

Union Calendar No. 819

115TH CONGRESS
2^D SESSION

H. R. 6365

[Report No. 115–1052]

To establish the Treaty of Guadalupe Hidalgo Land Grant-Merced Claims Commission and other Federal policies for the restoration of land for hardships resulting from the incomplete and inequitable implementation of the Treaty of Guadalupe Hidalgo, to affirm Land Grant-Merced property rights protected by the Treaty of Guadalupe Hidalgo, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2018

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

NOVEMBER 27, 2018

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 13, 2018]

A BILL

To establish the Treaty of Guadalupe Hidalgo Land Grant-Merced Claims Commission and other Federal policies for the restoration of land for hardships resulting from the incomplete and inequitable implementation of the Treaty of Guadalupe Hidalgo, to affirm Land Grant-Merced property rights protected by the Treaty of Guadalupe Hidalgo, and for other purposes.

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 *“Treaty of Guadalupe-Hidalgo Land Claims Act of 2018”.*

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

Sec. 4. Treaty of Guadalupe Hidalgo Land Grant-Merced Claims Commission.

Sec. 5. Hearings on qualifying petitions.

Sec. 6. Reports.

Sec. 7. Federal land disposal authority.

Sec. 8. Authorization of appropriation.

8 **SEC. 2. FINDINGS.**

9 *Congress finds the following:*

10 (1) *The Western and Southwestern United States*
11 *have a unique history regarding land acquisition and*
12 *ownership consequent to the substantial number of*
13 *Spanish and Mexican land grants-mercedes. These*
14 *land grants-mercedes were an integral part of the col-*
15 *onization and growth of the region before the United*
16 *States acquisition under the Treaty of Guadalupe Hi-*
17 *dalgo.*

18 (2) *Under the laws of Spain and Mexico, land*
19 *grant-mercedes included thousands of acres of land*
20 *that was owned and used by the communities, within*
21 *the land grant-merced boundaries, in common. This*

1 *included guaranteed right to the use of water, forest,*
2 *pasture, minerals and other natural resources located*
3 *on the common lands.*

4 (3) *The Treaty of Guadalupe Hidalgo as af-*
5 *firmed by the Protocol of Querétaro protects property*
6 *rights of land grants-mercedes in the territory ceded*
7 *by Mexico to the United States of America.*

8 (4) *Property rights include land, land title,*
9 *water rights, natural resource rights, mineral rights,*
10 *and rights to physical access.*

11 (5) *Congress has enacted several major Federal*
12 *land laws subject to valid existing rights including*
13 *the Organic Administration Act of 1897 (16 U.S.C.*
14 *473 et seq.), the Taylor Grazing Act (43 U.S.C. 315*
15 *et seq.), the Multiple Use and Sustained Yield Act of*
16 *1960 (16 U.S.C. 528 et seq.), and the Federal Land*
17 *Policy and Management Act of 1976 (43 U.S.C. 1701*
18 *et seq.).*

19 (6) *Various provisions of the Treaty of Guada-*
20 *lupe Hidalgo have not yet been fully implemented in*
21 *the spirit of the United States Constitution, article*
22 *VI, section 2.*

23 (7) *Serious questions remain regarding the right-*
24 *ful ownership of lands in several western and south-*

1 *western States. Certain Federal lands are the focus of*
2 *such questions.*

3 *(8) The Gadsden Purchase incorporated by ref-*
4 *erence the property protection provisions of the Trea-*
5 *ty of Guadalupe Hidalgo.*

6 *(9) Land claim commissions, appointed by Con-*
7 *gress, have successfully examined disputed land pos-*
8 *session claims.*

9 *(10) The United States Government has recog-*
10 *nized and upheld usufruct rights for other indigenous*
11 *groups.*

12 *(11) Between 1968 and 1981, the Forest Service*
13 *recognized the uniqueness of the land tenure history*
14 *in New Mexico and instituted what became known as*
15 *the Northern New Mexico Policy for the Southwest*
16 *Region to address the socioeconomic and cultural*
17 *needs of the forest-dependent land grant-merced com-*
18 *munities in New Mexico.*

