

Second, that there were not sufficient efforts to reach agreement in the Montana congressional delegation. My staff and I worked long and hard to find a solution that was pleasing both to the Montana delegation and to the majority and minority in the House. But it became apparent, at least as far as the hotels were concerned, that this would not be possible. No agreement ever existed, even though staff was circulating legislative language for the approval of members. It is unfortunate for those of us in Montana that some would kill this bill over the hotels provision and jeopardize the road and public access to the park.

Despite the difficulties and frustrations in getting to this point, we have worked hard to make this a bipartisan effort, securing 33 cosponsors from a variety of fiscal and ideological viewpoints. The people of Montana and all those who love Glacier National Park are grateful for these efforts. By some estimates, this park alone generates close to \$200 million for Montana's economy, which needs tourism dollars now more than ever as forces continue to act to close down Montana's traditional industries. But for many of us, this park is about a whole lot more than money, it is about a unique character and a once-in-a-lifetime experience for those who visit. This legislation is needed to help restore those values.

Mr. CALVERT. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 4521, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### DESIGNATING CERTAIN LANDS IN VIRGINIA AS WILDERNESS AREAS

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4646) to designate certain National Forest System lands within the boundaries of the State of Virginia as wilderness areas, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4646

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DESIGNATION OF WILDERNESS AREAS.

Section 1 of the Act entitled "An Act to designate certain National Forest System lands in the States of Virginia and West Virginia as wilderness areas", approved June 7, 1988 (102 Stat. 584) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(7) certain lands in the George Washington National Forest, which comprise approximately 5,963 acres, as generally depicted on a map entitled 'The Priest Wilderness Study Area', dated June 6, 2000, and which shall be known as the Priest Wilderness Area; and

"(8) certain lands in the George Washington National Forest, which comprise approximately 4,608 acres, as generally depicted on a map entitled 'The Three Ridges Wilderness Study Area', dated June 6, 2000, and which shall be known as the Three Ridges Wilderness Area.'".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume.

H.R. 4646 was introduced by the gentleman from Virginia (Mr. GOODE) to designate two areas in the George Washington National Forest in Virginia as wilderness. Both areas were recommended for wilderness studies in the George Washington National Forest plan completed in 1993.

I understand these are steep rugged areas, and that there is some concern that the Forest Service will continue to allow the use of motorized equipment, such as chainsaws or access by vehicles if it is necessary to fight fire or otherwise respond to emergencies. To address this concern, my colleague wisely included language stating the wilderness designation would not prevent firefighting companies or rescue squads from doing what is needed in emergency situations.

While I would prefer to retain this language, at the request of the gentleman from Virginia (Mr. GOODE), I am offering a substitute amendment which removes this clause. He has received assurance from the Forest Service that such access is approved quickly when needed.

With this assurance, I ask support for the Virginia Wilderness Act under suspension of the rules.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Madam Speaker, H.R. 4646 adds approximately 10,570 acres to the National Wilderness Preservation System in George Washington National Forest in the State of Virginia. The two additions, the Priest and Three Ridges areas, were recommended for wilderness study in the forest management plan in 1993.

The areas, within easy access of the Appalachian Trail, contain rugged terrain and spectacular mountain scenery. We are pleased to see this addition to the wilderness system.

We are also pleased to see the removal of a provision allowing tree cutting and motorized use by county firefighters and rescue squads in and around wilderness areas. The Wilderness Act allows motorized use in wilderness areas only in the event of emergencies and to control fire, insects

and disease. Forest Service policies allow forest supervisors to approve motorized equipment and vegetation cutting in emergencies.

The removal of the provision makes H.R. 4646 consistent with the Wilderness Act. It also makes the bill identical in substance to Senator ROBB's companion measure, S. 2865, which passed the Senate on October 6, 2000. If the House had chosen to take up Senator ROBB's bill, it would have been on its way to the President. By choosing to take up the House version, the House is unnecessarily protracting the process and risking not getting a bill.

While I regret this choice, the bill enjoys administration and widespread public support, and I urge my colleagues to support it.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CALVERT. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 4646, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate certain National Forest System lands within the boundaries of the State of Virginia as wilderness areas.".

A motion to reconsider was laid on the table.

#### FIVE NATIONS CITIZENS LAND REFORM ACT OF 2000

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5308) to amend laws relating to the lands of the citizens of the Muscogee (Creek), Seminole, Cherokee, Chickasaw and Choctaw Nations, historically referred to as the Five Civilized Tribes, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5308

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Five Nations Citizens Land Reform Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purpose.
- Sec. 4. Definitions.

#### TITLE I—RESTRICTIONS; REMOVAL OF RESTRICTIONS

- Sec. 101. Restrictions on real property.
- Sec. 102. Restricted funds.
- Sec. 103. Period of restrictions.
- Sec. 104. Removal of restrictions.
- Sec. 105. Exemptions from prior claims.
- Sec. 106. Fractional interests.

**TITLE II—ADMINISTRATIVE APPROVAL OF CONVEYANCES, PARTITIONS, LEASES, AND MORTGAGES; MANAGEMENT OF MINERAL INTERESTS**

- Sec. 201. Approval authority for conveyances and leases.  
 Sec. 202. Approval of conveyances.  
 Sec. 203. Reimposition of restrictions on conveyances of property to Indian housing authorities.  
 Sec. 204. Administrative partition.  
 Sec. 205. Surface leases.  
 Sec. 206. Mineral leases.  
 Sec. 207. Management of mineral interests.  
 Sec. 208. Mortgages.  
 Sec. 209. Validation of prior conveyances.

**TITLE III—PROBATE, HEIRSHIP DETERMINATION, AND OTHER JUDICIAL PROCEEDINGS**

- Sec. 301. Actions affecting restricted property.  
 Sec. 302. Heirship determinations and probates.  
 Sec. 303. Actions to cure title defects.  
 Sec. 304. Involuntary partitions.  
 Sec. 305. Requirements for actions to cure title defects and involuntary partitions.

- Sec. 306. Pending State proceedings.

**TITLE IV—MISCELLANEOUS**

- Sec. 401. Regulations.  
 Sec. 402. Repeals.  
 Sec. 403. Statutory construction.  
 Sec. 404. Representation by attorneys for the Department of the Interior.

**TITLE V—WATER BASIN COMMISSION**

- Sec. 501. Water basin commission.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Since 1970, Federal Indian policy has focused on Indian self-determination and economic self-sufficiency. The exercise of Federal instrumentality jurisdiction by the Oklahoma State courts over the Indian property that is subject to Federal restrictions against alienation belonging to members of the Five Nations is inconsistent with that policy.

(2) It is a goal of Congress to recognize the Indian land base as an integral part of the culture and heritage of Indian citizens.

