Mr. Speaker, rangeland management is a significant challenge facing the West and Ben Berlinger has tackled that challenge head-on. He has done much to promote awareness of conservation issues and to promote good stewardship of Southeastern Colorado’s grazing land. His dedication is an inspiration to others and an immense benefit to his community. I thank him for his efforts.

Mr. Speaker, the award I am introducing today has been created by the introduction of a bill dealing with rights-of-way under R.S. 2477. Mr. UDALL of Colorado, Mr. Speaker, I am today introducing a bill to establish a process for orderly resolution of one of the most important problems associated with management of the Federal lands—claims for rights-of-way under a provision of the Mining Law of 1866. That provision was later embodied in section 2477 of the Revised Statutes, and so is usually called R.S. 2477. It granted rights-of-way for the construction of highways across Federal lands not reserved for public uses. It was one of many 19th-century laws that assisted in the opening of the West for resource development.

More than a century after its enactment, R.S. 2477 was repealed by the Federal Land Policy and Management Act of 1976, often called “FLPMA,” and was replaced with a modern and comprehensive process for establishing rights-of-way on Federal lands. However, FLPMA did not revoke valid existing rights established under R.S. 2477—and, unfortunately, it also did not set a deadline for people claiming to have such rights to file their claims.

As a result, there is literally no way of knowing how many such claims might be filed or what Federal lands—or even lands that once were Federal but now belong to other owners—might be subject to such claims. But I have no doubt that potential claims under R.S. 2477 could involve thousands of square miles of Federal lands, not to mention lands that now are private property or belong to the states or other entities.

This is obviously a serious problem. It also is the way things used to be, with regard to another kind of claim on Federal lands—mining claims under the Mining Law of 1872. However, that problem was resolved by section 314 of FLPMA, which gave people 3 years to record those claims and provided that any claim not recorded would be deemed to have been abandoned.

The courts have upheld that approach. I think it should have been applied to R.S. 2477 claims as well. If it had been, R.S. 2477 would have been an opportunity to come forward with their claims upheld, with an opportunity to seek ultimate redress from the courts if necessary. At the same time, it gives the American people—the owners of the Federal lands—and private property owners assurance that the time will come when they will own what they own, without having to worry about new R.S. 2477 claims being made against their lands.

In my opinion, such legislation is long overdue, and deserves the support of every Member of Congress. For the information of our colleagues, I am attaching a brief outline of the main provisions of the bill.


The bill is based on a legislative proposal sent to Congress by Secretary of the Interior Bruce Babbitt in 1997. Here is a section-by-section outline of its provisions:

Section 1 provides a short title, has findings about the bill’s background, and states its purpose of setting a deadline for filing claims and specifying how claims will be handled.

Section 2 defines key terms used in the bill.

Section 3 deals with the filing of claims for rights-of-way based on R.S. 2477.

Subsection (a) sets a deadline of 4 years after enactment for filing.

Subsection (b) specifies where claims must be filed: in the state or regional office of a federal agency responsible for management of claimed Federal lands; with the commanding officer of a military installation subject to a claim; or with the Bureau of Land Management if the claimed lands are no longer in Federal ownership.

Section 4 provides that claims not filed by the deadline shall be deemed abandoned—this parallels Section 314 of the Federal Land Policy and Management Act of 1976, which required the recording of unpatented mining claims. A claimant would have 3 years to file a lawsuit challenging the effect of this provision on a claim.

Subsection (d) permits coordination among federal agencies.

Subsection (e) provides that R.S. 2477 claims by non-Federal landowners can only be validated in accordance with the provisions established by the bill.

Section 4 provides procedures for handling R.S. 2477 claims. Subsection (a) specifies that claimants have the burden of proof and that claims for...
lands in conservation, wilderness study, or inventoried roadless areas or for lands not owned by the Federal government are presumed to have been abandoned unless a claimant can show that continued use of a right-of-way for highway purposes was clearly intended to continue after designation or transfer of title by the United States.

Subsection (b) specifies what information must be included in a filing by a claimant. Subsection (c) specifies procedures for review of claims by federal officials. Subsection (d) requires reviewing officials to consult regarding pending claims. Subsection (e) provides for issuance of a draft decision on a claim, determines the claimant's validity, followed by a period of public comment. Subsection (f) provides for issuance of a final decision on a claim within one year after release of the draft decision. Subsection (g) requires a lawsuit challenging a final agency decision on a claim to be filed within 3 years after the decision and limits judicial review to review of the administrative record. It also provides that the Federal Government can decide to purchase the right-of-way determined to belong to another party.

Subsection (h) requires a successful claimant to file information about the right-of-way with BLM and the relevant State within 5 years, and specifies that a failure to do so will constitute abandonment of the right-of-way. Subsection (i) provides that the Federal government can choose to purchase a right-of-way determined to belong to another party.

Section 6 provides that nothing in the bill supersedes the decisions by Trial Judges in Reno, Nevada and at Adams County. Judge Ogburn has offered his time and talent while taking over duties as District 3 Judge. He was appointed to the bench in 1976, at the same time taking over duties as District 3 Judge Advocate General's office. In 1966 he entered private practice and later contributed to both the 12th Judicial District of Colorado and the greater San Luis Valley. Judge Ogburn officially retired from his job as a District Judge in January after more than twenty-six years on the bench. Today I would like to honor Judge Ogburn's long and distinguished career of service to his community before this body of Congress and this nation. Judge Ogburn began his legal career in the Army's Judge Advocate General's office. In 1966 he entered private practice and later served as a District Attorney. Judge Ogburn was appointed to the bench in 1976, at the same time taking over duties as District 3 Water Judge. The longest tenured judge on the 12th Judicial District bench, Judge Ogburn presided over many of the major San Luis Valley water cases in the past quarter century, as well as the area's high-profile criminal cases.

