

PERTAINING TO LAND CONSOLIDATION AND DEVELOPMENT ON THE UMATILLA INDIAN RESERVATION

NOVEMBER 22, 1977.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. UDALL, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 2539]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 2539) pertaining to land consolidation and development on the Umatilla Indian Reservation, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, beginning on line 3, strike out all after the enacting clause and insert in lieu thereof the following:

That sections 2, 3, and 4 of the Act of August 10, 1939 (53 Stat. 1351; 25 U.S.C. 463 e, f, g) are amended as follows:

"Sec. 2. (a) For the purpose of effecting consolidations of land within the Umatilla Indian Reservation, in the State of Oregon, into the ownership of the Confederated Tribes of the Umatilla Reservation (hereinafter referred to as the "Tribes") and the individual members thereof, and for the purpose of attaining and preserving an economic land base for Indian use, alleviating problems of Indian heirship and assisting in the acquisition, disposition, and other uses of tribal and individually allotted lands of the Umatilla Reservation, the Secretary of the Interior is authorized, in his discretion, under such rules and regulations as he may prescribe, to:

(1) acquire for the Tribes and individual Indians with any funds through purchase, exchange, or relinquishment, any lands, interests in lands, improvements thereon, water rights, or surface rights to lands within, adjacent to, or in close proximity to the boundaries of the Umatilla Indian Reservation, except that such lands or interests acquired for individual Indians shall be within the boundaries of said reservation;

(2) sell or approve sales of any tribal trust lands, any interests therein, or any improvements thereon;

(3) exchange any tribally owned lands, tribal trust lands, interests in lands, or improvements thereon, for any other lands or interests in lands situated within, adjacent to or in close proximity to the boundaries of such reservation. The lands or interests in lands exchanged must be equal in value or be equalized by the payment of money; and

(4) accept any transfer of title from the Tribes for any lands or interests in lands within the boundaries of the Umatilla Indian Reservation, and take title to such lands or interests in lands in the name of the United States in trust for the Tribes.

(b) For the purposes of this Act, the boundaries of the Umatilla Indian Reservation shall be as depicted on the map on file with the Bureau of Indian Affairs and identified as Map Number "Umatilla No. 1", dated September, 1976.

(c) Nothing in this Act shall be construed as conferring upon the Secretary or the Tribes the power of eminent domain.

Sec. 3. Title to any lands or interests in lands acquired pursuant to this Act for Indian use shall be taken in the name of the United States in trust for the Tribes or the individual Indians for whom the lands or interests in lands were acquired, and the lands or interests in lands so acquired shall be nontaxable and shall be subject to the same laws as related to other Indian trust lands on the Umatilla Indian Reservation if the lands are within the boundaries of the Umatilla Reservation, and the title shall be taken in the name of the Tribes, subject to no restriction on alienation, taxation, or management if the lands are outside such boundaries.

Sec. 4. That, notwithstanding any general statutory prohibition against use of tribal funds to acquire land in Oregon if the acquisition would exempt the land from local taxation, the Secretary is authorized to purchase lands or interests in lands for the Tribes within the boundaries of the Umatilla Reservation with any funds made available by the Tribes."

SEC. 2. The Act of August 10, 1939 (53 Stat. 1351) is further amended by adding the following new sections:

"Sec. 5. (a) The acquisition, sale, or exchange of lands for the Tribes pursuant to this Act, shall be upon the request of the Board of Trustees of the Tribes, evidenced by a resolution adopted in accordance with the constitution and bylaws of the Tribes, and shall be in accordance with a land consolidation and development plan approved by the Secretary.

(b) The Tribes shall be required to hold a public hearing on the proposed land consolidation and development plan prior to Secretarial approval. The Tribes shall take oral and written comments on such proposed plan at the public hearing and shall transmit such comments to the Secretary, who shall take such comments into consideration prior to granting approval of the plan.

"Sec. 6. Any moneys or credits received by the Tribes from the sale or exchange of lands or interests in lands shall be used by the tribes for the purchase of other lands or interests in lands or for such other purpose as may be consistent with the land consolidation and development program approved by the Secretary.

