

The original documents are located in Box 43, folder “4/21/76 HR1465 Division of Asset Certain California Indians” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

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4/21/76

APPROVED

APR 21 1976

THE WHITE HOUSE

WASHINGTON

April 20, 1976

ACTION

Last Day: April 23

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON *[Signature]*

SUBJECT:

H.R. 1465 - Division of Assets,
Certain California Indians

*Posted
4/22/76
to archive
4/22/76*

Attached for your consideration is H.R. 1465, sponsored by Representative Pettis, which would provide for the division of certain assets between the Twenty-nine Palm Band and the Cabazon Band of Mission Indians, California, including land and certain funds in the United States Treasury.

A discussion of the provisions of the enrolled bill is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) Ted Marrs and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 1465 at Tab B.





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

APR 16 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 1465 - Division of
assets, certain California Indians
Sponsor - Rep. Pettis (R) California

Last Day for Action

April 23, 1976 - Friday

Purpose

To provide for the division of certain assets between the Twenty-nine Palms Band and the Cabazon Band of Mission Indians, California, including land and certain funds in the United States Treasury.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Indian Claims Commission	No recommendation
General Services Administration	No recommendation

Discussion

The enrolled bill directs the Secretary of the Interior to transfer to the Twenty-nine Palms Band of Mission Indians from the Cabazon Band of Mission Indians the latter's beneficial interest in approximately 240 acres of land in trust along with \$2,825 plus earned interest.

At one time, the two tribes owned 640 acres jointly of which some 400 acres were allotted to individuals, primarily members of the Cabazon Band. Since its members had received a disproportionate share of this allotted acreage, the Cabazon Band has agreed to relinquish its interest in the remaining 240 acres. The \$2,825 plus interest represents the amount received by the Cabazon Band for a storm channel

right-of-way across the acreage, and that Band has agreed to transfer the funds to the Twenty-nine Palms Band along with its interest in the land.

James M. Fry
Assistant Director for
Legislative Reference

Enclosure

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION
WASHINGTON, DC 20405



April 13, 1976

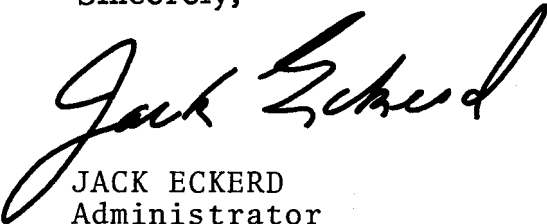
Honorable James T. Lynn
Director, Office of
Management and Budget
Washington, DC 20503

Dear Mr. Lynn:

By letter of April 12, 1976, your office requested the views of the General Services Administration (GSA) on enrolled bill H.R. 1465, a bill "To provide for the division of assets between the Twenty-Nine Palms Band and the Cabazon Band of Mission Indians, California, including certain funds in the United States Treasury, and for other purposes."

GSA offers no comment on the enrolled bill.

Sincerely,


JACK ECKERD
Administrator



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

APR 15 1976

Dear Mr. Lynn:

This responds to your request for the views of this Department on the enrolled bill H.R. 1465, "To provide for the division of assets between the Twenty-nine Palms Band and the Cabazon Band of Mission Indians, California, including certain funds in the United States Treasury, and for other purposes."

We recommend that the President approve the enrolled bill.

As enrolled, H.R. 1465 would direct the Secretary of the Interior, acting on behalf of the United States and of the Cabazon Band of Mission Indians, to convey the beneficial interest in approximately 240 acres of land to the Twenty-nine Palms Band of Mission Indians. This conveyance would be accomplished by way of a trust patent, and the land conveyed would be held by the United States in trust for the Twenty-nine Palms Band. The bill would also direct the Secretary to distribute \$2,825 plus earned interest from the tribal fund of the Cabazon Band to the tribal fund of the Twenty-nine Palms Band.

The Cabazon and Twenty-nine Palms Bands have been closely related for some time and have several members in common. On June 6, 1910 a trust patent to a 640 acre-tract of land (more or less) was issued to both bands. The effect of this action was to make the two bands tenants in common, each with an undivided one-half interest in the land. Of the original 640 acres held in common, 400 have been allotted to individuals. Of the ten allotments made, eight went to members of the Cabazon Band alone, and two went to persons who were members of both bands. This left 240 acres in common ownership, the same 240 acres involved in this bill.

