

the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby."

§ 564a. Definitions

For the purposes of this subchapter:

(a) "Tribe" means the Klamath Tribe of Indians consisting of the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians.

(b) "Secretary" means the Secretary of the Interior.

(c) "Lands" means real property, interests therein, or improvements thereon, and include water rights.

(d) "Tribal property" means any real or personal property, including water rights, or any interest in real or 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) "Adult" means a person who is an adult according to the law of the place of his residence.

(Aug. 13, 1954, ch. 732, § 2, 68 Stat. 718; Pub. L. 85-132, § 1(f), Aug. 14, 1957, 71 Stat. 348.)

AMENDMENTS

1957—Subsec. (e). Pub. L. 85-132 substituted provision defining adult as a person who is an adult according to the law of the place of his residence, for provision defining adult as a member of the tribe who has attained the age of twenty-one years.

§ 564b. Membership roll; closure; preparation and initial publication; appeal from inclusion or omission from roll; finality of determination; final publication

At midnight of August 13, 1954, the roll of the tribe shall be closed and no child born thereafter shall be eligible for enrollment: *Provided*, That the tribe shall have a period of six months from August 13, 1954, in which to prepare and submit to the Secretary a proposed roll of the members of the tribe living on August 13, 1954, which shall be published in the Federal Register. If the tribe fails to submit such roll within the time specified in this section, the Secretary shall prepare a proposed roll for the tribe, which shall be published in the Federal Register. Any person claiming membership rights in the tribe or an interest in its assets, or a representative of the Secretary on behalf of any such person, may, within ninety days from the date of publication of the proposed roll, file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such roll. The Secretary shall review such appeals and his decisions thereon shall be final and conclusive. After disposition of all such appeals, the roll of the tribe shall be published in the Federal Register, and such roll shall be final for the purposes of this subchapter.

(Aug. 13, 1954, ch. 732, § 3, 68 Stat. 718.)

§ 564c. Personal property rights; restrictions; tax exemption

Upon publication in the Federal Register of the final roll as provided in section 564b of this title, the rights or beneficial interests in tribal

property of each person whose name appears on the roll shall constitute personal property which may be inherited or bequeathed, but shall not otherwise be subject to alienation or encumbrance before the transfer of title to such tribal property as provided in section 564e of this title without the approval of the Secretary. Any contract made in violation of this section shall be null and void. Property which this section makes subject to inheritance or bequest and which is inherited or bequeathed after August 13, 1954, and prior to the transfer of title to tribal property as provided in section 564e of this title shall not be subject to State or Federal inheritance, estate, legacy, or succession taxes.

(Aug. 13, 1954, ch. 732, § 4, 68 Stat. 718; Pub. L. 85-731, § 2, Aug. 23, 1958, 72 Stat. 818.)

AMENDMENTS

1958—Pub. L. 85-731 inserted provision that property which is inherited or bequeathed after Aug. 13, 1954, and prior to transfer of title to tribal property should not be subject to taxes.

REVOLVING FUND: INTEREST-FREE LOANS TO KLAMATH INDIANS; REFINANCING LENDING AGENCY LOANS

Use of Revolving Loan Fund for Indians to assist Klamath Indians during period for terminating Federal supervision, see note set out under section 564 of this title.

§ 564d. Management specialists

(a) Employment; duties

The Secretary is authorized and directed to select and retain by contract, at the earliest practicable time after August 13, 1954 and after consultation with the tribe at a general meeting called for that purpose, the services of qualified management specialists who shall—

(1) cause an appraisal to be made, within not more than twelve months after their employment, or as soon thereafter as practicable, of all tribal property showing its fair market value by practicable logging or other appropriate economic units;

