

Calendar No. 1907

85TH CONGRESS
1ST SESSION

H. R. 2824

[Report No. 1874]

IN THE SENATE OF THE UNITED STATES

AUGUST 20, 1957

Read twice and referred to the Committee on Interior and Insular Affairs

JULY 22, 1958

Reported by Mr. KUCHEL, with amendments

[Omit the part struck through and insert the part printed in italic]

AN ACT

To provide for the distribution of the land and assets of certain Indian rancherias and reservations in California, 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 That the lands, including minerals, water rights, and im-
4 provements located on the lands, and other assets of the
5 following rancherias and reservations in the State of Cali-
6 fornia shall be distributed in accordance with the provisions
7 of this Act: ~~Blue Lake, Graton, Guidiville, Mark West,~~

1 Pinoleville, Potter Valley, Redwood Valley, Robinson,
2 Rohnerville, Strawberry Valley, Table Bluff, Table Moun-
3 tain, Upper Lake, Wilton Alexander Valley, Auburn, Big
4 Sandy, Big Valley, Blue Lake, Buena Vista, Cache Creek,
5 Chicken Ranch, Chico, Cloverdale, Cold Springs, Elk Valley,
6 Guidiville, Graton, Greenville, Hopland, Indian Ranch,
7 Lytton, Mark West, Middletown, Montgomery Creek, Moore-
8 town, Nevada City, North Fork, Paskenta, Picayune,
9 Pinoleville, Potter Valley, Quartz Valley, Redding, Red-
10 wood Valley, Robinson, Rohnerville, Ruffeys, Scotts Valley,
11 Smith River, Strawberry Valley, Table Bluff, Table Moun-
12 tain, Upper Lake, Wilton.

13 SEC. 2. (a) The Indians who hold formal or informal
14 assignments on each reservation or rancheria, or the Indians
15 of such reservation or rancheria, or the Secretary of the
16 Interior after consultation with such Indians, shall prepare a
17 plan for distributing to individual Indians the assets of the
18 reservation or rancheria, including the assigned and the un-
19 assigned lands, or for selling such assets and distributing
20 the proceeds of sale, or for conveying such assets to a cor-
21 poration or other legal entity organized or designated by the
22 group, or for conveying such assets to the group as tenants
23 in common. The Secretary shall provide such assistance
24 to the Indians as is necessary to organize a corporation or
25 other legal entity for the purposes of this Act.

1 (b) General notice shall be given of the contents of a
2 plan prepared pursuant to subsection (a) of this section and
3 approved by the Secretary, and any Indian who feels that
4 he is unfairly treated in the proposed distribution of the
5 property shall be given an opportunity to present his views
6 and arguments for the consideration of the Secretary. After
7 such consideration, the plan or a revision thereof shall be
8 submitted for the approval of the adult Indians who will
9 participate in the distribution of the property, and if the
10 plan is approved by a majority of such Indians who vote
11 in a referendum called for that purpose by the Secretary
12 the plan shall be carried out. *It is the intention of Congress*
13 *that such plan shall be completed not more than three years*
14 *after it is approved.*

15 (c) Any grantee under the provisions of this section
16 shall receive an unrestricted title to the property conveyed,
17 and the conveyance shall be recorded in the appropriate
18 county office.

19 (d) No property distributed under the provisions of
20 this Act shall at the time of distribution be subject to any
21 Federal or State income tax. Following any distribution
22 of property made under the provisions of this Act, such
23 property and any income derived therefrom by the dis-
24 tributee shall be subject to the same taxes, State and Federal,
25 as in the case of non-Indians: *Provided, That for the pur-*

1 pose of capital gains or losses the base value of the property
2 shall be the value of the property when distributed to the
3 individual, corporation, or other legal entity.

4 SEC. 3. Before making the conveyances authorized by
5 this Act on any rancheria or reservation, the Secretary of
6 the Interior is directed:

7 (a) To cause surveys to be made of the exterior or
8 interior boundaries of the lands to the extent that such
9 surveys are necessary or appropriate for the conveyance
10 of marketable and recordable titles to the lands.

11 (b) To complete any construction or improvement re-
12 quired to bring Indian Bureau roads serving the rancherias
13 or reservations up to adequate standards comparable to
14 standards for similar roads of the State or subdivision there-
15 of. The Secretary is authorized to contract with the State of
16 California or political subdivisions thereof for the construc-
17 tion or improvement of such roads and to expend under
18 such contracts moneys appropriated by Congress for the
19 Indian road system. When such roads are transferred to the
20 State or local government the Secretary is authorized to con-
21 vey rights-of-way for such roads, including any improve-
22 ments thereon.

23 (c) To install or rehabilitate such irrigation or domestic

1 water systems as he and the Indians affected agree, within
2 a reasonable time, should be completed by the United States.

3 (d) To cancel all reimbursable indebtedness owing to
4 the United States on account of unpaid construction, opera-
5 tion, and maintenance charges for water facilities on the
6 reservation or rancheria.

7 (e) To exchange any lands within the rancheria or
8 reservation that are held by the United States for the use of
9 Indians which the Secretary and the Indians affected agree
10 should be exchanged before the termination of the Federal
11 trust for non-Indian lands and improvements of approxi-
12 mately equal value.

13 SEC. 4. Nothing in this Act shall abrogate any water
14 right that exists by virtue of the laws of the United States.
15 To the extent that the laws of the State of California are not
16 now applicable to any water right appurtenant to any lands
17 involved herein they shall continue to be inapplicable while
18 the water right is in Indian ownership for a period not to
19 exceed fifteen years after the conveyance pursuant to this
20 Act of an unrestricted title thereto, and thereafter the ap-
21 plicability of such laws shall be without prejudice to the pri-
22 ority of any such right not theretofore based upon State law.

