

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Pennsylvania (Ms. HART), the author of this bill.

Ms. HART. Mr. Speaker, I also rise in support, obviously, of the Consumer Product Protection Act of 2002. I am pleased that the committee has chosen to take action on it so quickly.

Protecting consumers has always been an important issue for the Congress. It is also an issue I worked on as a State senator. I am pleased today to continue that important work.

This act addresses an issue that is a result of a shortfall of the current Federal anti-tampering act. Under that act, it is a crime for an individual to alter the label of a product or harm the safety of a consumer. It is not, however, a crime to place an unwanted item in or on a product without causing harm to that product.

□ 1630

For example, a message on a piece of paper placed inside a cereal box but outside of that product's inner bag is not a violation of current law. Someone could walk into your local market, slip pornographic material into the packaging of a food product without actually opening that package, and not be charged with a crime. To any consumer, the package would look perfectly fine without any evidence of tampering. The fact that this is not a crime seems ludicrous. That is why we are here today, to close this loophole in the law.

Imagine opening a box of cake mix, finding a piece of literature with hate-filled messages and racial slurs; even worse, imagine if your child opened the package, finding such material. That is just the story we heard in our hearings from Tracey Weaver about her 10-year-old son. The flyer in the box that he opened read that he had won a free vacation, but on the back it contained racial hate material.

Incidents such as this happen all too often. Kraft Foods, for example, had stated that there had been more than 100 reported incidents in the past 5 years. This accounts for only one company and only the incidents that were reported. Perhaps the greatest injustice here is that when consumers such as Mrs. Weaver contact those manufacturers, the manufacturers as well as law enforcement were unable to respond in any way because it was not against the law. The authorities could not trace the source of the problem because they had no authority to do so under the Federal Anti-Tampering Act because it was not a crime, again, to place such material in a box.

This bill would criminalize those actions. It clearly states that placing unauthorized material in or on a product is a crime under the Anti-Tampering Act. The legislation accomplishes three things: First, it ensures that law enforcement has the ability to pursue and prosecute the perpetrator by designating this activity as criminal under the statute. Second, it empowers the

offended manufacturer to address the complaints and concerns of their customers and regain the confidence of those consumers which they could lose through no fault of their own. And finally, it provides for punishment for those who commit these acts and puts others on notice that this type of behavior will not be tolerated.

I again thank my colleagues, the gentlewoman from Wisconsin (Ms. BALDWIN), for joining me in sponsoring this important legislation, and especially the gentleman from Wisconsin (Mr. SENSENBRENNER) for helping us bring it to the floor. I urge my colleagues to support it as well.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support H.R. 2621, Consumer Product Protection Act. Current consumer protection legislation was enacted in response to the imbalances in the marketplace, which concerned consumers. Consumers now have greater access to a variety of goods and services. A consumer who learns how to protect himself is less likely to be harmed.

Taking into account the needs of consumers and recognizing that consumers often face imbalances, consumers have the right of access to non-hazardous products. We should develop, strengthen and maintain a strong consumer protection policy. We should provide or maintain adequate infrastructure to develop, implement and monitor consumer protection policies and laws.

Consumers participate in competitive retail markets. Consumers' ability to choose among uniform disclosures of terms of service, prices, and relevant attributes of consumer products. Vigilant enforcement against unfair or deceptive business practices is critical to ensure that consumers obtain the benefits of competition. H.R. 2621 Consumer Product Protection Act of 2002, amends the Federal criminal code to prohibit the placement of a writing in or on a consumer product prior to its sale to any consumer without the consent of the product manufacturer, distributor, or retailer. Subjects violators to a fine, imprisonment of up to one year, or both. Therefore, I urge my colleagues to support this bill.

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

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

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2621, 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.

#### FIVE NATIONS INDIAN LAND REFORM ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 2880) 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. 2880

*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 Indian Land Reform Act".

(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. Purposes.
- Sec. 4. Definitions.

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

- Sec. 101. Restrictions on real property.
- Sec. 102. Reinvestment of proceeds from condemnation or conveyance of restricted property.
- Sec. 103. Trust funds.
- Sec. 104. Period of restrictions.
- Sec. 105. Removal of restrictions.
- Sec. 106. Exemptions from prior claims.
- Sec. 107. 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 restricted property conveyed to Indian housing authorities.
- Sec. 204. Administrative approval of partition in kind.
- Sec. 205. Surface leases.
- Sec. 206. Secretarial approval of mineral leases or agreements.
- Sec. 207. Management of mineral interests.
- Sec. 208. Mortgages.

#### TITLE III—PROBATE, HEIRSHIP DETERMINATION, AND OTHER PROCEEDINGS AFFECTING TITLE TO RESTRICTED PROPERTY

- Sec. 301. Actions affecting restricted property.
- Sec. 302. Heirship determinations and probates.
- Sec. 303. Actions to cure title defects.
- Sec. 304. Involuntary partitions of restricted property.
- 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. Validation of certain transactions; savings clause.
- Sec. 403. Repeals.
- Sec. 404. Secretarial trust responsibility.
- Sec. 405. Representation by attorneys for the Department of the Interior.
- Sec. 406. Filing requirements; constructive notice.
- Sec. 407. Publication of designated officials.
- Sec. 408. Rule of construction.
- Sec. 409. Transmission of power from Indian lands in Oklahoma.
- Sec. 410. Authorization of appropriations.
- Sec. 411. Effective date.

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since 1970, Federal Indian policy has encouraged 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 enrollees and descendants of enrollees whose names appear on the final Indian rolls of the Muscogee (Creek), Seminole, Cherokee, Chickasaw, and Choctaw Nations, historically referred to as the Five Civilized Tribes, but now referred to as 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 people.

(3) The exercise of Federal instrumentality jurisdiction by the courts of the State of Oklahoma over conveyances and inheritance of restricted property belonging to Individual Indians—

(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 Individual Indians and their lands; and

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

### SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To correct the disparate Federal treatment of individual allotted lands of Individual Indians that resulted from prior Federal legislation by equalizing the Federal legislative treatment of restricted and trust lands.

(2) To eliminate unnecessary legal and bureaucratic obstacles that impede the highest and best use of restricted property belonging to Individual Indians.

(3) To 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 Individual Indians, which concern the rights of Individual Indians to hold and acquire such property in restricted and trust status.

(4) To 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 certain voluntary partition actions involving restricted property belonging to such Individual Indians.

### 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 were historically referred to as the “Five Civilized Tribes”.

(2) **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.

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

(4) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) **INDIVIDUAL INDIAN.**—The term “Individual Indian” means a member or citizen of one of the individual Five Nations referred to in paragraph (1), an enrollee on the final Indian rolls of the Five Civilized Tribes, or an individual who is a lineal descendant by blood of an Indian ancestor enrolled on the

final Indian rolls of the Five Civilized Tribes, regardless of whether such person is an enrolled member of one of the Five Nations.

(6) **RESTRICTED PROPERTY.**—(A) The term “restricted property” means any right, title, or interest in real property owned by an Individual Indian that is subject to a restriction against alienation, conveyance, lease, mortgage, creation of liens, or 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.

(B) The term “restricted property” includes, without limitation, those interests in the estate of a decedent Individual Indian who died prior to the effective date of this Act that were, immediately prior to the decedent's death, subject to restrictions against alienation imposed by the laws of the United States but that had not, as of the effective date of this Act—

(i) been the subject of a final order determining the decedent's heirs and distributing the restricted property issued by a State district court or a United States district court;

(ii) been conveyed by heirs by deed approved in State district court;

(iii) been conveyed by heirs of less than one-half degree of Indian blood with or without State district court approval; or

(iv) been the subject of Secretarial approval of removal of restrictions.