19 *(12) The United States General Accounting Of-*
20 *fice Report to Congressional Requesters, dated June*
21 *2004, numbered GAO-04-59, and entitled the “Trea-*
22 *ty of Guadalupe Hidalgo: Findings and Possible Op-*
23 *tions Regarding Longstanding Community Land*
24 *Grant Claims in New Mexico”, found the New Mexico*
25 *land claims confirmation process was inefficient and*

1 *caused hardships to claimants. Such report provided*
2 *the following options for congressional consideration*
3 *in addressing land grant-merced claims:*

4 *(A) Consider establishing a commission or*
5 *other body to reexamine specific Land Grant-*
6 *Merced claims that were rejected or not con-*
7 *firmed for the full acreage claimed.*

8 *(B) Consider transferring Federal land to*
9 *communities that did not receive all of the acre-*
10 *age originally claimed for their community land*
11 *grants.*

12 *(C) Consider making financial payments to*
13 *claimants' heirs or other entities for the non-use*
14 *of land originally claimed but not awarded.*

15 *(13) The General Accounting Office also noted*
16 *that "Congress may disagree with the U.S. Supreme*
17 *Court's Sandoval 1897 decision and decide that it*
18 *should be 'legislatively overruled', by addressing the*
19 *affected land grants in some way or taking other ac-*
20 *tion".*

21 *(14) The State of New Mexico's response to such*
22 *report, dated August 14, 2008, and entitled "Report*
23 *to the New Mexico Attorney General—A Response to*
24 *the GAO's 2004 Report 'Treaty of Guadalupe Hi-*
25 *dalgo: Findings and Possible Options Regarding*

1 *Longstanding Community Land Grant Claims in*
2 *New Mexico’ ”, found the following:*

3 *(A) The Federal Government had a duty to*
4 *correctly confirm land grants-mercedes in New*
5 *Mexico and that duty was understated by the*
6 *analysis of the General Accounting Office.*

7 *(B) Most land grants-mercedes were not*
8 *confirmed by the Federal Government in the cor-*
9 *rect type of land ownership pattern, as granted*
10 *by Spain or Mexico to be held in common by the*
11 *entire community, but rather the vast majority*
12 *were confirmed as privately owned by the family*
13 *of a single petitioner or as tenancy-in-common.*
14 *The tenancy-in-common designation was foreign*
15 *to Spanish and Mexican jurisprudence and left*
16 *land grants-mercedes subject to partition suits*
17 *that resulted in the significant loss of common*
18 *land. These facts were omitted by the General*
19 *Accounting Office report.*

20 *(C) Most postconfirmation land losses were*
21 *the direct result of the improper nature of the*
22 *Federal confirmation, and erroneous Federal*
23 *confirmations could not be remedied in the court*
24 *system, contrary to the analysis of the General*
25 *Accounting Office.*

1 (D) Many land grants-mercedes or their
2 common lands were improperly rejected in their
3 entirety, others lost substantial amounts of acre-
4 age by improper application of boundary de-
5 scriptions, and others were foreclosed from being
6 confirmed by earlier adverse rulings.

7 (E) The Federal Government in a great
8 many cases did not provide constitutionally suf-
9 ficient notice of its confirmation activities, which
10 contributed directly to many land grants-mer-
11 cedes being erroneously misconfirmed.

12 (F) The Federal Government and various
13 Federal agents and officials involved in the con-
14 firmation process helped create a climate in
15 which land speculators were able to undermine
16 the adjudication process to dispossess land
17 grants-mercedes of their common lands.

18 (15) Compared to their original claims, land
19 grants-mercedes suffered enormous loss of land to the
20 Federal Government and others. This loss negatively
21 impacted the economic, environmental, and social
22 well-being of these communities.

