

HR 2880

Five Nations Indian Land Reform Act

Congress: 107 (2001–2003, Ended)

Chamber: House

Policy Area: Native Americans

Introduced: Sep 12, 2001

Current Status: Committee on Indian Affairs. Ordered to be reported without amendment favorably.

Latest Action: Committee on Indian Affairs. Ordered to be reported without amendment favorably. (Sep 25, 2002)

Official Text: <https://www.congress.gov/bill/107th-congress/house-bill/2880>

Sponsor

Name: Rep. Watkins, Wes [R-OK-3]

Party: Democratic • State: OK • Chamber: House

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Carson, Brad [D-OK-2]	D · OK		Sep 12, 2001
Rep. Condit, Gary A. [D-CA-18]	D · CA		Sep 12, 2001
Rep. Kildee, Dale E. [D-MI-9]	D · MI		Sep 12, 2001

Committee Activity

Committee	Chamber	Activity	Date
Indian Affairs Committee	Senate	Markup By	Sep 25, 2002
Natural Resources Committee	House	Reported By	Jun 11, 2002

Subjects & Policy Tags

Policy Area:

Native Americans

Related Bills

No related bills are listed.

Five Nations Indian Land Reform Act - **Title I: Restrictions; Removal of Restrictions** - Makes all restricted property subject to restrictions against alienation, conveyance, lease, mortgage, creation of liens, and other encumbrances, regardless of the degree of Indian blood of the Individual who owns such property.

Defines "restricted property" as any right, title, or interest in real property owned by an Individual Indian that is subject to a Federally-imposed restriction against encumbrances expressly applicable to the property of enrollees and descendants of enrollees on the final 1906 Indian rolls of the Five Civilized Tribes, now known as the Five Nations: the Muscogee (Creek), Cherokee, Chickasaw, Choctaw, and Seminole. Defines the term "Individual Indian."

(Sec. 102) Establishes procedures for the use of proceeds from the conveyance or condemnation of restricted property to be used to purchase other restricted property.

(Sec. 103) Declares funds and securities derived from restricted property to be restricted.

(Sec. 104) Extends the period of restriction until Congress determines otherwise.

(Sec. 105) Sets forth provisions governing the removal of property restrictions. Permits the Secretary of the Interior to issue a certificate of restriction removal for restricted property owned by an Individual Indian, upon such Indian's request, absent a finding of fraud, undue influence, or if to do so does not run counter to such Indian's best interests. Requires the Secretary to notify annually each county in Oklahoma containing restricted property of property losing its restricted status.

(Sec. 106) States that lands from which restrictions are removed shall not be subject to prior claims, including mortgages and contracts for sale, unless expressly permitted by law.

(Sec. 107) Provides for the conversion of unrestricted fractional interests into restricted status.

Title II: Administrative Approval of Conveyances, Partitions, Leases, and Mortgages; Management of Mineral Interests - Grants the Secretary exclusive jurisdiction to approve conveyances and leases of restricted property by an Individual Indian, subject to certain sale/appraisal requirements. Excludes conveyances to family members and Individual Indian co-owners from these requirements.

(Sec. 203) Provides for the reimposition of restrictions on conveyances of property to Indian housing authorities upon request and evidence that the homebuyer's contract has been paid.

(Sec. 204) Grants the Secretary exclusive jurisdiction to partition property all of which is held in trust or restricted status in common ownership by more than one Individual Indian if all owners consent in writing and certain requirements are met. Permits the Secretary to negotiate for partition in kind or for sale of all or a portion of the property, as specified.

(Sec. 205) Permits an Individual Indian owner of restricted property to lease surface rights while permitting the Secretary to approve an agricultural lease or permit under the American Indian Agricultural Resource Management Act and the Indian Land Consolidated Act.

(Sec. 206) Requires the Secretary's approval of mineral leases which purport to convey or create any interest in restricted or trust property, based upon majority owner(s) consent and best interests of the owner(s). Permits such leases to be awarded through competitive bidding or negotiation, as specified. Requires a communitization agreement to drain oil or gas by a well within a spacing or drilling unit approved by the Oklahoma Corporation Commission (OCC) or 100 percent of revenues from such production will be paid to the Individual Indian owner.

(Sec. 207) Subjects restricted property to the oil and gas conservation laws of Oklahoma but requires the approval of the Secretary for any enforcement action by the OCC, including those against well operators. Requires the Secretary to implement the requirements of the Federal Oil and Gas Royalty Management Act of 1982 for specified, previously Secretary-approved oil and gas leases.

