

**Gilbert, Regina**

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**From:** teamsimple [teamsimple@cox.net]  
**Sent:** Monday, June 04, 2012 12:40 PM  
**To:** Trust Commission  
**Cc:** Marsters, Lizzie  
**Subject:** FORMAL REQUEST TO TESTIFY AND SUBMIT THE CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA FOR THE RETURN OF THE FORT RENO LANDS.  
**Attachments:** AIO COPY Board of Directors Resolution.pdf; Cheyenne-Arapaho Letter to Larry Echo Hawk.pdf; Cheyenne-Arapaho Letter to President Obama.pdf; FortReno52011-4.pdf; FortRenoltrechohawk February 9th 2011.pdf; ft. renofaleomavaega1997 (2).pdf; NCAI RESOLUTIONC&A2005.pdf

June 4, 2012

Commission on Indian Trust Administration and Reform

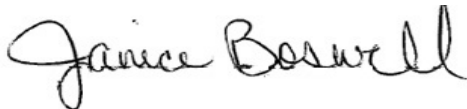
Fawn R. Sharp,  
Tex G. Hall,  
Stacy Leeds,  
Dr. Peterson Zah,  
Robert Anderson,

Commissioner's:

Please allow this correspondence to serve as the Cheyenne and Arapaho Tribes of Oklahoma peoples request and our RSVP to attend and submit testimony and documents to the United States Government - as our formal request for the return of the Fort Reno Lands - June 11/12 2012 in Albuquerque, New Mexico.

We would like to submit oral statements by myself Governor Janice Prairie ~ Chief Boswell, elder Archie Hoffman, and our attorney on the Ft. Reno Lands Richard Grellner, to include the submission of documents of which we have included partial attachments above.

Sincerely,



**JANICE PRAIRIE CHIEF-BOSWELL**  
**GOVERNOR**  
**OFFICE OF THE GOVERNOR**

**Executive Branch  
P.O. Box 38  
Concho, OK 73022  
Telephone: (405) 422-7400**

Public Meeting - June 11/12, 2012, Albuquerque, NM

The Office of the Secretary is announcing the Secretarial Commission on Indian Trust Administration and Reform will hold a public meeting on June 11/12, 2012. Attendance is open to the public. Members of the public who wish to attend must RSVP by June 7, 2012, to ensure proper room set up by sending an e-mail to [trustcommission@ios.doi.gov](mailto:trustcommission@ios.doi.gov). Instructions for entering a federal building will be e-mailed after RSVP occurs. OST [map/lodging](#) information.

ENI F.H. FALEOMAVAEGA  
AMERICAN SAMOA

COMMITTEE ON FOREIGN AFFAIRS

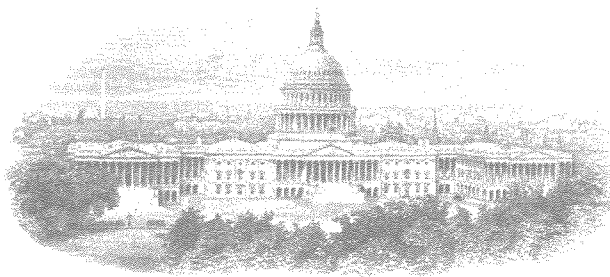
CHAIRMAN  
SUBCOMMITTEE ON ASIA, THE PACIFIC, AND  
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CONGRESSIONAL  
ASIAN PACIFIC AMERICAN CAUCUS  
VICE CHAIR

NATIONAL GUARD AND RESERVES  
COMPONENTS CAUCUS



Congress of the United States  
House of Representatives  
Washington, DC 20515-5201

March 24, 2010

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DISTRICT OFFICE:  
P.O. DRAWER X  
PAGO PAGO, AMERICAN SAMOA 96799  
(684) 633-1372  
FAX: (684) 633-2680

The Honorable Barack H. Obama  
President of the United States  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dear Mr. President:

I am writing to ask you to give your full support to the efforts of the Cheyenne-Arapaho Tribes of Oklahoma to regain their traditional and historical tribal land, known as the Fort Reno Military Reservation. The Tribes lost the land in question because of more than a century of broken promises and legislative maneuvers by the U.S. Government.

In 1997, I introduced H.R. 2039 which, had it been passed, would have taken the Fort Reno land into trust for the Cheyenne-Arapaho Tribes. But 13 years have passed and no progress has been made on this important issue.

