

Mr. GOHMERT. Madam Speaker, I also urge support for this and would thank the gentleman from Oklahoma. But I can't recognize my dear friend from Oklahoma without commenting that he has also got Texas ties that we are proud of.

Madam Speaker, I have no additional requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the bill, H.R. 5690.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RATIFYING CONVEYANCE OF A PORTION OF THE JICARILLA APACHE RESERVATION TO RIO ARRIBA COUNTY, STATE OF NEW MEXICO

Mr. GOHMERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4876) 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 as follows:

H.R. 4876

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 were added to the Jicarilla Apache Reservation in the state of New Mexico by the proclamation of the Secretary of the Interior issued on September 1, 1988 pursuant to authority granted by section 7 of the Act of June 18, 1934 (25 U.S.C. 467; popularly known as the Indian Reorganization Act), and published in the Federal Register on September 26, 1988 at 53 F.R. 37355–56.

(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 lands constituting the 1988 Reservation Addition to the Jicarilla Apache Reservation were purchased by the Jicarilla Apache Nation in June 1985 and were conveyed to the United States by a trust deed accepted by the Secretary of the Interior in March 1988 pursuant to authority granted by section 5 of the Act of June 18, 1934 (25 U.S.C. 465; popularly known as the Indian Reorganization Act).

(2) The lands constituting the 1988 Reservation Addition were added to the Jicarilla Apache Reservation in September 1988 by proclamation of the Secretary of the Interior pursuant to authority granted by section 7 of the Act of June 18, 1934 (25 U.S.C. 467; popularly known as the Indian Reorganization Act).

(3) There is pending before the Court of Appeals of the State of New Mexico a lawsuit, filed in October 1987, that 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.

(4) 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.

(5) 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 in 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 Texas (Mr. GOHMERT) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. GOHMERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4876 settles a lawsuit between the Jicarilla Apache tribe and the county of Rio Arriba in the State of New Mexico. In 1987, the tribe challenged the validity of a county road located on land owned by the Apache tribe. In 2003, the tribe and the county entered into a settlement agreement to resolve all claims that were raised in the lawsuit. Accordingly, H.R. 4876 ratifies this settlement agreement and authorizes the conveyance of a portion of the Apache reservation to the county. Changes to the exterior boundary of the reservation will be made accordingly. As a result, this long-standing, nearly 20-year-old lawsuit will be resolved.

I urge support for the bill.

Madam Speaker, I reserve the balance of my time.

Mr. KIND. Madam Speaker, I would like to yield at this time such time as he may consume to the chief sponsor of this legislation, my good friend from the State of New Mexico, Mr. TOM UDALL.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Madam Speaker, this legislation will bring long overdue resolution to a dispute between the Jicarilla Apache Nation and Rio Arriba County in the State of New Mexico. Both parties and the Secretary of the Interior have already executed the terms agreed to within the settlement agreement. All that stands between the parties to this dispute and the long-overdue resolution is congressional approval.

This legislation upholds Congress' trust responsibility to the Jicarilla Nation by placing restrictive covenants on the trust land transferred to the county. As a result of the transferred land's proximity to the reservation, certain uses of the transferred land would have a detrimental effect on the remaining reservation. Therefore, this legislation allows the county to use the land only for governmental purposes and specifically prohibits the county from using the land for prisons, jails, or other incarcerated persons, and other purposes.

Madam Speaker, I urge my colleagues to support passage of this important legislation. Both the Nation and the county have waited years for this agreement to be implemented.

The dispute concerns the ownership of a road on a parcel of land formerly referred to as the Theis Ranch. The Theis Ranch property became part of the Jicarilla Nation Reservation in September of 1988.

