

(Aug. 9, 1946, ch. 933, § 5, 60 Stat. 969.)

§ 606. Back pay and annuities on enrollment of new members

No person whose name shall after August 9, 1946, be placed on the roll of the Yakima Tribes shall be entitled to any back annuities or per capita payments made to the members of the tribes out of tribal funds which were authorized to be paid to the members of the tribes before such person's name shall have been placed upon such roll.

(Aug. 9, 1946, ch. 933, § 6, 60 Stat. 969.)

§ 607. Divestment of inheritance of non-members

(a) Procedure

A person who is not an enrolled member of the Yakima Tribes with one-fourth degree or more blood of such tribes shall not be entitled to receive by devise or inheritance any interest in trust or restricted land within the Yakima Reservation or within the area ceded by the Treaty of June 9, 1855 (12 Stat. 1951), if, while the decedent's estate is pending before the Examiner of Inheritance, the Yakima Tribes pay to the Secretary of the Interior, on behalf of such person, the fair market value of such interest as determined by the Secretary of the Interior after appraisal. The interest for which payment is made shall be held by the Secretary in Trust for the Yakima Tribes.

(b) Time of election

On request of the Yakima Tribes the Examiner of Inheritance shall keep an estate pending for not less than two years from the date of decedent's death.

(c) Interest of surviving spouse

When a person who is prohibited by subsection (a) of this section from acquiring any interest by devise or inheritance is a surviving spouse of the decedent, a life estate in one-half of the interest acquired by the Yakima Tribes shall, on the request of such spouse, be reserved for that spouse and the value of such life estate so reserved shall be reflected in the Secretary's appraisal under subsection (a) of this section.

(Aug. 9, 1946, ch. 933, § 7, 60 Stat. 969; Pub. L. 91-627, § 1, Dec. 31, 1970, 84 Stat. 1874.)

AMENDMENTS

1970—Pub. L. 91-627 designated existing provisions as subsec. (a), substituted provisions authorizing the Yakima Tribes to pay to Secretary of the Interior the fair market value, as determined by the Secretary after appraisal, of any interest in trust or restricted land within the specified areas which a person not an enrolled member of the Yakima Tribes with one-fourth degree or more blood of such tribes was to receive by devise or inheritance, for provisions limiting the inheritance of trust land on the Yakima Reservation to enrolled members of the Yakima Tribes of one-fourth or more blood of such tribes and to surviving spouses who are enrolled members but possess less than one-fourth degree of Yakima blood, with such surviving spouses authorized to inherit a life estate in not more than one-half the property, and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1970 AMENDMENT

Pub. L. 91-627, § 2, Dec. 31, 1970, 84 Stat. 1874, provided that: "The provisions of section 7 of the Act of August

9, 1946, as amended by this Act [this section], shall apply to all estates pending before the Examiner of Inheritance on the date of this Act [Dec. 31, 1970], and to all future estates, but shall not apply to any estate heretofore closed."

§ 608. Purchase, sale, and exchange of land

(a) Authority of Secretary; manner and place

The Secretary of the Interior is authorized in his discretion, to—

(1) purchase for the Yakima Tribes, with any funds of such tribes, and to otherwise acquire by gift, exchange, or relinquishment, any lands or interest in lands or improvements thereon within the Yakima Indian Reservation or within the area ceded to the United States by the Treaty of June 9, 1855;

(2) sell or approve sales of any tribal trust lands, any interest therein or improvements thereon, such sales being limited to agencies of the Federal, State, or local governments for recreational, educational, civic, or other public purposes, and to individual members of the tribes;

(3) exchange any tribal trust lands, including interests therein or improvements thereon, for any lands situated within such reservation or the area ceded to the United States by the treaty of June 9, 1855; and

(b) Multiple ownership of land

Where lands are held in multiple ownership, the Secretary is authorized to sell and exchange such lands to other Indians or the Yakima Tribes only if the sale or exchange is authorized in writing by the owners of at least a majority interest in such lands; except that no greater percentage of approval of individual Indians shall be required under sections 608 to 608c of this title than in any other statute of general application approved by Congress.

(c) Acquisitions to be held in trust

Lands and interests in lands acquired by the Secretary pursuant to subsection (a)(1) of this section and for the benefit of the Yakima Indian Nation pursuant to section 465 of this title shall be held in trust by the United States for the benefit of the Yakima Indian Nation.

(d) Terms and conditions

The Secretary shall obtain the advice and consent of the Yakima tribal council before entering into any of the above transactions involving the acquisition or disposition of tribal land. The terms and conditions of any such transaction, including the price at which any land is so purchased or sold and the valuation of any lands so exchanged, shall be mutually agreed upon by the Secretary, the Yakima tribal council, and the individual Indian or Indians concerned. Any such exchange of lands shall be effected on the basis of approximately equal consideration with due allowance for the value of improvements in determining the value of such lands.

(July 28, 1955, ch. 423, § 1, 69 Stat. 392; Pub. L. 88-540, § 1, Aug. 31, 1964, 78 Stat. 747; Pub. L. 100-581, title II, § 213, Nov. 1, 1988, 102 Stat. 2941; Pub. L. 101-301, § 1(a)(3), (b), May 24, 1990, 104 Stat. 206.)

CODIFICATION

Section was not enacted as part of act Aug. 9, 1946, ch. 933, 60 Stat. 968, which comprises this subchapter.