In view of our government's obstructive role in returning the land to its rightful keepers, I would like to provide a timeline of key events related to the Fort Reno land issue.

- The boundaries of the original Cheyenne-Arapaho reservation in western Oklahoma were established by Executive Order in 1869 (*Cheyenne and Arapaho Tribes v. Oklahoma* 618 F.2d 665 (10<sup>th</sup> Cir. 1980)). Fort Reno consisted of 9,500 acres that were carved out of this Reservation in 1883 for "military purposes exclusively," with the understanding that the Tribes would have the land returned to them when it was no longer needed for the stated purposes (*Executive Order July 17, 1883*, I.C. Kappler, *Indian Affairs, Laws and Treaties* 842 (1904)).
- In 1890, the Tribes ceded, "subject to... individual allotments... and... conditions," their interest in the 1869 reservation lands (*Act of Congress, March 3 1891*, 26 Stat. 989, at 1022; *Cheyenne-Arapaho Tribes vs. Oklahoma* 618 F.2d

665 (10<sup>th</sup> Cir. 1980)). Fort Reno was not included in this cession (*Memorandum*, John Leshy, Department of Interior, 26 February 1999).

- In 1937, one thousand acres in the southeast corner of the Fort Reno lands were transferred to the Justice Department for a prison facility (*Act of Congress, May 24, 1937, Public Law 75-103*).
- In 1946, Congress formed the Indian Claims Commission (ICC) for the purpose of addressing claims of land lost prior to August 13, 1946 (*25 USCA, sec. 70a*). Because Fort Reno was still occupied by the military at that time and the Cheyenne-Arapaho tribes expected the land to be returned, the ICC did not have authority to entertain claims regarding it (*Memorandum*, John Leshy, Department of Interior, 26 February 1999).
- In 1948, the Army closed its remount station and transferred the remaining 8,500 acres of military-owned land to the Department of Agriculture. Then, in order to continue ‘military’ use of the land, Agriculture executed an agreement with the U.S. Foreign Aid Service to train several thousand mules for use in Greece and Turkey. These actions occurred abruptly and without the knowledge of the Cheyenne-Arapaho Tribes. Had hearings been held prior to the transfer and agreement, the Tribes’ claim could have effectively ended the military use of the land, thus providing clear grounds for its return (*Act of Congress, April 21, 1948, 62 Stat. 197, Public Law 80-494*). In 1951, Agriculture extended the agreement with the Foreign Aid Service for an additional three years.
- In 1949 and 1951, Congressman Toby Morris introduced legislation to return the 7,000 acres over to the Tribes. This legislation passed the House but died in the Senate.
- In 1954, after six years of use by the U.S. Foreign Aid Service and dozens of local hearings on the Tribes’ claim to the property, the military once again set the property aside for “possible military use” for operations in Indo-China. Furthermore, it deemed “classified” the agreements between agriculture and the military. This effectively created a perpetual “stand-by military status,” that could only be changed at the sole discretion of the military. The documents related to the military’s 1954 action remained classified until 2005. Later documents are still classified.
- Nine years later, in 1963, the Secretary of the Interior transferred another 1500 acres of the Ft. Reno land to the Department Justice to expand the Prison facilities that were originally established in 1937. It is important to note that, at this time, the General Land Office tract index still recognized the efficacy of the 1883 executive order pertaining to the return of the Fort Reno property to the Cheyenne-Arapaho Tribes (*Executive Order 10355* pursuant to 43 U.S.C.A. sec. 141). In 1965, the Tribes settled a \$15 million compromise claim for the lands that were “unconscionably” ceded in 1890. Again, the Fort Reno land was not

included in the negotiations (*Findings of Fact on Compromise Settlement*, 16 Ind.Cl.Comm.162; *Memorandum*, John Leshy, Department of Interior, 26 February 1999).

