

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2880

---

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2002

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

---

## AN ACT

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.

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; TABLE OF CONTENTS.**

4        (a) SHORT TITLE.—This Act may be cited as the  
 5 “Five Nations Indian Land Reform Act”.

6        (b) TABLE OF CONTENTS.—The table of contents of  
 7 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 re-  
 stricted 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, PARTI-  
 TIONS, 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 parti-  
 tions.
- 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.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Since 1970, Federal Indian policy has en-  
4 couraged Indian self-determination and economic  
5 self-sufficiency. The exercise of Federal instrumen-  
6 tality jurisdiction by the Oklahoma State courts over  
7 the Indian property that is subject to Federal re-  
8 strictions against alienation belonging to enrollees  
9 and descendants of enrollees whose names appear on  
10 the final Indian rolls of the Muscogee (Creek), Semi-  
11 nole, Cherokee, Chickasaw, and Choctaw Nations,  
12 historically referred to as the Five Civilized Tribes,  
13 but now referred to as the Five Nations, is incon-  
14 sistent with that policy.

15 (2) It is a goal of Congress to recognize the In-  
16 dian land base as an integral part of the culture and  
17 heritage of Indian people.

18 (3) The exercise of Federal instrumentality ju-  
19 risdiction by the courts of the State of Oklahoma

1 over conveyances and inheritance of restricted prop-  
2 erty belonging to Individual Indians—

3 (A) is costly, confusing, and cumbersome,  
4 and effectively prevents any meaningful Indian  
5 estate planning, and unduly complicates the  
6 probating of Indian estates and other legal pro-  
7 ceedings relating to Individual Indians and  
8 their lands; and

9 (B) has impeded the self-determination  
10 and economic self-sufficiency of Individual Indi-  
11 ans within the exterior boundaries of the Five  
12 Nations.

13 **SEC. 3. PURPOSES.**

14 The purposes of this Act are as follows:

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

20 (2) To eliminate unnecessary legal and bureau-  
21 cratic obstacles that impede the highest and best use  
22 of restricted property belonging to Individual Indi-  
23 ans.

24 (3) To provide for an efficient process for the  
25 administrative review and approval of conveyances,

1 voluntary partitions, and leases, and to provide for  
2 Federal administrative proceedings in testate and in-  
3 testate probate and other cases that involve the re-  
4 stricted property of Individual Indians, which con-  
5 cern the rights of Individual Indians to hold and ac-  
6 quire such property in restricted and trust status.

7 (4) To transfer to the Secretary the Federal in-  
8 strumentality jurisdiction of the Oklahoma State  
9 courts together with other authority currently exer-  
10 cised by such courts over the conveyance, devise, in-  
11 heritance, lease, encumbrance, and certain voluntary  
12 partition actions involving restricted property be-  
13 longing to such Individual Indians.

14 **SEC. 4. DEFINITIONS.**

15 In this Act:

16 (1) FIVE NATIONS.—The term “Five Nations”  
17 means the Cherokee Nation, the Chickasaw Nation,  
18 the Choctaw Nation of Oklahoma, the Seminole Na-  
19 tion of Oklahoma, and the Muscogee (Creek) Nation,  
20 collectively, which were historically referred to as the  
21 “Five Civilized Tribes”.

22 (2) INDIAN COUNTRY.—The term “Indian coun-  
23 try” has the meaning given that term in section  
24 1151 of title 18, United States Code, which includes

1 restricted property and trust property as such terms  
2 are defined in this Act.

3 (3) INDIAN NATION.—The term “Indian Na-  
4 tion” means one of the individual Five Nations re-  
5 ferred to in paragraph (1).

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

10 (5) INDIVIDUAL INDIAN.—The term “Individual  
11 Indian” means a member or citizen of one of the in-  
12 dividual Five Nations referred to in paragraph (1),  
13 an enrollee on the final Indian rolls of the Five Civ-  
14 ilized Tribes, or an individual who is a lineal de-  
15 scendant by blood of an Indian ancestor enrolled on  
16 the final Indian rolls of the Five Civilized Tribes, re-  
17 gardless of whether such person is an enrolled mem-  
18 ber of one of the Five Nations.

19 (6) RESTRICTED PROPERTY.—(A) The term  
20 “restricted property” means any right, title, or in-  
21 terest in real property owned by an Individual In-  
22 dian that is subject to a restriction against alien-  
23 ation, conveyance, lease, mortgage, creation of liens,  
24 or other encumbrances imposed by this Act and  
25 other laws of the United States expressly applicable

1 to the property of enrollees and lineal descendants of  
2 enrollees on the final Indian rolls of the Five Civ-  
3 ilized Tribes.

4 (B) The term “restricted property” includes,  
5 without limitation, those interests in the estate of a  
6 decedent Individual Indian who died prior to the ef-  
7 fective date of this Act that were, immediately prior  
8 to the decedent’s death, subject to restrictions  
9 against alienation imposed by the laws of the United  
10 States but that had not, as of the effective date of  
11 this Act—

12 (i) been the subject of a final order deter-  
13 mining the decedent’s heirs and distributing the  
14 restricted property issued by a State district  
15 court or a United States district court;

16 (ii) been conveyed by heirs by deed ap-  
17 proved in State district court;

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

21 (iv) been the subject of Secretarial ap-  
22 proval of removal of restrictions.

23 (C) The term “restricted property” does not in-  
24 clude Indian trust allotments made pursuant to the

1 General Allotment Act (25 U.S.C. 331 et seq.) or  
2 any other trust property.

3 (7) SECRETARY.—The term “Secretary” means  
4 the Secretary of the Interior or the designee of the  
5 Secretary of the Interior.

6 (8) TRUST PROPERTY.—The term “trust prop-  
7 erty” means Indian property, title to which is held  
8 in trust by the United States for the benefit of an  
9 Individual Indian or an Indian Nation, provided that  
10 such property was acquired in trust by the United  
11 States under the authority of the Act of June 18,  
12 1934 (25 U.S.C. 461 et seq.) (commonly known as  
13 the “Indian Reorganization Act”) or the Act of June  
14 26, 1936 (25 U.S.C. 501 et seq.) (commonly known  
15 as the “Oklahoma Indian Welfare Act”), within the  
16 boundaries of the State of Oklahoma.

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

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

20 (a) APPLICATION.—Beginning on the effective date  
21 of this Act, all restricted property shall be subject to re-  
22 strictions against alienation, conveyance, lease, mortgage,  
23 creation of liens, or other encumbrances, regardless of the  
24 degree of Indian blood of the Individual Indian who owns  
25 such property.



1 (b) CONTINUATION.—

2 (1) IN GENERAL.—Any restricted property, in-  
3 cluding any restricted property referred to in sub-  
4 section (a), shall remain restricted property notwith-  
5 standing the acquisition of such property by an Indi-  
6 vidual Indian by inheritance, devise, gift, or ex-  
7 change.

8 (2) WITH WAIVER.—Any restricted property,  
9 including any restricted property referred to in sub-  
10 section (a), shall remain restricted property upon the  
11 acquisition of such property by an Individual Indian  
12 by election to take at partition or by purchase, but  
13 only if—

14 (A) prior to the execution of the deed  
15 transferring such restricted property, the Indi-  
16 vidual Indian who owned such property prior to  
17 such election to take or purchase executes a  
18 written waiver of his or her right to acquire  
19 other property in restricted status pursuant to  
20 section 102; and

21 (B) such restrictions appear in the deed  
22 transferring such property to the Individual In-  
23 dian electing to take at partition or purchasing  
24 such property, together with certification on

1           said deed by the Secretary that the require-  
2           ments of this paragraph have been met.

