

**Testimony  
of  
Tony Dearman  
Director  
Bureau of Indian Education  
United States Department of the Interior  
Before the  
Senate Committee on Indian Affairs  
On  
S. 1223 the “Klamath Tribe Judgement Fund Repeal Act”**

**July 12, 2017**

Chairman Hoeven, Vice Chairman Udall, and Members of the Committee, my name is Tony Dearman and I am currently serving as the Director of the Bureau of Indian Education at the Department of the Interior (Department). Thank you for the opportunity to present testimony on behalf of the Department regarding S. 1223, the Klamath Tribe Judgement Fund Repeal Act, which would repeal Public Law 89-224, commonly known as the Klamath Tribe Judgement Fund Act. The Department is still reviewing the legislation and cannot take a position at this time.

The Klamath Tribe Judgement Fund Act, enacted on October 1, 1965, authorizes the Secretary of the Interior to establish and apply appropriated dollars to a judgement fund for the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians, better known as the Klamath Tribe.

**Background**

The Klamath Indian Reservation, located in southern Oregon, was established by the Treaty of October 14, 1864. The reservation was managed under the supervision of the Federal Government and headquartered at the Klamath Agency. In 1954, the federal trust responsibility for the reservation was terminated by the passage of the Western Oregon Indian Termination Act. Upon formal termination, the Klamaths were provided an opportunity to remain tribal members or withdraw from their tribal membership. Those opting to withdraw their memberships forfeited their share of some tribal assets, and those who remained retained ownership of tribal assets. Both groups were able to keep any interests in future awards claims.

**Docket 100.**

The Aboriginal Title Claim case was settled when the Indian Claims Commission issued an order on January 31, 1964, which granted a judgement fund award of \$2,500,000. This settled amount was to serve as fair payment for lands in Oregon ceded under the Treaty of 1864. Legislation

authorizing distribution was not enacted by Congress until October 1, 1965. Payment began in 1966 and each of the 2,133 members on the membership roll received \$1,124.00 resulting in a total of \$2,351,250.14 paid out, and the remaining balance supported attorney fees and expenses.

### **Docket 100A.**

In September of 1969, the Klamath Tribe successfully claimed additional compensation for lands ceded by Treaty of October 14, 1864. The claim, better known known as ‘the boundary claim’ involved 621,824 acres that were excluded from inclusion in the reservation boundaries. Docket 100A was completed on September 2, 1969, with the sum of \$4,162,992.82 being granted in favor of the Klamaths. Payment began in 1970 with each member receiving \$1,841.45. Historically, the Bureau of Indian Affairs consulted with the Klamath Tribe to prepare proposed distribution of judgment funds remaining in the various Klamath accounts, pursuant to Klamath Tribal Resolution 96-15, dated March 6, 1996.

It is important to make clear that the Klamath Tribe Judgement Fund Act is the appropriate vehicle for distributing this funding. We have concluded that the Judgement Fund Distribution Act, which was signed into law in 1973, does not apply to the Klamath Tribe Judgement Fund, as its ability to apply dollars that were appropriated and authorized for use and distribution precedes 1973.

In 1983 and 1996, funds were disbursed for each tribal member on the 1954 Klamath roll. The Klamath Tribe currently has 188 Individual Indian Money (IIM) accounts for tribal members. An estate account was set up for deceased tribal members. These accounts are still open due to lack of information, no death certificates, no birth certificates, and Whereabouts Unknown. These funds will remain as IIM accounts with the Office of the Special Trustee (OST).

### **Conclusion**

At this time, the Department needs to better understand the impact the repeal of this fund will have on our actions moving forward and the trust responsibility we have to the Tribe, and therefore takes no position on the legislation. Again, thank you for the opportunity to testify on the S. 1223, the Klamath Tribe Judgement Fund Repeal Act. I would be glad to answer any questions the Committee may have.