- In 1975, the Federal Surplus Property and Administrative Services Act (FSPASA) was amended to provide that any property within original reservation boundaries declared to be “excess” to the needs of a specific agency was to be returned to the Department of Interior in trust for the Tribes. The Tribes were encouraged by this development and recognized the possibility that these lands would eventually be declared a surplus.
- In 1994, because the property was declared “redundant, outdated and duplicative” by the Congressional Research Service and USDA, the Clinton Administration proposed to close the USDA research station located on Fort Reno in the FY 95 and FY 96 budgets and declare the property “excess” under the FSPASA. Unfortunately, members of Oklahoma’s congressional delegation blocked this measure by funding the USDA facility in order to keep it open.
- In 1999, the Department of Interior issued a legal opinion that recognized the Tribes’ arguments concerning Fort Reno as “credible and equitable, if not judicially cognizable.” The memorandum concluded that the Tribes should have known about their claim to the land in 1948 and, therefore, the 12-year statute of limitations had long passed to bring a claim about the land (*Memorandum*, John Leshy, Department of Interior, 26 February 1999).
- Following this memorandum, Senator Nickles (R-OK) included a rider on the FY 2000 agriculture appropriations bill to prevent the transfer of the land under the FSPASA. The same language was again added to the FY 2001 agriculture appropriations bill. In 2002, a provision was included in the Farm Bill prohibiting the return of the property under the FSPASA for five years (*H.R. 6124*, title 7, section 7502). Similar language was again included in the 2008 Farm bill, which was passed by the Senate after a Presidential veto.
- Matters were further complicated by S.1832 in 2006, which would have effectively stripped the minerals out of Fort Reno and opened the land for development. Furthermore, it would have redirected federal mineral lease revenue and royalties toward funding the USDA facility and for historic preservation of the buildings on the site. The Tribes, recognizing the potential loss of a major portion of the mineral estate of Fort Reno, fought and defeated the bill.
- At the same time, in the spring of 2006, the Tribes filed a Quiet Title Action against the United States in D.C. federal court concerning the matter. This process uncovered a series of “classified documents” that indicated that Fort Reno may still be in military status. The D.C. Court of Appeals, in line with the DOI legal opinion of February 1999, ruled that the claim could not be brought against


the United States in court because of the twelve-year statute of limitations contained in the Quiet Title Act.

As you can appreciate, the Tribes have waited for the return of the Ft. Reno land for more than a century, without receiving any compensation or ceding their claim for it. The federal government, which is still holding the land for its own purposes, has yet to fulfill its promise.

I have spoken with the Governor of the Cheyenne-Arapaho Tribes of Oklahoma, Ms Janice Boswell. She assures me that, upon receipt of the land, her people will participate in and actively support development initiatives as long as they can be conducted in an environmentally sound way and will protect the precious historic and cultural resources of the land. These initiatives may include mineral development, preservation of the existing military facilities, and partnering with the University of Oklahoma and USDA to continue local research.

It troubles me that we have allowed this shameful and disappointing injustice, relating to less than 11 square miles of land, to persist for so long. I again request your assistance in working to return these lands to the Cheyenne-Arapaho Tribes of Oklahoma and I remain available to assist you in whatever way I can.

Sincerely,

  
ENI F.H. FALEOMAVAEGA  
Member of Congress

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AMERICAN SAMOA

COMMITTEE ON FOREIGN AFFAIRS

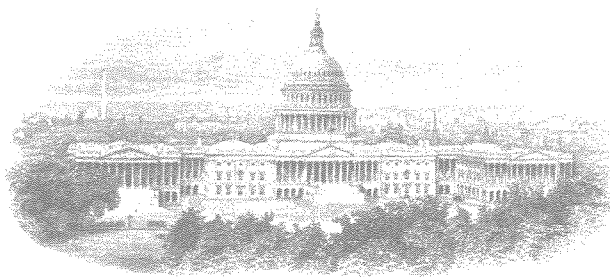
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ASIAN PACIFIC AMERICAN CAUCUS  
VICE CHAIR

NATIONAL GUARD AND RESERVES  
COMPONENTS CAUCUS



Congress of the United States  
House of Representatives  
Washington, DC 20515-5201

March 24, 2010

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The Honorable Larry Echo Hawk  
Assistant Secretary - Indian Affairs  
U.S. Department of the Interior  
1849 C Street NW  
MS 4140  
Washington, D.C. 20240

Dear Mr. Secretary:

I am writing to ask you to give your full support to the efforts of the Cheyenne-Arapaho Tribes of Oklahoma to regain their traditional and historical tribal land, known as the Fort Reno Military Reservation. The Tribes lost the land in question because of more than a century of broken promises and legislative maneuvers by the U.S. Government.