3 **SEC. 102. REINVESTMENT OF PROCEEDS FROM CONDEMNATION OR CONVEYANCE OF RESTRICTED**  
4                           **PROPERTY.**  
5

6           (a) REQUIREMENT.—Upon the conveyance of the re-  
7           stricted property of an Individual Indian pursuant to this  
8           Act, or upon the conveyance or condemnation of such  
9           property pursuant to section 3 of the Act of March 3,  
10          1901 (25 U.S.C. 357) or other Federal laws generally ap-  
11          plicable to the condemnation of Indian trust or restricted  
12          property, the Secretary shall use any proceeds from such  
13          conveyance or condemnation to purchase from a willing  
14          seller other property designated by such Individual Indian,  
15          and such designated property shall be restricted property  
16          if—

17               (1) such proceeds were deposited into a seg-  
18               regated trust fund account under the supervision of  
19               the Secretary at the request of the Individual In-  
20               dian;

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

1           (3) such Individual Indian has not executed a  
2           written waiver of his or her right to acquire other  
3           property in restricted status pursuant to section  
4           101;

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

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

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

14          (b) FAIR MARKET VALUE IN EXCESS OF PRO-  
15          CEEDS.—If the fair market value of any property des-  
16          ignated under subsection (a) exceeds the amount of pro-  
17          ceeds that are derived from the conveyance or condemna-  
18          tion of such property, a specific tract of land within the  
19          property shall be designated by the Individual Indian for  
20          placement in restricted status. Such restrictions shall ap-  
21          pear on the face of the deed with certification by the Sec-  
22          retary describing that portion of the property which is sub-  
23          ject to restrictions.

24          (c) RULE OF CONSTRUCTION.—The provisions of  
25          subsections (a) and (b) of this section shall apply to the

1 reinvestment of proceeds derived from the conveyance or  
2 condemnation of restricted property of an Individual In-  
3 dian pursuant to the Act of March 2, 1931, as amended  
4 by the Act of June 30, 1932 (25 U.S.C. 409a), where such  
5 reinvestment occurs after the effective date of this Act.

6 **SEC. 103. TRUST FUNDS.**

7 (a) IN GENERAL.—All funds and securities held or  
8 supervised by the Secretary derived from restricted prop-  
9 erty or Individual Indian trust property on or after the  
10 effective date of this Act, including proceeds from any con-  
11 veyance or condemnation as provided for in section 102,  
12 are deemed to be held in trust and shall remain subject  
13 to the jurisdiction of the Secretary.

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

20 **SEC. 104. PERIOD OF RESTRICTIONS.**

21 Subject to the provisions of this Act that permit re-  
22 strictions to be removed, the period of restriction against  
23 alienation, conveyance, lease, mortgage, creation of liens,  
24 or other encumbrances of restricted property and funds

1 belonging to Individual Indians, is hereby extended until  
2 an Act of Congress determines otherwise.

3 **SEC. 105. REMOVAL OF RESTRICTIONS.**

4 (a) PROCEDURE.—

5 (1) APPLICATION.—An Individual Indian who  
6 owns restricted property, or the legal guardian of a  
7 minor Individual Indian or of an Individual Indian  
8 who has been determined to be legally incompetent  
9 by a court of competent jurisdiction (including a  
10 tribal court), may apply to the Secretary for an  
11 order removing restrictions on any interest in re-  
12 stricted property owned by such Individual Indian.  
13 The application shall be considered by the Secretary  
14 only as to the tract, tracts, or severed mineral or  
15 surface interest described in the application.

16 (2) CONSIDERATION OF APPLICATION.—Not  
17 later than 90 days after the date on which an appli-  
18 cation referred to in paragraph (1) is submitted to  
19 the Secretary, the Secretary shall either issue the re-  
20 moval order or disapprove the application.

21 (3) DISAPPROVAL BY VIRTUE OF MISSED DEAD-  
22 LINE.—If the application referred to in paragraph  
23 (1) is not approved within 90 days of submission to  
24 the Secretary, the application shall be deemed to  
25 have been disapproved pursuant to paragraph

1 (4)(B). Such disapproval of the application shall be  
2 subject to review in accordance with the Administra-  
3 tive Procedures Act (5 U.S.C. 701 et seq.), and the  
4 Secretary's regulations governing administrative ap-  
5 peals.

6 (4) DISAPPROVAL.—The Secretary shall dis-  
7 approve an application pursuant to paragraph (2)  
8 if—

9 (A) in the Secretary's judgment, the appli-  
10 cant has been subjected to fraud, undue influ-  
11 ence, or duress by a third party; or

12 (B) the Secretary determines it is other-  
13 wise not in the Individual Indian owner's best  
14 interest.

15 (b) REMOVAL OF RESTRICTIONS.—When an order to  
16 remove restrictions becomes effective under subsection (a),  
17 the Secretary shall issue a certificate describing the prop-  
18 erty and stating that the Federal restrictions have been  
19 removed.

20 (c) SUBMISSION OF LIST.—Not later than April 1 of  
21 each year, the Secretary shall cause to be filed with the  
22 county treasurer of each county in the State of Oklahoma  
23 where restricted property is situated, a list of restricted  
24 property that has lost its restricted status during the pre-  
25 ceding calendar year in accordance with the provisions of

1 this Act. The Secretary shall also cause such list to be  
2 filed in the appropriate land titles and records offices des-  
3 ignated by the Secretary pursuant to section 406(a).

4 (d) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
5 tion shall be construed to—

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

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

11 **SEC. 106. EXEMPTIONS FROM PRIOR CLAIMS.**

12 Sections 4 and 5 of the Act of May 27, 1908 (35  
13 Stat. 312, chapter 199), shall apply to all restricted prop-  
14 erty.

15 **SEC. 107. FRACTIONAL INTERESTS.**

16 Upon application by an Individual Indian owner of  
17 an undivided unrestricted interest in property of which a  
18 portion of the interests in such property is restricted as  
19 of the effective date of this Act, the Secretary shall forth-  
20 with convert that unrestricted interest into restricted sta-  
21 tus if all of the undivided interests in the property are  
22 owned by Individual Indians as of the date of the applica-  
23 tion under this section. The conversion into restricted sta-  
24 tus shall be effective upon the date of filing of a restricted  
25 form deed with the county clerk of the county where the

1 property is situated; provided that such deed must be exe-  
2 cuted by the applicant and approved by the Secretary.

3 **TITLE II—ADMINISTRATIVE AP-**  
4 **PROVAL OF CONVEYANCES,**  
5 **PARTITIONS, LEASES, AND**  
6 **MORTGAGES; MANAGEMENT**  
7 **OF MINERAL INTERESTS**

8 **SEC. 201. APPROVAL AUTHORITY FOR CONVEYANCES AND**  
9 **LEASES.**

10 The Secretary shall have exclusive jurisdiction to ap-  
11 prove conveyances and leases of restricted property by an  
12 Individual Indian or by any guardian or conservator of  
13 any Individual Indian who is a ward in any guardianship  
14 or conservatorship proceeding pending in any court of  
15 competent jurisdiction, except that petitions for such ap-  
16 provals that are filed in Oklahoma district courts prior to  
17 the effective date of this Act shall be heard and adju-  
18 dicated by such courts pursuant to the procedures de-  
19 scribed in section 1 of the Act of August 4, 1947 (61 Stat.  
20 731, chapter 458), as in effect on the day before the effec-  
21 tive date of this Act, unless the Individual Indian, guard-  
22 ian, or conservator dismisses the petition or otherwise ob-  
23 jects to the conveyance or lease prior to final court ap-  
24 proval.



1 **SEC. 202. APPROVAL OF CONVEYANCES.**

2 (a) PROCEDURE.—

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

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

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

10 (C) to the highest bidder through the sub-  
11 mission to the Secretary of closed, silent bids or  
12 negotiated bids; and

13 (D) upon the approval of the Secretary.

14 (2) APPROVAL OF DEED.—No deed conveying  
15 an interest in restricted property shall be valid un-  
16 less the Secretary's approval is endorsed on the face  
17 of such deed.

18 (b) EXCEPTION.—

19 (1) IN GENERAL.—Notwithstanding subsection  
20 (a)(2)(B), the Secretary may approve the conveyance  
21 of restricted property, or any portion thereof, by an  
22 Individual Indian to any of the individuals described  
23 in paragraph (2) without soliciting bids, providing  
24 notice, or for consideration which is less than the  
25 appraised value of the property, if the Secretary de-  
26 termines that the conveyance is not contrary to the

1 best interests of the Individual Indian and that the  
2 Individual Indian has been duly informed of and un-  
3 derstands the fair market appraisal, and is not being  
4 coerced into the conveyance.

