Public Law 85-916

September 2, 1958
[H. R. 12670]

AN ACT

To provide for additional payments to the Indians of the Crow Creek Sioux Reservation, South Dakota, whose lands have been acquired for the Fort Randall Dam and Reservoir project, and for other purposes.

Crow Creek Sioux Indians. Payments for lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to pay to the Crow Creek Sioux Tribe and the individual Indian owners, out of funds made available for the Fort Randall Dam and Reservoir project, in settlement of all claims, rights, and demands of said tribe and its members arising out of the construction of the Fort Randall Dam and Reservoir project, an amount equal to the difference between $1,395,811.94 and the sum paid for the taking of lands in condemnation proceedings entitled "United States of America, plaintiff, against 9,148.69 acres of land, etc., and Crow Creek Tribe of Sioux Indians, et al., defendants", civil numbered 184, and "United States of America, plaintiff, against 365.62 acres of land, etc., and State of South Dakota, et al., defendants", civil numbered 844 filed in the United States District Court for the District of South Dakota.

Deposit of payments.

SEC. 2. The payments authorized by section 1 of this Act shall be deposited to the credit of the Crow Creek Sioux Tribe in the Treasury of the United States to draw interest on the principal at the rate of 4 per centum per annum until expended. The sum of $126,000 shall be allocated to the former owners on a prorated basis in accordance with the tract and ownership schedules set forth in the condemnation proceedings referred to in section 1, after consultation with the Missouri River Basin investigation staff and the tribal council to correct known errors. The amounts allocated to the lands owned by individual Indians shall be credited to their respective individual Indian money accounts. No part of the compensation for the property taken by the condemnation proceedings referred to in section 1, whether paid in the proceedings or under this Act, shall be subject to any lien, debt, or claim of any nature whatsoever against the tribe or individual Indians except delinquent debts owed by the tribe to the United States or owed by individual Indians to the tribe or to the United States. The cost of moving dwellings and other buildings owned by the Indians from the Fort Randall Dam and Reservoir project area shall be paid out of the part of the payment authorized under section 1 and payable to the tribe.

Mineral rights revested in former owners.

SEC. 3. The Secretary of the Army shall revest or cause to be revested in the former owners all of the right, title, and interest of the United States in minerals acquired through the condemnation proceedings referred to in section 1 of this Act; but the exploration, exploitation, and development of the minerals, including oil and gas, shall be subject to all reasonable regulations which may be imposed by the Secretary of the Army for the protection of the Fort Randall Dam and Reservoir project.

Retention of timber, etc.

SEC. 4. Individual Indians and the tribe are authorized without charge to retain timber and improvements previously removed by them from the lands acquired in the condemnation proceedings referred to in section 1 hereof; and former owners shall also have the right, without charge, prior to September 30, 1958, to cut and remove any remaining timber and salvage any remaining improvements on the respective lands acquired from them in said condemnation proceedings; but, if said rights are waived or not exercised by September 30, 1958, the tribe, through the tribal council, may, prior to January 1, 1959, exercise the rights: *Provided*, That the salvage previously

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accomplished or permitted by this section shall not be construed to be double compensation.

Permission to graze stock, hunt and fish.

SEC. 5. After the Randall Dam gates are closed and the waters of the Missouri River impounded, the said Indian tribe and the members thereof shall be given exclusive permission, without cost, to graze stock on the land between the water level of the reservoir and the exterior boundary of the taking area. The said tribal council and the members of said Indian tribe shall be permitted to have, without cost, access to the shoreline of the reservoir including permission to hunt and fish in and on the aforesaid shoreline and reservoir, subject, however, to regulations governing the corresponding use by other citizens of the United States.

Authorization to purchase and sell certain lands.

SEC. 6. For the purposes of (1) providing substitute land for individual Indians whose land is within the taking area, (2) consolidating landholdings, and (3) eliminating fractionated heirship interests within the reservation, the Secretary of the Interior is authorized to purchase, with funds made available by such individual Indians or by the tribe, land or interests in land, and to sell tribal land upon request of the tribe, but no service charge shall be made by the United States. The land selected by and purchased for individual Indians may be either inside or outside the boundaries of the reservation as diminished. Title to any land or interest in land acquired within the boundaries of the reservation shall be taken in the name of the United States in trust for the tribe or the individual Indian for whom the land is acquired, and title to any land or interests in land acquired outside the boundaries of the reservation shall be taken in the name of the individual for whom it is acquired. Trust titles shall be subject to the laws and regulations applicable to other trust titles within the reservation.

