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APPROVED
JAN 2-1975

THE WHITE HOUSE
WASHINGTON
January 1, 1975

ACTION
Last Day: January 4

Posted
1/3

To Archives
1/3

MEMORANDUM FOR THE PRESIDENT
FROM: KEN COLE
SUBJECT: Enrolled Bill S. 3359
Trust Land, Pottawatomie Indians,
Oklahoma

Attached for your consideration is S. 3359, sponsored by Senator Bartlett, which would authorize the Citizen Band of Pottawatomie Indians to convey approximately 280 acres to the Secretary of Interior to be held in trust. The transfer would enable the tribe to apply for assistance under the Economic Development Act.

OMB recommends approval and provides additional background information in its enrolled bill report (Tab A).

Max Friedersdorf (Loen) and Phil Areeda both recommend approval.

RECOMMENDATION

That you sign S. 3359 (Tab B).





EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 29 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills:

- (1) S. 3358 - Trust land, Absentee Shawnee Tribe,
Oklahoma
Sponsor - Sen. Bartlett (R) Oklahoma
- (2) S. 3359 - Trust land, Pottawatomie Indians,
Oklahoma
Sponsor - Sen. Bartlett
- (3) S. 521 - Trust land, Cheyenne-Arapaho Tribe,
Oklahoma
Sponsor - Sen. Bellmon (R) Oklahoma and
Sen. Bartlett
- (4) S. 2888 - Trust land, Inter-Tribal Council,
Miami, Oklahoma
Sponsor - Sen. Bartlett

Last Day for Action

January 4, 1975 - Saturday

Purpose

Each of the four bills would declare that certain lands are to be held in trust for the tribe(s) named therein.

Agency Recommendations

Office of Management and Budget

Approval

Department of the Interior

Approval

Discussion

S. 3358 and S. 3359 would convey title to tracts of land already owned by the tribes named in each bill to the United States to be held in trust for the same tribes. S. 521 and S. 2888 would each declare that a certain tract

of Federally-owned land is to be held in trust for the Indians named therein. Interior testified favorably on each of the four bills before the House and Senate Interior Committees.

S. 3358 would authorize the Absentee Shawnee Tribe to convey title to 33 acres which it purchased from the U.S. in 1964 to the Secretary of the Interior, who would then hold the tract in trust for the tribe. The land, which abuts Highway 18 near the city of Shawnee, Oklahoma, is valued at \$50,000. Improvements include a hospital, which tribal officials have leased to the Public Health Service, and an office building. Transferring the land to trust status would enable the tribe to apply for grants and loans under the Economic Development Act in order to develop commercial and industrial sites.

Similarly, S. 3359 would authorize the Citizen Band of Pottawatomie Indians to convey seven tracts of land amounting to about 280 acres to the Secretary of the Interior to be held in trust. The tracts comprise a compact block of land and are located approximately one mile south of the city of Shawnee. The Citizen Band obtained fee title to one of the tracts from the U.S. in 1960 and to the other six in 1964, and now leases the tracts for agricultural purposes. This tribe also desires to have their lands placed in trust in order to apply for assistance under the Economic Development Act.

S. 521 would declare that 5 acres of Government-owned land northwest of Canton, Oklahoma, is to be held in trust for the Cheyenne-Arapaho Tribe. The Government acquired the land from an Indian allottee in 1909 to build a day-school for Indian children, but the school was never built, and the tribe is now using it for a community building under a permit from Interior.

S. 2888 would declare that a 114-acre tract of Federal land is to be held in trust for the Inter-Tribal Council of Miami, Oklahoma -- a group of eight tribes, only four of which are Federally recognized. Part of the tract was acquired by the U.S. in 1934, and the remainder in 1941, for a dairying school; that use was discontinued about 8 years ago, and the



acreage is no longer needed by the Bureau of Indian Affairs. The Council, which itself owns no land, proposes to develop the tract for labor-oriented industry in order to create jobs for members of the Council's constituent tribes, and the site is well located for this purpose.

Interior recommended that the lands be transferred in fee rather than in trust since the U.S. could not hold lands in trust for the nonrecognized tribes, all four of which had once been Federally recognized but whose recognition was terminated under various Acts in 1954 and 1956. The committee instead amended the bill to withhold the interests of these four tribes so long as they are not Federally recognized, but set a deadline of 5 years for them to qualify for recognition.

