

106TH CONGRESS
2D SESSION

S. 2917

AN ACT

To settle the land claims of the Pueblo of Santo Domingo.

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 “Santo Domingo Pueblo
5 Claims Settlement Act of 2000”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) For many years the Pueblo of Santo Do-
5 mingo has been asserting claims to lands within its
6 aboriginal use area in north central New Mexico.
7 These claims have been the subject of many law-
8 suits, and a number of these claims remain unre-
9 solved.

10 (2) In December 1927, the Pueblo Lands
11 Board, acting pursuant to the Pueblo Lands Act of
12 1924 (43 Stat. 636) confirmed a survey of the
13 boundaries of the Pueblo of Santo Domingo Grant.
14 However, at the same time the Board purported to
15 extinguish Indian title to approximately 27,000
16 acres of lands within those grant boundaries which
17 lay within 3 other overlapping Spanish land grants.
18 The United States Court of Appeals in *United*
19 *States v. Thompson* (941 F.2d 1074 (10th Cir.
20 1991), cert. denied 503 U.S. 984 (1992)), held that
21 the Board “ignored an express congressional direc-
22 tive” in section 14 of the Pueblo Lands Act, which
23 “contemplated that the Pueblo would retain title to
24 and possession of all overlap land”.

25 (3) The Pueblo of Santo Domingo has asserted
26 a claim to another 25,000 acres of land based on the

1 Pueblo's purchase in 1748 of the Diego Gallegos
2 Grant. The Pueblo possesses the original deed re-
3 flecting the purchase under Spanish law but, after
4 the United States assumed sovereignty over New
5 Mexico, no action was taken to confirm the Pueblo's
6 title to these lands. Later, many of these lands were
7 treated as public domain, and are held today by
8 Federal agencies, the State Land Commission, other
9 Indian tribes, and private parties. The Pueblo's law-
10 suit asserting this claim, Pueblo of Santo Domingo
11 v. Rael (Civil No. 83-1888 (D.N.M.)), is still pend-
12 ing.

13 (4) The Pueblo of Santo Domingo's claims
14 against the United States in docket No. 355 under
15 the Act of August 13, 1946 (60 Stat. 1049; com-
16 monly referred to as the Indian Claims Commission
17 Act) have been pending since 1951. These claims in-
18 clude allegations of the Federal misappropriation
19 and mismanagement of the Pueblo's aboriginal and
20 Spanish grant lands.

21 (5) Litigation to resolve the land and trespass
22 claims of the Pueblo of Santo Domingo would take
23 many years, and the outcome of such litigation is
24 unclear. The pendency of these claims has clouded

1 private land titles and has created difficulties in the
2 management of public lands within the claim area.

3 (6) The United States and the Pueblo of Santo
4 Domingo have negotiated a settlement to resolve all
5 existing land claims, including the claims described
6 in paragraphs (2) through (4).

7 (b) PURPOSE.—It is the purpose of this Act—

8 (1) to remove the cloud on titles to land in the
9 State of New Mexico resulting from the claims of
10 the Pueblo of Santo Domingo, and to settle all of
11 the Pueblo's claims against the United States and
12 third parties, and the land, boundary, and trespass
13 claims of the Pueblo in a fair, equitable, and final
14 manner;

15 (2) to provide for the restoration of certain
16 lands to the Pueblo of Santo Domingo and to con-
17 firm the Pueblo's boundaries;

18 (3) to clarify governmental jurisdiction over the
19 lands within the Pueblo's land claim area; and

20 (4) to ratify a Settlement Agreement between
21 the United States and the Pueblo which includes—

22 (A) the Pueblo's agreement to relinquish
23 and compromise its land and trespass claims;

24 (B) the provision of \$8,000,000 to com-
25 pensate the Pueblo for the claims it has pur-

1 sued pursuant to the Act of August 13, 1946
2 (60 Stat. 1049; commonly referred to as the In-
3 dian Claims Commission Act);

4 (C) the transfer of approximately 4,577
5 acres of public land to the Pueblo;

6 (D) the sale of approximately 7,355 acres
7 of national forest lands to the Pueblo; and

8 (E) the authorization of the appropriation
9 of \$15,000,000 over 3 consecutive years which
10 would be deposited in a Santo Domingo Lands
11 Claims Settlement Fund for expenditure by the
12 Pueblo for land acquisition and other enumer-
13 ated tribal purposes.

