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HOUSE OF REPRESENTATIVES

REPORT
110–610

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

APRIL 29, 2008.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 3522]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3522) 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, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 3522 is 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 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.

BACKGROUND AND NEED FOR LEGISLATION

For nearly 20 years, there has been a dispute between the Jicarilla Apache Tribe and Rio Arriba County, New Mexico, over the ownership of a road on a parcel of land formerly referred to as

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Theis Ranch. The Jicarilla Apache Tribe purchased the Theis Ranch in 1985. In September of 1988, the Secretary of the Interior placed the Theis Ranch property in trust and declared it part of the Jicarilla Apache Reservation.

In 1987, a lawsuit was filed in New Mexico state court to determine the ownership status of the disputed road. The District Court ruled in favor of the Tribe, and subsequently the County appealed. This appeal is currently pending before the New Mexico Court of Appeals. In an effort to settle the dispute outside the courtroom, the Tribe and the County entered into mediation. In 2003, the Tribe and County reached a settlement that was approved by the Secretary of the Interior. The settlement agreement provided that the Tribe would transfer approximately 70.5 acres of land located within the expanded 1988 reservation to the County. In exchange, the County agreed to abandon any and all claims to the disputed road. H.R. 3522 ratifies the conveyance of the land as established in the settlement agreement, and is therefore necessary to resolution of the litigation.

In the 109th Congress, H.R. 4876, a nearly identical bill, passed the House under suspension of the rules.

COMMITTEE ACTION

H.R. 3522 was introduced on September 10, 2007 by Representative Tom Udall (D–NM). The bill was referred to the Committee on Natural Resources. On April 9, 2008, the Committee on Natural Resources held a hearing on the bill. The full Committee on Natural Resources met to consider the bill on April 17, 2008, and ordered it favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Definitions

Section 1 defines the terms "Jicarilla Apache Nation," "1988 Reservation Addition," "Settlement Agreement," "Lawsuit," "Rio Arriba County," "Settlement Lands," "Secretary," and "Disputed County Road" for purposes of this Act.

Section 2. Congressional findings

Section 2 sets forth the findings supporting the background and reasoning for this bill, including that the Jicarilla Apache Nation and the County of Rio Arriba, New Mexico, have reached a Settlement Agreement over a lawsuit involving a disputed road. Furthermore, it provides that the Settlement Agreement has been approved by the Secretary of the Interior.

Section 3. Condition on effect of section

Section 3 provides that ratification of the conveyance and issuance of a patent shall not occur until after the conditions set forth in subsection (a) are met by the Jicarilla Apache Nation and the County of Rio Arriba, New Mexico, and the Secretary of the Interior has published such findings in the Federal Register.

Section 4. Ratification of conveyance; issuance of patent

Section 4 ratifies and approves the Jicarilla Apache Nation's quitclaim deed for the settlement lands to the County of Rio Arriba. Further, it requires the Secretary of the Interior to issue a patent for the settlement lands to the County of Rio Arriba.

Section 5. Boundary change

Section 5 provides that lands conveyed to the County of Rio Arriba under this Act shall cease to be a part of the Jicarilla Apache Reservation.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is 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 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.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 3522—A bill 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

CBO estimates that implementing H.R. 3522 would have no significant impact on the federal budget. H.R. 3522 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

H.R. 3522 would authorize a settlement between the Jicarilla Apache Nation and Rio Arriba County, New Mexico, regarding a dispute over the ownership of a road on the tribe's reservation. The settlement agreement that would be ratified by the bill would remove approximately 70 acres of land within the reservation from trust and reservation status, which would allow that land to be conveyed to Rio Arriba County, provided that certain conditions are met. In exchange, the county would agree to abandon all other legal claims to the disputed road. Based on information provided by the Bureau of Indian Affairs, CBO expects that implementing this conveyance would have no significant impact on administrative costs to that agency.

The CBO staff contact for this estimate is Leigh Angres. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 3522 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

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