

Subcommittee on Indian, Insular and Alaska Native Affairs
Doug LaMalfa, Chairman
Hearing Memorandum

October 2, 2017

To: All Subcommittee on Indian, Insular and Alaska Native Affairs Members

From: Majority Committee Staff,
Subcommittee on Indian, Insular and Alaska Native Affairs (x6-9725)

Hearing: **Legislative hearing on H.R. 2606 (Rep. Tom Cole)**, To amend the Act of August 4, 1947 (commonly known as the Stigler Act), with respect to the restrictions applicable to Indians of the Five Civilized Tribes of Oklahoma, and for other purposes.
Wednesday, October 4, 2017, at 2:00 p.m. in 1334 Longworth HOB

H.R. 2606 (Rep. Tom Cole), “*Stigler Act Amendments of 2017*”

Summary of the bill

H.R. 2606 was introduced by Rep. Tom Cole on May 23, 2017. The bill would amend the Act of August 4, 1947¹ to remove the one-half degree Indian blood quantum requirement for interests in certain allotments of land to be maintained in restricted fee status² for any member of the Five Civilized Tribes of Oklahoma (“Five Tribes”).³ Currently, interests in such allotments may be sold, exchanged, and taxed when individuals of less than one-half degree Indian blood inherit them even though such individuals remain members of the Five Tribes.⁴ Under H.R. 2606, restricted fee land currently owned by members of the Five Tribes would remain in restricted status regardless of the blood quantum of the owners.

Cosponsors

Rep. Frank Lucas (R-OK), Rep. Markwayne Mullin (R-OK), Rep. Steve Russell (R-OK).

¹ Stigler Act, 61 Stat. 731.

² This is land or interest in land whose title is held in fee by an Indian, but such land may not, as a matter of federal law, be taxed or transferred (through sale, exchange, donation, or otherwise) without authorization from the federal government.

³ The Cherokee Nation, Chickasaw Nation, Choctaw Nation, Muscogee (Creek) Nation, and the Seminole Nation.

⁴ The Five Tribes do not maintain a minimum degree blood quantum requirement for membership.

Invited Witnesses

The Honorable Ryan Zinke

Secretary

U.S. Department of the Interior

Washington, D.C.

The Honorable Bill John Baker

Principal Chief Cherokee Nation &

Vice Chairman, Inter-Tribal Council of the Five Tribes

Tahlequah, OK

Background

Oklahoma is home to 38 federally recognized Indian tribes, a majority of which were resettled involuntarily, with some forcibly during the mid-1800's. The first tribes removed to what is now Oklahoma were the Choctaw, Chickasaw, Creek, Cherokee and Seminoles—which were collectively called the Five Civilized Tribes (“Five Tribes”).

The Five Tribes, have stood together in different forms since 1842, when the tribes first formed the Inter-Tribal Council of the Deep Fork River.⁵ According to the tribes, they recognized the need to stand together after being forcibly removed to Indian Territory (Oklahoma). Then, in 1861, the Five Tribes formed the United Nations of Indian Territory, the Okmulgee Council in 1866, and most recently the Inter-Tribal Council of the Five Civilized Tribes in 1949.⁶ Today, the Inter-Tribal Council represents over 650,000 tribal members from all five tribes.

Under the General Allotment Act of 1887 (Dawes Act),⁷ Congress sought to end the tribal and reservation system in which Indians had been living by making them individual property owners through allotment in severalty of the reservations in which they were living. Under the Act, the President was authorized to allot 160-acre or 80-acre parcels of land in Indian reservations to individual Indians located on them, and to open remaining surplus lands to non-Indian settlement. In 1893, the Dawes Commission⁸ was created by Congress in part to seek allotment of the lands of the Five Tribes and in 1898, Congress enacted the Curtis Act⁹ which provided for the allotment of the Five Tribes' lands and authorized townsites that were opened to non-Indian ownership.¹⁰ Most tribal lands of the Five Tribes were allotted between 1897 and 1902 with most being, as a matter of federal law, inalienable and nontaxable.

⁵ <http://www.okhistory.org/publications/enc/entry.php?entry=IN033>.

⁶ <http://www.fivecivilizedtribes.org/Home/History/Chapter-One>.

⁷ 24 Stat. 387.

⁸ Act of March 3, 1893, §16, 27 Stat. 612.

⁹ Act of June 28, 1898, 30 Stat. 495.

¹⁰ In doing so, it began the process of preparing Indian Territory to become the state of Oklahoma in 1906-1907.

In 1947, Congress passed an Act of August 4, 1947, otherwise known as the Stigler Act. The Stigler Act sets forth certain additional restrictions on title to the allotments that had been conveyed to members of the Five Tribes. The Act provides that, upon probate, heirs and devisees of an allotment shall maintain at least one-half degree Indian blood quantum from one of the Five Tribes for the allotment to remain inalienable and nontaxable for the life of the owner. The effect of the Stigler Act has been that when a person of less than one-half degree Indian blood from one of the Five Tribes inherits an interest of an allotment, the interest in the land is thereby subject to being alienable and taxable.

Cost

Unknown at this time.

Administration Position

Unknown at this time.

Analysis of H.R. 2606

H.R. 2606 would amend the Stigler Act of 1947, allowing for members of the Five Civilized Tribes of Oklahoma to keep their land in restricted fee, even if their blood quantum falls below the one-half Indian blood requirement set by the Stigler Act.

[Effect on current law \(Ramseyer\)](#)