

111TH CONGRESS
1ST SESSION

H. R. 993

To establish a Presidential commission to determine and evaluate the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2009

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

A BILL

To establish a Presidential commission to determine and evaluate the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty.

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 AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Guadalupe-Hidalgo Treaty Land Claims Act of 2009”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Definitions and findings.
- Sec. 3. Establishment and membership of Commission.
- Sec. 4. Examination of land claims.
- Sec. 5. Assistance for Commission.
- Sec. 6. Miscellaneous powers of Commission.
- Sec. 7. Report.
- Sec. 8. Termination.
- Sec. 9. Authorization of appropriations.

1 **SEC. 2. DEFINITIONS AND FINDINGS.**

2 (a) DEFINITIONS.—For purposes of this Act:

3 (1) COMMISSION.—The term “Commission”
4 means the Guadalupe-Hidalgo Treaty Land Claims
5 Commission established under section 3.

6 (2) TREATY OF GUADALUPE-HIDALGO.—The
7 term “Treaty of Guadalupe-Hidalgo” means the
8 Treaty of Peace, Friendship, Limits, and Settlement
9 (Treaty of Guadalupe Hidalgo), between the United
10 States and the Republic of Mexico, signed February
11 2, 1848 (TS 207; 9 Bevans 791).

12 (3) ELIGIBLE DESCENDANT.—The term “eligi-
13 ble descendant” means a descendant of a person
14 who—

15 (A) was a Mexican citizen before the Trea-
16 ty of Guadalupe-Hidalgo;

17 (B) was a member of a community land
18 grant; and

19 (C) became a United States citizen within
20 ten years after the effective date of the Treaty

1 of Guadalupe-Hidalgo, May 30, 1848, pursuant
2 to the terms of the Treaty.

3 (4) COMMUNITY LAND GRANT.—The term
4 “community land grant” means a village, town, set-
5 tlement, or pueblo consisting of land held in common
6 (accompanied by lesser private allotments) by three
7 or more families under a grant from the King of
8 Spain (or his representative) before the effective
9 date of the Treaty of Cordova, August 24, 1821, or
10 from the authorities of the Republic of Mexico before
11 May 30, 1848, in what became part of the United
12 States, regardless of the original character of the
13 grant.

14 (5) RECONSTITUTED.—The term “reconsti-
15 tuted”, with regard to a valid community land grant,
16 means restoration to full status as a municipality
17 with rights properly belonging to a municipality
18 under State law and the right of local self-govern-
19 ment.

20 (b) FINDINGS.—Congress finds the following:

21 (1) The western and southwestern portion of
22 the United States has a unique history regarding the
23 acquisition of ownership of land as a result of the
24 substantial number of Spanish and Mexican land
25 grants that were an integral part of the colonization

1 and growth of the region before the United States
2 acquired the region in the Treaty of Guadalupe-Hi-
3 dalgo.

4 (2) Various provisions of the Treaty of Guada-
5 lupe-Hidalgo have not yet been fully implemented in
6 the spirit of article VI, section 2, of the Constitution
7 of the United States.

8 (3) Serious questions regarding the prior own-
9 ership of lands in several western and southwestern
10 States, particularly certain public lands, still exist.

11 (4) Congressionally established land claim com-
12 missions have been used in the past to successfully
13 examine disputed land possession questions.

14 **SEC. 3. ESTABLISHMENT AND MEMBERSHIP OF COMMIS-**
15 **SION.**

16 (a) **ESTABLISHMENT.**—There is established a com-
17 mission to be known as the “Guadalupe-Hidalgo Treaty
18 Land Claims Commission”.

19 (b) **NUMBER AND APPOINTMENT OF MEMBERS.**—
20 The Commission shall be composed of seven members ap-
21 pointed by the President by and with the advice and con-
22 sent of the Senate. At least three of the members of the
23 Commission shall be selected from among persons who are
24 eligible descendants, including one of whom is a member
25 of an Indian tribe.