14 (c) **RULE OF CONSTRUCTION.**—Nothing in this Act
15 shall be construed to effectuate an extinguishment of, or
16 to otherwise impair, the Pueblo’s title to or interest in
17 lands or water rights as described in section 5(a)(2).

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) **FEDERALLY ADMINISTERED LANDS.**—The
21 term “federally administered lands” means lands,
22 waters, or interests therein, administered by Federal
23 agencies, except for the lands, waters, or interests
24 therein that are owned by, or for the benefit of, In-
25 dian tribes or individual Indians.

1 (2) FUND.—The term “Fund” means the Pueb-
 2 lo of Santo Domingo Land Claims Settlement Fund
 3 established under section 5(b)(1).

4 (3) PUEBLO.—The term “Pueblo” means the
 5 Pueblo of Santo Domingo.

6 (4) SANTO DOMINGO PUEBLO GRANT.—The
 7 term “Santo Domingo Pueblo Grant” means all of
 8 the lands within the 1907 Hall-Joy Survey, as con-
 9 firmed by the Pueblo Lands Board in 1927.

10 (5) SECRETARY.—The term “Secretary” means
 11 the Secretary of the Interior unless expressly stated
 12 otherwise.

13 (6) SETTLEMENT AGREEMENT.—The term
 14 “Settlement Agreement” means the Settlement
 15 Agreement dated May 26, 2000, between the De-
 16 partments of the Interior, Agriculture, and Justice
 17 and the Pueblo of Santo Domingo to Resolve All of
 18 the Pueblo’s Land Title and Trespass Claims.

19 **SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT.**

20 The Settlement Agreement is hereby approved and
 21 ratified.

22 **SEC. 5. RESOLUTION OF DISPUTES AND CLAIMS.**

23 (a) RELINQUISHMENT, EXTINGUISHMENT, AND COM-
 24 PROMISE OF SANTO DOMINGO CLAIMS.—

25 (1) EXTINGUISHMENT.—

1 (A) IN GENERAL.—Subject to paragraph
2 (2), in consideration of the benefits provided
3 under this Act, and in accordance with the Set-
4 tlement Agreement pursuant to which the
5 Pueblo has agreed to relinquish and com-
6 promise certain claims, the Pueblo's land and
7 trespass claims described in subparagraph (B)
8 are hereby extinguished, effective as of the date
9 specified in paragraph (5).

10 (B) CLAIMS.—The claims described in this
11 subparagraph are the following:

12 (i) With respect to the Pueblo's claims
13 against the United States, its agencies, of-
14 ficers, and instrumentalities, all claims to
15 land, whether based on aboriginal or recog-
16 nized title, and all claims for damages or
17 other judicial relief or for administrative
18 remedies pertaining in any way to the
19 Pueblo's land, such as boundary, trespass,
20 and mismanagement claims, including any
21 claim related to—

22 (I) any federally administered
23 lands, including National Forest Sys-
24 tem lands designated in the Settle-

1 ment Agreement for possible sale or
2 exchange to the Pueblo;

3 (II) any lands owned or held for
4 the benefit of any Indian tribe other
5 than the Pueblo; and

6 (III) all claims which were, or
7 could have been brought against the
8 United States in docket No. 355,
9 pending in the United States Court of
10 Federal Claims.

11 (ii) With respect to the Pueblo's
12 claims against persons, the State of New
13 Mexico and its subdivisions, and Indian
14 tribes other than the Pueblo, all claims to
15 land, whether based on aboriginal or recog-
16 nized title, and all claims for damages or
17 other judicial relief or for administrative
18 remedies pertaining in any way to the
19 Pueblo's land, such as boundary and tres-
20 pass claims.