(3) The exercise of Federal instrumentality jurisdiction by the courts of the State of Oklahoma over conveyances and inheritance of restricted property belonging to Indian citizens of the Five Nations—

(A) is costly, confusing, and cumbersome, and effectively prevents any meaningful Indian estate planning, and unduly complicates the probating of Indian estates and other legal proceedings relating to Indian citizens and their lands; and

(B) has impeded the self-determination and economic self-sufficiency of Indian citizens within the exterior boundaries of the Five Nations.

**SEC. 3. PURPOSE.**

(a) **IN GENERAL.**—It is the purpose of this Act to—

(1) correct the disparate Federal treatment of individual allotted lands of Indian citizens of the Five Nations that resulted from prior Federal legislation by equalizing the Federal legislative treatment of restricted and trust lands;

(2) eliminate unnecessary legal and bureaucratic obstacles that impede the highest and best use of restricted property belonging to Indian citizens of the Five Nations;

(3) provide for an efficient process for the administrative review and approval of conveyances, voluntary partitions, and leases, and to provide for Federal administrative proceedings in testate and intestate probate and other cases that involve the restricted

property of Indian citizens, which concern the rights of Indian citizens to hold and acquire such property in restricted and trust status; and

(4) transfer to the Secretary the Federal instrumentality jurisdiction of the Oklahoma State courts together with other authority currently exercised by such courts over the conveyance, devise, inheritance, lease, encumbrance, and partition under certain circumstances of restricted property belonging to Indian citizens of the Five Nations.

(b) **RULE OF CONSTRUCTION.**—Nothing in this Act shall be construed to limit or affect the rights of Indian citizens under other Federal laws relating to the acquisition and status of trust property, including without limitation, the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (commonly known as the Indian Reorganization Act), the Act of June 26, 1936 (25 U.S.C. 501 et seq.) (commonly known as the Oklahoma Indian Welfare Act), the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.), and regulations relating to the Secretary's authority to acquire lands in trust for Indians and Indian tribes.

**SEC. 4. DEFINITIONS.**

In this Act:

(1) **FIVE NATIONS.**—The term “Five Nations” means the Cherokee Nation, the Chickasaw Nation, the Choctaw Nation of Oklahoma, the Seminole Nation of Oklahoma, and the Muscogee (Creek) Nation, collectively, which are historically referred to as the “Five Civilized Tribes”.

(2) **INDIAN CITIZEN.**—The term “Indian citizen” means a member or citizen of one of the individual Five Nations referred to in paragraph (1), or an individual who is determined by the Secretary to be a lineal descendant by blood of an Indian ancestor enrolled on the final Indian rolls of the Five Civilized Tribes closed in 1906.

(3) **INDIAN COUNTRY.**—The term “Indian country” has the meaning given that term in section 1151 of title 18, United States Code, which includes restricted property and trust property (as such terms are defined in this Act).

(4) **INDIAN NATION.**—The term “Indian Nation” means one of the individual Five Nations referred to in paragraph (1).

(5) **REGIONAL OFFICE.**—The term “Regional Office” means the Eastern Oklahoma Regional Office of the Bureau of Indian Affairs, or any successor office within the Department of Interior.

(6) **RESTRICTED PROPERTY.**—The term “restricted property” means any right, title or interest in real property owned by an Indian citizen that is subject to a restriction against alienation, lease, mortgage, and other encumbrances imposed by this Act and other laws of the United States expressly applicable to the property of enrollees and lineal descendants of enrollees on the final Indian rolls of the Five Civilized Tribes in 1906, and includes those interests in property that were subject to a restriction against alienation imposed by the United States on the ownership of an Indian citizen who died prior to the effective date of this Act (subject to valid existing rights) but whose interest had not, as of the effective date of this Act, been the subject of a final order determining heirs by a State district court or a United States District Court, or been conveyed by putative heirs by deed approved in State district court, except that such term shall not include Indian trust allotments made pursuant to the General Allotment Act (25 U.S.C. 331 et seq.) or any other trust property.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(8) **TRUST PROPERTY.**—The term “trust property” means Indian property, title to

which is held in trust by the United States for the benefit of an Indian citizen or an Indian Nation.

**TITLE I—RESTRICTIONS; REMOVAL OF RESTRICTIONS**

**SEC. 101. RESTRICTIONS ON REAL PROPERTY.**

(a) **APPLICATION.**—Beginning on the effective date of this Act, all restricted property shall be subject to restrictions against alienation, lease, mortgage, and other encumbrances, regardless of the degree of Indian blood of the Indian citizen who owns such property.

(b) **CONTINUATION.**—The restrictions made applicable under subsection (a) shall continue with respect to restricted property upon the acquisition of such property by an Indian citizen by inheritance, devise, gift, exchange, election to take at partition, or by purchase.

**SEC. 102. RESTRICTED FUNDS.**

(a) **IN GENERAL.**—All funds and securities held or supervised by the Secretary derived from restricted property or individual Indian trust property on or after the effective date of this Act are declared to be restricted and shall remain subject to the jurisdiction of the Secretary until or unless otherwise provided for by Federal law.

(b) **USE OF FUNDS.**—Funds, securities, and proceeds described in subsection (a) may be released or expended by the Secretary for the use and benefit of the Indian citizens to whom such funds, securities, and proceeds belong, as provided for by Federal law.

**SEC. 103. PERIOD OF RESTRICTIONS.**

Subject to the provisions of this Act that permit restrictions to be removed, the period of restriction against alienation, lease, mortgage, or other encumbrance of restricted property and funds belonging to Indian citizens, is hereby extended until an Act of Congress determines otherwise.

**SEC. 104. REMOVAL OF RESTRICTIONS.**

(a) **PROCEDURE.**—

(1) **APPLICATION.**—An Indian citizen who owns restricted property, or the legal guardian of a minor Indian citizen or an Indian citizen who has been determined to be legally incompetent by a court of competent jurisdiction (including a tribal court), may apply to the Secretary for an order removing restrictions on any interest in restricted property held by such Indian citizen.

(2) **CONSIDERATION OF APPLICATION.**—An application under paragraph (1) shall be considered by the Secretary only as to the tract, tracts, or severed mineral or surface interest described in the application. Not later than 90 days after the date on which an application is submitted, the Secretary shall either issue the removal order or disapprove of the application.

(3) **DISAPPROVAL.**—The Secretary shall disapprove an application under paragraph (1) if—

(A) in the Secretary's judgment, the applicant has been subjected to fraud, undue influence or duress by a third party; or

(B) the Secretary determines it is otherwise not in the Indian citizen owner's best interest.