(C) The term “restricted property” does 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 or the designee of 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 Individual Indian or an Indian Nation, provided that such property was acquired in trust by the United States under the authority of the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (commonly known as the “Indian Reorganization Act”) or the Act of June 26, 1936 (25 U.S.C. 501 et seq.) (commonly known as the “Oklahoma Indian Welfare Act”), within the boundaries of the State of Oklahoma.

### 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, conveyance, lease, mortgage, creation of liens, or other encumbrances, regardless of the degree of Indian blood of the Individual Indian who owns such property.

(b) **CONTINUATION.**—

(1) **IN GENERAL.**—Any restricted property, including any restricted property referred to in subsection (a), shall remain restricted property notwithstanding the acquisition of such property by an Individual Indian by inheritance, devise, gift, or exchange.

(2) **WITH WAIVER.**—Any restricted property, including any restricted property referred to in subsection (a), shall remain restricted property upon the acquisition of such property by an Individual Indian by election to take at partition or by purchase, but only if—

(A) prior to the execution of the deed transferring such restricted property, the Individual Indian who owned such property prior to such election to take or purchase executes a written waiver of his or her right to acquire other property in restricted status pursuant to section 102; and

(B) such restrictions appear in the deed transferring such property to the Individual

Indian electing to take at partition or purchasing such property, together with certification on said deed by the Secretary that the requirements of this paragraph have been met.

#### SEC. 102. REINVESTMENT OF PROCEEDS FROM CONDEMNATION OR CONVEYANCE OF RESTRICTED PROPERTY.

(a) **REQUIREMENT.**—Upon the conveyance of the restricted property of an Individual Indian pursuant to this Act, or upon the conveyance or condemnation of such property pursuant to section 3 of the Act of March 3, 1901 (25 U.S.C. 357) or other Federal laws generally applicable to the condemnation of Indian trust or restricted property, the Secretary shall use any proceeds from such conveyance or condemnation to purchase from a willing seller other property designated by such Individual Indian, and such designated property shall be restricted property if—

(1) such proceeds were deposited into a segregated trust fund account under the supervision of the Secretary at the request of the Individual Indian;

(2) such Individual Indian provides a written statement to the Secretary for payment of all or a portion of such proceeds for purchase of property to be held in restricted status;

(3) such Individual Indian has not executed a written waiver of his or her right to acquire other property in restricted status pursuant to section 101;

(4) such restrictions appear in the conveyance to the Individual Indian with certification by the Secretary that the requirements of this section have been met;

(5) such property is located within the State of Oklahoma; and

(6) the Secretary determines that there are no existing liens or other encumbrances which would substantially interfere with the use of the property.

(b) **FAIR MARKET VALUE IN EXCESS OF PROCEEDS.**—If the fair market value of any property designated under subsection (a) exceeds the amount of proceeds that are derived from the conveyance or condemnation of such property, a specific tract of land within the property shall be designated by the Individual Indian for placement in restricted status. Such restrictions shall appear on the face of the deed with certification by the Secretary describing that portion of the property which is subject to restrictions.

(c) **RULE OF CONSTRUCTION.**—The provisions of subsections (a) and (b) of this section shall apply to the reinvestment of proceeds derived from the conveyance or condemnation of restricted property of an Individual Indian pursuant to the Act of March 2, 1931, as amended by the Act of June 30, 1932 (25 U.S.C. 409a), where such reinvestment occurs after the effective date of this Act.

#### SEC. 103. TRUST 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, including proceeds from any conveyance or condemnation as provided for in section 102, are deemed to be held in trust and shall remain subject to the jurisdiction of the Secretary.

(b) **USE OF FUNDS.**—Funds, securities, and proceeds described in subsection (a) may be released upon approval or expended by the Secretary for the use and benefit of the Individual Indians to whom such funds, securities, and proceeds belong, under such rules and regulations as the Secretary shall prescribe.

#### SEC. 104. PERIOD OF RESTRICTIONS.

Subject to the provisions of this Act that permit restrictions to be removed, the period of restriction against alienation, conveyance, lease, mortgage, creation of liens, or

other encumbrances of restricted property and funds belonging to Individual Indians, is hereby extended until an Act of Congress determines otherwise.

#### SEC. 105. REMOVAL OF RESTRICTIONS.

##### (a) PROCEDURE.—

(1) APPLICATION.—An Individual Indian who owns restricted property, or the legal guardian of a minor Individual Indian or of an Individual Indian 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 owned by such Individual Indian. The application shall be considered by the Secretary only as to the tract, tracts, or severed mineral or surface interest described in the application.

(2) CONSIDERATION OF APPLICATION.—Not later than 90 days after the date on which an application referred to in paragraph (1) is submitted to the Secretary, the Secretary shall either issue the removal order or disapprove the application.

(3) DISAPPROVAL BY VIRTUE OF MISSED DEADLINE.—If the application referred to in paragraph (1) is not approved within 90 days of submission to the Secretary, the application shall be deemed to have been disapproved pursuant to paragraph (4)(B). Such disapproval of the application shall be subject to review in accordance with the Administrative Procedures Act (5 U.S.C. 701 et seq.), and the Secretary's regulations governing administrative appeals.

(4) DISAPPROVAL.—The Secretary shall disapprove an application pursuant to paragraph (2) 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 Individual Indian 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.—Not later than 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 in accordance with the provisions of this Act. The Secretary shall also cause such list to be filed in the appropriate land titles and records offices designated by the Secretary pursuant to section 406(a).

(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. 106. 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. 107. FRACTIONAL INTERESTS.

Upon application by an Individual Indian owner of an undivided unrestricted interest in property of which a portion of the interests in such property is restricted as of the effective date of this Act, the Secretary shall forthwith convert that unrestricted interest into restricted status if all of the undivided interests in the property are owned by Individual Indians as of the date of the application under this section. The conversion into restricted status shall be effective upon the date of filing of a restricted form deed with

the county clerk of the county where the property is situated; provided that such deed must be executed by the applicant and approved by the Secretary.

#### 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 Individual Indian or by any guardian or conservator of any Individual Indian 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 shall be heard and adjudicated 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, unless the Individual Indian, guardian, or conservator dismisses the petition or otherwise objects to the conveyance or lease prior to final court approval.

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

###### (a) PROCEDURE.—

(1) IN GENERAL.—The Secretary may approve the conveyance of interests in restricted property by an Individual Indian—

(A) after the property is appraised by the Secretary;

(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.

(2) APPROVAL OF DEED.—No deed conveying an interest in restricted property shall be valid unless the Secretary's approval is endorsed on the face of such deed.

###### (b) EXCEPTION.—

(1) IN GENERAL.—Notwithstanding subsection (a)(2)(B), the Secretary may approve the conveyance of restricted property, or any portion thereof, by an Individual Indian to any of the individuals 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 Individual Indian and that the Individual Indian has been duly informed of and understands the fair market appraisal, and is not being coerced into the conveyance.

(2) INDIVIDUALS.—An individual described in this paragraph is limited to the Individual Indian spouse, father, mother, brother or sister, son, daughter or other lineal descendant, aunt or uncle, cousin, niece or nephew, or Individual Indian co-owner.

##### SEC. 203. REIMPOSITION OF RESTRICTIONS ON RESTRICTED PROPERTY CONVEYED TO INDIAN HOUSING AUTHORITIES.

###### (a) IN GENERAL.—

(1) CERTIFICATE OF RESTRICTED STATUS.—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 Individual Indian homebuyer or an Individual Indian successor in interest to such homebuyer.

(2) REQUEST FOR CERTIFICATE.—The request referred to in paragraph (1) shall—

(A) include evidence satisfactory to the Secretary that the homebuyer's contract has been paid in full; and

(B) be delivered to the Secretary not later than 5 years after the housing authority conveys such property back to the original Individual Indian homebuyer or an Individual Indian assignee or successor of the original Individual Indian homebuyer.