21 (iii) All claims listed on pages 13894–
22 13895 of volume 48 of the Federal Reg-
23 ister, published on March 31, 1983, except
24 for claims numbered 002 and 004.

1 (2) RULE OF CONSTRUCTION.—Nothing in this
2 Act (including paragraph (1)) shall be construed—

3 (A) to in any way effectuate an extinguish-
4 ment of or otherwise impair—

5 (i) the Pueblo’s title to lands acquired
6 by or for the benefit of the Pueblo since
7 December 28, 1927, or in a tract of land
8 of approximately 150.14 acres known as
9 the “sliver area” and described on a plat
10 which is appendix H to the Settlement
11 Agreement;

12 (ii) the Pueblo’s title to land within
13 the Santo Domingo Pueblo Grant which
14 the Pueblo Lands Board found not to have
15 been extinguished; or

16 (iii) the Pueblo’s water rights appur-
17 tenant to the lands described in clauses (i)
18 and (ii); and

19 (B) to expand, reduce, or otherwise impair
20 any rights which the Pueblo or its members
21 may have under existing Federal statutes con-
22 cerning religious and cultural access to and
23 uses of the public lands.

24 (3) CONFIRMATION OF DETERMINATION.—The
25 Pueblo Lands Board’s determination on page 1 of

1 its Report of December 28, 1927, that Santo Do-
2 mingo Pueblo title, derived from the Santo Domingo
3 Pueblo Grant to the lands overlapped by the La
4 Majada, Sitio de Juana Lopez and Mesita de Juana
5 Lopez Grants has been extinguished is hereby con-
6 firmed as of the date of that Report.

7 (4) TRANSFERS PRIOR TO ENACTMENT.—

8 (A) IN GENERAL.—In accordance with the
9 Settlement Agreement, any transfer of land or
10 natural resources, prior to the date of enact-
11 ment of this Act, located anywhere within the
12 United States from, by, or on behalf of the
13 Pueblo, or any of the Pueblo's members, shall
14 be deemed to have been made in accordance
15 with the Act of June 30, 1834 (4 Stat. 729;
16 commonly referred to as the Trade and Inter-
17 course Act), section 17 of the Act of June 7,
18 1924 (43 Stat. 641; commonly referred to as
19 the Pueblo Lands Act), and any other provision
20 of Federal law that specifically applies to trans-
21 fers of land or natural resources from, by, or on
22 behalf of an Indian tribe, and such transfers
23 shall be deemed to be ratified effective as of the
24 date of the transfer.

1 (B) RULE OF CONSTRUCTION.—Nothing in
2 subparagraph (A) shall be construed to affect
3 or eliminate the personal claim of any indi-
4 vidual Indian which is pursued under any law
5 of general applicability that protects non-Indi-
6 ans as well as Indians.

7 (5) EFFECTIVE DATE.—The provisions of para-
8 graphs (1), (3), and (4) shall take effect upon the
9 entry of a compromise final judgment, in a form and
10 manner acceptable to the Attorney General, in the
11 amount of \$8,000,000 in the case of Pueblo of
12 Santo Domingo v. United States (Indian Claims
13 Commission docket No. 355). The judgment so en-
14 tered shall be paid from funds appropriated pursu-
15 ant to section 1304 of title 31, United States Code.

16 (b) TRUST FUNDS; AUTHORIZATION OF APPROPRIA-
17 TIONS.—

18 (1) ESTABLISHMENT.—There is hereby estab-
19 lished in the Treasury a trust fund to be known as
20 the “Pueblo of Santo Domingo Land Claims Settle-
21 ment Fund”. Funds deposited in the Fund shall be
22 subject to the following conditions:

23 (A) The Fund shall be maintained and in-
24 vested by the Secretary of the Interior pursuant
25 to the Act of June 24, 1938 (25 U.S.C. 162a).

