

The Klamath Tribes Tribal Council

Resolution #2019-038

THE KLAMATH TRIBES STRONGLY SUPPORT THE ADOPTION OF S.46-THE KLAMATH TRIBE JUDGMENT FUND REPEAL ACT

WHEREAS, The Klamath and Modoc Tribes and the Yahooskin Band of Snake Indians signed the Treaty of 1864 establishing the Klamath Reservation; and

WHEREAS, The General Council of the Klamath membership is the governing body of the Tribes, by the authority of the Constitution of the Klamath Tribes (Article VI & VII section IV E) as approved by the General Council and most recently amended on September 26, 2013; and

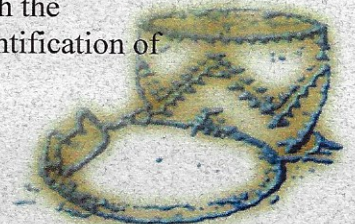
WHEREAS, The Klamath Indian Tribes Restoration Act of August 27, 1986 (P.L. 99-398) restored the Federal government-to-government recognition to the Sovereign Government of the Klamath Tribes; and

WHEREAS, The Klamath Tribes' Tribal Council is the elected governmental body of the Klamath Tribes and has been delegated the authority to direct the day-to-day business and governmental affairs of the Klamath Tribes under the general guidance of the General Council (Constitution, Article VII, section I; Tribal Council by-laws, Article I); and

WHEREAS, S.46 is needed to remedy a longstanding wrong visited on the Klamath Tribes as part of the Termination era legislation of 1954: the adoption of the Klamath Tribe: Judgment Fund Act of 1965 (Pub. L. 89-224) (hereinafter "The Distribution Act"), and

WHEREAS, The government-to-government relationship was restored by the Klamath Tribe: Restoration of Federal Supervision Act of Aug 27, 1986 (Pub. L. 99-398), but this last vestige of termination era legislation was left intact, and

WHEREAS, The Distribution Act requires that all funds held in the trust accounts for the Klamath Tribes that are to be distributed must be done in accordance with the requirements of the Distribution Act, and those requirements include the identification of



all the members of so-called Final Role of 1954, including all heirs and legatees of those members who are deceased, and

WHEREAS, Many of those heirs and legatees are not tribal members or even of Native American decent, and

WHEREAS , All of the costs of distribution are charged to the available trust funds and a significant amount of those funds are consumed by the cost of identifying those heirs and legatees and calculating their share of any distribution, and

WHEREAS, As a result, only a mere fraction of the funds end up being distributed to Klamath members, and

WHEREAS, Section 5 of the Distribution Act requires that any funds the Secretary of the Interior deems insufficient to justify further distribution, which is entirely likely given the extreme costs related to distribution, shall be returned to United States Treasury, not held for or returned to the Klamath Tribes, and

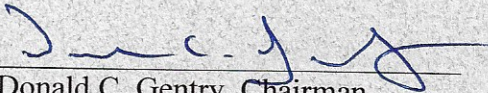
WHEREAS, this process cuts out entirely involvement or decision making by the sovereign government of the Klamath Tribes, and

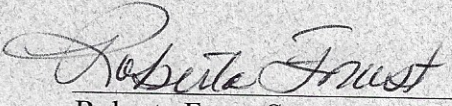
WHEREAS, The adoption of S.46, resulting in the repeal of the Distribution Act and distribution of those funds presently held in the Trust Accounts for the benefit of the Klamath Tribes to the Tribes, would restore the sovereignty of the Tribes over its own funds and allow for decision making that best serves the interests of the Tribes and its members.

Now Therefore Be It Resolved, that the Klamath Tribes strongly support the adoption of S.46 The Klamath Tribe Judgment Fund Repeal Act.

CERTIFICATION

We, the undersigned, Tribal Council Chairman and Secretary of the Klamath Tribes do hereby certify that at a "Regular" Tribal Council meeting held on the **23** day of **October**, **2019** where a quorum was present, the Tribal Council duly adopted this Resolution by a vote of 6 for 0 opposed, and 1 abstention/s.


Donald C. Gentry, Chairman
The Klamath Tribes


Roberta Frost, Secretary
The Klamath Tribes