23 (16) The following land grant-merced priority
24 rights were protected by the Treaty of Guadalupe Hi-
25 dalgo:

1 (A) *Water rights, including all surface,*
2 *ground, and runoff water within the former com-*
3 *mon lands that are now under the management*
4 *of the Federal Government.*

5 (B) *Natural resource rights, including gath-*
6 *ering of fuelwood, timber, vegetation, vegetation*
7 *products, rocks, soils, and grazing and watering*
8 *of livestock that are now under the management*
9 *of the Federal Government.*

10 (C) *Mineral rights, including any and all*
11 *surface and subsurface minerals located within*
12 *the existing and former common lands as well as*
13 *rights to compensation for minerals extracted*
14 *from former common lands now under manage-*
15 *ment of the Federal Government.*

16 **SEC. 3. DEFINITIONS.**

17 *In this Act:*

18 (1) *ADJUDICATION PROCESS.*—*The term “adju-*
19 *dications process”—*

20 (A) *means the processes required by treaty*
21 *by which the United States recognized land*
22 *claims between 1854 and 1904 in the territories*
23 *ceded under—*

24 (i) *the Treaty of Guadalupe Hidalgo;*

25 *and*

1 (ii) *the Gadsden Purchase; and*
2 (B) *includes the processes provided for in*
3 *the 1854 Act establishing the Office of Surveyor-*
4 *General of New Mexico (10 Stat. 308) and the*
5 *1891 Act establishing the Court of Private Land*
6 *Claims (26 Stat. 854).*

7 (2) *CLAIM.—The term “claim” means the dec-*
8 *laration of property rights protected by the Treaty of*
9 *Guadalupe Hidalgo vested in a land grant-merced,*
10 *including—*

11 (A) *land, land title, mineral, and natural*
12 *resource claims; and*

13 (B) *water rights.*

14 (3) *CLAIMANT.—The term “claimant” means a*
15 *land grant-merced as represented by its Governing*
16 *body or an agent thereof.*

17 (4) *FEDERAL LAND OR FEDERAL LANDS.—The*
18 *terms “Federal land” or “Federal lands” means any*
19 *land—*

20 (A) *located in the State of New Mexico; and*

21 (B) *administered by the Secretary of Agri-*
22 *culture through the Chief of the U.S. Forest Serv-*
23 *ice or the Secretary of the Interior through the*
24 *Director of the Bureau of Land Management.*

1 (5) *GADSDEN PURCHASE*.—*The term “Gadsden*
2 *Purchase” means the Treaty of Boundary, Cession of*
3 *Territory, Transit of Isthmus of Tehuantepec.*

4 (6) *GOVERNING BODY*.—*The term “Governing*
5 *body” means the governing body, as recognized by*
6 *State law, of a land grant-merced.*

7 (7) *LAND GRANT-MERCED*.—*The term “land*
8 *grant-merced” means—*

9 (A) *a community land grant identified in*
10 *tables 1 and 2 of the General Accounting Office*
11 *Report #GAO-01-951; or*

12 (B) *a community, village, town, or settle-*
13 *ment, the land of which was granted by the Gov-*
14 *ernment of Spain or by the Government of Mex-*
15 *ico, in accordance with the laws, usages, and*
16 *customs of Spain or Mexico between 1689 and*
17 *1854, and is within the boundaries of the State*
18 *of New Mexico, to—*

19 (i) *the community, village, town, or*
20 *pueblo; or*

21 (ii) *a person for the purpose of found-*
22 *ing or establishing a community, village,*
23 *town, or settlement.*

1 (8) *QUALIFYING PETITION.*—*The term “quali-*
2 *fying petition” means a petition submitted under sec-*
3 *tion 5.*

4 (9) *SECRETARY CONCERNED.*—*The term “Sec-*
5 *retary concerned” means the Secretary that admin-*
6 *isters the relevant Federal land.*

7 (10) *TREATY OF GUADALUPE HIDALGO.*—*The*
8 *term “Treaty of Guadalupe Hidalgo” means the*
9 *Treaty of Peace, Friendship, Limits, and Settlement*
10 *between the United States and the Republic of Mexico,*
11 *effective February 2, 1848.*

12 **SEC. 4. TREATY OF GUADALUPE HIDALGO LAND GRANT-**
13 **MERCED CLAIMS COMMISSION.**

14 (a) *ESTABLISHMENT.*—*There is hereby established a*
15 *commission to be known as the Treaty of Guadalupe Hi-*
16 *dalgo Land Grant-Merced Claims Commission (in this Act*
17 *referred to as the “Commission”).*