(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.—Individual Indian homebuyers described in subsection (a) who acquired ownership of property prior to the effective date of this Act shall have 5 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 Individual Indians described in this section under other Federal laws and regulations relating to the acquisition and status of trust property.

##### SEC. 204. ADMINISTRATIVE APPROVAL OF PARTITION IN KIND.

###### (a) PARTITION IN KIND OF TRUST PROPERTY.—

(1) JURISDICTION.—The Secretary shall have exclusive jurisdiction to approve the partition in kind of trust property pursuant to paragraph (2), where all of the undivided interests in such property are held in trust.

(2) APPROVAL ORDER.—The Secretary may issue an order approving the partition in kind of trust property described in paragraph (1) after receiving an application pursuant to subsection (d)(1) and satisfying the requirements of subsection (d), paragraphs (2) and (3), if—

(A) the Individual Indian owners of more than 50 percent of the total undivided interest in the property approve a plan to partition such property; and

(B) the Secretary finds the plan to be reasonable, fair, and equitable.

(3) RULE OF CONSTRUCTION.—This subsection shall not apply to trust property if 1 or more of the undivided interests referred to in paragraph (1) are held in trust for an Indian Nation.

###### (b) PARTITION IN KIND OF PROPERTY COMPRISED OF UNDIVIDED TRUST AND NONTRUST INTERESTS.—

(1) JURISDICTION.—The Secretary shall have jurisdiction to approve deeds for the partition in kind of property comprised of undivided trust and nontrust interests, held in common ownership by at least 1 Individual Indian and 1 or more co-owners.

(2) APPROVAL OF PARTITION DEEDS.—The Secretary may issue an order approving the partition in kind of all or a portion of the property described in paragraph (1) after receiving an application pursuant to subsection (d)(1) and satisfying the requirements of subsection (d), paragraphs (2) and (3), if—

(A) a plan described in subsection (d)(2) or (d)(3) is approved in writing by all of the owners; and

(B) the Secretary finds the plan to be reasonable, fair, and equitable.

###### (c) PARTITION OF RESTRICTED PROPERTY.—

(1) JURISDICTION.—The Secretary shall have jurisdiction to approve deeds for the partition in kind of property some or all of which consists of undivided interests in restricted property.

(2) APPROVAL OF PARTITION DEEDS.—The Secretary may—

(A) approve the partition in kind of all or a portion of the property described in paragraph (1) after receiving an application pursuant to subsection (d)(1) and satisfying the

requirements of subsection (d), paragraphs (2) and (3); and

(B) secure and approve appropriate deeds from all Individual Indian owners if—

(i) a plan described in subsection (d)(2) or (d)(3) is approved in writing by all of the Individual Indians who own an undivided restricted interest in the property; and

(ii) the Secretary finds the plan to be reasonable, fair, and equitable.

(3) CONTINUATION OF RESTRICTED STATUS.—The restricted status of any property acquired by an Individual Indian by deed exchange for the purpose of effecting a partition plan shall remain restricted pursuant to section 101(b)(1). Any property acquired by an Individual Indian by purchase for the purpose of effecting a partition plan shall remain restricted if the requirements of section 101(b)(2) are met.

(d) PROCEDURES.—

(1) APPLICATION.—An owner or owners of an undivided interest in any trust property described in subsections (a)(1) or (b)(1) or any restricted property described in subsection (c)(1) may make written application, on a form approved by the Secretary, for the partition in kind of the restricted property or trust property described in the application.

(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 subsections (a)(2)(A), (b)(2)(A), or (c)(2)(B).

(3) PROPOSED LAND DIVISION PLAN.—The Secretary shall give applicants and all other owners of property subject to a partition application under this section 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 in kind of the property under this section. The Secretary may facilitate the negotiations for a land division plan.

(4) CONVEYANCES.—After the Secretary has approved a partition pursuant to subsection (a), (b), or (c), the Secretary shall issue or approve any orders, deeds, or instruments of conveyance necessary to complete the partition.

(e) AUTHORITY OF SECRETARY TO CONSENT TO PLAN OF PARTITION ON BEHALF OF CERTAIN OWNERS.—The Secretary may give written consent to a plan of partition—

(1) pursuant to subsections (a)(2)(A), (b)(2)(A), or (c)(2)(B)(1) on behalf of any owner of an undivided interest if—

(A) the owner is deceased and the heirs to, or devisees of, the interest of the deceased owner have not been determined;

(B) the heir or devisee referred to in paragraph (1) has been determined but cannot be located; or

(C) the owner is a minor, non compos mentis, or otherwise under legal disability (unless a guardian or conservator possesses the authority to approve a plan of partition on behalf of the owner); and

(2) pursuant to subsections (b)(2)(A) and (c)(2)(B) on behalf of any Individual Indian owner who cannot be located if the owners of 50 percent or more of the individual interest consent to such a plan.

**SEC. 205. SURFACE LEASES.**

The Secretary may approve leases of restricted property by an Individual Indian

pursuant to the Act of August 9, 1955 (25 U.S.C. 415 et seq.), section 105 of the American Indian Agricultural Resource Management Act (25 U.S.C. 3715), and section 219 of the Indian Land Consolidation Act (25 U.S.C. 2218).

**SEC. 206. SECRETARIAL APPROVAL OF MINERAL LEASES OR AGREEMENTS.**

(a) APPROVAL.—

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

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

(A) the Individual Indian owners of a majority of the undivided interest in the restricted or trust mineral estate that is the subject of the 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 Individual Indian owners of the restricted or trust mineral interests; and

(C)(i) the Secretary has accepted the highest bid for such lease or agreement after a competitive bidding process has been conducted by the Secretary, or

(ii) the Secretary has determined that it is in the best interest of the Individual Indian owners to award a lease made by negotiation, and the Individual Indian owners so consent in writing.

(b) EFFECT OF APPROVAL.—Upon the approval of a 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 and all other parties to the lease or agreement, to the same extent as if all of the 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 Individual Indian 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.—Restricted or trust mineral interests underlying property located within a spacing and drilling unit approved by the Oklahoma Corporation Commission shall not be drained of any oil or gas by a well within such unit without a communitization agreement prepared and approved by the Secretary. 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 Individual Indian owner free of all drilling, lifting, and other production costs.

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

(a) OIL AND GAS CONSERVATION LAWS.—

(1) IN GENERAL.—Except as otherwise provided in this Act, the oil and gas conservation laws of the State of Oklahoma shall apply to restricted property.

(2) APPROVAL.—No order of the Corporation Commission affecting restricted property

shall be valid as to such property until such order is submitted to and approved by the Secretary.

(3) NOTICE.—Notice of any hearing or any order pending before the Oklahoma Corporation Commission affecting restricted or trust property shall be furnished to the Secretary of the Interior not less than 30 days prior to the date of the hearing or the approval of the order by the Commission.

(4) RULE OF CONSTRUCTION.—To the extent that an interest in any such well is not restricted property, the authority of the Secretary over the restricted mineral interest shall be exercised in conjunction with the Oklahoma Corporation Commission's authority over such nonrestricted interest. Nothing in this subsection shall be construed to grant to the State of Oklahoma regulatory jurisdiction over the protection of the environment and natural resources of restricted property, except to the limited extent granted by this subsection.

(b) IMPLEMENTATION OF FEDERAL OIL AND GAS ROYALTY MANAGEMENT ACT.—Beginning on the effective date of this Act, the Secretary shall exercise 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 Individual Indian may mortgage restricted property only in accordance with and under the authority of the Act of March 29, 1956 (25 U.S.C. 483a).