"Sec. 7. The Secretary is authorized to sell or exchange individual Indian trust lands or trust interests in lands held in multiple ownership on the Umatilla Reservation to the Tribes or to any enrolled Indian member of the Tribes having an interest in the land involved, providing that the sale or exchange has been authorized in writing by the owners of at least a majority of the trust interests in such lands; except that no greater percentage of approval of such trust interests shall be required under this Act than in any other statute of general application approved by Congress.

"Sec. 8. The Board of Trustees of the Tribes, with the approval of the Secretary, may execute a mortgage or deed of trust on land being purchased by the tribes with title thereto to be taken either in the name of the tribes or the United States in trust for the tribe where such mortgage or deed of trust is given to secure the balance of the purchase price of such land. Such land shall be subject to foreclosure and sale pursuant to the terms of such mortgage or deed of trust and in accordance with the laws of the State of Oregon. The United States shall be an indispensable party to any such proceedings involving tribal trust lands within the reservation with the right of removal of the cause to the United States district court for the district in which the land is located, following the procedure in section 1446 of title 28, United States Code, and the United States shall have the right to appeal from any order of remand entered in such action. Title to any land within the reservation redeemed or acquired by the Tribes at such foreclosure or sale proceeding shall be taken in the name of the United States in trust for the Tribes as provided in section 3. Title to any land within the reservation purchased by an individual Indian member of the Tribes at such foreclosure sale or proceeding may, with the consent of the Secretary, be taken in the name of the United States in trust for the individual Indian purchaser as provided in section 3."

H. R. 819

## PURPOSE

The purpose of the bill (H. R. 2539), introduced by Mr. Ullman, is to confer additional authority on the Secretary of the Interior and the Confederated Tribes of the Umatilla Reservation in order to facilitate tribal land consolidation and development on the reservation.

## BACKGROUND

The Umatilla Reservation is located in northeastern Oregon. A number of Indian tribes, organized as the Confederated Tribes of the Umatilla Reservation, are located on the reservation. The reservation was created by the Treaty of June 9, 1855 (12 Stat. 945) and encompassed approximately 245,799 acres. By the Act of March 3, 1885 (23 Stat. 340), Congress provided that the reservation lands would be allotted to individual members and the remainder opened to non-Indian homesteading. Through the homesteading process and through the sale of individually owned Indian allotments, approximately 160,345 acres of the reservation has gone out of Indian ownership. Today, the tribe owns 16,190 acres and individual members own approximately 69,000 acres.

By enactment of the Act of August 10, 1939 (53 Stat. 1351) Congress provided for the restoration to the Umatilla Tribes the lands which had been opened for non-Indian homesteading, but which had not been so homesteaded. In addition, the Act provided for the consolidation of tribal lands within the reservation. To facilitate land consolidation, the Act authorized the Secretary of the Interior to acquire, through purchase, exchange or relinquishment, lands or interests in lands within the reservation for the tribe or its members.

H. R. 2539 amends the 1939 act by modifying the land consolidation provisions and adding new authorities to effect land consolidation for better land management.

As modified, the Act permits the Secretary to purchase lands for the tribe outside of the reservation, but such lands cannot be taken in trust and are not exempt from taxation nor subject to a restriction against alienability. Further, the Secretary is authorized to sell or approve the sale of tribal lands for land consolidation purposes. Sale of tribal lands is otherwise prohibited by Federal law. The Secretary is authorized to use funds made available by the tribe for the acquisition of lands and the money realized from the sale of tribal lands or from exchanges of tribal lands is limited, in use, to the purchase of other lands.

The tribe is authorized, with Secretarial approval, to mortgage the purchased lands to secure the balance of the purchase price with the mortgage foreclosable in State courts under the laws of the State, subject to the right of removal to the U.S. District Court by the United States, which is made an indispensable party.

Finally, the Secretary is authorized to sell individual Indian trust lands within the reservation which is in multiple ownership to the tribe or individual members if the owners of a majority of the trust interests consent.

## COMMITTEE AMENDMENT

The committee recommends an amendment in the nature of a substitute. The substitute incorporates several drafting and technical changes, and contains certain substantive changes or additions.

H. R. 819

A new subsection (b) is added to the amended section 2 of the 1939 act. This new subsection provides that, solely for purposes of this bill, the reservation boundaries of the Umatilla Reservation shall be as depicted on a map prepared by, and on file with, the Bureau of Indian Affairs and identified as Map Number Umatilla No. 1, dated September 1976. This map conforms to a memorandum opinion from the Acting Associate Solicitor for Indian Affairs of the Department of the Interior to the Acting Deputy Commissioner of Indian Affairs, dated June 29, 1977, relating to the boundaries of the Umatilla Reservation. The committee does not intend that this provision represent a congressional determination of the boundaries of the reservation or affect, in any way, the existing law with respect to such boundaries.