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

10 **SEC. 203. REIMPOSITION OF RESTRICTIONS ON RE-**  
11 **STRICTED PROPERTY CONVEYED TO INDIAN**  
12 **HOUSING AUTHORITIES.**

13 (a) IN GENERAL.—

14 (1) CERTIFICATE OF RESTRICTED STATUS.—In  
15 any case where the restrictions have been removed  
16 from restricted property for the purpose of allowing  
17 conveyances of the property to Indian housing au-  
18 thorities to enable such authorities to build homes  
19 for individual owners or relatives of owners of re-  
20 stricted property, the Secretary shall issue a Certifi-  
21 cate of Restricted Status describing the property  
22 and imposing restrictions thereon upon written re-  
23 quest by the Individual Indian homebuyer or an In-  
24 dividual Indian successor in interest to such home-  
25 buyer.

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

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

6           (B) be delivered to the Secretary not later  
7 than 5 years after the housing authority con-  
8 veys such property back to the original Indi-  
9 vidual Indian homebuyer or an Individual In-  
10 dian assignee or successor of the original Indi-  
11 vidual Indian homebuyer.

12       (b) EXISTING LIENS.—Prior to issuing a certificate  
13 under subsection (a) with respect to property, the Sec-  
14 retary may require the elimination of any existing liens  
15 or other encumbrances which would substantially interfere  
16 with the use of the property.

17       (c) APPLICATION TO CERTAIN HOMEBUYERS.—Indi-  
18 vidual Indian homebuyers described in subsection (a) who  
19 acquired ownership of property prior to the effective date  
20 of this Act shall have 5 years from such effective date to  
21 request that the Secretary issue a certificate under such  
22 subsection.

23       (d) RULE OF CONSTRUCTION.—Nothing in this Act  
24 shall be construed to limit or affect the rights of Individual  
25 Indians described in this section under other Federal laws

1 and regulations relating to the acquisition and status of  
2 trust property.

3 **SEC. 204. ADMINISTRATIVE APPROVAL OF PARTITION IN**  
4 **KIND.**

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

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

11 (2) APPROVAL ORDER.—The Secretary may  
12 issue an order approving the partition in kind of  
13 trust property described in paragraph (1) after re-  
14 ceiving an application pursuant to —subsection (d)(1)  
15 and satisfying the requirements of subsection (d),  
16 paragraphs (2) and (3), if—

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

21 (B) the Secretary finds the plan to be rea-  
22 sonable, fair, and equitable.

23 (3) RULE OF CONSTRUCTION.—This subsection  
24 shall not apply to trust property if 1 or more of the

1 undivided interests referred to in paragraph (1) are  
2 held in trust for an Indian Nation.

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

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

10 (2) APPROVAL OF PARTITION DEEDS.—The  
11 Secretary may issue an order approving the partition  
12 in kind of all or a portion of the property described  
13 in paragraph (1) after receiving an application pur-  
14 suant to subsection (d)(1) and satisfying the re-  
15 quirements of subsection (d), paragraphs (2) and  
16 (3), if—

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

20 (B) the Secretary finds the plan to be rea-  
21 sonable, fair, and equitable.

22 (c) PARTITION OF RESTRICTED PROPERTY.—

23 (1) JURISDICTION.—The Secretary shall have  
24 jurisdiction to approve deeds for the partition in

1 kind of property some or all of which consists of un-  
2 divided interests in restricted property.

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

5 (A) approve the partition in kind of all or  
6 a portion of the property described in para-  
7 graph (1) after receiving an application pursu-  
8 ant to subsection (d)(1) and satisfying the re-  
9 quirements of subsection (d), paragraphs (2)  
10 and (3); and

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

13 (i) a plan described in subsection  
14 (d)(2) or (d)(3) is approved in writing by  
15 all of the Individual Indians who own an  
16 undivided restricted interest in the prop-  
17 erty; and

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

20 (3) CONTINUATION OF RESTRICTED STATUS.—

21 The restricted status of any property acquired by an  
22 Individual Indian by deed exchange for the purpose  
23 of effecting a partition plan shall remain restricted  
24 pursuant to section 101(b)(1). Any property ac-  
25 quired by an Individual Indian by purchase for the

1 purpose of effecting a partition plan shall remain re-  
2 stricted if the requirements of section 101(b)(2) are  
3 met.

4 (d) PROCEDURES.—

5 (1) APPLICATION.—An owner or owners of an  
6 undivided interest in any trust property described in  
7 subsections (a)(1) or (b)(1) or any restricted prop-  
8 erty described in subsection (c)(1) may make written  
9 application, on a form approved by the Secretary,  
10 for the partition in kind of the restricted property or  
11 trust property described in the application.

12 (2) DETERMINATION.—If, based on an applica-  
13 tion submitted under paragraph (1), the Secretary  
14 determines that the property involved is susceptible  
15 to partition in kind, the Secretary shall initiate par-  
16 tition of the property by—

17 (A) notifying the owners of such deter-  
18 mination;

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

21 (C) affording the owners a reasonable time  
22 to respond, object, or consent in accordance  
23 with subsections (a)(2)(A), (b)(2)(A), or  
24 (c)(2)(B).

1           (3) PROPOSED LAND DIVISION PLAN.—The Sec-  
2           retary shall give applicants and all other owners of  
3           property subject to a partition application under this  
4           section a reasonable opportunity to negotiate a pro-  
5           posed land division plan for the purpose of securing  
6           ownership of a tract on the property equivalent to  
7           their respective interests in the undivided estate,  
8           prior to taking any action related to partition in  
9           kind of the property under this section. The Sec-  
10          retary may facilitate the negotiations for a land divi-  
11          sion plan.

12          (4) CONVEYANCES.—After the Secretary has  
13          approved a partition pursuant to subsection (a), (b),  
14          or (c), the Secretary shall issue or approve any or-  
15          ders, deeds, or instruments of conveyance necessary  
16          to complete the partition.—

17          (e) AUTHORITY OF SECRETARY TO CONSENT TO  
18          PLAN OF PARTITION ON BEHALF OF CERTAIN OWN-  
19          ERS.—The Secretary may give written consent to a plan  
20          of partition—

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



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

4 (B) the heir or devisee referred to in para-  
5 graph (1) has been determined but cannot be  
6 located; or

7 (C) the owner is a minor, non compos  
8 mentis, or otherwise under legal disability (un-  
9 less a guardian or conservator possesses the au-  
10 thority to approve a plan of partition on behalf  
11 of the owner); and

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

17 **SEC. 205. SURFACE LEASES.**

18 The Secretary may approve leases of restricted prop-  
19 erty by an Individual Indian pursuant to the Act of Au-  
20 gust 9, 1955 (25 U.S.C. 415 et seq.), section 105 of the  
21 American Indian Agricultural Resource Management Act  
22 (25 U.S.C. 3715), and section 219 of the Indian Land  
23 Consolidation Act (25 U.S.C. 2218).

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

3 (a) APPROVAL.—

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

9 (2) REQUIREMENTS.—The Secretary may ap-  
10 prove a lease or agreement described in paragraph  
11 (1) only if—

12 (A) the Individual Indian owners of a ma-  
13 jority of the undivided interest in the restricted  
14 or trust mineral estate that is the subject of the  
15 lease or agreement (including any interest cov-  
16 ered by a lease or agreement executed by the  
17 Secretary under subsection (c)) consent to the  
18 lease or agreement;

19 (B) the Secretary determines that approv-  
20 ing the lease or agreement is in the best inter-  
21 est of the Individual Indian owners of the re-  
22 stricted or trust mineral interests; and

23 (C)(i) the Secretary has accepted the high-  
24 est bid for such lease or agreement after a com-  
25 petitive bidding process has been conducted by  
26 the Secretary, or

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

6           (b) EFFECT OF APPROVAL.—Upon the approval of  
7           a lease or agreement by the Secretary under subsection  
8           (a), the lease or agreement shall be binding upon all own-  
9           ers of the restricted or trust undivided interests subject  
10          to the lease or agreement and all other parties to the lease  
11          or agreement, to the same extent as if all of the owners  
12          of the restricted or trust mineral interests involved had  
13          consented to the lease or agreement.

