

Calendar No. 419

109TH CONGRESS
2^D SESSION**S. 1773****[Report No. 109-252]**

To resolve certain Native American claims in New Mexico, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2005

Mr. DOMENICI (for himself and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

MAY 3, 2006

Reported by Mr. MCCAIN, with amendments

[Insert the part printed in italic]

A BILL

To resolve certain Native American claims in New Mexico,
and for other purposes.

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 “Pueblo de San
5 Ildefonso Claims Settlement Act of 2005”.

1 **SEC. 2. DEFINITIONS AND PURPOSES.**

2 (a) DEFINITIONS.—In this Act:

3 (1) ADMINISTRATIVE ACCESS.—The term “ad-
4 ministrative access” means the unrestricted use of
5 land and interests in land for ingress and egress by
6 an agency of the United States (including a per-
7 mittee, contractor, agent, or assignee of the United
8 States) in order to carry out an activity authorized
9 by law or regulation, or otherwise in furtherance of
10 the management of federally-owned land and re-
11 sources.

12 (2) COUNTY.—The term “County” means the
13 incorporated county of Los Alamos, New Mexico.

14 (3) LOS ALAMOS AGREEMENT.—The term “Los
15 Alamos Agreement” means the agreement among
16 the County, the Pueblo, the Department of Agri-
17 culture Forest Service, and the Bureau of Indian Af-
18 fairs dated January, 22, 2004.

19 (4) LOS ALAMOS TOWNSITE LAND.—“Los Ala-
20 mos Townsite Land” means the land identified as
21 Attachment B (dated December 12, 2003) to the
22 Los Alamos Agreement.

23 (5) NORTHERN TIER LAND.—“Northern Tier
24 Land” means the land comprising approximately
25 739.71 acres and identified as “Northern Tier

1 Lands” in Appendix B (dated August 3, 2004) to
2 the Settlement Agreement.

3 (6) PENDING LITIGATION.—The term “Pending
4 Litigation” means the case styled Pueblo of San
5 Ildefonso v. United States, Docket Number 354,
6 originally filed with the Indian Claims Commission
7 and pending in the United States Court of Federal
8 Claims on the date of enactment of this Act.

9 (7) PUEBLO.—The term “Pueblo” means the
10 Pueblo de San Ildefonso, a federally recognized In-
11 dian tribe (also known as the “Pueblo of San
12 Ildefonso”).

13 (8) SETTLEMENT AGREEMENT.—The term
14 “Settlement Agreement” means the agreement enti-
15 tled “Settlement Agreement between the United
16 States and the Pueblo de San Ildefonso to Resolve
17 All of the Pueblo’s Land Title and Trespass Claims”
18 and dated June 7, 2005.

19 (9) SETTLEMENT AREA LAND.—The term “Set-
20 tlement Area Land” means the National Forest Sys-
21 tem land located within the Santa Fe National For-
22 est, as described in Appendix B to the Settlement
23 Agreement, that is available for purchase by the
24 Pueblo under section 9(a) of the Settlement Agree-
25 ment.

1 (10) SETTLEMENT FUND.—The term “Settle-
2 ment Fund” means the Pueblo de San Ildefonso
3 Land Claims Settlement Fund established by section
4 6.

5 (11) SISK ACT.—The term “Sisk Act” means
6 Public Law 90–171 (commonly known as the “Sisk
7 Act”) (16 U.S.C. 484a).

8 (12) WATER SYSTEM LAND.—The term “Water
9 System Land” means the federally-owned land lo-
10 cated within the Santa Fe National Forest to be
11 conveyed to the County under the Los Alamos
12 Agreement.

13 (b) PURPOSES.—The purposes of this Act are—

14 (1) to finally dispose, as set forth in sections 4
15 and 5, of all rights, claims, or demands that the
16 Pueblo has asserted or could have asserted against
17 the United States with respect to any and all claims
18 in the Pending Litigation;

19 (2) to extinguish claims based on aboriginal
20 title, Indian title, or recognized title, or any other
21 title claims under section 5;

22 (3) to authorize the Pueblo to acquire the Set-
23 tlement Area Land, and to authorize the Secretary
24 of Agriculture to convey the Water System Land,
25 the Northern Tier Land, and the Los Alamos Town-

1 site Land for market value consideration, and for
2 such consideration to be paid to the Secretary of Ag-
3 riculture for the acquisition of replacement National
4 Forest land elsewhere in New Mexico;

5 (4) to provide that the Settlement Area Land
6 acquired by the Pueblo shall be held by the Sec-
7 retary of the Interior in trust for the benefit of the
8 Pueblo;

9 (5) to facilitate government-to-government rela-
10 tions between the United States and the Pueblo re-
11 garding cooperation in the management of certain
12 land administered by the National Park Service and
13 the Bureau of Land Management as described in
14 sections 7 and 8 of the Settlement Agreement;

15 (6) to ratify the Settlement Agreement; and,

16 (7) to ratify the Los Alamos Agreement.

