

105TH CONGRESS  
1ST SESSION

# H. R. 2538

To establish a Presidential commission to determine 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

SEPTEMBER 24, 1997

Mr. REDMOND 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 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 1997”.

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

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- 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. Community Land Grant Study Center.
- Sec. 6. Miscellaneous powers of Commission.
- Sec. 7. Report.
- Sec. 8. Termination.
- Sec. 9. Authorization of appropriations.

1 **SEC. 2. DEFINITIONS AND FINDINGS.**

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

3 (1) COMMISSION.—The term “Commission”  
4 means the Guadalupe-Hidalgo Treaty Land Claims  
5 Commission established under section 3.

6 (2) TREATY OF GUADALUPE-HIDALGO.—The  
7 term “Treaty of Guadalupe-Hidalgo” means the  
8 Treaty of Peace, Friendship, Limits, and Settlement  
9 (Treaty of Guadalupe Hidalgo), between the United  
10 States and the Republic of Mexico, signed February  
11 2, 1848 (TS 207; 9 Bevans 791).

12 (3) ELIGIBLE DESCENDANT.—The term “eligi-  
13 ble descendant” means a descendant of a person  
14 who—

15 (A) was a Mexican citizen before the Trea-  
16 ty of Guadalupe-Hidalgo;

17 (B) was a member of a community land  
18 grant; and

19 (C) became a United States citizen within  
20 ten years after the effective date of the Treaty

1 of Guadalupe-Hidalgo, May 30, 1848, pursuant  
2 to the terms of the Treaty.

3 (4) COMMUNITY LAND GRANT.—The term  
4 “community land grant” means a village, town, set-  
5 tlement, or pueblo consisting of land held in common  
6 (accompanied by lesser private allotments) by three  
7 or more families under a grant from the King of  
8 Spain (or his representative) before the effective  
9 date of the Treaty of Cordova, August 24, 1821, or  
10 from the authorities of the Republic of Mexico before  
11 May 30, 1848, in what became the State of New  
12 Mexico, regardless of the original character of the  
13 grant.

14 (5) RECONSTITUTED.—The term “reconsti-  
15 tuted”, with regard to a valid community land grant,  
16 means restoration to full status as a municipality  
17 with rights properly belonging to a municipality  
18 under State law, including the nontaxability of mu-  
19 nicipal property (common lands) and the right of  
20 local self-government.

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

22 (1) New Mexico has a unique history regarding  
23 the acquisition of ownership of land as a result of  
24 the substantial number of Spanish and Mexican land  
25 grants that were an integral part of the colonization

1 and growth of New Mexico before the United States  
2 acquired the area in the Treaty of Guadalupe-  
3 Hidalgo.

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

8 (3) Serious questions regarding the prior own-  
9 ership of lands in the State of New Mexico, particu-  
10 larly certain public lands, still exist.

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

14 **SEC. 3. ESTABLISHMENT AND MEMBERSHIP OF COMMIS-**  
15 **SION.**

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

19 (b) **NUMBER AND APPOINTMENT OF MEMBERS.**—  
20 The Commission shall be composed of five members ap-  
21 pointed by the President by and with the advise and con-  
22 sent of the Senate. At least two of the members of the  
23 Commission shall be selected from among persons who are  
24 eligible descendants.

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

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

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

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

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

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

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

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

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

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

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

15          (d) PETITION HEARING.—The Commission shall hold  
16 a hearing upon each petition timely submitted under sub-  
17 section (a), at which hearing all persons having an interest  
18 in the land involved in the petition shall have the right,  
19 upon notice, to appear as a party.

20          (e) SUBPOENA POWER.—

21           (1) IN GENERAL.—The Commission may issue  
22           subpoenas requiring the attendance and testimony of  
23           witnesses and the production of any evidence relat-  
24           ing to any petition submitted under subsection (a).

25           The attendance of witnesses and the production of

1 evidence may be required from any place within the  
2 United States at any designated place of hearing  
3 within the United States.

4 (2) FAILURE TO OBEY A SUBPOENA.—If a per-  
5 son refuses to obey a subpoena issued under para-  
6 graph (1), the Commission may apply to a United  
7 States district court for an order requiring that per-  
8 son to appear before the Commission to give testi-  
9 mony, produce evidence, or both, relating to the  
10 matter under investigation. The application may be  
11 made within the judicial district where the hearing  
12 is conducted or where that person is found, resides,  
13 or transacts business. Any failure to obey the order  
14 of the court may be punished by the court as civil  
15 contempt.

16 (3) SERVICE OF SUBPOENAS.—The subpoenas  
17 of the Commission shall be served in the manner  
18 provided for subpoenas issued by a United States  
19 district court under the Federal Rules of Civil Pro-  
20 cedure for the United States district courts.

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

1 (f) DECISION.—On the basis of the facts contained  
2 in a petition submitted under subsection (a), and the hear-  
3 ing held with regard to the petition, the Commission shall  
4 determine the validity of the community land grant de-  
5 scribed in the petition. The decision shall include a rec-  
6 ommendation of the Commission regarding whether the  
7 community land grant should be reconstituted and its  
8 lands restored.

9 **SEC. 5. COMMUNITY LAND GRANT STUDY CENTER.**

10 To assist the Commission in the performance of its  
11 activities under section 4, the Commission shall establish  
12 a Community Land Grant Study Center at the Onate Cen-  
13 ter in Alcalde, New Mexico. The Commission shall be  
14 charged with the responsibility of directing the research,  
15 study, and investigations necessary for the Commission to  
16 perform its duties under this Act.

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

18 (a) HEARINGS AND SESSIONS.—The Commission  
19 may, for the purpose of carrying out this Act, hold hear-  
20 ings, sit and act at times and places, take testimony, and  
21 receive evidence as the Commission considers appropriate.  
22 the Commission may administer oaths or affirmations to  
23 witnesses appearing before it.

24 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-  
25 ber or agent of the Commission may, if authorized by the

1 Commission, take any action which the Commission is au-  
2 thorized to take by this section.

3 (c) GIFTS, BEQUESTS, AND DEVICES.—The Commis-  
4 sion may accept, use, and dispose of gifts, bequests, or  
5 devises of services or property, both real and personal, for  
6 the purpose of aiding or facilitating the work of the Com-  
7 mission. Gifts, bequests, or devises of money and proceeds  
8 from sales of other property received as gifts, bequests,  
9 or devises shall be deposited in the Treasury and shall be  
10 available for disbursement upon order of the Commission.  
11 For purposes of Federal income, estate, and gift taxes,  
12 property accepted under this subsection shall be consid-  
13 ered as a gift, bequest, or devise to the United States.

14 (d) MAILS.—The Commission may use the United  
15 States mails in the same manner and under the same con-  
16 ditions as other departments and agencies of the United  
17 States.

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

11 **SEC. 8. TERMINATION.**

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

14 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

15 There is authorized to be appropriated \$1,500,000  
16 for each of the fiscal years 1998 through 2007 for the  
17 purpose of carrying out the activities of the Commission  
18 and to establish and operate the Community Land Grant  
19 Study Center under section 5.

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