On May 6, 1962, the Cabazon Band by resolution relinquished all interest in the 240 unallotted acres. This was done in recognition of the fact that its members' allotments had given it a disproportionate share of the land originally held in common. Further, the Cabazon Band relinquished all claim to the sum of \$2,825 plus



interest. This sum constitutes one-half of the amount collected as payment for a storm channel right-of-way granted across the unallotted lands in 1960. Since one-half of the payment for this right-of-way was transferred to the tribal trust fund of the Twenty-nine Palms Band some years ago, enactment of this bill would result in that band's having received the entire payment for the right-of-way.

The Whitewater River storm channel and Highway 60-70 traverse this 240 acres in such a manner as to divide the property into three separate parcels. One parcel of 92 acres is considered agricultural land with a value of \$51,752. Another parcel of 23 acres is considered to have a good commercial potential with an interim use for limited agriculture. Irrigation water is available. It has a fair market value of \$34,680. The third parcel of 64 acres also has irrigation water available. It is agricultural property with an industrial potential and has a value of \$64,030. The remaining 61 acres are devoted to the highway and storm channel rights-of-way.

Of the nine living adult members of the Twenty-nine Palms Band, six have been contacted regarding this proposed legislative transfer, and all of these have consented to accept the transfer as full satisfaction of their share of the common area and the right-of-way. It is our understanding that both bands still wish to divide the joint area in this manner, and accordingly we recommend that the President approve the enrolled bill.

Sincerely yours,


Commissioner of Indian Affairs

Honorable James T. Lynn
Director, Office of
Management and Budget
Washington, D.C.



INDIAN CLAIMS COMMISSION

RIDDELL BUILDING, 6TH FLOOR
1730 K STREET NW.
WASHINGTON, D.C. 20006

April 15, 1976

Honorable James M. Frey
Assistant Director for Legislative Reference
Office of Management and Budget
Washington, D. C. 20503

Re: The Enrolled Bill H. R. 1465

Dear Mr. Frey:

This is in response to your request of April 14, 1976, for our views and recommendations on the enrolled bill H. R. 1465, "An Act To provide for the division of assets between the Twenty-Nine Palms Band and the Cabazon Band of Mission Indians, California, including certain funds in the United States Treasury, and for other purposes."

The Indian Claims Commission has no jurisdiction over any of the matters with which the enrolled bill is concerned and is not in a position to express any views or recommendations with respect to this legislation.

Sincerely,

A handwritten signature in cursive script that reads "Margaret H. Pierce".

Margaret H. Pierce
Vice Chairman

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: April 16

Time: 600pm

FOR ACTION:

Dick Parsons <i>JA</i>	cc (for information):	Jack Marsh
Max Friedersdorf <i>JA</i>		Jim Cavanaugh
Ken Lazarus <i>JA</i>		Ed Schmults
Ted Marrs <i>JA</i>		

FROM THE STAFF SECRETARY

DUE: Date: April 19

Time: noon

SUBJECT:

H.R. 1465 - Division of assets, certain California Indians

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 checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

cannot 4/20 800am

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

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: April 16

Time: 600pm

FOR ACTION:

Dick Parsons
Max Friedersdorf
Ken Lazarus
Ted Marrs

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: April 19

Time: noon

SUBJECT:

H.R. 1465 - Division of assets, certain California Indians

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

No objection -- Ken Lazarus 4/19/76

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.

James M. Cannon
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: April 16

Time: 600pm

FOR ACTION:

Dick Parsons
Max Friedersdorf
Ken Lazarus
Ted Marrs

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: April 19

Time: noon

SUBJECT:

H.R. 1465 - Division of assets, certain California Indians

ACTION REQUESTED:

___ For Necessary Action

___ For Your Recommendations

___ Prepare Agenda and Brief

___ Draft Reply

^x ___ For Your Comments

___ Draft Remarks

REMARKS: *I have no objection to this bill. JJ*
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.