17 **SEC. 3. RATIFICATION OF AGREEMENTS.**

18 (a) RATIFICATION.—The Settlement Agreement and
19 Los Alamos Agreement are ratified under Federal law,
20 and the parties to those agreements are authorized to
21 carry out the provisions of the agreements.

22 (b) CORRECTIONS AND MODIFICATIONS.—The re-
23 spective parties to the Settlement Agreement and the Los
24 Alamos Agreement are authorized, by mutual agreement,

1 to correct errors in any legal description or maps, and to
 2 make minor modifications to those agreements.

3 **SEC. 4. JUDGMENT AND DISMISSAL OF LITIGATION.**

4 (a) DISMISSAL.—Not later than 90 days after the
 5 date of enactment of this Act, the United States and the
 6 Pueblo shall execute and file with the United States Court
 7 of Federal Claims in the Pending Litigation a motion for
 8 entry of final judgment in accordance with section 5 of
 9 the Settlement Agreement.

10 (b) COMPENSATION.—Upon entry of the final judg-
 11 ment under subsection (a), \$6,900,000 shall be paid into
 12 the Settlement Fund as compensation to the Pueblo in ac-
 13 cordance with section 1304 of title 31, United States
 14 Code.

15 **SEC. 5. RESOLUTION OF CLAIMS.**

16 (a) EXTINGUISHMENTS.—Except as provided in sub-
 17 section (b), in consideration of the benefits of the Settle-
 18 ment Agreement, and in recognition of the agreement of
 19 the Pueblo to the Settlement Agreement, all claims of the
 20 Pueblo against the United States (including any claim
 21 against an agency, officer, or instrumentality of the
 22 United States) are relinquished and extinguished, includ-
 23 ing—

24 (1) any claim to land based on aboriginal title,
 25 Indian title, or recognized title;

1 (2) any claim for damages or other judicial re-
2 lief or for administrative remedies that were
3 brought, or that were knowable and could have been
4 brought, on or before the date of the Settlement
5 Agreement;

6 (3) any claim relating to—

7 (A) any federally-administered land, in-
8 cluding National Park System land, National
9 Forest System land, Public land administered
10 by the Bureau of Land Management, the Set-
11 tlement Area Land, the Water System Land,
12 the Northern Tier Land, and the Los Alamos
13 Townsite Land; and

14 (B) any land owned by, or held for the
15 benefit of, any Indian tribe other than the
16 Pueblo; and

17 (4) any claim that was, or that could have been,
18 asserted in the Pending Litigation.

19 (b) EXCEPTIONS.—Nothing in this Act or the Settle-
20 ment Agreement shall in any way extinguish or otherwise
21 impair—

22 (1) the title of record of the Pueblo to land held
23 by or for the benefit of the Pueblo, as identified in
24 Appendix D to the Settlement Agreement, on or be-
25 fore the date of enactment of this Act; and,

1 (2) the title of the Pueblo to the Pueblo de San
2 Ildefonso Grant, including, as identified in Appendix
3 D to the Settlement Agreement—

4 (A) the title found by the United States
5 District Court for the District of New Mexico
6 in the case styled United States v. Apodoca
7 (Number 2031, equity: December 5, 1930) not
8 to have been extinguished; and

9 (B) title to any land that has been reac-
10 quired by the Pueblo pursuant to the Act enti-
11 tled “An Act to quiet the title to lands within
12 Pueblo Indian land grants, and for other pur-
13 poses”, approved June 7, 1924 (43 Stat. 636,
14 chapter 331);

15 (3) the water rights of the Pueblo appurtenant
16 to the land described in paragraphs (1) and (2); and

17 (4) any rights of the Pueblo or a member of the
18 Pueblo under Federal law relating to religious or
19 cultural access to, and use of, Federal land.

20 (c) PREVIOUS EXTINGUISHMENTS UNIMPAIRED.—
21 Nothing in this Act affects any prior extinguishments of
22 rights or claims of the Pueblo which may have occurred
23 by operation of law.

24 (d) BOUNDARIES AND TITLE UNAFFECTED.—

1 (1) BOUNDARIES.—Nothing in this Act affects
2 the location of the boundaries of the Pueblo de San
3 Ildefonso Grant.