1 (c) TERMS.—Each member shall be appointed for the
2 life of the Commission. A vacancy in the Commission shall
3 be filled in the manner in which the original appointment
4 was made.

5 (d) COMPENSATION.—Members shall each be entitled
6 to receive the daily equivalent of level V of the Executive
7 Schedule for each day (including travel time) during which
8 they are engaged in the actual performance of duties vest-
9 ed in the Commission.

10 **SEC. 4. EXAMINATION OF LAND CLAIMS.**

11 (a) SUBMISSION OF LAND CLAIMS PETITIONS.—Any
12 three (or more) eligible descendants who are also descend-
13 ants of the same community land grant may file with the
14 Commission a petition on behalf of themselves and all
15 other descendants of that community land grant seeking
16 a determination of the validity of the land claim that is
17 the basis for the petition.

18 (b) DEADLINE FOR SUBMISSION.—To be considered
19 by the Commission, a petition under subsection (a) must
20 be received by the Commission not later than five years
21 after the date of the enactment of this Act.

22 (c) ELEMENTS OF PETITION.—A petition under sub-
23 section (a) shall be made under oath and shall contain
24 the following:

1 (1) The names and addresses of the eligible de-
2 scendants who are petitioners.

3 (2) The fact that the land involved in the peti-
4 tion was a community land grant at the time of the
5 effective date of the Guadalupe-Hidalgo Treaty.

6 (3) The extent of the community land grant, to
7 the best of the knowledge of the petitioners, accom-
8 panied with a survey or, if a survey is not feasible
9 to them, a sketch map thereof.

10 (4) The fact that the petitioners reside, or in-
11 tend to settle upon, the community land grant.

12 (5) All facts known to petitioners concerning
13 the community land grant, together with copies of
14 all papers in regard thereto available to petitioners.

15 (d) PETITION HEARING.—At one or more locations
16 designated by the Commission, the Commission shall hold
17 a hearing upon each petition timely submitted under sub-
18 section (a), at which hearing all persons having an interest
19 in the land involved in the petition shall have the right,
20 upon notice, to appear as a party.

21 (e) SUBPOENA POWER.—

22 (1) IN GENERAL.—The Commission may issue
23 subpoenas requiring the attendance and testimony of
24 witnesses and the production of any evidence relat-
25 ing to any petition submitted under subsection (a).

1 (2) FAILURE TO OBEY A SUBPOENA.—If a per-
2 son refuses to obey a subpoena issued under para-
3 graph (1), the Commission may apply to a United
4 States district court for an order requiring that per-
5 son to appear before the Commission to give testi-
6 mony, produce evidence, or both, relating to the
7 matter under investigation. The application may be
8 made within the judicial district where the hearing
9 is conducted or where that person is found, resides,
10 or transacts business. Any failure to obey the order
11 of the court may be punished by the court as civil
12 contempt.

13 (3) SERVICE OF SUBPOENAS.—The subpoenas
14 of the Commission shall be served in the manner
15 provided for subpoenas issued by a United States
16 district court under the Federal Rules of Civil Pro-
17 cedure for the United States district courts.

18 (4) SERVICE OF PROCESS.—All process of any
19 court to which application is to be made under para-
20 graph (2) may be served in the judicial district in
21 which the person required to be served resides or
22 may be found.

23 (f) DECISION.—

24 (1) IN GENERAL.—On the basis of the facts
25 contained in a petition submitted under subsection

1 (a), the hearing held with regard to the petition, and
2 such other information as the Commission considers
3 appropriate, the Commission shall determine the va-
4 lidity of the community land grant described in the
5 petition.

6 (2) RECOMMENDED RELIEF.—In the case of a
7 petition determined to be valid, the decision of the
8 Commission under paragraph (1) shall include the
9 Commission’s recommendations regarding the appro-
10 priate relief that should be provided to the peti-
11 tioner, including whether the community land grant
12 should be reconstituted and its lands restored.