18 (b) *DUTIES.*—*The duties of the Commission shall be*
19 *to—*

20 (1) *conduct a hearing on each qualifying peti-*
21 *tion and formulate a recommendation on restitution,*
22 *as described in section 5(c); and*

23 (2) *submit to Congress the reports required*
24 *under section 6.*

25 (c) *MEMBERSHIP.*—

1 (1) *NUMBER AND APPOINTMENT.*—*The Commis-*
2 *sion shall be composed of 9 members, appointed by*
3 *the President of the United States, of which—*

4 (A) *1 member shall be appointed in con-*
5 *sultation with the Secretary of the Interior;*

6 (B) *1 member shall be appointed in con-*
7 *sultation with the Secretary of Agriculture;*

8 (C) *1 member shall be appointed who has a*
9 *background in Spanish colonial and Mexican*
10 *legal history as it applies to the Southwestern*
11 *United States;*

12 (D) *1 member shall be appointed who has*
13 *a background in Spanish colonial, Mexican, and*
14 *United States history of the Southwestern United*
15 *States;*

16 (E) *1 member shall be appointed who has*
17 *a background in international laws pertaining*
18 *to succession of States and treaties as they relate*
19 *to property rights, land tenure, and usufruct*
20 *rights;*

21 (F) *1 member shall be appointed who has a*
22 *background in past and present socioeconomic*
23 *conditions of the Southwestern United States;*

24 (G) *1 member shall be appointed who has*
25 *a background in cultural geography; and*

1 (H) 2 members shall be members of the gov-
2 erning body of a land grant-merced.

3 (2) *TERMS.*—Each member shall be appointed
4 for the life of the Commission.

5 (3) *VACANCIES.*—A vacancy in the Commission
6 shall be filled in the manner in which the original
7 appointment was made.

8 (4) *RATE OF PAY.*—To the extent or in the
9 amounts provided in advance in appropriation Acts,
10 Members shall each be entitled to receive daily com-
11 pensation not to exceed the rate of basic pay for level
12 V of the Executive Schedule for each day, including
13 travel days, during which they are engaged in the
14 performance of duties vested in the Commission.

15 (5) *PREPARATION BEFORE HEARINGS.*—Before
16 the start of the first hearing under section 5, each
17 member of the Commission shall prepare for such
18 hearing by becoming familiar with the history of land
19 grant-merced claims in the United States Southwest.
20 This preparation may include—

21 (A) the purchase, by the Commission, of
22 pertinent literature on the subject for each Com-
23 mission member to review; and

24 (B) requests by the Commission for training
25 and presentations on the subject from appro-

1 *priate Federal or State agencies, institutions of*
2 *higher education, and private organizations.*

3 *(d) POWERS OF COMMISSION.—*

4 *(1) HEARINGS AND SESSIONS.—The Commission*
5 *shall, for the purpose of carrying out this Act, hold*
6 *hearings, sit, and act at times and at a location in*
7 *the State where the petitioning land grant-merced is*
8 *located, take testimony, and receive evidence as the*
9 *Commission considers appropriate. The Commission*
10 *may administer oaths or affirmations to witnesses*
11 *appearing before it.*

12 *(2) POWERS OF MEMBERS AND AGENTS.—Any*
13 *member or agent of the Commission may, if author-*
14 *ized by the Commission, take any action that the*
15 *Commission is authorized to take by this Act.*

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

21 *(4) MAIL.—The Commission may use the United*
22 *States mail in the same manner and under the same*
23 *conditions as other departments and agencies of the*
24 *United States.*

1 (5) *AUTHORITY TO HIRE STAFF.*—*The Commis-*
2 *sion may hire or contract staff necessary for the Com-*
3 *mission to carry out its responsibilities under this*
4 *Act.*

5 (6) *ADMINISTRATIVE SUPPORT SERVICES.*—*Upon*
6 *the request of the Commission, the Administrator of*
7 *General Services, Secretary of the Interior, and Sec-*
8 *retary of Agriculture shall provide to the Commission,*
9 *on a reimbursable basis, the administrative support*
10 *services necessary for the Commission to carry out its*
11 *responsibilities under this Act.*

