

Liquidation Bill

Here's Copy Of Measure To Be Subject Of Congressional Hearing Next Week

To remove restrictions on the property and moneys belonging to the individual enrolled members of the Klamath Indian Reservation in Oregon, to provide for the liquidation of tribal property and distribution of the proceeds thereof, to confer complete citizenship upon such Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act, the term "Klamath Tribe" includes the members of the Klamath and Modoc Tribes and the Yahooskin Band of Snakes having rights on the Klamath Indian Reservation in the State of Oregon.

SEC. 2. (a) All restrictions on the alienation and encumbrance of lands, interest in lands, or other property of individual members of the Klamath Tribe are hereby removed, and the Secretary of the Interior is authorized and directed to issue unrestricted patents in fee to the holders of such lands or interest therein.

(b) In any case in which an allottee of lands on the Klamath Indian Reservation has died, or hereafter dies prior to the issuance of a patent in fee as provided in subsection (a), without having made a will disposing of such allotment, and such allotment has not been partitioned, or the proceeds from the sale thereof distributed, among the heirs of such allottee, the Secretary of the Interior, within one year after the date of the enactment of this Act, shall cause such allotment to be partitioned among the heirs, or if such partition is not practicable because of the number of heirs or the nature of the property, shall cause such allotment to be sold and the proceeds distributed among the heirs in accordance with the laws of the State of Oregon. Priority in the purchase of any lands sold under this subsection shall be given first, to the heirs of the deceased allottee; second, to other members of the Klamath Tribe; and, third, to veterans of World War II and the widows of such veterans.

SEC. 3. (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 and real property and grazing lands, one of whom shall be appointed by the President, by and with the advice and consent of the Senate, and one member by the President from among persons nominated by the Governor of the State of Oregon. The third member of the board shall be elected by the Klamath Tribe by popular vote of the enrolled members of the Klamath Tribe taken by secret ballot. Such election shall be conducted under supervision of the Klamath General Council, and no officer or employee of the Department of the Interior or member of the loan board established under section 3 of the Act approved August 28, 1937 (50 Stat. 872), shall attempt, directly or indirectly, to influence the vote to be cast by any person, or otherwise to interfere with or take any part in

such election. Any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of \$500 and by imprisonment for one year.

(b) There is hereby authorized to be appropriated, out of any unobligated Klamath Tribal funds, the sum of \$50,000, which shall be available for the payment of compensation to members of the appraisal board at rates not to exceed \$6,000 per annum, and for the employment of such appraisers and appraisers as said board shall be deemed necessary, and for transportation, subsistence, lodging, clerical assistance, office supplies, and other necessary expenses.

(c) It shall be the duty of the appraisal board to determine the fair market value of all tribal property, including timber and lands, of the Klamath Tribe, and to report to Congress, the Secretary of the Interior, and the Klamath General Council within one year after the date of enactment of this Act the results of such determination.

(d) In carrying out its functions under this Act, the board may utilize the services, information, facilities, and personnel of the General Accounting Office, Department of the Interior, Department of Justice, and other departments and agencies of the Government to the extent that such facilities and assistance are needed and can be made available by such Department and agencies.

SEC. 4. (a) The Secretary of the Interior is authorized and directed, upon receipt of the report of the appraisal board, to purchase from the Klamath Tribe all such tribal property, including timber and lands, at the fair market value thereof as determined by the appraisal board. In the event of disagreement among members of the appraisal board as to the fair market value, the said value shall be determined by a majority of the board, and if no agreement can be reached by a majority of the board as to the fair market value, then and in that event the said value shall be that figure which represents the average of the estimates of fair market value given by each of the three members of the appraisal board. Thereafter such lands shall be administered as national forest lands: Provided, That any adult enrolled member who wishes to purchase a section of tribal grazing land shall have the right to purchase under competitive bid advertised at the appraised value; priority right to the purchase shall be to the person who has been accustomed to graze stock in the area where, in the section of land lies. Purchase may be made from the amount made payable under this Act.