While we would have greatly preferred that S. 2888 provide for transfer in fee rather than in trust, we join with Interior in recommending approval of it and the other three enrolled bills since the various Indian groups involved will receive important economic benefits from these transfers.

(signed) Wilfred H. Rommel

Assistant Director for
Legislative Reference

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

DEC 24 1974

Dear Mr. Ash:

This responds to your request for the views of this Department on enrolled bill S. 3359, "To authorize the conveyance of certain lands to the United States in trust for the Citizen Band of Pottawatomie Indians."

We recommend that the President approve the enrolled bill.

As enrolled, S. 3359 would authorize the duly elected officials of the Citizen Band of Potawatomi Indians of Oklahoma to convey seven tracts of land, amounting to 280 acres, to the United States, which would accept the conveyance and hold the lands in trust for the band, subject to all valid existing rights. The bill would specifically preserve the right of the Absentee Shawnee Tribe of Indians of Oklahoma, the Sac and Fox Tribe of Indians of Oklahoma, the Kickapoo Tribe of Indians of Oklahoma, and the Iowa Tribe of Indians of Oklahoma to use the Potawatomi community house if one is constructed and maintained on the land identified as Tract numbered 7.

The land in this bill, formerly known as the Shawnee Agency and school grounds, is located approximately one mile south of the City of Shawnee, Oklahoma. The seven tracts comprise a compact block of land except that U.S. Highway 18 separates tracts 6 and 7 from the other tracts. The Citizen Band has only 1.25 acres of tribal trust land, and this is several miles away from the tracts involved in this bill. However, there is allotted trust land held for individuals in the vicinity of these tracts.

About 11 acres of the land to be conveyed pursuant to this bill have frontage on Highway 18; this acreage is considered to have commercial value for office buildings, medical clinics, a cafe, and possibly a small hotel or motel. Thirty-seven acres are suited for residential use. This acreage is well landscaped and already has some water, sewage, and gas lines, as well as good, hard-surfaced access roads. Eighty acres fronting on State Highway 18 are under cultivation. This acreage is considered to have very fertile soil



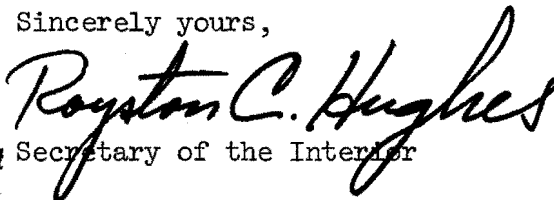
Save Energy and You Serve America!

and to be well adapted for growing such crops as alfalfa, grain sorghums, wheat, and other small grains. Except for 41.8 acres devoted to various rights-of-way, the remaining acreage is suitable for farming and pasture land.

The Citizen Band obtained fee title to the land identified as Tracts numbered 1 through 6, by the Act of August 11, 1964 (78 Stat. 393), and to Tract numbered 7 by the Act of September 13, 1960 (74 Stat. 903). The band has leased these tracts for agricultural purposes since their acquisition. Two houses are located on the property. One is leased through a real estate management firm in Shawnee, and the other is used by the band for office space and by the tribal community health representative. Total rental income received from leases through 1972 is \$16,194.00. It is anticipated that the lands will continue to be leased for agricultural purposes until such time as commercial or industrial development can be initiated. The land and buildings have a present fair market value of \$150,000.00. There are no encumbrances on the land.

By Resolution Pott-72-2 enacted on September 16, 1971, the Citizen Band requested that title to this land be held in trust on its behalf. On February 18, 1974, the Mayor and Board of Commissioners of the City of Shawnee passed and approved a resolution endorsing trust status for the land. Its present fee ownership of the land presents a major problem to the band. The Economic Development Act provides that tribally owned lands which are held in trust may receive EDA designation, thereby enabling the tribes to qualify if otherwise eligible for loans and grants from that agency. If the United States were to accept the band's conveyance and hold these tracts in trust, the band could apply for EDA designation, which, if conferred, would enable it to develop commercial and industrial sites. The end result of such development would be the alleviation of the band's and the area's unemployment problems. We recommend that this bill be approved.

