

87TH CONGRESS  
1ST SESSION

# H. R. 6801

## IN THE HOUSE OF REPRESENTATIVES

MAY 3, 1961

Mr. TOLLEFSON (by request) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

## A BILL

To provide for disposition of certain tribal assets of the Colville Confederated Tribes in the State of Washington.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That for the purposes of this Act—

4 (1) "Tribe" means the Colville Confederated Tribes  
5 in the State of Washington.

6 (2) "Tribal lands" means real property which belongs  
7 to the tribe and either is held by the United States in trust  
8 for the tribe or is subject to a restriction against alienation  
9 imposed by the United States, but does not include mineral  
10 interests in such property.

11 SEC. 2. (a) The Secretary of the Interior, upon con-



1 sultation with the Secretary of Agriculture shall determine  
2 what part of the tribal lands are valuable chiefly for timber  
3 purposes and shall divide such lands into appropriate units  
4 for sale in accordance with this Act.

5 (b) The Secretary of the Interior shall cause an ap-  
6 praisal to be made of the units designated under subsection  
7 (a) for the purpose of ascertaining the fair market value  
8 of each such unit.

9 (c) After the appraisal has been completed, the Sec-  
10 retary of the Interior shall invite bids and shall sell the  
11 units offered to the highest responsible bidder, but no such  
12 unit shall be sold at less than the fair market value deter-  
13 mined in accordance with subsection (b). In the event  
14 any of the units are not sold within one year after the  
15 date of enactment of this Act, the Secretary of Agriculture  
16 shall purchase such units and they shall be administered  
17 as national forest lands.

18 SEC. 3. The tribe shall prepare and submit to the Sec-  
19 retary of the Interior within six months after the date of  
20 enactment of this Act a proposed roll of the members of  
21 the tribe living on the date of enactment of this Act. The  
22 Secretary shall cause such roll to be published in the Fed-  
23 eral Register. If the tribe fails to submit such a roll within  
24 the time specified in this section, the Secretary shall pre-  
25 pare a proposed roll for the tribe, which shall be published

1 in the Federal Register. Any person claiming membership  
2 rights in the tribe or an interest in its assets, or a repre-  
3 sentative of the Secretary on behalf of any such person,  
4 may, within ninety days from the date of publication of the  
5 proposed roll, file an appeal with the Secretary contesting  
6 the inclusion or omission of the name of any person on or  
7 from such roll. The Secretary shall review such appeals  
8 and his decisions thereon shall be final and conclusive.  
9 After disposition of all such appeals, the roll of the tribe  
10 shall be published in the Federal Register, and such roll  
11 shall be final for the purposes of this Act.

12 SEC. 4. The Secretary of the Interior shall distribute  
13 the proceeds of the sale of tribal lands under section 2 (less  
14 the costs of the sale, including the appraisal authorized by  
15 this Act, and any indebtedness of the tribe to the United  
16 States) equally among the members whose names appear  
17 on the tribal roll prepared in accordance with section 3.  
18 The shares of adult members determined to be competent  
19 to manage their own affairs shall be paid to such members.  
20 The Secretary shall cause the appointment in courts of  
21 competent jurisdiction of guardians for members who are  
22 minors, non compos mentis, or who in the opinion of  
23 the Secretary are in need of assistance in conducting their  
24 affairs, and shall pay the shares of such members to the  
25 guardians so appointed. The shares of members who die



1 subsequent to the publication of the final roll and prior  
2 to receipt of the payment provided by this section shall  
3 constitute personal property which may be inherited or be-  
4 queathed, but shall not otherwise be subject to alienation  
5 or encumbrance prior to such payment. Any contract made  
6 in violation of the preceding sentence shall be null and  
7 void.

8 SEC. 5. The Secretary of the Interior shall have au-  
9 thority to execute such patents, deeds, assignments, releases,  
10 certificates, contracts, or other instruments as may be nec-  
11 essary or appropriate to carry out the provisions of this  
12 Act, or to establish marketable and recordable title to any  
13 property disposed of pursuant to this Act.

14 SEC. 6. (a) Upon the publication in the Federal Reg-  
15 ister of the tribal roll prepared in accordance with this Act,  
16 the members whose names appear on such roll shall be  
17 subject to the laws of the several States in the same manner  
18 as they apply to other citizens or persons within their juris-  
19 diction.

20 (b) Payments made under the provisions of this Act  
21 shall not be considered income for the purposes of State  
22 or Federal income taxes, and rights to such payments made  
23 subject to inheritance and bequest under section 4 shall not  
24 be subject to State or Federal inheritance, estate, legacy,  
25 or succession taxes.

1 SEC. 7. Notwithstanding any other provision of this Act,  
2 no action shall be taken by the Secretary of the Interior  
3 unless at least 60 per centum of the enrolled members voting  
4 in a referendum held for such purpose approve the provisions  
5 of this Act. The tribe is authorized to hold such referendum  
6 within sixty days after the date of enactment of this Act, but  
7 unless such a referendum is held by the tribe within such  
8 period, the Secretary of the Interior shall immediately hold  
9 the referendum. Any person who is an enrolled member  
10 of the tribe on the date of enactment of this Act, whether  
11 or not residing on the reservation, shall be eligible to vote in  
12 a referendum held under this section. If more than 40 per  
13 centum of those voting in such referendum vote to disapprove  
14 the provisions of this Act, such provisions shall be of no  
15 further force or effect.

16 SEC. 8. Upon application for a patent in fee filed with  
17 the Secretary of the Interior by any member of the tribe  
18 whose individually owned lands are held under a trust or  
19 other restricted patent, the Secretary of the Interior shall  
20 determine whether or not the applicant is competent to  
21 manage his own affairs. If he determines that the appli-  
22 cant is competent to manage his own affairs he shall issue  
23 to such applicant an unrestricted patent in fee. If he deter-  
24 mines that the applicant is not competent to manage his  
25 own affairs he shall deny the application. Any applicant



1 whose application is so denied may, within thirty days  
 2 after notice of such denial, petition the United States Dis-  
 3 trict Court for the district in which the applicant resides for  
 4 an order directing the Secretary of the Interior to grant the  
 5 application for a patent in fee. Upon receiving such peti-  
 6 tion, the Court shall proceed to consider the case de novo  
 7 and, if it determines the petitioner to be competent to  
 8 manage his own affairs, shall issue an order directing the  
 9 Secretary to grant the application for a patent in fee.

10 SEC. 9. The tribal lands disposed of under this Act  
 11 shall be subject to exploration and entry under the mining  
 12 laws of the United States except that as a condition to re-  
 13 moving any minerals from such lands under such laws there  
 14 shall be paid to the tribe a royalty determined by the Secre-  
 15 tary of the Interior, on all minerals removed, amounting to  
 16  $12\frac{1}{2}$  per centum of the market value of such minerals.

17 SEC. 10. It is the intention of the Congress that all of  
 18 the actions required by the provisions of sections 2 to 7,  
 19 inclusive, of this Act shall be completed at the earliest prac-  
 20 ticable date and in no event later than five years from the  
 21 date of enactment of this Act.



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