

September, 1976

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Office of the White House Press Secretary

NOTICE TO THE PRESS

The President has signed S. 217 - Repeal of certain condemnation authority concerning Indian lands.

This bill repeals existing law under which tribal lands of the Pueblo Indians of New Mexico are subject to special condemnation actions in rights-of-way cases.

In 1924, the Secretary of the Interior approved an application of the Santa Fe Northwest Railway Company for a railroad right-of-way through tribal lands of the Zia, Santa Ana, and Jemez Pueblos.

S. 217 will expressly repeal the Act of May 10, 1926, which provided for the condemnation of lands of the Pueblo Indians of New Mexico for any purpose for which other lands of the State may be condemned. It would also terminate, on the date of enactment, all pending proceedings and actions that were initiated under the 1926 Act. However, any right of appeal from such proceeding or action entered before the date of enactment of S. 217 would be preserved.

Moreover, S. 217 will authorize the Secretary of the Interior to grant one renewal for a period not to exceed ten years of any right-of-way acquired, prior to January 1, 1975, through litigation allowed under the 1926 Act. Such action would be authorized only when the right-of-way holder and the Pueblo tribe cannot reach agreement on renewal, and the Secretary could grant the renewal without the consent of the affected Pueblo tribes. In such cases, the Secretary would require that the Pueblo involved receive fair market value compensation for such renewal.

Finally, the bill will also amend the Act of April 21, 1928, to make applicable to the Pueblo Indians of New Mexico certain general statutes which provide for rights-of-way across Indian lands.

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