

**The original documents are located in Box 19, folder “1/2/75 S2888 Trust Land Inter-Tribal Council Miami Oklahoma” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.**

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**APPROVED**  
JAN 2-1975

ACTION

THE WHITE HOUSE  
WASHINGTON

Last Day: January 4

January 1, 1975

*2 sent  
1/3  
To Archie  
1/3*

MEMORANDUM FOR THE PRESIDENT  
FROM: KEN COLE  
SUBJECT: Enrolled Bill S. 2888  
Trust Land, Inter-Tribal Council  
Miami, Oklahoma

Attached for your consideration is S. 2888, sponsored by Senator Bartlett, which would declare that a 114-acre tract of Federal land be held in trust for the Inter-Tribal Council of Miami, Oklahoma.

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. 2888 (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 our views on the enrolled bill S. 2888, "To convey certain land of the United States to the Inter-Tribal Council, Incorporated, Miami, Oklahoma."

We recommend that the President approve the enrolled bill.

As enrolled, S. 2888 would provide that all right, title and interest of the United States in approximately 114 acres of land in Ottawa County, Oklahoma, shall be held in trust by the United States for each of the eight Indian tribes described therein. These eight tribes constitute the Inter-Tribal Council, Incorporated, Miami, Oklahoma.

Section 2 of the bill provides that four of the eight tribes, such four tribes being subject to termination legislation, shall have no right or interest in the land unless and until they are no longer subject to the termination provisions. The bill would cut off after 5 years the conditional rights and interest of the four tribes subject to termination acts if such acts are still applicable to them at that time. Section 2 of the bill also contains a requirement that within the same 5-year period the Modoc Tribe of Oklahoma, one of the four such tribes, must organize and be granted Federal recognition in order to have full rights and interest to the land.

The Inter-Tribal Council, Incorporated, Miami, Oklahoma is a nonprofit corporation created under the laws of the State of Oklahoma (18 O.S. Supp. 1968, Secs. 851 to 862), for which a certificate of incorporation was issued on June 24, 1968. The corporation was formed to promote the general health and welfare of the members of the Seneca, Quapaw, Peoria, Modoc, Ottawa, Eastern Shawnee, Miami, and Wyandotte Tribes of the State of Oklahoma, and for other purposes. The Articles of Incorporation for this organization show that its 24 Directors comprise three members each from the eight Indian tribes.

Four of the constituent tribes of the Inter-Tribal Council--the Wyandotte, Ottawa, Peoria, and Modoc Tribes--have been or are in the process of being terminated. The other four tribes are federally recognized.



*Save Energy and You Serve America!*

The 114 acres described in the bill are a part of the Seneca Indian School. Seventy-one acres were included in a 1934 purchase for school purposes using general funds of the United States treasury. The average cost per acre was \$62.50. The other 43 acres were part of a larger amount acquired in 1941 using the fund "Indian Moneys, Proceeds of Labor, Quapaw School." The cost of this acreage averages \$50 per acre, making the overall cost approximately \$6,587. Both acquisitions were for school purposes. At one time the land was used as part of a school program for instruction in dairying; since the discontinuance of this program about 8 years ago, the land has been used under revocable permit or used as pasture land by the school for 4-H group projects. This entire acreage is presently excess to the needs of the Bureau of Indian Affairs.

The Geological Survey has set a nominal value of \$1 to \$5 acre for oil and gas and a value of \$1 per acre for the hard minerals underlying the property. This nominal value for minerals was included in an appraisal of the surface value made by the Bureau of Indian Affairs in 1968. At that time, the fair market value was determined to be \$225 per acre, or a total of \$25,650.

The site is located in Ottawa County, approximately 17 miles southeast of Miami, Oklahoma, the county seat, and approximately one-half mile north of the small community of Wyandotte, Oklahoma, which has a population of 250. Access to the area is provided by U.S. Highway No. 60 and State Highway No. 10. Rail transportation is provided by the St. Louis and Santa Fe Railroad, which runs approximately one-half mile south of the property. Rural utilities including electric power and telephone lines are available in the area. Other utilities including water supply, propane fuel, and sewerage are generally provided by private systems, including drilled wells, gas storage tanks, and septic or lagoon-type sewerage systems.