13 (g) PROTECTION OF NON-FEDERAL PROPERTY.—
14 The decision of the Commission regarding the validity of
15 a petition submitted under subsection (a) shall not affect
16 the ownership, title, or rights of owners of any non-Fed-
17 eral lands covered by the petition. Any recommendation
18 of the Commission under subsection (f) regarding whether
19 a community land grant should be reconstituted and its
20 lands restored may not address non-Federal lands. In the
21 case of a valid petition covering lands held in non-Federal
22 ownership, the Commission shall modify any recommenda-
23 tion for reconstitution of the community land grant to rec-
24 ommend the substitution of comparable Federal lands in

1 the same State as the State in which the non-Federal
2 lands are located.

3 **SEC. 5. ASSISTANCE FOR COMMISSION.**

4 (a) **COMMUNITY LAND GRANT STUDY CENTER.**—To
5 assist the Commission in the performance of its activities
6 under section 4, the Commission shall establish a Commu-
7 nity Land Grant Study Center at the Onate Center in Al-
8 calde, New Mexico. The Commission shall be charged with
9 the responsibility of directing the research, study, and in-
10 vestigations necessary for the Commission to perform its
11 duties under this Act.

12 (b) **COMPTROLLER GENERAL ASSISTANCE.**—At the
13 request of the Commission, the Comptroller General may
14 make available personnel, equipment, and facilities of the
15 Government Accountability Office to assist the Commis-
16 sion in performing its activities under section 4. The Com-
17 mission may review reports previously prepared by the
18 Government Accountability Office regarding community
19 land grants and request an interview with the authors of
20 the reports.

21 **SEC. 6. MISCELLANEOUS POWERS OF COMMISSION.**

22 (a) **HEARINGS AND SESSIONS.**—The Commission
23 may, for the purpose of carrying out this Act, hold hear-
24 ings, sit and act at times and places, take testimony, and
25 receive evidence as the Commission considers appropriate.

1 The Commission may administer oaths or affirmations to
2 witnesses appearing before it.

3 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
4 ber or agent of the Commission may, if authorized by the
5 Commission, take any action which the Commission is au-
6 thorized to take by this section.

7 (c) GIFTS, BEQUESTS, AND DEVISES.—The Commis-
8 sion may accept, use, and dispose of gifts, bequests, or
9 devises of services or property, both real and personal, for
10 the purpose of aiding or facilitating the work of the Com-
11 mission.

12 (d) MAILS.—The Commission may use the United
13 States mails in the same manner and under the same con-
14 ditions as other departments and agencies of the United
15 States.

16 (e) ADMINISTRATIVE SUPPORT SERVICES.—Upon
17 the request of the Commission, the Administrator of Gen-
18 eral Services shall provide to the Commission, on a reim-
19 bursable basis, the administrative support services nec-
20 essary for the Commission to carry out its responsibilities
21 under this Act.

22 (f) IMMUNITY.—The Commission is an agency of the
23 United States for the purpose of part V of title 18, United
24 States Code (relating to immunity of witnesses).

1 **SEC. 7. REPORT.**

2 As soon as practicable after reaching its last decision
3 under section 4, the Commission shall submit to the Presi-
4 dent and the Congress a report containing each decision,
5 including the recommendation of the Commission regard-
6 ing whether certain community land grants should be re-
7 constituted or other relief provided to eligible descendants,
8 so that the Congress may act upon the recommendations.

9 **SEC. 8. TERMINATION.**

10 The Commission shall terminate on the date that is
11 180 days after the date such Commission submits its final
12 report under section 7.

13 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

14 There is authorized to be appropriated \$1,900,000
15 for each of the fiscal years 2010 through 2016 for the
16 purpose of carrying out the activities of the Commission
17 and to establish and operate the Community Land Grant
18 Study Center under section 5.

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