A lawsuit was filed in October 1987 to determine the ownership status of a disputed road. In the original lawsuit, Rio Arriba County sought to establish that the County acquired the disputed road by prescription and, therefore, that the County was the road's rightful owner. However, the Jicarilla Nation contended that the Nation owned the road because the road was, and continues to be, within the boundaries of the expanded 1988 Jicarilla Reservation. On December 10, 2001, the District Court found in favor of the Jicarilla Nation, determining that the disputed road traversed the Jicarilla Reservation in several locations. Rio Arriba County appealed the District Court decision, and the appeal is currently pending before the Court of Appeals of the State of New Mexico.

In an effort to settle the road dispute amicably, the Jicarilla Nation and Rio Arriba County entered into mediation. The parties successfully reached a settlement. Representatives of the Secretary of the Interior approved the settlement on June 18, 2003. The settlement agreement, which would be implemented by this legislation, provided that the Jicarilla Nation would transfer approximately 70.5 acres of land located with the expanded 1988 Jicarilla Reservation to Rio Arriba County. In

exchange for the Jicarilla Nation's land conveyance, Rio Arriba County agreed to permanently abandon any and all claims to the disputed road.

The settlement also provides that the terms of the agreement do not take effect until all parties complete their respective promises in the agreement and the United States, pursuant to federal law, approves of the conveyance of this particular Jicarilla trust land to Rio Arriba County.

Mr. KIND. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I just want to take a moment to again commend my colleague from New Mexico (Mr. UDALL) for his determination in getting this legislation before us today. Some of the more difficult and contentious issues that we deal with in this place are often issues involving property lines, jurisdictions of towns, private landowners, and Indian tribes. Mr. UDALL has never shied away from such matters, especially when they affect the Indian tribes in New Mexico, and I commend him for his leadership on this issue and encourage adoption of this legislation.

Madam Speaker, I yield back the balance of my time.

Mr. GOHMERT. Madam Speaker, we are also grateful to Mr. UDALL from New Mexico for his hard work in resolving this dispute. As a former judge, there is nothing that looks better than when all the parties can come together and agree, and I appreciate the gentleman's hard work in making that happen.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the bill, H.R. 4876.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

—————

ALLOWING FOR RENEGOTIATION OF PAYMENT SCHEDULE OF CONTRACTS BETWEEN SECRETARY OF INTERIOR AND REDWOOD VALLEY COUNTY WATER DISTRICT

Mr. GOHMERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5516) to allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District, and for other purposes.

The Clerk read as follows:

H.R. 5516

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

SECTION 1. RENEGOTIATION OF PAYMENT SCHEDULE.

Section 15 of Public Law 100-516 (102 Stat. 2573) is amended as follows:

(1) By amending paragraph (2) of subsection (a) to read as follows:

“(2) If, as of January 1, 2006, the Secretary of the Interior and the Redwood Valley County Water District have not renegotiated the schedule of payment, the District may enter into such additional non-Federal obligations as are necessary to finance procurement of dedicated water rights and improvements necessary to store and convey those rights to provide for the District's water needs. The renegotiated schedule of payments shall commence when such additional obligations have been financially satisfied by the District. The date of the initial payment owed by the District to the United States shall be regarded as the start of the District's repayment period and the time upon which any interest shall first be computed and assessed under section 5 of the Small Reclamation Projects Act of 1956 (43 U.S.C. 422a et seq.).”

(2) By striking subsection (c).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GOHMERT) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. GOHMERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 5516, sponsored by Congressman MIKE THOMPSON, amends Public Law 100-516 and allows for the renegotiation of the payment schedule of water contracts between the Secretary of the Interior and the Redwood Valley County Water District in northern California.

I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. KIND. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I, too, want to commend my colleague from the First Congressional District of California, Mr. THOMPSON, for the hard work and leadership that he has shown on this important piece of legislation.

We, too, support it and encourage its adoption.

Madam Speaker, I yield back the balance of my time.

Mr. GOHMERT. Madam Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the bill, H.R. 5516.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

—————

TO MODIFY A LAND GRANT PATENT ISSUED BY THE SECRETARY OF THE INTERIOR

Mr. GOHMERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3606) to modify a land grant patent issued by the Secretary of the Interior.