4 (2) RIGHTS, TITLE, AND INTEREST.—Nothing
5 in this Act affects, ratifies, or confirms the right,
6 title, or interest of the Pueblo in the land held by,
7 or for the benefit of, the Pueblo, including the land
8 described in Appendix D of the Settlement Agree-
9 ment.

10 **SEC. 6. SETTLEMENT FUND.**

11 (a) ESTABLISHMENT.—There is established in the
12 Treasury a fund to be known as the “Pueblo de San
13 Ildefonso Land Claims Settlement Fund”.

14 (b) CONDITIONS.—Monies deposited in the Settle-
15 ment Fund shall be subject to the following conditions:

16 (1) MAINTENANCE AND INVESTMENT.—The
17 Settlement Fund shall be maintained and invested
18 by the Secretary of the Interior pursuant to the Act
19 of June 24, 1938 (25 U.S.C. 162a).

20 (2) USE OF FUNDS.—Subject to paragraph (3),
21 monies deposited into the Settlement Fund shall be
22 expended by the Pueblo—

23 (A) to acquire the federally administered
24 Settlement Area Land;

1 (B) to pay for the acquisition of the Water
2 System Land, as provided in the Los Alamos
3 Agreement; and

4 (C) at the option of the Pueblo, to acquire
5 other land.

6 (3) EFFECT OF WITHDRAWAL.—If the Pueblo
7 withdraws monies from the Settlement Fund, nei-
8 ther the Secretary of the Interior nor the Secretary
9 of the Treasury shall retain any oversight over, or
10 liability for, the accounting, disbursement, or invest-
11 ment of the withdrawn funds.

12 (4) PER CAPITA DISTRIBUTION.—No portion of
13 the funds in the Settlement Fund may be paid to
14 Pueblo members on a per capita basis.

15 (5) ACQUISITION OF LAND.—The acquisition of
16 land with funds from the Settlement Fund shall be
17 on a willing-seller, willing-buyer basis, and no emi-
18 nent domain authority may be exercised for purposes
19 of acquiring land for the benefit of the Pueblo under
20 this Act.

21 (6) EFFECT OF OTHER LAWS.—The Act of Oc-
22 tober 19, 1973 (Public Law 93–134; 87 Stat. 466)
23 and section 203 of the American Indian Trust Fund
24 Management Reform Act of 1994 (25 U.S.C. 4023)
25 shall not apply to the Settlement Fund.

1 **SEC. 7. LAND OWNERSHIP ADJUSTMENTS.**

2 (a) AUTHORIZATION.—

3 (1) IN GENERAL.—The Secretary of Agriculture
4 may sell the Settlement Area Land, Water System
5 Land, and Los Alamos Townsite Land, on such
6 terms and conditions as are agreed upon and de-
7 scribed in the Settlement Agreement and the Los Al-
8 amos Agreement, including reservations for adminis-
9 trative access and other access as shown on Appen-
10 dix B of the Settlement Agreement.

11 (2) EFFECT OF CLAIMS AND CAUSE OF AC-
12 TION.—Consideration for any land authorized for
13 sale by the Secretary of Agriculture shall not be off-
14 set or reduced by any claim or cause of action by
15 any party to whom the land is conveyed.

16 (b) CONSIDERATION.—The consideration to be paid
17 for the Federal land authorized for sale in subsection (a)
18 shall be—

19 (1) for the Settlement Area Land and Water
20 System Land, the consideration agreed upon in the
21 Settlement Agreement; and

22 (2) for the Los Alamos Townsite Land, the cur-
23 rent market value based on an appraisal approved
24 by the Forest Service as being in conformity with
25 the latest edition of the Uniform Appraisal Stand-
26 ards for Federal Land Acquisitions.

1 (c) DISPOSITION OF RECEIPTS.—

2 (1) IN GENERAL.—All monies received by the
3 Secretary of Agriculture from the sale of National
4 Forest System land as authorized by this Act, in-
5 cluding receipts from the Northern Tier Land, shall
6 be deposited into the fund established in the Treas-
7 ury of the United States pursuant to the Sisk Act
8 and shall be available, without further appropriation,
9 authorization, or administrative apportionment for
10 the purchase of land by the Secretary of Agriculture
11 for National Forest System purposes in the State of
12 New Mexico, *and for associated administrative costs.*

13 (2) USE OF FUNDS.—Funds deposited in a Sisk
14 Act fund pursuant to this Act shall not be subject
15 to transfer or reprogramming for wildlands fire
16 management or any other emergency purposes, or
17 used to reimburse any other account.