In addition to his service on the bench, Judge Ogburn has offered his time and talent as a teacher at the National College of Court Trial Judges in Reno, Nevada and at Adams

TRIBUTE TO ROBERTO CLEMENTE

HON. JOSE E. SERRANO
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 3, 2003

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Roberto Clemente, an outstanding athlete and a very successful baseball player. Thirty years ago, in 1973, the National Baseball Hall of Fame held a special election for Roberto Clemente, who had died on New Year's Eve, 1972, while attempting to deliver supplies to earthquake victims in Nicaragua. He was the first Latino elected to the Baseball Hall of Fame.

Born on August 18, 1934 in Carolina, Puerto Rico, Roberto Clemente Walker's pride and humanitarianism won him universal admiration. Despite an unorthodox batting style, the Pirates' great won four batting crowns and amassed a .351 batting average in right field, where he displayed a precise and powerful arm. Clemente earned National League Most Valuable Player honors in 1966, but achieved his greatest fame in the 1971 World Series, when he batted .414. Tragically, Clemente's life ended at age 38—the victim of a plane crash while flying relief supplies to Nicaraguan earthquake victims.

Mr. Speaker, in 1952 Roberto Clemente attended an open tryout in Santurce, sponsored by the Brooklyn Dodgers' Al Campanis. There were seventy-two kids at the tryouts that day. First Campanis had everyone line up in center field and throw to home plate. Throw after throw fell short until young Roberto's turn. He came up and threw a straight hard throw to the catcher directly in the mitt with a loud thud. It hit the catcher right there in another one, which was as good as the first. Campanis then told the rest of the 71 young men to go home and asked Roberto to stay. Next, Campanis had Roberto run the 60-yard dash. He was amazed when Roberto ran it in 6.4 seconds. Next, they moved to the batting cages. For 20 minutes, Roberto hit one line drive after another. Campanis and the Dodgers wanted to sign him right then, but he was only 17 and he had to be 18 before he would be able to play in the Major Leagues. Three days later, he signed with a local semi-pro team the Santurce Crabbers.

Clemente played with the Crappers for a season before signing with the Brooklyn Dodgers in 1954. At spring training he did not join the Dodgers in Brooklyn, he was sent to the Daytona Beach Royals. Roberto was not happy and was homesick in 1954, he was drafted by the Pittsburgh Pirates.

Clemente was only 20 years old and spoke almost no English at all. Pittsburgh was not interested in him, but he went to the tryouts in Fort Myers. He saw only two other black players. He encountered a lot of racial discrimination, starting in spring training when a Pittsburgh sportswriter labeled him a "Puerto Rican hot dog." His answer to all the social injustices he encountered was: "I don't believe in color; I believe in people."

Clemente got off to a great start with the Pirates. He had an inside-the-park home run against the Yankees, and drove in a run in that gave the Pirates their first win of the season. He played right field for the Pirates.

Clemente played 5 seasons with the Pirates before they finally won the World Series. The year 1960 was the year the Pirates could do no wrong. Led by Roberto Clemente, kick Groat, Bill Mazeroski, Bill Virdon, and Dick Stuart, Pittsburgh took first place in May and never let go. They went 23 games by their final at-bat. In May, Clemente had a 353 batting average. In one game at Forbes Field, he caught a ball and went head first into a concrete wall but somehow managed to throw his head back and only cut his chin. The Pirates faced the New York Yankees in the 1960 World Series. The Pirates took the series into the seventh game. Few people expected the Pirates to win, but sure enough, they pulled it off. The Pirates won the game in the ninth inning when Bill Mazeroski smashed the ball over the fence for the winning hit.

The next season Clemente won the National League batting title and a Gold Glove for the bestfielding right fielder. In 1966, he won his first MVP award.

Four years later, in 1970, Clemente was honored on Roberto Clemente Night at the Pirates' new three Rivers Stadium. He was given a lot of awards and gifts including a scroll signed by over 300,000 people in Puerto Rico. Thousands of dollars were also donated in his name to his favorite charity in Pittsburgh. The game was broadcast on radio and TV in Puerto Rico.

In 1971, the Pirates again won the World Series again with Clemente finishing the series with a .414 batting average and several spectacular catches. In 1972, he had another great season. During the season, he hit his 3,000th career hit. Only 10 players before him had done that.

In December 1972, a massive earthquake struck the Central American country of Nicaragua. An estimated 7,000 people were killed, and thousands of people were left without food, shelter, or water. Nicaragua badly needed help. So Clemente was asked to be an honorary chairman of the Puerto Rican Earthquake Relief Committee, and he immediately agreed.

He started to raise money as fast as he could. Contributions of food, money, clothing, and medicine poured in and were sent to Nicaragua. However, some of the supplies were being stolen and sold for high prices. When Roberto heard what was going on he was furious, and decided to accompany the next planeload of supplies to Managua and supervise their distribution himself.

On December 31, 1972 at 9:22 p.m., the old DC-7 rumbled down the runway and took off. Before long, there were one engine. One of the engines exploded so the pilot turned the plane around and started heading back. However, there were more explosions and the plane went down in the Caribbean Sea. Unfortunately, Roberto Clemente was not rescued and died on site.

Through his dedication, discipline, and success in baseball, Roberto Clemente served as a role model for millions of youngsters in the United States and Puerto Rico who dream of succeeding, like him, in the world of baseball.

Mr. Speaker, I ask my colleagues to join me in standing together in recognition of Roberto Clemente for his contributions and dedication to baseball, as well as for serving as a role model for the youth of Puerto Rico and the U.S.A.