

# Representative Ullman's Proposed Amendment to Public Law 587

85th CONGRESS

2d Session

H. R. 9737

IN THE HOUSE OF REPRESENTATIVES

January 7, 1958

Mr. Ullman introduced the following bill; which was referred to the Committee on Interior and Insular Affairs.

## A BILL

To provide for the acquisition by the United States of tribal lands of the Klamath Tribe of Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 of the Act entitled "An Act to provide for the termination of Federal supervision over the property of the Klamath Tribe of Indians located in the State of Oregon and the individual members thereof, and for other purposes," approved August 13, 1954 (68 Stat. 718), as amended by the Act entitled "An Act to authorize the United States to defray the cost of assisting the Klamath Tribe of Indians to prepare for termination of Federal supervision, to defer sales of tribal property, and for other purposes," approved August 14, 1957 (71 Stat. 347), is further amended by striking paragraph (d) of such section and inserting in lieu thereof the following:

"(d) 'Tribal property' means any personal property, or any interest in personal property, that belongs to the tribe and either is held by the United States in trust for the tribe or is subject to a restriction against alienation imposed by the United States.

"(e) 'Tribal lands' means any real property, interests therein, or improvements thereon, including timber and water rights, which belong to the tribe and either is held by the United States in trust for the tribe or is subject to a restriction against alienation imposed by the United States.

"(f) 'Adult' means a person who is an adult according to the law of the place of his residence.

(b) The first paragraph of subsection (a) of section 5 of such Act is amended by adding a period following the word "value" and striking out "by practicable logging or other appropriate economic units."

(c) Section 12 of such Act is amended by striking out "trans-

fer of title to tribal property to a trustee, corporation, or other legal entity pursuant to section 6 of this Act" and inserting in lieu thereof "acquisition by the Secretary of the tribal lands referred to in this Act."

(d) Such Act is amended by adding at the end thereof the following new sections:

"SEC. 28. Notwithstanding any other provision of this Act, the Secretary shall purchase from the Klamath Indian Tribe all tribal lands of such tribe at the fair market value thereof as determined in accordance with the provisions of section 29 of this Act; Provided, That such purchase shall not include cemeteries within the reservation. The Secretary is hereby authorized and directed to transfer title to such properties to any organization authorized by the tribe and approved by him. In the event such an organization is not formed by the tribe within six months following enactment of this Act, the Secretary is directed to perfect the organization of a nonprofit entity empowered to accept title and maintain said cemeteries, any costs involved to be subject to the provisions of section 27 of this Act; Provided further, That the tribe and the State of Oregon shall have six months from and after the enactment of this Act within which to agree to choose and dedicate certain areas within the reservation as State parks. Such areas are to be deducted from the total area to be purchased pursuant to section 28 of this Act, and shall constitute gifts from the tribe to the State of Oregon. It is the intention of the Congress that such parks shall be named for and constitute memorials to such leaders of the tribe as shall be designated by the tribe.

"SEC. 29. (a) There is hereby established an appraisal board to be composed of three qualified appraisers who have had wide experience in the valuation of timber lands, agricultural lands, and grazing lands, one of whom shall be appointed by the Secretary of the Interior and the Secretary of Agriculture, one by the Governor of Oregon, and one by the executive committee of the tribe. The appraisers shall be compensated at predetermined per diem rates to be set by the Secretary. Per diem charges and necessary expenses shall be paid pursuant to the provisions of section 5 (b) of this Act.

"(b) It shall be the duty of the appraisal board to determine the fair market value of all tribal

lands of the Klamath Tribe, and to report to the Committee on Interior and Insular Affairs of each House of the Congress the results of such determination within one year following approval of this Act. Such report shall be submitted to both committees on the same day. In the event of disagreement among members of the appraisal board as to the fair market value, such value shall be determined by a majority of the board. In arriving at the fair market value, the appraisal board shall consider such elements of value as are generally accepted by the appraisal profession, and may utilize basic data accumulated and utilized by appraisers retained by the qualified management specialists pursuant to subsection (1) of section 5 (a) hereof.

"(c) The appraisal provided for under this section shall become effective upon the expiration of a period of sixty calendar days of continuous session of the Congress following the date on which the appraisal board reports to such committees the results of its determination in accordance with the provisions of this section. For the purposes of this section—

"(1) continuity of session shall be considered as broken only by an adjournment of the Congress sine die; but

"(2) in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than three days to a day certain.

"SEC. 30. (a) Any part of the tract of tribal lands acquired pursuant to section 28 of this Act which consists of timberlands under sustained-yield management shall be transferred to and administered by the Forest Service of the Department of Agriculture as national forest lands. Such lands shall be administered in the same manner and to the same extent as are other national forest lands, and shall be subject to the same laws applicable to other national forest lands.

"(b) The Secretary of Agriculture is authorized and empowered, under general regulations established by him, to permit the use of rights-of-way through lands referred to in this section for beneficial purposes.

"SEC. 31. (a) Any remaining tribal lands acquired pursuant to section 28 of this Act, other than lands referred to in subsection (b) of this section, shall be sold

on a competitive bid basis, except that, any member enrolled under section 3 of this Act who wishes to purchase any of the agricultural or grazing lands comprising such remaining tribal lands shall have a priority right, for his account but not as agents for others, to purchase any part of such lands for not less than the highest offer received by competitive bid, and to apply toward the purchase price all or any part of the sum payable, including redemption of bonds issued pursuant to section 32 of this Act. In the event that two or more enrolled members wish to purchase the same land, the disposition of such lands among such applicants shall be determined on a competitive bid basis at not less than the previous high bid submitted by a nonmember. Any transaction between the purchaser and a third party pursuant to this provision entered into within three years following approval of this Act shall raise a presumption that the original purchase was consummated by the purchaser as an agent for others.

"(b) That portion of the tract of tribal lands acquired pursuant to section 28 of this Act comprising approximately twenty-one thousand acres of Klamath marsh lands shall be administered by the Fish and Wildlife Service of the Department of the Interior.

"SEC. 32. Payment for the lands purchased by the Secretary pursuant to section 28 hereof shall be made to the persons listed on the final Klamath roll published in the Federal Register for November 21, 1957, or to persons acting for them pursuant to section 15 hereof, in twenty equal annual installments, the first installment to be paid within six months following the completion of the procedure under section 29 of this Act. Interest at 4 per centum per annum shall be paid at the time of payment on each installment. Balances due to such tribal members shall be evidenced by nonnegotiable, nonassignable bonds issued by the Secretary of the Treasury. The bonds shall be issued and payments shall be made by the Secretary of the Treasury under appropriate rules or regulations to be promulgated by him.

"SEC. 33. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act."