

SUBCHAPTER XI—SANTO DOMINGO
PUEBLO LAND CLAIMS SETTLEMENT

§ 1777. Findings and purposes

(a) Findings

Congress makes the following findings:

(1) For many years the Pueblo of Santo Domingo has been asserting claims to lands within its aboriginal use area in north central New Mexico. These claims have been the subject of many lawsuits, and a number of these claims remain unresolved.

(2) In December 1927, the Pueblo Lands Board, acting pursuant to the Pueblo Lands Act of 1924 (43 Stat. 636) confirmed a survey of the boundaries of the Pueblo of Santo Domingo Grant. However, at the same time the Board purported to extinguish Indian title to approximately 27,000 acres of lands within those grant boundaries which lay within 3 other overlapping Spanish land grants. The United States Court of Appeals in *United States v. Thompson* (941 F.2d 1074 (10th Cir. 1991), cert. denied 503 U.S. 984 (1992)), held that the Board “ignored an express congressional directive” in section 14 of the Pueblo Lands Act, which “contemplated that the Pueblo would retain title to and possession of all overlap land”.

(3) The Pueblo of Santo Domingo has asserted a claim to another 25,000 acres of land based on the Pueblo’s purchase in 1748 of the Diego Gallegos Grant. The Pueblo possesses the original deed reflecting the purchase under Spanish law but, after the United States assumed sovereignty over New Mexico, no action was taken to confirm the Pueblo’s title to these lands. Later, many of these lands were treated as public domain, and are held today by Federal agencies, the State Land Commission, other Indian tribes, and private parties. The Pueblo’s lawsuit asserting this claim, *Pueblo of Santo Domingo v. Rael* (Civil No. 83-1888 (D.N.M.)), is still pending.

(4) The Pueblo of Santo Domingo’s claims against the United States in docket No. 355 under the Act of August 13, 1946 (60 Stat. 1049; commonly referred to as the Indian Claims Commission Act) have been pending since 1951. These claims include allegations of the Federal misappropriation and mismanagement of the Pueblo’s aboriginal and Spanish grant lands.

(5) Litigation to resolve the land and trespass claims of the Pueblo of Santo Domingo would take many years, and the outcome of such litigation is unclear. The pendency of these claims has clouded private land titles and has created difficulties in the management of public lands within the claim area.

(6) The United States and the Pueblo of Santo Domingo have negotiated a settlement to resolve all existing land claims, including the claims described in paragraphs (2) through (4).

(b) Purpose

It is the purpose of this subchapter—

(1) to remove the cloud on titles to land in the State of New Mexico resulting from the claims of the Pueblo of Santo Domingo, and to

settle all of the Pueblo’s claims against the United States and third parties, and the land, boundary, and trespass claims of the Pueblo in a fair, equitable, and final manner;

(2) to provide for the restoration of certain lands to the Pueblo of Santo Domingo and to confirm the Pueblo’s boundaries;

(3) to clarify governmental jurisdiction over the lands within the Pueblo’s land claim area; and

(4) to ratify a Settlement Agreement between the United States and the Pueblo which includes—

(A) the Pueblo’s agreement to relinquish and compromise its land and trespass claims;

(B) the provision of \$3,000,000 to compensate the Pueblo for the claims it has pursued pursuant to the Act of August 13, 1946 (60 Stat. 1049; commonly referred to as the Indian Claims Commission Act);

(C) the transfer of approximately 4,577 acres of public land to the Pueblo;

(D) the sale of approximately 7,355 acres of national forest lands to the Pueblo; and

(E) the authorization of the appropriation of \$15,000,000 over 3 consecutive years which would be deposited in a Santo Domingo Lands Claims Settlement Fund for expenditure by the Pueblo for land acquisition and other enumerated tribal purposes.

(c) Rule of construction

Nothing in this subchapter shall be construed to effectuate an extinguishment of, or to otherwise impair, the Pueblo’s title to or interest in lands or water rights as described in section 1777c(a)(2) of this title.

(Pub. L. 106-425, §2, Nov. 1, 2000, 114 Stat. 1890.)

REFERENCES IN TEXT

The Pueblo Lands Act of 1924, referred to in subsec. (a)(2), is act June 7, 1924, ch. 331, 43 Stat. 636, as amended, which is set out as a note under section 331 of this title.

Act of August 13, 1946, referred to in subsecs. (a)(4) and (b)(4)(B), is act Aug. 13, 1946, ch. 959, 60 Stat. 1049, as amended, known as the Indian Claims Commission Act of 1946, which was classified generally to chapter 2A (§70 et seq.) of this title and was omitted from the Code in view of the termination of the Indian Claims Commission on Sept. 30, 1978. See Codification note set out under former section 70 et seq. of this title.

SHORT TITLE

Pub. L. 106-425, §1, Nov. 1, 2000, 114 Stat. 1890, provided that: “This Act [enacting this subchapter] may be cited as the ‘Santo Domingo Pueblo Claims Settlement Act of 2000’.”

§ 1777a. Definitions

In this subchapter:

(1) **Federally administered lands**

The term “federally administered lands” means lands, waters, or interests therein, administered by Federal agencies, except for the lands, waters, or interests therein that are owned by, or for the benefit of, Indian tribes or individual Indians.

(2) **Fund**

The term “Fund” means the Pueblo of Santo Domingo Land Claims Settlement Fund established under section 1777c(b)(1) of this title.