(b) **REMOVAL OF RESTRICTIONS.**—When an order to remove restrictions becomes effective under subsection (a), the Secretary shall issue a certificate describing the property and stating that the Federal restrictions have been removed.

(c) **SUBMISSION OF LIST.**—Prior to or on April 1 of each year, the Secretary shall cause to be filed with the county treasurer of each county in the State of Oklahoma where restricted property is situated, a list of restricted property that has lost its restricted status during the preceding calendar year through acquisition of ownership by an individual or entity who is not an Indian citizen

or by removal of restrictions pursuant to this section.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to—

(1) abrogate valid existing rights to property that is subject to an order to remove restrictions under this section; and

(2) remove restrictions on any other restricted property owned by the applicant.

#### **SEC. 105. EXEMPTIONS FROM PRIOR CLAIMS.**

Sections 4 and 5 of the Act of May 27, 1908 (35 Stat. 312, chapter 199) shall apply to all restricted property.

#### **SEC. 106. FRACTIONAL INTERESTS.**

Upon application by an Indian citizen owner of an undivided unrestricted interest in property of which a portion of the interests in such property are restricted as of the effective date of this Act, the Secretary is authorized to convert that unrestricted interest into restricted status if all of the interests in the property are owned by Indian citizens as tenants in common as of the date of the application under this section.

### **TITLE II—ADMINISTRATIVE APPROVAL OF CONVEYANCES, PARTITIONS, LEASES, AND MORTGAGES; MANAGEMENT OF MINERAL INTERESTS**

#### **SEC. 201. APPROVAL AUTHORITY FOR CONVEYANCES AND LEASES.**

The Secretary shall have exclusive jurisdiction to approve conveyances and leases of restricted property by an Indian citizen or by any guardian or conservator of any Indian citizen who is a ward in any guardianship or conservatorship proceeding pending in any court of competent jurisdiction, except that petitions for such approvals that are filed in Oklahoma district courts prior to the effective date of this Act may be heard and approved by such courts pursuant to the procedures described in section 1 of the Act of August 4, 1947 (61 Stat. 731, chapter 458), as in effect on the day before the effective date of this Act, if the Indian citizen does not revoke in writing his or her consent to the conveyance or lease prior to final court approval.

#### **SEC. 202. APPROVAL OF CONVEYANCES.**

(a) **PROCEDURE.**—

(1) **IN GENERAL.**—Except as provided in subsection (b), restricted property may be conveyed by an Indian citizen pursuant to the procedures described in this subsection.

(2) **REQUIREMENTS.**—An Indian citizen may only convey restricted property—

(A) after the property is appraised;

(B) for an amount that is not less than 90 percent of the appraised value of the property;

(C) to the highest bidder through the submission to the Secretary of closed, silent bids or negotiated bids; and

(D) upon the approval of the Secretary.

(e) **EXCEPTION.**—

(1) **IN GENERAL.**—Notwithstanding subsection (a)(2), an Indian citizen may convey his or her restricted property, or any portion thereof, to any of the individuals or entities described in paragraph (2) without soliciting bids, providing notice, or for consideration which is less than the appraised value of the property, if the Secretary determines that the conveyance is not contrary to the best interests of the Indian citizen and that the Indian citizen has been duly informed of and understands the fair market appraisal, and is not being coerced into the conveyance.

(2) **INDIVIDUALS AND ENTITIES.**—An individual or entity described in this paragraph is—

(A) the Indian citizen's spouse (if he or she is and Indian citizen), father, mother, son, daughter, brother or sister, or other lineal descendant, aunt or uncle, cousin, niece or nephew, or Indian co-owner; or

(B) the Indian Nation whose last treaty boundaries encompassed the restricted property involved so long as the appraisal of the property was conducted by an independent appraiser not subject to the Indian Nation's control.

(c) **STATUS.**—Restricted property that is acquired by an Indian Nation whose last treaty boundaries encompassed the restricted property shall continue to be Indian country. Upon application by the Indian Nation, the Secretary shall accept title to such property in trust by the United States for the benefit of the Indian Nation, except that the Secretary may first require elimination of any existing liens or other encumbrances in order to comply with applicable Federal title standards. The Secretary shall accept title to the property in trust for the Indian Nation only if, after conducting a survey for hazardous substances, he determines that there is no evidence of such substances on the property.

#### **SEC. 203. REIMPOSITION OF RESTRICTIONS ON CONVEYANCES OF PROPERTY TO INDIAN HOUSING AUTHORITIES.**

(a) **IN GENERAL.**—In any case where the restrictions have been removed from restricted property for the purpose of allowing conveyances of the property to Indian housing authorities to enable such authorities to build homes for individual owners or relatives of owners of restricted property, the Secretary shall issue a Certificate of Restricted Status describing the property and imposing restrictions thereon upon written request by the Indian citizen homebuyer or a successor Indian citizen homebuyer. Such request shall include evidence satisfactory to the Secretary that the homebuyer's contract has been paid in full and be delivered to the Regional Office not later than 3 years after the housing authority conveys such property back to the original Indian citizen homebuyer or a successor Indian citizen homebuyer who is a citizen of the Nation whose last treaty boundaries encompass the property where the home is located.

(b) **EXISTING LIENS.**—Prior to issuing a certificate under subsection (a) with respect to property, the Secretary may require the elimination of any existing liens or other encumbrances which would substantially interfere with the use of the property.

(c) **APPLICATION TO CERTAIN HOMEBUYERS.**—Indian citizen homebuyers described in subsection (a) who acquired ownership of property prior to the effective date of this Act shall have 3 years from such effective date to request that the Secretary issue a certificate under such subsection.

(d) **RULE OF CONSTRUCTION.**—Nothing in this Act shall be construed to limit or affect the rights of Indian citizens described in this section under other Federal laws and regulations relating to the acquisition and status of trust property.

#### **SEC. 204. ADMINISTRATIVE PARTITION.**

(a) **JURISDICTION.**—Except as provided in section 304, the Secretary shall have exclusive jurisdiction to approve the partition of property located within the last treaty boundaries of 1 or more of the Five Nations, all of which is held in common, in trust or in restricted status, by more than 1 Indian citizen owner, if the requirements of this section are complied with. The Secretary may approve the voluntary partition of property consisting of both restricted and unrestricted undivided interests if all owners of the unrestricted interests consent to such approval in writing.

(b) **PARTITION WITHOUT APPLICATION.**—If the Secretary determines that any property described in subsection (a) is capable of partition in kind to the advantage of the owners, the Secretary may initiate partition of the property by—

(1) notifying the owners of such determination;

(2) providing the owners with a partition plan for such property; and

(3) affording the owners a reasonable time to respond, object, or consent to the proposal, in accordance with subsection (d).