12 (7) *IMMUNITY.*—*The Commission is an agency of*
13 *the United States for the purposes of part V of title*
14 *18, United States Code.*

15 (8) *SUBPOENA POWER.*—

16 (A) *IN GENERAL.*—*The Commission may*
17 *issue subpoenas requiring the attendance and*
18 *testimony of witnesses and the production of any*
19 *evidence relating to any qualifying petition.*

20 (B) *FAILURE TO OBEY A SUBPOENA.*—*If a*
21 *person refuses to obey a subpoena issued under*
22 *subparagraph (A), the Commission may apply to*
23 *a United States district court for an order re-*
24 *quiring that person to appear before the Com-*
25 *mission to give testimony, produce evidence, or*

1 *both, relating to any qualifying petition. The ap-*
2 *plication may be made within the judicial dis-*
3 *trict where the hearing is conducted or where*
4 *that person is found, resides, or transacts busi-*
5 *ness. Any failure to obey the order of the court*
6 *may be punished by the court as civil contempt.*

7 (C) *SERVICE OF SUBPOENAS.*—*The sub-*
8 *poenas of the Commission shall be served in the*
9 *manner provided for subpoenas issued by a*
10 *United States district court under the Federal*
11 *Rules of Civil Procedure for the United States*
12 *district courts.*

13 (D) *SERVICE OF PROCESS.*—*All process of*
14 *any court to which application is made under*
15 *subparagraph (B) may be served in the judicial*
16 *district in which the person required to be served*
17 *resides or may be found.*

18 (e) *TERMINATION.*—*The Commission shall terminate*
19 *not later than 180 days after the Commission submits the*
20 *report required under section 6(b).*

21 (f) *ASSISTANCE FOR COMMISSION.*—

22 (1) *FEDERAL AGENCY ASSISTANCE TO COMMIS-*
23 *SION.*—*At the request of the Commission, relevant*
24 *Federal agencies shall make available personnel,*

1 *equipment, and facilities to assist the Commission in*
2 *performing its activities under this Act.*

3 (2) *STATE AGENCY ASSISTANCE TO COMMIS-*
4 *SION.—The Commission may accept assistance from*
5 *relevant State agencies and institutions of higher edu-*
6 *cation in performing its activities under this Act.*

7 **SEC. 5. HEARINGS ON QUALIFYING PETITIONS.**

8 (a) *QUALIFYING PETITION HEARING.—*

9 (1) *IN GENERAL.—The Commission shall conduct*
10 *a hearing on each qualifying petition, as described in*
11 *subsection (b), to formulate a recommendation on res-*
12 *titution to the claimant, of the possible restitutions*
13 *described in subsection (c).*

14 (2) *DESIGNATION OF LOCATION.—The Commis-*
15 *sion shall designate one or more locations in the*
16 *claimant’s State in which to hold such hearing.*

17 (3) *RIGHT TO TESTIFY.—All persons having an*
18 *interest in the land involved in a qualifying petition*
19 *shall have the right, upon notice, to be present and*
20 *testify before the Commission during such hearing.*

21 (4) *HEARING PROCESS.—As part of such hear-*
22 *ing, the Commission shall—*

23 (A) *review each qualifying petition and re-*
24 *ceive testimony to examine—*

1 (i) *the impact to the land grant-merced*
2 *and its associated communities resulting*
3 *from the failure of the United States to*
4 *properly recognize, during the adjudication*
5 *process, a land grant-merced boundary, as*
6 *it existed in 1854;*

7 (ii) *the impact to the land grant-*
8 *merced and its associated communities re-*
9 *sulting from the failure of the United States*
10 *to act on a land grant-merced claim made*
11 *during the adjudication process;*

12 (iii) *the impact to the land grant-*
13 *merced and its associated communities re-*
14 *sulting from the rejection of a land grant-*
15 *merced claim made during the adjudication*
16 *process;*

17 (iv) *the impact to the land grant-*
18 *merced and its associated communities re-*
19 *sulting from the incorrect confirmation by*
20 *the United States of a Land Grant-Merced*
21 *as a tenancy-in-common;*

