

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

#### JICARILLA APACHE RESERVATION CONVEYANCE

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass 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.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3522

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DEFINITIONS.

For the purposes of this act, the following definitions apply:

(1) JICARILLA APACHE NATION.—The term “Jicarilla Apache Nation” means the Jicarilla Apache Nation, a tribe of American Indians recognized by the United States and organized under section 16 of the Act of June 18, 1934 (25 U.S.C. 476; popularly known as the Indian Reorganization Act).

(2) 1988 RESERVATION ADDITION.—The term “1988 Reservation Addition” means those lands, known locally as the Theis Ranch, that are described in the Federal Register published on September 26, 1988 at 53 F.R. 37355–56 and were added to the Jicarilla Apache Reservation in New Mexico in 1988.

(3) SETTLEMENT AGREEMENT.—The term “Settlement Agreement” means the agreement executed by the President of the Jicarilla Apache Nation on May 6, 2003 and executed by the Chairman of the Rio Arriba Board of County Commissioners on May 15, 2003 and approved by the Department of the Interior on June 18, 2003 to settle the Lawsuit.

(4) LAWSUIT.—The term “Lawsuit” means the case identified as Jicarilla Apache Tribe v. Board of County Commissioners, County of Rio Arriba, No. RA 87–2225(C), State of New Mexico District Court, First Judicial District, filed in October 1987.

(5) RIO ARRIBA COUNTY.—The term “Rio Arriba County” means the political subdivision of the state of New Mexico described in Section 4–21–1 and Section 4–21–2, New Mexico Statutes Annotated 1978 (Original Pamphlet).

(6) SETTLEMENT LANDS.—The term “Settlement Lands” means Tract A and Tract B as described in the plat of the “Dependent Resurvey and Survey of Tract within Theis Ranch” within the Tierra Amarilla Grant, New Mexico prepared by Leo P. Kelley, Cadastral Surveyor, United States Department of the Interior, Bureau of Land Management, dated January 7, 2004, and recorded in the office of the Rio Arriba County Clerk on March 8, 2004, in Cabinet C–1, Page 199, Document No. 242411, consisting of 70.75 acres more or less. Title to the Settlement Lands is held by the United States in trust for the Jicarilla Apache Nation.

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(8) DISPUTED COUNTY ROAD.—The term “Disputed County Road” means the county road passing through the 1988 Reservation Addition along the course identified in the judgment entered by the New Mexico District Court in the Lawsuit on December 10, 2001 and the decision entered on December 11, 2001, which judgment and decision have been appealed to the New Mexico Court of Appeals.

#### SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) The Lawsuit is now pending before the Court of Appeals of the State of New Mexico and involves a claim that a county road passing through the 1988 Reservation Addition had been established by prescription prior to acquisition of the land by the Jicarilla Apache Nation in 1985.

(2) The parties to that lawsuit, the Jicarilla Apache Nation and the County of Rio Arriba, have executed a Settlement Agreement, approved by the Secretary of the Interior, to resolve all claims relating to the disputed county road, which agreement requires ratifying legislation by the Congress of the United States.

(3) The parties to the Settlement Agreement desire to settle the claims relating to the disputed county road on the terms agreed to by the parties, and it is in the best interests of the parties to resolve the claims through the Settlement Agreement and this implementing legislation.

#### SEC. 3. CONDITION ON EFFECT OF SECTION.

(a) IN GENERAL.—Section 4 of this Act shall not take effect until the Secretary finds the following events have occurred:

(1) The Board of Commissioners of Rio Arriba County has enacted a resolution permanently abandoning the disputed county road and has submitted a copy of that resolution to the Secretary.

(2) The Jicarilla Apache Nation has executed a quitclaim deed to Rio Arriba County for the Settlement Lands subject to the exceptions identified in the Settlement Agreement and has submitted a copy of the quitclaim deed to the Secretary.

(b) PUBLICATION OF FINDINGS.—If the Secretary finds that the conditions set forth in subsection (a) have occurred, the Secretary shall publish such findings in the Federal Register.

#### SEC. 4. RATIFICATION OF CONVEYANCE; ISSUANCE OF PATENT.

(a) CONDITIONAL RATIFICATION AND APPROVAL.—This Act ratifies and approves the Jicarilla Apache Nation’s quitclaim deed for the Settlement Lands to Rio Arriba County, but such ratification and approval shall be effective only upon satisfaction of all conditions in section 3, and only as of the date that the Secretary’s findings are published in the Federal Register pursuant to section 3.