18 (3) ACQUISITIONS OF LAND.—In expending
19 funds to exercise its rights under the Settlement
20 Agreement and the Los Alamos Agreement with re-
21 spect to the acquisition of the Settlement Area
22 Land, the County's acquisitions of the Water System
23 Land, and the Northern Tier Land (if the Pueblo
24 exercises an option to purchase the Northern Tier
25 Land as provided in section 12(b)(2)(A), the Pueblo

1 shall use only funds in the Settlement Fund and
2 shall not augment those funds from any other
3 source.

4 (d) VALID EXISTING RIGHTS AND RESERVATIONS.—

5 (1) IN GENERAL.—The Settlement Area Land
6 acquired by the Pueblo shall be subject to all valid
7 existing rights on the date of enactment of this Act,
8 including rights of administrative access.

9 (2) WATER RIGHTS.—No water rights shall be
10 conveyed by the United States.

11 (3) SPECIAL USE AUTHORIZATION.—

12 (A) IN GENERAL.—Nothing in this Act
13 shall affect the validity of any special use au-
14 thorization issued by the Forest Service within
15 the Settlement Area Land, except that such au-
16 thorizations shall not be renewed upon expira-
17 tion.

18 (B) REASONABLE ACCESS.—For access to
19 valid occupancies within the Settlement Area
20 Land, the Pueblo and the Secretary of the Inte-
21 rior shall afford rights of reasonable access
22 commensurate with that provided by the Sec-
23 retary of Agriculture on or before the date of
24 enactment of this Act.

1 (4) WATER SYSTEM LAND AND LOS ALAMOS
2 TOWNSITE LAND.—The Water System Land and
3 Los Alamos Townsite Land acquired by the County
4 shall be subject to—

5 (A) all valid existing rights; and

6 (B) the rights reserved by the United
7 States under the Los Alamos Agreement.

8 (5) PRIVATE LANDOWNERS.—

9 (A) IN GENERAL.—Upon acquisition by
10 the Pueblo of the Settlement Area Land, the
11 Secretary of the Interior, acting on behalf of
12 the Pueblo and the United States, shall execute
13 easements in accordance with any right re-
14 served by the United States for the benefit of
15 private landowners owning property that re-
16 quires the use of Forest Development Road 416
17 (as in existence on the date of enactment of this
18 Act) and other roads that may be necessary to
19 provide legal access into the property of the
20 landowners, as the property is used on the date
21 of this Act.

22 (B) MAINTENANCE OF ROADS.—Neither
23 the Pueblo nor the United States shall be re-
24 quired to maintain roads for the benefit of pri-
25 vate landowners.

1 (C) EASEMENTS.—Easements shall be
2 granted, without consideration, to private land-
3 owners only upon application of such land-
4 owners to the Secretary.

5 (e) FOREST DEVELOPMENT ROADS.—

6 (1) UNITED STATES RIGHT TO USE.—Subject
7 to any right-of-way to use, cross, and recross a road,
8 the United States shall reserve and have free and
9 unrestricted rights to use, operate, maintain, and re-
10 construct (at the same level of development, as in
11 existence on the date of the Settlement Agreement),
12 those sections of Forest Development Roads 57,
13 442, 416, 416v, 445 and 445ca referenced in Appen-
14 dix B of the Settlement Agreement for any and all
15 public and administrative access and other Federal
16 governmental purposes, including access by Federal
17 employees, their agents, contractors, and assigns (in-
18 cluding those holding Forest Service permits).

19 (2) CERTAIN ROADS.—Notwithstanding para-
20 graph (1), the United States—

21 (A) may improve Forest Development
22 Road 416v beyond the existing condition of that
23 road to a high clearance standard road (level
24 2); and

1 (B) shall have unrestricted administrative
2 access and non-motorized public trail access to
3 the portion of Forest Development Road 442
4 depicted in Appendix B to the Settlement
5 Agreement.

6 (f) PRIVATE MINING OPERATIONS.—

7 (1) COPAR PUMICE MINE.—The United States
8 and the Pueblo shall allow the COPAR Pumice Mine
9 to continue to operate as provided in the Contract
10 For The Sale Of Mineral Materials dated May 4,
11 1994, and for COPAR to use portions of Forest De-
12 velopment Roads 57, 442, 416, and other designated
13 roads within the area described in the contract, for
14 the period of the contract and thereafter for a period
15 necessary to reclaim the site.

16 (2) CONTINUING JURISDICTION.—

17 (A) ADMINISTRATION.—Continuing juris-
18 diction of the United States over the contract
19 for the sale of mineral materials shall be admin-
20 istered by the Secretary of the Interior.

21 (B) EXPIRATION OF CONTRACT.—Upon ex-
22 piration of the contract described in subpara-
23 graph (A), jurisdiction over reclamation shall be
24 assumed by the Secretary of the Interior.

