

subject to absolute forfeiture and the owner or lienor has no recourse, even though he had no intention whatsoever of giving or selling the liquor to an Indian.

All of the other confiscatory statutes of the United States give an owner or lienor of property the right to petition either administratively or in the Federal courts for the protection of their interests, whereas the statutes relating to seizures in the Indian country absolutely cut off innocent owners and lienors.

H. R. 4762 would not in any way lessen the penalties attached to actual or intended conveyance of liquor to Indians. It merely would amend the law with respect to seizures in the Indian country so as to give innocent owners and lienors the right to petition the Federal courts for relief.

At hearings held, a representative of the Bureau of Indian Affairs, Department of the Interior, appeared in support of this bill.

H. R. 4762 has been amended to correct the statutory citation.

The Committee on Public Lands unanimously recommends the enactment of H. R. 4762, as amended.

RAMSEYER RULE

Pursuant to the provisions of clause 2a, rule XIII, of the Rules of the House of Representatives, proposed changes in existing law are indicated below with the matter proposed to be omitted in black brackets and the new matter proposed to be inserted in italics:

TITLE 18, SECTION 3618, UNITED STATES CODE OF LAWS

Any conveyance, whether used by the owner or another in introducing or attempting to introduce intoxicants into the Indian country, or into other places where the introduction is prohibited by treaty or enactment of Congress, shall be subject to seizure, libel, and forfeiture []: *Provided, however, That the court shall have jurisdiction to remit or mitigate the forfeiture of any such automobiles, vehicles, or conveyances, if decreed, in favor of any claimant, if it finds that such forfeiture was incurred without willful negligence or without any intention on the part of such claimant to violate the law, or finds the existence of such mitigating circumstances as to justify the remission or mitigation of such forfeiture, upon such terms and conditions as the court deems reasonable and just. The court shall order delivery of any such automobiles, vehicles, or conveyances to any claimant who shall establish his right to the immediate possession thereof, and shall execute, with one or more sureties approved by the court, and deliver to the court, a bond to the United States for the payment of a sum equal to the appraised value of any such automobiles, vehicles, or conveyances. Such bond shall be conditioned to return any such automobiles, vehicles, or conveyances at the time of the trial and to pay the difference between the appraised value of any such automobiles, vehicles, or conveyances, as of the time they shall have been so released on bond and the appraised value thereof as of the time of trial; and conditioned further that, if any such automobiles, vehicles, or conveyances be not returned at the time of trial, the bond shall stand in lieu of, and be forfeited in the same manner as, any such automobiles, vehicles, or conveyances.*

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SERIAL 11300

TRANSFERRING CONTROL OVER INDIAN TRIBAL FUNDS TO THE INDIAN TRIBES

JULY 12, 1949.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MORRIS, from the Committee on Public Lands, submitted the following

REPORT

(To accompany H. R. 4025)

The Committee on Public Lands, to whom was referred the bill (H. R. 4025) to transfer control over Indian tribal funds to the Indian tribes, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Page 1, line 3, strike out the words "notwithstanding any" and insert in lieu thereof the words "subject to".

Page 1, line 7, following the word "available" insert the words "for expenditure or advance".

EXPLANATION OF THE BILL

H. R. 4025, as amended, would authorize the various Indian tribes or groups to withdraw for expenditure the funds deposited to their credit in the Treasury of the United States. No appropriation of Federal funds is required, since any withdrawals would be made from moneys held in the Treasury to the credit of the respective tribes.

Although the bill does not specifically provide that any withdrawal shall be with the approval of the Secretary of the Interior, its proviso "that any expenditure so made shall be in accordance with any applicable provisions of any tribal constitution or charter" in effect requires the Secretary to approve the withdrawal or expenditure of funds.

Several bills authorizing individual tribes to expend their tribal funds without congressional action have been enacted in previous Congresses. The Committee on Public Lands believes that the general authority provided in this bill should become law.

The committee also feel that this bill provides a method by which the Indian tribes could increase their responsibility in the use of tribal funds. It would aid in enabling them to eventually become independent of Federal supervision.