A new subsection (c) is added to the amended section 2 of the act to make it clear that the bill does not confer any power of eminent domain on the Secretary or the tribe for purposes of the bill.

A new subsection (b) is added to the new section 5 of the act. This language requires the tribe to hold a public hearing on any proposed tribal land consolidation plan before Secretarial approval. This is to give residents of the reservation an opportunity to comment on the proposal and to have the Secretary take those comments into consideration in approving the plan.

#### SECTION-BY-SECTION ANALYSIS

*Section 1 amends sections 2, 3, and 4 of the Act of August 10, 1939 (53 Stat. 1351) to read as follows—*

##### SECTION 2

Subsection (a) provides that, for the general purpose of effecting land consolidation and improving land management on the reservation, the Secretary of the Interior is authorized to—

- (1) acquire land or interests in land for the Umatilla Tribes in, adjacent to, or in close proximity to the reservation, except that lands acquired for individuals must be within the reservation;
- (2) sell or approve the sale of tribal lands;
- (3) exchange tribal lands for other lands within, adjacent to, or in close proximity to the reservation, with value differences being equalized by money payments; and
- (4) accept transfers of title from the tribe to lands within the reservation and to take such title in trust for the tribe.

Subsection (b) provides that, for purposes of this bill, the boundaries of the reservation shall be as depicted on a map on file with the Bureau of Indian Affairs and identified as Map Number Umatilla 1, dated September, 1976.

Subsection (c) provides that nothing in this legislation shall be construed as conferring on the Secretary or the tribe the power of eminent domain.

##### SECTION 3

Section 3 provides that, if the purchased lands are within the reservation, title shall be taken in trust for the tribe or individual and, if outside the reservation, title shall be taken in the name of the tribe subject to no restriction against alienation or tax exemption.

##### SECTION 4

Section 4 provides that the Secretary is authorized to use any funds made available by the tribe for purchase of lands within the reservation, notwithstanding any law prohibiting the use of tribal funds for land purchase within Oregon if such acquisition would exempt the lands from local taxation.

*Section 2 amends the Act of August 10, 1939, by adding four new sections as follows—*

##### SECTION 5

Subsection (a) provides that any acquisition of lands under this bill shall be upon request of the Board of Trustees of the tribe and shall be in accordance with a plan approved by the Secretary.

Subsection (b) provides that the tribe shall hold a public hearing on the proposed land consolidation plan and that the Secretary shall take into account comments elicited during such hearings prior to granting approval of such plan.

##### SECTION 6

Section 6 provides that funds derived by the tribe from sale or exchange of lands may only be used for the purchase of other lands consistent with an approved land consolidation plan.

##### SECTION 7

Section 7 authorizes the Secretary to sell or exchange trust lands held in multiple ownership on the Umatilla Reservation to the tribe or individual members if the owners of a majority of the trust interests consent.

##### SECTION 8

Section 8 authorizes the Board of Trustees of the tribe to mortgage lands purchased pursuant to this bill to secure the balance of the purchase price. Foreclosure is authorized under the laws of the State with the United States being an indispensable party with the right of removal to the United States District Court.

#### COST AND BUDGET ACT COMPLIANCE

Other than possibly some nominal administrative costs, no Federal expenditures are involved in H.R. 2539 and no appropriations are authorized by this measure. No communication was received from the Congressional Budget Office prior to filing this report.

Since no Federal expenditures are involved and no direct economic effects will result, the enactment of H.R. 2539 will have no inflationary impact.

#### OVERSIGHT STATEMENT

Other than normal oversight responsibilities exercised in connection with these legislative operations, no recommendations were submitted to the committee pursuant to rule X, clause 2(b)2.

## COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, by a voice vote, recommends that the bill, as amended, be enacted.

## DEPARTMENT REPORT

The report of the Department of the Interior, dated June 3, 1977, follows:

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., June 3, 1977.

HON. MORRIS K. UDALL,  
Chairman, Committee on Interior and Insular Affairs, U.S. House of Representatives, Washington, D.C.