Sincerely yours,


Assistant Secretary of the Interior

Honorable Roy L. Ash
Director
Office of Management and Budget
Washington, D. C. 20503



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 29 1974

To
H. Hendricks
12-30-74
11:00 AM

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bills:

- (1) S. 3358 - Trust land, Absentee Shawnee Tribe, Oklahoma
Sponsor - Sen. Bartlett (R) Oklahoma
- ✓(2) S. 3359 - Trust land, Pottawatomie Indians, Oklahoma
Sponsor - Sen. Bartlett
- (3) S. 521 - Trust land, Cheyenne-Arapaho Tribe, Oklahoma
Sponsor - Sen. Bellmon (R) Oklahoma and Sen. Bartlett
- (4) S. 2888 - Trust land, Inter-Tribal Council, Miami, Oklahoma
Sponsor - Sen. Bartlett

Last Day for Action

January 4, 1975 - Saturday

Purpose

Each of the four bills would declare that certain lands are to be held in trust for the tribe(s) named therein.

Agency Recommendations

Office of Management and Budget Approval

Department of the Interior Approval

Discussion

S. 3358 and S. 3359 would convey title to tracts of land already owned by the tribes named in each bill to the United States to be held in trust for the same tribes. S. 521 and S. 2888 would each declare that a certain tract

of Federally-owned land is to be held in trust for the Indians named therein. Interior testified favorably on each of the four bills before the House and Senate Interior Committees.

S. 3358 would authorize the Absentee Shawnee Tribe to convey title to 33 acres which it purchased from the U.S. in 1964 to the Secretary of the Interior, who would then hold the tract in trust for the tribe. The land, which abuts Highway 18 near the city of Shawnee, Oklahoma, is valued at \$50,000. Improvements include a hospital, which tribal officials have leased to the Public Health Service, and an office building. Transferring the land to trust status would enable the tribe to apply for grants and loans under the Economic Development Act in order to develop commercial and industrial sites.

Similarly, S. 3359 would authorize the Citizen Band of Pottawatomie Indians to convey seven tracts of land amounting to about 280 acres to the Secretary of the Interior to be held in trust. The tracts comprise a compact block of land and are located approximately one mile south of the city of Shawnee. The Citizen Band obtained fee title to one of the tracts from the U.S. in 1960 and to the other six in 1964, and now leases the tracts for agricultural purposes. This tribe also desires to have their lands placed in trust in order to apply for assistance under the Economic Development Act.

S. 521 would declare that 5 acres of Government-owned land northwest of Canton, Oklahoma, is to be held in trust for the Cheyenne-Arapaho Tribe. The Government acquired the land from an Indian allottee in 1909 to build a day-school for Indian children, but the school was never built, and the tribe is now using it for a community building under a permit from Interior.

S. 2888 would declare that a 114-acre tract of Federal land is to be held in trust for the Inter-Tribal Council of Miami, Oklahoma -- a group of eight tribes, only four of which are Federally recognized. Part of the tract was acquired by the U.S. in 1934, and the remainder in 1941, for a dairying school; that use was discontinued about 8 years ago, and the

acreage is no longer needed by the Bureau of Indian Affairs. The Council, which itself owns no land, proposes to develop the tract for labor-oriented industry in order to create jobs for members of the Council's constituent tribes, and the site is well located for this purpose.

Interior recommended that the lands be transferred in fee rather than in trust since the U.S. could not hold lands in trust for the nonrecognized tribes, all four of which had once been Federally recognized but whose recognition was terminated under various Acts in 1954 and 1956. The committee instead amended the bill to withhold the interests of these four tribes so long as they are not Federally recognized, but set a deadline of 5 years for them to qualify for recognition.

While we would have greatly preferred that S. 2888 provide for transfer in fee rather than in trust, we join with Interior in recommending approval of it and the other three enrolled bills since the various Indian groups involved will receive important economic benefits from these transfers.

(signed) Wilfred H. Rommel

Assistant Director for
Legislative Reference

Enclosures

Date: December 30, 1974

Time: 5:00 p.m.

FOR ACTION:

Mike Duval
Max Friedersdorf
Phil Areeda

cc (for information):

Warren Hendriks
Jerry Jones
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, December 31

Time: 2:00 p.m.

SUBJECT: Enrolled Bills:

- S. 3358 - Trust land, Absentee Shawnee Tribe, Okla.
- S. 3359 - Trust land, Pottawatomie Indians, Okla.
- S. 521 - Trust Land, Cheyenne-Arapaho Tribe, Okla
- S. 2888- Trust land, Inter-Tribal Council, Okla.

ACTION REQUESTED:

- | | |
|---------------------------------------------------|---------------------------------------------------|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

*No Objection
P. Areeda*



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. Warren K. Hendriks For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 919

Date: December 30, 1974

Time: 5:00 p.m.