(c) **APPLICATION FOR PARTITION.**—

(1) **IN GENERAL.**—An owner or owners of an undivided interest in any property described in subsection (a) may make written application, on a form approved by the Secretary, for the partition of their trust or restricted property.

(2) **DETERMINATION.**—If, based on an application submitted under paragraph (1), the Secretary determines that the property involved is susceptible to partition in kind, the Secretary shall initiate partition of the property by—

(A) notifying the owners of such determination;

(B) providing the owners with a partition plan; and

(C) affording the owners a reasonable time to respond, object or consent in accordance with subsection (d).

(d) **PARTITION PROCEDURES.**—

(1) **PROPOSED LAND DIVISION PLAN.**—The Secretary shall give applicants under subsection (c) and nonpetitioning owners of property subject to partition under this section with a reasonable opportunity to negotiate a proposed land division plan for the purpose of securing ownership of a tract on the property equivalent to their respective interests in the undivided estate, prior to taking any action related to partition of the property under this section.

(2) **APPROVAL.**—If a plan under paragraph (1) is approved by—

(A) Indian citizen owners of more than 50 percent of the property which is entirely in trust status (as distinguished from restricted status) and if the Secretary finds the plan to be reasonable, fair and equitable, the Secretary shall issue an order partitioning the trust property in kind; or

(B) the Indian citizens who own more than 50 percent of the undivided interests which are held in restricted status (as distinguished from trust status) and if the Secretary finds the plan to be reasonable, fair and equitable, the Secretary may attempt to negotiate for partition in kind or for sale of all or a portion of the property, and secure deeds from all interest owners, subject to the Secretary's approval.

(3) **LIMITATION.**—No partition under paragraph (2)(B) shall be effected unless all of the owners have consented to the plan in writing.

#### **SEC. 205. SURFACE LEASES.**

The surface of restricted property may be leased by an Indian citizen pursuant to the Act of August 9, 1955 (25 U.S.C. 415 et seq.), except that the Secretary may approve any agricultural lease or permit with respect to restricted property in accordance with the provisions of section 105 of the American Indian Agricultural Resource Management Act (25 U.S.C. 3715).

#### **SEC. 206. MINERAL LEASES.**

(a) **APPROVAL.**—

(1) **GENERAL RULE.**—No mineral lease or agreement purporting to convey or create any interest in restricted or trust property that is entered into or reentered into after the effective date of this Act shall be valid unless approved by the Secretary.

(2) **REQUIREMENTS.**—The Secretary may approve a mineral lease or agreement described in paragraph (1) only if—

(A) the owners of a majority of the undivided interest in the restricted or trust mineral estate that is the subject of the mineral lease or agreement (including any interest

covered by a lease or agreement executed by the Secretary under subsection (c)) consent to the lease or agreement;

(B) the Secretary determines that approving the lease or agreement is in the best interest of the Indian citizen owners of the restricted or trust mineral interests; and

(C) the Secretary has accepted the highest bid for such lease or agreement after a competitive bidding process has been conducted by the Secretary, unless the Secretary has determined that it is in the best interest of the Indian citizen to award a lease made by negotiation, and the Indian citizen so consents.

(b) **EFFECT OF APPROVAL.**—Upon the approval of a mineral lease or agreement by the Secretary under subsection (a), the lease or agreement shall be binding upon all owners of the restricted or trust undivided interests subject to the lease or agreement (including any interest owned by an Indian tribe) and all other parties to the lease or agreement, to the same extent as if all of the Indian citizen owners of the restricted or trust mineral interests involved had consented to the lease or agreement.

(c) **EXECUTION OF LEASE OR AGREEMENT BY SECRETARY.**—The Secretary may execute a mineral lease or agreement that affects restricted or trust property interests on behalf of an Indian citizen owner if that owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined, or if the heirs or devisees have been determined but one or more of the heirs or devisees cannot be located.

(d) **DISTRIBUTION OF PROCEEDS.**—The proceeds derived from a mineral lease or agreement approved by the Secretary under subsection (a) shall be distributed in accordance with the interest held by each owner pursuant to such rules and regulations as may be promulgated by the Secretary.

(e) **COMMUNITIZATION AGREEMENTS.**—No unleased restricted or trust property located within a spacing and drilling unit approved by the Oklahoma Corporation Commission may be drained of any oil or gas by a well within such unit without a communitization agreement prepared and approved by the Secretary, except that in the event of any such drainage without a communitization agreement approved by the Secretary, 100 percent of all revenues derived from the production from any such restricted or trust property shall be paid to the Indian citizen owner free of all lifting and other production costs.

#### **SEC. 207. MANAGEMENT OF MINERAL INTERESTS.**

(a) **OIL AND GAS CONSERVATION LAWS.**—

(1) **IN GENERAL.**—The oil and gas conservation laws of the State of Oklahoma shall apply to restricted property.

(2) **ENFORCEMENT.**—The Oklahoma Corporation Commission shall have the authority to perform ministerial functions related to the enforcement of the laws referred to in paragraph (1), including enforcement actions against well operators, except that no order of the Corporation Commission affecting restricted Indian property shall be valid as to such property until such order is submitted to and approved by the Secretary.

(3) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to limit the authority of the Indian Nations to protect the environment and natural resources of restricted property.

(b) **IMPLEMENTATION OF FEDERAL OIL AND GAS ROYALTY MANAGEMENT ACT.**—Beginning on the effective date of this Act, the Regional Office shall assume all the duties and responsibilities of the Secretary under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1702 et seq.) with respect to an oil and gas lease where—

(1) the Secretary has approved the oil and gas lease pursuant to section 206(a);

(2) the Secretary has, prior to the effective date of this Act, approved the oil and gas lease pursuant to the Act of May 27, 1908 (35 Stat. 312, chapter 199); or

(3) the Secretary has, before the effective date of this Act, approved an oil and gas lease of lands of any of the Five Nations pursuant to the Act of May 11, 1938 (25 U.S.C. 396a et seq.).

#### **SEC. 208. MORTGAGES.**

An Indian citizen may mortgage restricted property only in accordance with and under the authority of the Act of March 29, 1956 (25 U.S.C. 483a), or other Federal laws applicable to the mortgaging of individual Indian trust property or restricted property.

#### **SEC. 209. VALIDATION OF PRIOR CONVEYANCES.**

All conveyances, including oil and gas or mineral leases, of restricted property and trust property made after the effective date of the Act of June 26, 1936 (25 U.S.C. 501 et seq.) (commonly known as the Oklahoma Indian Welfare Act) and prior to the effective date of this Act, that were approved by a county or district court in Oklahoma are hereby validated and confirmed, unless such conveyance is determined by a court of competent jurisdiction to be invalid upon grounds other than authority to approve, sufficiency of approval, or lack of approval thereof.