Dear Mr. CHAIRMAN: This responds to your request for our views on H.R. 2539, "Pertaining to land consolidation and development on the Umatilla Indian Reservation." We recommend that the bill be enacted if amended as suggested herein.

The act of August 10, 1939 (c. 622, §§ 2, 3, and 4, 53 stat. 1351; 25 U.S.C. 463 e, f, and g), authorized the Secretary of the Interior to restore the undisposed of surplus lands of the Umatilla Indian Reservation, Oregon, to the ownership of the Confederated Tribes of the Umatilla Indian Reservation. Until then, such lands had been open to entry or other forms of disposal under the public-land laws.

To effect land consolidations within the reservation, the Secretary was authorized to acquire any interest in lands, water rights, or surface rights to lands within the reservation by purchase, exchange or relinquishment. The 1939 act also provided that title to the acquired lands would be taken in trust for the benefit of the tribes of any individual member, and that any funds appropriated pursuant to section 5 of the Indian Reorganization Act of June 18, 1934 (48 stat. 984), may be used to effect the land provisions of that act. However, the land consolidation authorities contained in the IRA are not applicable to the Confederated Tribes because the members of the Tribes voted against its application.

H.R. 2539 would amend sections 2, 3, and 4 of the 1939 act, and would provide the Umatilla Indians an opportunity to reestablish a viable land base through land consolidation and purchase of lands presently owned by non-members of the Confederated Tribes. As of 1975, approximately 55 percent of the land in the current Umatilla Indian Reservation was owned by non-Indians.

Under H.R. 2539, the Secretary's authority is expanded to enable him to acquire lands not only within the exterior boundaries of the reservation, but, also, those that are adjacent to or in close proximity to the boundaries of the Umatilla Indian Reservation—without taking those lands outside the reservation off the county tax rolls. The Secretary is further authorized to approve the sale of tribal lands that are unproductive or which cannot be properly utilized because of location or other reasons. Those lands within the reservation that are acquired under the provisions of the bill will be taken into trust for the benefit of the tribe or the individual tribal member.

Further, H.R. 2539 would authorize the Secretary to acquire lands or interests in lands for the Umatilla Tribe with funds made available by the tribe or pursuant to appropriations made under section 5 of the Indian Reorganization Act. Section 5 of the IRA, which is the same as section 4 of the 1939 act pertaining to the Umatillas, authorizes the Secretary to acquire lands for Indians whether within or without existing reservation boundaries through purchase, exchange, relinquishment, gift, or assignment, and also authorizes the appropriation of \$2 million annually for such land acquisitions. However, no funds have been appropriated pursuant to section 5 since 1953. Recent appropriations for the Bureau of Indian Affairs have prohibited the use of tribal funds in certain States, including Oregon, for acquisition of tribal lands. Although this prohibition is no longer contained in current appropriations, H.R. 2539 would render such a prohibition non-applicable to the Umatilla Indians.

The bill would require that any land consolidation thereunder must be pursuant to resolutions duly adopted by the Board of Trustees of the Confederated Tribes, and only in accordance with a land consolidation and development plan approved by the Secretary. Any moneys received by the Umatilla Indians from the sale or exchange of lands shall be used consistently with the plan.

The Secretary may sell or exchange individual Indian trust lands or trust interests in lands held in multiple ownership on the reservation to the tribe or to an enrolled tribal member having an interest in the land involved, providing that the sale or exchange has the written authorization of at least a majority of the owners of the trust interests in the lands. This consolidation of fractionated interests will facilitate the tribe's land consolidation and development program.

The tribe may, with the approval of the Secretary, execute a mortgage or deed of trust on such lands as are being acquired under this legislation. The Act of March 29, 1956 (70 Stat. 62, 25 U.S.C. 483a) only provides this authority for individual trust or restricted lands.

The 1956 act was designed to encourage individual Indian landholders to utilize commercial credit to the maximum extent possible, subject to proper supervision, enabling Indian trust or restricted lands to be pledged as security for loans so that valid mortgages could be issued thereon. Prior to that, title insurance companies in some States had expressed doubts as to the authority of the Secretary under then existing laws to consent to the encumbrance of Indian trust land and related property interests with foreclosable first mortgages. Many potential vendors of lands were unwilling to accept large cash payments from a tribe, preferring instead, a mortgage arrangement of several years duration in order to avoid a large tax liability.