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Sincerely,

  
ENI F. H. FALEOMAVAEGA  
Member of Congress

*There is no question the federal government has done tremendous wrong against this tribe. I believe Sec. Salazar has the authority to correct this matter. Thanks. Gini*



**JANICE PRAIRIE CHIEF-BOSWELL**  
**GOVERNOR**  
**OFFICE OF THE GOVERNOR**  
*Executive Branch*  
*P.O. Box 38*  
*Concho, OK 73022*  
*Telephone: (405) 422-7400*  
*Fax: (405) 422-7424*

February 9<sup>th</sup> 2011

The Honorable Larry Echohawk  
Assistant Secretary – Indian Affairs  
1849 “C” Street NW, MS 4140  
Washington, D.C. 20240

Re: Request for Government-to-Government meeting

Dear Mr. Echohawk:

Thank you for briefly meeting with me, the Governor of the Cheyenne-Arapaho Tribes, on December 16<sup>th</sup> 2010, at the Presidents Tribal Nations Summit, regarding the Tribes century long effort to recover the Fort Reno lands taken from them long ago. In short, I enlisted your help in personally delivering to the President the Tribes written request to recover these lands. As a follow up, I am hereby requesting a government-to-government meeting concerning recent activity by the Department of Justice Bureau of Prisons, (“DOJ-BOP”) which I believe is a further attempt to alienate these lands from the Tribes.

The Tribes recently discovered that the DOJ-BOP facility located on a portion of the original Fort Reno property has been slated for expansion. See attached. The DOJ-BOP was initially established pursuant to Act of Congress May 24, 1937, Public Law 75-103. Although we understand that the DOJ-BOP is square within its rights to expand the prison on the lands transferred to it in 1937. We understand that this expansion is being proposed for lands now under the Jurisdiction of the USDA-ARS transferred to the USDA pursuant to Act of Congress April 21, 1948, Public Law 80-494, 62 Stat. 197, over which the Tribes claim. See attached Opinion.


Alienation of these lands beyond the agencies that currently control them are subject to the excess provision of the Federal Surplus and Administrative Services Procedure Act (“FSASPA”) see 40 USCA 483 (a) (2). Therefore any transfer of the proposed property to the DOJ-BOP from the USDA-ARS would have to take place as a consequence of legislation. As you can understand this would severely impact the Tribes recovery efforts. What is so puzzling is that the expansion is being slated for the USDA-ARS controlled property when there are over 900 acres of the DOJ-BOP property that it could just as easily be located on.

We are also concerned that the Oklahoma delegation may be trying to expand the USDA-ARS facility at Fort Reno in a further attempt to keep the property from the Tribes. As

you may know this facility was deemed outdated, duplicative and inefficient when the Clinton administration attempted to close it in the FY 1994 and 1995 budgets, and ABC's World News Tonight did a story on the facility being a pork barrel project in a "Your Money" piece in December of 1995. Against this backdrop the delegation continued to fund the facility and attempted in later years to expand its uses by bringing in baboon research from the University of Oklahoma to occupy a small but key portion of the property.

Therefore, we believe the latest effort is but another attempt to thwart the tribes efforts to recover these historical lands. To this end we are requesting a government to government meeting to discuss the matter at your earliest convenience.. We look forward to your response.

Sincerely,

  
Janice Boswell, Governor  
Cheyenne-Arapaho Tribes

## **The Problem**

The Cheyenne-Arapaho Tribes ("Tribes") arrived on a 5.4 million acre reservation in present-day western Oklahoma in 1869 after a series of Treaties with the United States involved 100 million acres of aboriginal lands. In 1883, the United States carved 9,600 acres out of this reservation to create Fort Reno "for military purposes exclusively" with understanding that the Fort would be returned to the Tribes at the end of military use. In 1890 the Tribes ceded, "subject to the individual allotments ... and... subject to conditions," their interest in the 1869 reservation. According to an Interior Department Solicitors opinion, Fort Reno was not included in this cession.