14          (c) EXECUTION OF LEASE OR AGREEMENT BY SEC-  
15          RETARY.—The Secretary may execute a mineral lease or  
16          agreement that affects restricted or trust property inter-  
17          ests on behalf of an Individual Indian owner if that owner  
18          is deceased and the heirs to, or devisees of, the interest  
19          of the deceased owner have not been determined, or if the  
20          heirs or devisees have been determined but one or more  
21          of the heirs or devisees cannot be located.

22          (d) DISTRIBUTION OF PROCEEDS.—The proceeds de-  
23          rived from a mineral lease or agreement approved by the  
24          Secretary under subsection (a) shall be distributed in ac-  
25          cordance with the interest held by each owner pursuant

1 to such rules and regulations as may be promulgated by  
2 the Secretary.

3 (e) COMMUNITIZATION AGREEMENTS.—Restricted or  
4 trust mineral interests underlying property located within  
5 a spacing and drilling unit approved by the Oklahoma Cor-  
6 poration Commission shall not be drained of any oil or  
7 gas by a well within such unit without a communitization  
8 agreement prepared and approved by the Secretary. In the  
9 event of any such drainage without a communitization  
10 agreement approved by the Secretary, 100 percent of all  
11 revenues derived from the production from any such re-  
12 stricted or trust property shall be paid to the Individual  
13 Indian owner free of all drilling, lifting, and other produc-  
14 tion costs.

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

16 (a) OIL AND GAS CONSERVATION LAWS.—

17 (1) IN GENERAL.—Except as otherwise pro-  
18 vided in this Act, the oil and gas conservation laws  
19 of the State of Oklahoma shall apply to restricted  
20 property.

21 (2) APPROVAL.—No order of the Corporation  
22 Commission affecting restricted property shall be  
23 valid as to such property until such order is sub-  
24 mitted to and approved by the Secretary.

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

7           (4) RULE OF CONSTRUCTION.—To the extent  
8 that an interest in any such well is not restricted  
9 property, the authority of the Secretary over the re-  
10 stricted mineral interest shall be exercised in con-  
11 junction with the Oklahoma Corporation Commis-  
12 sion’s authority over such nonrestricted interest.  
13 Nothing in this subsection shall be construed to  
14 grant to the State of Oklahoma regulatory jurisdic-  
15 tion over the protection of the environment and nat-  
16 ural resources of restricted property, except to the  
17 limited extent granted by this subsection.

18           (b) IMPLEMENTATION OF FEDERAL OIL AND GAS  
19 ROYALTY MANAGEMENT ACT.—Beginning on the effective  
20 date of this Act, the Secretary shall exercise all the duties  
21 and responsibilities of the Secretary under the Federal Oil  
22 and Gas Royalty Management Act of 1982 (30 U.S.C.  
23 1702 et seq.) with respect to an oil and gas lease where—

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

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

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

9 **SEC. 208. MORTGAGES.**

10         An Individual Indian may mortgage restricted prop-  
11 erty only in accordance with and under the authority of  
12 the Act of March 29, 1956 (25 U.S.C. 483a).

13 **TITLE III—PROBATE, HEIRSHIP**  
14 **DETERMINATION, AND OTHER**  
15 **PROCEEDINGS AFFECTING**  
16 **TITLE TO RESTRICTED PROP-**  
17 **ERTY**

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

19         The Secretary shall have jurisdiction over actions af-  
20 fecting title to, or use or disposition of, trust property or  
21 restricted property. The United States district courts in  
22 the State of Oklahoma and the courts of the State of Okla-  
23 homa shall have jurisdiction over actions affecting title to,  
24 or use or disposition of, trust property or restricted prop-  
25 erty only to the extent expressly authorized by this Act

1 or by other Federal laws applicable to trust property or  
2 restricted property.

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

4 (a) JURISDICTION.—The Secretary shall have exclu-  
5 sive jurisdiction to probate wills or otherwise determine  
6 heirs of deceased Individual Indians and to adjudicate all  
7 such estate actions to the extent that they involve indi-  
8 vidual trust property, restricted property, or trust funds  
9 or securities held or supervised by the Secretary derived  
10 from such property, subject to the following exceptions:

11 (1) The Secretary shall not have jurisdiction  
12 over such estate actions that are pending in the  
13 courts of the State of Oklahoma as provided in sec-  
14 tion 306 on the effective date of this Act.

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

20 (b) GOVERNING LAWS.—Notwithstanding any other  
21 provision of law, the Secretary shall have jurisdiction and  
22 authority under this section and sections 1 and 2 of the  
23 Act of June 25, 1910 (25 U.S.C. 372 and 373, respec-  
24 tively) to determine heirs, approve and probate wills, and  
25 distribute restricted property, trust property, and trust

1 funds in estates of Individual Indian decedents, subject  
2 to the following requirements:

3           (1) LAW APPLICABLE TO ESTATES OF INDI-  
4 VIDUAL INDIAN DECEDENTS WHO DIED INTESTATE  
5 PRIOR TO EFFECTIVE DATE.—The administrative  
6 law judge or other official designated by the Sec-  
7 retary shall apply the laws of the State of Oklahoma  
8 governing descent and distribution in force on the  
9 date of the decedent’s death to all restricted prop-  
10 erty, trust property, and trust funds or securities de-  
11 rived from such property in the estates of deceased  
12 Individual Indians who died intestate prior to the ef-  
13 fective date of this Act.

14           (2) LAW APPLICABLE TO ESTATES OF INDI-  
15 VIDUAL INDIAN DECEDENTS WHO DIE INTESTATE  
16 ON OR AFTER EFFECTIVE DATE.—The administra-  
17 tive law judge or other official designated by the  
18 Secretary shall apply the following laws to all re-  
19 stricted property, trust property, and trust funds or  
20 securities derived from such property in the estates  
21 of deceased Individual Indians who die intestate on  
22 or after the effective date of this Act:

23           (A) A probate code approved by the Sec-  
24 retary applicable to such property, funds, and  
25 securities but only if approved by the Secretary



1 in accordance with section 206(b)(2) of Public  
2 Law 97–459 (25 U.S.C. 2205(b)(2)).

3 (B) In the absence of a probate code ap-  
4 proved by the Secretary in accordance with sec-  
5 tion 206(b)(2) of Public Law 97–459 (25  
6 U.S.C. 2205(b)(2)), any Federal statute estab-  
7 lishing rules of descent and distribution for  
8 trust or restricted property.

9 (C) In the absence of either a probate code  
10 approved by the Secretary in accordance with  
11 section 206(b)(2) of Public Law 97–459 (25  
12 U.S.C. 2205(b)(2)) or a Federal statute estab-  
13 lishing rules of descent and distribution for  
14 trust or restricted property, the laws of descent  
15 and distribution in force in the State of Okla-  
16 homa.

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

19 (A) IN GENERAL.—The Secretary shall ap-  
20 prove a will of an estate containing trust prop-  
21 erty, restricted property, or trust funds or secu-  
22 rities derived from such property if the will was  
23 executed by an Individual Indian (i) prior to the  
24 effective date of this Act, and (ii) in accordance

1 with the laws of the State of Oklahoma gov-  
2 erning the validity and effect of wills.

3 (B) EXCEPTION.—Notwithstanding sub-  
4 paragraph (A), the will of a full-blood Indi-  
5 vidual Indian which disinherits the parent,  
6 spouse, or one or more children of such full-  
7 blood Individual Indian shall not be valid with  
8 respect to the disposition of restricted property  
9 unless the requirements of section 23 of the Act  
10 of April 26, 1906 (34 Stat. 137, chapter 1876),  
11 as in effect on the day before the effective date  
12 of this Act, are met.

