

115TH CONGRESS
2D SESSION

H. R. 2606

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2018

Received; read twice and referred to the Committee on Indian Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Stigler Act Amend-
3 ments of 2018”.

4 **SEC. 2. IN GENERAL.**

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

7 (1) in the matter before subsection (a), by
8 striking “That all restrictions” and all that follows
9 through subsection (a) and inserting the following:

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

22 “(b) The extension of restrictions described in sub-
23 section (a) shall include without limitation, those interests
24 in the estate of a decedent Indian who died before the
25 date of enactment of the Stigler Act Amendments of
26 2018—

1 “(1) if such interests were acquired by an heir
2 or devisee of one-half or more degree of Indian
3 blood, as computed from the nearest enrolled lineal
4 ancestors of Indian blood enrolled on the Final Rolls
5 described in subsection (a), by final order issued by
6 an Oklahoma district court or a United States dis-
7 trict court determining the decedent’s heirs or devi-
8 sees or otherwise determining the ownership of said
9 interests before said date; or

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

13 “(A) the subject of a final order issued by
14 an Oklahoma district court or a United States
15 district court determining the decedent’s heirs
16 or devisees or otherwise determining the owner-
17 ship of said interests;

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

21 “(C) conveyed by the decedent’s undeter-
22 mined heirs or devisees of less than one-half de-
23 gree of Indian blood with or without Oklahoma
24 district court approval.

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

8 (2) in subsection (b)—

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

11 (B) by striking “Proceedings for approval
12 of conveyances by restricted heirs or devisees”
13 and inserting “Proceedings for approval of con-
14 veyances”;

15 (3) in subsection (c), by striking “best interest
16 of the Indian” and inserting “best interest of the
17 grantor”; and

18 (4) by adding before the period at the end the
19 following: “; (h) nothing contained in this section
20 shall limit or affect the right of an Indian owner of
21 restricted lands described in this Act to seek and ob-
22 tain Secretarial removal of restrictions on all or any
23 portion of said restricted lands in accordance with
24 any applicable Federal law; (i) nothing contained in
25 this section shall invalidate the alienation, convey-

1 ance, lease, including oil and gas or other mineral
2 leases, mortgage, creation of liens, or other encum-
3 brance of any lands, if such action was effective be-
4 fore the date of enactment of the Stigler Act
5 Amendments of 2018 and valid under the law then
6 in effect; and (j) in determining the quantum of In-
7 dian blood of any Indian heir or devisee, the Final
8 Indian Rolls of the Five Civilized Tribes in Indian
9 Territory as to such heir or devisee, if enrolled, shall
10 be conclusive of his or her quantum of Indian blood.
11 If unenrolled, his or her degree of Indian blood shall
12 be computed from the nearest enrolled lineal ances-
13 tors of Indian blood enrolled on the Final Indian
14 Rolls of the Five Civilized Tribes in Indian Terri-
15 tory”.

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

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

19 (1) in section 5, by striking “of one-half or
20 more 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 In-
25 dian blood”; and

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

 Passed the House of Representatives September 12,
2018.

Attest:

KAREN L. HAAS,

Clerk.