In 1937, one thousand acres of Fort Reno were transferred to the Department of Justice's Bureau of Prisons ("DOJ-BOP") for a prison facility and in 1948 without hearing or report the balance of Fort Reno was transferred to the Department of Agriculture's, Agriculture Research Service ("USDA-ARS"). Thereafter, in order to continue "military use" of the land, USDA executed an agreement with the US Foreign Aid Service to train several thousand mules for use in Greece and Turkey. In 1951, this agreement was extended for an additional three years. At the same time legislation was passed in the house to return the property to the Tribes but died in the Senate.

In 1954, at the end of the agreement with the Foreign Aid service, local hearings were held on the tribes claim to Fort Reno and thereafter the property was once again set-aside for "stand-by military status" and the documents formalizing the set-aside were deemed "classified". This created a perpetual "stand-by status" that could only be ended by the military. To add more confusion the documents were deemed classified until 2006 prohibiting the Tribes from knowing their content.

In 1963, 1500 acres of the 8500 transferred to the USDA-ARS in 1948 were transferred to the DOJ-BOP. These acreages were contiguous to the 1000 acres to DOJ-BOP acquired in 1937. At the time 100 acres of the 1000 acres transferred to the DOJ-BOP in 1937 were given to the City of El Reno. At the time the General Land Office ("GLO") records indicated that the property was still subject to the Executive Order of 1883.

In 1965, the Tribes settled a compromise claim for \$15 million in the Indian Claims Commission ("ICC") for all the lands that were "unconscionably" ceded. Fort Reno was not included in the settlement as it was still in "military use" at least until July 1, 1948 the date of the transfer to the USDA. The ICC had no jurisdiction to consider claims that accrued after August 13, 1946.

In 1975 the Federal Surplus Property and Administrative Services Act ("FSPASA") was amended to provide that any property declared excess to the needs of a specific agency that was located inside the boundaries of a Tribes former reservation in Oklahoma was required to be returned to the Tribes whose former reservation boundaries it was located within. This act was nearly triggered in 1994 when the Clinton Administration proposed to

close the facility, while citing a Congressional Research Service (“CRS”) report that found the USDA-ARS facility redundant, outdated, and duplicative, when compared to other USDA-ARS facility. At the time the facility had two scientists and five hourly workers on staff.

The excess FSPASA provision was nearly triggered again when in 1999 the DOI Solicitors office issues an opinion (“Leshy Opinion”) opining that the Tribes had never ceded Fort Reno, that the property was not included in the ICC settlement, and that the Tribes had a credible and equitable claim but for the Statute of Limitations which began to run in 1948. This effort, however, met with stiff resistance from the Oklahoma delegation when then Senator Nickles (R-OK) included a rider on the FY 2000 Agriculture Appropriations bill (“BILL”)to prevent transfer of the land under the FSPASA. This language was again added to the FY 2001 and the 2002 and 2008 Farm Bills. The latest provision is effective until May of 2013 and was only passed over a presidential veto.

Matters were further complicated in 2006 by S. 1832 which would have stripped the mineral rights from Fort Reno and opened the land for development without the Tribes input. The Tribes immediately filed a Quiet Title Action (“Title Action”) for the recovery of against the United States in D.C. federal court. S.1832 was defeated in the lame duck session of 2006. Even with the recently discovered de-classified documents showing that Fort Reno had been on “stand-by military” status since 1954, the Tribes were unsuccessful in the Title Action as the D.C. Court of Appeals in 2009. In short the court found that when the property was transferred to the USDA-ARS in 1948 it was no longer “military purposes *exclusively*” and therefore dismissed the claim. The court did not decide the underlying merits of the claim and left the issue of ownership unsettled.

### **The Ask**

An Executive Order Declaring an end of “military use” and the recognition of the Tribes, right, title and interest in the Fort Reno lands. A Secretarial Order signing the Fort Reno property into trust for the tribes.

Board of Directors Resolution  
Return of Fort Reno to the Cheyenne and Arapaho Tribes of Oklahoma

**A resolution expressing the Board's support for the return of the lands known as Fort Reno to the Cheyenne and Arapaho Tribes of Oklahoma.**

WHEREAS in 1869, President Grant established, by Executive order, Cheyenne-Arapaho reservation, and in 1883 President Arthur allocated 9,493 of those acres for the Fort Reno Military Reservation; and

WHEREAS the Executive order establishing Fort Reno contained a provision recommended to the President by the Commissioner of Indian Affairs and the Secretary of the Interior stating: "That whenever any portion of the land so set apart may be required by the Secretary of the Interior for Indian purposes, the same shall be abandoned by the military upon notice to that effect to the Secretary of War;" and

