in and to the Federal lands of approximately 10 acres shown on the map as Parcel A are declared held in trust by the United States for the benefit of the Tribe.

(b) **PARCEL B.**—Immediately upon the Secretary’s receipt from the District of the abandonment of its possessory interest of the lands of approximately 10 acres shown on the map as Parcel B, subject to valid existing rights, all right, title, and interest

of the United States in and to the Federal lands shown on the map as Parcel B are declared held in trust by the United States for the benefit of the Tribe.

#### SEC. 4. GAMING PROHIBITION.

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

#### PURPOSE OF THE BILL

The purpose of H.R. 4222, as ordered reported, 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

H.R. 4222 provides for the conveyance of one 10-acre parcel of Bureau of Land Management (BLM) lands to the Pascua Yaqui Tribe, one parcel of BLM land to the Tucson Unified School District (TUSD), and two parcels totaling 10 acres from the TUSD back to the BLM and then to the Tribe. The TUSD received the two parcels as part of the Recreation and Public Purposes Act of 1926 (RPPA) but have not used, nor do they intend to use, the land. The Tribe has an interest in obtaining the parcels to develop a recreational area. The TUSD identified BLM lands it would like to develop as a playground adjacent to the Hohokam School.

During Full Committee markup of H.R. 4222, the Committee adopted an amendment in the nature of a substitute offered by Congressman Raúl Grijalva (D–AZ) that directs the Secretary of the Interior to take the two 10-acre parcels into trust for the Pascua Yaqui Tribe (one only after the school district relinquishes their Recreation and Public Purposes Act possessory interest). The amendment also includes a gaming prohibition on the land to be held in trust.

#### COMMITTEE ACTION

H.R. 4222 was introduced on March 20, 2012, by Congressman Raúl Grijalva (D–AZ). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On April 17, 2012, the Subcommittee held a hearing on the bill. On April 25, 2012, the Full Natural Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests and Public Lands was discharged by unanimous consent. Congressman Grijalva offered an amendment in the nature of a substitute to the bill; the amendment was approved by unanimous consent. The bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by unanimous consent.

#### 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:

*H.R. 4222—Pascua Yaqui Tribe Trust Land Act*

H.R. 4222 would require the Secretary of the Interior to place 20 acres of land into trust for the benefit of the Pascua Yaqui Tribe of Arizona. Based on information provided by the Bureau of Land Management (BLM), CBO estimates that implementing the bill would have no significant impact on the federal budget. Enacting H.R. 4222 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

Under the bill, BLM would be required to place 10 acres of land that is currently administered by the agency into trust for the benefit of the Pascua Yaqui Tribe. In addition, if the Tucson Unified School District elects to relinquish its interest in 10 acres of land that it acquired from the federal government under the Recreation and Public Purposes Act, management of those lands would revert back to BLM, and the Secretary would be required to place them into trust for the tribe.

Based on information provided by BLM and assuming the availability of appropriated funds, CBO estimates that any administrative costs to carry out the bill would be minimal. In addition, because the affected lands do not generate any offsetting receipts for the federal government and are not expected to generate such receipts over the next 10 years, CBO estimates that implementing the legislation would not affect direct spending.

H.R. 4222 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. Enacting the bill would benefit the tribe.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, 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. Based on information provided by the Bureau of Land Management (BLM), CBO estimates that implementing the bill would have no significant impact 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, as ordered reported, 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.

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.