1 (3) EFFECT ON EXISTING RIGHTS.—Nothing in
2 this Act limits or enhances the rights of COPAR
3 under the Contract For The Sale Of Mineral Mate-
4 rials dated May 4, 1994.

5 **SEC. 8. CONVEYANCES.**

6 (a) AUTHORIZATION.—

7 (1) CONSIDERATION FROM PUEBLO.—Upon re-
8 ceipt of the consideration from the Pueblo for the
9 Settlement Area Land and the Water System Land,
10 the Secretary of Agriculture shall execute and de-
11 liver—

12 (A) to the Pueblo, a quitclaim deed to the
13 Settlement Area Land; and

14 (B) to the County, a quitclaim deed to the
15 Water System Land, reserving—

16 (i) a contingent remainder in the
17 United States in trust for the benefit of
18 the Pueblo in accordance with the Los Ala-
19 mos Agreement; and

20 (ii) a right of access for the United
21 States for the Pueblo for ceremonial and
22 other cultural purposes.

23 (2) CONSIDERATION FROM COUNTY.—Upon re-
24 ceipt of the consideration from the County for all or
25 a portion of the Los Alamos Townsite Land, the

1 Secretary of Agriculture shall execute and deliver to
2 the County a quitclaim deed to all or portions of
3 such land, as appropriate.

4 (3) EXECUTION.—An easement or deed of con-
5 veyance by the Secretary of Agriculture under this
6 Act shall be executed by the Director of Lands and
7 Minerals, Forest Service, Southwestern Region, De-
8 partment of Agriculture.

9 (b) AUTHORIZATION FOR PUEBLO TO CONVEY IN
10 TRUST.—Upon receipt by the Pueblo of the quitclaim deed
11 to the Settlement Land under subsection (a)(1), the Pueb-
12 lo may quitclaim the Settlement Land to the United
13 States, in trust for the Pueblo.

14 (c) ADEQUACY OF CONVEYANCE INSTRUMENTS.—
15 Notwithstanding the status of the Federal land as public
16 domain or acquired land, no instrument of conveyance
17 other than a quitclaim deed shall be required to convey
18 the Settlement Area Land, the Water System Land, the
19 Northern Tier Land, or the Los Alamos Townsite Land
20 under this Act.

21 (d) SURVEYS.—The Secretary of Agriculture is au-
22 thorized to perform and approve any required cadastral
23 survey.

24 (e) CONTRIBUTIONS.—Notwithstanding section 3302
25 of title 31, United States Code, or any other provision of

1 law, the Secretary of Agriculture may accept and use con-
2 tributions of cash or services from the Pueblo, other gov-
3 ernmental entities, or other persons—

4 (1) to perform and complete required cadastral
5 surveys for the Settlement Area Land, the Water
6 System Land, the Northern Tier Land, or the Los
7 Alamos Townsite Land, as described in the Settle-
8 ment Agreement or the Los Alamos Agreement; and

9 (2) to carry out any other project or activity
10 under—

11 (A) this Act;

12 (B) the Settlement Agreement; or

13 (C) the Los Alamos Agreement.

14 **SEC. 9. TRUST STATUS AND NATIONAL FOREST BOUND-**
15 **ARIES.**

16 (a) OPERATION OF LAW.—Without any additional
17 administrative action by the Secretary of Agriculture or
18 the Secretary of the Interior—

19 (1) on recording the quitclaim deed or deeds
20 from the Pueblo to the United States in trust for
21 the Pueblo under section 8(b) in the Land Titles
22 and Records Office, Southwest Region, Bureau of
23 Indian Affairs—

1 (A) the Settlement Area Land shall be
2 held in trust by the United States for the ben-
3 efit of the Pueblo; and

4 (B) the boundaries of the Santa Fe Na-
5 tional Forest shall be deemed to be modified to
6 exclude from the National Forest System the
7 Settlement Area Land; and

8 (2) on recording the quitclaim deed or deeds
9 from the Secretary of Agriculture to the County of
10 the Water System Land in the county land records,
11 the boundaries of the Santa Fe National Forest
12 shall be deemed to be modified to exclude from the
13 National Forest System the Water System Land.

14 (b) FUTURE INTERESTS.—If fee title to the Water
15 System Land vests in the Pueblo by conveyance or oper-
16 ation of law, the Water System Land shall be deemed to
17 be held in trust by the United States for the benefit of
18 the Pueblo, without further administrative procedures or
19 environmental or other analyses.

20 (c) NONINTERCOURSE ACT.—Any land conveyed to
21 the Secretary of the Interior in trust for the Pueblo or
22 any other tribe in accordance with this Act shall be—

23 (1) subject to the Act of June 30, 1834 (25
24 U.S.C. 177); and

25 (2) treated as reservation land.