WHEREAS the military abandoned Fort Reno in 1908 transferring ownership to the Quartermaster Corps. However, it is the contention of the Cheyenne and Arapaho Tribes of Oklahoma that the Fort Reno lands should have reverted back to tribal ownership at that time; and

WHEREAS the current tribal land base, consisting of 10,405 non-contiguous acres, is remote and not conducive to economic development thus the reclamation and development of the Ft. Reno property presents the Cheyenne-Arapaho Tribes of Oklahoma with a critically important opportunity; and

WHEREAS the Cheyenne and Arapaho Tribes of Oklahoma have produced a comprehensive conceptual strategic plan for land use development which offers a creative and economically viable plan for the utilization of the Fort Reno property to build economic, political, and cultural stability within the tribe.

THEREFORE BE IT RESOLVED, the AIO Board of Directors supports the return of the land base known as Fort Reno to the Cheyenne and Arapaho Tribes of Oklahoma, and offers assistance to the Tribe in their effort to reclaim this land.

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AIO President  
LaDonna Harris

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Date

expenses. Second, it will provide additional opportunities for economic growth in communities which are suffering from dramatically reduced Department of Energy budgets. This is particularly important given the National Security Committee's decision to reduce section 3161 economic transition funding from \$70 million to \$22 million.

Mr. Chairman, the work force in my district has been cut by 31 percent in the past 3 years. Savannah River is seeing a reduction of 1,800 employees as we speak. And Oak Ridge, Rocky Flats, and Fernald have all seen work force reductions of between 20 percent and 30 percent.

This amendment will enable local economic development agencies to more easily acquire surplus Federal property and bring in private sector employers. I thank Mr. HALL and urge the adoption of the amendment.

CHILTON COUNTY ALABAMA CELEBRATES THE 50TH ANNIVERSARY OF THE CHILTON COUNTY PEACH FESTIVAL

**HON. BOB RILEY**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1997

Mr. RILEY. Mr. Speaker, I rise today in recognition of the Chilton County Peach Festival. Chilton County is known across the country for the fine peaches it produces. Each year the Chilton County Peach Festival pays tribute to these peaches and the growers who produce them. The Clanton Jaycees, the sponsors of the festival, work alongside the Chilton County fruit growers to make this event a success. This year is particularly exciting not only because of the bumper crop of peaches, but because this year marks the 50th anniversary of the Chilton County Peach Festival.

The first festival was held in 1947 in Thorsby, AL. It was sponsored by the Clanton Kiwanis Club, the Thorsby Business Men's Club, the Thorsby Civic Club, the Clanton Lion's Club, and the Clanton Chamber of Commerce. The Chilton County Chamber of Commerce has also sponsored the event. The festival was eventually moved to Clanton, the county seat. For many years the energetic young men and women of the Clanton Jaycees have devoted countless hours to this festival, making it the largest event in Chilton County.

The festival is celebrated each June with a parade, a peach queen contest, and a peach auction. The auction provides funds that allows the Clanton Jaycees to perform charitable work throughout the year, including furnishing Christmas presents for children from economically disadvantaged families. The parade has numerous entries, including the winners of the Chilton County Peach Queen contest and their courts. The three queens are chosen by judges during contests held the week of the festival. The winners are crowned as Miss Peach, Junior Miss Peach, and Little Miss Peach. We would like to extend our congratulations to the winners and to all the former queens returning for this anniversary celebration.

Chilton County peach growers truly deserve this annual tribute. These growers have worked through years of droughts, floods, in-

sect infestations, and bitter cold to protect the trees from harm and save the crop that is so valuable to the economy of Chilton County. In fact, the peaches these growers produce account for approximately 75 percent of the peaches grown in Alabama. The peach industry brings an estimated \$40 million dollars to Chilton County every year. These peaches are sold at local markets that attract many tourists who want to buy the famous fruit and mouth-watering products made from them, such as peach ice cream. Peaches from Chilton County also can be found in grocery store produce sections across the country.

We would like to extend our congratulations to the people of Chilton County on the 50th anniversary of the Chilton County Peach Festival. We would also like to pay special tribute to the Clanton Jaycees and the Chilton County peach growers, who make it all possible.

