An Act

Public Law 106–425
106th Congress

Nov. 1, 2000
[S. 2917]

To settle the land claims of the Pueblo of Santo Domingo.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Santo Domingo Pueblo Claims Settlement Act of 2000.
Native Americans.
New Mexico.
25 USC 1777 note.
25 USC 1777.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Santo Domingo Pueblo Claims Settlement Act of 2000".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) For many years the Pueblo of Santo Domingo has been asserting claims to lands within its aboriginal use area in north central New Mexico. These claims have been the subject of many lawsuits, and a number of these claims remain unresolved.

(2) In December 1927, the Pueblo Lands Board, acting pursuant to the Pueblo Lands Act of 1924 (43 Stat. 636) confirmed a survey of the boundaries of the Pueblo of Santo Domingo Grant. However, at the same time the Board purported to extinguish Indian title to approximately 27,000 acres of lands within those grant boundaries which lay within 3 other overlapping Spanish land grants. The United States Court of Appeals in United States v. Thompson (941 F.2d 1074 (10th Cir. 1991), cert. denied 503 U.S. 984 (1992)), held that the Board "ignored an express congressional directive" in section 14 of the Pueblo Lands Act, which "contemplated that the Pueblo would retain title to and possession of all overlap land".

(3) The Pueblo of Santo Domingo has asserted a claim to another 25,000 acres of land based on the Pueblo's purchase in 1748 of the Diego Gallegos Grant. The Pueblo possesses the original deed reflecting the purchase under Spanish law but, after the United States assumed sovereignty over New Mexico, no action was taken to confirm the Pueblo's title to these lands. Later, many of these lands were treated as public domain, and are held today by Federal agencies, the State Land Commission, other Indian tribes, and private parties. The Pueblo's lawsuit asserting this claim, Pueblo of Santo Domingo v. Rael (Civil No. 83–1888 (D.N.M.)), is still pending.

(4) The Pueblo of Santo Domingo's claims against the United States in docket No. 355 under the Act of August 13, 1946 (60 Stat. 1049; commonly referred to as the Indian Claims Commission Act) have been pending since 1951. These claims include allegations of the Federal misappropriation and

mismanagement of the Pueblo's aboriginal and Spanish grant lands.

(5) Litigation to resolve the land and trespass claims of the Pueblo of Santo Domingo would take many years, and the outcome of such litigation is unclear. The pendency of these claims has clouded private land titles and has created difficulties in the management of public lands within the claim area.

(6) The United States and the Pueblo of Santo Domingo have negotiated a settlement to resolve all existing land claims, including the claims described in paragraphs (2) through (4).

(b) PURPOSE.—It is the purpose of this Act—

(1) to remove the cloud on titles to land in the State of New Mexico resulting from the claims of the Pueblo of Santo Domingo, and to settle all of the Pueblo's claims against the United States and third parties, and the land, boundary, and trespass claims of the Pueblo in a fair, equitable, and final manner;

(2) to provide for the restoration of certain lands to the Pueblo of Santo Domingo and to confirm the Pueblo's boundaries;

(3) to clarify governmental jurisdiction over the lands within the Pueblo's land claim area; and

(4) to ratify a Settlement Agreement between the United States and the Pueblo which includes—

(A) the Pueblo's agreement to relinquish and compromise its land and trespass claims;

(B) the provision of $8,000,000 to compensate the Pueblo for the claims it has pursued pursuant to the Act of August 13, 1946 (60 Stat. 1049; commonly referred to as the Indian Claims Commission Act);

(C) the transfer of approximately 4,577 acres of public land to the Pueblo;

(D) the sale of approximately 7,355 acres of national forest lands to the Pueblo; and

(E) the authorization of the appropriation of $15,000,000 over 3 consecutive years which would be deposited in a Santo Domingo Lands Claims Settlement Fund for expenditure by the Pueblo for land acquisition and other enumerated tribal purposes.

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to effectuate an extinguishment of, or to otherwise impair, the Pueblo's title to or interest in lands or water rights as described in section 5(a)(2).

SEC. 3. DEFINITIONS. 25 USC 1777a.

