

115TH CONGRESS  
2D SESSION

# H. R. 6365

To establish the Treaty of Guadalupe Hidalgo Land Grant-Merced Claims Commission and other Federal policies for the restoration of land for hardships resulting from the incomplete and inequitable implementation of the Treaty of Guadalupe Hidalgo, to affirm Land Grant-Merced property rights protected by the Treaty of Guadalupe Hidalgo, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2018

Mr. PEARCE introduced the following bill; which was referred to the  
Committee on Natural Resources

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## A BILL

To establish the Treaty of Guadalupe Hidalgo Land Grant-Merced Claims Commission and other Federal policies for the restoration of land for hardships resulting from the incomplete and inequitable implementation of the Treaty of Guadalupe Hidalgo, to affirm Land Grant-Merced property rights protected by the Treaty of Guadalupe Hidalgo, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Treaty of Guadalupe-Hidalgo Land Claims Act of 2018”.

4 (b) TABLE OF CONTENTS.—The table of contents of  
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Treaty of Guadalupe Hidalgo Land Grant-Merced Claims Commission.
- Sec. 5. Hearings on qualifying petitions.
- Sec. 6. Reports.
- Sec. 7. Federal land disposal authority.
- Sec. 8. Authorization of appropriation.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The Western and Southwestern United  
9 States have a unique history regarding land acqui-  
10 sition and ownership consequent to the substantial  
11 number of Spanish and Mexican land grants-mer-  
12 cedes. These land grants-mercedes were an integral  
13 part of the colonization and growth of the region be-  
14 fore the United States acquisition under the Treaty  
15 of Guadalupe Hidalgo.

16 (2) Under the laws of Spain and Mexico, land  
17 grant-mercedes included thousands of acres of land  
18 that was owned and used by the communities, within  
19 the land grant-merced boundaries, in common. This  
20 included guaranteed right to the use of water, forest,  
21 pasture, minerals and other natural resources lo-  
22 cated on the common lands.

1           (3) The Treaty of Guadalupe Hidalgo as af-  
2           firmed by the Protocol of Querétaro protects prop-  
3           erty rights of land grants-mercedes in the territory  
4           ceded by Mexico to the United States of America.

5           (4) Property rights include land, land title,  
6           water rights, natural resource rights, mineral rights,  
7           and rights to physical access.

8           (5) Congress has enacted several major public  
9           land laws subject to valid existing rights including  
10          the Organic Administration Act of 1897 (16 U.S.C.  
11          473 et seq.), the Taylor Grazing Act (43 U.S.C. 315  
12          et seq.), the Multiple Use and Sustained Yield Act  
13          of 1960 (16 U.S.C. 528 et seq.), and the Federal  
14          Land Policy and Management Act of 1976 (43  
15          U.S.C. 1701 et seq.).

16          (6) Various provisions of the Treaty of Guada-  
17          lupe Hidalgo have not yet been fully implemented in  
18          the spirit of the United States Constitution, article  
19          VI, section 2.

20          (7) Serious questions remain regarding the  
21          rightful ownership of lands in several western and  
22          southwestern States. Certain public lands are the  
23          focus of such questions.

1           (8) The Gadsden Purchase incorporated by ref-  
2           erence the property protection provisions of the  
3           Treaty of Guadalupe Hidalgo.

4           (9) Land claim commissions, appointed by Con-  
5           gress, have successfully examined disputed land pos-  
6           session claims.

7           (10) The United States Government has recog-  
8           nized and upheld usufruct rights for other indige-  
9           nous groups.

10          (11) Between 1968 and 1981, the Forest Serv-  
11          ice recognized the uniqueness of the land tenure his-  
12          tory in New Mexico and instituted what became  
13          known as the Northern New Mexico Policy for the  
14          Southwest Region to address the socioeconomic and  
15          cultural needs of the forest-dependent land grant-  
16          merced communities in New Mexico.

17          (12) The United States General Accounting Of-  
18          fice Report to Congressional Requesters, dated June  
19          2004, numbered GAO-04-59, and entitled the  
20          “Treaty of Guadalupe Hidalgo: Findings and Pos-  
21          sible Options Regarding Longstanding Community  
22          Land Grant Claims in New Mexico”, found the New  
23          Mexico land claims confirmation process was ineffi-  
24          cient and caused hardships to claimants. Such re-  
25          port provided the following options for congressional

1 consideration in addressing land grant-merced  
2 claims:

3 (A) Consider establishing a commission or  
4 other body to reexamine specific Land Grant-  
5 Merced claims that were rejected or not con-  
6 firmed for the full acreage claimed.