H.R. 2539 provides that such lands as are acquired would be subject to foreclosure and sale pursuant to the terms of such mortgage or deed of trust and in accordance with the laws of the State of Oregon. Title to any land within the reservation redeemed or acquired by the tribe at such foreclosure or sale proceeding shall be taken by the United States in trust for the benefit of the tribe or the individual Indian. At any redemption or foreclosure proceeding, the United States is an indispensable party, insuring that proper care will be exercised in approving mortgages and deeds of trust to prevent improvident loans which could result in the alienation of Indian lands.

H.R. 2539 would permit the tribe or individual members to use their real estate resources for obtaining capital, consolidating their interests, and enhancing the acquisition, consolidation, and development program on the reservation. The Umatilla Indians have requested this legislation to enable them to carry out their land consolidation program, and reduce fractionated interests.

We recommend that the following language be added to the last sentence of section 5 (line 8, page 4) "after publication in the Federal Register and opportunity for public comment in accordance with section 553 of title 5 of the United States Code."

This amendment would enable the Secretary to take into consideration the views of interested members of the public in the land consolidation plan.

We would point out that the purpose of this bill should be to authorize the exchange, disposal and acquisition of Indian trust lands and interests therein, but not confer any authorities with regard to other lands or interests therein under the jurisdiction of the Secretary. Such authorization should depend upon the willingness of all parties concerned and should not be mandatory. Further, the language in the bill should not supersede the requirements of the Federal Land Policy and Management Act of 1976 with respect to public lands or interests therein.

Accordingly, we recommend that a new section 9 be added to the 1939 Act under H.R. 2539:

"SEC. 9. Nothing in this Act shall confer any authority or impose any requirement on the Secretary to exchange, dispose of or otherwise utilize other lands or interests therein under his administration in connection with any exchange, disposal or acquisition of Indian trust land or interests therein authorized by this Act. Nothing in this Act shall supersede or repeal by implication the requirements of the Act of October 21, 1976 (90 Stat. 2743). Any acquisition or exchange pursuant to this Act which involves public lands as defined in the Act of October 21, 1976, shall also meet the requirements of said 1976 Act."

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JAMES A. JOSEPH,  
Under Secretary.

#### CHANGES IN EXISTING LAW

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

That the Secretary of the Interior be, and he is hereby, authorized in his discretion to restore to tribal ownership the undisposed of surplus lands of the Umatilla Indian Reservation, Oregon, heretofore opened to entry or other form of disposal under the public-land laws: *Provided*, That restoration shall be subject to any existing valid rights.

[SEC. 2. For the purpose of effecting land consolidations between Indians and non-Indians within the reservation, the Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to acquire through purchase, exchange, or relinquishment, any interest in lands, water rights, or surface rights to lands within said reservation. Exchanges of land hereunder shall be made on the basis of equal value and the value of improvements on lands to be relinquished to the Indians or by Indians to non-Indians shall be given due consideration and allowance made therefor in the valuation of lieu lands. This section shall apply to tribal, trust, or otherwise restricted Indian allotments whether the allottee be living or deceased.]

*Sec. 2. (a) For the purpose of effecting consolidations of land within the Umatilla Indian Reservation, in the State of Oregon, into the ownership of the Confederated Tribes of the Umatilla Reservation (hereinafter referred to as the "Tribes") and the individual members thereof, and for the purpose of attaining and preserving an economic land base for Indian use, alleviating problems of Indian heirship and assisting in the acquisition, disposition, and other uses of tribal and individually allotted lands of the Umatilla Reservation, the Secretary of the Interior is authorized, in his discretion, under such rules and regulations as he may prescribe, to:*

(1) *acquire for the Tribes and individual Indians with any funds through purchase, exchange, or relinquishment, any lands, interests in lands, improvements thereon, water rights, or surface rights to lands within, adjacent to, or in close proximity to the boundaries of the Umatilla Indian Reservation, except that such lands or interests acquired for individual Indians shall be within the boundaries of said reservation;*

(2) *sell or approve sales of any tribal trust lands, any interests therein, or any improvements thereon;*

(3) *exchange any tribally owned lands, tribal trust lands, interests in lands, or improvements thereon, for any other lands or interests in lands situated within, adjacent to or in close proximity to the boundaries of such reservation. The lands or interests in lands exchanged must be equal in value or be equalized by the payment of money; and*