In this Act:

(1) FEDERALLY ADMINISTERED LANDS.—The term "federally administered lands" means lands, waters, or interests therein, administered by Federal agencies, except for the lands, waters, or interests therein that are owned by, or for the benefit of, Indian tribes or individual Indians.

(2) FUND.—The term "Fund" means the Pueblo of Santo Domingo Land Claims Settlement Fund established under section 5(b)(1).

(3) PUEBLO.—The term "Pueblo" means the Pueblo of Santo Domingo.

(4) SANTO DOMINGO PUEBLO GRANT.—The term "Santo Domingo Pueblo Grant" means all of the lands within the 1907 Hall-Joy Survey, as confirmed by the Pueblo Lands Board in 1927.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior unless expressly stated otherwise.

(6) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means the Settlement Agreement dated May 26, 2000, between the Departments of the Interior, Agriculture, and Justice and the Pueblo of Santo Domingo to Resolve All of the Pueblo's Land Title and Trespass Claims.

25 USC 1777b.

SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT.

The Settlement Agreement is hereby approved and ratified.

25 USC 1777c.

SEC. 5. RESOLUTION OF DISPUTES AND CLAIMS.

(a) RELINQUISHMENT, EXTINGUISHMENT, AND COMPROMISE OF SANTO DOMINGO CLAIMS.—

(1) EXTINGUISHMENT.—

(A) IN GENERAL.—Subject to paragraph (2), in consideration of the benefits provided under this Act, and in accordance with the Settlement Agreement pursuant to which the Pueblo has agreed to relinquish and compromise certain claims, the Pueblo's land and trespass claims described in subparagraph (B) are hereby extinguished, effective as of the date specified in paragraph (5).

(B) CLAIMS.—The claims described in this subparagraph are the following:

(i) With respect to the Pueblo's claims against the United States, its agencies, officers, and instrumentalities, all claims to land, whether based on aboriginal or recognized title, and all claims for damages or other judicial relief or for administrative remedies pertaining in any way to the Pueblo's land, such as boundary, trespass, and mismanagement claims, including any claim related to—

(I) any federally administered lands, including National Forest System lands designated in the Settlement Agreement for possible sale or exchange to the Pueblo;

(II) any lands owned or held for the benefit of any Indian tribe other than the Pueblo; and

(III) all claims which were, or could have been brought against the United States in docket No. 355, pending in the United States Court of Federal Claims.

(ii) With respect to the Pueblo's claims against persons, the State of New Mexico and its subdivisions, and Indian tribes other than the Pueblo, all claims to land, whether based on aboriginal or recognized title, and all claims for damages or other judicial relief or for administrative remedies pertaining in any way to the Pueblo's land, such as boundary and trespass claims.

(iii) All claims listed on pages 13894–13895 of volume 48 of the Federal Register, published on March 31, 1983, except for claims numbered 002 and 004.

(2) RULE OF CONSTRUCTION.—Nothing in this Act (including paragraph (1)) shall be construed—

(A) to in any way effectuate an extinguishment of or otherwise impair—

(i) the Pueblo's title to lands acquired by or for the benefit of the Pueblo since December 28, 1927, or in a tract of land of approximately 150.14 acres known as the "sliver area" and described on a plat which is appendix H to the Settlement Agreement;

(ii) the Pueblo's title to land within the Santo Domingo Pueblo Grant which the Pueblo Lands Board found not to have been extinguished; or

(iii) the Pueblo's water rights appurtenant to the lands described in clauses (i) and (ii); and

(B) to expand, reduce, or otherwise impair any rights which the Pueblo or its members may have under existing Federal statutes concerning religious and cultural access to and uses of the public lands.

(3) CONFIRMATION OF DETERMINATION.—The Pueblo Lands Board's determination on page 1 of its Report of December 28, 1927, that Santo Domingo Pueblo title, derived from the Santo Domingo Pueblo Grant to the lands overlapped by the La Majada, Sitio de Juana Lopez and Mesita de Juana Lopez Grants has been extinguished is hereby confirmed as of the date of that Report.