(b) PATENT.—Following publication of the notice described in section 3, the Secretary shall issue to Rio Arriba County a patent for the Settlement Lands, subject to the exceptions and restrictive covenants described subsection (c).

(c) CONDITIONS OF PATENT.—The patent to be issued by the Secretary under subsection (b) shall be subject to all valid existing rights of third parties, including but not limited to easements of record, and shall include the following perpetual restrictive covenant running with the Settlement Lands for the benefit of the lands comprising the Jicarilla Apache Reservation adjacent to the Settlement Lands: “Tract A shall be used only for governmental purposes and shall not be used for a prison, jail or other facility for incarcerating persons accused or convicted of a

crime. For purposes of this restrictive covenant,” governmental purposes “shall include the provision of governmental services to the public by Rio Arriba County and the development and operation of private businesses to the extent permitted by applicable State law.”.

#### SEC. 5. BOUNDARY CHANGE.

Upon issuance of the patent authorized by section 4, the lands conveyed to Rio Arriba County in the patent shall cease to be a part of the Jicarilla Apache Reservation and the exterior boundary of the Jicarilla Apache Reservation shall be deemed relocated accordingly.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

#### GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. I yield myself such time as I may consume.

(Mr. RAHALL asked and was given permission to revise and extend his remarks.)

Mr. RAHALL. Passage of the pending measure will resolve a longstanding dispute between the Jicarilla Apache Nation and the county of Rio Arriba in New Mexico over a disputed road. The tribe and the county have agreed to a settlement which requires the approval of Congress in order to become effective.

Under this settlement agreement, the tribe will transfer 70.5 acres of land located within its expanded 1988 reservation to the county. In exchange, the county will abandon any and all claims to the disputed road.

I would like to commend our colleague from New Mexico for his super leadership and determination, Mr. TOM UDALL, for bringing this bill before us today.

Some of the more difficult and contentious issues that we deal with are those of property lines and jurisdictions of towns, private landowners and Indian tribes. Mr. UDALL has never shied away from such matters when they affect the Indian tribes of New Mexico, and I commend him. I urge my colleagues to support its passage.

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I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3522 implements a settlement agreement worked out by the tribe and Rio Arriba County. As a result, the parties resolve a long-lasting litigation by conveying tribal lands to the county for transportation purposes.

I support the settlement along with the administration. I urge my colleagues to do the same thing.

We have no additional speakers, and I yield back the balance of my time.

Mr. RAHALL. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 3522.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

**TUOLUMNE ME-WUK LAND TRANSFER ACT OF 2008**

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3490) to transfer administrative jurisdiction of certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs, to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3490

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Tuolumne Me-Wuk Land Transfer Act of 2008".*

**SEC. 2. FINDINGS.**

*Congress finds that—*

(1) the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, California (referred to in this Act as the "Tribe"), is a federally recognized Indian tribe;

(2) 3 tracts of Federal lands managed by the Bureau of Land Management are adjacent to the Tuolumne Rancheria of California, a federally recognized Indian Reservation held in trust for the benefit of the Tribe;

(3) one such tract is a cemetery within which are buried the remains of ancestors of the Tribe and other Indians;

(4) another such tract is needed for use by the Tribe for a cultural center and other public uses of the Tribe;

(5) the remaining tract is needed for use by the Tribe for agricultural, housing, and open space needs;

(6) none of the foregoing 3 tracts are to be used by the Tribe for gaming purposes;

(7) certain parcels of lands adjacent to the Tuolumne Rancheria were taken into trust for the benefit of the Tribe; and

(8) 2 parcels of fee lands owned by the Tribe and adjacent to the Tuolumne Rancheria, commonly referred to as the "Thomas and Coenenburg properties", have been approved and are pending transfer into trust status by the Bureau of Indian Affairs for the benefit of the Tribe.