22 (v) *the impact to the land grant-*
23 *merced and its associated communities re-*
24 *sulting from the incorrect confirmation by*

1 *the United States of the land grant-merced*
2 *as a private land grant to an individual;*

3 *(vi) the impact to the land grant-*
4 *merced and its associated communities re-*
5 *sulting from the United States incorrectly*
6 *issuing a patent for the land grant-merced*
7 *to the wrong party;*

8 *(vii) the impact of prior adjudication*
9 *decisions made by the United States on the*
10 *submittal of subsequent land claim petitions*
11 *with respect to the land grant-merced;*

12 *(viii) the impact to the land grant-*
13 *merced and its associated communities re-*
14 *sulting from the failure of the United States*
15 *to provide adequate due process to land*
16 *grant-merced during the adjudication proc-*
17 *ess;*

18 *(ix) the impact to the land grant-*
19 *merced and its associated communities re-*
20 *sulting from the failure of the United States*
21 *to provide adequate representation during*
22 *the adjudication process, as required by*
23 *law, for certain protected populations lo-*
24 *cated on the land grant-merced; and*

1 (x) *the impact to the land grant-*
2 *merced and its associated communities re-*
3 *sulting from the misconduct or direct con-*
4 *flict of interest of United States officials*
5 *during the adjudication process;*

6 (B) *review existing Federal land use poli-*
7 *cies governing land identified in the qualifying*
8 *petition;*

9 (C) *identify and report all private and pub-*
10 *lic leases on land identified in the qualifying pe-*
11 *tition, including lease type, term, and owner;*

12 (D) *determine the value of revenues gen-*
13 *erated and resources removed from land identi-*
14 *fied in the qualifying petition, through sale,*
15 *lease, permit, and all other means granted to*
16 *any person not associated with the claimant,*
17 *during the period it was taken out of control of*
18 *the claimant until the time of such hearing; and*

19 (E) *review and examine existing laws,*
20 *memorandums of understanding, agreements,*
21 *and easements relating to the management and*
22 *use of land identified in the qualifying petition.*

23 (5) *LEGAL STANDARDS.*—*When evaluating quali-*
24 *fying petitions, the Commission shall apply inter-*
25 *national treaty law and laws pertaining to the suc-*

1 *cession of States. The Commission shall also evaluate*
2 *qualifying petitions based on Spanish and Mexican*
3 *civil and customary law, principles of equity, and*
4 *customs and usages in effect in what is now the*
5 *Southwestern United States, from 1692 up to the*
6 *ratification of the Gadsden Purchase in 1854.*

7 *(b) ELEMENTS OF QUALIFYING PETITION.—For pur-*
8 *poses of this Act, a qualifying petition is one that—*

9 *(1) is received by the Commission not later than*
10 *the date that is 5 years after the date of the enact-*
11 *ment of this Act;*

12 *(2) is made pursuant to an official resolution*
13 *adopted by the claimant; and*

14 *(3) includes the following information:*

15 *(A) The name and address of the claimant*
16 *and a name, address, telephone number, and if*
17 *available, email address of the point of contact*
18 *for the claimant.*

19 *(B) Documentation showing the claimed*
20 *boundaries of the relevant land grant-merced, in-*
21 *cluding a legal survey or, if a survey is not read-*
22 *ily available, a sketch map or geographic infor-*
23 *mation system rendering thereof.*

24 *(C) A summary of the claims being made*
25 *and the requested restitution for each claim.*

1 (c) *POSSIBLE RESTITUTIONS.*—*The Commission may,*
2 *under subsection (a), recommend as restitution that the Sec-*
3 *retary concerned—*

4 (1) *convey Federal land to the claimant;*

5 (2) *grant the claimant stewardship rights to all*
6 *or part of Federal land;*

7 (3) *grant the claimant priority access and use*
8 *rights to all or part of Federal lands for—*

9 (A) *harvesting of natural resources, such as*
10 *fuelwood, timber, minerals, rock, soils, vegeta-*
11 *tion, and vegetation products;*