7 (B) Consider transferring Federal land to  
8 communities that did not receive all of the acre-  
9 age originally claimed for their community land  
10 grants.

11 (C) Consider making financial payments to  
12 claimants' heirs or other entities for the non-  
13 use of land originally claimed but not awarded.

14 (13) The General Accounting Office also noted  
15 that "Congress may disagree with the U.S. Supreme  
16 Court's Sandoval 1897 decision and decide that it  
17 should be 'legislatively overruled', by addressing the  
18 affected land grants in some way or taking other ac-  
19 tion".

20 (14) The State of New Mexico's response to  
21 such report, dated August 14, 2008, and entitled  
22 "Report to the New Mexico Attorney General—A  
23 Response to the GAO's 2004 Report 'Treaty of Gua-  
24 dalupe Hidalgo: Findings and Possible Options Re-

1       garding Longstanding Community Land Grant  
2       Claims in New Mexico’”, found the following:

3               (A) The Federal Government had a duty  
4               to correctly confirm land grants-mercedes in  
5               New Mexico and that duty was understated by  
6               the analysis of the General Accounting Office.

7               (B) Most land grants-mercedes were not  
8               confirmed by the Federal Government in the  
9               correct type of land ownership pattern, as  
10              granted by Spain or Mexico to be held in com-  
11              mon by the entire community, but rather the  
12              vast majority were confirmed as privately owned  
13              by the family of a single petitioner or as ten-  
14              ancy-in-common. The tenancy-in-common des-  
15              ignation was foreign to Spanish and Mexican  
16              jurisprudence and left land grants-mercedes  
17              subject to partition suits that resulted in the  
18              significant loss of common land. These facts  
19              were omitted by the General Accounting Office  
20              report.

21              (C) Most postconfirmation land losses were  
22              the direct result of the improper nature of the  
23              Federal confirmation, and erroneous Federal  
24              confirmations could not be remedied in the

1 court system, contrary to the analysis of the  
2 General Accounting Office.

3 (D) Many land grants-mercedes or their  
4 common lands were improperly rejected in their  
5 entirety, others lost substantial amounts of  
6 acreage by improper application of boundary  
7 descriptions, and others were foreclosed from  
8 being confirmed by earlier adverse rulings.

9 (E) The Federal Government in a great  
10 many cases did not provide constitutionally suf-  
11 ficient notice of its confirmation activities,  
12 which contributed directly to many land grants-  
13 mercedes being erroneously misconfirmed.

14 (F) The Federal Government and various  
15 Federal agents and officials involved in the con-  
16 firmation process helped create a climate in  
17 which land speculators were able to undermine  
18 the adjudication process to dispossess land  
19 grants-mercedes of their common lands.

20 (15) Compared to their original claims, land  
21 grants-mercedes suffered enormous loss of land to  
22 the Federal Government and others. This loss nega-  
23 tively impacted the economic, environmental, and so-  
24 cial well-being of these communities.

1           (16) The following land grant-merced priority  
2 rights were protected by the Treaty of Guadalupe  
3 Hidalgo:

4           (A) Water rights, including all surface,  
5 ground, and runoff water within the former  
6 common lands that are now under the manage-  
7 ment of the Federal Government.

8           (B) Natural resource rights, including  
9 gathering of fuelwood, timber, vegetation, vege-  
10 tation products, rocks, soils, and grazing and  
11 watering of livestock that are now under the  
12 management of the Federal Government.

13           (C) Mineral rights, including any and all  
14 surface and subsurface minerals located within  
15 the existing and former common lands as well  
16 as rights to compensation for minerals ex-  
17 tracted from former common lands now under  
18 management of the Federal Government.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21           (1) ADJUDICATION PROCESS.—The term “adju-  
22 dication process”—

23           (A) means the processes required by treaty  
24 by which the United States recognized land

1 claims between 1854 and 1904 in the territories  
2 ceded under—

3 (i) the Treaty of Guadalupe Hidalgo;

4 and

5 (ii) the Gadsden Purchase; and

6 (B) includes the processes provided for in  
7 the 1854 Act establishing the Office of Sur-  
8 veyor-General of New Mexico (10 Stat. 308)  
9 and the 1891 Act establishing the Court of Pri-  
10 vate Land Claims (26 Stat. 854).