1 (B) Subject to the provisions of paragraph
2 (3), monies deposited into the Fund may be ex-
3 pended by the Pueblo to acquire lands within
4 the exterior boundaries of the exclusive aborigi-
5 nal occupancy area of the Pueblo, as described
6 in the Findings of Fact of the Indian Claims
7 Commission, dated May 9, 1973, and for use
8 for education, economic development, youth and
9 elderly programs, or for other tribal purposes in
10 accordance with plans and budgets developed
11 and approved by the Tribal Council of the
12 Pueblo and approved by the Secretary.

13 (C) If the Pueblo withdraws monies from
14 the Fund, neither the Secretary nor the Sec-
15 retary of the Treasury shall retain any over-
16 sight over or liability for the accounting, dis-
17 bursement, or investment of such withdrawn
18 monies.

19 (D) No portion of the monies described in
20 subparagraph (C) may be paid to Pueblo mem-
21 bers on a per capita basis.

22 (E) The acquisition of lands with monies
23 from the Fund shall be on a willing-seller, will-
24 ing-buyer basis, and no eminent domain author-
25 ity may be exercised for purposes of acquiring

1 lands for the benefit of the Pueblo pursuant to
2 this Act.

3 (F) The provisions of Public Law 93–134,
4 governing the distribution of Indian claims
5 judgment funds, and the plan approval require-
6 ments of section 203 of Public Law 103–412
7 shall not be applicable to the Fund.

8 (2) AUTHORIZATION OF APPROPRIATIONS.—

9 There are authorized to be appropriated
10 \$15,000,000 for deposit into the Fund, in accord-
11 ance with the following schedule:

12 (A) \$5,000,000 to be deposited in the fis-
13 cal year which commences on October 1, 2001.

14 (B) \$5,000,000 to be deposited in the next
15 fiscal year.

16 (C) The balance of the funds to be depos-
17 ited in the third consecutive fiscal year.

18 (3) LIMITATION ON DISBURSAL.—Amounts au-
19 thorized to be appropriated to the Fund under para-
20 graph (2) shall not be disbursed until the following
21 conditions are met:

22 (A) The case of Pueblo of Santo Domingo
23 v. Rael (No. CIV–83–1888) in the United
24 States District Court for the District of New
25 Mexico, has been dismissed with prejudice.

1 (B) A compromise final judgment in the
2 amount of \$8,000,000 in the case of Pueblo of
3 Santo Domingo v. United States (Indian Claims
4 Commission docket No. 355) in a form and
5 manner acceptable to the Attorney General, has
6 been entered in the United States Court of
7 Federal Claims in accordance with subsection
8 (a)(5).

9 (4) DEPOSITS.—Funds awarded to the Pueblo
10 consistent with subsection (c)(2) in docket No. 355
11 of the Indian Claims Commission shall be deposited
12 into the Fund.

13 (c) ACTIVITIES UPON COMPROMISE.—On the date of
14 the entry of the final compromise judgment in the case
15 of Pueblo of Santo Domingo v. United States (Indian
16 Claims Commission docket No. 355) in the United States
17 Court of Federal Claims, and the dismissal with prejudice
18 of the case of Pueblo of Santo Domingo v. Rael (No. CIV–
19 83–1888) in the United States District Court for the Dis-
20 trict of New Mexico, whichever occurs later—

21 (1) the public lands administered by the Bureau
22 of Land Management and described in section 6 of
23 the Settlement Agreement, and consisting of ap-
24 proximately 4,577.10 acres of land, shall thereafter
25 be held by the United States in trust for the benefit

1 of the Pueblo, subject to valid existing rights and
2 rights of public and private access, as provided for
3 in the Settlement Agreement;

