

109TH CONGRESS
2^D SESSION

H. R. 4876

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2006

Received

NOVEMBER 13, 2006

Read twice and referred to the Committee on Indian Affairs

AN ACT

To ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly, 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. DEFINITIONS.**

4 For the purposes of this act, the following definitions
5 apply:

6 (1) JICARILLA APACHE NATION.—The term
7 “Jicarilla Apache Nation” means the Jicarilla
8 Apache Nation, a tribe of American Indians recog-
9 nized by the United States and organized under sec-
10 tion 16 of the Act of June 18, 1934 (25 U.S.C. 476;
11 popularly known as the Indian Reorganization Act).

12 (2) 1988 RESERVATION ADDITION.—The term
13 “1988 Reservation Addition” means those lands
14 known locally as the Theis Ranch that were added
15 to the Jicarilla Apache Reservation in the state of
16 New Mexico by the proclamation of the Secretary of
17 the Interior issued on September 1, 1988 pursuant
18 to authority granted by section 7 of the Act of June
19 18, 1934 (25 U.S.C. 467; popularly known as the
20 Indian Reorganization Act), and published in the
21 Federal Register on September 26, 1988 at 53 F.R.
22 37355–56.

23 (3) SETTLEMENT AGREEMENT.—The term
24 “Settlement Agreement” means the agreement exe-
25 cuted by the President of the Jicarilla Apache Na-

1 tion on May 6, 2003 and executed by the Chairman
2 of the Rio Arriba Board of County Commissioners
3 on May 15, 2003 and approved by the Department
4 of the Interior on June 18, 2003 to settle the Law-
5 suit.

6 (4) LAWSUIT.—The term “Lawsuit” means the
7 case identified as Jicarilla Apache Tribe v. Board of
8 County Commissioners, County of Rio Arriba, No.
9 RA 87–2225(C), State of New Mexico District
10 Court, First Judicial District, filed in October 1987.

11 (5) RIO ARRIBA COUNTY.—The term “Rio
12 Arriba County” means the political subdivision of
13 the state of New Mexico described in Section 4–21–
14 1 and Section 4–21–2, New Mexico Statutes Anno-
15 tated 1978 (Original Pamphlet).

16 (6) SETTLEMENT LANDS.—The term “Settle-
17 ment Lands” means Tract A and Tract B as de-
18 scribed in the plat of the “Dependent Resurvey and
19 Survey of Tract within Theis Ranch” within the
20 Tierra Amarilla Grant, New Mexico prepared by Leo
21 P. Kelley, Cadastral Surveyor, United States De-
22 partment of the Interior, Bureau of Land Manage-
23 ment, dated January 7, 2004, and recorded in the
24 office of the Rio Arriba County Clerk on March 8,
25 2004, in Cabinet C–1, Page 199, Document No.

1 242411, consisting of 70.75 acres more or less. Title
2 to the Settlement Lands is held by the United States
3 in trust for the Jicarilla Apache Nation.

4 (7) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

6 (8) DISPUTED COUNTY ROAD.—The term “Dis-
7 puted County Road” means the county road passing
8 through the 1988 Reservation Addition along the
9 course identified in the judgment entered by the
10 New Mexico District Court in the Lawsuit on De-
11 cember 10, 2001 and the decision entered on De-
12 cember 11, 2001, which judgment and decision have
13 been appealed to the New Mexico Court of Appeals.

14 **SEC. 2. CONGRESSIONAL FINDINGS.**

15 Congress finds the following:

16 (1) The lands constituting the 1988 Reserva-
17 tion Addition to the Jicarilla Apache Reservation
18 were purchased by the Jicarilla Apache Nation in
19 June 1985 and were conveyed to the United States
20 by a trust deed accepted by the Secretary of the In-
21 terior in March 1988 pursuant to authority granted
22 by section 5 of the Act of June 18, 1934 (25 U.S.C.
23 465; popularly known as the Indian Reorganization
24 Act).