FOR ACTION: Mike Duval
Max Friedersdorf
Phil Areeda

cc (for information): Warren Hendriks
Jerry Jones
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, December 31

Time: 2:00 p.m.

SUBJECT: Enrolled Bills:

- S. 3358 - Trust land, Absentee Shawnee Tribe, Okla.
- S. 3359 - Trust land, Pottawatomie Indians, Okla.
- S. 521 - Trust Land, Cheyenne-Arapaho Tribe, Okla
- S. 2888- Trust land, Inter-Tribal Council, Okla.

ACTION REQUESTED:

- | | |
|---------------------------------------------------|---------------------------------------------------|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

OK Mike Duval



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 919

Date: December 30, 1974

Time: 5:00 p.m.

FOR ACTION:

Mike Duval *O.K.*
 Max Friedersdorf *oh.*
 Phil Areeda *no obj*

cc (for information):

Warren Hendriks
 Jerry Jones
 Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date:

Time:

SUBJECT: Enrolled Bills:

- S. 3353 - Trust Land, Absentee Shawnee Tribe, Okla.
- S. 3359 - Trust land, Pottawatomie Indians, Okla.
- S. 521 - Trust Land, Cheyenne-Arapaho Tribe, Okla.
- S. 2888- Trust land, Inter-Tribal Council, Okla.

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
 For the President

THE WHITE HOUSE

WASHINGTON

December 31, 1974

MEMORANDUM FOR:

WARREN HENDRIKS

FROM:

Ken L. Friedersdorf

MAX L. FRIEDERSDORF

SUBJECT:

Action Memorandum - Log No. 919

The Office of Legislative Affairs concurs with the Agencies that the enrolled bill should be signed.

Attachments

AUTHORIZING THE CONVEYANCE OF CERTAIN LANDS TO THE UNITED STATES IN TRUST FOR THE CITIZEN BAND OF POTAWATOMI INDIANS OF OKLAHOMA

MAY 23, 1974.—Ordered to be printed

Filed, under authority of the order of the Senate on May 22, 1974

Mr. BARTLETT, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany S. 3359]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 3359) to authorize the conveyance of certain lands to the United States in trust for the Citizen Band of Potawatomi Indians of Oklahoma, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

I. PURPOSE

The purpose of S. 3359 is to authorize the duly elected officials of the Citizen Band of Potawatomi Indians of Oklahoma to convey seven tracts of land, including the improvements thereon, amounting to approximately 280 acres, to the United States, which will accept the conveyance upon approval of the Secretary of the Interior, and hold the land in trust for the Tribe subject to all valid existing rights. There is a specific provision in the bill to preserve the right of the Absentee Shawnee Tribe of Indians of Oklahoma, the Sac and Fox Tribe of Oklahoma, and Kickapoo Tribe of Oklahoma and the Iowa Tribe of Oklahoma to use the Potawatomi community house, should one be constructed and maintained on the land designated as Tract No. 7.

II. BACKGROUND

The land in this bill, formerly known as the Shawnee Agency and school grounds, is located approximately one mile south of the City of Shawnee, Oklahoma. The seven tracts comprise a compact block of

land except that U.S. Highway 18 separates tracts 6 and 7 from the other tracts. The Citizen Band has only 1.25 acres of tribal trust land, and this is several miles away from the tracts involved in this bill. However, there is allotted trust land held for individuals in the vicinity of these tracts.

About 11 acres of the land to be conveyed pursuant to this bill have frontage on Highway 18; this acreage is considered to have commercial value for office buildings, medical clinics, a cafe, and possibly a small hotel or motel. Thirty-seven acres are suited for residential use. This acreage is well landscaped and already has some water, sewage, and gas lines, as well as good, hard-surfaced access roads. Eighty acres fronting on State Highway 18 are under cultivation. This acreage is considered to have very fertile soil and to be well adapted for growing such crops as alfalfa, grain sorghums, wheat, and other small grains. Except for 41.8 acres devoted to various rights-of-way, the remaining acreage is suitable for farming and pasture land.

The Citizen Band obtained fee title to the land identified as Tracts numbered 1 through 6, by the Act of August 11, 1964 (78 Stat. 393), and to Tract numbered 7 by the Act of September 13, 1960 (74 Stat. 903). The band has leased these tracts for agricultural purposes since their acquisition. Two houses are located on the property. One is leased through a real estate management firm in Shawnee, and the other is used by the band for office space and by the tribal community health representative. Total rental income received from leases through 1972 is \$16,194.00. It is anticipated that the lands will continue to be leased for agricultural purposes until such time as commercial or industrial development can be initiated. The land and buildings have a present fair market value of \$150,000.00. There are no encumbrances on the land.

