

105TH CONGRESS
2D SESSION

H. R. 4119

To provide for the restoration of certain Federal land of religious and cultural significance to the Tohono O’odham Nation of Arizona, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 1998

Mr. PASTOR introduced the following bill; which was referred to the
Committee on Resosurces

A BILL

To provide for the restoration of certain Federal land of religious and cultural significance to the Tohono O’odham Nation of Arizona, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tohono O’odham Reli-
5 gious Area Restoration Act”.

6 **SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds that—

1 (1) the Tohono O’odham Nation is a federally
2 recognized Indian tribe located on 4 reservation par-
3 cels in southwestern Arizona;

4 (2) the Tohono O’odham people are descend-
5 ants of the HoHokam Indian people and were lo-
6 cated in southwestern Arizona from time immemo-
7 rial;

8 (3) a majority of the Tohono O’odham people
9 continue to practice, the religious and cultural be-
10 liefs and traditions of their ancestors;

11 (4) the immemorial tradition and belief of the
12 Tohono O’odham people establishes the Baboquivari
13 Peak and Mountain of southwestern Arizona as the
14 center of Mother Earth and the dwelling place of
15 I’itoi, the Creator, and holds that desecration of the
16 mountain will lead to the destruction and end of the
17 universe and the O’odham people;

18 (5) members of the Tohono O’odham Nation
19 continue to use the Baboquivari Peak on a daily
20 basis as a part of their religious and cultural beliefs
21 and practices;

22 (6) in the establishment of the Sells Reserva-
23 tion for the Tohono O’odham Nation by the execu-
24 tive order of February 1, 1917, the eastern bound-
25 ary of the reservation bisected the peak of

1 Baboquivari Mountain, leaving only the western half
2 in the ownership of the Nation, despite the fact that
3 the mountain has been, from time immemorial, the
4 central religious and cultural site of the Nation and
5 the sacred symbol of its people;

6 (7) despite the express opposition of the Tohono
7 O’odham Nation, the eastern portion of the
8 Baboquivari Peak and Mountain was included as a
9 component of the National Wilderness Preservation
10 System by section 101(a)(1) of the Arizona Desert
11 Wilderness Act of 1990 (Public Law 101–628; 104
12 Stat. 4469);

13 (8) the exclusion of the eastern portion of the
14 Baboquivari Peak and Mountain from the Nation’s
15 ownership in 1917, and the inclusion of the area as
16 a component of the National Wilderness Preserva-
17 tion System has frustrated the ability of the Tohono
18 O’odham people in the practice of their religion; and

19 (9) the Forty-second Legislature of the State of
20 Arizona passed, on March 26, 1996, House Concur-
21 rent Memorial 2005 which requests “that the Con-
22 gress of the United States enact legislation to trans-
23 fer in trust that portion of the Baboquivari Peak
24 consisting of Federal lands for inclusion in the
25 Tohono O’odham Indian Reservation.”.

1 (b) PURPOSE.—The purpose of this Act is to restore
2 to the Tohono O’odham people, at the request of the Leg-
3 islature of the State of Arizona and the Tohono O’odham
4 Nation, the tribal religious area of the eastern portion of
5 Baboquivari Peak and Mountain.

6 **SEC. 3. RESTORATION OF TRIBAL RELIGIOUS AREA.**

7 Subject to the management requirements and use re-
8 strictions in section 4, all right, title, and interest of the
9 United States in and to the land described in section
10 101(a)(19) of the Arizona Desert Wilderness Act of 1990
11 (104 Stat. 4471) shall be taken by the Secretary of the
12 Interior in trust for the benefit of the Tohono O’odham
13 Nation as a part of its reservation.

14 **SEC. 4. MANAGEMENT REQUIREMENTS; RELIGIOUS USE.**

15 (a) MANAGEMENT.—Except as provided in subsection
16 (b), the Nation, in cooperation with the Bureau of Land
17 Management of the Department of the Interior, shall
18 agree to—

19 (1) manage the land described in section 3 sub-
20 ject to the same management requirements and use
21 restrictions which were applicable to the land as a
22 part of the National Wilderness Preservation System
23 as administered by the Bureau of Land Manage-
24 ment; and

1 (2) permit the same kind of public access to,
2 and use of, the land described in section 3 as was
3 permitted by the Bureau of Land Management as
4 part of the Wilderness System.

5 (b) RELIGIOUS USES.—The Tohono O’odham Nation
6 may manage the use of the land described in section 3,
7 and limit public access thereto, as may be reasonably nec-
8 essary to facilitate the religious and cultural uses of the
9 land and resources of the land, and to prevent the invasion
10 of the privacy of the Nation for such uses by the public.

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