

107TH CONGRESS  
1ST SESSION

# H. R. 1823

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.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2001

Mr. UDALL of New Mexico (for himself, Mr. REYES, Ms. SOLIS, Mr. BACA, Ms. SANCHEZ, Mr. GONZALEZ, Mr. MENENDEZ, Mr. ACEVEDO-VILÁ, Mr. HINOJOSA, Mr. PASTOR, Mrs. NAPOLITANO, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Ms. VELÁZQUEZ, and Mr. UNDERWOOD) introduced the following bill; which was referred to the Committee on Resources

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## 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; TABLE OF CONTENTS.**
- 4        (a) SHORT TITLE.—This Act may be cited as the
- 5        “Guadalupe-Hidalgo Treaty Land Claims Act of 2001”.

1 (b) TABLE OF CONTENTS.—The table of contents of  
2 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. Assistance for Commission.
- Sec. 6. Miscellaneous powers of Commission.
- Sec. 7. Report.
- Sec. 8. Termination.
- Sec. 9. Authorization of appropriations.

### 3 SEC. 2. DEFINITIONS AND FINDINGS.

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

(C) became a United States citizen within ten years after the effective date of the Treaty of Guadalupe-Hidalgo, May 30, 1848, pursuant to the terms of the Treaty.

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

23 (1) The western and southwestern portion of  
24 the United States has a unique history regarding the  
25 acquisition of ownership of land as a result of the

1       substantial number of Spanish and Mexican land  
2       grants that were an integral part of the colonization  
3       and growth of the region before the United States  
4       acquired the region in the Treaty of Guadalupe-Hi-  
5       dalgo.

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

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

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

16 **SEC. 3. ESTABLISHMENT AND MEMBERSHIP OF COMMISSION.**

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

21              (b) NUMBER AND APPOINTMENT OF MEMBERS.—  
22       The Commission shall be composed of seven members ap-  
23       pointed by the President by and with the advice and con-  
24       sent of the Senate. At least three of the members of the  
25       Commission shall be selected from among persons who are

1 eligible descendants, including one of whom is a member  
2 of an Indian tribe.

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

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

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

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

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

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

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

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

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

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

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

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

24       (e) SUBPOENA POWER.—

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

1       which the person required to be served resides or  
2       may be found.

3       (f) DECISION.—

4               (1) IN GENERAL.—On the basis of the facts  
5       contained in a petition submitted under subsection  
6       (a), the hearing held with regard to the petition, and  
7       such other information as the Commission considers  
8       appropriate, the Commission shall determine the va-  
9       lidity of the community land grant described in the  
10      petition.

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

18       (g) PROTECTION OF NON-FEDERAL PROPERTY.—

19      The decision of the Commission regarding the validity of  
20      a petition submitted under subsection (a) shall not affect  
21      the ownership, title, or rights of owners of any non-Fed-  
22      eral lands covered by the petition. Any recommendation  
23      of the Commission under subsection (f) regarding whether  
24      a community land grant should be reconstituted and its  
25      lands restored may not address non-Federal lands. In the

1 case of a valid petition covering lands held in non-Federal  
2 ownership, the Commission shall modify any recommenda-  
3 tion for reconstitution of the community land grant to rec-  
4 ommend the substitution of comparable Federal lands in  
5 the same State as the State in which the non-federal lands  
6 are located.

7 **SEC. 5. ASSISTANCE FOR COMMISSION.**

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

16 (b) COMPTROLLER GENERAL ASSISTANCE.—At the  
17 request of the Commission, the Comptroller General may  
18 make available personnel, equipment, and facilities of the  
19 General Accounting Office to assist the Commission in  
20 performing its activities under section 4. The Commission  
21 may review reports previously prepared by the General Ac-  
22 counting Office regarding community land grants and re-  
23 quest an interview with the authors of the reports.

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

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

6 The Commission may administer oaths or affirmations to  
7 witnesses appearing before it.

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

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

17 (d) MAI LS.—The Commission may use the United  
18 States mails in the same manner and under the same con-  
19 ditions as other departments and agencies of the United  
20 States.

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

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

4 **SEC. 7. REPORT.**

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

12 **SEC. 8. TERMINATION.**

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

15 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

16       There is authorized to be appropriated \$1,900,000  
17 for each of the fiscal years 2002 through 2008 for the  
18 purpose of carrying out the activities of the Commission  
19 and to establish and operate the Community Land Grant  
20 Study Center under section 5.

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