### **TITLE III—PROBATE, HEIRSHIP DETERMINATION, AND OTHER JUDICIAL PROCEEDINGS**

#### **SEC. 301. ACTIONS AFFECTING RESTRICTED PROPERTY.**

The courts of the State of Oklahoma shall not have jurisdiction over actions affecting title to, or use or disposition of, trust property or restricted property except as authorized by this Act or by other Federal laws applicable to trust property or restricted property.

#### **SEC. 302. HEIRSHIP DETERMINATIONS AND PROBATES.**

(a) **JURISDICTION.**—Except as provided in section 306, the Secretary shall have exclusive jurisdiction, acting through an Administrative Law Judge or other official designated by the Secretary, to probate wills or otherwise determine heirs of deceased Indian citizens and to adjudicate all such estate actions to the extent that they involve individual trust property, restricted property, or restricted or trust funds or securities held or supervised by the Secretary derived from such property.

(b) **GOVERNING LAWS.**—Notwithstanding any other provision of law, the Administrative Law Judge or other official designated by the Secretary shall exercise the Secretary's jurisdiction and authority under this section in accordance with the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) and such rules and regulations which heretofore have been, or will be, prescribed by the Secretary for the probate of wills, determination of heirs, and distribution of property in estates of Indian decedents, subject to the following requirements:

(1) **LAW APPLICABLE TO ESTATES OF INDIAN CITIZEN DECEDENTS WHO DIED PRIOR TO EFFECTIVE DATE.**—The Administrative Law Judge or other official designated by the Secretary shall apply the laws of descent and distribution of the State of Oklahoma contained in title 84 of the Oklahoma Statutes, chapter 4, to all restricted property, trust property, and all restricted or trust funds or securities derived from such property in the estates of deceased Indian citizens who died intestate prior to the effective date of this Act.

(2) **LAW APPLICABLE TO WILLS EXECUTED PRIOR TO EFFECTIVE DATE.**—The Administrative Law Judge or other official designated

by the Secretary shall determine the validity and effect of wills as to estates containing trust property or restricted property when such wills were executed by Indian citizens prior to the effective date of this Act, in accordance with the laws of the State of Oklahoma governing the validity and effect of wills, provided that the will of a full-blood Indian citizen which disinherits the parent, wife, spouse, or children of such citizen shall not be valid with respect to the disposition of restricted property unless the requirements of section 23 of the Act of April 26, 1906 (34 Stat. 137, chapter 1876), as in effect on the day before the effective date of this Act, are met.

(3) **LAW APPLICABLE TO WILLS EXECUTED AFTER EFFECTIVE DATE.**—

(A) **IN GENERAL.**—Any Indian citizen who has attained age 18 and owns restricted property or trust property shall have the right to dispose of such property by will, executed on or after the effective date of this Act in accordance with regulations which heretofore have been, or will be, prescribed by the Secretary for the probate of wills, provided—

(i) no will so executed shall be valid or have any force or effect unless and until such will has been approved by the Secretary; and

(ii) that the Secretary may approve or disapprove such will either before or after the death of the Indian citizen testator.

(B) **FRAUD.**—In any case where a will has been approved by the Secretary under subparagraph (A) and it is subsequently discovered that there was fraud in connection with the execution or procurement of the will, the Secretary is authorized, within 1 year after the death of the testator, to cancel approval of the will. If an approval is canceled in accordance with the preceding sentence, the property purported to be disposed of in the will shall descend or be distributed in accordance with the Secretary's rules and regulations applicable to estates of Indian decedents who die intestate.

(4) **FEDERAL LAW CONTROLS.**—Notwithstanding any other provision of this section, Federal law governing personal claims against a deceased Indian citizen or against trust property or restricted property, including the restrictions imposed by this Act or other applicable Federal law against the alienation, lease, mortgage, or other encumbrance of trust property or restricted property shall apply to all such property contained in the estate of the deceased Indian citizen.

#### **SEC. 303. ACTIONS TO CURE TITLE DEFECTS.**

(a) **JURISDICTION.**—Except as provided in subsections (b) and (c), the United States district courts in the State of Oklahoma and the State courts of Oklahoma shall retain jurisdiction over actions seeking to cure defects affecting the marketability of title to restricted property, except that all such actions shall be subject to the requirements of section 305.

(b) **ADVERSE POSSESSION.**—No cause of action may be brought to claim title to or an interest in restricted property by adverse possession or the doctrine of laches on or after the effective date of this Act, except that—

(1) all such causes that are pending on the effective date of this Act in accordance with the provisions of section 3 of the Act of April 12, 1926 (44 Stat. 239, chapter 115) shall be subject to section 306; and

(2) an action to quiet title to an interest in restricted property on the basis of adverse possession may be filed in the courts of the State of Oklahoma not later than 2 years after the effective date of this Act if the 15-year period for acquiring title by adverse possession has run in full prior to the effective date of this Act and the procedures set forth in section 305 shall be followed.

(c) HEIRSHIP DETERMINATIONS AND DISPOSITIONS.—Nothing in this section shall be construed to authorize a determination of heirs in a quiet title action in Federal or State court in derogation of the Secretary's exclusive jurisdiction to probate wills or otherwise determine heirs of the deceased Indian citizens owning restricted property and to adjudicate all such estate actions involving restricted property pursuant to section 302, or in derogation of the Secretary's exclusive jurisdiction over the disposition of restricted property under this Act.

#### SEC. 304. INVOLUNTARY PARTITIONS.

(a) JURISDICTION.—The United States district courts in the State of Oklahoma and the State courts of Oklahoma shall retain jurisdiction over actions for the involuntary partition of property consisting entirely or partially of undivided restricted interests, subject to the provisions of subsections (b) through (e) and the requirements in section 306.

(b) APPLICABLE LAW.—The laws of the State of Oklahoma governing the partition of property shall be applicable to all actions for involuntary partition under this section, except to the extent that any such laws are in conflict with any provisions of this Act.

(c) PETITION: CONSENT OF OWNERS OF MAJORITY OF UNDIVIDED INTERESTS.—Any person who owns an undivided interest in a tract of property described in subsection (a) may file an action in the district court of the State of Oklahoma for the county wherein the tract is located for the involuntary partition of such tract. The court shall not grant the petition unless the owner or owners of more than 50 percent of the tract consent to the partition in the verified petition or verified answer filed in the action.

(d) PAYMENT TO NONCONSENTING OWNERS OF RESTRICTED INTERESTS.—Nonconsenting owners of undivided restricted interests shall receive for the sale of such interests their proportionate share of the greater of—

(1) the proceeds paid at the partition sale; or

(2) an amount equal to 100 percent of the appraised value of the tract.