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

15 (A) IN GENERAL.—Any Individual Indian  
16 who has attained age 18 and owns restricted  
17 property, trust property, or trust funds or secu-  
18 rities may dispose of such assets by will, exe-  
19 cuted on or after the effective date of this Act.  
20 The Secretary shall review and approve such  
21 wills in accordance with section 2 of the Act of  
22 June 25, 1910 (25 U.S.C. 373).

23 (B) FRAUD.—In any case where a will has  
24 been approved by the Secretary under subpara-  
25 graph (A) and it is subsequently discovered that

1           there was fraud in connection with the execu-  
2           tion or procurement of the will, the Secretary is  
3           authorized, within 1 year after the death of the  
4           testator, to cancel approval of the will. If an ap-  
5           proval is canceled in accordance with the pre-  
6           ceding sentence, the property purported to be  
7           disposed of in the will shall descend or be dis-  
8           tributed as property of an intestate decedent  
9           under paragraph (2).

10           (5) FEDERAL LAW CONTROLS.—Notwith-  
11           standing any other provision of this section, Federal  
12           law governing personal claims against the estate of  
13           a deceased Individual Indian or against trust prop-  
14           erty or restricted property, including the restrictions  
15           imposed by this Act or other applicable Federal law  
16           against the alienation, conveyance, lease, mortgage,  
17           creation of liens, or other encumbrances of trust  
18           property, restricted property, and trust funds and  
19           securities shall apply to all such assets contained in  
20           the estate of the deceased Individual Indian.

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

22           (a) JURISDICTION.—Except as provided in sub-  
23           sections (b) and (c), the United States district courts in  
24           the State of Oklahoma and the State courts of Oklahoma  
25           shall retain jurisdiction over actions seeking to cure de-

1 facts affecting the marketability of title to restricted prop-  
2 erty.

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

7 (1) all such causes that are pending on the ef-  
8 fective date of this Act in accordance with the provi-  
9 sions of section 3 of the Act of April 12, 1926 (44  
10 Stat. 239, chapter 115), shall be subject to section  
11 306; and

12 (2) an action to quiet title to an interest in re-  
13 stricted property on the basis of adverse possession  
14 may be filed in the courts of the State of Oklahoma  
15 if all requirements of Oklahoma law for acquiring  
16 title by adverse possession, including the running of  
17 the full 15-year limitations period, have been met  
18 prior to the effective date of this Act.

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

21 (1) filed not later than 2 years after the effec-  
22 tive date of this Act, the law applicable to such an  
23 action on the day before the date of the enactment  
24 of this Act shall apply; and

1           (2) filed more than 2 years after the effective  
2           date of this Act, the claimant must show by clear  
3           and convincing evidence that all requirements of  
4           Oklahoma law for acquiring title by adverse posses-  
5           sion in effect on the day before the date of the en-  
6           actment of this Act, including the running of the full  
7           15-year limitations period, were met prior to the ef-  
8           fective date of this Act.

9           (d) APPLICABILITY OF CERTAIN PROVISION OF THIS  
10          ACT.—Any action filed pursuant to subsection (a) or  
11          (b)(2) shall be subject to the procedures set forth in sec-  
12          tion 305.

13          (e) HEIRSHIP DETERMINATIONS AND DISPOSI-  
14          TIONS.—

15               (1) NO DEROGATION OF JURISDICTION.—Noth-  
16               ing in this section shall be construed to authorize a  
17               determination of heirs in a quiet title action in Fed-  
18               eral or State court in derogation of the Secretary's  
19               exclusive jurisdiction to probate wills or otherwise  
20               determine heirs of the deceased Individual Indians  
21               owning restricted property and to adjudicate all such  
22               estate actions involving restricted property pursuant  
23               to section 302, or in derogation of the Secretary's  
24               exclusive jurisdiction over the disposition of re-  
25               stricted property under this Act.

1           (2) REQUEST FOR DETERMINATION OF HEIRS  
2 TO ESTABLISH MARKETABLE TITLE.—Any grantee  
3 of an undetermined heir who, prior to the effective  
4 date of this Act and in accordance with applicable  
5 Federal laws, conveyed, leased, or otherwise encum-  
6 bered his or her interest in the restricted property  
7 of an unprobated estate of an Individual Indian de-  
8 cedent may request that the Secretary determine the  
9 heirs of the decedent in order to establish market-  
10 able title in said grantee.

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

15           (4) GRANTEE.—For purposes of this subsection  
16 the term grantee shall include any grantee, lessee, or  
17 mortgagee of such heir and any successors or as-  
18 signs of such grantee.

19 **SEC. 304. INVOLUNTARY PARTITIONS OF RESTRICTED**  
20 **PROPERTY.**

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

23           (1) PETITIONS.—Subject to the provisions of  
24 subsection (d), any person who owns any undivided  
25 interest in a tract of property consisting entirely or

1 partially of undivided restricted interests, regardless  
2 of the size of that person's interest in the whole  
3 tract, may file an action in the United States district  
4 court in the district wherein the tract is located or  
5 the Oklahoma State district court for the county  
6 wherein the tract is located for the involuntary parti-  
7 tion of such tract.

8 (2) JURISDICTION; APPLICABLE LAW.—The  
9 United States district courts in the State of Okla-  
10 homa and the State courts of Oklahoma shall have  
11 jurisdiction over actions for the involuntary partition  
12 of property filed pursuant to this section, subject to  
13 all requirements and limitations of this section and  
14 the requirements in sections 305 and 306. The laws  
15 of the State of Oklahoma governing the partition of  
16 property shall be applicable to all actions for invol-  
17 untary partition under this section, except to the ex-  
18 tent that any such laws are in conflict with any pro-  
19 visions of this section and sections 305 and 306.

20 (3) AGREEMENT AFTER INITIATION OF AC-  
21 TION.—If after the initiation of any action author-  
22 ized by this section, the parties to the suit reach an  
23 agreement for the partition of the property in kind  
24 or by sale, such agreement shall not be valid or  
25 binding as to the restricted interests until it is ap-

1 proved by the Secretary. The Secretary shall approve  
2 the partition plan if he finds it to be fair, reasonable  
3 and equitable to the Individual Indian owners of the  
4 restricted interests.

5 (4) APPROVAL OF ELECTION OR SALE.—If the  
6 tract consists of wholly or partially undivided re-  
7 stricted interests, the court may approve an election  
8 by any undivided interest owner to take the property  
9 at the full appraised value pursuant to the laws of  
10 the State of Oklahoma governing partitions in effect  
11 on the effective date of this Act or, if there is no  
12 such election, to approve the sale of the property at  
13 public auction for no less than two-thirds of the ap-  
14 praised value pursuant to such laws of the State of  
15 Oklahoma.

16 (5) DETERMINATION OF VALUE.—The Sec-  
17 retary shall determine the value of the property and  
18 submit an appraisal to the court. If the value of the  
19 property determined by the Secretary is greater than  
20 the valuation or appraisal of the property made  
21 pursuant to law of the State of Oklahoma, the court  
22 shall set a hearing at which time the Secretary and  
23 any other party shall be afforded an opportunity to  
24 present evidence regarding the value of the property,  
25 following which the court may accept the Secretary's



1 valuation, or accept the valuation and appraisalment  
2 made pursuant to law of the State of Oklahoma, or  
3 order a new valuation and appraisalment pursuant to  
4 law of the State of Oklahoma.

5 (b) PAYMENT TO NONCONSENTING OWNERS OF RE-  
6 STRICTED INTERESTS.—Nonconsenting owners of undi-  
7 vided restricted interests shall receive for the sale of such  
8 interests their proportionate share of the greater of—

- 9 (1) the proceeds paid at the partition sale; or  
10 (2) an amount equal to 90 percent of the ap-  
11 praised value of the tract.

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

18 (d) DEADLINE.—No action for the involuntary parti-  
19 tion of property shall be maintained under this section un-  
20 less it is filed within 10 years after the effective date of  
21 this Act.