James M. Cannon
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: April 16

Time: 600pm

FOR ACTION:

Dick Parsons
Max Friedersdorf
Ken Lazarus
Ted Marrs

cc (for information): Jack Marsh
Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: April 19

Time: noon

SUBJECT:

H.R. 1465 - Division of assets, certain California Indians

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

*Recommended
Marrs*

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.

James M. Cannon
For the President

THE WHITE HOUSE
WASHINGTON

April 19, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *mf*
SUBJECT: H. R. 1465 - Division of assets, certain California
Indians

The Office of Legislative Affairs concurs with the agencies
that the bill be signed.

Attachments



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

DATE: 4-19-76

TO: Bob Linder

FROM: Jim Frey

Attached is the Senate Report
on S. 1465. Please have it
included in the enrolled bill
file. Thanks.

PROVIDING FOR THE DIVISION OF ASSETS BETWEEN THE TWENTY-NINE PALMS BAND AND THE CABAZON BAND OF MISSION INDIANS, CALIFORNIA, INCLUDING CERTAIN FUNDS IN THE UNITED STATES TREASURY, AND FOR OTHER PURPOSES

APRIL 6, 1976—Ordered to be printed

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

REPORT

[To accompany H.R. 1465]

The Committee on Interior and Insular Affairs, to which was referred the Act (H.R. 1465), to provide for the division of assets between the Twenty-nine Palms Band and the Cabazon Band of Mission Indians, California, including certain funds in the United States Treasury, and for other purposes; having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE

The purpose of H.R. 1465, is to provide for the division of assets between the Twenty-nine Palms Band and the Cabazon Band of Mission Indians, California, including land and certain funds in the United States Treasury.

SECTION-BY-SECTION ANALYSIS

Section 1 directs the Secretary of the Interior, for the United States, to convey the beneficial interest in 240 acres of land (description set forth in bill as shown by BLM Survey of 1927) to the Twenty-nine Palms Band of Mission Indians.

Section 2 requires conveyance to be by trust patent with title to be held in trust by the United States.

Section 3 directs the Secretary of the Interior to distribute from the tribal fund of the Cabazon Band of Mission Indians to the Twenty-nine Palms Band of Mission Indians the sum of \$2,825 plus earned interest.

BACKGROUND

In 1910 the Federal Government issued a trust patent for 640 acres of land jointly to the Cabazon and Twenty-nine Palms Bands of Mission Indians. Under two allotment programs, 400 of the 640 acres were allotted to individuals—8 allotments to Cabazons and 2 allotments to persons who were members of both bands. The 240 acres not allotted are still held in common ownership. The Cabazon Band, recognizing that it had received a disproportionate portion of the 640 acres, agreed that the Twenty-nine Palms Band should receive the remaining 240 acres. Under H.R. 1465 the Cabazon Band will relinquish all interest in the unallotted lands (240 acres), as well as relinquishing all claims to a sum of money collected as payment for a storm channel right-of-way (\$2,825 plus interest).

LEGISLATIVE HISTORY

H.R. 1465 was introduced in the House of Representatives on January 15, 1975, by the late Mr. Pettis. The Subcommittee on Indian Affairs conducted a hearing on the measure and on July 9, 1975, reported it to the Committee on Interior and Insular Affairs. The measure was reported to the House on September 15, 1975, and passed that body on October 6, 1975.

There is no companion measure pending in the Senate. Because of the non-controversial nature of H.R. 1465, Senator James Abourezk, Chairman of the Subcommittee on Indian Affairs, recommended that the measure be moved directly to full Committee for consideration.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Interior and Insular Affairs, in open business session on March 23, 1976, by unanimous vote of a quorum present recommends that the Senate pass H.R. 1465 (without amendment).

COST AND BUDGETARY CONSIDERATIONS

Although a transfer of tribal funds in the amount of \$2,825 for the benefit of the Twenty-nine Palms Band is authorized, no cost to the United States is incurred.

EXECUTIVE COMMUNICATIONS

The legislative report to the House from the Department of the Interior dated July 3, 1975, setting forth Executive agency recommendations relating to H.R. 1465 is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 3, 1975.