III. NEED

The present fee ownership of the land presents a major problem to the band. The Economic Development Act provides that tribally owned lands which are held in trust may receive EDA designation, thereby enabling the tribes to qualify if otherwise eligible for loans and grants from that agency. If the United States were to accept the band's conveyance and hold these tracts in trust, the band could apply for EDA designation, which, if conferred, would enable it to develop commercial and industrial sites. The end result of such development would be the alleviation of the band's and the area's unemployment problems. The tribe, by resolution dated September 16, 1971, requested that title to this land be held in trust in its behalf. In addition, the Mayor and Board of Commissioners of the City of Shawnee on February 18, 1974, approved a resolution endorsing trust status for the land.

IV. LEGISLATIVE HISTORY

Senator Bartlett introduced S. 3359 on April 11, 1974. Hearings were held by the Indian Affairs Subcommittee on May 13, 1974 and the bill was reported to the full committee.

V. COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs of the United States Senate in open mark-up session on May 16, 1974, unanimously ordered S. 3359 favorably reported to the Senate.

VI. COST

Enactment of S. 3359 will result in no additional cost to the Federal government.

VII. DEPARTMENTAL REPORTS

The favorable report of the Department of the Interior on S. 3359 is set forth in full as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 13, 1974.

HON. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.*

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on S. 3359, a bill "To authorize the conveyance of certain lands to the United States in trust for the Citizens Band of Potawatomi Indians of Oklahoma."

We recommend enactment of this bill.

S. 3359 would authorize the duly elected officials of the Citizen Band of Potawatomi Indians of Oklahoma to convey seven tracts of land, amounting to 280 acres, to the United States, which would accept the conveyance and hold the lands in trust for the band, subject to all valid existing rights. The bill would specifically preserve the right of the Absentee Shawnee Tribe of Indians of Oklahoma, the Sac and Fox Tribe of Indians of Oklahoma, the Kickapoo Tribe of Indians of Oklahoma, and the Iowa Tribe of Indians of Oklahoma to use the Potawatomi community house if one is constructed and maintained on the land identified as Tract numbered 7.

The land in this bill, formerly known as the Shawnee Agency and school grounds, is located approximately one mile south of the City of Shawnee, Oklahoma. The seven tracts comprise a compact block of land except that U.S. Highway 18 separates tracts 6 and 7 from the other tracts. The Citizens Band has only 1.25 acres of tribal trust land, and this is several miles away from the tracts involved in this bill. However, there is allotted trust land held for individuals in the vicinity of these tracts.

About 11 acres of the land to be conveyed pursuant to this bill have frontage on Highway 18; this acreage is considered to have commercial value for office buildings, medical clinics, a cafe, and possibly a small hotel or motel. Thirty-seven acres are suited for residential use. This acreage is well landscaped and already has some water, sewage, and gas lines, as well as good, hard-surfaced access roads. Eighty acres fronting on State Highway 18 are under cultivation. This acreage is considered to have very fertile soil and to be well adapted for grow-

ing such crops as alfalfa, grain sorghums, wheat, and other small grains. Except for 41.8 acres devoted to various rights-of-way, the remaining acreage is suitable for farming and pasture land.

The Citizen Band obtained fee title to the land identified as Tracts numbered 1 through 6, by the Act of August 11, 1964 (78 Stat. 393), and to Tract numbered 7 by the Act of September 13, 1960 (74 Stat. 903). The band has leased these tracts for agricultural purposes since their acquisition. Two houses are located on the property. One is leased through a real estate management firm in Shawnee, and the other is used by the band for office space and by the tribal community health representative. Total rental income received from leases through 1972 is \$16,194.00. It is anticipated that the lands will continue to be leased for agricultural purposes until such time as commercial or industrial development can be initiated. The land and buildings have a present fair market value of \$150,000.00. There are no encumbrances on the land.

By Resolution Pott-72-2 enacted on September 16, 1971, the Citizen Band requested that title to this land be held in trust on its behalf. On February 18, 1974, the Mayor and Board of Commissioners of the City of Shawnee passed and approved a resolution endorsing trust status for the land. Its present fee ownership of the land presents a major problem to the band. The Economic Development Act provides that tribally owned lands which are held in trust may receive EDA designation, thereby enabling the tribes to qualify if otherwise eligible for loans and grants from that agency. If the United States were to accept the band's conveyance and hold these tracts in trust, the band could apply for EDA designation, which, if conferred, would enable it to develop commercial and industrial sites. The end result of such development would be the alleviation of the band's and the area's unemployment problems. We recommend that this bill be enacted.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JOHN KYL,
Assistant Secretary of the Interior.