1 **SEC. 10. INTERIM MANAGEMENT.**

2 Subject to valid existing rights, prior to the convey-
3 ance under section 9, the Secretary of Agriculture, with
4 respect to the Settlement Area Land, the Water System
5 Land, the Northern Tier Land, and the Los Alamos
6 Townsite Land—

7 (1) shall not encumber or dispose of the land by
8 sale, exchange, or special use authorization, in such
9 a manner as to substantially reduce the market
10 value of the land;

11 (2) shall take any action that the Secretary de-
12 termines to be necessary or desirable—

13 (A) to protect the land from fire, disease,
14 or insect infestation; or

15 (B) to protect lives or property; and

16 (3) may, in consultation with the Pueblo or the
17 County, as appropriate, authorize a special use of
18 the Settlement Area Land, not to exceed 1 year in
19 duration.

20 **SEC. 11. WITHDRAWAL.**

21 Subject to valid existing rights, the land referenced
22 in the notices of withdrawal of land in New Mexico (67
23 Fed. Reg. 7193; 68 Fed. Reg. 75628) is withdrawn from
24 all location, entry, and patent under the public land laws
25 and mining and mineral leasing laws of the United States,
26 including geothermal leasing laws.

1 **SEC. 12. CONVEYANCE OF THE NORTHERN TIER LAND.**

2 (a) CONVEYANCE AUTHORIZATION.—

3 (1) IN GENERAL.—Subject to valid existing
4 rights, including reservations in the United States
5 and any right under this section, the Secretary of
6 Agriculture shall sell the Northern Tier Land on
7 such terms and conditions as the Secretary may pre-
8 scribe as being in the public interest and in accord-
9 ance with this section.

10 (2) EFFECT OF PARAGRAPH.—The authoriza-
11 tion under paragraph (1) is solely for the purpose of
12 consolidating Federal and non-Federal land to in-
13 crease management efficiency and is not in settle-
14 ment or compromise of any claim of title by any
15 Pueblo, Indian tribe, or other entity.

16 (b) RIGHTS OF REFUSAL.—

17 (1) PUEBLO OF SANTA CLARA.—

18 (A) IN GENERAL.—In consideration for an
19 easement under subsection (e)(2), the Pueblo of
20 Santa Clara shall have an exclusive option to
21 purchase the Northern Tier Land for the period
22 beginning on the date of enactment of this Act
23 and ending 90 days thereafter.

24 (B) RESOLUTION.—Within the period pre-
25 scribed in subparagraph (A), the Pueblo of
26 Santa Clara may exercise its option to acquire

1 the Northern Tier Land by delivering to the
2 Regional Director of Lands and Minerals, For-
3 est Service, Southwestern Region, Department
4 of Agriculture, a resolution of the Santa Clara
5 Tribal Council expressing the unqualified intent
6 of the Pueblo of Santa Clara to purchase the
7 land at the offered price.

8 (C) FAILURE TO ACT.—If the Pueblo of
9 Santa Clara does not exercise its option to pur-
10 chase the Northern Tier Land within the 90-
11 day period under subparagraph (A), or fails to
12 close on the purchase of such land within 1
13 year of the date on which the option to pur-
14 chase was exercised, the Secretary of Agri-
15 culture shall offer the Northern Tier Land for
16 sale to the Pueblo.

17 (2) OFFER TO PUEBLO.—

18 (A) IN GENERAL.—Not later than 90 days
19 after receiving a written offer from the Sec-
20 retary of Agriculture under paragraph (1)(C),
21 the Pueblo may exercise its option to acquire
22 the Northern Tier Land by delivering to the
23 Regional Director of Lands and Minerals, For-
24 est Service, Southwestern Region, a resolution
25 of the Pueblo Tribal Council expressing the un-

1 qualified intent of the Pueblo to purchase the
2 land at the offered price.

3 (B) FAILURE OF PUEBLO TO ACT.—If the
4 Pueblo fails to exercise its option to purchase
5 the Northern Tier Land within 90 days after
6 receiving an offer from the Secretary of Agri-
7 culture, or fails to close on the purchase of such
8 land within 1 year of the date on which the op-
9 tion to purchase was exercised under subpara-
10 graph (A), the Secretary of Agriculture may sell
11 or exchange the land to any third party in such
12 manner and on such terms and conditions as
13 the Secretary determines to be in the public in-
14 terest, including by a competitive process.

15 (3) EXTENSION OF TIME PERIOD.—The Sec-
16 retary of Agriculture may extend the time period for
17 closing beyond the 1 year prescribed in subsection
18 (b), if the Secretary determines that additional time
19 is required to meet the administrative processing re-
20 quirements of the Federal Government, or for other
21 reasons beyond the control of either party.

