

106TH CONGRESS
1ST SESSION

H. R. 505

To establish a Presidential commission to determine 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 2, 1999

Mr. UDALL of New Mexico introduced the following bill; which was referred to the Committee on Resources

A BILL

To establish a Presidential commission to determine 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Guadalupe-Hidalgo Treaty Land Claims Act of 1999”.

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

Sec. 1. Short title; table of contents.
 Sec. 2. Definitions and findings.
 Sec. 3. Establishment and membership of Commission.
 Sec. 4. Examination of land claims.
 Sec. 5. Community Land Grant Study Center.
 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 the State of New
12 Mexico, 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) New Mexico has a unique history regarding
22 the acquisition of ownership of land as a result of
23 the substantial number of Spanish and Mexican land
24 grants that were an integral part of the colonization
25 and growth of New Mexico before the United States

1 acquired the area in the Treaty of Guadalupe-Hi-
2 dalgo.

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

7 (3) Serious questions regarding the prior own-
8 ership of lands in the State of New Mexico, particu-
9 larly certain public lands, still exist.

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

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

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

18 (b) NUMBER AND APPOINTMENT OF MEMBERS.—
19 The Commission shall be composed of five members ap-
20 pointed by the President by and with the advice and con-
21 sent of the Senate. At least two of the members of the
22 Commission shall be selected from among persons who are
23 eligible descendants.

24 (c) TERMS.—Each member shall be appointed for the
25 life of the Commission. A vacancy in the Commission shall

1 be filled in the manner in which the original appointment
2 was made.

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

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

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

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

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

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

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

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

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

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

13 (d) PETITION HEARING.—At one or more designated
14 locations in the State of New Mexico, the Commission
15 shall hold a hearing upon each petition timely submitted
16 under subsection (a), at which hearing all persons having
17 an interest in the land involved in the petition shall have
18 the right, upon notice, to appear as a party.

19 (e) SUBPOENA POWER.—

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

1 United States at any designated place of hearing
2 within the State of New Mexico.

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

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

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

1 (f) DECISION.—On the basis of the facts contained
2 in a petition submitted under subsection (a), and the hear-
3 ing held with regard to the petition, the Commission shall
4 determine the validity of the community land grant de-
5 scribed in the petition. The decision shall include a rec-
6 ommendation of the Commission regarding whether the
7 community land grant should be reconstituted and its
8 lands restored.

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

22 **SEC. 5. COMMUNITY LAND GRANT STUDY CENTER.**

23 To assist the Commission in the performance of its
24 activities under section 4, the Commission shall establish
25 a Community Land Grant Study Center at the Onate Cen-

1 ter in Alcalde, New Mexico. The Commission shall be
2 charged with the responsibility of directing the research,
3 study, and investigations necessary for the Commission to
4 perform its duties under this Act.

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

6 (a) **HEARINGS AND SESSIONS.**—The Commission
7 may, for the purpose of carrying out this Act, hold hear-
8 ings, sit and act at times and places, take testimony, and
9 receive evidence as the Commission considers appropriate.
10 The Commission may administer oaths or affirmations to
11 witnesses appearing before it.

12 (b) **POWERS OF MEMBERS AND AGENTS.**—Any mem-
13 ber or agent of the Commission may, if authorized by the
14 Commission, take any action which the Commission is au-
15 thorized to take by this section.

16 (c) **GIFTS, BEQUESTS, AND DEVISES.**—The Commis-
17 sion may accept, use, and dispose of gifts, bequests, or
18 devises of services or property, both real and personal, for
19 the purpose of aiding or facilitating the work of the Com-
20 mission.

21 (d) **MAILS.**—The Commission may use the United
22 States mails in the same manner and under the same con-
23 ditions as other departments and agencies of the United
24 States.

1 (e) ADMINISTRATIVE SUPPORT SERVICES.—Upon
2 the request of the Commission, the Administrator of Gen-
3 eral Services shall provide to the Commission, on a reim-
4 bursable basis, the administrative support services nec-
5 essary for the Commission to carry out its responsibilities
6 under this Act.

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

10 **SEC. 7. REPORT.**

11 As soon as practicable after reaching its last decision
12 under section 4, the Commission shall submit to the Presi-
13 dent and the Congress a report containing each decision,
14 including the recommendation of the Commission regard-
15 ing whether certain community land grants should be re-
16 constituted, so that the Congress may act upon the rec-
17 ommendations.

18 **SEC. 8. TERMINATION.**

19 The Commission shall terminate on 180 days after
20 submitting its final report under section 7.

21 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

22 There is authorized to be appropriated \$1,000,000
23 for each of the fiscal years 2000 through 2008 for the
24 purpose of carrying out the activities of the Commission

- 1 and to establish and operate the Community Land Grant
- 2 Study Center under section 5.