**TITLE III—PROBATE, HEIRSHIP DETERMINATION, AND OTHER PROCEEDINGS AFFECTING TITLE TO RESTRICTED PROPERTY**

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

The Secretary shall have jurisdiction over actions affecting title to, or use or disposition of, trust property or restricted property. The United States district courts in the State of Oklahoma and the courts of the State of Oklahoma shall have jurisdiction over actions affecting title to, or use or disposition of, trust property or restricted property only to the extent expressly authorized by this Act or by other Federal laws applicable to trust property or restricted property.

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

(a) JURISDICTION.—The Secretary shall have exclusive jurisdiction to probate wills or otherwise determine heirs of deceased Individual Indians and to adjudicate all such estate actions to the extent that they involve individual trust property, restricted property, or trust funds or securities held or supervised by the Secretary derived from such property, subject to the following exceptions:

(1) The Secretary shall not have jurisdiction over such estate actions that are pending in the courts of the State of Oklahoma as provided in section 306 on the effective date of this Act.

(2) The Secretary shall not have jurisdiction over any estate for which a final order of probate or determination of heirs was issued by a court of the State of Oklahoma or a United States district court prior to the effective date of this Act.

(b) **GOVERNING LAWS.**—Notwithstanding any other provision of law, the Secretary shall have jurisdiction and authority under this section and sections 1 and 2 of the Act of June 25, 1910 (25 U.S.C. 372 and 373, respectively) to determine heirs, approve and probate wills, and distribute restricted property, trust property, and trust funds in estates of Individual Indian decedents, subject to the following requirements:

(1) **LAW APPLICABLE TO ESTATES OF INDIVIDUAL INDIAN DECEDENTS WHO DIED INTES- TATE PRIOR TO EFFECTIVE DATE.**—The administrative law judge or other official designated by the Secretary shall apply the laws of the State of Oklahoma governing descent and distribution in force on the date of the decedent's death to all restricted property, trust property, and trust funds or securities derived from such property in the estates of deceased Individual Indians who died intestate prior to the effective date of this Act.

(2) **LAW APPLICABLE TO ESTATES OF INDIVIDUAL INDIAN—DECEDENTS WHO DIE INTES- TATE ON OR AFTER EFFECTIVE DATE.**—The administrative law judge or other official designated by the Secretary shall apply the following laws to all restricted property, trust property, and trust funds or securities derived from such property in the estates of deceased Individual Indians who die intestate on or after the effective date of this Act:

(A) A probate code approved by the Secretary applicable to such property, funds, and securities but only if approved by the Secretary in accordance with section 206(b)(2) of Public Law 97-459 (25 U.S.C. 2205(b)(2)).

(B) In the absence of a probate code approved by the Secretary in accordance with section 206(b)(2) of Public Law 97-459 (25 U.S.C. 2205(b)(2)), any Federal statute establishing rules of descent and distribution for trust or restricted property.

(C) In the absence of either a probate code approved by the Secretary in accordance with section 206(b)(2) of Public Law 97-459 (25 U.S.C. 2205(b)(2)) or a Federal statute establishing rules of descent and distribution for trust or restricted property, the laws of descent and distribution in force in the State of Oklahoma.

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

(A) **IN GENERAL.**—The Secretary shall approve a will of an estate containing trust property, restricted property, or trust funds or securities derived from such property if the will was executed by an Individual Indian (i) prior to the effective date of this Act, and (ii) in accordance with the laws of the State of Oklahoma governing the validity and effect of wills.

(B) **EXCEPTION.**—Notwithstanding subparagraph (A), the will of a full-blood Individual Indian which disinherits the parent, spouse, or one or more children of such full-blood Individual Indian 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.

(4) **LAW APPLICABLE TO WILLS EXECUTED ON OR AFTER EFFECTIVE DATE.**—

(A) **IN GENERAL.**—Any Individual Indian who has attained age 18 and owns restricted property, trust property, or trust funds or securities may dispose of such assets by will, executed on or after the effective date of this Act. The Secretary shall review and approve such wills in accordance with section 2 of the Act of June 25, 1910 (25 U.S.C. 373).

(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 as property of an intestate decedent under paragraph (2).

(5) **FEDERAL LAW CONTROLS.**—Notwithstanding any other provision of this section, Federal law governing personal claims against the estate of a deceased Individual Indian or against trust property or restricted property, including the restrictions imposed by this Act or other applicable Federal law against the alienation, conveyance, lease, mortgage, creation of liens, or other encumbrances of trust property, restricted property, and trust funds and securities shall apply to all such assets contained in the estate of the deceased Individual Indian.

#### **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.

(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 if all requirements of Oklahoma law for acquiring title by adverse possession, including the running of the full 15-year limitations period, have been met prior to the effective date of this Act.

(c) **LAW APPLICABLE IN CERTAIN ACTIONS.**—In any action referred to in subsection (b)(2) that is—

(1) filed not later than 2 years after the effective date of this Act, the law applicable to such an action on the day before the date of the enactment of this Act shall apply; and

(2) filed more than 2 years after the effective date of this Act, the claimant must show by clear and convincing evidence that all requirements of Oklahoma law for acquiring title by adverse possession in effect on the day before the date of the enactment of this Act, including the running of the full 15-year limitations period, were met prior to the effective date of this Act.

(d) **APPLICABILITY OF CERTAIN PROVISION OF THIS ACT.**—Any action filed pursuant to subsection (a) or (b)(2) shall be subject to the procedures set forth in section 305.

(e) **HEIRSHIP DETERMINATIONS AND DISPOSITIONS.**—

(1) **NO DEROGATION OF JURISDICTION.**—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 Individual Indians 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.

(2) **REQUEST FOR DETERMINATION OF HEIRS TO ESTABLISH MARKETABLE TITLE.**—Any grantee of an undetermined heir who, prior

to the effective date of this Act and in accordance with applicable Federal laws, conveyed, leased, or otherwise encumbered his or her interest in the restricted property of an unprobated estate of an Individual Indian decedent may request that the Secretary determine the heirs of the decedent in order to establish marketable title in said grantee.

(3) **DETERMINATION REQUIRED.**—Upon receipt of an application made under paragraph (2), the Secretary shall determine the heirs in accordance with the provisions of section 302.

(4) **GRANTEE.**—For purposes of this subsection the term grantee shall include any grantee, lessee, or mortgagee of such heir and any successors or assigns of such grantee.

#### **SEC. 304. INVOLUNTARY PARTITIONS OF RESTRICTED PROPERTY.**

(a) **PETITION; JURISDICTION AND APPLICABLE LAW; REQUIREMENTS.**—

(1) **PETITIONS.**—Subject to the provisions of subsection (d), any person who owns any undivided interest in a tract of property consisting entirely or partially of undivided restricted interests, regardless of the size of that person's interest in the whole tract, may file an action in the United States district court in the district wherein the tract is located or the Oklahoma State district court for the county wherein the tract is located for the involuntary partition of such tract.

(2) **JURISDICTION; APPLICABLE LAW.**—The United States district courts in the State of Oklahoma and the State courts of Oklahoma shall have jurisdiction over actions for the involuntary partition of property filed pursuant to this section, subject to all requirements and limitations of this section and the requirements in sections 305 and 306. 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 section and sections 305 and 306.

(3) **AGREEMENT AFTER INITIATION OF ACTION.**—If after the initiation of any action authorized by this section, the parties to the suit reach an agreement for the partition of the property in kind or by sale, such agreement shall not be valid or binding as to the restricted interests until it is approved by the Secretary. The Secretary shall approve the partition plan if he finds it to be fair, reasonable and equitable to the Individual Indian owners of the restricted interests.

(4) **APPROVAL OF ELECTION OR SALE.**—If the tract consists of wholly or partially undivided restricted interests, the court may approve an election by any undivided interest owner to take the property at the full appraised value pursuant to the laws of the State of Oklahoma governing partitions in effect on the effective date of this Act or, if there is no such election, to approve the sale of the property at public auction for no less than two-thirds of the appraised value pursuant to such laws of the State of Oklahoma.