11 (2) CLAIM.—The term “claim” means the dec-  
12 laration of property rights protected by the Treaty  
13 of Guadalupe Hidalgo vested in a land grant-merced,  
14 including—

15 (A) land, land title, mineral, and natural  
16 resource claims; and

17 (B) water rights.

18 (3) CLAIMANT.—The term “claimant” means a  
19 land grant-merced as represented by its governing  
20 body or an agent thereof.

21 (4) GADSDEN PURCHASE.—The term “Gadsden  
22 Purchase” means the Treaty of Boundary, Cession  
23 of Territory, Transit of Isthmus of Tehuantepec.

1           (5) GOVERNING BODY.—The term “Governing  
2           body” means the governing body, as recognized by  
3           State law, of a land grant-merced.

4           (6) LAND GRANT-MERCEd.—The term “land  
5           grant-merced” means—

6                   (A) a community land grant identified in  
7                   tables 1 and 2 of the General Accounting Office  
8                   Report #GAO–01–951; or

9                   (B) a community, village, town, or settle-  
10                  ment, the land of which was granted by the  
11                  Government of Spain or by the Government of  
12                  Mexico, in accordance with the laws, usages,  
13                  and customs of Spain or Mexico between 1689  
14                  and 1854, within the boundaries of the Terri-  
15                  tory of New Mexico, which now includes the  
16                  States of New Mexico, Colorado and Arizona,  
17                  to—

18                           (i) the community, village, town, or  
19                           pueblo; or

20                           (ii) a person for the purpose of found-  
21                           ing or establishing a community, village,  
22                           town, or settlement.

23           (7) QUALIFYING PETITION.—The term “quali-  
24           fying petition” means a petition submitted under  
25           section 5.

1           (8) SECRETARY CONCERNED.—The term “Sec-  
2       retary concerned” means the Secretary that admin-  
3       isters the relevant Federal land.

4           (9) TREATY OF GUADALUPE HIDALGO.—The  
5       term “Treaty of Guadalupe Hidalgo” means the  
6       Treaty of Peace, Friendship, Limits, and Settlement  
7       between the United States and the Republic of Mex-  
8       ico, effective February 2, 1848.

9   **SEC. 4. TREATY OF GUADALUPE HIDALGO LAND GRANT-**  
10                           **MERCED CLAIMS COMMISSION.**

11       (a) ESTABLISHMENT.—There is hereby established a  
12       commission to be known as the Treaty of Guadalupe Hi-  
13       dalgo Land Grant-Merced Claims Commission (in this Act  
14       referred to as the “Commission”).

15       (b) DUTIES.—The duties of the Commission shall be  
16       to—

17           (1) conduct a hearing on each qualifying peti-  
18       tion and formulate a recommendation on restitution,  
19       as described in section 5(c); and

20           (2) submit to Congress the reports required  
21       under section 6.

22       (c) MEMBERSHIP.—

23           (1) NUMBER AND APPOINTMENT.—The Com-  
24       mission shall be composed of 9 members, appointed  
25       by the President of the United States, of which—

1 (A) 1 member shall be appointed in con-  
2 sultation with the Secretary of the Interior;

3 (B) 1 member shall be appointed in con-  
4 sultation with the Secretary of Agriculture;

5 (C) 1 member shall be appointed who has  
6 a background in Spanish colonial and Mexican  
7 legal history as it applies to the Southwestern  
8 United States;

9 (D) 1 member shall be appointed who has  
10 a background in Spanish colonial, Mexican, and  
11 United States history of the Southwestern  
12 United States;

13 (E) 1 member shall be appointed who has  
14 a background in international laws pertaining  
15 to succession of States and treaties as they re-  
16 late to property rights, land tenure, and usu-  
17 fruct rights;

18 (F) 1 member shall be appointed who has  
19 a background in past and present socioeconomic  
20 conditions of the Southwestern United States;

21 (G) 1 member shall be appointed who has  
22 a background in cultural geography; and

23 (H) 2 members shall be members of the  
24 governing body of a land grant-merced.

1           (2) TERMS.—Each member shall be appointed  
2 for the life of the Commission.

3           (3) VACANCIES.—A vacancy in the Commission  
4 shall be filled in the manner in which the original  
5 appointment was made.

6           (4) RATE OF PAY.—To the extent or in the  
7 amounts provided in advance in appropriation Acts,  
8 Members shall each be entitled to receive daily com-  
9 pensation not to exceed the rate of basic pay for  
10 level V of the Executive Schedule for each day, in-  
11 cluding travel days, during which they are engaged  
12 in the performance of duties vested in the Commis-  
13 sion.