(2) immediately after the appraisal of the tribal property and approval of the appraisal by the Secretary, give to each member whose name appears on the final roll of the tribe an opportunity to elect to withdraw from the tribe and have his interest in tribal property converted into money and paid to him, or to remain in the tribe and participate in the tribal management plan to be prepared pursuant to paragraph (5) of this subsection; in the case of members who are minors, persons declared incompetent by judicial proceedings, or deceased, the opportunity to make such election on their behalf shall be given to the person designated by the Secretary as the person best able to represent the interests of such member: *Provided, however*, That any member, or any heir or any devisee of any deceased member, for whom the Secretary has so designated a representative may (on his own behalf, through his natural guardian, or next friend) within one hundred and twenty days after receipt of written notice of such secretarial designation, contest the secretarial designation in any naturalization court for the area in which such member resides, by filing of a peti-

tion therein requesting designation of a named person other than the secretarial designee, and the burden shall thereupon devolve upon the Secretary to show cause why the member-designated representative should not represent the interests of such member, and the decision of such court shall be final and conclusive;

(3) determine and select the portion of the tribal property which if sold at the appraised value would provide sufficient funds to pay the members who elect to have their interests converted into money, arrange for the sale of such property, and distribute the proceeds of sale among the members entitled thereto: *Provided*, That any person whose name appears on the final roll of the tribe, or a guardian on behalf of any such person who is a minor or an incompetent, shall have the right to purchase, for his or its own account but not as an agent for others, any of such property in lots as offered for sale for not less than the highest offer received by competitive bid; any individual Indian purchaser who has elected to withdraw from the tribe may apply toward the purchase price up to 100 per centum of the amount estimated by the Secretary to be due him from the sale or taking of forest and marsh land pursuant to subsection (b), (d), and (f) of section 564w-1 of this title, and up to 75 per centum of the amount estimated by the Secretary to be due him from the conversion of his interest in other tribal property; and if more than one right is exercised to purchase the same property pursuant to this proviso the property shall be sold to one of such persons on the basis of competitive bids: *Provided further*, That when determining and selecting the portion of the tribal property to be sold, due consideration shall be given to the use of such property for grazing purposes by the members of both groups of the tribe;

(4) cause such studies and reports to be made as may be deemed necessary or desirable by the tribe or by the Secretary in connection with the termination of Federal supervision as provided for in this subchapter; and

(5) cause a plan to be prepared in form and content satisfactory to the members who elect to remain in the tribe and to the Secretary for the management of tribal property through a trustee, corporation, or other legal entity. If no plan that is satisfactory both to the members who elect to remain in the tribe and to the Secretary has been prepared six months before the time limit provided in section 564e(b) of this title the Secretary shall adopt a plan for managing the tribal property, subject to the provisions of section 564n of this title.

(b) Availability of funds for expenditures; reimbursement of tribal funds

Such amounts of Klamath tribal funds as may be required for the purposes of this section shall be available for expenditure by the Secretary. In order to reimburse the tribe, in part, for expenditure of such tribal funds as the Secretary deems necessary for the purposes of carrying out the requirements of this section, there is authorized to be appropriated out of any money in the Treasury not otherwise appropriated, an amount equal to one-half of such expenditures from trib-

al funds, or the sum of \$550,000, whichever is the lesser amount.

(Aug. 13, 1954, ch. 732, §5, 68 Stat. 718; Pub. L. 85-132, §1(b), (d), (e), (g), Aug. 14, 1957, 71 Stat. 347, 348; Pub. L. 85-731, §§6-8, Aug. 23, 1958, 72 Stat. 819.)

AMENDMENTS

1958—Subsec. (a)(3). Pub. L. 85-731, §§6, 7, struck out first proviso requiring that funds payable to the withdrawing members be distributed as each \$200,000 accumulates, and substituted “who has elected to withdraw from the tribe may apply toward the purchase price up to 100 per centum of the amount estimated by the Secretary to be due him from the sale or taking of forest and marsh lands pursuant to subsections (b), (d), and (f) of section 564w-1 of this title, and up to 75 per centum of the amount estimated by the Secretary to be due him from the conversion of his interest in other tribal property” for “may apply toward the purchase price all or any part of the sum due him from the conversion of his interest in tribal property” in second proviso.