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

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on H.R. 1465, a bill "To provide for the division of

assets between the Twenty-nine Palms Band and the Cabazon Band of Mission Indians, California, including certain funds in the United States Treasury, and for other purposes."

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

H.R. 1465 would direct the Secretary of the Interior, acting on behalf of the United States and of the Cabazon Band of Mission Indians to convey the beneficial interest in approximately 240 acres of land to the Twenty-nine Palms Band of Mission Indians. This conveyance would be accomplished by way of a trust patent, and the land conveyed would be held by the United States in trust for the twenty-nine Palms Band; however, the trust patent could not operate to extend the period of trust as specified in the original patent. The bill would also direct the Secretary to distribute \$2,825 plus earned interest from the tribal fund of the Cabazon Band to the tribal fund of the Twenty-nine Palms Band.

The Cabazon and Twenty-nine Palms Bands have been closely related for some time and have several members in common. On June 6, 1910 a trust patent to a 640 acre-tract of land (more or less) was issued to both bands. The effect of this action was to make the two bands tenants in common, each with an undivided one-half interest in the land. Of the original 640 acres held in common, 400 have been allotted to individuals. Of the ten allotments made, eight went to members of the Cabazon Band alone, and two went to persons who were members of both bands. This left 240 acres in common ownership, the same 240 acres involved in this bill.

On May 6, 1962, the Cabazon Band by resolution relinquished all interest in the 240 unallotted acres. This was done in recognition of the fact that its members' allotments had given it a disproportionate share of the land originally held in common. Further, the Cabazon Band relinquished all claim to the sum of \$2,825 plus interest. This sum constitutes one-half of the amount collected as payment for a storm channel right-of-way granted across the unallotted lands in 1960. Since one-half of the payment for this right-of-way was transferred to the tribal trust fund of the Twenty-nine Palms Band some years ago, enactment of this bill would result in that band's having received the entire payment for the right-of-way.

The Whitewater River storm channel and highway 67-70 traverse this 240 acres in such a manner as to divide the property into three separate parcels. One parcel of 92 acres is considered agricultural land with a value of \$51,752. Another parcel of 23 acres is considered to have a good commercial potential with an interim use for limited agriculture. Irrigation water is available. It has a fair market value of \$34,680. The third parcel of 64 acres also has irrigation water available. It is agricultural property with an industrial potential and has a value of \$64,030. The remaining 61 acres are devoted to the highway and storm channel rights-of-way.

Of the nine living adult members of the Twenty-nine Palms Band, six have been contacted regarding this proposed legislative transfer, and all of these have consented to accept the transfer as full satisfaction of their share of the common area and the right-of-way. It is our understanding that both bands still wish to divide the joint area in this manner, and we recommend enactment of H.R. 1465.

The amendment which we recommend is to delete the proviso starting on line 7, page 2, in section 2 of the bill. This proviso states that the trust patent by which the land shall be conveyed shall not operate to extend the period of trust as specified by the original patent. However, the Twenty-nine Palms Band is organized under the Indian Reorganization Act of 1934, 48 Stat. 984, section 2 of which declares: "The existing periods of trust placed upon any Indian lands and any restriction on alienation thereof are hereby extended and continued until otherwise directed by Congress." (Despite the seemingly universal sweep of the language in this section, this language and other similarly couched sections of the Act have consistently been interpreted to apply only to those tribes which are organized under the Act.) Thus, the original 25-year term of the trust patent to this land no longer applies, and the proviso to section 2 is unnecessary.

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,

MORRIS THOMPSON,
Commissioner of Indian Affairs.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act H.R. 1465 as reported.

○

PROVIDING FOR THE DIVISION OF ASSETS BETWEEN THE TWENTY-NINE PALMS BAND AND THE CABAZON BAND OF MISSION INDIANS, CALIFORNIA, INCLUDING CERTAIN FUNDS IN THE UNITED STATES TREASURY, AND FOR OTHER PURPOSES

SEPTEMBER 15, 1975.—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. 1465]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 1465) to provide for the division of assets between the Twenty-nine Palms Band and the Cabazon Band of Mission Indians, California, including certain funds in the United States Treasury, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 2, lines 6 through 9, strike the word "Indians:" and the proviso ending on line 9 and insert in lieu thereof "Indians."