14           (5) PREPARATION BEFORE HEARINGS.—Before  
15 the start of the first hearing under section 5, each  
16 member of the Commission shall prepare for such  
17 hearing by becoming familiar with the history of  
18 land grant-merced claims in the United States  
19 Southwest. This preparation may include—

20                   (A) the purchase, by the Commission, of  
21 pertinent literature on the subject for each  
22 Commission member to review; and

23                   (B) requests by the Commission for train-  
24 ing and presentations on the subject from ap-

1           appropriate Federal or State agencies, institutions  
2           of higher education, and private organizations.

3           (d) POWERS OF COMMISSION.—

4           (1) HEARINGS AND SESSIONS.—The Commis-  
5           sion shall, for the purpose of carrying out this Act,  
6           hold hearings, sit, and act at times and at a location  
7           in the State where the petitioning land grant-merced  
8           is located, take testimony, and receive evidence as  
9           the Commission considers appropriate. The Commis-  
10          sion may administer oaths or affirmations to wit-  
11          nesses appearing before it.

12          (2) POWERS OF MEMBERS AND AGENTS.—Any  
13          member or agent of the Commission may, if author-  
14          ized by the Commission, take any action that the  
15          Commission is authorized to take by this Act.

16          (3) GIFTS, BEQUESTS, AND DEVISES.—The  
17          Commission may accept, use, and dispose of gifts,  
18          bequests, or devises of services or property, both real  
19          and personal, for the purpose of aiding or facili-  
20          tating the work of the Commission.

21          (4) MAIL.—The Commission may use the  
22          United States mail in the same manner and under  
23          the same conditions as other departments and agen-  
24          cies of the United States.

1           (5) AUTHORITY TO HIRE STAFF.—The Commis-  
2           sion may hire or contract staff necessary for the  
3           Commission to carry out its responsibilities under  
4           this Act.

5           (6) ADMINISTRATIVE SUPPORT SERVICES.—  
6           Upon the request of the Commission, the Adminis-  
7           trator of General Services, Secretary of the Interior,  
8           and Secretary of Agriculture shall provide to the  
9           Commission, on a reimbursable basis, the adminis-  
10          trative support services necessary for the Commis-  
11          sion to carry out its responsibilities under this Act.

12          (7) IMMUNITY.—The Commission is an agency  
13          of the United States for the purposes of part V of  
14          title 18, United States Code.

15          (8) SUBPOENA POWER.—

16                (A) IN GENERAL.—The Commission may  
17                issue subpoenas requiring the attendance and  
18                testimony of witnesses and the production of  
19                any evidence relating to any qualifying petition.

20                (B) FAILURE TO OBEY A SUBPOENA.—If a  
21                person refuses to obey a subpoena issued under  
22                subparagraph (A), the Commission may apply  
23                to a United States district court for an order  
24                requiring that person to appear before the Com-  
25                mission to give testimony, produce evidence, or

1 both, relating to any qualifying petition. The  
2 application may be made within the judicial dis-  
3 trict where the hearing is conducted or where  
4 that person is found, resides, or transacts busi-  
5 ness. Any failure to obey the order of the court  
6 may be punished by the court as civil contempt.

7 (C) SERVICE OF SUBPOENAS.—The sub-  
8 poenas of the Commission shall be served in the  
9 manner provided for subpoenas issued by a  
10 United States district court under the Federal  
11 Rules of Civil Procedure for the United States  
12 district courts.

13 (D) SERVICE OF PROCESS.—All process of  
14 any court to which application is made under  
15 subparagraph (B) may be served in the judicial  
16 district in which the person required to be  
17 served resides or may be found.

18 (e) TERMINATION.—The Commission shall terminate  
19 not later than 180 days after the Commission submits the  
20 report required under section 6(b).

21 (f) ASSISTANCE FOR COMMISSION.—

22 (1) FEDERAL AGENCY ASSISTANCE TO COMMIS-  
23 SION.—At the request of the Commission, relevant  
24 Federal agencies shall make available personnel,

1 equipment, and facilities to assist the Commission in  
2 performing its activities under this Act.

3 (2) STATE AGENCY ASSISTANCE TO COMMIS-  
4 SION.—The Commission may accept assistance from  
5 relevant State agencies and institutions of higher  
6 education in performing its activities under this Act.