○

DECLARING THAT THE UNITED STATES HOLD CERTAIN
LANDS IN TRUST FOR THE CITIZEN BAND OF POTAWATOMI INDIANS OF OKLAHOMA

DECEMBER 13, 1974.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

MR. HALEY, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany H.R. 11890]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 11890) to declare that the United States hold certain lands in trust for the Citizen Band of Potawatomi Indians of Oklahoma, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, strike out line 3 through 8 and insert in lieu thereof the following:

That the duly elected officials of the Citizens Band of Potawatomi Indians of Oklahoma are hereby authorized to convey to the United States in trust for the Citizen Band of Potawatomi Indians of Oklahoma the following described lands and the improvements thereon, subject to all valid existing rights, and the United States will accept such conveyance when approved by the Secretary of the Interior:

Amend the title so as to read:

To authorize the conveyance of certain lands to the United States in trust for the Citizen Band of Potawatomi Indians.

PURPOSE

The purpose of H.R. 11890, by Mr. Steed, Mr. Camp, Mr. Jarman, Mr. Jones of Oklahoma, and Mr. McSpadden, is to transfer all right, title and interest of the Citizen Band of Potawatomi Indians of Oklahoma to seven tracts of land, amounting to 280 acres, and all improvements thereon to the United States to be held in trust for the tribe. The rights are specifically preserved for the Absentee Shawnee Tribe of

Indians of Oklahoma, the Sac and Fox Tribe of Indians of Oklahoma, the Kickapoo Tribe of Indians of Oklahoma to use the Potawatomi community house if one is constructed and maintained on the land identified as Tract numbered 7.

BACKGROUND

H.R. 11890 is a bill to authorize the elected officials of the Citizen Band of Potawatomi Indians of Oklahoma to convey 7 tracts of land, amounting to approximately 280 acres, and improvements thereon to the United States to be held in trust for the tribe. The land and buildings have a present fair market value of \$150,000.00.

The land was formerly known as the Shawnee Indian Agency and school grounds. About 11 acres of the land to be conveyed are considered to have commercial value; 37 acres are suited for residential use and already have some water, sewage, gas lines, and surfaced roads; 80 acres are under cultivation; 41.8 acres are devoted to various rights-of-way. The remaining acreage is suitable for farming and pasture lands.

The Citizen Band currently holds fee title to the lands and is receiving some lease monies. Total rental income received from leases through 1972 is \$16,194.00. The tribe expects to continue leasing the land until such time as commercial or industrial development is initiated.

The fee ownership presents a major problem to the Band. The economic Development Administration Act requires that tribally owned lands be held in trust for EDA designation. If the lands were in trust, the Band could apply for EDA designation which would enable it to develop commercial and industrial sites. The tribe and the Commissioners of the City of Shawnee have approved resolutions in support of the transfer.

There is a specific provision in the bill to preserve the right of the Absentee Shawnee Tribe, the Sac and Fox Tribe, the Kickapoo Tribe, and the Iowa Tribe to use the Potawatomi community house, if one is constructed and maintained on the land in tract No. 7.

COMMITTEE AMENDMENTS

The Committee adopted an amendment recommended by the Department of the Interior to provide authority to the tribal officials of the Citizen Band of Potawatomi Indians of Oklahoma to convey to the United States in trust for the tribe the described land. Before the United States can hold land in trust for a tribe, it must itself have legal title to the land.

COST

No Federal expenditures are involved in enactment of H.R. 11890.

COMMITTEE RECOMMENDATIONS

The Committee on Interior and Insular Affairs, by a voice vote, recommends that the bill, as amended, be enacted.

DEPARTMENTAL REPORT

The favorable report of the Department of the Interior, dated June 24, 1974, is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 24, 1974.

HON. JAMES A. HALEY,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on H.R. 11890, a bill "To authorize the conveyance of certain lands to the United States in trust for the Citizen Band of Potawatomi Indians of Oklahoma."

We recommend enactment of this bill, if amended as suggested herein.