(5) **DETERMINATION OF VALUE.**—The Secretary shall determine the value of the property and submit an appraisal to the court. If the value of the property determined by the Secretary is greater than the valuation or appraisement of the property made pursuant to law of the State of Oklahoma, the court shall set a hearing at which time the Secretary and any other party shall be afforded an opportunity to present evidence regarding the value of the property, following which the court may accept the Secretary's valuation, or accept the valuation and appraisement made pursuant to law of the State of Oklahoma, or order a new valuation and appraisement pursuant to law of the State of Oklahoma.

(b) **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 90 percent of the appraised value of the tract.

(c) **COSTS.**—A nonconsenting Individual Indian owner of restricted interests shall not be liable for any filing fees or costs of an action under this section, including the cost of an appraisal, advertisement, and sale, and no such costs shall be charged against such nonconsenting owner's share of the proceeds of sale.

(d) **DEADLINE.**—No action for the involuntary partition of property shall be maintained under this section unless it is filed within 10 years after the effective date of this Act.

#### **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 THE 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 nonrestricted 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 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 Secretary 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.**—At least one 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 be—

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

(C) 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 issued and filed 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 Secretary 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 a 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 a United States district court, together with the certified copy of the pleadings in such action as served on the Secretary 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 proceed no further in said suit.

(3) **PLEADINGS.**—Not later than 20 days after the filing of a notice under paragraph (1), the copy of the pleadings involved (as provided under such paragraph) shall be entered in the United States district court and the defendants and intervenors 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 United States 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. VALIDATION OF CERTAIN TRANSACTIONS; SAVINGS CLAUSE.**

(a) **VALIDATION OF CERTAIN TITLE TRANSACTIONS.**—Any person having the legal capacity to own real property in the State of Oklahoma who claims ownership of an interest in such property through an unbroken chain of title of record, the title to which interest is or may be defective as a result of any transaction described in paragraphs (1)

through (5) of this subsection that occurred in such chain of title, may cure the defect in title and validate the transaction by following the procedures of this section. When all conditions and requirements of this section have been met, and if no notice of objection has been timely filed by the Secretary under subsection (c) or by any other person under subsection (f), the transaction shall be validated and shall not be considered a defect in the muniments of title but only insofar as the defect is based on or arises from Federal statutes applicable to the conveyance or inheritance of restricted property in effect at the time of the transaction. The transactions referred to in this subsection are the following:

(1) Any probate order issued by a county court of the State of Oklahoma prior to the effective date of the Act of June 14, 1918 (40 Stat. 606) purporting to probate the estate of an Individual Indian who died owning property which was subject to restrictions against alienation pursuant to Federal statutes in effect at the time of issuance of such probate order.

(2) Any probate order issued by a county or district court of the State of Oklahoma more than 30 years prior to the effective date of this Act purporting to probate the estate of a deceased Individual Indian who died owning property which was subject to restrictions against alienation pursuant to Federal law in effect at the time of issuance of such probate order, where notice was not given as required by Federal statutes in effect at the time.

(3) Any conveyance of record, including an oil and gas or mineral lease, of an interest in property which was subject to restrictions against alienation pursuant to Federal statutes in effect at the time of the conveyance executed by a person who was an heir or purported heir of the Individual Indian decedent who owned such property at the time of his death, if such conveyance was approved by a county or district court in Oklahoma more than 30 years before the effective date of this Act but where no judicial or administrative order of record was issued before or after such approval finding that such person was in fact the heir to the interest conveyed.

(4) Any conveyance of record, including an oil and gas or mineral lease, of individual trust property or property which was subject to restrictions against alienation pursuant to Federal statutes in effect at the time of the conveyance that was approved by a county or district court in Oklahoma or by the Secretary more than 30 years before the effective date of this Act, where—

(A) approval was not in compliance with the notice requirements of Federal statutes governing the conveyance of said individual trust property or said restricted property; or

(B) approval was given by a county or district court in Oklahoma of a conveyance of the property by a personal representative in a probate action over which said county or district court possessed jurisdiction, without compliance with Federal statutes governing the conveyance of the property in effect at the time of the conveyance.

(5) Any conveyance of record, including an oil and gas or mineral lease, of individual trust property or property which was subject to restrictions against alienation pursuant to Federal statutes in effect at the time of the conveyance that was approved by a county or district court in Oklahoma or by the Secretary at any time before the effective date of this Act, where—

(A) approval was given by the Secretary where the Federal statutes governing the conveyance of the property required approval by a county or district court in Oklahoma; or



(B) approval was given by a county or district court in Oklahoma where the Federal statutes governing the conveyance of the property in effect at the time of the conveyance required approval of the Secretary.

(b) **NOTICE OF CLAIM; SERVICE AND RECORDING.**—

(1) **NOTICE TO THE SECRETARY.**—Any claimant described in subsection (a) must serve written notice of his or her claim by certified mail, return receipt requested, on the Secretary, and file the notice of claim, together with a copy of the return receipt showing delivery to the Secretary and filing in the office of county clerk in the county or counties wherein the property is located. The notice shall not be complete for the purposes of this section until it has been served on the Secretary and filed of record as herein provided. The notice of claim shall set forth the following:

(A) The claimant's name and mailing address.

(B) An accurate and full description of all property affected by such notice, which description shall be set forth in particular terms and not be general inclusions; but if said claim is founded upon a recorded instrument, then the description in such notice may be the same as that contained in such recorded instrument.

(C) A specific reference to or description of each title transaction in the chain of title, including the date of same, that the claimant is attempting to validate pursuant to this section.

(D) A list of all documents of record that are part of the claimant's unbroken chain of title, copies of which documents shall be served with the notice.

(2) **PUBLICATION NOTICE.**—In addition to the notice to the Secretary required under paragraph (1), the claimant shall give notice by publication of his or her claim to other persons who may claim some interest in the property in accordance with this paragraph. The claimant shall cause notice of his or her claim to be published one time in a newspaper of general circulation in the county or counties wherein the property is located and shall thereafter cause proof of such publication to be filed in the office of the county clerk for such county or counties. The published notice shall set forth the following:

(A) The claimant's name and mailing address.

(B) The same description of the property required under subsection (b)(1)(B) to be included in the notice to the Secretary.

(C) A description of each title transaction in the chain of title, including the date of same, that the claimant is attempting to validate pursuant to this section.

(D) A statement that any person claiming an interest in the described property may file a written notice of objection, in the form of a declaration under oath, in the office of the county clerk of the county or counties wherein the property is located not more than 60 days after the date of publication of the notice in such newspaper, and that the written notice of objection must set forth—

(i) the declarant's name and mailing address;

(ii) the description of the property set forth in the publication notice; and

(iii) a statement that the declarant claims in good faith to be the owner of some interest in the property and objects to the validation of the transactions described in the publication notice.

(c) **RESPONSE DEADLINE; EXTENSION.**—The Secretary shall have 60 days after the date of receipt of the notice of claim in which to notify the claimant in writing that the Secretary exercises discretionary authority to object to the claim for any reason. The Secretary shall be entitled to an automatic ex-

tension of time of 60 days in which to object to the claim upon the Secretary's service of written notice of extension on the claimant within the initial 60-day response period.

(d) **NOTICE OF OBJECTION; REMEDIES.**—The Secretary shall send the notice of objection and any notice of extension of time to the claimant by certified mail to the address set forth in the claimant's notice to the Secretary. The Secretary's notice of objection or notice of extension of time shall include a description of the property and shall be effective on the date of mailing. The Secretary shall file the notice of objection or notice of extension of time in the office of the county clerk for the county or counties wherein the property is located within 30 days after the date of mailing of the notice to the claimant. If the Secretary notifies the claimant that the Secretary objects to the claim, such decision shall be final for the Department and the claimant's sole remedies shall be to file an action to cure title defects pursuant to section 303 of this Act or to request a determination of heirs in accordance with section 302 of this Act.

(e) **UNDISPUTED CLAIM.**—If, in the exercise of discretionary authority pursuant to subsection (c), the Secretary does not object to the claim, then the Secretary may notify the claimant that the matter is not in dispute. Failure of the Secretary to notify the claimant of the Secretary's objection within the initial 60-day period, or within the 60-day extension period if notice of an extension was given, shall constitute acceptance of the claim. If the Secretary notifies the claimant that the matter is not in dispute or fails to file an objection to the claim of record within the time required by subsection (d), the title transaction described in the claimant's notice shall be deemed validated and shall not be considered a defect in the muniments of the claimant's title based on or arising from Federal statutes governing the conveyance of restricted property in effect at the time of the transaction, provided that no written notice of objection is timely filed by other parties in response to a notice published pursuant to subsection (b)(2) or in accordance with subsection (f).

(f) **NOTICE OF OBJECTION BY OTHER PARTIES TO APPLICABILITY OF THIS SECTION.**—Any person claiming ownership of an interest in property the record title to which includes a title transaction described in subsection (a) of this section may prevent the application of subsections (a) through (e) to said interest by filing for record in the office of the county clerk for the county or counties wherein the property in question is located, no later than 3 years after the effective date of this Act, a written notice of objection in the form of a declaration made under oath setting forth the following:

(1) The declarant's name and mailing address.

(2) An accurate and full description of all of the declarant's property interests to be affected by such notice, which description shall be set forth in particular terms and not be general inclusions; but if said declarant's claim to ownership is founded upon a recorded instrument, then the description in such notice may be the same as that contained in such recorded instrument.

(3) A statement that the declarant claims in good faith to be the owner of an interest in the property described in the notice and that the declarant objects to the operation of this section with respect to any title transaction that would otherwise be subject to validation under this section.

(g) **INTERESTS OF HEIRS OF LESS THAN HALF DEGREE BLOOD OF THE FIVE NATIONS.**—Nothing in this Act shall be construed to invalidate—

(1) any conveyance of record, including a surface, oil and gas, or mineral lease, of an

interest in property made prior to the effective date of this Act by an heir of a deceased Individual Indian without district court approval where such heir was of less than one-half degree of Indian blood, even though the property was held in restricted status immediately prior to the decedent Individual Indian's death; or

(2) any other encumbrance that attached prior to the effective date of this Act to an interest in property of an heir of a deceased Individual Indian where such heir was of less than one-half degree of Indian blood, even though the property was held in restricted status immediately prior to the decedent Individual Indian's death.

(h) **TERMS.**—For purposes of this section:

(1) A person shall be deemed to have an unbroken chain of title when the official public records, including probate and other official public records, as well as records in the county clerk's office, disclose a conveyance or other title transaction of record not less than 30 years prior to the effective date of this Act, which said conveyance or other title transaction purports to create such interest, either in—

(A) the person claiming such interest; or

(B) some other person from whom, by 1 or more conveyances or other title transactions of record, such purported interest has become vested in the person claiming such interest; with nothing appearing of record, in either case, purporting to divest such claimant of such purported interest.

(2) The term recording, when applied to the official public records of any officer or court, includes filing with the officer or court.

#### SEC. 403. REPEALS.

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

(1) The Act of August 11, 1955 (69 Stat. 666, chapter 786, 25 U.S.C. 355 note).

(2) Sections 1 through 5, 7 through 9, and 11 through 13 of the Act of August 4, 1947 (61 Stat. 731, chapter 458, 25 U.S.C. 355 note).

(3) The Act of December 24, 1942 (56 Stat. 1080, Chapter 813).

(4) The Act of February 11, 1936 (25 U.S.C. 393a, Chapter 50).

(5) The Act of January 27, 1933 (47 Stat. 777, chapter 23, 25 U.S.C. 355 note).

(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 (Chapter 101, 25 U.S.C. 375 and 355, respectively).

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

(10) Sections 6, 11, 15, 18, 20, and 23 of the Act of April 26, 1906 (34 Stat. 137, chapter 1876).

(b) **TECHNICAL AMENDMENTS.**—

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

(A) by striking the first proviso; and

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

(2) The Act of March 3, 1909, (35 Stat. 781, 783, chapter 263) is amended by striking "of the Five Civilized Tribes and".

(3) Section 6 of the Act of August 4, 1947 (61 Stat. 733, chapter 458) is amended—

(A) in subsection (c), by inserting before the final period the following: "Provided further, That any interest in restricted and tax-exempt lands acquired by descent, devise, gift, exchange, partition, conveyance, or purchase with restricted funds after the date of the enactment of the Five Nations Indian Land Reform Act by an Indian of the Five Civilized Tribes shall continue to be tax-exempt during the restricted period"; and

(B) in subsection (e), by striking the first sentence.

(4) The Act of June 25, 1910 (25 U.S.C. section 373) is amended by inserting at the beginning of the last proviso the following: "Except as provided in section 302(b) of the Five Nation Indian Land Reform Act,".

(5) The Act of May 7, 1970 (84 Stat. 203, Public Law 91-240, 25 U.S.C. 375d), is amended—

(A) by inserting "Creek," after "Cherokee,"; and

(B) by striking "derived and shall" and inserting the following: "derived. Such lands, interests, and profits, and any restricted Indian lands or interests therein allotted by any such Indian nation that are reacquired by that Indian nation by conveyance authorized under section 202(a) of the Five Nations Indian Land Reform Act shall".

(6) Section 1 of the Act of October 22, 1970 (84 Stat. 1091, Public Law 91-495), is amended by striking the last sentence.

#### SEC. 404. 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.

#### SEC. 405. 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, advising Individual Indians owning restricted property (and to private counsel for such Individual Indians if any) of their legal rights with respect to the restricted property owned by such Individual Indians;

(3) at the request of any Individual Indian 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 Individual Indian in obtaining clear title, acquiring possession, and retaining possession of restricted property and any other appropriate remedy;

(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; and

(5) appear specially before the Oklahoma Corporation Commission on behalf of the Secretary to protect Individual Indians' restricted property interests.

#### SEC. 406. FILING REQUIREMENTS; CONSTRUCTIVE NOTICE.

(a) REQUIREMENT FOR FILING.—The Secretary shall file the following orders or other decision documents which concern restricted property and are issued after the effective date of this Act by the Secretary in the appropriate land titles and records offices, as designated by the Secretary, and in the office of the county clerk in the county where such restricted property is located:

(1) Any order or other decision document removing restrictions, imposing restrictions, approving conveyances, approving leases, approving voluntary partitions, approving mortgages, probating wills, or determining heirs, and approving orders of the Oklahoma Corporation Commission.

(2) Any notice issued by the Secretary pursuant to section 402.

(b) CONSTRUCTIVE NOTICE.—The filing of said documents pursuant to this section

shall constitute constructive notice to the public of the effect of said documents filed.

(c) CERTIFICATION OF AUTHENTICITY.—The Secretary shall have authority to certify the authenticity of copies of such documents and title examiners shall be entitled to rely on said authenticated copies for the purpose of determining marketability of title to the property described therein.

#### SEC. 407. PUBLICATION OF DESIGNATED OFFICIALS.

The Secretary shall identify each designee for purposes of the receipt of notices or the performance of any Secretarial duty or function under this Act by publication of notice in the Federal Register.

#### SEC. 408. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to limit or affect the rights of Individual Indians under other Federal laws relating to the acquisition and status of trust property, including without limitation, the following:

(1) The Act of June 18, 1934 (25 U.S.C. 461 et seq.) (commonly known as the "Indian Reorganization Act").

(2) The Act of June 26, 1936 (25 U.S.C. 501 et seq.) (commonly known as the "Oklahoma Indian Welfare Act").