1 **SEC. 305. REQUIREMENTS FOR ACTIONS TO CURE TITLE**  
2 **DEFECTS AND INVOLUNTARY PARTITIONS.**

3 (a) IN GENERAL.—All actions authorized by sections  
4 303 and 304 shall be conducted in accordance with the  
5 requirements and procedures described in this section.

6 (b) PARTIES.—

7 (1) UNITED STATES.—The United States shall  
8 not be a necessary and indispensable party to an ac-  
9 tion authorized under section 303 or 304. The Sec-  
10 retary may participate as a party in any such action.

11 (2) PARTICIPATION OF THE SECRETARY.—If  
12 the Secretary elects to participate in an action as  
13 provided for under paragraph (1), the responsive  
14 pleading of the Secretary shall be made not later  
15 than 20 days after the Secretary receives the notice  
16 required under subsection (c), or within such ex-  
17 tended time as the trial court in its discretion may  
18 permit.

19 (3) JUDGMENT BINDING.—After the appear-  
20 ance of the Secretary in any action described in  
21 paragraph (1), or after the expiration of the time in  
22 which the Secretary is authorized to respond under  
23 paragraph (2), the proceedings and judgment in  
24 such action shall be binding on the United States  
25 and the parties upon whom service has been made  
26 and shall affect the title to the restricted property

1 which is the subject of the action, in the same man-  
2 ner and extent as though nonrestricted property  
3 were involved.

4 (4) RULE OF CONSTRUCTION.—Nothing in this  
5 section shall be construed to waive the requirement  
6 of service of summons in accordance with applicable  
7 Federal or State law upon the Individual Indian  
8 landowners, who shall be necessary and indispen-  
9 sable parties to all actions authorized by sections  
10 303 and 304.

11 (c) NOTICE.—

12 (1) IN GENERAL.—The plaintiff in any action  
13 authorized by sections 303 and 304 shall serve writ-  
14 ten notice of the filing of such action and of a peti-  
15 tion or complaint, or any amended petition or com-  
16 plaint which substantially changes the nature of the  
17 action or includes a new cause of action, upon the  
18 Secretary not later than 10 days after the filing of  
19 any such petition or complaint or any such amended  
20 petition or complaint.

21 (2) FILING WITH CLERK.—At least one dupli-  
22 cate original of any notice served under paragraph  
23 (1) shall be filed with the clerk of the court in which  
24 the action is pending.

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

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

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

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

13           (4) FAILURE TO SERVE.—If the notice required  
14 under paragraph (1) is not served within the time  
15 required under such paragraph, or if return of serv-  
16 ice thereof is not made within the time permitted by  
17 law for the return of service of summons, alias no-  
18 tices may be issued and filed until service and return  
19 of notice is made, except that in the event that serv-  
20 ice of the notice required under such paragraph is  
21 not made within 60 days following the filing of the  
22 petition or complaint or amendments thereof, the ac-  
23 tion shall be dismissed without prejudice.

24           (5) LIMITATION.—In no event shall the United  
25 States or the parties named in a notice filed under

1 paragraph (1) be bound, or title to the restricted  
2 property be affected, unless written notice is served  
3 upon the Secretary as required under this sub-  
4 section.

5 (d) REMOVAL.—

6 (1) IN GENERAL.—The United States shall  
7 have the right to remove any action to which this  
8 section applies that is pending in a State court to  
9 a United States district court by filing with the  
10 State court, not later than 20 days after the service  
11 of any notice with respect to such action under sub-  
12 section (c), or within such extended period of time  
13 as the trial court in its discretion may permit, a no-  
14 tice of the removal of such action to a United States  
15 district court, together with the certified copy of the  
16 pleadings in such action as served on the Secretary  
17 under subsection (c).

18 (2) DUTY OF STATE COURT.—It shall be the  
19 duty of a State court to accept a notice filed under  
20 paragraph (1) and proceed no further in said suit.

21 (3) PLEADINGS.—Not later than 20 days after  
22 the filing of a notice under paragraph (1), the copy  
23 of the pleadings involved (as provided under such  
24 paragraph) shall be entered in the United States dis-  
25 trict court and the defendants and intervenors in

1 such action shall, not later than 20 days after the  
2 pleadings are so entered, file a responsive pleading  
3 to the complaint in such action.

4 (4) PROCEEDINGS.—Upon the submission of  
5 the filings required under paragraph (3), the action  
6 shall proceed in the same manner as if it had been  
7 originally commenced in the United States district  
8 court, and its judgment may be reviewed by certio-  
9 rari, appeal, or writ of error in like manner as if the  
10 action had been originally brought in such district  
11 court.

12 **SEC. 306. PENDING STATE PROCEEDINGS.**

13 The courts of the State of Oklahoma shall continue  
14 to exercise authority as a Federal instrumentality over all  
15 heirship, probate, partition, and other actions involving re-  
16 stricted property that are pending on the effective date  
17 of this Act until the issuance of a final judgment and ex-  
18 haustion of all appeal rights in any such action, or until  
19 the petitioner, personal representative, or the State court  
20 dismisses the action in accordance with State law.

21 **TITLE IV—MISCELLANEOUS**

22 **SEC. 401. REGULATIONS.**

23 The Secretary may promulgate such regulations as  
24 may be necessary to carry out this Act, except that failure

1 to promulgate such regulations shall not limit or delay the  
2 effect of this Act.

3 **SEC. 402. VALIDATION OF CERTAIN TRANSACTIONS; SAV-**  
4 **INGS CLAUSE.**

5 (a) VALIDATION OF CERTAIN TITLE TRANS-  
6 ACTIONS.—Any person having the legal capacity to own  
7 real property in the State of Oklahoma who claims owner-  
8 ship of an interest in such property through an unbroken  
9 chain of title of record, the title to which interest is or  
10 may be defective as a result of any transaction described  
11 in paragraphs (1) through (5) of this subsection that oc-  
12 curred in such chain of title, may cure the defect in title  
13 and validate the transaction by following the procedures  
14 of this section. When all conditions and requirements of  
15 this section have been met, and if no notice of objection  
16 has been timely filed by the Secretary under subsection  
17 (c) or by any other person under subsection (f), the trans-  
18 action shall be validated and shall not be considered a de-  
19 fect in the muniments of title but only insofar as the de-  
20 fect is based on or arises from Federal statutes applicable  
21 to the conveyance or inheritance of restricted property in  
22 effect at the time of the transaction. The transactions re-  
23 ferred to in this subsection are the following:

24 (1) Any probate order issued by a county court  
25 of the State of Oklahoma prior to the effective date

1 of the Act of June 14, 1918 (40 Stat. 606) pur-  
2 porting to probate the estate of an Individual Indian  
3 who died owning property which was subject to re-  
4 strictions against alienation pursuant to Federal  
5 statutes in effect at the time of issuance of such pro-  
6 bate order.

7 (2) Any probate order issued by a county or  
8 district court of the State of Oklahoma more than  
9 30 years prior to the effective date of this Act pur-  
10 porting to probate the estate of a deceased Indi-  
11 vidual Indian who died owning property which was  
12 subject to restrictions against alienation pursuant to  
13 Federal law in effect at the time of issuance of such  
14 probate order, where notice was not given as re-  
15 quired by Federal statutes in effect at the time.

16 (3) Any conveyance of record, including an oil  
17 and gas or mineral lease, of an interest in property  
18 which was subject to restrictions against alienation  
19 pursuant to Federal statutes in effect at the time of  
20 the conveyance executed by a person who was an  
21 heir or purported heir of the Individual Indian dece-  
22 dent who owned such property at the time of his  
23 death, if such conveyance was approved by a county  
24 or district court in Oklahoma more than 30 years  
25 before the effective date of this Act but where no ju-



1        dicial or administrative order of record was issued  
2        before or after such approval finding that such per-  
3        son was in fact the heir to the interest conveyed.

