

Public Law 86-192

AN ACT

August 25, 1959
[H. R. 2722]

To supplement the Act of April 26, 1906 (34 Stat. 137), entitled "An Act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes", and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to complete the action for the Choctaw Tribe authorized by the Act of April 26, 1906 (34 Stat. 137), entitled "An Act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes", the Secretary of the Interior is authorized and directed:

(a) Except as otherwise provided in subsections (b) and (c) of this section, to sell within three years after the date of this Act or as soon thereafter as possible, upon such terms and conditions as he deems proper, all lands, interests therein, and improvements thereon (except a one-half interest in the oil, gas, hydrocarbons, and all other minerals or mineral rights in such lands, which one-half interest shall be reserved) that now or hereafter belong to the Choctaw Tribe, or to the Choctaw and Chickasaw Tribes jointly, and either are held by the United States in trust for the tribe or tribes or are subject to a restriction against alienation imposed by the United States, and to sell upon such terms and conditions as he deems proper a one-half interest in all oil, gas, hydrocarbons, and all other minerals or mineral rights in any such lands that were acquired by and are owned by the United States pursuant to the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967), as amended (25 U.S.C. 501-509), or the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended (25 U.S.C. 461 and the following). The remaining one-half interest in such mineral deposits shall be held in trust for the tribe or tribes until conveyed as hereinafter provided. The proceeds from all such sales, after deduction of the costs of sale, shall be deposited in the Treasury of the United States to the credit of the tribe or tribes to which the surface rights in the land belonged. As soon as feasible, but not later than three years after the date of enactment of this Act, unrestricted title to the Choctaw portion of the one-half interest in the oil, gas, hydrocarbons, and all other minerals or mineral rights that is directed to be reserved and held in trust by this subsection shall be conveyed by the Secretary to a trustee, corporation, or other legal entity that is organized under State law and that is designated by the Choctaw Tribe and approved by the Secretary. If no such legal entity is designated and approved, unrestricted title to such interest shall be conveyed by the Secretary to the owner of the surface rights in the land. The Chickasaw portion of such one-half interest shall be held in trust until such time as the Secretary determines that it should be sold or conveyed for the benefit of the tribe, which sale or conveyance is hereby authorized.

(b) To convey without consideration, upon request of the Choctaw Tribe, to a trustee, corporation, or other legal entity that is organized under State law and that is designated by the tribe and approved by the Secretary, an unrestricted title to any of the lands that are subject to sale under subsections (a) and (d) of this section, together with all mineral rights therein: *Provided*, That if such lands are held for the benefit of the Choctaw and Chickasaw Tribes jointly, the Choctaw Tribe shall pay to the Chickasaw Tribe prior to such conveyance the appraised value of the undivided Chickasaw interest.

(c) To convey to the life tenant, his heirs, devisees, successors, or assigns unrestricted title to the entire interest in lands and improvements thereon, including mineral deposits, that were acquired pursuant to the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967), as amended (25 U.S.C. 501-509), or the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended (25 U.S.C. 461 and the following), by the United States in trust for a designated individual Indian for his lifetime and thereafter in trust for the tribe.

(d) Except as provided in subsection (b) of this section, to sell within three years after the date of enactment of this Act or as soon thereafter as possible, upon such terms and conditions as he deems proper, or to transfer to a Federal agency or to a public body for public use, the lands, interests therein, and improvements thereon which have been acquired by the United States for use of the Choctaw Tribe under authority of title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), and subsequent Acts, administrative jurisdiction over which has heretofore been transferred by the President from the Secretary of Agriculture to the Secretary of the Interior by Executive Order Numbered 7868, dated April 15, 1938. The proceeds from such sales, after deduction of costs of sale, shall be deposited in the Treasury of the United States to the credit of the tribe.

SEC. 2. Nothing in this Act shall deprive any Indian of any individual right, ownership, or contract right he may have in land that is sold.

SEC. 3. Any one or more of the enrolled members of the Choctaw Tribe or their descendants who occupy under a written lease or permit from the Bureau of Indian Affairs a portion of any lands subject to sale under the provisions of this Act shall have the right to purchase at such sale the lands which they occupy for a price equal to the highest acceptable competitive bid therefor, less the appraised value of any improvements which they may have placed thereon and which were not a part of the consideration for the lease or permit.

Right to purchase occupied lands.