7 **SEC. 5. HEARINGS ON QUALIFYING PETITIONS.**

8 (a) QUALIFYING PETITION HEARING.—

9 (1) IN GENERAL.—The Commission shall con-  
10 duct a hearing on each qualifying petition, as de-  
11 scribed in subsection (b), to formulate a rec-  
12 ommendation on restitution to the claimant, of the  
13 possible restitutions described in subsection (c).

14 (2) DESIGNATION OF LOCATION.—The Commis-  
15 sion shall designate one or more locations in the  
16 claimant’s State in which to hold such hearing.

17 (3) RIGHT TO TESTIFY.—All persons having an  
18 interest in the land involved in a qualifying petition  
19 shall have the right, upon notice, to be present and  
20 testify before the Commission during such hearing.

21 (4) HEARING PROCESS.—As part of such hear-  
22 ing, the Commission shall—

23 (A) review each qualifying petition and re-  
24 ceive testimony in order examine—

1 (i) the impact to the land grant-  
2 merced and its associated communities re-  
3 sulting from the failure of the United  
4 States to properly recognize, during the  
5 adjudication process, a land grant-merced  
6 boundary, as it existed in 1854;

7 (ii) the impact to the land grant-  
8 merced and its associated communities re-  
9 sulting from the failure of the United  
10 States to act on a land grant-merced claim  
11 made during the adjudication process;

12 (iii) the impact to the land grant-  
13 merced and its associated communities re-  
14 sulting from the rejection of a land grant-  
15 merced claim made during the adjudication  
16 process;

17 (iv) the impact to the land grant-  
18 merced and its associated communities re-  
19 sulting from the incorrect confirmation by  
20 the United States of a Land Grant-Merced  
21 as a tenancy-in-common;

22 (v) the impact to the land grant-  
23 merced and its associated communities re-  
24 sulting from the incorrect confirmation by  
25 the United States of the Land Grant-

1 Merced as a private land grant to an indi-  
2 vidual;

3 (vi) the impact to the land grant-  
4 merced and its associated communities re-  
5 sulting from the United States incorrectly  
6 issuing a patent for the Land Grant-  
7 Merced to the wrong party;

8 (vii) the impact of prior adjudication  
9 decisions made by the United States on the  
10 submittal of subsequent land claim peti-  
11 tions with respect to the land grant-  
12 merced;

13 (viii) the impact to the land grant-  
14 merced and its associated communities re-  
15 sulting from the failure of the United  
16 States to provide adequate due process to  
17 land grant-merced during the adjudication  
18 process;

19 (ix) the impact to the land grant-  
20 merced and its associated communities re-  
21 sulting from the failure of the United  
22 States to provide adequate representation  
23 during the adjudication process, as re-  
24 quired by law, for certain protected popu-

1           lation located on the land grant-merced;  
2           and

3           (x) the impact to the land grant-  
4           merced and its associated communities re-  
5           sulting from the misconduct or direct con-  
6           flict of interest of United States officials  
7           during the adjudication process;

8           (B) review existing Federal land use poli-  
9           cies governing land identified in the qualifying  
10          petition;

11          (C) identify and report all private and pub-  
12          lic leases on land identified in the qualifying pe-  
13          tition, including lease type, term, and owner;

14          (D) determine the value of revenues gen-  
15          erated and resources removed from land identi-  
16          fied in the qualifying petition, through sale,  
17          lease, permit, and all other means granted to  
18          any person not associated with the claimant,  
19          during the period it was taken out of control of  
20          the claimant until the time of such hearing; and

21          (E) review and examine existing laws,  
22          memorandums of understanding, agreements,  
23          and easements relating to the management and  
24          use of land identified in the qualifying petition.

1           (5) LEGAL STANDARDS.—When evaluating  
2           qualifying petitions, the Commission shall apply  
3           international treaty law and laws pertaining to the  
4           succession of States. The Commission shall also  
5           evaluate qualifying petitions based on Spanish and  
6           Mexican civil and customary law, principles of eq-  
7           uity, and customs and usages in effect in what is  
8           now the Southwestern United States, from 1692 up  
9           to the ratification of the Gadsden Purchase in 1854.

10          (b) ELEMENTS OF QUALIFYING PETITION.—For pur-  
11         poses of this Act, a qualifying petition is one that—

12           (1) is received by the Commission not later  
13           than the date that is 5 years after the date of the  
14           enactment of this Act;

15           (2) is made pursuant to an official resolution  
16           adopted by the claimant; and

17           (3) includes the following information:

18           (A) The name and address of the claimant  
19           and a name, address, telephone number, and if  
20           available, email address of the point of contact  
21           for the claimant.