Subsec. (a)(5). Pub. L. 85-731, §8, inserted sentence to provide that if no plan is satisfactory both to the members who elect to remain in the tribe and to the Secretary, the Secretary shall adopt a management plan.

1957—Subsec. (a)(2). Pub. L. 85-132, §1(d), provided that the time of election to withdraw be given after the appraisal is approved by the Secretary, and provided for election on behalf of minors, incompetents, or deceased persons by designee of Secretary.

Subsec. (a)(3). Pub. L. 85-132, §1(e), in second proviso provided that any person whose name appears on the final roll of the tribe, may purchase for his own account, but not as an agent for others, any such property in lots as offered for sale, and provided that if more than one right is exercised to purchase the same property, it be sold on the basis of competitive bids.

Subsec. (a)(5). Pub. L. 85-132, §1(g), substituted “members who elect to remain in the tribe” for “tribe”.

Subsec. (b). Pub. L. 85-132, §1(b), provided for partial reimbursement of the tribe for expenditures of tribal funds under this section, authorization of appropriation of the lesser of amount equal to one-half of such expenditures, or \$550,000, in lieu of former provisions which charged expenses incident to par. (3) to members who withdraw from tribe, charged expenses under pars. (4) and (5) to members who remain in tribe, and charged all other expenses under this section to interests of both groups of members.

COMPENSATION FOR SERVICES PERTAINING TO
ENACTMENT PROHIBITED

Pub. L. 85-731, §3, Aug. 23, 1958, 72 Stat. 818, provided that: “No funds distributed pursuant to section 5 of the Act of August 13, 1954, as amended [this section], to members who withdraw from the tribe shall be paid to any person as compensation for services pertaining to the enactment of said Act or amendments thereto [this subchapter] and any person making or receiving such payments shall be guilty of a misdemeanor and shall be imprisoned for not more than six months and fined not more than \$500.”

TERMINATION OF CONTRACT WITH MANAGEMENT
SPECIALISTS BY SECRETARY OF THE INTERIOR

Pub. L. 85-731, §4, Aug. 23, 1958, 72 Stat. 819, provided that: “The Secretary of the Interior is directed to terminate the contract between him and the management specialists by giving immediately the sixty-day notice required by paragraph 18 of such contract. When the contract is terminated, all of the functions of the management specialists under section 5 of the Act of Au-

gust 13, 1954, as amended [this section], shall be performed by the Secretary."

PROVISIONS REQUIRING ELECTION TO WITHDRAW OR REMAIN IN TRIBE FOLLOWING APPRAISAL AS UNAFFECTED

Pub. L. 85-731, § 5, Aug. 23, 1958, 72 Stat. 819, provided that: "Nothing in this Act shall in any way modify or repeal the provisions of subsection 5(a) of the Act of August 13, 1954, 68 Stat. 718), as amended [subsec. (a) of this section], providing for and requiring members of the Klamath Tribe to elect to withdraw from or remain in the tribe, following the appraisal of the tribal property."

CEMETERIES WITHIN RESERVATION

Pub. L. 85-731, § 9, Aug. 23, 1958, 72 Stat. 819, provided that: "Except as provided below the provisions of the Act of August 13, 1954 (68 Stat. 718), as amended [this subchapter], shall not apply to 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 eighteen months following enactment of this Act [August 23, 1958], 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 5(b) of said Act of August 13, 1954, as amended [subsec. (b) of this section]."

DEFERRAL OF TIME FOR SALES OF TRIBAL PROPERTY

Sales of tribal property made pursuant to subsec. (a)(3) of this section or section 564e of this title as deferred until the adjournment of the second session of the Eighty-fifth Congress, see note set out under section 564e of this title.

