

A B I L L

Providing for final settlement of the claims, of every kind, character, and description, of all Oklahoma Indian tribes against the Federal government, final discharge of federal supervision, individual and tribal, over all Oklahoma Indians, determination of heirs, disposal of federal property and records, and for other purposes.

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1 BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES
2 OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED. That
3 there is authorized to be appropriated, out of any money in
4 the Treasury not otherwise appropriated, such sum or sums as
5 may be necessary to pay each and every enrolled Indian by blood
6 of every Indian tribe within the State of Oklahoma whose name
7 appears upon the finally approved rolls of any Oklahoma Indian
8 tribe made pursuant to tribal law, treaties, or acts of the
9 Congress, special or otherwise, establishing tribal membership
10 therein for the purpose of individualizing the Oklahoma tribal
11 property, in whole or in part, of such tribe, the sum of \$3,000,
12 and the Secretary of the Treasury be, and he is hereby, authorized
13 and directed, to pay said sum to each individual Oklahoma Indian
14 as hereinbefore designated and described, in full, final, and
15 complete settlement of his or her rights, equities or interests,
16 in and to all past, present, or future claims against the United
17 States Government growing out of treaties secured through bribery,
18 coercion, duress or fraud; violated treaties; Indian land seizures
19 by Federal and State governments or their citizens, without treaty
20 stipulation or agreement; destruction and seizure of personal
21 property of Indians by Federal and State governments or their
22 citizens; massacre, murder, and mistreatments, inhuman or otherwise,
23 by the Federal government, State governments or their citizens, of
24 every kind, character and description, against said Indians.
25 PROVIDED, That in event of the death of any tribal Indian member,
26 as hereinbefore designated and described, of any Oklahoma Indian
27 tribe as referred to herein, payment of said \$3,000 shall be made
28 to his or her heirs, in keeping with the law of descent and
29 distribution of the state wherein said claimant or his or her heirs
30 shall have died, if such heirship determination shall not theretofore

1 have been made by the Secretary of the Interior or state court
2 of proper jurisdiction prior to the date of approval of this act.
3 PROVIDED FURTHER, That said claimant or his or her heirs shall
4 thenceforth assume every right, every privilege, and every
5 responsibility of a citizen of the United States, and of the
6 state and community wherein he or she may thereafter reside.

7 Sec. 2. Before payment of said \$3,000 or any part thereof
8 to any claimant as designated and described herein, or his or her
9 heirs, said claimant or his or her heirs shall execute a
10 receipt or release, which receipt or release shall be approved
11 by the Commissioner of Indian Affairs, forever renouncing his
12 or her allegiance to any tribe, nation, band or group of Indians,
13 and all Federal government rights, privileges or exemptions
14 growing out of his or her membership, or the membership of his
15 or her heirs, in any tribe, nation, band or group of Indians,
16 and his or her right title and interest, or the right, title
17 and interest of his or her heirs, in and to any and every claim
18 or claims, equity, or suit or suits, in any court or elsewhere,
19 now pending or which may hereafter be brought against the United
20 States in behalf of any Indian tribe, Nation, band or group of
21 Indians of which said claimant, or his or her heirs, may be, or
22 may heretofore have been, a member.

23 Sec. 3. All restrictions on alienation and encumbrance
24 of the lands, and moneys of every character and description,
25 inherited or otherwise, now under the supervision and control
26 of the Federal government, through the Secretary of the Interior
27 or other Government Department, agent, or agents, belonging to
28 any individual Oklahoma Indian, as hereinbefore described and
29 designated, or his or her heirs, member of any Oklahoma Indian
30 tribe as described herein, are hereby removed, and the Secretary
31 of the Interior is authorized and directed, within twelve months
32 from and after date of approval of this act, to execute and
33 issue certificate, patent in fee, deed or other instrument
34 necessary to vest in said individual Oklahoma Indian, or his
35 or her heirs, absolute and unrestricted title thereto. Provided

1 That the Secretary of the Treasury be, and he is hereby, authorized
2 and directed, within twelve months from and after date of approval
3 of this act, to issue check or checks to said individual Oklahoma
4 Indians as hereinbefore designated and described, or his or her
5 heirs, covering all individual Indian money to his, her or their
6 credit, in the Treasury of the United States or elsewhere in the
7 hands of the Federal government.