SEC. 4. The Secretary of the Interior is authorized to execute such patents, deeds, assignments, releases, certificates, contracts, and other instruments as may be necessary or appropriate to carry out the provisions of this Act, or to establish a marketable title to any property disposed of pursuant to this Act.

Execution of patents, deeds, etc.

SEC. 5. Nothing in this Act shall abrogate any valid lease, permit, license, right-of-way, lien, or other contract heretofore approved. Whenever such instrument places in or reserves to the Secretary any powers, duties, or other functions with respect to the property subject hereto, the Secretary may transfer such functions, in whole or in part, to any Federal agency with the consent of such agency.

SEC. 6. The Secretary is authorized to set off against any indebtedness payable to the tribe or to the United States by an individual member of the tribe, or payable to the United States by the tribe, any funds payable to such individual or tribe under this Act and to deposit the amounts set off to the credit of the tribe or the United States as the case may be.

SEC. 7. The Act of June 18, 1934 (48 Stat. 984), as amended (25 U.S.C. 461), and the Act of June 26, 1936 (49 Stat. 1967), as amended (25 U.S.C. 501-509), shall not apply to the Choctaw Tribe and its members after the date of enactment of this Act, except that the provisions of section 1 of the Act of June 26, 1936, with respect to taxes on lands that are held by the United States in trust shall continue in effect until the trust is terminated, and any trust for the benefit of an individual Indian that was created pursuant to such section shall be terminated only as otherwise authorized by this Act or by any other Federal statute.

25 USC 501.

SEC. 8. Nothing in this Act shall affect any claim heretofore filed against the United States by the Choctaw Tribe.

25 USC 355 note.

SEC. 9. Nothing in this Act shall affect the provisions of the Act of August 11, 1955 (69 Stat. 666).

SEC. 10. In any per capita distribution of tribal funds that is hereafter made to members of the Choctaw Tribe, or their heirs or legatees, no payment shall be made in an amount that is less than \$1, and any share that is less than \$1 shall be credited to the appropriation available for carrying out the purposes of this Act.

SEC. 11. No principal chief of the Choctaw Tribe shall be appointed pursuant to section 6 of the Act of April 26, 1906 (34 Stat. 137), after a legal entity is designated and approved pursuant to subsection (a) of the first section of this Act, or after three years from the date of enactment of this Act, whichever is sooner.

Choctaw funds.
Per capita distribution.

SEC. 12. (a) The Secretary of the Interior is directed to exercise the discretionary authority granted by the Act of May 24, 1949 (63 Stat. 76, 84), to distribute per capita all of the funds held by the United States for the benefit of the Choctaw Tribe; except the amount necessary for the operation of the Choctaw Tribal Government until a legal entity is designated and approved pursuant to subsection (a) of the first section of this Act or until three years from the date of enactment of this Act, whichever is sooner.

Disposition of
unclaimed funds.

(b) Any per capita sum or other tribal funds or securities accruing to any member of the Choctaw Tribe or to his heirs or legatees, under this or any other Act, including any such sums that have been credited to individual Indian money accounts without application of the Indian for his distributive share of the tribal asset involved, that is not claimed by such person within seven years after the Secretary has first announced the procedure for submitting claims or within two years after the date of enactment of this Act, whichever is later, shall escheat to the tribe by operation of law and shall be transferred by the Secretary immediately upon the expiration of such time to the legal entity that is designated and approved pursuant to subsection (a) of the first section of this Act. If no such legal entity is designated and approved within three years from the date of enactment of this Act, any sums that would escheat to the tribe under this subsection shall escheat to the United States and be deposited in the miscellaneous receipts of the Treasury.

(c) The legal entity organized under State law and designated and approved pursuant to subsection (a) of the first section of this Act, if any, shall be the successor in interest to the Choctaw Tribe for all purposes.

Approved August 25, 1959.

Public Law 86-193

AN ACT

To designate a stream in California as the "Petaluma River".

August 25, 1959
[H. R. 2191]

Petaluma River,
Calif.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the body of water in California now designated and referred to as "Petaluma Creek" shall hereafter be known and designated as "Petaluma River". Any law, regulation, document, or record of the United States in which such body of water is designated or referred to by the name of "Petaluma Creek" shall be held and considered to refer to such body of water as "Petaluma River".

Approved August 25, 1959.