(4) TRANSFERS PRIOR TO ENACTMENT.—

(A) IN GENERAL.—In accordance with the Settlement Agreement, any transfer of land or natural resources, prior to the date of enactment of this Act, located anywhere within the United States from, by, or on behalf of the Pueblo, or any of the Pueblo's members, shall be deemed to have been made in accordance with the Act of June 30, 1834 (4 Stat. 729; commonly referred to as the Trade and Intercourse Act), section 17 of the Act of June 7, 1924 (43 Stat. 641; commonly referred to as the Pueblo Lands Act), and any other provision of Federal law that specifically applies to transfers of land or natural resources from, by, or on behalf of an Indian tribe, and such transfers shall be deemed to be ratified effective as of the date of the transfer.

(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to affect or eliminate the personal claim of any individual Indian which is pursued under any law of general applicability that protects non-Indians as well as Indians.

(5) EFFECTIVE DATE.—The provisions of paragraphs (1), (3), and (4) shall take effect upon the entry of a compromise final judgment, in a form and manner acceptable to the Attorney General, in the amount of $8,000,000 in the case of Pueblo of Santo Domingo v. United States (Indian Claims Commission docket No. 355). The judgment so entered shall be paid from funds appropriated pursuant to section 1304 of title 31, United States Code.

(b) TRUST FUNDS; AUTHORIZATION OF APPROPRIATIONS.—

(1) ESTABLISHMENT.—There is hereby established in the Treasury a trust fund to be known as the "Pueblo of Santo

Domingo Land Claims Settlement Fund". Funds deposited in the Fund shall be subject to the following conditions:

(A) The Fund shall be maintained and invested by the Secretary of the Interior pursuant to the Act of June 24, 1938 (25 U.S.C. 162a).

(B) Subject to the provisions of paragraph (3), monies deposited into the Fund may be expended by the Pueblo to acquire lands within the exterior boundaries of the exclusive aboriginal occupancy area of the Pueblo, as described in the Findings of Fact of the Indian Claims Commission, dated May 9, 1973, and for use for education, economic development, youth and elderly programs, or for other tribal purposes in accordance with plans and budgets developed and approved by the Tribal Council of the Pueblo and approved by the Secretary.

(C) If the Pueblo withdraws monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any oversight over or liability for the accounting, disbursement, or investment of such withdrawn monies.

(D) No portion of the monies described in subparagraph (C) may be paid to Pueblo members on a per capita basis.

(E) The acquisition of lands with monies from the Fund shall be on a willing-seller, willing-buyer basis, and no eminent domain authority may be exercised for purposes of acquiring lands for the benefit of the Pueblo pursuant to this Act.

(F) The provisions of Public Law 93–134, governing the distribution of Indian claims judgment funds, and the plan approval requirements of section 203 of Public Law 103–412 shall not be applicable to the Fund.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000,000 for deposit into the Fund, in accordance with the following schedule:

(A) $5,000,000 to be deposited in the fiscal year which commences on October 1, 2001.

(B) $5,000,000 to be deposited in the next fiscal year.

(C) The balance of the funds to be deposited in the third consecutive fiscal year.

(3) LIMITATION ON DISBURSAL.—Amounts authorized to be appropriated to the Fund under paragraph (2) shall not be disbursed until the following conditions are met:

(A) The case of Pueblo of Santo Domingo v. Rael (No. CIV–83–1888) in the United States District Court for the District of New Mexico, has been dismissed with prejudice.

(B) A compromise final judgment in the amount of $8,000,000 in the case of Pueblo of Santo Domingo v. United States (Indian Claims Commission docket No. 355) in a form and manner acceptable to the Attorney General, has been entered in the United States Court of Federal Claims in accordance with subsection (a)(5).

(4) DEPOSITS.—Funds awarded to the Pueblo consistent with subsection (c)(2) in docket No. 355 of the Indian Claims Commission shall be deposited into the Fund.

(c) ACTIVITIES UPON COMPROMISE.—On the date of the entry of the final compromise judgment in the case of Pueblo of Santo Domingo v. United States (Indian Claims Commission docket No.

