

**Calendar No. 445**

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

**S. 1233**

[Report No. 103-274]

---

---

**A BILL**

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.

---

---

May 25 (legislative day, May 16), 1994  
Reported with amendments

# Calendar No. 445

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

# S. 1233

[Report No. 103-274]

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.

---

## IN THE SENATE OF THE UNITED STATES

JULY 15 (legislative day, JUNE 30), 1993

Mr. DECONCINI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

MAY 25 (legislative day, MAY 16), 1994

Reported by Mr. JOHNSTON, with amendments

[Omit the part struck through and insert the part printed in italic]

---

## A BILL

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 ~~1993~~ 1994”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

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

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

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

17 (A) claim rights to approximately  
18 14,632.72 acres of the lands described in para-  
19 graph (1); and

20 (B) applied to the Secretary of the Interior  
21 for a patent to the lands;

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

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

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

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

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

22 (8) the 14,632.72 acres are in the Prescott Na-  
23 tional Forest and comprise large portions of the  
24 Apache Creek and Juniper Mesa Wilderness areas;  
25 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.).

11 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

12 To reimburse the permanent judgment appropriation  
13 for the payment authorized by section 3(a), there is au-  
14 thorized to be appropriated to the Department of Agri-  
15 culture ~~\$3,854,000.~~