

106TH CONGRESS
2D SESSION

S. 2022

To provide for the development of remedies to resolve unmet community
land grant claims in New Mexico.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2000

Mr. BINGAMAN (for himself and Mr. DOMENICI) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

A BILL

To provide for the development of remedies to resolve unmet
community land grant claims in New Mexico.

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 “New Mexico Commu-
5 nity Land Grant Reivew Act”.

6 **SEC. 2. PURPOSE, DEFINITIONS, AND FINDINGS.**

7 (a) PURPOSE.—The purpose of this Act is to provide
8 for the development of potential remedies to resolve unmet
9 obligations by the United States with regard to community

1 land grant claims in New Mexico under the Treaty of Gua-
 2 dalupe-Hidalgo.

3 (b) DEFINITIONS.—As used in this Act:

4 (1) TREATY OF GUADALUPE-HIDALGO.—The
 5 term “Treaty of Guadalupe-Hidalgo” means the
 6 Treaty of Peace, Friendship, Limits, and Settlement
 7 (Treaty of Guadalupe Hidalgo), between the United
 8 States and the Republic of Mexico, signed February
 9 2, 1848, with the amending Protocol of Queretaro
 10 signed May 26, 1848; entered into force on May 30,
 11 1948 (TS 207; 9 Bevens 791).

12 (2) COMMUNITY LAND GRANT.—The term
 13 “community land grant” means a village, town, set-
 14 tlement, or pueblo consisting of land held in common
 15 (accompanied by lesser private allotments) by three
 16 or more families under a grant from the King of
 17 Spain (or his representative) before the effective
 18 date of the Treaty of Cordova, August 24, 1821, or
 19 from the authorities of the Republic of Mexico before
 20 May 30, 1848, in what became the State of New
 21 Mexico, regardless of the original character of the
 22 grant.

23 (3) LAND GRANT CLAIM.—The term “land
 24 grant claim” means a claim to land owned by a com-
 25 munity land grant.

1 (4) GAO.—The term “GAO” means the United
2 States General Accounting Office.

3 (c) FINDINGS.—The Congress finds:

4 (1) New Mexico has a unique and complex his-
5 tory regarding land ownership due to the substantial
6 number of land grants awarded by the King of
7 Spain and the Republic of Mexico as an integral
8 part of the colonization of New Mexico prior to the
9 takeover of the area by the United States under the
10 Treaty of Guadalupe-Hidalgo.

11 (2) Under the Treaty of Guadalupe-Hidalgo,
12 the United States agreed to respect valid land
13 grants claims.

14 (3) Several studies, including the New Mexico
15 Land Grant Series published by the University of
16 New Mexico, have called into question whether the
17 United States has fulfilled its obligations under the
18 Treaty. There continue to be claims that citizens of
19 the United States were illegally deprived of the prop-
20 erty rights protected by the Treaty of Guadalupe-Hi-
21 dalgo through the actions of the Office of the Sur-
22 veyor General established in 1854, the Court of Pri-
23 vate Land Claims established in 1891, and the Ter-
24 ritory of New Mexico.

1 (4) There was a remarkable difference in out-
2 comes between the land claims adjudications in the
3 State of California, where approximately 73 percent
4 of the claimed acreage was confirmed, and the
5 former Territory of New Mexico, where only 24 per-
6 cent of the claimed acreage was confirmed. This dif-
7 ference in outcomes raises serious questions as to
8 whether adjudications in New Mexico were equitably
9 and fairly administered.

10 (5) Following the United States war with Mex-
11 ico and for much of this century, the economy of
12 New Mexico was dependent on land resources. When
13 the land grant claimants lost title to their land, the
14 predominantly Hispanic communities in New Mexico
15 lost a keystone to their economy, and the effects of
16 this loss had long lasting economic consequences for
17 these communities.

18 (6) Whether the United States failed to meet
19 its obligations under the Treaty of Guadalupe-Hi-
20 dalgo has been a source of continuing controversy
21 and has left a lingering sense of injustice in some
22 communities in New Mexico over the last one-hun-
23 dred and fifty years.

24 (7) This issue, which regards the integrity of
25 the United States with regards to its international

1 commitments and its commitments to its citizenry,
2 must be resolved.

3 (8) The GAO has been requested to review how
4 the United States implemented the provisions of the
5 Treaty of Guadalupe-Hidalgo which pertain to the
6 protection of community land grant claims New
7 Mexico, and to provide a report to the Congress and
8 the President by December 31, 2002, which includes
9 an assessment of whether the procedures established
10 by the United States to implement the treaty appear
11 to have been adequate, and whether the community
12 land grants claims appear to have been equitably ad-
13 judicated.

14 **SEC. 3. DEVELOPMENT OF REMEDY RECOMMENDATIONS**
15 **AND PRESIDENTIAL PROPOSAL.**

16 If the GAO concludes, in the report to Congress and
17 the President described in section (2)(c)(8) of this Act,
18 that the obligations of the United States under the Treaty
19 of Guadalupe-Hidalgo regarding the protection of the com-
20 munity land grant rights do not appear to have been met,
21 the Department of Justice shall prepare for the President
22 a list of alternative methods to remedy the problem. The
23 President shall then submit to Congress recommendations
24 to resolve these claims within six months of the submission

1 of the GAO report. In no event shall these recommenda-
2 tions include the divestiture of private property rights.

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