8 Sec. 4. All tribal money or moneys, of every kind, character
9 and description, now in control and possession of the Federal
10 government, through its secretaries of the Interior and Treasury and
11 and any and all other departments of government, to the credit of
12 any and all Oklahoma Indian tribes as hereinbefore referred to,
13 shall, within one year from and after date of approval of this act,
14 be distributed per capita to the members of said tribes or their
15 heirs, whose names appear upon the finally approved rolls of said
16 tribes; said roll or rolls having been made pursuant to tribal
17 authority or act of the Congress, or both, for the purpose of
18 individualizing the tribal lands and moneys of said Oklahoma Indian
19 tribes as hereinbefore designated. PROVIDED, That if the United States
20 Secretary of the Treasury shall, within two years from and after
21 date of approval of this act, fail to make payment and delivery of
22 any and all moneys due any and all individual Oklahoma Indians, as
23 hereinbefore designated and described, or their heirs, by reason of
24 the failure of said Oklahoma Indians, or their heirs, to make
25 application therefor, or furnish said Secretary of the Treasury with
26 sufficient or proper proof, heirship or otherwise, justifying the
27 legal distribution of said money, the said Secretary of the Treasury
28 shall thereupon transfer all of said money or moneys then in the
29 Treasury of the United States or other Department of the Federal
30 government to the credit of said individual Oklahoma Indians or
31 their heirs, to the Treasury of the State of Oklahoma, who shall,
32 in keeping with the provisions of this act, attempt distribution
33 thereof. And, if within _____ years from and after date of
34 approval of this act sufficient legal proof as to the ownership of
35 said money or moneys shall not have been made to the Secretary

1 Of the Treasury of the State of Oklahoma, all of said money or moneys
2 shall immediately thereupon escheat to the State of Oklahoma
3 for the use and benefit of the orphan schools of said State.

4 Sec. 5. All tribal property, buildings and grounds,
5 and equipment, lands and minerals, held in tribal ownership,
6 excepting the lands and mineral deposits of the Choctaw and
7 Chickasaw tribes, now in course of sale to the Federal government,
8 under Federal act approved June 21, 1944 (Public Law 369, 78th
9 Congress), are hereby released, free from Federal restrictions on
10 alienation and encumbrance, to the respective Oklahoma Indian tribes
11 as designated and described herein, and entitled thereto, and the
12 Secretary of the Interior be, and he is hereby authorized and direct-
13 ed, within one year from and after date of approval of this act, to
14 execute and issue, certificate, patent in fee, deed or other instru-
15 ment necessary to vest in the said Oklahoma Indian tribes as desig-
16 nated herein, undisputed and unrestricted control thereof. PROVIDED,
17 That all lands and moneys, of every kind, character and description,
18 individual and tribal, delivered into the possession of every in-
19 dividual Oklahoma Indian as hereinbefore designated and described,
20 and every Oklahoma Indian tribe as designated herein, shall, within
21 within one year from and after date of issuance of check or checks,
22 or certificate, patent in fee, deed or other instrument by the
23 Secretary of the Treasury or the Secretary of the Interior, convey-
24 ing possession of money or title to lands, buildings, grounds,
25 equipment, or mineral rights in land or lands, to the individual
26 Oklahoma Indians Indians as hereinbefore designated and described,
27 or Oklahoma Indian tribes as referred to herein, shall be subjected
28 to taxation by the state or states wherein located, in keeping with
29 the laws of taxation of such state or states and the Federal govern-
30 ment, including taxation of all treaty-exempt homestead rights.
31 PROVIDED FURTHER, That in event the sale and disposition of the
32 Choctaw and Chickasaw lands and mineral deposits, as hereinabove
33 cited, shall not have been consummated and the proceeds thereof
34 fully distributed to the legal owners thereof within two years
35 from and after date of approval of this act, said lands and said

1 mineral deposits, or moneys derived therefrom, proceeds of sale or
2 royalty, shall immediately come under the provisions of this bill,
3 and be disposed of in keeping therewith.

