

**Committee on Natural Resources Subcommittee for Indigenous Peoples of the
United States** Hybrid Legislative Hearing

April 27, 2022 at 1:00 p.m. ET

**Legislative Hearing on H.R. 437, H.R. 6063, H.R. 6181 [Discussion Draft ANS], S. 314, S.
559, and S. 789**

**Questions from Rep. Grijalva for Hon. Donald Gentry, Chairman, Klamath Tribes
Responses by Chairman Gentry**

1. Generally, can you highlight how the Klamath Judgement Fund Act was a product of the Termination Era and how its original purpose is now outdated?

The intention of the federal government through the Klamath Termination Act was to terminate federal supervision over the Klamath Tribes and the assets of the Tribes and its members. The Klamath Judgment Fund Act was enacted with the intention of compensating the Klamath Tribes and its members for federal the taking of Tribal assets, and assets secured through subsequent litigation, and to ensure that compensation was appropriately distributed. The Klamath Judgement Fund Act was enacted presuming that the Klamath Tribes would never again be federally recognized. The Klamath Tribes, however were restored to federal recognition through legislation of H.R. 3554-4, “Klamath Indian Tribe Restoration Act”, on August 27, 1986. There are two separate funds remaining that are currently subject to the Judgement Fund Act. There are funds remaining from those authorized for litigating unresolved matters relating to termination and federal mismanagement of tribal assets prior to termination that are no longer needed, and funds resulting from successful litigation or settlement that remain unclaimed.

- a. **When the Tribe worked with the Bureau of Indian Affairs to track down the living heirs to the Fund, what were the issues that arose? a. In what ways was this process difficult?**
- b. **What was the outcome of this process?**

The Bureau of Indian Affairs was responsible for distributing the unclaimed funds through their established process and timeline. The Klamath Tribes assisted by publishing notice of the unclaimed funds with names of Klamath Tribal members listed in an attempt to locate the individuals listed or their families. This was done both during and after the deadline for a response to claim the funds expired. Despite the extensive coordinated efforts, not all the individuals or families were located and the remaining unclaimed funds have not been distributed.

The process to distribute the remaining “litigation” funds has not yet occurred. Distributing these funds was discussed on numerous occasions with former BIA Regional Director, Stanley Speaks. It was clearly communicated and understood between Mr. Speaks and Klamath Tribes, that if the remaining litigation funds were to be disturbed by the BIA following requirements of the Judgement Fund Act, the amount that would be realized by individual Tribal members would be minimal and would not be feasible.

2. If this legislation were to pass into law, how would the Klamath Tribes address the Judgement Fund and its remaining balance?

Repeal of the Judgement Fund Act is necessary so the remaining litigation funds can be provided directly to the Klamath Tribes for distribution to the surviving 1954 enrolled Tribal members, as approved by resolution of the 1954 Klamath Tribal Members and the Klamath Tribes General Council.

3. As you discuss in your testimony, the Klamath Tribes were subject to Termination policies for decades until federal recognition was restored in 1986.

a. How did the Termination Era impact the Tribes' resources and citizens?

b. What impacts are tribal citizens still dealing with today?

The termination period was devastating for the Tribes as a whole and imposed significant trauma on individual tribal members and their families. With the abrupt discontinuation of services such as health and education and the unmooring from a collective group caused by termination, Klamath Tribal members faced increased social and health disparities that resulted in increased infant mortality and decreased life expectancy.

Termination was an additional historic trauma imposed upon our people, in the context of colonialization, that we are still recovering from. However, we are survivors of the many genocidal acts and ongoing marginalization of our people. Since Termination and through the Restoration Act, we have made significant progress to promote healing the holistic health of our people--physically, economically, culturally, mentally, emotionally and spiritually. We still have much more to accomplish to once again achieve economic self-sufficiency, and to recover from the loss resulting from Termination.