**SEC. 3. LANDS TO BE TAKEN INTO TRUST.**

(a) *IN GENERAL.—*

(1) *FEDERAL LANDS.—Subject to valid existing rights, all right, title, and interest (including improvements and appurtenances) of the United States in and to the Federal lands described in subsection (b), immediately after the Secretary of the Interior has confirmed that the National Environmental Policy Act of 1969 has been com-*

*plied with regarding the trust acquisition of those Federal lands, the Federal lands shall be declared to be held in trust by the United States for the benefit of the Tribe for nongaming purposes, and shall be subject to the same terms and conditions as those lands described in the California Indian Land Transfer Act of 2000 (title IX, Public Law 106-568; 114 Stat. 2868, 2921).*

(2) *TRUST LANDS.—Lands described in subsection (c) of this section that are taken or to be taken in trust by the United States for the benefit of the Tribe shall be subject to subsection (c) of section 903 of the California Indian Land Transfer Act of 2000.*

(b) *FEDERAL LANDS DESCRIBED.—The Federal lands described in this subsection, comprising approximately 66 acres, are as follows:*

(1) *Township 1 North, Range 16 East, Section 6, Lots 10 and 12, MDM, containing 50.24 acres more or less.*

(2) *Township 1 North, Range 16 East, Section 5, Lot 16, MDM, containing 15.35 acres more or less.*

(3) *Township 2 North, Range 16 East, Section 32, Indian Cemetery Reservation within Lot 22, MDM, containing 0.4 acres more or less.*

(c) *TRUST LANDS DESCRIBED.—The trust lands described in this subsection, comprising approximately 357 acres, are commonly referred to as follows:*

(1) *Thomas property, pending trust acquisition, 104.50 acres.*

(2) *Coenenburg property, pending trust acquisition, 192.70 acres, subject to existing easements of record, including but not limited to a non-exclusive easement for ingress and egress for the benefit of adjoining property as conveyed by Easement Deed recorded July 13, 1984, in Volume 755, Pages 189 to 192, and as further defined by Stipulation and Judgment entered by Tuolumne County Superior Court on September 2, 1983, and recorded June 4, 1984, in Volume 751, Pages 61 to 67.*

(3) *Assessor Parcel No. 620505300, 1.5 acres, trust land.*

(4) *Assessor Parcel No. 620505400, 19.23 acres, trust land.*

(5) *Assessor Parcel No. 620505600, 3.46 acres, trust land.*

(6) *Assessor Parcel No. 620505700, 7.44 acres, trust land.*

(7) *Assessor Parcel No. 620401700, 0.8 acres, trust land.*

(8) *A portion of Assessor Parcel No. 620500200, 2.5 acres, trust land.*

(9) *Assessor Parcel No. 620506200, 24.87 acres, trust land.*

(d) *SURVEY.—As soon as practicable after the date of the enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall complete fieldwork required for a survey of the lands described in subsections (b) and (c) for the purpose of incorporating those lands within the boundaries of the Tuolumne Rancheria. Not later than 90 days after that fieldwork is completed, that office shall complete the survey.*

(e) *LEGAL DESCRIPTIONS.—*

(1) *PUBLICATION.—On approval by the Community Council of the Tribe of the survey completed under subsection (d), the Secretary of the Interior shall publish in the Federal Register—*

(A) *a legal description of the new boundary lines of the Tuolumne Rancheria; and*

(B) *a legal description of the land surveyed under subsection (d).*

(2) *EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1), such legal descriptions shall be the official legal descriptions of those boundary lines of the Tuolumne Rancheria and the lands surveyed.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, this measure introduced by our colleague from California, GEORGE RADANOVICH, would transfer approximately 66 acres of land from the Bureau of Land Management to the Bureau of Indian Affairs.

This land would be held in trust for the Tuolumne band of Me-Wuk Indians of the Tuolumne Rancheria. The BLM land is adjacent to land held in trust for the tribe or that is owned in fee by the tribe. Included on this land is a cemetery where the tribe has historically buried its ancestors.

Other areas of this land would be used for a cultural center, agricultural activities, housing, and open-space needs. The legislation prohibits these lands from being used for gaming.

In addition, approximately 357 acres of land which the tribe already owns would be deemed to be within the tribe's reservation boundaries.

Essentially, the purpose of this legislation is to make this tribe whole.

I urge my colleagues to support the measure.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3490 takes 66 acres of Federal land into trust for the tribe's existing reservation for nongaming purposes. In addition, it deems three tracts of adjacent land part of the tribe's reservation in the Sierra Nevada. The tribe will use the lands to alleviate overcrowded housing, to build a cultural center, for agriculture, and for open space. They will also continue to use the land as a cemetery.

Congressman RADANOVICH should be commended for his work on this bill, and I urge my colleagues to join the administration in support of this particular piece of legislation.

I yield back my time.

Mr. RAHALL. I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 3490, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.