Major population centers are: Joplin, Missouri, population 40,000 located approximately 15 miles to the northeast; Tulsa, Oklahoma, population 265,000 located approximately 90 miles to the southwest; and Muskogee, Oklahoma, population 40,000, also located approximately 90 miles to the southwest.

Ottawa County has an Indian population of 1,204 and is adjacent to Delaware County, where 2,093 Indians reside, and Craig County which has an Indian population of 600. Many of these Indians are unemployed or underemployed. The 1969 census lists the rate of unemployment for Indians of Oklahoma as 12.1 percent, which was considerably higher

than that of the remaining population (4.3 percent). The Indian residents of the State have a median income of only \$1,212 while the total population averages \$2,145.

The Council proposes to develop the lands for light industrial and commercial purposes with a view to encouraging labor-oriented industries to locate on them and employ members of the Corporation's constituent tribes. The site is favorably located for this purpose. The Council owns no land. If this land was to be held in trust for the designated tribes, the Council would be in an advantageous position to approach industries which are interested in locating in the area.

A number of concerns have already selected sites in eastern Oklahoma, and the Inter-Tribal Council, Incorporated, on behalf of the Indians, would like to attract these companies as the opportunities arise. The location of industrial enterprises on the land would fill a real need in the area, and place the Indian people within easy commuting distance from the jobs that would be provided. The Council, and Bureau of Indian Affairs field officials, have already been working with an industry which expressed considerable interest in locating a manufacturing facility on the proposed industrial area. The company officials indicated that they are interested in training Indians for the majority of the jobs.

Ottawa County has already taken a step forward in providing attractive financing for industry by voting \$1,700,000 in general obligation bonds for industrial development. It formed a trust to administer these funds, which are available to all communities in the county.

The principal objective of the Council in proposing this development is, through the creation of new jobs, to raise the socio-economic level of the tribal members residing in the area. The development of the 114-acre tract would enable the Council to provide jobs for a larger number of Indian people than local industry usually employs. This would result in enabling heads of families to provide a greater percentage of their families' basic needs, plus some luxuries, which these Indians rarely see and which contribute to improving the quality of life.

Because this legislation would bring great benefits to the eight constituent tribes of the Inter-Tribal Council, and because it provides that the four terminated tribes must meet certain criteria before they can have joint right or interest in the land, we recommend Presidential approval of this bill.

Sincerely yours,

*Assistant*   
Secretary of the Interior

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



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

DEC 29 1974

To  
D. Handrich  
12-30-74  
11:00 4.M.

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.

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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:

- 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  
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 *ok.*  
 Phil Areeda *no obj*

cc (for information):

Warren Hendriks  
 Jerry Jones  
 Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date:

Time:

## 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:

 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:

*Max 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

## CONVEYING CERTAIN LAND OF THE UNITED STATES TO THE INTERTRIBAL COUNCIL, INC., MIAMI, OKLA.

—————  
AUGUST 21, 1974.—Ordered to be printed  
—————

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

### REPORT

[To accompany S. 2888]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 2888) to convey certain land of the United States to the Inter-Tribal Council, Inc., Miami, Okla., having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill as amended do pass.

#### I. PURPOSE

The purpose of S. 2888, as amended, is to declare that all right, title, and interest of the United States in and to certain federally owned land is held by the United States in trust for certain Oklahoma Indian Tribes.

#### II. BACKGROUND

The Inter-Tribal Council, Inc., is a nonprofit corporation created under the laws of the State of Oklahoma (18 O.S. Supp. 1968, Secs. 851 to 862). Its purpose is to promote the general health and welfare of the members of the Seneca, Quapaw, Peoria, Modoc, Ottawa, Eastern Shawnee, Miami, and Wyandotte Tribes of the State of Oklahoma. The articles of incorporation for this organization show that its 24 Directors comprise three members each from the eight Indian tribes.

The 114 acres described in the bill are a part of the Seneca Indian School. Seventy-one acres were included in a 1934 purchase for school purposes using general funds of the United States Treasury. The average cost per acre was \$62.50. The other 43 acres were part of a larger amount acquired in 1941 using the fund "Indian Moneys, Proceeds of Labor, Quapaw School." The cost of this acreage averages \$50 per acre. Both acquisitions were for school purposes. At one time the

land was used as part of a school program for instruction in dairying; since the discontinuance of this program about 8 years ago, the land has been used under revocable permit or as pasture land by the school for 4-H group projects. This entire acreage is presently excess to the needs of the Bureau of Indian Affairs.