FORT RENO

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 25, 1997

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce legislation to resolve a longstanding land dispute between the United States and the Cheyenne and Arapaho Tribes of Oklahoma. This land, known as Fort Teno, was used as a military reserve and was later transferred to the Department of Agriculture. Currently, this Department has a small research station there.

The Fort Reno land were part of the original Cheyenne-Arapaho reservation created by Executive order in 1869. The lands were removed from the reservation, again by Executive order, in 1883. It was the understanding of the tribes that these land would be returned to the when the military no longer needed the lands, but this provision is not clearly documented.

Congress later transferred portions of the land to the Departments of Agriculture and Justice, and these departments continue to use the land to the exclusion of the Indians. Several attempts have been made in the House to return the land to the tribes, but no bill has ever been enacted into law.

A 1975 statute states Federal land located within original Indian territory which becomes excess to the needs of the agency maintaining jurisdiction over the land should be returned to the tribe whose reservation originally included the land. By operation of this statute, the lands should have been returned to the tribes 2 years ago.

While legal arguments can be made that the tribes have been compensated for this land in a prior land settlement, I am not persuaded that these two tribes have been treated fairly in their dealings with the U.S. Government, and urge my colleagues to support this legislation so that we may provide a final, equitable resolution to this dispute.

Mr. Speaker, a copy of the bill and a brief section by section analysis follows.

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS.**

The Congress finds the following:

(1) The original Cheyenne-Arapaho Indian Reservation in western Oklahoma, which included the land known as the Fort Reno Military Reservation, was established by the Medicine Lodge Creek Treaty of 1867 and reaffirmed by Executive order in 1869.

(2) The Fort Reno Military Reservation lands include sites used by the Tribe for the Sun Dance and other religious and cultural purposes, burial sites, and medicine gathering areas.

**SEC. 2. LAND TAKEN INTO TRUST.**

(a) IN GENERAL.—The land described in subsection (b) is hereby taken into trust for the Cheyenne-Arapaho Tribes of Oklahoma.

(b) LAND DESCRIBED. The land taken into trust pursuant to subsection (a) is that land in Canadian County, Oklahoma, described as follows:

(1) All of sections 1, 2, 3, and 4, Township 12 North, Range 8 West, Indian Meridian.

(2) Those portions of sections 25 and 26 lying south of the North Canadian River, Township 13 North, Range 8 West, Indian Meridian.

(3) That portion of section 26 lying west of the North Canadian River, Township 13 North, Range 8 West, Indian Meridian.

(4) All of sections 27, 28, 33, 34, 35, and 36, Township 13 North, Range 8 West, Indian Meridian.

**SEC. 3. USE OF PORTION OF LAND BY BUREAU OF PRISONS.**

The Secretary, with the consent of and on terms agreeable to the Business Committee of the Tribe, may lease to the United States for use by the Bureau of Prisons of the Department of Justice in connection with the Federal Reformatory at El Reno, Oklahoma, all or part of the land described as the south half of section 1 and the south half of section 2, Township 12 North, Range 8 West, Indian Meridian.

**SEC. 4. PRIOR EASEMENTS, LICENSES, PERMITS, AND COMMITMENTS.**

(a) NONREVOCABLE; TIME-LIMITED.—(1) A nonrevocable easement, license, permit, or commitment with respect to the lands described in section 2 shall continue in effect for the period for which it was granted or made if such nonrevocable easement, license, permit, or commitment was granted or made—

(A) on or before the date of the enactment of this Act;

(B) by the Secretary of War or by the Secretary of Agriculture; and

(C) for a specified, limited period of time.

(2) An easement, license, permit, or commitment described in paragraph (1) may be renewed by the Secretary upon such terms and conditions as the Secretary considers advisable.

(b) REVOCABLE; INDEFINITE DURATION.—An easement, license, permit, or commitment which exists on the date of the enactment of this Act with respect to the lands described in section 2 may be continued or renewed by the Secretary if—

(1) the easement, license, permit, or commitment is revocable or of indefinite duration, and

(2) the Secretary considers such continuance or renewal to be in the public interest.