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

12            (A) approval was not in compliance with  
13        the notice requirements of Federal statutes gov-  
14        erning the conveyance of said individual trust  
15        property or said restricted property; or

16            (B) approval was given by a county or dis-  
17        trict court in Oklahoma of a conveyance of the  
18        property by a personal representative in a pro-  
19        bate action over which said county or district  
20        court possessed jurisdiction, without compliance  
21        with Federal statutes governing the conveyance  
22        of the property in effect at the time of the con-  
23        veyance.

24            (5) Any conveyance of record, including an oil  
25        and gas or mineral lease, of individual trust property

1 or property which was subject to restrictions against  
2 alienation pursuant to Federal statutes in effect at  
3 the time of the conveyance that was approved by a  
4 county or district court in Oklahoma or by the Sec-  
5 retary at any time before the effective date of this  
6 Act, where—

7 (A) approval was given by the Secretary  
8 where the Federal statutes governing the con-  
9 veyance of the property required approval by a  
10 county or district court in Oklahoma; or

11 (B) approval was given by a county or dis-  
12 trict court in Oklahoma where the Federal stat-  
13 utes governing the conveyance of the property  
14 in effect at the time of the conveyance required  
15 approval of the Secretary.

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

17 (1) NOTICE TO THE SECRETARY.—Any claim-  
18 ant described in subsection (a) must serve written  
19 notice of his or her claim by certified mail, return  
20 receipt requested, on the Secretary, and file the no-  
21 tice of claim, together with a copy of the return re-  
22 ceipt showing delivery to the Secretary and filing in  
23 the office of county clerk in the county or counties  
24 wherein the property is located. The notice shall not  
25 be complete for the purposes of this section until it

1 has been served on the Secretary and filed of record  
2 as herein provided. The notice of claim shall set  
3 forth the following:

4 (A) The claimant's name and mailing ad-  
5 dress.

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

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

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

21 (2) PUBLICATION NOTICE.—In addition to the  
22 notice to the Secretary required under paragraph  
23 (1), the claimant shall give notice by publication of  
24 his or her claim to other persons who may claim  
25 some interest in the property in accordance with this

1 paragraph. The claimant shall cause notice of his or  
2 her claim to be published one time in a newspaper  
3 of general circulation in the county or counties  
4 wherein the property is located and shall thereafter  
5 cause proof of such publication to be filed in the of-  
6 fice of the county clerk for such county or counties.

7 The published notice shall set forth the following:

8 (A) The claimant's name and mailing ad-  
9 dress.

10 (B) The same description of the property  
11 required under subsection (b)(1)(B) to be in-  
12 cluded in the notice to the Secretary.

13 (C) A description of each title transaction  
14 in the chain of title, including the date of same,  
15 that the claimant is attempting to validate pur-  
16 suant to this section.

17 (D) A statement that any person claiming  
18 an interest in the described property may file a  
19 written notice of objection, in the form of a dec-  
20 laration under oath, in the office of the county  
21 clerk of the county or counties wherein the  
22 property is located not more than 60 days after  
23 the date of publication of the notice in such  
24 newspaper, and that the written notice of objec-  
25 tion must set forth—

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

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

5 (iii) a statement that the declarant  
6 claims in good faith to be the owner of  
7 some interest in the property and objects  
8 to the validation of the transactions de-  
9 scribed in the publication notice.

10 (c) RESPONSE DEADLINE; EXTENSION.—The Sec-  
11 retary shall have 60 days after the date of receipt of the  
12 notice of claim in which to notify the claimant in writing  
13 that the Secretary exercises discretionary authority to ob-  
14 ject to the claim for any reason. The Secretary shall be  
15 entitled to an automatic extension of time of 60 days in  
16 which to object to the claim upon the Secretary's service  
17 of written notice of extension on the claimant within the  
18 initial 60-day response period.

19 (d) NOTICE OF OBJECTION; REMEDIES.—The Sec-  
20 retary shall send the notice of objection and any notice  
21 of extension of time to the claimant by certified mail to  
22 the address set forth in the claimant's notice to the Sec-  
23 retary. The Secretary's notice of objection or notice of ex-  
24 tension of time shall include a description of the property  
25 and shall be effective on the date of mailing. The Sec-

1   retary shall file the notice of objection or notice of exten-  
2   sion of time in the office of the county clerk for the county  
3   or counties wherein the property is located within 30 days  
4   after the date of mailing of the notice to the claimant.  
5   If the Secretary notifies the claimant that the Secretary  
6   objects to the claim, such decision shall be final for the  
7   Department and the claimant's sole remedies shall be to  
8   file an action to cure title defects pursuant to section 303  
9   of this Act or to request a determination of heirs in ac-  
10  cordance with section 302 of this Act.

11       (e) UNDISPUTED CLAIM.—If, in the exercise of dis-  
12  cretionary authority pursuant to subsection (c), the Sec-  
13  retary does not object to the claim, then the Secretary may  
14  notify the claimant that the matter is not in dispute. Fail-  
15  ure of the Secretary to notify the claimant of the Sec-  
16  retary's objection within the initial 60-day period, or with-  
17  in the 60-day extension period if notice of an extension  
18  was given, shall constitute acceptance of the claim. If the  
19  Secretary notifies the claimant that the matter is not in  
20  dispute or fails to file an objection to the claim of record  
21  within the time required by subsection (d), the title trans-  
22  action described in the claimant's notice shall be deemed  
23  validated and shall not be considered a defect in the  
24  muniments of the claimant's title based on or arising from  
25  Federal statutes governing the conveyance of restricted

1 property in effect at the time of the transaction, provided  
2 that no written notice of objection is timely filed by other  
3 parties in response to a notice published pursuant to sub-  
4 section (b)(2) or in accordance with subsection (f).

5 (f) NOTICE OF OBJECTION BY OTHER PARTIES TO  
6 APPLICABILITY OF THIS SECTION.—Any person claiming  
7 ownership of an interest in property the record title to  
8 which includes a title transaction described in subsection  
9 (a) of this section may prevent the application of sub-  
10 sections (a) through (e) to said interest by filing for record  
11 in the office of the county clerk for the county or counties  
12 wherein the property in question is located, no later than  
13 3 years after the effective date of this Act, a written notice  
14 of objection in the form of a declaration made under oath  
15 setting forth the following:

- 16 (1) The declarant's name and mailing address.
- 17 (2) An accurate and full description of all of  
18 the declarant's property interests to be affected by  
19 such notice, which description shall be set forth in  
20 particular terms and not be general inclusions; but  
21 if said declarant's claim to ownership is founded  
22 upon a recorded instrument, then the description in  
23 such notice may be the same as that contained in  
24 such recorded instrument.

1           (3) A statement that the declarant claims in  
2           good faith to be the owner of an interest in the  
3           property described in the notice and that the declar-  
4           ant objects to the operation of this section with re-  
5           spect to any title transaction that would otherwise  
6           be subject to validation under this section.

7           (g) INTERESTS OF HEIRS OF LESS THAN HALF DE-  
8           GREE BLOOD OF THE FIVE NATIONS.—Nothing in this  
9           Act shall be construed to invalidate—

10           (1) any conveyance of record, including a sur-  
11           face, oil and gas, or mineral lease, of an interest in  
12           property made prior to the effective date of this Act  
13           by an heir of a deceased Individual Indian without  
14           district court approval where such heir was of less  
15           than one-half degree of Indian blood, even though  
16           the property was held in restricted status imme-  
17           diately prior to the decedent Individual Indian’s  
18           death; or

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



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

2 (1) A person shall be deemed to have an unbro-  
3 ken chain of title when the official public records, in-  
4 cluding probate and other official public records, as  
5 well as records in the county clerk’s office, disclose  
6 a conveyance or other title transaction of record not  
7 less than 30 years prior to the effective date of this  
8 Act, which said conveyance or other title transaction  
9 purports to create such interest, either in—

10 (A) the person claiming such interest; or

11 (B) some other person from whom, by 1 or  
12 more conveyances or other title transactions of  
13 record, such purported interest has become  
14 vested in the person claiming such interest;  
15 with nothing appearing of record, in either case,  
16 purporting to divest such claimant of such pur-  
17 ported interest.