The Geological Survey has set a nominal value of \$1 to \$5 per acre for oil and gas and a value of \$1 per acre for the hard minerals underlying the property. This nominal value for minerals was included in an appraisal of the surface value made by the Bureau of Indian Affairs in 1968. At that time, the fair market value of the property was determined to be \$225 per acre, or a total of \$25,650.

The site is located in Ottawa County, approximately 17 miles southeast of Miami, Okla., the county seat, and approximately one-half mile north of the small community of Wyandotte, Okla., which has a population of 250. Access to the area is provided by U.S. Highway No. 60 and State Highway No. 10. Rail transportation is provided by the St. Louis and Santa Fe Railroad, which runs approximately one-half mile south of the property. Rural utilities including electric power and telephone lines are available in the area. Other utilities including water supply, propane fuel, and sewerage are generally provided by private systems, including drilled wells, gas storage tanks, and septic or lagoon-type sewerage systems.

### III. NEED

Ottawa County has an Indian population of 1,204 and is adjacent to Delaware County, where 2,093 Indians reside, and Craig County which has an Indian population of 600. Many of these Indians are unemployed or underemployed. The 1969 census lists the rate of unemployment for Indians of Oklahoma as 12.1 percent, which was considerably higher than that of the remaining population (4.3 percent). The Indian residents of the State have a median income of only \$1,212 while the total population has \$2,145.

The council proposes to develop the lands for light industrial and commercial purposes with a view to encouraging labor-oriented industries to locate on it and employ members of the corporation's constituent tribes. The site is favorably located for this purpose. The council owns no other land.

### IV. LEGISLATIVE HISTORY

Senator Bartlett introduced S. 2888 on January 24, 1974. Hearings were held before the Subcommittee on Indian Affairs on May 14, 1974.

This measure as originally introduced would have conveyed in fee to the Inter-Tribal Council, Incorporated, a non-profit State Corporation, 114 acres of land located in Ottawa County, Okla., which is excess to the needs of the Bureau of Indian Affairs.

During testimony on this measure the Inter-Tribal Council requested that the land be transferred to the Council in trust rather than in fee. The feasibility of complying with the Council's request was explored with Interior Department officials during their testimony on this measure, and they indicated that if the Committee, in its wisdom felt it was best to transfer the land in trust, the Department would not

object. The Department was requested to provide substitute language for the bill that would effectuate a transfer in trust to the Council.

The Council is made up of 8 tribes—four federally recognized tribes and four non-federally recognized tribes and it was agreed by all concerned that the legislation would reflect this fact. The Inter-Tribal Council, in its regularly scheduled meeting on June 7 endorsed the language in the substitute bill as outlined below. A communication from the Inter-Tribal Council confirming the meeting and endorsement of the bill is included in this report following item VIII.

#### V. COST

Enactment of S. 2888 will not result in any additional expenditure of funds by the Federal Government.

#### VI. COMMITTEE RECOMMENDATIONS

The Committee on Interior and Insular Affairs in open executive session on August 12, 1974, unanimously ordered S. 2888, as amended, reported favorably to the Senate.

#### VII. AMENDMENTS

The substitute bill provides for the conveyance of 114 acres of land to be held in trust by the United States jointly for the eight tribes that make up the Inter-Tribal Council, Incorporated. It further provides that the four tribes which are subject to termination legislation shall have no right or interest in the land unless and until they are no longer subject to the termination provisions. To avoid an indefinite cloud on the title, language has been included which would cut off after 5 years the conditional rights and interest of the four tribes subject to termination acts if such acts are still applicable to them at that time. One other provision is a requirement that within the same 5 year period, the Modoc Indians in Oklahoma, must organize as a tribe and be granted federal recognition in order to have full right and interest in the land.

The committee amendment to S. 2888 in the nature of a substitute bill is as follows:

Strike out all after the enacting clause and insert the following language:

That (a) all right, title, and interest of the United States in and to the land more particularly described in subsection (b) of this section are hereby declared to be held in trust by the United States for the Indian tribes described in and subject to section 2 of this act.