12 (B) *grazing and watering of livestock; or*

13 (C) *hunting and fishing;*

14 (4) *grant the claimant priority rights to leases,*
15 *special use permits, and easements on Federal land,*
16 *which may include placement of land grant-merced*
17 *infrastructure and community cemeteries;*

18 (5) *grant the claimant priority rights to acquire*
19 *Federal lands that may become available for disposal;*
20 *and*

21 (6) *grant the claimant priority rights to obtain*
22 *new, unused, or unrenewed grazing allotments on*
23 *Federal lands.*

24 (d) *PROTECTION OF NON-FEDERAL PROPERTY.*—*The*
25 *Commission may not make any recommendation that af-*

1 *fects the ownership, title, or rights of owners of any non-*
 2 *Federal lands covered by the qualifying petition.*

3 *(e) PROTECTION OF EXISTING LEASES.—The Commis-*
 4 *sion may not make any recommendation that affects any*
 5 *lease, permit, right-of-way, or any other valid existing*
 6 *rights held by a person on such land as such lease, permit,*
 7 *or right-of-way existed on the day before the date of the*
 8 *transfer.*

9 **SEC. 6. REPORTS.**

10 *(a) INDIVIDUAL REPORTS.—Not later than 90 days*
 11 *after the date that the Commission concludes a hearing*
 12 *under section 5 for a qualifying petition, the Commission*
 13 *shall submit a report to Secretary concerned and the claim-*
 14 *ant that includes the Commissions recommendations and*
 15 *findings with respect to that petition.*

16 *(b) REPORT TO CONGRESS.—Not later than 10 years*
 17 *after the date of the enactment of this Act, the Commission*
 18 *shall submit a report to Congress that details, with respect*
 19 *to each qualifying petition—*

20 *(1) a summary of the claims in such qualifying*
 21 *petition;*

22 *(2) the Commission's recommended restitution*
 23 *with respect to each claim and reasons thereof; and*

24 *(3) the Secretary that administers the land iden-*
 25 *tified in the qualifying petition.*

1 **SEC. 7. FEDERAL LAND DISPOSAL AUTHORITY.**

2 (a) *IN GENERAL.*—*The Secretary concerned may*
3 *transfer land to the claimant or grant the claimant any*
4 *rights as is recommended by the Commission in the report*
5 *required to be issued under section 6(a).*

6 (b) *COST.*—*The Secretary concerned shall pay any*
7 *costs associated with a land transfer under subsection (a).*

8 **SEC. 8. PROTECTION OF ACEQUIAS.**

9 (a) *IN GENERAL.*—*The rights of any acequia located*
10 *on Federal land on the date of the enactment of this Act*
11 *shall not be impaired as a result of the enactment of this*
12 *Act, including the right to use of water by valid water right*
13 *owners and access to the acequia for necessary maintenance*
14 *and improvements to the acequia easement and infrastruc-*
15 *ture.*

16 (b) *MANAGEMENT OF ACEQUIAS.*—*Each acequia lo-*
17 *cated on Federal land on the date of the enactment of this*
18 *Act shall be managed and controlled by the governing body*
19 *of such acequia in accordance with N.M. Stat. §73–2–12*
20 *or C.R.S. §7–42–101.5*

21 (c) *DEFINITION.*—*In this section the term “acequia”*
22 *means a waterway recognized as an acequia or a commu-*
23 *nity ditch under New Mexico State law, including the di-*
24 *versions, storage facilities, and easements of such waterway.*

1 **SEC. 9. AUTHORIZATION OF APPROPRIATION.**

2 *There is authorized \$1,000,000 for each of the fiscal*
3 *years 2019 to 2028 for the purpose of carrying out the ac-*
4 *tivities of the Commission.*

Union Calendar No. 819

115TH CONGRESS
2^D SESSION

H. R. 6365

[Report No. 115-1052]

A BILL

To establish the Treaty of Guadalupe Hidalgo Land Grant-Merced Claims Commission and other Federal policies for the restoration of land for hardships resulting from the incomplete and inequitable implementation of the Treaty of Guadalupe Hidalgo, to affirm Land Grant-Merced property rights protected by the Treaty of Guadalupe Hidalgo, and for other purposes.

NOVEMBER 27, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed