

APPROVED
DEC 30 1974



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

DEC 23 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 7978 - Trust Lands for
Hualapai Tribe, Arizona
Sponsor - Rep. Steiger (R) Arizona

Last Day for Action

December 30, 1974 - Monday

Purpose

Transfers in trust to the Hualapai Tribe approximately
795 acres of Federal land in northwestern Arizona.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval

Discussion

The 1,100 members of the Hualapai Tribe reside on a
992,000 acre reservation in the desert of northwestern
Arizona, 50 miles northeast of Kingman. The enrolled bill
would convey about 795 acres of Federal land to the tribe,
to be held in trust by the United States as part of their
reservation, subject to existing rights-of-way and the
continued right of the U.S. to use it for Indian agency
purposes.

The tract lies eight miles from the southern border of the
reservation and is surrounded by public domain lands. The
majority of the acreage was withdrawn from the public domain



Posted in
Colorado
12/30
To Archives
1/2/75

in 1898 to create the "Hualapai Indian School Reserve," and the remainder was purchased from the Santa Fe Railroad and added to the reserve in 1900.

An Indian boarding school was located on the tract until 1937, and the site was then used by the Indian agency serving the Hualapai. The Bureau of Indian Affairs has relocated the agency on land donated by the Hualapai at Peach Springs (within the reservation proper) and has no further use for the tract.

Government-owned improvements include 11 single-family residences, an office building, a school building, several streets, a reservoir and sewer lines. U.S. Highway 66 cuts through the tract, and the tribe plans to develop facilities for tourists and hunters as a means of providing income. Six Hualapai families built houses on the reserve and have lived there for many years.

Interior stated in testimony before the Interior committees that taking the land in trust would be contrary to long-standing policy because it lies outside the reservation, but that the tract should be transferred in fee to the tribe since it has been reserved for their use for more than 75 years. The Congress rejected the Department's recommendation for a fee rather than a trust transfer.

In its enrolled bill letter, Interior states that ". . . with the phasing out of the (Indian) agency, the transfer of this Indian reserve to trust status for the Hualapais is the most practical and beneficial way of using it." While we would have greatly preferred transfer in fee rather than in trust, we join with the Department in recommending approval since the tribe will receive important benefits from the transfer.

Walter H. Rommel

Assistant Director for
Legislative Reference

Enclosures



ACTION

THE WHITE HOUSE
WASHINGTON

Last Day: December 30

December 27, 1974

MEMORANDUM FOR THE PRESIDENT
FROM: KEN COLE
SUBJECT: Enrolled Bill H.R. 7978
Trust Lands for Hualapai Tribe

Attached for your consideration is H.R. 7978, sponsored by Representative Steiger, which transfers in trust to the Hualapai Tribe approximately 795 acres of Federal land in northwestern Arizona.

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

Phil Areeda and Max Friedersdorf both recommend approval.

RECOMMENDATION

That you sign H.R. 7978 (Tab B).

MC





United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

DEC 19 1974

Dear Mr. Ash:

This responds to your request for the views of this Department on enrolled bill H.R. 7978, "To declare that certain federally owned lands shall be held by the United States in trust for the Hualapai Indian Tribe of the Hualapai Reservation, Arizona, and for other purposes."

We recommend that the President approve this enrolled bill.

Enrolled bill H.R. 7978 would declare that all right, title and interest to certain lands, known as the Hualapai Indian School Reserve, are held in trust for the Hualapai Tribe and added to their reservation. Section 2 would provide that the lands to be held in trust would be managed in accordance with laws and regulations applicable to Indian tribal lands. Section 3 would offset the value of the land held in trust against any Indian Claims Commission award which the Hualapai Tribe might receive.

Of the 794.95 acres to be transferred to trust status by this bill, 634.95 were withdrawn from the public domain as a reservation for school purposes, to be known as the "Hualapai Indian School Reserve" by Executive Order dated December 22, 1898. The remaining 160 acres were acquired by the United States for a nominal consideration from the Santa Fe Pacific Railroad Company by deed dated September 12, 1899, subject to the reservation of certain rights by the railroad. President William McKinley added this 160 acres to the Hualapai Indian School Reserve by his Executive Order of May 14, 1900. This reserve lies some eight miles from the southern boundary of the Hualapai Reservation.

The land was used as the site of an Indian boarding school, along with a farm to produce milk, vegetables, and other foods for the school, until the school was closed in 1937. Subsequently, it became the site of the Truxton Canyon Indian Agency. Many of the buildings were removed and the farm was abandoned.



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OFFICIAL MANAGEMENT
AND BUDGET

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RECEIVED

The Bureau of Indian Affairs is now phasing out the agency activities at Truxton Canyon with all agency functions to be consolidated in Peach Springs, Arizona. Because of this, the buildings on the property are now receiving only minimum maintenance.

The Government owned improvements on the land now consist of 11 single family residences, 4 single garages, 5 multiple garages, 3 house trailers, 1 office building, 1 elementary boarding school building, 2 shops, 5 warehouse or storage buildings, 7 fuel tanks, 1 chicken house, 1 reservoir, various streets, and utility and sewer lines. The original cost of these buildings was \$91,028. U.S. Highway 66 and the Atchison, Topeka, and Santa Fe Railroad line cross the property. The reserve is surrounded by public domain lands except where two pieces of privately owned land abut it on the northeast corner.

The Hualapai Reservation is located in northwestern Arizona, 50 miles northeast of Kingman. It is bounded on the north by the Grand Canyon National Monument and the Lake Mead National Recreational Area. The reservation contains 992,390 acres of land; except for 650 acres, all of the land is tribal. Over 40 percent of the present available labor force is unemployed.

Approximately six Hualapai families have built homes on the school reserve, have lived there for many years, and consider it their home. If the land is held in trust for the tribe, these families will be assured of the continued use of the land on which their houses are located. In addition, as federally owned houses are abandoned, they can be used by Hualapais who work in Kingman, thus cutting their commuting distance in half.

The tribe must now purchase hay from Parker, some 160 miles away, or from Phoenix, which is an even greater distance. The tribe desires to develop approximately 160 acres of alfalfa land on the school reserve. In addition to providing a local source of hay, this will provide full employment for at least three Hualapais and additional part-time employment.



The area of the reserve lies on the edge of the desert and is the last cool place to camp before crossing the desert to California. In addition, the area is popular with hunters. The tribe would like to develop facilities on the reserve to accommodate campers, hunters, and tourists. This can provide additional employment possibilities as well as a source of badly needed income.

The tribe has, by resolution, supported legislation of this kind. We believe that with the phasing out of the Truxton Canyon Agency, the transfer of this Indian reserve to trust status for the Hualapais is the most practical and beneficial way of using it.

Sincerely yours,


Commissioner of Indian Affairs

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



THE WHITE HOUSE
WASHINGTON

12/23/74

TO: WARREN HENDRIKS

RDL

Robert D. Linder

Rec'd 12-23-74 (6:45 p.m.)

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

DEC 23 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 7978 - Trust Lands for
Hualapai Tribe, Arizona
Sponsor - Rep. Steiger (R) Arizona

Last Day for Action

December 30, 1974 - Monday

Purpose

Transfers in trust to the Hualapai Tribe approximately
795 acres of Federal land in northwestern Arizona.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval

Discussion

The 1,100 members of the Hualapai Tribe reside on a
992,000 acre reservation in the desert of northwestern
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would convey about 795 acres of Federal land to the tribe,
to be held in trust by the United States as part of their
reservation, subject to existing rights-of-way and the
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purposes.

The tract lies eight miles from the southern border of the
reservation and is surrounded by public domain lands. The
majority of the acreage was withdrawn from the public domain

To: James H. ...
12-24-74
9:00 a.m.



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Government-owned improvements include 11 single-family residences, an office building, a school building, several streets, a reservoir and sewer lines. U.S. Highway 66 cuts through the tract, and the tribe plans to develop facilities for tourists and hunters as a means of providing income. Six Hualapai families built houses on the reserve and have lived there for many years.

Interior stated in testimony before the Interior committees that taking the land in trust would be contrary to long-standing policy because it lies outside the reservation, but that the tract should be transferred in fee to the tribe since it has been reserved for their use for more than 75 years. The Congress rejected the Department's recommendation for a fee rather than a trust transfer.

In its enrolled bill letter, Interior states that ". . . with the phasing out of the (Indian) agency, the transfer of this Indian reserve to trust status for the Hualapais is the most practical and beneficial way of using it." While we would have greatly preferred transfer in fee rather than in trust, we join with the Department in recommending approval since the tribe will receive important benefits from the transfer.

(signed) Wilfred H. Rowan

Assistant Director for
Legislative Reference

Enclosures

THE WHITE HOUSE
WASHINGTON

December 26, 1974

MEMORANDUM FOR: WARREN HENDRIKS
FROM: *Max L. Friedersdorf* MAX L. FRIEDERSDORF
SUBJECT: Action Memorandum - Log No. 837
Enrolled Bill H. R. 7978 - Trust Lands for
Hualapai Tribe, Arizona

The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 837

Date: December 26, 1974

Time: 9:00 a.m.

FOR ACTION: Mike Duval *ok.*
Max Friedersdorf *ok.*
Phil Areeda *no*

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, December 26

Time: 3:00 p.m.

SUBJECT:

Enrolled Bill H.R. 7978 - Trust Lands for
Hualapai Tribe, Arizona

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

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 837

Date: December 26, 1974

Time: 9:00 a.m.

FOR ACTION: Mike Duval *ok Ross*
Max Friedersdorf
Phil Areeda

cc (for information): Warren Hendriks
Jerry Jones

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DUE: Date: Thursday, December 26

Time: 3:00 p.m.

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Enrolled Bill H.R. 7978 - Trust Lands for
Hualapai Tribe, Arizona

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

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Warren K. Hendriks
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 837

Date: December 26, 1974

Time: 9:00 a.m.

FOR ACTION: Mike Duval
Max Friedersdorf
Phil Areeda ✓

cc (for information): Warren Hendriks
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, December 26

Time: 3:00 p.m.

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Hualapai Tribe, Arizona

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

DECLARING THAT CERTAIN FEDERALLY OWNED LANDS SHALL BE HELD BY THE UNITED STATES IN TRUST FOR THE HUALAPAI INDIAN TRIBE, OF THE HUALAPAI RESERVATION, ARIZ., AND FOR OTHER PURPOSES

SEPTEMBER 17, 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. 7978]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 7978) to declare that certain federally owned lands shall be held by the United States in trust for the Hualapai Indian Tribe, of the Hualapai Reservation, Ariz., 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 1, beginning on line 3, strike out all after the enacting clause and insert in lieu thereof the following:

That, subject to all valid existing rights-of-way, all of the right, title, and interest of the United States in and to the following described lands, containing 794.95 acres, more or less, and all federally owned buildings and improvements thereon are hereby declared to be held by the United States in trust for the Hualapai Indian Tribe of the Hualapai Reservation, Arizona, subject to the continued right of the United States to use such land, buildings, and improvements so long as needed for Indian agency and administrative purposes:

Northwest quarter, section 15, and all of section 10, township 23 north, range 13 west, Gila and Salt River base and meridian, Arizona, excepting a tract of land containing 5.05 acres, more or less, which is seven hundred thirty feet long and three hundred feet wide, lying along and adjacent to the southeasterly boundary line of the Atchison, Topeka, and Santa Fe Railway in the southeast quarter of section 10, township 23 north, range 13 west, Gila and Salt River base and meridian, and which tract is more particularly described in the Act of October 25, 1949 (63 Stat. 1205), as amended by the Act of June 23, 1970 (84 Stat. 2109).

SEC. 2. The lands subject to this Act shall be administered in accordance with the laws and regulations applicable to Indian tribal lands.

SEC. 3. The Indian Claims Commission is directed to determine in accordance with the provisions of the Act of August 13, 1946 (60 Stat. 1050), the extent to which value of the title conveyed should or should not be set off against any claim against the United States determined by the Commission.

PURPOSE

The purpose of H.R. 7978, by Mr. Steiger of Arizona, is to convey approximately 794 acres of Federal lands reserved for Indian purposes to the Hualapai Tribe.

EXPLANATION

The Hualapai Tribe is located on the Hualapai Reservation in northwestern Arizona which consists of approximately 992,390 acres.

Of the lands to be transferred, 634 acres were withdrawn from the public domain as a reservation for the "Hualapai Indian School Reserve" by Executive Order of 1898. An additional 160 acres, which were acquired by the United States for a nominal consideration from the Santa Fe Pacific Railroad Company, were subsequently added to the reserve. The reserve lies eight miles from the southern boundary of the Hualapai reservation.

The school was abandoned in 1937 and the site was then used for the Truxton Canyon Indian Agency serving the Hualapai reservation. The site has certain Federally-owned buildings and other improvements with an original cost of \$91,028. The Bureau of Indian Affairs (BIA) is now phasing out the agency activities on this site and consolidating such activity or tribally donated land within the reservation proper.

The bill would convey this land in trust to the tribe subject to the termination of its use by the BIA. The tribe will use the land for economic and other tribal purposes.

COMMITTEE AMENDMENT

The Committee amendment accepts the technical language changes suggested in the proposed substitute recommended by the Department of the Interior in its report, but rejects the Departmental recommendation of a fee, rather than a trust transfer. In addition, it rejects the departmental recommendation that the lands be subject to a land use plan approved by the Secretary and that such lands revert to the United States in the event the lands pass out of tribal use.

The Committee amendment also contains the standard Indian Claims Commission offset provision.

COST

No Federal expenditures are involved in the enactment of H.R. 7978.

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 May 31, 1973, follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 31, 1973.

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. 7978, a bill "To declare that certain federally owned lands shall be held by the United States in trust for the Hualapai Indian Tribe, of the Hualapai Reservation, Arizona, and for other purposes".

We recommend enactment of the attached substitute bill in lieu of H.R. 7978.

H.R. 7978 would declare that all right, title and interest to certain lands, known as the Hualapai Indian school reserve, are held in trust for the Hualapai Tribe and added to their reservation. Section 2 of the bill would permit the Bureau of Indian Affairs to continue to use this land and the buildings thereon in connection with its Truxton Canyon Agency until the Bureau relocated on a tract set aside for this purpose by the tribe. At this time the Bureau's use would be extinguished and title to the buildings would vest in the tribe. Section 3 would provide that the land to be held in trust would be managed in accordance with laws and regulations applicable to Indian tribal lands.

Of the 794.95 acres to be transferred to trust status by this bill, 634.95 were withdrawn from the public domain as a reservation for school purposes, to be known as the "Hualapai Indian School Reserve" by Executive order dated December 22, 1898. The remaining 160 acres were acquired by the United States for a nominal consideration from the Santa Fe Pacific Railroad Company by deed dated September 12, 1899, subject to the reservation of certain rights by the railroad. President William McKinley added this 160 acres to the Hualapai Indian School Reserve by his Executive order of May 14, 1900. This reserve lies some eight miles from the southern boundary of the Hualapai Reservation.

The land was used as the site of an Indian boarding school, along with a farm to produce milk, vegetables, and other foods for the school, until the school was closed in 1937. Subsequently, it became the site of the Truxton Canyon Indian Agency. Many of the buildings were removed and the farm was abandoned.

The Bureau of Indian Affairs is now phasing out the agency activities at Truxton Canyon with all agency functions to be consolidated in Peach Springs, Arizona. Because of this, the buildings on the property are now receiving only minimum maintenance.

The Government owned improvements on the land now consist of 11 single family residences, 4 single garages, 5 multiple garages, 3 house trailers, 1 office building, 1 elementary boarding school building, 2 shops, 5 warehouse or storage buildings, 7 fuel tanks, 1 chicken house, 1 reservoir, various streets, and utility and sewer lines. The original cost of these buildings was \$91,028. U.S. Highway 66 and the Atchison, Topeka, and Santa Fe Railroad line cross the property. The reserve is surrounded by public domain lands except where two pieces of privately owned land abut it in the northeast corner.

The Hualapai Reservation is located in northwestern Arizona, 50 miles northeast of Kingman. It is bounded on the North by the Grand Canyon National Monument and the Lake Mead National Recreation Area. The reservation contains 992,390 acres of land; except for 650 acres, all of the land is tribal. Over 40 percent of the present available labor force is unemployed.

Approximately six Hualapai families have built homes on the school reserve, have lived there for many years, and consider it their home. If the land is transferred to the tribe, these families will be assured of the continued use of the land on which their houses are located. In addition, as federally owned houses are abandoned, they can be used by Hualapais who work in Kingman, thus cutting their commuting distance in half.

The tribe must now purchase hay from Parker, some 160 miles away, or from Phoenix, which is an even greater distance. The tribe desires to develop approximately 160 acres of alfalfa land on the school reserve. In addition to providing a local source of hay, this will provide full employment for at least 3 Hualapais and additional part-time employment.

The area of the reserve lies on the edge of the desert and is the last cool place to camp before crossing the desert to California. In addition, the area is popular with hunters. The tribe would like to develop facilities on the reserve to accommodate campers, hunters, and tourists. This can provide additional employment possibilities as well as a source of badly needed income.

Since this land has been reserved for tribal use for 75 years and since the tribe has plans to make beneficial use of it, we feel that it should be transferred to the tribe. Since it lies outside of the reservation, to take it in trust for the tribe would be contrary to our general policy and would be an exception to the Act of May 25, 1918, 40 Stat. 570, 25 U.S.C. 211, which provides that no reservation in Arizona or New Mexico shall be created or added to except by an Act of Congress.

Our substitute bill embodies the following points of difference from H.R. 7978. First, we have provided a more complete land description and have exempted a privately-owned parcel of land from that description. Second, to preserve the United States' right of way in U.S. Highway 66, we have inserted the phrase "subject to valid, existing rights of way" in section 1 of our bill. Third, we have incorporated section 2 of H.R. 7978, in tightened form, into section 1 of our bill. Fourth, we have deleted section 3 of H.R. 7978 since the land will not be a part of the reservation. Finally, we have added two new sections, the first of which would offset the value of the land held in trust against any Indian Claims Commission award which the Hualapai Tribe might receive, and the second of which would impose as conditions of the transfer (1) that the land will revert to the United States if it passes out of tribal ownership, and (2) that the tribe present to the Secretary for approval a plan for the economic use of the land.

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,

MARVIN L. FRANKLIN,
Assistant to the Secretary of the Interior.

A BILL To transfer certain federally owned lands to the Hualapai Indian Tribe, of the Hualapai Reservation, Arizona, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, subject to all valid, existing rights-of-way, all of the right, title, and interest of the United States in the following described lands, containing 794.95 acres, more or less, and all federally owned buildings and improvements thereon are hereby transferred to the Hualapai Tribe of the Hualapai Reservation, Arizona, subject to the continued right of the United States to use such land, buildings and improvements so long as needed for Indian agency and administrative purposes and to the conditions of this Act:

Northwest quarter, section 15, and all of section 10 township 23 north, range 13 west, Gila and Salt River base and meridian, Arizona, excepting a tract of land containing 5.05 acres, more or less, which is seven hundred thirty feet long and three hundred feet wide, lying along and adjacent to the southeasterly boundary line of the Atchison, Topeka, and Santa Fe Railway in the southeast quarter of section 10, township 23 north, range 13 west, Gila and Salt River base and meridian, and which tract is more particularly described in the Act of October 25, 1949 (63 Stat. 1205), as amended by the Act of June 23, 1970 (84 Stat. 2109).

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed should or should not be set off against any claim against the United States determined by the Commission.

SEC. 3. (a) The transfer shall be conditioned on the prior approval of the Secretary of the Interior of an economic use plan prepared for the land by the tribe.

(b) Title to the land shall revert to the United States if the land passes out of tribal ownership.

()

DECLARING THAT CERTAIN FEDERALLY OWNED LANDS SHALL BE HELD BY THE UNITED STATES IN TRUST FOR THE HUALAPAI INDIAN TRIBE OF THE HUALAPAI RESERVATION, ARIZ., AND FOR OTHER PURPOSES

DECEMBER 16, 1974.—Ordered to be printed

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

REPORT

[To accompany H.R. 7978]

The Committee on Interior and Insular Affairs, to which was referred the bill (H.R. 7978), to declare that certain federally owned lands shall be held by the United States in trust for the Hualapai Indian Tribe of the Hualapai Reservation, Ariz., and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of H.R. 7978 is to convey approximately 794 acres of Federal lands reserved for Indian purposes to the Hualapai Tribe.

EXPLANATION

The Hualapai Tribe is located on the Hualapai Reservation in northwestern Arizona which consists of approximately 992,390 acres.

Of the lands to be transferred, 634 acres were withdrawn from the public domain as a reservation for the "Hualapai Indian School Reserve" by Executive Order of 1898. An additional 160 acres, which were acquired by the United States for a nominal consideration from the Santa Fe Pacific Railroad Company, were subsequently added to the reserve. The reserve lies eight miles from the southern boundary of the Hualapai reservation.

The school was abandoned in 1937 and the site was then used for the Truxton Canyon Indian Agency serving the Hualapai reservation. The site has certain Federally-owned buildings and other improvements with an original cost of \$91,028. The Bureau of Indian Affairs (BIA) is now phasing out the agency activities on this site and consolidating such activity or tribally donated land within the reservation proper.

The bill would convey this land in trust to the tribe subject to the termination of its use by the BIA. The tribe will use the land for economic and other tribal purposes.

COST

No Federal expenditures are involved in the enactment of H.R. 7978.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, in open mark-up session on December 4, 1974 by a voice vote, recommends that the bill, as amended, be enacted.

DEPARTMENTAL REPORT

The favorable report of the Department of the Interior to the Chairman of the House Interior Committee, dated May 31, 1973, follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 31, 1973.

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. 7978, a bill "To declare that certain federally owned lands shall be held by the United States in trust for the Hualapai Indian Tribe, of the Hualapai Reservation, Ariz., and for other purposes".

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H.R. 7978 would declare that all right, title and interest to certain lands, known as the Hualapai Indian school reserve, are held in trust for the Hualapai Tribe and added to their reservation. Section 2 of the bill would permit the Bureau of Indian Affairs to continue to use this land and the buildings thereon in connection with its Truxton Canyon Agency until the Bureau relocated on a tract set aside for this purpose by the tribe. At this time the Bureau's use would be extinguished and title to the buildings would vest in the tribe. Section 3 would provide that the land to be held in trust would be managed in accordance with laws and regulations applicable to Indian tribal lands.

Of the 794.95 acres to be transferred to trust status by this bill, 634.95 were withdrawn from the public domain as a reservation for school purposes, to be known as the "Hualapai Indian School Reserve" by Executive order dated December 22, 1898. The remaining 160 acres were acquired by the United States for a nominal consideration from the Santa Fe Pacific Railroad Company by deed dated September 12, 1899, subject to the reservation of certain rights by the railroad. President William McKinley added this 160 acres to the Hualapai Indian School Reserve by his Executive order of May 14, 1900. This reserve lies some eight miles from the southern boundary of the Hualapai Reservation.

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The Hualapai Reservation is located in northwestern Arizona, 50 miles northeast of Kingman. It is bounded on the north by the Grand Canyon National Monument and the Lake Mead National Recreation Area. The reservation contains 992,390 acres of land; except for 650 acres, all of the land is tribal. Over 40 percent of the present available labor force is unemployed.

Approximately six Hualapai families have built homes on the school reserve, have lived there for many years, and consider it their home. If the land is transferred to the tribe, these families will be assured of the continued use of the land on which their houses are located. In addition, as federally owned houses are abandoned, they can be used by Hualapais who work in Kingman, thus cutting their commuting distance in half.

The tribe must now purchase hay from Parker, some 160 miles away, or from Phoenix, which is an even greater distance. The tribe desires to develop approximately 160 acres of alfalfa land on the school reserve. In addition to providing a local source of hay, this will provide full employment for at least 3 Hualapais and additional part-time employment.

The area of the reserve lies on the edge of the desert and is the last cool place to camp before crossing the desert to California. In addition, the area is popular with hunters. The tribe would like to develop facilities on the reserve to accommodate campers, hunters, and tourists. This can provide additional employment possibilities as well as a source of badly needed income.

Since this land has been reserved for tribal use for 75 years and since the tribe has plans to make beneficial use of it, we feel that it should be transferred to the tribe. Since it lies outside of the reservation, to take it in trust for the tribe would be contrary to our general policy and would be an exception to the Act of May 25, 1918, 40 Stat. 570, 25 U.S.C. 211, which provides that no reservation in Arizona or New Mexico shall be created or added to except by an Act of Congress.

Our substitute bill embodies the following points of difference from H.R. 7978. First, we have provided a more complete land description

and have exempted a privately-owned parcel of land from that description. Second, to preserve the United States' right of way in U.S. Highway 66, we have inserted the phrase "subject to valid, existing rights of way" in section 1 of our bill. Third, we have incorporated section 2 of H.R. 7978, in tightened form, into section 1 of our bill. Fourth, we have deleted section 3 of H.R. 7978 since the land will not be a part of the reservation. Finally, we have added two new sections, the first of which would offset the value of the land held in trust against any Indian Claims Commission award which the Hualapai Tribe might receive, and the second of which would impose as conditions of the transfer (1) that the land will revert to the United States if it passes out of tribal ownership, and (2) that the tribe present to the Secretary for approval a plan for the economic use of the land.

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,

MARVIN L. FRANKLIN,

Assistant to the Secretary of the Interior.

A BILL To transfer certain federally owned lands to the Hualapai Indian Tribe, of the Hualapai Reservation, Ariz., and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to all valid, existing rights-of-way, all of the right, title, and interest of the United States in the following described lands, containing 794.95 acres, more or less, and all federally owned buildings and improvements thereon are hereby transferred to the Hualapai Tribe of the Hualapai Reservation, Ariz., subject to the continued right of the United States to use such land, buildings and improvements so long as needed for Indian agency and administrative purposes and to the conditions of this Act:

Northwest quarter, section 15, and all of section 10 township 23 north, range 13 west, Gila and Salt River base and meridian, Arizona, excepting a tract of land containing 5.05 acres, more or less, which is seven hundred thirty feet long and three hundred feet wide, lying along and adjacent to the southeasterly boundary line of the Atchison, Topeka, and Santa Fe Railway in the southeast quarter of section 10, township 23 north, range 13 west, Gila and Salt River base and meridian, and which tract is more particularly described in the Act of October 25, 1949 (63 Stat. 1205), as amended by the Act of June 23, 1970 (84 Stat. 2109).

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed should or should not be set off against any claim against the United States determined by the Commission.

SEC. 3. (a) The transfer shall be conditioned on the prior approval of the Secretary of the Interior of an economic use plan prepared for the land by the tribe.

(b) Title to the land shall revert to the United States if the land passes out of tribal ownership.

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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 declare that certain federally owned lands shall be held by the United States in trust for the Hualapai Indian Tribe of the Hualapai Reservation, Arizona, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to all valid existing rights-of-way, all of the right, title, and interest of the United States in and to the following described lands, containing 794.95 acres, more or less, and all federally owned buildings and improvements thereon are hereby declared to be held by the United State in trust for the Hualapai Indian Tribe of the Hualapai Reservation, Arizona, subject to the continued right of the United States to use such land, buildings, and improvements so long as needed for Indian agency and administrative purposes:

Northwest quarter, section 15, and all of section 10, township 23 north, range 13 west, Gila and Salt River base and meridian, Arizona, excepting a tract of land containing 5.05 acres, more or less, which is seven hundred thirty feet long and three hundred feet wide, lying along and adjacent to the southeasterly boundary line of the Atchison, Topeka, and Santa Fe Railway in the southeast quarter of section 10, township 23 north, range 13 west, Gila and Salt River base and meridian, and which tract is more particularly described in the Act of October 25, 1949 (63 Stat. 1205), as amended by the Act of June 23, 1970 (84 Stat. 2109).

SEC. 2. The lands subject to this Act shall be administered in accordance with the laws and regulations applicable to Indian tribal lands.

SEC. 3. The Indian Claims Commission is directed to determine in accordance with the provisions of the Act of August 13, 1946 (60 Stat. 150), the extent to which value of the title conveyed should or should not be set off against any claim against the United States determined by the Commission.

Speaker of the House of Representatives.

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

December 18, 1974

Dear Mr. Director:

The following bills were received at the White House on December 18th:

H.J. Res. 224 ✓	S. 3191 ✓
S.J. Res. 260 ✓	S. 4013 ✓
S. 425 ✓	H.R. 7978 ✓
S. 939 ✓	H.R. 8193 ✓
S. 2343 ✓	H.R. 8864 ✓

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