(e) COSTS.—The petitioning party in an action under this section shall pay the filing fees and all other costs of the action, including the cost of an appraisal, advertisement, and sale.

#### SEC. 305. REQUIREMENTS FOR ACTIONS TO CURE TITLE DEFECTS AND INVOLUNTARY PARTITIONS.

(a) IN GENERAL.—All actions authorized by sections 303 and 304 shall be conducted in accordance with the requirements and procedures described in this section.

(b) PARTIES.—

(1) UNITED STATES.—The United States shall not be a necessary and indispensable party to an action authorized under section 303 or 304. The Secretary may participate as a party in any such action.

(2) PARTICIPATION OF SECRETARY.—If the Secretary elects to participate in an action as provided for under paragraph (1), the responsive pleading of the Secretary shall be made not later than 20 days after the Secretary receives the notice required under subsection (c), or within such extended time as the trial court in its discretion may permit.

(3) JUDGMENT BINDING.—After the appearance of the Secretary in any action described in paragraph (1), or after the expiration of the time in which the Secretary is authorized to respond under paragraph (2), the proceedings and judgment in such action shall be binding on the United States and the parties upon whom service has been made and shall affect the title to the restricted property which is the subject of the action, in the

same manner and extent as though non-restricted property were involved.

(4) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to waive the requirement of service of summons in accordance with applicable Federal or State law upon the individual Indian citizen landowners, who shall be necessary and indispensable parties to all actions authorized by sections 303 and 304.

(c) NOTICE.—

(1) IN GENERAL.—The plaintiff in any action authorized by sections 303 and 304 shall serve written notice of the filing of such action and of a petition or complaint, or any amended petition or complaint which substantially changes the nature of the action or includes a new cause of action, upon the Director of the Regional Office not later than 10 days after the filing of any such petition or complaint or any such amended petition or complaint.

(2) FILING WITH CLERK.—A duplicate original of any notice served under paragraph (1) shall be filed with the clerk of the court in which the action is pending.

(3) REQUIREMENTS.—The notice required under paragraph (1) shall—

(A) be accompanied by a certified copy of all pleadings on file in the action at the time of the filing of the duplicate original notice with the clerk under paragraph (2);

(B) be signed by the plaintiff to the action or his or her counsel of record; and

(C) be served by certified mail, return receipt requested, and due return of service made thereon, showing date of receipt and service of notice.

(4) FAILURE TO SERVE.—If the notice required under paragraph (1) is not served within the time required under such paragraph, or if return of service thereof is not made within the time permitted by law for the return of service of summons, alias notices may be provided until service and return of notice is made, except that in the event that service of the notice required under such paragraph is not made within 60 days following the filing of the petition or complaint or amendments thereof, the action shall be dismissed without prejudice.

(5) LIMITATION.—In no event shall the United States or the parties named in a notice filed under paragraph (1) be bound, or title to the restricted property be affected, unless written notice is served upon the Director as required under this subsection.

(d) REMOVAL.—

(1) IN GENERAL.—The United States shall have the right to remove any action to which this section applies that is pending in a State court to the United States district court by filing with the State court, not later than 20 days after the service of any notice with respect to such action under subsection (c), or within such extended period of time as the trial court in its discretion may permit, a notice of the removal of such action to such United States district court, together with the certified copy of the pleadings in such action as served on the Director of the Regional Office under subsection (c).

(2) DUTY OF STATE COURT.—It shall be the duty of a State court to accept a notice filed under paragraph (1) and cease all proceedings with respect to such action.

(3) PLEADINGS.—Not later than 20 days after the filing of a notice under paragraph (1), the copy of the pleading involved (as provided under such paragraph) shall be entered in the district court of the United States and the defendants and interveners in such action shall, not later than 20 days after the pleadings are so entered, file a responsive pleading to the complaint in such action.

(4) PROCEEDINGS.—Upon the submission of the filings required under paragraph (3), the action shall proceed in the same manner as

if it had been originally commenced in the district court, and its judgment may be reviewed by certiorari, appeal, or writ of error in like manner as if the action had been originally brought in such district court.

#### SEC. 306. PENDING STATE PROCEEDINGS.

The courts of the State of Oklahoma shall continue to exercise authority as a Federal instrumentality over all heirship, probate, partition, and other actions involving restricted property that are pending on the effective date of this Act until the issuance of a final judgment and exhaustion of all appeal rights in any such action, or until the petitioner, personal representative, or the State court dismisses the action in accordance with State law.

### TITLE IV—MISCELLANEOUS

#### SEC. 401. REGULATIONS.

The Secretary may promulgate such regulations as may be necessary to carry out this Act, except that failure to promulgate such regulations shall not limit or delay the effect of this Act.

#### SEC. 402. REPEALS.

(a) IN GENERAL.—The following provisions are repealed:

(1) The Act of August 11, 1955 (69 Stat. 666, chapter 786).

(2) Section 2 of the Act of August 12, 1953 (67 Stat. 558, chapter 409).

(3) Sections 1 through 5 and 7 through 13 of the Act of August 4, 1947 (61 Stat. 731, chapter 458).

(4) The Act of February 11, 1936 (25 U.S.C. 393a).

(5) The Act of January 27, 1933 (47 Stat. 777, chapter 23).

(6) Sections 1, 2, 4, and 5 of the Act of May 10, 1928 (45 Stat. 495, chapter 517).

(7) The Act of April 12, 1926 (44 Stat. 239, chapter 115).

(8) Sections 1 and 2 of the Act of June 14, 1918 (25 U.S.C. 375 and 355).

(9) Sections 1 through 3 and 6 through 12 of the Act of May 27, 1908 (35 Stat. 312, chapter 199).

(10) Section 23 of the Act of April 26, 1906 (34 Stat. 137, chapter 1876).

(b) OTHER ACTS.—

(1) IN GENERAL.—Not later than 6 months after the effective date of this Act, the Secretary shall prepare and submit to Congress a list of other provisions of law that—

(A) expressly reference property of the Five Nations or of Five Nations' citizens and that are in conflict with the provisions of this Act; or

(B) are of general applicability with respect to the property of Indian tribes and of individual Indians and that are in conflict with this Act.

(2) TECHNICAL AMENDMENTS.—

(A) Section 28 of the Act of April 26, 1906 (34 Stat. 137, chapter 1876) is amended—

(i) by striking the first proviso; and

(ii) by striking "Provided further" and inserting "Provided".

(B) Section 6(c) of the Act of August 4, 1947 (61 Stat. 733, chapter 458) is amended in the first sentence by striking "of one-half or more Indian blood".