H.R. 11890 would declare that all right, title, and interest of the Citizen Band of Potawatomi Indians in seven tracts of land, amounting to 280 acres, would be held in trust by the United States for the band. The bill would specifically preserve the right of the Absentee Shawnee Tribe of Indians of Oklahoma, the Sac and Fox Tribe of Indians of Oklahoma, the Kickapoo Tribe of Indians of Oklahoma, and the Iowa Tribe of Indians of Oklahoma to use the Potawatomi community house if one is constructed and maintained on the land identified as Tract numbered 7.

The land in this bill, formerly known as the Shawnee Agency and school grounds, is located approximately one mile south of the City of Shawnee, Oklahoma. The seven tracts comprise a compact block of land except that U.S. Highway 18 separates tracts 6 and 7 from the other tracts. The Citizen Band has only 1.25 acres of tribal trust land, and this is several miles away from the tracts involved in this bill. However, there is allotted trust land held for individuals in the vicinity of these tracts.

About 11 acres of the land to be conveyed pursuant to this bill have frontage on Highway 18; this acreage is considered to have commercial value for office buildings, medical clinics, a cafe, and possibly a small hotel or motel. Thirty-seven acres are suited for residential use. This acreage is well landscaped and already has some water, sewage, and gas lines, as well as good, hard-surfaced access roads. Eighty acres fronting on State Highway 18 are under cultivation. This acreage is considered to have very fertile soil and to be well adapted for growing such crops as alfalfa, grain sorghums, wheat, and other small grains. Except for 41.8 acres devoted to various rights-of-way, the remaining acreage is suitable for farming and pasture land.

The Citizen Band obtained fee title to the land identified as Tracts numbered 1 through 6, by the Act of August 11, 1964 (78 Stat. 393), and to Tract numbered 7 by the Act of September 13, 1960 (74 Stat. 903). The band has leased these tracts for agricultural purposes since their acquisition. Two houses are located on the property. One is

leased through a real estate management firm in Shawnee, and the other is used by the band for office space and by the tribal community health representative. Total rental income received from leases through 1972 is \$16,194.00. It is anticipated that the lands will continue to be leased for agricultural purposes until such time as commercial or industrial development can be initiated. The land and buildings have a present fair market value of \$150,000.00. There are no encumbrances on the land.

By Resolution Pott-72-2 enacted on September 16, 1971, the Citizen Band requested that title to this land be held in trust on its behalf. On February 18, 1974, the Mayor and Board of Commissioners of the City of Shawnee passed and approved a resolution endorsing trust status for the land. Its present fee ownership of the land presents a major problem to the band. The Economic Development Act provides that tribally owned lands which are held in trust may receive EDA designation, thereby enabling the tribes to qualify if otherwise eligible for loans and grants from that agency. If the United States were to accept the band's conveyance and hold these tracts in trust, the band could apply for EDA designation, which, if conferred, would enable it to develop commercial and industrial sites. The end result of such development would be the alleviation of the band's and the area's unemployment problems.

As written, the bill is technically deficient: before holding land in trust for a tribe, the United States must itself have legal title to that land. Therefore, we recommend that lines 3 through 8, page 1, of the bill be stricken and that the following be substituted in their place:

"That the duly elected officials of the Citizen Band of Potawatomi Indians of Oklahoma are hereby authorized to convey to the United States in trust for the Citizen Band of Potawatomi Indians of Oklahoma the following described lands and the improvements thereon, subject to all valid existing rights, and the United States will accept such conveyance when approved by the Secretary of the Interior:"

In accordance with this change, the bill's title should be amended to read, "To authorize the conveyance of certain lands to the United States in trust for the Citizen Band of Potawatomi Indians."

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JOHN KYL,

Assistant Secretary of the Interior.



Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,
one thousand nine hundred and seventy-four*

An Act

To authorize the conveyance of certain lands to the United States in trust for the Citizen Band of Pottawatomie Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duly elected officials of the Citizen Band of Pottawatomie Indians of Oklahoma are hereby authorized to convey to the United States in trust for the Citizen Band of Pottawatomie Indians of Oklahoma the following described lands and the improvements thereon, subject to all valid existing rights, and the United States will accept such conveyance when approved by the Secretary of the Interior :

TRACT NUMBERED 1

The northeast quarter northeast quarter, southeast quarter northeast quarter, southwest quarter northeast quarter section 31, township 10 north, range 4 east, Indian meridian, Pottawatomie County, Oklahoma, containing 120.00 acres, more or less.