(3) The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.).

(4) Regulations relating to the Secretary's authority to acquire lands in trust for Indians and Indian tribes.

#### SEC. 409. TRANSMISSION OF POWER FROM INDIAN LANDS IN OKLAHOMA.

To the extent the Southwestern Power Administration makes transmission capacity available without replacing the present capacity of existing users of the Administration's transmission system, the Administrator of the Southwestern Power Administration shall take such actions as may be necessary, in accordance with all applicable Federal law, to make the transmission services of the Administration available for the transmission of electric power generated at facilities located on land within the jurisdictional area of any Oklahoma Indian tribe (as determined by the Secretary of the Interior) recognized by the Secretary as eligible for trust land status under 25 CFR Part 151. The owner or operator of the generation facilities concerned shall reimburse the Administrator for all costs of such actions in accordance with standards applicable to payment of such costs by other users of the Southwestern Power Administration transmission system.

#### SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

#### SEC. 411. EFFECTIVE DATE.

Except for section 409, the provisions of this Act shall take effect on January 1, 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Oklahoma (Mr. CARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

#### GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

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

Mr. Speaker, the version of this bill is slightly different than reported out of the Committee on Resources. The revision to not change the original intent of or policy behind the legislation could simply make it cleaner. I commend the tribes and the administration for their joint effort in completing an effective and viable piece of legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. WATKINS), the principal sponsor of H.R. 2880, to explain the bill.

Mr. WATKINS of Oklahoma. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, before us today is H.R. 2880, a bill that would correct several wrongs and have a significant impact on the members of the Cherokee, Choctaw, Creek, Chickasaw, and Seminole Nations, these tribes historically referred to as the Five Civilized Tribes who still own individual and restricted lands in Eastern Oklahoma.

In the first three quarters of the 20th century, the U.S. Congress enacted numerous laws dealing with the allotted lands of the five nations previously mentioned. Collectively these special laws have created an exceedingly complex system of Indian land tenure in Eastern Oklahoma.

These laws, like no others applicable elsewhere in the United States, have resulted in far less protection of individual Indian lands by members of the five nations. Indian allotments elsewhere in the United States are generally held in trust under the jurisdiction of the Secretary of the Interior. The Secretary has the authority to probate, determine there is individual trust land, and to petition trust allotments. Perhaps most importantly, the legislation would prevent the acquisition of individual Indian trust lands through adverse possession for members of the Five Nations, a benefit currently provided to individual trust lands in Western Oklahoma and elsewhere in the United States.

H.R. 2880, Mr. Speaker, would only apply to the individual Indian restricted allotments of the Five Nations. It would unify and organize an extremely complex body of laws, many of which have never been codified, and put them into a single accessible code. This bill would transfer jurisdiction over the conveyance and probates and their heirship determination to the Secretary of the Interior, create a simplified process for administrative approval, maintain the rights of individual Indians and, most importantly, protect the owners of restricted interest.

This legislation would provide protection to the remaining restricted Indian allotments in Eastern Oklahoma to the greatest extent feasible and with the same level of protection afforded trust allotments in Western Oklahoma and on all other reservations in the United States. In fact, this legislation has been written so as to make the rules and procedures applicable to the



administration of restricted lands as similar as possible to the current system that is offered to tribes other than the Five Nations. This was done to bring more uniformity to the entire system.

Nothing in H.R. 2880, the Five Nations Indian Land Reform Act, would diminish the trust responsibility of the United States over restricted lands. The Five Nations and other members of the Oklahoma delegations have spent years working on this much-needed legislation, including my colleague from the Second District of Oklahoma (Mr. CARSON), who is here today and who has also been a cosponsor of this legislation.

Mr. Speaker, I appreciate the support of all of my colleagues on this legislation to correct these wrongs, and I really appreciate very much the chairman for taking this bill up and allowing us to take it up under suspension, the gentleman from Oklahoma (Mr. CARSON), the gentleman from Michigan (Mr. KILDEE) and others for their tremendous support, and I urge all of my colleagues to support this legislation.

Mr. CARSON of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

(Mr. CARSON of Oklahoma asked and was given permission to revise and extend his remarks.)

Mr. CARSON of Oklahoma. Mr. Speaker, I would first like to thank the gentleman from Utah (Mr. HANSEN) and the gentleman from West Virginia (Mr. RAHALL) for working on the details of this bill and supporting it and bringing it the floor, and also commend the gentleman from Oklahoma (Mr. WATKINS) for his heroic work over many years to finally see this bill come to fruition.

The gentleman from Oklahoma (Mr. WATKINS) and I currently represent the majority of the citizens of what has historically been known as the Five Civilized Tribes, which includes the Cherokee, Choctaw, Chickasaw, Muscogee, Creek and Seminole Nations. Next session, after redistricting is finalized, my new district will likely encompass all of Eastern Oklahoma, which includes most of my current district and a large part of the gentleman from Oklahoma's (Mr. WATKINS) as well.

I rise in strong support of H.R. 2880, the Five Nations Citizens Land Reform Act of 2001. This bill corrects an inequity that has long existed in Federal law related to land tenure and land probate for the Five Tribes. Simply put, this bill will bring clarity and equity to restricted lands of the Five Tribes.

H.R. 2880 brings clarity by unifying into a single law what is currently contained in numerous Federal laws, applicable to individual Indian allotted lands of the Five Tribes and has created inequities, obstacles and financial burdens for citizens of those tribes. Those obstacles have resulted in the unnecessary loss of land owned by individual Indians residing in Eastern Oklahoma.

H.R. 2880 will bring equity by giving restricted property the same level and type of protection afforded the allotted lands of other Federally recognized tribes nationwide. Currently the individual allotments to citizens of the Five Tribes are afforded much less protection to the land than to laws applicable to trust allotments of other tribes.

In addition, the Five Tribes are the only tribes where jurisdiction over probates and conveyances of their land is held by the State district courts and not the Secretary of the Interior.

H.R. 2880 will correct this by allowing families to have estates probated administratively by the Department of the Interior. This legislation also protects the vested rights of individuals who have acquired an interest in tracts of lands that include restricted interests.

As a member of the Cherokee Nation, as an active member of the Native American Caucus, and as an elected representative of a significant percentage of citizens of the Five Civilized Tribes, I urge my colleagues to support this legislation and help bring clarity and equity to a land issue that has plagued Eastern Oklahoma and citizens of the Five Tribes for far too long.

Mr. WATKINS of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. CARSON of Oklahoma. I yield to the gentleman from Oklahoma.

Mr. WATKINS of Oklahoma. Mr. Speaker, I would like to commend the gentleman from Oklahoma (Mr. CARSON) again for his tremendous work and cooperation on this. And as a member of the Cherokee Tribe, I would like to point out the two grandchildren I have sitting right behind me, who are part of the Creek Nation and just as you are part of the Five Civilized Tribes. I might say some people might wonder about that red hair, but they are part Creek.

Mr. CARSON of Oklahoma. Mr. Speaker, let me thank the gentleman from Oklahoma (Mr. WATKINS) who has preceded me in Congress by some two decades of his tremendous work in helping all of the Five Tribes, including this piece of legislation today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded not to refer to children on the floor who are here as guests of Members of Congress.

Mr. CARSON of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I would like to express my strong support for H.R. 2880, the Five Nations Citizens Reform Act and the Hansen substitute.

This legislation affects the restricted land allotments of citizens of the Cherokee, Creek, Seminole, Choctaw and Chickasaw Nations in Eastern Oklahoma. I want to thank the gentleman from Oklahoma (Mr. WATKINS) who ar-

rived here in Congress with me a few years ago, the gentleman from Oklahoma (Mr. CARSON), the gentleman from Utah (Mr. HANSEN), the chairman of the Committee on Resources, and the ranking member, the gentleman from West Virginia (Mr. RAHALL) for their support and their efforts to bring this bill to the floor today. I am proud to be an original cosponsor of this bill.