22           (B) Documentation showing the claimed  
23           boundaries of the relevant land grant-merced,  
24           including a legal survey or, if a survey is not

1 readily available, a sketch map or geographic  
2 information system rendering thereof.

3 (C) A summary of the claims being made  
4 and the requested restitution for each claim.

5 (c) POSSIBLE RESTITUTIONS.—The Commission  
6 may, under subsection (a), recommend as restitution that  
7 the Secretary concerned—

8 (1) convey Federal land to the claimant;

9 (2) grant the claimant stewardship rights to all  
10 or part of Federal land;

11 (3) grant the claimant priority access and use  
12 rights to all or part of Federal lands for—

13 (A) harvesting of natural resources, such  
14 as fuelwood, timber, minerals, rock, soils, vege-  
15 tation, and vegetation products;

16 (B) grazing and watering of livestock; or

17 (C) hunting and fishing;

18 (4) grant the claimant priority rights to leases,  
19 special use permits, and easements on Federal land,  
20 which may include placement of land grant-merced  
21 infrastructure and community cemeteries;

22 (5) grant the claimant priority rights to acquire  
23 Federal lands that may become available for dis-  
24 posal; and

1           (6) grant the claimant priority rights to obtain  
2           new, unused, or unrenewed grazing allotments on  
3           Federal lands.

4           (d) PROTECTION OF NON-FEDERAL PROPERTY.—  
5           The Commission may not make any recommendation that  
6           affects the ownership, title, or rights of owners of any non-  
7           Federal lands covered by the qualifying petition.

8           (e) PROTECTION OF EXISTING LEASES.—The Com-  
9           mission may not make any recommendation that affects  
10          any lease, permit, or right-of-way held by a person on such  
11          land as such lease, permit, or right-of-way existed on the  
12          day before the date of the transfer.

13       **SEC. 6. REPORTS.**

14          (a) INDIVIDUAL REPORTS.—Not later than 90 days  
15          after the date that the Commission concludes a hearing  
16          under section 5 for a qualifying petition, the Commission  
17          shall submit a report to Secretary concerned and the  
18          claimant that includes the Commissions recommendations  
19          and findings with respect to that petition.

20          (b) REPORT TO CONGRESS.—Not later than 10 years  
21          after the date of the enactment of this Act, the Commis-  
22          sion shall submit a report to Congress that details, with  
23          respect to each qualifying petition—

24                  (1) a summary of the claims in such qualifying  
25          petition;

1           (2) the Commission's recommended restitution  
2           with respect to each claim and reasons thereof; and

3           (3) the Secretary that administers the land  
4           identified in the qualifying petition.

5 **SEC. 7. FEDERAL LAND DISPOSAL AUTHORITY.**

6           (a) IN GENERAL.—The Secretary concerned may  
7           transfer land to the claimant or grant the claimant any  
8           rights as is recommended by the Commission in the report  
9           required to be issued under section 6(a).

10          (b) COST.—The Secretary concerned shall pay any  
11          costs associated with a land transfer under subsection (a).

12 **SEC. 8. PROTECTION OF ACEQUIAS.**

13          (a) IN GENERAL.—The rights of any acequia located  
14          on Federal land on the date of the enactment of this Act  
15          shall not be impaired as a result of the enactment of this  
16          Act, including the right to use of water by valid water  
17          right owners and access to the acequia for necessary main-  
18          tenance and improvements to the acequia easement and  
19          infrastructure.

20          (b) MANAGEMENT OF ACEQUIAS.—Each acequia lo-  
21          cated on Federal land on the date of the enactment of  
22          this Act shall be managed and controlled by the governing  
23          body of such acequia in accordance with N.M. Stat. §73-  
24          2-12 or C.R.S. §7-42-101.5

1           (c) DEFINITION.—In this section the term “acequia”  
2 means a waterway recognized as an acequia or a commu-  
3 nity ditch under New Mexico State law, including the di-  
4 versions, storage facilities, and easements of such water-  
5 way.

6 **SEC. 9. AUTHORIZATION OF APPROPRIATION.**

7           There is authorized \$1,000,000 for each of the fiscal  
8 years 2019 to 2028 for the purpose of carrying out the  
9 activities of the Commission.

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