(4) *accept any transfer of title from the Tribes for any lands or interests in lands within the boundaries of the Umatilla Indian Reservation, and take title to such lands or interests in lands in the name of the United States in trust for the Tribes.*

(b) *For the purposes of this Act, the boundaries of the Umatilla Indian Reservation shall be as depicted on the map on file with the Bureau of Indian Affairs and identified as Map Number "Umatilla No. 1", dated September, 1976.*

(c) *Nothing in this Act shall be construed as conferring upon the Secretary or the Tribes the power of eminent domain.*

[SEC. 3. Title to lands or any interest therein acquired pursuant to this Act for Indian use shall be taken in the name of the United States of America in trust for the tribe or individual Indian for which acquired.]

*Sec. 3. Title to any lands or interests in lands acquired pursuant to this Act for Indian use shall be taken in the name of the United States*

*in trust for the Tribes or the individual Indians for whom the lands or interests in lands were acquired, and the lands or interests in lands so acquired shall be nontaxable and shall be subject to the same laws as related to other Indian trust lands on the Umatilla Indian Reservation if the lands are within the boundaries of the Umatilla Reservation, and the title shall be taken in the name of the Tribes, subject to no restriction on alienation, taxation, or management if the lands are outside such boundaries.*

**SEC. 4.** For the purpose of carrying into effect the land-purchase provision of this Act, the Secretary of the Interior is hereby authorized to use so much as may be necessary of any funds heretofore or hereafter appropriated pursuant to section 5 of the Act of June 18, 1934 (48 Stat. 984). ]

*Sec. 4. That, notwithstanding any general statutory prohibition against use of tribal funds to acquire land in Oregon if the acquisition would exempt the land from local taxation, the Secretary is authorized to purchase lands or interests in lands for the Tribes within the boundaries of the Umatilla Reservation with any funds made available by the Tribes.*

*Sec. 5. (a) The acquisition, sale, or exchange of lands for the Tribes pursuant to this Act, shall be upon the request of the Board of Trustees of the Tribes, evidenced by a resolution adopted in accordance with the constitution and bylaws of the Tribes, and shall be in accordance with a land consolidation and development plan approved by the Secretary.*

*(b) The Tribes shall be required to hold a public hearing on the proposed land consolidation and development plan prior to Secretarial approval. The Tribes shall take oral and written comments on such proposed plan at the public hearing and shall transmit such comments to the Secretary, who shall take such comments into consideration prior to granting approval of the plan.*

*Sec. 6. Any moneys or credits received by the Tribes from the sale or exchange of lands or interests in lands shall be used by the tribes for the purchase of other lands or interests in lands or for such other purposes as may be consistent with the land consolidation and development program approved by the Secretary.*

*Sec. 7. The Secretary is authorized to sell or exchange individual Indian trust lands or trust interests in lands held in multiple ownership on the Umatilla Reservation to the Tribes or to any enrolled Indian member of the Tribes having an interest in the lands involved, providing that the sale or exchange has been authorized in writing by the owners of at least a majority of the trust interests in such lands; except that no greater percentage of approval of such trust interests shall be required under this Act than in any other statute of general application approved by Congress.*

*Sec. 8. The Board of Trustees of the Tribes, with the approval of the Secretary, may execute a mortgage or deed of trust on land being purchased by the tribes with title thereto to be taken either in the name of the tribes or the United States in trust for the tribe where such mortgage or deed of trust is given to secure the balance of the purchase price of such land. Such land shall be subject to foreclosure*

*and sale pursuant to the terms of such mortgage or deed of trust and in accordance with the laws of the State of Oregon. The United States shall be an indispensable party to any such proceedings involving tribal trust lands within the reservation with the right of removal of the cause to the United States district court for the district in which the land is located, following the procedure in section 1446 of title 28, United States Code, and the United States shall have the right to appeal from any order of remand entered in such action. Title to any land within the reservation redeemed or acquired by the Tribes at such foreclosure or sale proceeding shall be taken in the name of the United States in trust for the Tribes as provided in section 3. Title to any land within the reservation purchased by an individual Indian member of the Tribes at such foreclosure sale or proceeding may, with the consent of the Secretary, be taken in the name of the United States in trust for the individual Indian purchaser as provided in section 3.*