4 (2) the Secretary of Agriculture is authorized to
5 sell and convey National Forest System lands and
6 the Pueblo shall have the exclusive right to acquire
7 these lands as provided for in section 7 of the Settle-
8 ment Agreement, and the funds received by the Sec-
9 retary of Agriculture for such sales shall be depos-
10 ited in the fund established under the Act of Decem-
11 ber 4, 1967 (16 U.S.C. 484a) and shall be available
12 to purchase non-Federal lands within or adjacent to
13 the National Forests in the State of New Mexico;

14 (3) lands conveyed by the Secretary of Agri-
15 culture pursuant to this section shall no longer be
16 considered part of the National Forest System and
17 upon any conveyance of National Forest lands, the
18 boundaries of the Santa Fe National Forest shall be
19 deemed modified to exclude such lands;

20 (4) until the National Forest lands are con-
21 veyed to the Pueblo pursuant to this section, or until
22 the Pueblo's right to purchase such lands expires
23 pursuant to section 7 of the Settlement Agreement,
24 such lands are withdrawn, subject to valid existing
25 rights, from any new public use or entry under any

1 Federal land law, except for permits not to exceed
2 1 year, and shall not be identified for any disposition
3 by or for any agency, and no mineral production or
4 harvest of forest products shall be permitted, except
5 that nothing in this subsection shall preclude forest
6 management practices on such lands, including the
7 harvest of timber in the event of fire, disease, or in-
8 sect infestation; and

9 (5) once the Pueblo has acquired title to the
10 former National Forest System lands, these lands
11 may be conveyed by the Pueblo to the Secretary of
12 the Interior who shall accept and hold such lands in
13 the name of the United States in trust for the ben-
14 efit of the Pueblo.

15 **SEC. 6. AFFIRMATION OF ACCURATE BOUNDARIES OF**
16 **SANTO DOMINGO PUEBLO GRANT.**

17 (a) IN GENERAL.—The boundaries of the Santo Do-
18 mingo Pueblo Grant, as determined by the 1907 Hall-Joy
19 Survey, confirmed in the Report of the Pueblo Lands
20 Board, dated December 28, 1927, are hereby declared to
21 be the current boundaries of the Grant and any lands cur-
22 rently owned by or on behalf of the Pueblo within such
23 boundaries, or any lands hereinafter acquired by the Pueb-
24 lo within the Grant in fee simple absolute, shall be consid-

1 ered to be Indian country within the meaning of section
2 1151 of title 18, United States Code.

3 (b) LIMITATION.—Any lands or interests in lands
4 within the Santo Domingo Pueblo Grant, that are not
5 owned or acquired by the Pueblo, shall not be treated as
6 Indian country within the meaning of section 1151 of title
7 18, United States Code.

8 (c) ACQUISITION OF FEDERAL LANDS.—Any Federal
9 lands acquired by the Pueblo pursuant to section 5(c)(1)
10 shall be held in trust by the Secretary for the benefit of
11 the Pueblo, and shall be treated as Indian country within
12 the meaning of section 1151 of title 18, United States
13 Code.

14 (d) LAND SUBJECT TO PROVISIONS.—Any lands ac-
15 quired by the Pueblo pursuant to section 5(c), or with
16 funds subject to section 5(b), shall be subject to the provi-
17 sions of section 17 of the Act of June 7, 1924 (43 Stat.
18 641; commonly referred to as the Pueblo Lands Act).

19 (e) RULE OF CONSTRUCTION.—Nothing in this Act
20 or in the Settlement Agreement shall be construed to—

21 (1) cloud title to federally administered lands or
22 non-Indian or other Indian lands, with regard to
23 claims of title which are extinguished pursuant to
24 section 5; or

1 (2) affect actions taken prior to the date of en-
2 actment of this Act to manage federally adminis-
3 tered lands within the boundaries of the Santo Do-
4 mingo Pueblo Grant.

Passed the Senate October 11 (legislative day, Sep-
tember 22), 2000.

Attest:

Secretary.

106TH CONGRESS
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To settle the land claims of the Pueblo of Santo
Domingo.

S 2917 ES—2

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