22 (c) TERMS AND CONDITIONS OF SALE.—

23 (1) PURCHASE PRICE.—Subject to valid exist-
24 ing rights and reservations, the purchase price for
25 the Northern Tier Land sold to the Pueblo of Santa

1 Clara or the Pueblo under subsection (b) shall be
2 the consideration agreed to by the Pueblo of Santa
3 Clara pursuant to that certain Pueblo of Santa
4 Clara Tribal Council Resolution No. 05–01 “Approv-
5 ing Proposed San Ildefonso Claims Settlement Act
6 of 2005, and Terms for Purchase of Northern Tier
7 Lands” that was signed by Governor J. Bruce
8 Tafoya in January 2005.

9 (2) RESERVED RIGHTS.—On the Northern Tier
10 Land, the United States shall reserve the right to
11 operate, maintain, reconstruct (at standards in exist-
12 ence on the date of the Settlement Agreement), re-
13 place, and use the stream gauge, and to have unre-
14 stricted administrative access over the associated
15 roads to the gauge (as depicted in Appendix B of
16 the Settlement Agreement).

17 (3) CONVEYANCE BY QUITCLAIM DEED.—The
18 conveyance of the Northern Tier Land shall be by
19 quitclaim deed executed on behalf of the United
20 States by the Director of Lands and Minerals, For-
21 est Service, Southwestern Region, Department of
22 Agriculture.

23 (d) TRUST STATUS AND FOREST BOUNDARIES.—

24 (1) ACQUISITION OF LAND BY INDIAN TRIBE.—
25 If the Northern Tier Land is acquired by an Indian

1 tribe (including a Pueblo tribe), the land may be re-
2 conveyed by quitclaim deed or deeds back to the
3 United States to be held in trust by the Secretary
4 of the Interior for the benefit of the tribe, and the
5 Secretary of the Interior shall accept the conveyance
6 without any additional administrative action by the
7 Secretary of Agriculture or the Secretary of the In-
8 terior.

9 (2) LAND HELD IN TRUST.—On recording a
10 quitclaim deed described in paragraph (1) in the
11 Land Titles and Records Office, Southwest Region,
12 Bureau of Indian Affairs, the Northern Tier Land
13 shall be deemed to be held in trust by the United
14 States for the benefit of the Indian tribe.

15 (3) BOUNDARIES OF SANTA FE NATIONAL FOR-
16 EST.—Effective on the date of a deed described in
17 paragraph (1), the boundaries of the Santa Fe Na-
18 tional Forest shall be deemed modified to exclude
19 from the National Forest System the land conveyed
20 by the deed.

21 (e) INHOLDER AND ADMINISTRATIVE ACCESS.—

22 (1) FAILURE OF PUEBLO OF SANTA CLARA TO
23 ACT.—

24 (A) IN GENERAL.—If the Pueblo of Santa
25 Clara does not exercise its option to acquire the

1 Northern Tier Land, the Secretary of Agri-
2 culture or the Secretary of the Interior, as ap-
3 propriate, shall by deed reservations or grants
4 on land under their respective jurisdiction pro-
5 vide for inholder and public access across the
6 Northern Tier Land in order to provide reason-
7 able ingress and egress to private and Federal
8 land as shown in Appendix B of the Settlement
9 Agreement.

10 (B) ADMINISTRATION OF RESERVA-
11 TIONS.—The Secretary of the Interior shall ad-
12 minister any such reservations on land acquired
13 by any Indian tribe.

14 (2) EFFECT OF ACCEPTANCE.—If the Pueblo of
15 Santa Clara exercises its option to acquire all of the
16 Northern Tier Land, the following shall apply:

17 (A) EASEMENTS TO UNITED STATES.—

18 (i) DEFINITION OF ADMINISTRATIVE
19 ACCESS.—In this subparagraph, the term
20 “administrative access” means access to
21 Federal land by Federal employees acting
22 in the course of their official capacities in
23 carrying out activities on Federal land au-
24 thorized by law or regulation, and by
25 agents and contractors of Federal agencies

1 who have been engaged to perform services
2 necessary or desirable for fire management
3 and the health of forest resources, includ-
4 ing the cutting and removal of vegetation,
5 and for the health and safety of persons on
6 the Federal land.