355) in the United States Court of Federal Claims, and the dismissal with prejudice of the case of Pueblo of Santo Domingo v. Rael (No. CIV–83–1888) in the United States District Court for the District of New Mexico, whichever occurs later—

(1) the public lands administered by the Bureau of Land Management and described in section 6 of the Settlement Agreement, and consisting of approximately 4,577.10 acres of land, shall thereafter be held by the United States in trust for the benefit of the Pueblo, subject to valid existing rights and rights of public and private access, as provided for in the Settlement Agreement;

(2) the Secretary of Agriculture is authorized to sell and convey National Forest System lands and the Pueblo shall have the exclusive right to acquire these lands as provided for in section 7 of the Settlement Agreement, and the funds received by the Secretary of Agriculture for such sales shall be deposited in the fund established under the Act of December 4, 1967 (16 U.S.C. 484a) and shall be available to purchase non-Federal lands within or adjacent to the National Forests in the State of New Mexico;

(3) lands conveyed by the Secretary of Agriculture pursuant to this section shall no longer be considered part of the National Forest System and upon any conveyance of National Forest lands, the boundaries of the Santa Fe National Forest shall be deemed modified to exclude such lands;

(4) until the National Forest lands are conveyed to the Pueblo pursuant to this section, or until the Pueblo's right to purchase such lands expires pursuant to section 7 of the Settlement Agreement, such lands are withdrawn, subject to valid existing rights, from any new public use or entry under any Federal land law, except for permits not to exceed 1 year, and shall not be identified for any disposition by or for any agency, and no mineral production or harvest of forest products shall be permitted, except that nothing in this subsection shall preclude forest management practices on such lands, including the harvest of timber in the event of fire, disease, or insect infestation; and

(5) once the Pueblo has acquired title to the former National Forest System lands, these lands may be conveyed by the Pueblo to the Secretary of the Interior who shall accept and hold such lands in the name of the United States in trust for the benefit of the Pueblo.

SEC. 6. AFFIRMATION OF ACCURATE BOUNDARIES OF SANTO DOMINGO PUEBLO GRANT.

25 USC 1777d.

(a) IN GENERAL.—The boundaries of the Santo Domingo Pueblo Grant, as determined by the 1907 Hall-Joy Survey, confirmed in the Report of the Pueblo Lands Board, dated December 28, 1927, are hereby declared to be the current boundaries of the Grant and any lands currently owned by or on behalf of the Pueblo within such boundaries, or any lands hereinafter acquired by the Pueblo within the Grant in fee simple absolute, shall be considered to be Indian country within the meaning of section 1151 of title 18, United States Code.

(b) LIMITATION.—Any lands or interests in lands within the Santo Domingo Pueblo Grant, that are not owned or acquired

by the Pueblo, shall not be treated as Indian country within the meaning of section 1151 of title 18, United States Code.

(c) ACQUISITION OF FEDERAL LANDS.—Any Federal lands acquired by the Pueblo pursuant to section 5(c)(1) shall be held in trust by the Secretary for the benefit of the Pueblo, and shall be treated as Indian country within the meaning of section 1151 of title 18, United States Code.

(d) LAND SUBJECT TO PROVISIONS.—Any lands acquired by the Pueblo pursuant to section 5(c), or with funds subject to section 5(b), shall be subject to the provisions of section 17 of the Act of June 7, 1924 (43 Stat. 641; commonly referred to as the Pueblo Lands Act).

(e) RULE OF CONSTRUCTION.—Nothing in this Act or in the Settlement Agreement shall be construed to—

(1) cloud title to federally administered lands or non-Indian or other Indian lands, with regard to claims of title which are extinguished pursuant to section 5; or

(2) affect actions taken prior to the date of enactment of this Act to manage federally administered lands within the boundaries of the Santo Domingo Pueblo Grant.

Approved November 1, 2000.

LEGISLATIVE HISTORY—S.2917:

SENATE REPORTS: No. 106–506 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 146 (2000):
Oct. 11, considered and passed Senate.
Oct. 17, considered and passed House.

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