#### SEC. 403. STATUTORY CONSTRUCTION.

(a) SECRETARIAL TRUST RESPONSIBILITY.—Nothing in this Act shall be construed to waive, modify, or diminish in any way the trust responsibility of the United States over restricted property.

(b) NO EFFECT ON TRIBAL RELATIONSHIPS.—

(1) IN GENERAL.—Nothing in titles I through IV of this Act is intended to or shall be construed to in any way affect the authority that any federally recognized Indian tribe may or may not have over—

(A) any other federally recognized Indian tribe;

(B) the members of any other federally recognized Indian tribe; or

(C) any land in which any other federally recognized Indian tribe or any member of any other federally recognized Indian tribe has or is determined by the Secretary or a court of competent jurisdiction to have any interest.

**SEC. 404. REPRESENTATION BY ATTORNEYS FOR THE DEPARTMENT OF THE INTERIOR.**

Attorneys of the Department of the Interior may—

(1) represent the Secretary in any actions filed in the State courts of Oklahoma involving restricted property;

(2) when acting as counsel for the Secretary, provide information to all Indian citizens owning restricted property (and to private counsel for such citizens, if any) regarding their legal rights with respect to the restricted property owned by such citizens;

(3) at the request of any Indian citizen owning restricted property, take such action as may be necessary to cancel or annul any deed, conveyance, mortgage, lease, contract to sell, power of attorney, or any other encumbrance of any kind or character, made or attempted to be made or executed in violation of this Act or any other Federal law, and take such action as may be necessary to assist such Indian citizen in obtaining clear title, acquiring possession, and retaining possession of restricted property; and

(4) in carrying out paragraph (3), refer proposed actions to be filed in the name of the United States in a district court of the United States to the United States Attorney for that district, and provide assistance in an of-counsel capacity in those actions that the United States Attorney elects to prosecute.

**TITLE V—WATER BASIN COMMISSION**

**SEC. 501. WATER BASIN COMMISSION.**

A compact among the State of Oklahoma, the Choctaw Nation of Oklahoma, and the Chickasaw Nation, shall establish a State-tribal commission composed of an equal number of representatives from the tribes and nontribal residents of the respective water basin, for the purpose of administering and distributing any benefits and net revenues from the sale of water within the respective basin to the Choctaw Nation of Oklahoma, the Chickasaw Nation, and local public entities. Any sale of water to entities outside the water basin must be consistent with the compact and by the State-tribal commission for the respective water basin within the boundaries of the Choctaw Nation of Oklahoma and the Chickasaw Nation. One of the tribal representatives of the State-tribal commission shall be appointed by the Bureau of Indian Affairs regional office in Muskogee, Oklahoma.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume, and I rise today in support of a very important bill to the Five Civilized Tribes of Oklahoma.

The Five Nations Citizens Land Reform Act of 2000, would transfer from Oklahoma State courts to the Federal Government, jurisdiction over the conveyance, the devise, inheritance, lease, encumbrance, and partition of restricted property, allotment lands, belonging to the members of the Cher-

okee Nation, Chickasaw Nation, Choctaw Nation, Seminole Nation of Oklahoma, and Muscogee (Creek) Nation.

Unlike other federally recognized Indian tribes whose jurisdiction over their lands lies with the Secretary of the Interior, jurisdiction over the lands of these five tribes was placed in various Oklahoma district courts many years ago. H.R. 5308 would have probate proceedings and management and disposition of Indian lands proceed through the Department of the Interior rather than through the multiple State courts. Thus, the restricted lands of the five tribes would be treated like the federally protected allotments of land of other federally recognized tribes.

H.R. 5308 would also allow for simplification of the law applicable to allotted Indian lands, would simplify the process for leasing allotted lands, would simplify the Indian land probate and heirship determination process, and would assist in the prevention of the fractionation of Indian lands.

Nothing in H.R. 5308 would diminish the trust responsibility of the United States over restricted lands. The five tribes and the Oklahoma State Bar Association, the governor of Oklahoma, and members of the Oklahoma delegation have spent years working on this legislation.

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Now that everybody has agreed, it is time to pass H.R. 5308.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Madam Speaker, first let me thank the gentleman from Michigan (Mr. KILDEE) for all his hard work on this bill.

Madam Speaker, the Five Nations Citizens Land Reform Act of 2000 is a significant Indian land bill affecting the restricted allotments of members of the Cherokee, Creek, Seminole, Choctaw, and Chickasaw Nations in eastern Oklahoma.

This legislation would bring equity and fairness to the Indian people who own allotted lands of the Five Great Indian Nations in eastern Oklahoma.

For much of the 20th century, these people have been the subject of special laws applicable only to their lands that are unlike any other Federal laws on Indian lands. Many of these laws have provided much less protection to the Indian lands in Oklahoma than is afforded in the rest of the country.

Under current Federal law, the allotted lands of the Five Civilized Tribes are subject to the State law of adverse possession, the result of which has been loss of land owned by many individual Indians. This legislation would bring law affecting the Oklahoma lands in line with land owned by tribes living in the rest of the States.

State courts of Oklahoma currently have jurisdiction over probating, partitioning, and transferring restricted lands and the leasing of restricted mineral interests owned by members of the five tribes. This often places a great financial burden on Indian families who must hire private attorneys to probate estates or transfer interests in restricted land. For this reason, many estates in eastern Oklahoma that include restricted land are not being probated, and landownership is becoming increasingly fractionated.

Elsewhere in the United States, the Department of the Interior is responsible for probating estates, partitioning lands, and effecting other transactions involving allotted lands. This bill would do the same for the restricted allotments of the five tribes.

I want to thank the sponsor, the gentleman from Oklahoma (Mr. WATKINS), for working with the Committee on Resources to assure that this bill does not adversely affect any other tribes in Oklahoma. I know that that was not his intent, and I feel that this bill is now clear on that matter.

I urge my colleagues to support this legislation.

Madam Speaker, I yield back the balance of my time.

Mr. CALVERT. Madam Speaker, I am happy to yield such time as he may consume to the gentleman from Oklahoma (Mr. WATKINS), who so ably represents my forefathers in Oklahoma.

(Mr. WATKINS asked and was given permission to revise and extend his remarks.)

Mr. WATKINS. Madam Speaker, I would first like to thank the gentleman from California (Mr. CALVERT) and the gentleman from New Mexico (Mr. UDALL) for their kindness and effort to bring this legislation up to date. I also want to thank the gentleman from Michigan (Mr. KILDEE), who is co-chair of the Congressional Native American Caucus, for his bipartisan support and help with this important legislation.

I also would like to thank my colleague, the gentleman from Oklahoma (Mr. COBURN), for his help in ensuring the legislation benefits everyone involved.

