

THE SECRETARY OF THE INTERIOR
WASHINGTON

MAR 26 1935

Hon. Will Rogers,
Chairman, Committee on Indian Affairs,
House of Representatives.

My dear Mr. Chairman:

Further reference is made to your request for report on H. R. 6682, which authorizes an appropriation of \$776,742.05 to compensate the Osage Indians of Oklahoma for certain lands sold by the United States.

The bill is similar in purpose to H. R. 4322, on which I am today submitting a report to your Committee.

Section 1 of H. R. 6682 specifically identifies the land sold as being in the State of Kansas. The same section also makes specific reference to a decision of the Court of Claims in a case filed pursuant to the authorization contained in the act of February 6, 1921 (41 Stat. L., 1097).

Section 2 of H. R. 6682 provides that the amount authorized to be appropriated shall be "distributed in accordance with the rules and regulations governing payment of moneys accruing to members of the Osage Tribe of Indians." The provision in H. R. 4322 directs that the money shall be placed in the treasury to the credit of the tribe, shall draw interest at 4% per annum, and be subject to future appropriation by Congress, "for the benefit of the said Indians or for payment to them, as Congress may direct." The language of Section 2 of H. R. 6682 is preferable to that contained in H. R. 4322.

The wording of Section 3 in each bill is identical. These sections provide that the appropriation authorized shall be in full and final settlement of the claim of the Osages arising under the treaty of 1865.

Section 4 of the present bill provides for payment of attorney fees, the amounts thereof to be determined by the secretary of the Interior "in accordance with provisions and percentages in their contract as approved by the Secretary of the Interior May 5, 1931." Under the terms of Section 4 of H. R. 4322 fees would be fixed by the Court of Claims.

Copy for Committee

I do not consider it necessary to restate the facts contained in my report on H. R. 4322, since the purpose of both bills is the same. If the legislation is to receive favorable action, I would recommend a substitute Section 4, as follows:

"The Secretary of the Interior is hereby authorized to pay, out of said appropriation when made, such fees and expenses as he may deem reasonable, on a quantum meruit basis, to the attorneys of record holding an approved contract in this case, not, however, to exceed a total of 5 per cent of the amount appropriated hereunder."

I have no criticism of the remainder of the text of H. R. 6682. In fact, its provisions are more explicit.

When my proposed report on H. R. 4322 was transmitted to the Bureau of the Budget for consideration the Acting Director of that Bureau stated in his letter of March 16, 1933 "That neither the proposed legislation nor the proposed favorable report suggesting an amendment thereof would be in accord with the financial program of the President".

Sincerely yours,

(Sgd.) HAROLD L. ICKES

Secretary of the Interior.

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Committee on Indian Affairs

House of Representatives U. S.

Washington, D. C.

March 26, 1935

Hon. Wesley E. Disney

H. O. B.

Washington, D. C.

Dear Colleague:

I am sending you copies of the reports on H. R. 4321, ^{out}
H. R. 4322, H. R. 4323, ^{out} H. R. 4324, and H. R. 6682 from the Secre-
tary of the Interior. The Committee on Indian Affairs will consider
same upon request from you.

I am,

Yours truly,


Chairman.

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