PURPOSE

The purpose of H.R. 1465, introduced by the late Mr. Pettis, is to provide for the division of assets between the Twenty-nine Palms Band and the Cabazon Band of Mission Indians, California, including land and certain funds in the United States Treasury.

BACKGROUND

In 1910 the Federal Government issued a trust patent for 640 acres of land jointly to the Cabazon and Twenty-nine Palms Bands of Mission Indians. Under two allotment programs, 400 of the 640 acres were allotted to individuals—8 allotments to Cabazons and 2 allotments to persons who were members of both bands. The 240 acres not allotted are still held in common ownership. The Cabazon Band, recognizing that it had received a disproportionate portion of the 640 acres, agreed that the Twenty-nine Palms Band should receive the re-

maining 240 acres. Under H.R. 1465 the Cabazon Band will relinquish all interest in the unallotted lands (240 acres), as well as relinquishing all claims to a sum of money collected as payment for a storm channel right-of-way (\$2,825 plus interest).

SECTION-BY-SECTION ANALYSIS

Section 1 directs the Secretary of the Interior, for the United States, to convey the beneficial interest in 240 acres of land (description set forth in bill as shown by BLM Survey of 1927) to the Twenty-nine Palms Band of Mission Indians.

Section 2 requires conveyance to be by trust patent with title to be held in trust by the United States.

Section 3 directs the Secretary of the Interior to distribute from the tribal fund of the Cabazon Band of Mission Indians to the Twenty-nine Palms Band of Mission Indian the sum of \$2,825 plus earned interest.

COMMITTEE AMENDMENT

The Twenty-nine Palms Band is organized under the Indian Reorganization Act of 1934 (48 Stat. 984), and section 2 of that Act declares that "The existing period of trust placed upon any Indian lands and any restrictions on alienation thereof are hereby extended and continued until otherwise directed by Congress." The Committee amendment strikes the proviso in Section 2 that would extend the period of trust for only the 25 years specified in the original patent.

COST AND BUDGET ACT COMPLIANCE

Although a transfer of tribal funds in the amount of \$2,825 for the benefit of the Twenty-nine Palms Band is authorized, no cost to the United States is incurred.

INFLATIONARY IMPACT STATEMENT

The Committee estimates this measure, if enacted, will have no inflationary impact.

OVERSIGHT STATEMENT

Other than the normal oversight responsibilities exercised in conjunction with these legislative operations, no recommendations were submitted to the Committee pursuant to Rule X, Clause 2(b) (2).

COMMITTEE RECOMMENDATION

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 July 3, 1975, is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 3, 1975.

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

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on H.R. 1465, a bill "To provide for the division of assets between the Twenty-nine Palms Band and the Cabazon Band of Mission Indians, California, including certain funds in the United States Treasury, and for other purposes."

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

H.R. 1465 would direct the Secretary of the Interior, acting on behalf of the United States and of the Cabazon Band of Mission Indians to convey the beneficial interest in approximately 240 acres of land to the Twenty-nine Palms Band of Mission Indians. This conveyance would be accomplished by way of a trust patent, and the land conveyed would be held by the United States in trust for the twenty-nine Palms Band; however, the trust patent could not operate to extend the period of trust as specified in the original patent. The bill would also direct the Secretary to distribute \$2,825 plus earned interest from the tribal fund of the Cabazon Band to the tribal fund of the Twenty-nine Palms Band.

The Cabazon and Twenty-nine Palms Bands have been closely related for some time and have several members in common. On June 6, 1910 a trust patent to a 640 acre-tract of land (more or less) was issued to both bands. The effect of this action was to make the two bands tenants in common, each with an undivided one-half interest in the land. Of the original 640 acres held in common, 400 have been allotted to individuals. Of the ten allotments made, eight went to members of the Cabazon Band alone, and two went to persons who were members of both bands. This left 240 acres in common ownership, the same 240 acres involved in this bill.