Today, I offer a bill that would bring fairness and equity, as the gentleman from New Mexico (Mr. UDALL) said, to an injustice that has occurred and that will have a significant impact in helping the members of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Nations, historically referred to as the Five Civilized Tribes, who still own individual Indian restricted land in eastern Oklahoma.

Unlike all other federally recognized Indian tribes, whose jurisdiction over their trust lands is with the Secretary of the Interior, jurisdiction of probating, partitioning, and transferring interest in restricted land of the Five Civilized Tribes was placed in Oklahoma district courts by the Stigler Act of 1947, or the 1947 Act, as it is known.



The 1947 Act provides the eastern courts in eastern Oklahoma, acting as Federal instrumentalities, with jurisdiction over nearly all significant transactions involving individual Indian lands that are subject to Federal restrictions against alienation, or restricted property.

Another act that had an impact on the Five Civilized Tribes restricted land was the Act of June 1918. The 1918 act subjects restricted property to the State statutes of limitation. And this has had a very negative impact on losing a lot of the land over the years.

H.R. 5308 will provide for probate proceedings and management and disposition of Indian land to proceed through one central point, the Department of the Interior, rather than through multiple State courts, which is the current practice. This would treat the restricted lands of the Five Civilized Tribes like federally protected allotments of land of all other federally recognized tribes.

Madam Speaker, another issue that H.R. 5308 addresses will be to assure that the benefits and net revenues from the sale of water shall go to the tribes and residents of the respective water basin area within the boundaries of the Choctaw and Chickasaw Nations.

Madam Speaker, I urge that my colleagues support the legislation.

Mr. KILDEE. Madam Speaker, I rise today in strong support of H.R. 5308, the Five Nations Citizens Land Reform Act of 2000. This legislation is by far the most significant Indian land bill affecting the restricted allotments of members of the Cherokee, Creek, Seminole, Choctaw and Chickasaw nations in eastern Oklahoma. I want to thank my colleague, Representative WES WATKINS of Oklahoma, for sponsoring this legislation. I am proud to be a cosponsor of this bill.

The legislation would bring equity and fairness to the Indian people who own allotted lands of the five great Indian nations in Eastern Oklahoma. For much of the 20th century, these people have been the object of special laws applicable only to their lands that are unlike any other Federal laws of Indian land tenure—laws that have afforded these lands much less protection than is afforded to trust allotments elsewhere in the United States.

Under current Federal law, the allotted lands of the five civilized tribes are made subject to the State law of adverse possession, which has contributed to the unfair loss of land owned by many individual Indians in eastern Oklahoma. Allotments in other parts of Oklahoma and the rest of the country cannot be taken by adverse possession. This legislation would bring an end to the loss of these Indian lands by adverse possession.

Current Federal law also gives the State courts of Oklahoma jurisdiction over probating, partitioning and transferring restricted lands and the leasing of restricted mineral interests owned or inherited by members of the Five Tribes, often placing a great financial burden on Indian families who must hire private attorneys to probate estates or transfer interests in restricted land. For this reason, many estates in eastern Oklahoma that include restricted land are not being probated and land ownership has become increasingly fractionated.

Elsewhere in the United States, the Department of Interior is responsible for probating estates, partitioning lands and effecting other transactions involving allotted lands. This bill would do the same for the restricted allotments of the five tribes, and in general it would give these allotments the same protection and treatment given allotted Indian lands in the rest of the United States.

I urge my colleagues to support this legislation.

Mr. CALVERT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 5308, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### AUTHORIZING FUNDS FOR ILLINOIS/MICHIGAN CANAL COMMISSION

Mr. CALVERT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3926) to amend the Illinois and Michigan Canal National Heritage Corridor Act of 1984 to increase the amount authorized to be appropriated to the Illinois and Michigan Canal National Heritage Corridor Commission.

The Clerk read as follows:

H.R. 3926

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. INCREASE IN AMOUNT AUTHORIZED TO BE APPROPRIATED TO THE ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION.

Section 116(a)(1)(A) of the Illinois and Michigan Canal National Heritage Corridor Act of 1984 (98 Stat. 1467) is amended by striking "\$250,000" and inserting "\$1,000,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from New Jersey (Mr. HOLT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3926, introduced by the gentleman from Illinois (Mr. WELLER), amends the Illinois and Michigan National Heritage Corridor Act of 1984 to increase the amount authorized to be appropriated to the Illinois and Michigan Canal National Heritage Corridor Commission from \$250,000 to \$1 million.

The Illinois and Michigan Canal Heritage Corridor was established in 1984 to protect the resources associated with the canal. The canal was built in the mid-1800s and rapidly transformed Chicago into a critical Mid-Western transportation and business center. The Heritage Corridor currently con-

tains many significant historical and cultural resources along with a much-used recreational trail.

The commission has been instrumental in making the Heritage Corridor a success. This bill would authorize appropriations to match the levels currently enjoyed by other Heritage Corridors and areas. This is a small but important bill.

I urge my colleagues to support H.R. 3926.

Madam Speaker, I reserve the balance of my time.

Mr. HOLT. Madam Speaker, I yield myself such time as I may consume.

(Mr. HOLT asked and was given permission to revise and extend his remarks.)

Mr. HOLT. Madam Speaker, H.R. 3926 would increase the amount authorized to be appropriated annually to the Illinois and Michigan Canal National Heritage Corridor Commission from \$250,000 to \$1 million.

H.R. 3926 is being brought to the floor under unusual circumstances by way of a discharge from the Committee on Resources. We have had no hearings or markup of the legislation in the committee despite the fact that this bill has been pending before the committee since March. We have not heard testimony from the commission, nor do we know the views of the administration on this legislation.

While H.R. 3926 may well be a non-controversial measure, we know very little about it. Members may have questions on the legislation, but the procedure being used today leaves very little opportunity to review the matter.

Mr. Speaker, I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I rise today in support of H.R. 3926 and as a proud cosponsor of this legislation to increase the authorization of the Illinois and Michigan Canal National Heritage Corridor Commission.

I want to commend my colleague, the gentleman from Illinois (Mr. WELLER), for introducing this legislation, which affects my district as well as many others.

Congress first recognized the national significance of the I&M Canal in 1984 when it passed legislation that created the country's first National Heritage Corridor. Since that time, the I&M Canal National Heritage Corridor Commission has worked energetically with local individuals, organizations and communities to preserve, enhance, and celebrate this monument to American engineering and ingenuity.

When the Canal first opened in 1848, it created a vital commercial link between the Great Lakes and the Illinois and Mississippi Rivers. Soon after its opening, the Chicago River became lined with grain elevators, warehouses and industry. A trip that took 3 weeks