

**Union Calendar No. 421**

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1233**

**[Report No. 103-773, Parts I and II]**

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**AN ACT**

To resolve the status of certain lands in Arizona that are subject to a claim as a grant of public lands for railroad purposes, and for other purposes.

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OCTOBER 3, 1994

Reported from the Committee on Natural Resources

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IN THE HOUSE OF REPRESENTATIVES

JULY 27, 1994

Referred jointly to the Committees on the Judiciary and Natural Resources

OCTOBER 3, 1994

Reported from the Committee on Natural Resources

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## AN ACT

To resolve the status of certain lands in Arizona that are subject to a claim as a grant of public lands for railroad purposes, 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.**

4        This Act may be cited as the “Arizona Wilderness  
5        Land Title Resolution Act of 1994”.

6        **SEC. 2. FINDINGS AND PURPOSES.**

7        (a) FINDINGS.—Congress finds that—

1           (1) the Act entitled “An Act granting Lands to  
2 aid in the Construction of a Railroad and Telegraph  
3 Line from the States of Missouri and Arkansas to  
4 the Pacific Coast”, approved July 27, 1866 (14  
5 Stat. 292), granted a right-of-way in Arizona to the  
6 Atlantic and Pacific Railroad Company, together  
7 with certain alternate sections of public lands on  
8 both sides of the right-of-way;

9           (2) patents were not issued to some of the lands  
10 in the grant described in paragraph (1);

11           (3) as successors in interest to the Atlantic and  
12 Pacific Railroad Company, the Santa Fe Pacific  
13 Railroad, and Perrin Properties, Inc., a California  
14 corporation—

15           (A) claim rights to approximately  
16 14,632.72 acres of the lands described in para-  
17 graph (1); and

18           (B) applied to the Secretary of the Interior  
19 for a patent to the lands;

20           (4) the Secretary of the Interior denied the ap-  
21 plication for the patent, which was filed in the name  
22 of the Santa Fe Railroad Company for the benefit  
23 of Perrin Properties, Inc., on the ground that the  
24 claim had been extinguished by failure to record the  
25 claim in accordance with the Act entitled “An Act

1 to require the recordation of scrip, lieu selection, and  
2 similar rights”, approved August 5, 1955 (69 Stat.  
3 534; 43 U.S.C. 274 note) (commonly known as the  
4 “Recordation Act”);

5 (5) on appeal, the United States Court of Ap-  
6 peals for the District of Columbia Circuit ruled in  
7 Santa Fe Pacific Railroad Company, et al. v. Sec-  
8 retary of the Interior, 830 F.2d 1168 (D.C. Cir.  
9 1987), that such Act was not applicable and did not  
10 bar the issuance of a patent;

11 (6) ultimate resolution of the question of the  
12 title to the 14,632.72 acres may require years of ad-  
13 ditional litigation;

14 (7) the Arizona Wilderness Act of 1984 (Public  
15 Law 98–406) designated certain lands in the Pres-  
16 cott National Forest in Arizona as components of  
17 the National Wilderness Preservation System estab-  
18 lished by the Wilderness Act (16 U.S.C. 1131 et  
19 seq.), including the Apache Creek Wilderness and  
20 the Juniper Mesa Wilderness;

21 (8) the 14,632.72 acres are in the Prescott Na-  
22 tional Forest and comprise large portions of the  
23 Apache Creek and Juniper Mesa Wilderness areas;  
24 and

1 (9) if the 14,632.72 acres are patented to pri-  
2 vate owners, the creation of a checkerboard owner-  
3 ship pattern over the wilderness areas will effectively  
4 preclude management of the areas as wilderness.

5 (b) PURPOSES.—The purposes of this Act are—

6 (1) to resolve the status of the title to the ap-  
7 proximately 14,632.72 acres in the Prescott Na-  
8 tional Forest described in section 3(c);

9 (2) to ensure that the lands are permanently re-  
10 tained in Federal ownership; and

11 (3) to preserve the integrity of the Apache  
12 Creek and Juniper Mesa Wilderness areas consistent  
13 with the Arizona Wilderness Act of 1984 (Public  
14 Law 98–406).

15 **SEC. 3. RESOLUTION OF STATUS OF LANDS.**

16 (a) PAYMENT BY THE SECRETARY OF THE TREAS-  
17 URY.—

18 (1) PAYMENT.—Subject to subsection (b), the  
19 Secretary of the Treasury shall pay to Perrin Prop-  
20 erties, Inc., the sum of \$3,854,000 from the perma-  
21 nent judgment appropriation established pursuant to  
22 section 1304 of title 31, United States Code.

23 (2) INTEREST.—No funds shall be made avail-  
24 able for the payment of interest on the amounts pay-  
25 able under paragraph (1).

1 (b) CONDITIONS OF PAYMENT.—The Secretary of the  
2 Treasury shall make the payment described in subsection  
3 (a) if the Attorney General of the United States notifies  
4 the Secretary of the Treasury that the appellants in Santa  
5 Fe Pacific Railroad Company, et al. v. Secretary of the  
6 Interior, 830 F.2d 1168 (1987), and Perrin Properties,  
7 Inc., have executed in forms satisfactory to the Attorney  
8 General all documents necessary—

9 (1) to dismiss with prejudice all litigation in-  
10 volving the title to the lands described in subsection  
11 (c); and

12 (2) to release and quitclaim to the United  
13 States all right, title, and interest of the appellants  
14 and of Perrin Properties, Inc., arising out of the Act  
15 entitled “An Act granting Lands to aid in the Con-  
16 struction of a Railroad and Telegraph Line from the  
17 States of Missouri and Arkansas to the Pacific  
18 Coast”, approved July 27, 1866 (14 Stat. 292), in  
19 and to lands in the Prescott National Forest.

20 (c) DESCRIPTION OF LANDS.—The lands described  
21 in this subsection are the approximately 14,632.72 acres  
22 of land in the Prescott National Forest in Arizona de-  
23 scribed in the decision by the Interior Board of Land Ap-  
24 peals, Santa Fe Pacific Railroad Co., No. 82-449, 72  
25 IBLA 197 (April 19, 1983).

1       (d) MANAGEMENT OF LANDS.—Upon the execution  
2 of documents and dismissal of the litigation as described  
3 in subsection (b), the lands described in subsection (c)  
4 shall be managed in accordance with the laws, rules, and  
5 regulations pertaining to the National Forest System.  
6 Lands described in subsection (c) that lie within the  
7 boundaries of a wilderness area, as designated on or before  
8 the date of enactment of this Act, shall also be managed  
9 in accordance with the applicable provisions of the Wilder-  
10 ness Act (16 U.S.C. 1131 et seq.).

Passed the Senate June 24 (legislative day, June 7),  
1994.

Attest:

MARTHA S. POPE,  
*Secretary.*