On May 6, 1962, the Cabazon Band by resolution relinquished all interest in the 240 unallotted acres. This was done in recognition of the fact that its members' allotments had given it a disproportionate share of the land originally held in common. Further, the Cabazon Band relinquished all claim to the sum of \$2,825 plus interest. This sum constitutes one-half of the amount collected as payment for a storm channel right-of-way granted across the unallotted lands in 1960. Since one-half of the payment for this right-of-way was transferred to the tribal trust fund of the Twenty-nine Palms Band some years ago, enactment of this bill would result in that band's having received the entire payment for the right-of-way.

The Whitewater River storm channel and highway 67-70 traverse this 240 acres in such a manner as to divide the property into three separate parcels. One parcel of 92 acres is considered agricultural land with a value of \$51,752. Another parcel of 23 acres is considered to have a good commercial potential with an interim use for limited

agriculture. Irrigation water is available. It has a fair market value of \$34,680. The third parcel of 64 acres also has irrigation water available. It is agricultural property with an industrial potential and has a value of \$64,030. The remaining 61 acres are devoted to the highway and storm channel rights-of-way.

Of the nine living adult members of the Twenty-nine Palms Band, six have been contacted regarding this proposed legislative transfer, and all of these have consented to accept the transfer as full satisfaction of their share of the common area and the right-of-way. It is our understanding that both bands still wish to divide the joint area in this manner, and we recommend enactment of H.R. 1465.

The amendment which we recommend is to delete the proviso starting on line 7, page 2, in section 2 of the bill. This proviso states that the trust patent by which the land shall be conveyed shall not operate to extend the period of trust as specified by the original patent. However, the Twenty-nine Palms Band is organized under the Indian Reorganization Act of 1934, 48 Stat. 984, section 2 of which declares: "The existing periods of trust placed upon any Indian lands and any restriction on alienation thereof are hereby extended and continued until otherwise directed by Congress." (Despite the seemingly universal sweep of the language in this section, this language and other similarly couched sections of the Act have consistently been interpreted to apply only to those tribes which are organized under the Act.) Thus, the original 25-year term of the trust patent to this land no longer applies, and the proviso to section 2 is unnecessary.

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,

MORRIS THOMPSON,
Commissioner of Indian Affairs.

○

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

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

An Act

To provide for the division of assets between the Twenty-Nine Palms Band and the Cabazon Band of Mission Indians, California, including certain funds in the United States Treasury, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, acting for and on behalf of the United States and the Cabazon Band, is hereby authorized and directed to convey to the Twenty-Nine Palms Band of Mission Indians the beneficial interest in the northeast quarter northeast quarter northwest quarter and northeast quarter southeast quarter section 30, township 5 south, range 8 east, San Bernardino base and meridian, California, comprising two hundred and forty acres, more or less, as shown on Bureau of Land Management plat of survey approved July 30, 1927.

SEC. 2. The conveyance authorized by this Act shall be by trust patent and title shall be held by the United States in trust for the Twenty-Nine Palms Band of Mission Indians.

SEC. 3. The Secretary of the Interior is authorized and directed to distribute from the tribal fund of the Cabazon Band of Mission Indians to the tribal fund of the Twenty-Nine Palms Band of Mission Indians the amount of \$2,825, plus interest earned on that amount.

Speaker of the House of Representatives.

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

April 12, 1976

Dear Mr. Director:

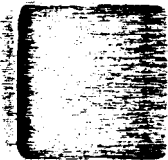
The following bills were received at the White House on April 12th:

- ✓ ✓ S.J. Res. 35
- ✓ ✓ S. 2444
- ✓ ✓ S. 2445
- ✓ ✓ H.J. Res. 491
- ✓ ✓ H.R. 1465
- ✓ ✓ H.R. 11598

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk



The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D.C.

Dear Mr. Director:

The following bills were received at the White House on April 12th:

- ✓ ✓ S.J. Res. 35
- ✓ ✓ S. 2444
- ✓ ✓ S. 2445
- ✓ ✓ H.J. Res. 491
- ✓ ✓ H.R. 1465
- ✓ ✓ H.R. 11598

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

The Honorable James T. Lynn
Director
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