Public Law 115–399
115th Congress

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.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Stigler Act Amendments of 2018”.

SEC. 2. IN GENERAL.

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

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

“SEC. 1. (a) All restrictions against alienation, conveyance, lease, mortgage, creation of liens, or other encumbrances upon all lands, including oil and gas or other mineral interests, in Oklahoma belonging to a lineal descendant by blood of an original enrollee whose name appears on the Final Indian Rolls of the Five Civilized Tribes in Indian Territory, whether acquired by allotment, inheritance, devise, gift, purchase, exchange, partition, partition sale, or by purchase with restricted funds, of whatever degree of Indian blood, and whether enrolled or unenrolled, shall be and are hereby, extended until an Act of Congress determines otherwise.

(b) The extension of restrictions described in subsection (a) shall include without limitation, those interests in the estate of a decedent Indian who died before the date of enactment of the Stigler Act Amendments of 2018—

“(1) if such interests were acquired by an heir or devisee of one-half or more degree of Indian blood, as computed from the nearest enrolled lineal ancestors of Indian blood enrolled on the Final Rolls described in subsection (a), by final order issued by an Oklahoma district court or a United States district court determining the decedent’s heirs or devisees or otherwise determining the ownership of said interests before said date; or

“(2) if such interests were, immediately prior to the decedent’s death, subject to restrictions and had not, as of the date of enactment of the Stigler Act Amendments of 2018, been—

“(A) the subject of a final order issued by an Oklahoma district court or a United States district court determining
the decedent's heirs or devisees or otherwise determining
the ownership of said interests;

“(B) conveyed by the decedent’s undetermined heirs
or devisees by deed approved by an Oklahoma district
court; or

“(C) conveyed by the decedent’s undetermined heirs
or devisees of less than one-half degree of Indian blood
with or without Oklahoma district court approval.

“Sec. 2. (a) Except as provided in subsection (f), subsection
(g), subsection (h), and subsection (i), no conveyance, including
an oil and gas or mineral lease, of any interest in the restricted
lands described in this section shall be valid unless approved in
open court by the district court of the county in Oklahoma in
which the land is situated;”;

(2) in subsection (b)—
(A) by striking “county judge” and inserting “district
judge”; and
(B) by striking “Proceedings for approval of convey-
ances by restricted heirs or devisees” and inserting “Pro-
ceedings for approval of conveyances’;
(3) in subsection (c), by striking “best interest of the Indian”
and inserting “best interest of the grantor”; and
(4) by adding before the period at the end the following:
“; (h) nothing contained in this section shall limit or affect
the right of an Indian owner of restricted lands described
in this Act to seek and obtain Secretarial removal of restrictions
on all or any portion of said restricted lands in accordance
with any applicable Federal law; (i) nothing contained in this
section shall invalidate the alienation, conveyance, lease,
including oil and gas or other mineral leases, mortgage, creation
of liens, or other encumbrance of any lands, if such action
was effective before the date of enactment of the Stigler Act
Amendments of 2018 and valid under the law then in effect;
and (j) in determining the quantum of Indian blood of any
Indian heir or devisee, the Final Indian Rolls of the Five
Civilized Tribes in Indian Territory as to such heir or devisee,
if enrolled, shall be conclusive of his or her quantum of Indian
blood. If unenrolled, his or her degree of Indian blood shall
be computed from the nearest enrolled lineal ancestors of Indian
blood enrolled on the Final Indian Rolls of the Five Civilized
Tribes in Indian Territory”.

SEC. 3. TECHNICAL AMENDMENTS.

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

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

(2) in section 6(c)—
(A) by inserting “purchase, partition sale,” after “gift,”
each place it appears; and
(B) by striking “of one-half or more Indian blood”;

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

SEC. 4. REPEALS.

The following are repealed:
(1) The first section of the Act of August 11, 1955 (69 Stat. 666, chapter 768).

SEC. 5. RULE OF CONSTRUCTION PROVIDING FOR NO RETROACTIVITY. 25 USC 355 note.

Nothing in this Act, or the amendments made by this Act, shall be construed to revise or extend the restricted status of any lands under the Act of August 4, 1947 (61 Stat. 731, chapter 458) that lost restricted status under such Act before the date of enactment of this Act.

Approved December 31, 2018.