

Calendar No. 680

103D CONGRESS
2D SESSION

S. 1422

A BILL

To confer jurisdiction of the United States Claims Court with respect to land claims of Pueblo of Isleta Indian Tribe.

SEPTEMBER 28 (legislative day, SEPTEMBER 12), 1994
Reported with an amendment and an amendment to the title

Calendar No. 680

103^D CONGRESS
2^D SESSION

S. 1422

To confer jurisdiction of the United States Claims Court with respect to land claims of Pueblo of Isleta Indian Tribe.

IN THE SENATE OF THE UNITED STATES

AUGUST 6 (legislative day, JUNE 30), 1993

Mr. BINGAMAN (for himself and Mr. DOMENICI) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

SEPTEMBER 28 (legislative day, SEPTEMBER 12), 1994

Reported by Mr. BIDEN, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To confer jurisdiction of the United States Claims Court with respect to land claims of Pueblo of Isleta Indian Tribe.

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. JURISDICTION.**

4 ~~Notwithstanding sections 2401 and 2501 of title 28,~~
5 ~~United States Code, and section 12 of the Act of August~~
6 ~~13, 1946 (60 Stat. 1052), or any other law which would~~
7 ~~interpose or support a defense of untimeliness, jurisdiction~~

1 is hereby conferred upon the United States Claims Court
2 to hear, determine, and render judgment on any claim by
3 Pueblo of Isleta Indian Tribe of New Mexico against the
4 United States with respect to any lands or interests there-
5 in the State of New Mexico or any adjoining State held
6 by aboriginal title or otherwise which were acquired from
7 the tribe without payment of adequate compensation by
8 the United States. As a matter of adequate compensation,
9 the United States Claims Court may award interest at a
10 rate of 5 percent per year to accrue from the date on
11 which such lands or interests therein were acquired from
12 the tribe by the United States. Such jurisdiction is con-
13 ferred only with respect to claims accruing on or before
14 August 13, 1946, and all such claims must be filed within
15 three years after the date of enactment of this Act. Such
16 jurisdiction is conferred notwithstanding any failure of the
17 tribe to exhaust any available administrative remedy.

18 **SEC. 2. CERTAIN DEFENSES NOT APPLICABLE.**

19 Any award made to any Indian tribe other than the
20 Pueblo of Isleta Indian Tribe of New Mexico before, on,
21 or after the date of the enactment of this Act, under any
22 judgment of the Indian Claims Commission or any other
23 authority, with respect to any lands that are the subject
24 of a claim submitted by the tribe under section 1 shall
25 not be considered a defense, estoppel, or set-off to such

1 claim, and shall not otherwise affect the entitlement to,
2 or amount of, any relief with respect to such claim.

3 **SECTION 1. JURISDICTION.**

4 *Notwithstanding sections 2401 and 2501 of title 28,*
5 *United States Code, and section 12 of the Act of August*
6 *13, 1946 (60 Stat. 1052), or any other law which would*
7 *interpose or support a defense of untimeliness, jurisdiction*
8 *is hereby conferred upon the United States Court of Federal*
9 *Claims to hear, determine, and render judgment on any*
10 *claim by Pueblo of Isleta Indian Tribe of New Mexico*
11 *against the United States with respect to any lands or in-*
12 *terests therein the State of New Mexico or any adjoining*
13 *State held by aboriginal title or otherwise which were ac-*
14 *quired from the tribe without payment of adequate com-*
15 *ensation by the United States. As a matter of adequate*
16 *compensation, the United States Court of Federal Claims*
17 *may award interest at a rate of 5 percent per year to accrue*
18 *from the date on which such lands or interests therein were*
19 *acquired from the tribe by the United States. Such jurisdic-*
20 *tion is conferred only with respect to claims accruing on*
21 *or before August 13, 1946, and all such claims must be filed*
22 *within three years after the date of enactment of this Act.*
23 *Such jurisdiction is conferred notwithstanding any failure*
24 *of the tribe to exhaust any available administrative remedy.*

1 **SEC. 2. CERTAIN DEFENSES NOT APPLICABLE.**

2 Any award made to any Indian tribe other than the
3 Pueblo of Isleta Indian Tribe of New Mexico before, on, or
4 after the date of the enactment of this Act, under any judg-
5 ment of the Indian Claims Commission or any other au-
6 thority, with respect to any lands that are the subject of
7 a claim submitted by the tribe under section 1 shall not
8 be considered a defense, estoppel, or set-off to such claim,
9 and shall not otherwise affect the entitlement to, or amount
10 of, any relief with respect to such claim.

Amend the title so as to read: “A bill to confer juris-
diction on the United States Court of Federal Claims
with respect to land claims of Pueblo of Isleta Indian
Tribe.”.