(c) USE OF LAND BY BUREAU OF PRISONS.—

(1) In the case of lands described in paragraph (2), the Secretary may continue or renew an easement, right-of-way, or permit to land, only if such easement, right-of-way, or permit is—

(A) in effect on the date of the enactment of this Act;

(B) limited to use or maintenance of water lines, roads to and from the sewage disposal plant, or sewage effluent lakes from the sewage disposal plant located on the land;





# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution # TUL-05-099

### TITLE: Protection of Cheyenne-Arapaho Tribes' Rights to Fort Reno Lands

#### EXECUTIVE COMMITTEE

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**Joe A. Garcia**  
*Ohkay Owingeh  
(Pueblo of San Juan)*

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Committee*

**SOUTHEAST**  
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*Lumbee Tribe*

**SOUTHERN PLAINS**  
**Steve Johnson**  
*Absentee Shawnee*

**SOUTHWEST**  
**Manuel Heart**  
*Ute Mountain Ute Tribe*

**WESTERN**  
**Kathleen Kitcheyan**  
*San Carlos Apache*

**EXECUTIVE DIRECTOR**  
**Jacqueline Johnson**  
*Tlingit*

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**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI; and

**WHEREAS**, the original Cheyenne-Arapaho reservation in Oklahoma was established by an Executive Order signed by President Ulysses S. Grant on August 10, 1869; and

**WHEREAS**, on July 17, 1883, a total of 9493 acres, located within the boundaries of this reservation, were conditionally loaned to the United States through an Executive Order signed by President Chester A. Arthur for the Fort Reno Military Reservation; and

**WHEREAS**, the Executive Order which established Fort Reno contained a reversion clause which provides that: "whenever any portion of the land so set apart may be required by the Secretary of the Interior for Indian purposes, the same shall be abandoned by the military upon notice to that effect to the Secretary of War;" and

**WHEREAS**, the military abandoned Fort Reno in 1908 turning it over to the Quartermaster Corps; and

**WHEREAS**, the Cheyenne-Arapaho Tribes of Oklahoma believe that the Fort Reno lands should have reverted back to tribal ownership at that time and have sought the return of the Fort Reno lands; and

**WHEREAS**, the Fort Reno lands are located near the Cheyenne-Arapaho tribal offices in west Oklahoma; and

**WHEREAS**, the land is currently held by the United States government and is used by the Grazinglands Research Laboratory of the United States Department of Agriculture; and

**WHEREAS**, the land apparently has oil and gas reserves that the United States now seeks to extract and appropriate; and

**WHEREAS**, the United States government has failed to meet with Cheyenne-Arapaho leaders to discuss this matter to ensure the full and effective protection of Indian sovereignty and the right of self-determination in its social, economic and political dimensions, as well as traditional cultural and resource rights.

**NOW THEREFORE BE IT RESOLVED**, that the NCAI does hereby call upon the United States to recognize and reaffirm the Cheyenne-Arapaho Tribes' ownership of the Fort Reno lands and the trust duty of the United States to the Tribes; and

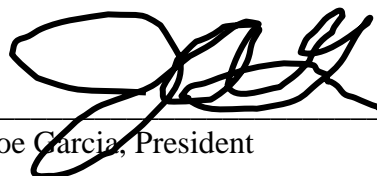
**BE IT FURTHER RESOLVED**, that the NCAI does hereby seek that any plans for drilling on any use of the Fort Reno lands beyond the limited uses for which it was loaned to the United States be immediately halted and abandoned; and

**BE IT FURTHER RESOLVED**, that this resolution shall be immediately transmitted upon its effective date to the President of the United States, Vice President of the United States, and the Congress of the United States; and

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

**CERTIFICATION**

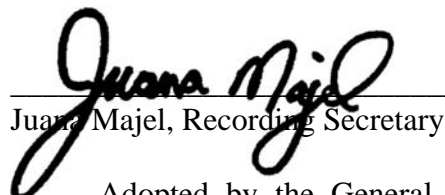
The foregoing resolution was adopted at the 2005 Annual Session of the National Congress of American Indians, held at the 62<sup>nd</sup> Annual Convention in Tulsa, Oklahoma on November 4, 2005 with a quorum present.



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Joe Garcia, President

**ATTEST:**



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Juana Majel, Recording Secretary

Adopted by the General Assembly during the 2005 Annual Session of the National Congress of American Indians held from October 30, 2005 to November 4, 2005 at the Convention Center in Tulsa, Oklahoma.