1 During the time such State law is not applicable the At-
2 torney General shall represent the Indian owner in all legal
3 proceedings, including proceedings before administrative
4 bodies, involving such water right, and in any necessary
5 affirmative action to prevent adverse appropriation of water
6 which would encroach upon the Indian water right.

7 SEC. 5. (a) The Secretary of the Interior is authorized
8 to convey without consideration to Indians who receive con-
9 veyances of land pursuant to this Act, or to a corporation
10 or other legal entity organized by such Indians, or to a public
11 or nonprofit body, any federally owned property on the res-
12 ervations or rancherias subject to this Act that is not needed
13 for the administration of Indian affairs in California.

14 (b) For the purposes of this Act, the assets of the Up-
15 per Lake Rancheria shall include the one hundred and sixty
16 acre tract set aside as a wood reserve for the Upper Lake
17 Indians by secretarial order dated February 15, 1907.

18 (b) For the purposes of this Act, the assets of the Upper
19 Lake Rancheria and the Robinson Rancheria shall include
20 the one-hundred-and-sixty-acre tract set aside as a wood
21 reserve for the Upper Lake Indians by secretarial order
22 dated February 15, 1907.

23 (c) The Secretary of the Interior is authorized to sell the
24 five hundred and sixty acres of land, more or less, which
25 were withdrawn from entry, sale, or other disposition, and

1 set aside for the Indians of Indian Ranch, Inyo County,
2 California, by the Act of March 3, 1928 (45 Stat. 162), and
3 to distribute the proceeds of sale among the heirs of George
4 Hanson.

5 SEC. 6. The Secretary of the Interior shall disburse to
6 the Indians of the rancherias and reservations that are sub-
7 ject to this Act all funds of such Indians that are in the
8 custody of the United States.

9 SEC. 7. Nothing in this Act shall affect any claim filed
10 before the Indian Claims Commission, or the right, if any, of
11 the Indians subject to this Act to share in any judgment
12 recovered against the United States on behalf of the Indians
13 of California.

14 SEC. 8. Before conveying or distributing property pur-
15 suant to this Act, the Secretary of the Interior shall protect
16 the rights of individual Indians who are minors, non compos
17 mentis, or in the opinion of the Secretary in need of assist-
18 ance in conducting their affairs, by causing the appointment
19 of guardians for such Indians in courts of competent juris-
20 diction, or by such other means as he may deem adequate,
21 without application from such Indians, including but not
22 limited to the creation of a trust for such Indians' property
23 with a trustee selected by the Secretary, or the purchase by
24 the Secretary of annuities for such Indians.

25 SEC. 9. Prior to the termination of the Federal trust re-

1 relationship in accordance with the provisions of this Act, the
2 Secretary of the Interior is authorized to undertake, within
3 the limits of available appropriations, a special program of
4 education and training designed to help the Indians to earn
5 a livelihood, to conduct their own affairs, and to assume their
6 responsibilities as citizens without special services because
7 of their status as Indians. Such program may include lan-
8 guage training, orientation in non-Indian community customs
9 and living standards, vocational training and related subjects,
10 transportation to the place of training or instruction, and sub-
11 sistence during the course of training or instruction. For the
12 purposes of such program, the Secretary is authorized to
13 enter into contracts or agreements with any Federal, State,
14 or local governmental agency, corporation, association, or
15 person. Nothing in this section shall preclude any Federal
16 agency from undertaking any other program for the educa-
17 tion and training of Indians with funds appropriated to it.

18 SEC. 10. (a) The plan for the distribution of the assets
19 of a rancheria or reservation, when approved by the Secre-
20 tary and by the Indians in a referendum vote as provided in
21 subsection 2 (b) of this Act, shall be final, and the distribu-
22 tion of assets pursuant to such plan shall not be the basis for

1 any claim against the United States by an Indian who re-
2 ceives or is denied a part of the assets distributed.

3 (b) After the assets of a rancheria or reservation have
4 been distributed pursuant to this Act, the Indians who receive
5 any part of such assets, and the ~~members~~ *dependent members*
6 of their immediate families, shall not be entitled to any of
7 the services performed by the United States for Indians
8 because of their status as Indians, all statutes of the United
9 States which affect Indians because of their status as Indians
10 shall be inapplicable to them, and the laws of the several
11 States shall apply to them in the same manner as they apply
12 to other citizens or persons within their jurisdiction. Noth-
13 ing in this Act, however, shall affect the status of such persons
14 as citizens of the United States.

15 SEC. 11. The constitution and corporate charter adopted
16 pursuant to the Act of June 18, 1934 (48 Stat. 984), as
17 amended, by any rancheria or reservation subject to this
18 Act shall be revoked by the Secretary of the Interior when
19 a plan is approved by a majority of the adult Indians thereof
20 pursuant to subsection 2 (b) of this Act.

21 SEC. 12. The Secretary of the Interior is authorized to
22 issue such rules and regulations and to execute or approve

1 such conveyancing instruments as he deems necessary to
2 carry out the provisions of this Act.

3 SEC. 13. There is authorized to be appropriated not to
4 exceed \$110,100 \$509,235 to carry out the provisions of
5 this Act.

Passed the House of Representatives August 19, 1957.

Attest: RALPH R. ROBERTS,

Clerk.