§ 564e. Sale of tribal property

(a) Transfer procedure

The Secretary is authorized and directed to execute any conveyancing instrument that is necessary or appropriate to convey title to tribal property to be sold in accordance with the provisions of paragraph (3) of subsection (a) of section 564d of this title, and to transfer title to all other tribal property to a trustee, corporation, or other legal entity in accordance with the plan prepared pursuant to paragraph (5) of subsection (a) of section 564d of this title.

(b) Time limitation

It is the intention of the Congress that all of the actions required by section 564d of this title and this section shall be completed at the earliest practicable time and in no event later than seven years from August 13, 1954.

(c) Effect on tribal members selling interests

Members of the tribe who receive the money value of their interests in tribal property shall thereupon cease to be members of the tribe: *Provided*, That nothing shall prevent them from sharing in the proceeds of tribal claims against the United States.

(Aug. 13, 1954, ch. 732, § 6, 68 Stat. 719; Pub. L. 85-132, § 1(c), Aug. 14, 1957, 71 Stat. 347; Pub. L. 85-731, § 10, Aug. 23, 1958, 72 Stat. 819.)

AMENDMENTS

1958—Subsec. (b). Pub. L. 85-731 substituted "seven years" for "six years".

1957—Subsec. (b). Pub. L. 85-132 substituted "six years" for "four years".

DEFERRAL OF TIME FOR SALES OF TRIBAL PROPERTY

Act Aug. 13, 1954, ch. 732, § 27, as added by Pub. L. 85-132, § 1(a), Aug. 14, 1957, 71 Stat. 347, provided that: "Notwithstanding any other provisions of this Act [this subchapter], no sales of tribal property shall be made pursuant to paragraph (3) of subsection (a) of section 5, or section 6 of this Act [section 564d(a)(3) of this title or this section] prior to the adjournment of the second session of the Eighty-fifth Congress."

§ 564f. Per capita payments to tribal members

The Secretary is authorized and directed, as soon as practicable after the passage of this subchapter, to pay from such funds as are deposited to the credit of the tribe in the Treasury of the United States, \$250 to each member of the tribe on the rolls of the tribe on August 13, 1954. Any other person whose application for enrollment on the rolls of the tribe is subsequently approved, pursuant to the terms of section 564b of this title, shall, after enrollment, be paid a like sum of \$250: *Provided*, That such payments shall be made first from the capital reserve fund created by section 530 of this title.

(Aug. 13, 1954, ch. 732, § 7, 68 Stat. 720.)

§ 564g. Individual property

(a) Transfer of unrestricted control

The Secretary is authorized and directed to transfer within four years from August 13, 1954, to each member of the tribe unrestricted control of funds or other personal property held in trust for such member by the United States.

(b) Removal of restrictions on sales or encumbrances; fee simple title

All restrictions on the sale or encumbrance of trust or restricted interests in land, wherever located, owned by members of the tribe (including allottees, purchasers, heirs, and devisees, either adult or minor), and on trust or restricted interests in land within the Klamath Indian Reservation, regardless of ownership, are removed four years after August 13, 1954, and the patents or deeds under which titles are then held shall pass the titles in fee simple, subject to any valid encumbrances. The titles to all interests in trust or restricted land acquired by members of the tribe by devise or inheritance four years or more after August 13, 1954, shall vest in such members in fee simple, subject to any valid encumbrance.

(c) Multiple land ownership; partition; sale; election to purchase; unlocated owners

Prior to the time provided in subsection (b) of this section for the removal of restrictions on land owned by one or by more than one member of a tribe, the Secretary may—

(1) upon request of any of the owners, partition the land and issue to each owner a patent or deed for his individual share that shall become unrestricted four years from August 13, 1954;

(2) upon request of any of the owners, and a finding by the Secretary that partition of all or any part of the land is not practicable, cause all or any part of the land to be sold at not less than the appraised value thereof and distribute the proceeds of sale to the owners: *Provided*, That any one or more of the owners may elect before a sale to purchase the other