

Union Calendar No. 698

115TH CONGRESS
2^D SESSION

H. R. 2606

[Report No. 115-902]

To amend the Act of August 4, 1947 (commonly known as the Stigler Act), with respect to restrictions applicable to Indians of the Five Civilized Tribes of Oklahoma, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2017

Mr. COLE (for himself, Mr. MULLIN, Mr. LUCAS, and Mr. RUSSELL) introduced the following bill; which was referred to the Committee on Natural Resources

AUGUST 21, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on May 23, 2017]

A BILL

To amend the Act of August 4, 1947 (commonly known as the Stigler Act), with respect to restrictions applicable to Indians of the Five Civilized Tribes of Oklahoma, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Stigler Act Amendments*
5 *of 2018”.*

6 **SEC. 2. IN GENERAL.**

7 *The first section of the Act of August 4, 1947 (61 Stat.*
8 *731, chapter 458), is amended—*

9 *(1) in the matter before subsection (a), by strik-*
10 *ing “That all restrictions” and all that follows*
11 *through subsection (a) and inserting the following:*

12 *“SEC. 1. (a) All restrictions against alienation, con-*
13 *veyance, lease, mortgage, creation of liens, or other encum-*
14 *brances upon all lands, including oil and gas or other min-*
15 *eral interests, in Oklahoma belonging to a lineal descendant*
16 *by blood of an original enrollee whose name appears on the*
17 *Final Indian Rolls of the Five Civilized Tribes in Indian*
18 *Territory, whether acquired by allotment, inheritance, de-*
19 *vised, gift, purchase, exchange, partition, partition sale, or*
20 *by purchase with restricted funds, of whatever degree of In-*
21 *dian blood, and whether enrolled or unenrolled, shall be and*
22 *are hereby, extended until an Act of Congress determines*
23 *otherwise.*

24 *“(b) The extension of restrictions described in sub-*
25 *section (a) shall include without limitation, those interests*

1 *in the estate of a decedent Indian who died before the date*
2 *of enactment of the Stigler Act Amendments of 2018—*

3 “(1) *if such interests were acquired by an heir*
4 *or devisee of one-half or more degree of Indian blood,*
5 *as computed from the nearest enrolled lineal ancestors*
6 *of Indian blood enrolled on the Final Rolls described*
7 *in subsection (a), by final order issued by an Okla-*
8 *homa district court or a United States district court*
9 *determining the decedent’s heirs or devisees or other-*
10 *wise determining the ownership of said interests be-*
11 *fore said date; or*

12 “(2) *if such interests were, immediately prior to*
13 *the decedent’s death, subject to restrictions and had*
14 *not, as of said date, been—*

15 “(A) *the subject of a final order issued by*
16 *an Oklahoma district court or a United States*
17 *district court determining the decedent’s heirs or*
18 *devisees or otherwise determining the ownership*
19 *of said interests;*

20 “(B) *conveyed by the decedent’s undeter-*
21 *mined heirs or devisees by deed approved by an*
22 *Oklahoma district court; or*

23 “(C) *conveyed by the decedent’s undeter-*
24 *mined heirs or devisees of less than one-half de-*

1 *gree of Indian blood with or without Oklahoma*
2 *district court approval.*

3 “*SEC. 2. (a) Except as provided in subsection (f), sub-*
4 *section (g), subsection (h), and subsection (i), no convey-*
5 *ance, including an oil and gas or mineral lease, of any in-*
6 *terest in the restricted lands described in this section shall*
7 *be valid unless approved in open court by the district court*
8 *of the county in Oklahoma in which the land is situated;*”;

9 (2) *in subsection (b)—*

10 (A) *by striking “county judge” and insert-*
11 *ing “district judge”; and*

12 (B) *by striking “Proceedings for approval of*
13 *conveyances by restricted heirs or devisees” and*
14 *inserting “Proceedings for approval of convey-*
15 *ances”;*

16 (3) *in subsection (c), by striking “best interest of*
17 *the Indian” and inserting “best interest of the grant-*
18 *or”; and*

19 (4) *by adding before the period at the end the fol-*
20 *lowing: “; (h) nothing contained in this section shall*
21 *limit or affect the right of an Indian owner of re-*
22 *stricted lands described in this Act to seek and obtain*
23 *Secretarial removal of restrictions on all or any por-*
24 *tion of said restricted lands in accordance with any*
25 *applicable Federal law; (i) nothing contained in this*

1 *section shall invalidate the alienation, conveyance,*
2 *lease, including oil and gas or other mineral leases,*
3 *mortgage, creation of liens, or other encumbrance of*
4 *any lands, if such action was effective before the date*
5 *of enactment of the Stigler Act Amendments of 2018*
6 *and valid under the law then in effect; and (j) in de-*
7 *termining the quantum of Indian blood of any Indian*
8 *heir or devisee, the Final Indian Rolls of the Five*
9 *Civilized Tribes in Indian Territory as to such heir*
10 *or devisee, if enrolled, shall be conclusive of his or her*
11 *quantum of Indian blood. If unenrolled, his or her de-*
12 *gree of Indian blood shall be computed from the near-*
13 *est enrolled lineal ancestors of Indian blood enrolled*
14 *on the Final Indian Rolls of the Five Civilized Tribes*
15 *in Indian Territory”.*

16 **SEC. 3. TECHNICAL AMENDMENTS.**

17 *The Act of August 4, 1947 (61 Stat. 731, chapter 458),*
18 *is amended—*

19 *(1) in section 5, by striking “of one-half or more*
20 *Indian blood,”;*

21 *(2) in section 6(c)—*

22 *(A) by inserting “purchase, partition sale,”*
23 *after “gift,” each place it appears; and*

24 *(B) by striking “of one-half or more Indian*
25 *blood”;* and

1 (3) in section 8, by striking “of one-half or more
2 *Indian blood,*”.

3 **SEC. 4. REPEALS.**

4 *The following are repealed:*

5 (1) *The first section of the Act of August 11,*
6 *1955 (69 Stat. 666, chapter 768).*

7 (2) *Section 2 of the Act of August 4, 1947 (61*
8 *Stat. 731, chapter 458).*

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