(b) The land referred to in subsection (a) is more particularly described as follows: south half of the northwest quarter and that part of the north half of the southwest quarter of section 21, township 27 north, range 24 east, lying north of the centerline of Highway Numbered 60, I.B.M., containing one hundred and fourteen acres, more or less, in Ottawa County, Oklahoma.

SEC. 2. The land referred to in section 1 shall be held in trust by the United States jointly for the Seneca-Cayuga Tribe of Oklahoma, Quapaw Tribe of Oklahoma, Eastern Shawnee Tribe of Oklahoma, Miami Tribe of Oklahoma, Peoria Tribe of Indians of Oklahoma, Ottawa Tribe of Oklahoma, Wyandotte Tribe of Oklahoma, and Modoc Tribe of Oklahoma: *Provided*, That the following Tribes shall have no right or interest in such land (a) so long as they are

subject to the provisions of law cited below and (b) if they are still subject to such provisions five years after enactment of this Act :

(1) Peoria Tribe of Indians—sections 3 and 4 of the Act of August 2, 1956 (70 Stat. 937 ; 25 U.S.C. 823 and 824) ;

(2) Ottawa Tribe of Oklahoma—sections 8 and 9 of the Act of August 3, 1956 (70 Stat. 963, 964 ; 25 U.S.C. 848 and 849) ; and

(3) Wyandotte Tribe of Oklahoma—sections 13 and 14 of the Act of August 1, 1956 (70 Stat. 893, 896 ; 25 U.S.C. 803 and 804) : *Provided, further*, That the Modoc Tribe of Oklahoma shall have no right or interest in such lands (a) so long as the Modoc Indians in Oklahoma are subject to section 18 and 19 of the Act of August 13, 1954 (68 Stat. 718, 722 ; 25 U.S.C. 564q and 564r), (b) until a Modoc Tribe of Oklahoma is organized and federally recognized, and (c) if five years after enactment of this Act, such Indians are still subject to such section and such tribe has not been so organized and recognized.

#### VIII. DEPARTMENTAL REPORTS

The report of the Department of the Interior on S. 2888 and a letter from the Inter-Tribal Council, Inc. agreeing to the substitute language are set for 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. 2888, a bill "To convey certain land of the United States to the Inter-Tribal Council, Incorporated, Miami, Oklahoma."

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

S. 2888 would direct the Secretary of the Interior to convey without consideration all right, title, and interest of the United States in approximately 114 acres of land in Ottawa County, Oklahoma, to the Inter-Tribal Council, Inc., Miami, Oklahoma. The land would be transferred in fee and thus subject to taxation and alienation to the same extent as any other privately owned real property in Oklahoma. Section 2 of the bill explicitly recognizes these conditions.

The Inter-Tribal Council, Inc., is a nonprofit corporation created under the laws of the State of Oklahoma (18 O.S. Supp. 1968, Secs. 851 to 862). Its purpose is to promote the general health and welfare of the member of the Seneca, Quapaw, Peoria, Modoc, Ottawa, Eastern Shawnee, Miami, and Wyandotte Tribes of the State of Oklahoma. The Articles of Incorporation for this organization show that its 24 Directors comprise three members each from the eight Indian tribes.

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discontinuance of this program about 8 years ago, the land has been used under revocable permit or as pasture land by the school for 4-H group projects. This entire acreage is presently excess to the needs of the Bureau of Indian Affairs.

The Geological Survey has set a nominal value of \$1 to \$5 per acre for oil and gas and a value of \$1 per acre for the hard minerals underlying the property. This nominal value for minerals was included in an appraisal of the surface value made by the Bureau of Indian Affairs in 1968. At that time, the fair market value of the property was determined to be \$225 per acre, or a total of \$25,650.

The site is located in Ottawa County, approximately 17 miles southeast of Miami, Oklahoma, the county seat, and approximately one-half mile north of the small community of Wyandotte, Oklahoma, which has a population of 250. Access to the area is provided by U.S. Highway No. 60 and State Highway No. 10. Rail transportation is provided by the St. Louis and Santa Fe Railroad, which runs approximately one-half mile south of the property. Rural utilities including electric power and telephone lines are available in the area. Other utilities including water supply, propane fuel, and sewerage are generally provided by private systems, including drilled wells, gas storage tanks, and septic or lagoon-type sewerage systems.