Numerous Indian groups and individual Indians have urged that this bill be enacted. At hearings held before a subcommittee of the Committee on Public Lands, representatives of the Department of the Interior expressed approval of the principles of H. R. 4025. Pertinent comments from the Department's favorable report on S. 929, a similar bill, addressed to the chairman of the Senate Committee on Interior and Insular Affairs, are set forth below and are made a part of this report:

Legislation of the type proposed would have a useful purpose, and I therefore recommend its enactment.

The general policy of this Department with respect to the administration of Indian affairs is to give to the Indians, both individuals and tribes, increased control over the use of their property, with consequent reduction in the need for Federal supervision. Federal supervision can only be reduced and eventually discontinued outright by transferring from the Federal Government the responsibilities it now has. S. 929 provides a method by which the Indian tribes can increase their responsibility in the use of tribal funds and at the same time reduce the delays which now confront any proposed use of tribal moneys deposited in the United States Treasury.

At present there is a total sum of \$30,235,105.49 deposited to the credit of 190 tribes and bands, in approximately 700 separate accounts. With certain exceptions, these funds are not available for expenditure except on appropriation by Congress. Some of the specific exceptions are: the Shoshone and Arapaho Tribes (act of May 19, 1947, 61 Stat. 102), Confederated Salish and Kootenai Tribes (act of June 24, 1946, 60 Stat. 302), Minnesota Chippewa Tribe (act of June 7, 1944, 58 Stat. 271), Annette Island, Alaska (act of August 28, 1937, 50 Stat. 873), and the Crow Tribe (act of June 20, 1936, 41 Stat. 751). Two tribes have authority limited to expenditures for tribal council expenses only: Fort Peck (act of April 28, 1948, Public Law 502, 80th Cong., 2d sess.), and Klamath (act of June 25, 1938, 52 Stat. 1207), as amended August 7, 1939 (53 Stat. 1244), and May 15, 1945 (59 Stat. 167).

Separate bills requesting general authority to expend tribal funds will be presented in the current session of Congress by the Shoshone-Paiute Tribe of Nevada, the Mescalero Tribe of New Mexico, the Yakima Tribe of Washington, and the Navajo Tribe of Arizona and New Mexico. In previous years the Ute and Black-foot Tribes have requested similar authority, but legislation failed of adoption.

The legislation with respect to these individual tribes usually provides that funds on deposit in the United States Treasury may be expended upon a request made by the tribal governing body and approved by the Secretary, without appropriation by Congress. It can be seen that the consequence of having some tribal funds available for expenditure only upon appropriation by Congress while others can be expended with the approval of the Secretary makes for confusion. Tribes which must obtain an appropriation find it difficult to understand why it takes longer for them to obtain action on a request for use of funds than those tribes having special acts. The tribes for whom special acts have been obtained are certainly at an advantage with respect to reservation programs requiring the use of their funds.

Many tribes now operate in accordance with written constitutions and charters of incorporation. These documents provide for the election of tribal officers and prescribe procedures for the use of tribal funds and other assets. Without exception, these constitutions provide for a tribal treasurer who is required to account for any moneys placed in his custody and to post a bond satisfactory to the governing body of the tribe and the Commissioner of Indian Affairs. These tribal constitutions also provide for an annual audit of the treasurer's accounts.

The tribal machinery thus has been created for the orderly handling of tribal business, including the collection and expenditure of funds.

Legislation of the type represented by S. 929 is a logical step in the process of bringing the tribes into greater participation in reservation planning and in assuming responsibility for the future. A great many tribes at the moment are engaged in working out long-term programs for the greater use of reservation resources

and the rehabilitation of individual members. In some instances the tribes will want to finance and manage their own economic enterprises and we should encourage them in every way we can. If the tribes must wait on an appropriation of funds from their Treasury accounts each time they propose an enterprise, discouragement and loss of opportunity may easily result. Generally, Indians, like other citizens, do not understand the intricacies and the delays involved in the making of budgets and the appropriation of Treasury funds. Delays are often ascribed to bad faith on the part of the Government.

The Committee on Public Lands unanimously recommend that H. R. 4025 as amended be enacted.