For the purposes of this section, the Secretary of the Interior is also authorized to partition or sell individually owned land in which all interests are in a trust or restricted status upon request of the owners of a 51 per centum interest in the land. Any such sale shall be by competitive bid, except that with the concurrence of the owners of a 51 per centum interest in the land, any owner of an interest in the land, or the tribe, if the land is within the reservation, shall have the right to purchase the land within a reasonable time fixed by the Secretary prior to a competitive sale at not less than its appraised value. If more than one preference right is exercised, the sale shall be by competitive bid limited to the tribe and to the persons entitled to a preference. The Secretary of the Interior may represent for the purpose of this paragraph any Indian owner who is a minor, or who is non compos mentis and, after giving reasonable notice of the proposed sale by publication, may represent an Indian owner who cannot be located, and he may execute any title documents necessary to convey a marketable and recordable title.

Restrictions.

Nothing in this section shall be construed to diminish the authority to acquire, sell, or exchange land that is contained in other provisions of law.

Expenditure restriction.

SEC. 7. No part of any expenditure made by the United States under any or all of the provisions of this Act shall be charged as an offset or counterclaim against any tribal claim which has arisen under any treaty law, or Executive order of the United States prior to the effective date of taking of said land as provided for in section 1 hereof and the payment of Sioux benefits as provided for in section 17 of the said Act of March 2, 1889 (25 Stat. 888), as amended, shall be continued under the provisions of section 14 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), on the basis now in operation

25 USC 474.

without regard to the loss of tribal land within the taking area under the provisions of this Act.

Reimbursement to tribe.

SEC. 8. The Secretary of the Treasury, upon certification by the Secretary of the Interior, shall reimburse the tribe for fees and expenses incurred in connection with the taking of tribal and individual Indian lands for the Randall project: *Provided*, That such reimbursable fees and expenses do not exceed in the aggregate $100,000, of which not more than $50,000 shall be reimbursable as attorney fees.

Appropriations.

SEC. 9. There is hereby authorized to be appropriated such sums as may be necessary for the purposes of this Act.

Tax exemptions.

SEC. 10. All funds paid to the tribe and individual Indians, either pursuant to this Act or pursuant to the condemnation action referred to in section 1 of this Act shall be exempt from all forms of State and Federal taxation.

Rejection notice.

SEC. 11. Any individual member of the Crow Creek Sioux Tribe shall have the right to reject the sum tendered to him as his share of the $126,000 in accordance with the proration under section 2 of this Act by filing within one year a notice of rejection with the Chief of Engineers, United States Army, Washington, District of Columbia. If the court, in the condemnation proceedings referred to in section 1, in determining the just compensation to which the individual is entitled, fixes an amount in excess of the amount theretofore tendered to him, the Secretary of the Army shall deposit the difference in court. No court costs shall be charged against an individual but all other costs and expenses, including counsel fees, shall be at the contesting individual's expense.

Approved September 2, 1958.

Public Law 85-917

September 2, 1958
[H. R. 8735]

AN ACT

To increase annuities payable to certain annuitants from the District of Columbia teachers retirement and annuity fund, and for other purposes.

D. C. teachers' retirement annuities, increase.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the annuity of each retired employee who, on August 1, 1958, is receiving or is entitled to receive an annuity from the District of Columbia teachers' retirement and annuity fund based on service which terminated prior to October 1, 1956, shall be increased by 10 per centum, but no such increase shall exceed $500 per annum.

(b) The annuity otherwise payable from the District of Columbia teachers' retirement and annuity fund to—

(1) each survivor who on August 1, 1958, is receiving or entitled to receive an annuity based on service which terminated prior to October 1, 1956, and

(2) each survivor of a retired employee described in subsection (a) of this section, shall be increased by 10 per centum. No increase provided by this subsection shall exceed $250 per annum.

(c) No increase provided by this section shall be computed on any additional annuity purchased at retirement by voluntary contributions.

SEC. 2. The unremarried widow or widower of an employee—

(1) who had completed at least ten years of service creditable for retirement purposes under "An Act for the retirement of public school teachers in the District of Columbia", approved August 7, 1946 (60 Stat. 875), as amended.