(Sec. 208) Permits an Individual Indian to mortgage restricted property, subject to the approval of the Secretary.

Title III: Probate, Heirship Determination, and Other Proceedings Affecting Title to Restricted Property - Grants the Secretary jurisdiction over actions affecting title to and use or disposition of trust or restricted property. States that the U.S. District Court in the State of Oklahoma and the courts of the State of Oklahoma shall have jurisdiction over actions affecting title to, or use or disposition of, trust property or restricted property only to the extent expressly authorized by this Act or by other Federal laws applicable to trust property or restricted property.

(Sec. 302) Confers exclusive jurisdiction on the Secretary, in accordance with the Indian Land Consolidation Act, to probate wills executed after the effective date of this Act, subject to cancellation for fraud. Prohibits jurisdiction over estate actions that are pending in the courts of the State of Oklahoma. Preempts State law concerning personal claims against the estate of a deceased Individual Indian or against trust or restricted property.

(Sec. 303) Grants jurisdiction over actions to cure title defects in restricted property to both State and Federal court in Oklahoma. Prohibits a cause of action for an interest in restricted property through adverse possession or the doctrine of laches except where the full 15 year limitations period has run before the effective date of this Act and other, specified requirements are met.

Retains to the Secretary the exclusive authority to determine the heirs of an Individual Indian decedent owning restricted property.

(Sec. 304) Permits actions for involuntary partition of property consisting of undivided restricted interests in either Federal or State court in Oklahoma. Requires the Secretary to report the appraised value to the court. Authorizes the disposition of such property if the court approves: (1) the election by any undivided interest owner to take the property at full appraised value; or (2) its sale at public auction for no less than two-thirds value. Requires proportionate payment of proceeds to nonconsenting owners of restricted interests.

(Sec. 305) Sets forth the requirements for actions to cure title defects and involuntary partitions, including the elective participation of the Secretary as a party, notice, and removal.

(Sec. 306) Continues the authority of Oklahoma State courts as a Federal instrumentality over pending restricted property cases, but allows the petitioner, personal representative, or State court to dismiss the action.

Title IV: Miscellaneous - Authorizes the Secretary to promulgate regulations to carry out this Act.

(Sec. 402) Sets forth procedures for clearing title to restricted property in Oklahoma arising under certain probate orders and conveyances of record, including oil and gas or mineral leases, if certain conditions and requirements are met and no notice of objections has been timely filed by the Secretary or any authorized person.

(Sec. 403) Repeals provisions in specified laws inconsistent with this Act.

(Sec. 404) Continues undiminished the trust responsibility of the United States over restricted property.

(Sec. 405) Sets forth the authority of Department of the Interior attorneys concerning the representation of the Secretary and the protection of restricted property.

(Sec. 406) Sets forth filing requirements for Secretarial orders or other decisions concerning restricted property for constructive notice purposes.

(Sec. 407) Requires the Secretary to identify designees for receipt of notices and other purposes.

(Sec. 408) States that the rights of Individual Indians under other Federal laws relating to trust property remain unchanged.

(Sec. 409) Makes this Act effective on January 1, 2003.

Actions Timeline

- **Sep 25, 2002:** Committee on Indian Affairs. Ordered to be reported without amendment favorably.
- **Sep 18, 2002:** Committee on Indian Affairs. Hearings held.
- **Jun 12, 2002:** Received in the Senate and Read twice and referred to the Committee on Indian Affairs.
- **Jun 11, 2002:** Reported (Amended) by the Committee on Resources. H. Rept. 107-499.
- **Jun 11, 2002:** Reported (Amended) by the Committee on Resources. H. Rept. 107-499.
- **Jun 11, 2002:** Placed on the Union Calendar, Calendar No. 299.
- **Jun 11, 2002:** Mr. Hansen moved to suspend the rules and pass the bill, as amended.
- **Jun 11, 2002:** Considered under suspension of the rules. (consideration: CR H3401-3410)
- **Jun 11, 2002:** DEBATE - The House proceeded with forty minutes of debate on H.R. 2880.
- **Jun 11, 2002:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H3401-3408)
- **Jun 11, 2002:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H3401-3408)
- **Jun 11, 2002:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 11, 2002:** The title of the measure was amended. Agreed to without objection.
- **Mar 20, 2002:** Committee Consideration and Mark-up Session Held.
- **Mar 20, 2002:** Ordered to be Reported (Amended) by Voice Vote.
- **Sep 20, 2001:** Executive Comment Requested from Interior.
- **Sep 12, 2001:** Introduced in House
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- **Sep 12, 2001:** Referred to the House Committee on Resources.