

Calendar No. 698

115TH CONGRESS
2^D SESSION**H. R. 2606****[Report No. 115–398]**

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2018

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

NOVEMBER 29, 2018

Reported by Mr. HOEVEN, without amendment

AN ACT

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

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

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. IN GENERAL.**

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

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

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

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

24 “(1) if such interests were acquired by an heir
25 or devisee of one-half or more degree of Indian
26 blood, as computed from the nearest enrolled lineal

1 ancestors of Indian blood enrolled on the Final Rolls
2 described in subsection (a), by final order issued by
3 an Oklahoma district court or a United States dis-
4 trict court determining the decedent’s heirs or devi-
5 sees or otherwise determining the ownership of said
6 interests before said date; or

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

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

15 “(B) conveyed by the decedent’s undeter-
16 mined heirs or devisees by deed approved by an
17 Oklahoma district court; or

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

22 “SEC. 2. (a) Except as provided in subsection (f),
23 subsection (g), subsection (h), and subsection (i), no con-
24 veyance, including an oil and gas or mineral lease, of any
25 interest in the restricted lands described in this section

1 shall be valid unless approved in open court by the district
2 court of the county in Oklahoma in which the land is situ-
3 ated;”;

4 (2) in subsection (b)—

5 (A) by striking “county judge” and insert-
6 ing “district judge”; and

7 (B) by striking “Proceedings for approval
8 of conveyances by restricted heirs or devisees”
9 and inserting “Proceedings for approval of con-
10 veyances”;

11 (3) in subsection (c), by striking “best interest
12 of the Indian” and inserting “best interest of the
13 grantor”; and

14 (4) by adding before the period at the end the
15 following: “; (h) nothing contained in this section
16 shall limit or affect the right of an Indian owner of
17 restricted lands described in this Act to seek and ob-
18 tain Secretarial removal of restrictions on all or any
19 portion of said restricted lands in accordance with
20 any applicable Federal law; (i) nothing contained in
21 this section shall invalidate the alienation, convey-
22 ance, lease, including oil and gas or other mineral
23 leases, mortgage, creation of liens, or other encum-
24 brance of any lands, if such action was effective be-
25 fore the date of enactment of the Stigler Act

1 Amendments of 2018 and valid under the law then
2 in effect; and (j) in determining the quantum of In-
3 dian blood of any Indian heir or devisee, the Final
4 Indian Rolls of the Five Civilized Tribes in Indian
5 Territory as to such heir or devisee, if enrolled, shall
6 be conclusive of his or her quantum of Indian blood.
7 If unenrolled, his or her degree of Indian blood shall
8 be computed from the nearest enrolled lineal ances-
9 tors of Indian blood enrolled on the Final Indian
10 Rolls of the Five Civilized Tribes in Indian Terri-
11 tory”.

12 **SEC. 3. TECHNICAL AMENDMENTS.**

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

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

17 (2) in section 6(c)—

18 (A) by inserting “purchase, partition sale,”
19 after “gift,” each place it appears; and

20 (B) by striking “of one-half or more In-
21 dian blood”; and

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

24 **SEC. 4. REPEALS.**

25 The following are repealed:

1 (1) The first section of the Act of August 11,
2 1955 (69 Stat. 666, chapter 768).

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

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