(b) Within one year after the conveyance of such lands to the United States the Secretary of the Interior shall pay to each enrolled member of the Klamath Tribe living on the date of such conveyance his pro rata share of the purchase price of such tribal lands, together with (1) his pro rata share of all funds, including Government bonds, held in the Treasury of the United States to the credit of or in trust for, the Klamath Tribe, including the capital reserve and reimbursable loan funds established under the Act of August 28, 1937 (50 Stat. 872), and any accruals or additions thereto, and (2) any unpaid portion of the sum credited to such member on the books of the Office of Indian Affairs under the Act of August 7, 1939 (53 Stat. 1252), or the Act of June 1, 1938 (52 Stat. 605). In making the payments provided for in this section the Secretary of the Interior shall withhold from the distributive share of any member an amount equal to any indebtedness of such member to the United States or to the Klamath Tribe. All amounts so withheld on account of indebtedness to the

Klamath Tribe shall be distributed among the other members of such tribe.

(c) In case of the death of any member of the Klamath Tribe after the date of conveyance of such tribal lands and prior to payment to such member of his distributive share under this section, the amount which would have been payable to such member shall be distributed as personal property.

(d) The Klamath County court and the Klamath County physician shall be known as the competency board to determine the competency of all enrolled members of the Klamath Indian Reservation. Any person found to be incompetent to manage his or her own affairs because of infirmities of age, mental incapacity, or in the case of a minor orphan, his or her distributive share shall be credited to the individual Indian money account of such member to be disbursed by the Secretary of the Interior, or his duly authorized representative, under the rules and regulations governing such accounts: Provided, That all funds from sale of lands or interest in lands shall be credited to the individual Indian money account of such member: And provided further, That no part of the individual funds of such member shall be used for administrative purposes.

(e) Any funds which may accrue to the Klamath Tribe from any source, including claims against the United States Government as provided in section 12, Public Law 726, August 13, 1946, shall be prorated in accordance with the provisions of this Act. Provided, That in the case of the death of any enrolled member after the date of the passage of this Act and entitled to share in the funds recovered from claims provided herein, his or her share shall descend to the heirs in accordance with the laws of inheritance of the State of Oregon.

SEC. 5. Except as provided in section 4 (b), no amounts payable to any member of the Klamath Tribe, under this Act and no lands, restrictions on which are removed under this Act, shall be liable to the satisfaction of any debt contracted prior to receipt of such payment or removal of such restrictions as the case may be.

SEC. 6. The functions, powers, and duties of the Bureau of Indian Affairs with respect to irrigation projects on the Klamath Reservation are hereby transferred to, and shall be administered by, the Bureau of Reclamation.

(a) All records and property (including office equipment, contracts, agreements and leases) used in the administration of such projects, are hereby transferred to the Bureau of Reclamation for use in the administration of the functions, powers, and duties transferred pursuant to this Act.

(b) The unexpended balances of appropriations, allocations or other funds (including repayments) heretofore or hereafter made available for carrying out such projects shall be transferred to the Bureau of Reclamation and shall be available for such purposes, subject to any conditions and limitations (including obligations charge-

able to such appropriations, allocations, or other funds) that existed prior to the transfer.

(c) All tribal funds, direct or reimbursable, expended by the Bureau of Indian Affairs for construction, operation, and maintenance shall be reimbursed with Treasury funds and shall be credited to the tribal funds in the Treasury of the United States to be disbursed as provided herein.

(d) All individual funds collected on these projects by the Bureau of Indian Affairs for construction, operation, and maintenance, shall be reimbursed from Treasury funds and shall be returned to the individual Indian or Indians concerned where water charges have been collected on high lands nonirrigable, and low lands without proper drains.

(e) The Bureau of Reclamation is authorized to enter into new contracts with all land owners under the projects concerned.

(f) All Acts or parts of Acts inconsistent with the foregoing provisions are hereby repealed to the extent of such inconsistency.

SEC. 7. Upon acceptance by a member of the Klamath Tribe of the amount payable to him under this Act, such member shall have all the duties, rights, benefits, and immunities of other citizens of the United States.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

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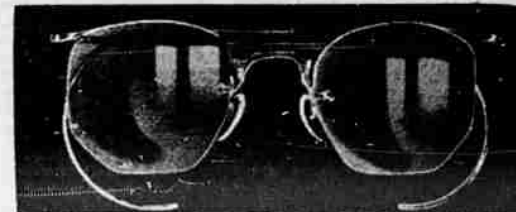
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