1 (2) The lands constituting the 1988 Reserva-
2 tion Addition were added to the Jicarilla Apache
3 Reservation in September 1988 by proclamation of
4 the Secretary of the Interior pursuant to authority
5 granted by section 7 of the Act of June 18, 1934
6 (25 U.S.C. 467; popularly known as the Indian Re-
7 organization Act).

8 (3) There is pending before the Court of Ap-
9 peals of the State of New Mexico a lawsuit, filed in
10 October 1987, that involves a claim that a county
11 road passing through the 1988 Reservation Addition
12 had been established by prescription prior to acquisi-
13 tion of the land by the Jicarilla Apache Nation in
14 1985.

15 (4) The parties to that lawsuit, the Jicarilla
16 Apache Nation and the County of Rio Arriba, have
17 executed a Settlement Agreement, approved by the
18 Secretary of the Interior, to resolve all claims relat-
19 ing to the disputed county road, which agreement
20 requires ratifying legislation by the Congress of the
21 United States.

22 (5) The parties to the Settlement Agreement
23 desire to settle the claims relating to the disputed
24 county road on the terms agreed to by the parties,
25 and it is in the best interests of the parties to re-

1 solve the claims through the Settlement Agreement
2 and this implementing legislation.

3 **SEC. 3. CONDITION ON EFFECT OF SECTION.**

4 (a) IN GENERAL.—Section 4 of this Act shall not
5 take effect until the Secretary finds the following events
6 have occurred:

7 (1) The Board of Commissioners of Rio Arriba
8 County has enacted a resolution permanently aban-
9 doning the disputed county road and has submitted
10 a copy of that resolution to the Secretary.

11 (2) The Jicarilla Apache Nation has executed a
12 quitclaim deed to Rio Arriba County for the Settle-
13 ment Lands subject to the exceptions identified in
14 the Settlement Agreement and has submitted a copy
15 of the quitclaim deed to the Secretary.

16 (b) PUBLICATION OF FINDINGS.—If the Secretary
17 finds that the conditions set forth in subsection (a) have
18 occurred, the Secretary shall publish such findings in the
19 Federal Register.

20 **SEC. 4. RATIFICATION OF CONVEYANCE; ISSUANCE OF PAT-**
21 **ENT.**

22 (a) CONDITIONAL RATIFICATION AND APPROVAL.—
23 This Act ratifies and approves the Jicarilla Apache Na-
24 tion's quitclaim deed for the Settlement Lands to Rio
25 Arriba County, but such ratification and approval shall be

1 effective only upon satisfaction of all conditions in section
2 3, and only as of the date that the Secretary's findings
3 are published in the Federal Register pursuant to section
4 3.

5 (b) PATENT.—Following publication of the notice de-
6 scribed in section 3, the Secretary shall issue to Rio Arriba
7 County a patent for the Settlement Lands, subject to the
8 exceptions and restrictive covenants described subsection
9 (c).

10 (c) CONDITIONS OF PATENT.—The patent to be
11 issued by the Secretary under subsection (b) shall be sub-
12 ject to all valid existing rights of third parties, including
13 but not limited to easements of record, and shall include
14 the following perpetual restrictive covenant running with
15 the Settlement Lands for the benefit of the lands com-
16 prising the Jicarilla Apache Reservation adjacent to the
17 Settlement Lands: “Tract A shall be used only for govern-
18 mental purposes and shall not be used for a prison, jail
19 or other facility for incarcerating persons accused or con-
20 victed of a crime. For purposes of this restrictive covenant,
21 ‘governmental purposes’ shall include the provision of gov-
22 ernmental services to the public by Rio Arriba County and
23 the development and operation of private businesses to the
24 extent permitted by applicable State law.”.

1 **SEC. 5. BOUNDARY CHANGE.**

2 Upon issuance of the patent authorized by section 4,
3 the lands conveyed to Rio Arriba County in the patent
4 shall cease to be a part of the Jicarilla Apache Reservation
5 and the exterior boundary of the Jicarilla Apache Reserva-
6 tion shall be deemed relocated accordingly.

 Passed the House of Representatives September 27,
2006.

Attest:

KAREN L. HAAS,

Clerk.