4 Sec. 6. Payment of any sum or sums under the provisions
5 of this act, in excess of \$300, due any Indian by blood who is a
6 minor, shall be through a legal guardian appointed by a court
7 of proper jurisdiction, within the state where ⁱⁿ said minor legally
8 resides when payment is due or to be made. Any sum or sums of
9 of \$300 or less, in total, shall be paid to the natural guardian
10 having the care and custody of said minor or minors when payment
11 is due or to be made. If no natural guardian exists, having the
12 care and custody of said minor or minors, payment shall be made
13 through a legal guardian appointed by a court of proper jurisdiction
14 of the state wherein said minor or minors shall reside when payment
15 is due or to be made. All moneys due mentally or otherwise incompetent
16 adult Indians by blood, under this act, shall be paid through a
17 legally appointed guardian, by a court of proper jurisdiction of the
18 state wherein said mentally or otherwise incompetent adult Indian by
19 blood may reside at time payment is due or to be made. Every
20 conveyance of land of whatever value, under the provisions of this
21 act, to minors, or mentally or otherwise incompetent adult Indians
22 by blood, shall be through a legally appointed guardian, by a court
23 of proper jurisdiction within the state wherein said minor, minors,
24 or mentally or otherwise incompetent adult Indians, by blood, shall
25 shall reside at time transfer is made or to be made. PROVIDED, That
26 every guardian of a minor or mentally or otherwise incompetent adult
27 Indian, by blood, under the provisions of this act, shall be required
28 to furnish surety bond, with court approval, in double the amount of
29 value, as determined by the court after thorough investigation, of
30 the estate of said minor, minors, or otherwise mentally and mental
31 incompetent adult Indian or Indians, by blood. PROVIDED FURTHER,
32 That all minor Indians, by blood, fourteen years of age and over,
33 and all mentally or otherwise incompetent adult Indians, by blood,
34 through next of kin or friend, shall have first and second choice
35 in the selection of ^{his or her} guardian or guardians under the provisions of

1 this act.

2 Sec. 7. Before payment of any sum or sums, as provided
3 herein, to any member of any Oklahoma Indian tribe as hereinbefore
4 designated and described, or his or her heirs, all money, together
5 with accrued interest thereon, due the Federal government through
6 any loan or advancement made to said claimant or his or her heirs,
7 under the provisions of the Act of June 26, 1936 (49 Stat. 1967),
8 or subsequent acts of the Congress, shall first be subtracted there-
9 from. PROVIDED, That before payment of any sum or sums as provided
10 for herein, where loans or advancements under the provisions of the
11 congressional act or acts as hereinbefore referred to, shall have
12 been made to any tribe, nation, band or group of Indians, said loans
13 or advancements, with accrued interest thereon, shall first be subtra-
14 ed from any money due said tribe, nation, band or group of Indians
15 under the provisions of this act.

16 Sec. 8. All property, buildings and grounds, of the Federal
17 government, located within the State of Oklahoma and used in the
18 administration of Indian affairs through the Indian bureau, Departme
19 of the Interior, at the time of the approval of this act, which may
20 be made servicable for soldiers of World Wars I and II, as hospitals
21 or otherwise, shall be transferred to the United States Veteran's
22 Administration for such use, within one year from and after date of
23 approval of this act. PROVIDED, That the residue of such Federal
24 government property as may be in use by the Indian bureau or
25 Secretary of the Interior in the administration of Indian affairs
26 within the State of Oklahoma at the time of passage of this act,
27 shall be transferred to the State of Oklahoma for its use and
28 benefit within one year from and after date of approval of this act.
29 PROVIDED FURTHER, That all other government property equipment, etc
30 used in the administration of the affairs of the Indians of Oklahoma
31 by the Interior Department through its bureau of Indian affairs,
32 shall be disposed of and the proceeds deposited in the Treasury
33 of the United States.

34 Sec. 9. All land and allotment records; rolls and enrollment
35 records, and certified copies of all heirship decrees as shall have
36 been made made by the Secretary of the Interior at the time of ap-

1 approval of this act, of deceased Oklahoma individual Indians as
2 hereinbefore designated and described, shall, for the Five Tribes,
3 Osage Indians, and all Indian tribes under the jurisdiction of the
4 Quapaw Agency, Miami, Oklahoma, be filed, indexed and transferred
5 to the office of the U. S. Clerk of the Federal Court at Muskogee,
6 Oklahoma; that similar records for all other Oklahoma Indian tribes
7 shall be indexed, filed and transferred to the office of the U. S.
8 Clerk of the Federal court at Oklahoma City, Oklahoma; that the
9 residue of Interior Department records pertaining to the Indians of
10 Oklahoma as hereinbefore designated and described, shall be trans-
11 ferred to Washington, D. C., as permanent records of the Interior
12 Department or National Archives. PROVIDED, That upon approval
13 of this act, all official positions under the Secretary of the
14 Interior, Bureau of Indian Affairs, excepting those actually
15 necessary in the carrying out of the provisions of this act, shall
16 be abolished.

17 Sec. 10. Any and all moneys appropriated hereunder shall not be
18 subject to attorneys fee, debt or contract prior to its delivery
19 to the owners thereof, except attorneys fee, court costs and
20 expenses in determination of heirs of claimant or claimants who
21 shall have died prior to such payment.

22 Sec. 11. All acts and parts of acts of the Congress of the
23 United States, in conflict herewith, are hereby repealed.

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