Mr. Speaker, for more than 90 years the land allotment owners of the Five Tribes have been the object of special laws applicable to only their lands. These laws have afforded these lands much less protection than is afforded the trust allotments elsewhere in the United States.

Under the current Federal law, the State courts of Oklahoma have jurisdiction over probating, petitioning and transferring restricted lands. This situation often places a great financial burden on Indian families who must hire private attorneys to probate estates or transfer interest in restricted land. For this reason, many estates in Eastern Oklahoma that include restricted lands 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 land and effecting other transactions involving allotted lands. This bill would do the same for the restricted allotments of the Five Tribes, and in general would give these allotments the same protection and treatments given allotted Indian lands in the rest of the United States.

Mr. Speaker, I urge my colleagues to support this legislation and the Hansen substitute.

Mr. CARSON of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALÉOMAVAEGA).

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

Mr. FALÉOMAVAEGA. Mr. Speaker, the purpose of this legislation is to treat restricted Indian lands in Eastern Oklahoma similar to Indian trust lands in other States. These lands are known as restricted as they are subject to Federal restrictions against alienation.

□ 1645

In addition, this legislation will move responsibility and jurisdiction over probating, partitioning, leasing and transferring these restricted lands from the State courts of Oklahoma to the Secretary of the Interior. Again, this would treat restricted Indian State courts of Oklahoma, lands in Oklahoma, similar to Indian trust lands in other States.

This bill affects lands owned by members of the Cherokee, the Creek, Muscogee, Seminole and Choctaw and the Chickasaw nations of eastern Oklahoma, which are historically referred to as the Five Civilized Tribes or Five Nations. Mr. Speaker, with all due respect, I want to know who the idiot

was that coined this word "civilized," because it implies these are the only five civilized tribes in the United States. It seems to suggest that the Nation of the Cheyenne or the Lakotas and others are not civilized, maybe a little Westernized, but not to suggest that they are not civilized.

Mr. Speaker, treaty agreements between the Five Tribes or the Five Nations and the United States provided that land belonging to the tribes be held in fee but restricted from alienation status. This allowed the tribes to avoid the forced allotment of their lands under the General Allotment Act of 1887. This act was intended to destroy Indian reservations by breaking many into individual allotments, thereby making it easier to remove land held by the Indians. Indeed, the General Allotment Act, the wisdom of the Congress, resulted in the removal of millions of acres of Indian land and the horrendous fractionated ownership problems which exist even to this day.

Federal law enacted on June 14, 1918, subjects restricted Indian land in Oklahoma to State statutes of limitation. What happened is this permitted restricted lands to be taken by adverse possession, and Indian trust lands elsewhere are protected from such action.

The STIGRA Act of 1947 provided district courts in eastern Oklahoma jurisdiction, acting as Federal instrumentalities over transactions involving individual restricted Indian lands. The jurisdiction conveyed under the 1947 act included authority to approve conveyances; mineral leases; partition property, voluntarily or involuntarily; probate estates; and even determine heirs.

Mr. Speaker, these laws have resulted in the loss of individual title to most of the original restricted lands. Most Indians die intestate. For the Five Nations this leaves disposal of their property to the discretion of the Oklahoma district courts. Indian heirs must hire private attorneys to pursue probate, heirship determinations, and deed approval for land conveyance.

As a consequence, thousands of acres of restricted lands have not been probated. Additional lands are lost when non-Indian neighbors encroach on restricted Indian lands for the duration of the State statute of limitation and go to district court and claim title, and the Indian owner often is unaware of the implication of State adverse possession laws and is financially unable to fight it even in court.

Mr. Speaker, I want to commend the gentleman from Oklahoma (Mr. WATKINS) for his sponsorship of this legislation; and I also want to commend the gentleman from Oklahoma (Mr. CARSON), and a member of the Cherokee Nation, for his strong support of this bill.

Mr. Speaker, this bill would not be here on the House floor if it did not have the support and endorsement of our chairman of our Committee on Resources, the gentleman from Utah (Mr.

HANSEN), and our senior ranking member, the gentleman from West Virginia (Mr. RAHALL).

Mr. Speaker, this is a good bill, and I urge my colleagues to support this legislation. I want to thank our Democratic staff, Ms. Marie Howard, for the outstanding work she has done in the preparation of notes and memoranda for the Members to better understand the provision of this bill.

I urge my colleagues to support this bill.

Mr. CARSON of Oklahoma. Mr. Speaker, I have no further speakers at this time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, let me commend the gentleman from Oklahoma for the excellent work he has done on this, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2880, 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 amend laws relating to the lands of the enrollees and lineal descendants of enrollees whose names appear on the final Indian rolls of the Muscogee (Creek), Seminole, Cherokee, Chickasaw, and Choctaw Nations (historically referred to as the Five Civilized Tribes), and for other purposes."

A motion to reconsider was laid on the table.

#### EXPRESSING SENSE OF CONGRESS CONCERNING 2002 WORLD CUP AND CO-HOSTS REPUBLIC OF KOREA AND JAPAN

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 394) expressing the sense of the Congress concerning the 2002 World Cup and co-hosts Republic of Korea and Japan.

The Clerk read as follows:

H. CON. RES. 394

Whereas the United States has developed close relationships with the Republic of Korea and Japan;

Whereas the Republic of Korea and Japan have been close allies with the United States in the war against terrorism;

Whereas the Republic of Korea and Japan will co-host the 2002 Federation International Football Association (FIFA) World Cup Korea/Japan;

Whereas the 2002 FIFA World Cup Korea/Japan will be the first FIFA World Cup to be held in Asia;

Whereas 32 nations have been qualified to compete from May 31 through June 30 of 2002, and will send some 1,500 coaches and athletes to the Republic of Korea and Japan, making this year's World Cup the largest ever;

Whereas the Korean and Japanese organizing committees for the 2002 FIFA World Cup Korea/Japan have effectively directed the preparations for unprecedented security precautions in both host nations;

Whereas during the 2002 FIFA World Cup Korea/Japan, billions of people are expected to view the competition;

Whereas the co-hosting of the FIFA World Cup by the Republic of Korea and Japan symbolizes the friendly relations between the two host nations, both key allies of the United States; and

Whereas the co-hosting of this international sporting event contributes to enhancing peace and stability in Northeast Asia: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress—*

(1) appreciates the mutually beneficial relationship between the United States and the Republic of Korea and the United States and Japan;

(2) commends the Republic of Korea/Japan 2002 FIFA World Cup organizers for the attention they have given to security precautions during the event; and

(3) recognizes and applauds the cooperation of the President of the Republic of Korea, Kim Dae-jung, and the Prime Minister of Japan, Junichiro Koizumi, in the hosting of the largest and most widely viewed World Cup competition in the history of the sport.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

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

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this concurrent resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

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

I rise in support of this measure which expresses the sense of Congress concerning the 2002 World Cup co-hosted by the Republic of Korea and by Japan. Soccer's World Cup, the biggest sporting event in the world, is underway in Korea and Japan. The sport that Pele, the greatest soccer player of all time, dubbed "the beautiful game" will have a TV audience that will be in the billions of people.

We are less than 2 weeks into the month-long tournament, and already it promises to be one of the most exciting in the history of the game. From the opening match, where the small African nation of Senegal knocked off defending world champion France, to the United States' unthinkable victory over the European powerhouse Portugal, we have seen some of the biggest upsets in history. Both co-hosts, Korea and Japan, have earned their first World Cup wins ever.

There is more going on here than simply sport. Throughout history, sport has played a role in bringing nations together and helping them to reconcile their differences. Japan and Korea historically have had a troubled relationship. For the first World Cup held in Asia, soccer's governing body