18 (2) The term recording, when applied to the of-  
19 ficial public records of any officer or court, includes  
20 filing with the officer or court.

21 **SEC. 403. REPEALS.**

22 (a) IN GENERAL.—The following provisions are re-  
23 pealed:

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

1           (2) Sections 1 through 5, 7 through 9, and 11  
2 through 13 of the Act of August 4, 1947 (61 Stat.  
3 731, chapter 458, 25 U.S.C. 355 note).

4           (3) The Act of December 24, 1942 (56 Stat.  
5 1080, Chapter 813).

6           (4) The Act of February 11, 1936 (25 U.S.C.  
7 393a, Chapter 50).

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

10          (6) Sections 1, 2, 4, and 5 of the Act of May  
11 10, 1928 (45 Stat. 495, chapter 517).

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

14          (8) Sections 1 and 2 of the Act of June 14,  
15 1918 (Chapter 101, 25 U.S.C. 375 and 355, respec-  
16 tively).

17          (9) Sections 1 through 3 and 6 through 12 of  
18 the Act of May 27, 1908 (35 Stat. 312, chapter  
19 199).

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

22          (b) TECHNICAL AMENDMENTS.—

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

25           (A) by striking the first proviso; and

1 (B) by striking “*Provided further*” and in-  
2 serting “*Provided*”.

3 (2) The Act of March 3, 1909, (35 Stat. 781,  
4 783, chapter 263) is amended by striking “of the  
5 Five Civilized Tribes and”.

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

8 (A) in subsection (c), by inserting before  
9 the final period the following: “: *Provided fur-*  
10 *ther*, That any interest in restricted and tax-ex-  
11 empt lands acquired by descent, devise, gift, ex-  
12 change, partition, conveyance, or purchase with  
13 restricted funds after the date of the enactment  
14 of the Five Nations Indian Land Reform Act by  
15 an Indian of the Five Civilized Tribes shall con-  
16 tinue to be tax-exempt during the restricted pe-  
17 riod”; and

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

20 (4) The Act of June 25, 1910 (25 U.S.C. sec-  
21 tion 373) is amended by inserting at the beginning  
22 of the last proviso the following: “Except as provided  
23 in section 302(b) of the Five Nation Indian Land  
24 Reform Act,”.

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

3                   (A) by inserting “Creek,” after “Cher-  
4                   okee,”; and

5                   (B) by striking “derived and shall” and in-  
6                   serting the following: “derived. Such lands, in-  
7                   terests, and profits, and any restricted Indian  
8                   lands or interests therein allotted by any such  
9                   Indian nation that are reacquired by that In-  
10                  dian nation by conveyance authorized under  
11                  section 202(a) of the Five Nations Indian Land  
12                  Reform Act shall”.

13           (6) Section 1 of the Act of October 22, 1970  
14           (84 Stat. 1091, Public Law 91–495), is amended by  
15           striking the last sentence.

16 **SEC. 404. SECRETARIAL TRUST RESPONSIBILITY.**

17           Nothing in this Act shall be construed to waive, mod-  
18           ify, or diminish in any way the trust responsibility of the  
19           United States over restricted property.

20 **SEC. 405. REPRESENTATION BY ATTORNEYS FOR THE DE-**  
21 **PARTMENT OF THE INTERIOR.**

22           Attorneys of the Department of the Interior may—

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

1           (2) when acting as counsel for the Secretary,  
2           advising Individual Indians owning restricted prop-  
3           erty (and to private counsel for such Individual Indi-  
4           ans if any) of their legal rights with respect to the  
5           restricted property owned by such Individual Indi-  
6           ans;

7           (3) at the request of any Individual Indian own-  
8           ing restricted property, take such action as may be  
9           necessary to cancel or annul any deed, conveyance,  
10          mortgage, lease, contract to sell, power of attorney,  
11          or any other encumbrance of any kind or character,  
12          made or attempted to be made or executed in viola-  
13          tion of this Act or any other Federal law, and take  
14          such action as may be necessary to assist such Indi-  
15          vidual Indian in obtaining clear title, acquiring pos-  
16          session, and retaining possession of restricted prop-  
17          erty and any other appropriate remedy;

18          (4) in carrying out paragraph (3), refer pro-  
19          posed actions to be filed in the name of the United  
20          States in a district court of the United States to the  
21          United States Attorney for that district, and provide  
22          assistance in an of-counsel capacity in those actions  
23          that the United States Attorney elects to prosecute;  
24          and

1           (5) appear specially before the Oklahoma Cor-  
2           poration Commission on behalf of the Secretary to  
3           protect Individual Indians' restricted property inter-  
4           ests.

5 **SEC. 406. FILING REQUIREMENTS; CONSTRUCTIVE NOTICE.**

6           (a) REQUIREMENT FOR FILING.—The Secretary shall  
7           file the following orders or other decision documents which  
8           concern restricted property and are issued after the effec-  
9           tive date of this Act by the Secretary in the appropriate  
10          land titles and records offices, as designated by the Sec-  
11          retary, and in the office of the county clerk in the county  
12          where such restricted property is located:

13           (1) Any order or other decision document re-  
14          moving restrictions, imposing restrictions, approving  
15          conveyances, approving leases, approving voluntary  
16          partitions, approving mortgages, probating wills, or  
17          determining heirs, and approving orders of the Okla-  
18          homa Corporation Commission.

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

21          (b) CONSTRUCTIVE NOTICE.—The filing of said doc-  
22          uments pursuant to this section shall constitute construc-  
23          tive notice to the public of the effect of said documents  
24          filed.

1           (c) CERTIFICATION OF AUTHENTICITY.—The Sec-  
2 retary shall have authority to certify the authenticity of  
3 copies of such documents and title examiners shall be enti-  
4 tled to rely on said authenticated copies for the purpose  
5 of determining marketability of title to the property de-  
6 scribed therein.

7 **SEC. 407. PUBLICATION OF DESIGNATED OFFICIALS.**

8           The Secretary shall identify each designee for pur-  
9 poses of the receipt of notices or the performance of any  
10 Secretarial duty or function under this Act by publication  
11 of notice in the Federal Register.

12 **SEC. 408. RULE OF CONSTRUCTION.**

13           Nothing in this Act shall be construed to limit or af-  
14 fect the rights of Individual Indians under other Federal  
15 laws relating to the acquisition and status of trust prop-  
16 erty, including without limitation, the following:

17           (1) The Act of June 18, 1934 (25 U.S.C. 461  
18 et seq.) (commonly known as the “Indian Reorga-  
19 nization Act”).

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

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

1           (4) Regulations relating to the Secretary's au-  
2           thority to acquire lands in trust for Indians and In-  
3           dian tribes.

4 **SEC. 409. TRANSMISSION OF POWER FROM INDIAN LANDS**  
5                                   **IN OKLAHOMA.**

6           To the extent the Southwestern Power Administra-  
7           tion makes transmission capacity available without replac-  
8           ing the present capacity of existing users of the Adminis-  
9           tration's transmission system, the Administrator of the  
10          Southwestern Power Administration shall take such ac-  
11          tions as may be necessary, in accordance with all applica-  
12          ble Federal law, to make the transmission services of the  
13          Administration available for the transmission of electric  
14          power generated at facilities located on land within the  
15          jurisdictional area of any Oklahoma Indian tribe (as deter-  
16          mined by the Secretary of the Interior) recognized by the  
17          Secretary as eligible for trust land status under 25 CFR  
18          Part 151. The owner or operator of the generation facili-  
19          ties concerned shall reimburse the Administrator for all  
20          costs of such actions in accordance with standards applica-  
21          ble to payment of such costs by other users of the South-  
22          western Power Administration transmission system.

23 **SEC. 410. AUTHORIZATION OF APPROPRIATIONS.**

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



1 **SEC. 411. EFFECTIVE DATE.**

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

Passed the House of Representatives June 11, 2002.

Attest:

JEFF TRANDAHL,

*Clerk.*

By MARTHA C. MORRISON,

*Deputy Clerk.*