7 (ii) EASEMENTS.—

8 (I) IN GENERAL.—The Pueblo of
9 Santa Clara shall grant and convey at
10 closing perpetual easements over the
11 existing roads to the United States
12 that are acceptable to the Secretary of
13 Agriculture for administrative access
14 over the Santa Clara Reservation
15 Highway 601 (the Puye Road), from
16 its intersection with New Mexico State
17 Highway 30, westerly to its intersec-
18 tion with the Sawyer Canyon Road
19 (also known as Forest Development
20 Road 445), thence southwesterly on
21 the Sawyer Canyon Road to the point
22 at which it exits the Santa Clara Res-
23 ervation.

24 (II) MAINTENANCE OF ROAD-
25 WAY.—An easement under this sub-

1 paragraph shall provide that the
2 United States shall be obligated to
3 contribute to maintenance of the road-
4 way commensurate with actual use.

5 (B) EASEMENTS TO PRIVATE LAND-
6 OWNERS.—Not later than 180 days after the
7 date of enactment of this Act, the Pueblo of
8 Santa Clara, in consultation with private land-
9 owners, shall grant and convey a perpetual
10 easement to the private owners of land within
11 the Northern Tier Land for private access over
12 Santa Clara Reservation Highway 601 (Puye
13 Road) across the Santa Clara Indian Reserva-
14 tion from its intersection with New Mexico
15 State Highway 30, or other designated public
16 road, on Forest Development Roads 416, 445
17 and other roads that may be necessary to pro-
18 vide access to each individually owned private
19 tract.

20 (3) APPROVAL.—The Secretary of the Interior
21 shall approve the conveyance of an easement under
22 paragraph (2) upon receipt of written approval of
23 the terms of the easement by the Secretary of Agri-
24 culture.

1 (4) ADEQUATE ACCESS PROVIDED BY PUEBLO
 2 OF SANTA CLARA.—If adequate administrative and
 3 inholder access is provided over the Santa Clara In-
 4 dian Reservation under paragraph (2), the Secretary
 5 of the Interior—

6 (A) shall vacate the inholder access over
 7 that portion of Forest Development Road 416
 8 referenced in section 7(e)(5); but

9 (B) shall not vacate the reservations over
 10 the Northern Tier Land for administrative ac-
 11 cess under subsection (c)(2).

12 **SEC. 13. INTER-PUEBLO COOPERATION.**

13 (a) DEMARCATION OF BOUNDARY.—The Pueblo of
 14 Santa Clara and the Pueblo may, by agreement, demar-
 15 cate a boundary between their respective tribal land within
 16 Township 20 North, Range 7 East, in Rio Arriba County,
 17 New Mexico, and may exchange or otherwise convey land
 18 between them in that township.

19 (b) ACTION BY SECRETARY OF THE INTERIOR.—In
 20 accordance with any agreement under subsection (a), the
 21 Secretary of the Interior shall, without further administra-
 22 tive procedures or environmental or other analyses—

23 (1) recognize a boundary between the Pueblo of
 24 Santa Clara and the Pueblo;

25 (2) provide for a boundary survey;

1 (3) approve land exchanges and conveyances as
2 agreed upon by the Pueblo of Santa Clara and the
3 Pueblo; and

4 (4) accept conveyances of exchanged lands into
5 trust for the benefit of the grantee tribe.

6 **SEC. 14. DISTRIBUTION OF FUNDS PLAN.**

7 Not later than 2 years after the date of enactment
8 of this Act, the Secretary of the Interior shall act in ac-
9 cordance with the Indian Tribal Judgment Funds Use or
10 Distribution Act (25 U.S.C. 1401 et seq.) with respect to
11 the award entered in the compromise and settlement of
12 claims under the case styled Pueblo of San Ildefonso v.
13 United States, No. 660–87L, United States Court of Fed-
14 eral Claims.

15 **SEC. 15. RULE OF CONSTRUCTION AND JUDICIAL REVIEW.**

16 Notwithstanding any provision of State law, the Set-
17 tlement Agreement and the Los Alamos Agreement (in-
18 cluding any real property conveyance under the agree-
19 ments) shall be interpreted and implemented as matters
20 of Federal law.

21 **SEC. 16. EFFECTIVE DATE.**

22 This Act shall take effect on the date of enactment
23 of this Act.

1 **SEC. 17. TIMING OF ACTIONS.**

2 It is the intent of Congress that the land conveyances
3 and adjustments contemplated in this Act (*except the con-*
4 *veyances and adjustments relating to Los Alamos Townsite*
5 *Land*) shall be completed not later than 180 days after
6 the date of enactment of this Act.

7 **SEC. 18. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated such funds
9 as are necessary to carry out this Act.

Calendar No. 419

109TH CONGRESS
2^D SESSION

S. 1773

[Report No. 109-252]

A BILL

To resolve certain Native American claims in New Mexico, and for other purposes.

MAY 3, 2006

Reported with amendments