Ottawa County has an Indian population of 1,204 and is adjacent to Delaware County, where 2,093 Indians reside, and Craig County which has an Indian population of 600. Many of these Indians are unemployed or underemployed. The 1969 census lists the rate of unemployment for Indians of Oklahoma as 12.1 percent, which was considerably higher than that of the remaining population (4.3 percent). The Indian residents of the State have a median income of only \$1,212 while the total population has \$2,145.

The council proposes to develop the lands for light industrial and commercial purposes with a view to encouraging labor-oriented industries to locate on it and employ members of the corporation's constituent tribes. The site is favorably located for this purpose. The council owns no other land.

In view of the fact that four of the constituent tribes of the council—the Wyandotte, Ottawa, Peoria, and Modoc tribes—have been or are in the process of being terminated, we cannot support enactment of the bill as written. The United States has no special relationship with terminated Indians, who are no different from any other private citizen, and therefore is not in a position to donate Federal land to a group composed of such Indians. However, it would be proper for the United States to transfer land to be jointly owned in fee by the tribal governing bodies of the four non-terminated tribes involved in the council. If the bill is amended so to provide, we recommend that it 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 programs.

Sincerely yours,

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 Commissioner of Indian Affairs.

INTER-TRIBAL COUNCIL, INC.,  
*Miami, Okla., June 10, 1974.*

HON. DEWEY F. BARTLETT,  
*U.S. Senate,*  
*Washington, D.C.*

DEAR SENATOR BARTLETT: This is in response to your communication of June 3, 1974.

At the regularly scheduled meeting of the Inter-Tribal Council, Inc., on June 7, 1974, the Board did concur with the draft of the Bill to be submitted as a substitute for S. 2888 ("A Bill to convey certain land of the United States to the Inter-Tribal Council, Inc., Miami, Oklahoma"). The four Tribes subject to termination, Wyandotte, Modoc, Ottawa, Peoria, agreed with the wording of this draft.

Thank you for your assistance in this matter.

Sincerely yours,

ROBERT A. WHITEBIRD, Sr.,  
*President, Inter-Tribal Council, Inc.*

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# 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 convey certain land of the United States to the Inter-Tribal Council, Incorporated, Miami, Oklahoma.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) all right, title, and interest of the United States in and to the land more particularly described in subsection (b) of this section are hereby declared to be held in trust by the United States for the Indian tribes described in and subject to section 2 of this Act.

(b) The land referred to in subsection (a) is more particularly described as follows: south half of the northwest quarter and that part of the north half of the southwest quarter of section 21, township 27 north, range 24 east, lying north of the centerline of Highway Numbered 60, I.B.M., containing one hundred and fourteen acres, more or less, in Ottawa County, Oklahoma.

SEC. 2. The land referred to in section 1 shall be held in trust by the United States jointly for the Seneca-Cayuga Tribe of Oklahoma, Quapaw Tribe of Oklahoma, Eastern Shawnee Tribe of Oklahoma, Miami Tribe of Oklahoma, Peoria Tribe of Indians of Oklahoma, Ottawa Tribe of Oklahoma, Wyandotte Tribe of Oklahoma, and Modoc Tribe of Oklahoma: *Provided*, That the following tribes shall have no right or interest in such land (a) so long as they are subject to the provisions of law cited below and (b) if they are still subject to such provisions five years after enactment of this Act:

(1) Peoria Tribe of Indians—sections 3 and 4 of the Act of August 2, 1956 (70 Stat. 937; 25 U.S.C. 823 and 824);

(2) Ottawa Tribe of Oklahoma—sections 8 and 9 of the Act of August 3, 1956 (70 Stat. 963, 964; 25 U.S.C. 848 and 849); and

(3) Wyandotte Tribe of Oklahoma—sections 13 and 14 of the Act of August 1, 1956 (70 Stat. 893, 896, 25 U.S.C. 803 and 804):

*Provided further*, That the Modoc Tribe of Oklahoma shall have no right or interest in such lands (a) so long as the Modoc Indians in Oklahoma are subject to sections 18 and 19 of the Act of August 13, 1954 (68 Stat. 718, 722, 25 U.S.C. 564q and 564r), (b) until a Modoc Tribe of Oklahoma is organized and federally recognized, and (c) if five years after enactment of this Act, such Indians are still subject to such section and such tribe has not been so organized and recognized.

*Speaker of the House of Representatives.*

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