TRACT NUMBERED 2

That part of the northwest quarter southeast quarter section 31, township 10 north, range 4 east, Indian meridian, Pottawatomie County, Oklahoma, described as: Beginning at the southwest corner of said northwest quarter southeast quarter; thence east 1,320 feet; thence north 1,320 feet; thence west 1,320 feet to the center of said section; thence south 167 feet; thence east 183 feet to the intersection with the west line of the Atchison, Topeka, and Santa Fe Railroad right-of-way; thence southwesterly along the west right-of-way line a distance of 856 feet to the intersection with a point in the west line of the northwest quarter southeast quarter, said point being 983 feet south of the center of section 31; thence south along the west line of the northwest quarter southeast quarter, a distance of 337 feet, to the point of beginning, containing 38.29 acres, more or less.

TRACT NUMBERED 3

That part of the southeast quarter northwest quarter section 31, township 10 north, range 4 east, Indian meridian, Pottawatomie County, Oklahoma, described as: Beginning at the northeast corner of said southeast quarter northwest quarter; thence south 1,320 feet to the center of said section 31; thence west along the south line of said southeast quarter northwest quarter, a distance of 1,255.4 feet to the intersection with the centerline of Oklahoma State Highway Numbered 18; thence northwesterly along the centerline of the highway a distance of 660.58 feet to a point on the south line of the northwest quarter southeast quarter northwest quarter; thence east 38 feet to the intersection with the east right-of-way line of Oklahoma State Highway Numbered 18; thence northwesterly along the east right-of-way line to a point in the north line of said southeast quarter northwest quarter, said point being 58 feet east of the northwest corner of said southeast quarter northwest quarter; thence east a distance of 1,262 feet to the point of beginning; containing 38.63 acres, more or less.

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TRACT NUMBERED 4

That part of the northeast quarter southwest quarter section 31, township 10 north, range 4 east, Indian meridian, Pottawatomie County, Oklahoma, described as: Beginning at the northeast corner of said northeast quarter southwest quarter, said point being the center of section 31; thence south 167 feet; thence west 1,302 feet to the intersection with the west line of the right-of-way of Oklahoma State Highway Numbered 18; thence northeasterly along the west right-of-way line a distance of 167 feet to the north line of said northeast quarter southwest quarter; thence east along said north line a distance 1,297.4 feet to the point of beginning; containing 4.678 acres, more or less.

TRACT NUMBERED 5

That part of the northeast quarter southwest quarter section 31, township 10 north, range 4 east, Indian meridian, Pottawatomie County, Oklahoma, described as: Beginning at the southeast corner of said northeast quarter southwest quarter; thence north along the east line of said northeast quarter southwest quarter a distance of 337 feet to the intersection with the west right-of-way line of the Atchison, Topeka, and Santa Fe Railroad right-of-way; thence southwesterly along said west right-of-way line a distance of 367 feet to the intersection with the south line of said northeast quarter southwest quarter; thence east along the south line a distance of 129 feet to the point of beginning; containing .498 acre, more or less.

TRACT NUMBERED 6

The reserved mineral deposits, including the right to prospect for and remove the same, in and under lands described as the south half of lot 2 (southwest quarter northwest quarter), and that part of the southwest quarter southeast quarter northwest quarter lying west of the centerline of Oklahoma State Highway Numbered 18 and adjacent to the south half of said lot 2, all in section 31; township 10 north, range 4 east, Indian meridian, Pottawatomie County, Oklahoma, containing 19.87 acres, more or less, which lands were previously conveyed to Pottawatomie County, Oklahoma, by quitclaim deed dated December 17, 1959, pursuant to the Act of June 4, 1953 (67 Stat. 71; 25 U.S.C. 293a), said deed appearing of record in Pottawatomie County, Oklahoma, in deed book 174 at page 367 of the land records of said county.

TRACT NUMBERED 7

That part of lot 1 (northwest quarter of northwest quarter) and north half of lot 2 (north half of southwest quarter of northwest quarter) and the part of the north half of the southeast quarter of the northwest quarter lying west of the east right-of-way line of Oklahoma State Highway Numbered 18, all in section 31, township 10 north, range 4 east of the Indian meridian, Pottawatomie County, Oklahoma,

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containing 57.99 acres, more or less, subject to the right of the Absentee Shawnee Tribe of Indians of Oklahoma, the Sac and Fox Tribe of Indians of Oklahoma, the Kickapoo Tribe of Indians of Oklahoma, and the Iowa Tribe of Indians of Oklahoma to use the Pottawatomie community house that may be constructed and maintained thereon.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*