S. 3526

IN THE HOUSE OF REPRESENTATIVES

November 13, 2006
Referred to the Committee on Resources

AN ACT

To amend the Indian Land Consolidation Act to modify certain requirements under that Act.

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 “Indian Land Consolidation Act Amendments of 2006”.

SEC. 2. DEFINITIONS.

Section 202 of the Indian Land Consolidation Act (25 U.S.C. 2201) is amended—

(1) in paragraph (4)—

(A) by inserting “(i)” after “(4)”;

(B) by striking “‘trust or restricted interest in land’ or” and inserting the following:

“(ii) ‘trust or restricted interest in land’ or”;

and

(C) in clause (ii) (as designated by subparagraph (B)), by striking “an interest in land, title to which” and inserting “an interest in land, the title to which interest”; and

(2) by striking paragraph (7) and inserting the following:

“(7) the term ‘land’—

“(A) means any real property; and

“(B) includes, for purposes of intestate succession only under section 207(a) and only with respect to any decedent who dies after July 20, 2007, the interest of the decedent in any improvements permanently affixed to a parcel of trust or restricted lands (subject to any valid mortgage or other interest in such an improvement) that was owned in whole or in part
by the decedent immediately prior to the death of the decedent;”.

SEC. 3. DESCENT AND DISTRIBUTION.

Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206) is amended—

(1) in subsection (a)(2)(D)—

(A) in clause (i), by striking “clauses (ii) through (iv)” and inserting “clauses (ii) through (v)”; and

(B) by striking clause (v) and inserting the following:

“(v) Effect of subparagraph.—Nothing in this subparagraph limits the right of any person to devise any trust or restricted interest pursuant to a valid will in accordance with subsection (b).”;

(2) in subsection (c)(2), by striking “the date that is” and all that follows through the period at the end and inserting the following: “July 21, 2007.”; and

(3) in subsection (o)—

(A) in paragraph (3)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and indenting the clauses appropriately; and
(ii) by striking “(3)” and all that follows through “No sale” and inserting the following:

“(3) Request to purchase; consent requirements; multiple requests to purchase.—

“(A) In general.—No sale”; and

(iii) by striking the last sentence and inserting the following:

“(B) Multiple requests to purchase.—Except for interests purchased pursuant to paragraph (5), if the Secretary receives a request with respect to an interest from more than 1 eligible purchaser under paragraph (2), the Secretary shall sell the interest to the eligible purchaser that is selected by the applicable heir, devisee, or surviving spouse.”;

(B) in paragraph (4)—

(i) in subparagraph (A), by adding “and” at the end;

(ii) in subparagraph (B), by striking “; and” and inserting a period; and

(iii) by striking subparagraph (C);

and

(C) in paragraph (5)—
(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “auction and”;

(II) in clause (i), by striking “and” at the end;

(III) in clause (ii)—

(aa) by striking “auction” and inserting “sale”;

(bb) by striking “the interest passing to such heir represents” and inserting “, at the time of death of the applicable decedent, the interest of the decedent in the land represented”;

and

(cc) by striking the period at the end and inserting “; and”;

and

(IV) by adding at the end the following:

“(iii)(I) the Secretary is purchasing the interest as part of the program authorized under section 213(a)(1); or

“(II) after receiving a notice under paragraph (4)(B), the Indian tribe with ju-
risdiction over the interest is proposing to purchase the interest from an heir who is not a member, and is not eligible to become a member, of that Indian tribe.”;

(ii) in subparagraph (B)—

(I) by striking “(B)” and all that follows through “such heir” and inserting the following:

“(B) EXCEPTION; NONAPPLICABILITY TO CERTAIN INTERESTS.—

“(i) Exception.—Notwithstanding subparagraph (A), the consent of the heir or surviving spouse”;

(II) in clause (i), by inserting “or surviving spouse” before “was resid-
ing”; and

(III) by adding at the end the following:

“(ii) NONAPPLICABILITY TO CERTAIN INTERESTS.—Subparagraph (A) shall not apply to any interest in the estate of a de-
cedent who dies on or before July 20, 2007 (or the last day of any applicable period of extension authorized by the Secretary under subparagraph (C)).”; and
(iii) by adding at the end the following:

“(C) Authority to extend period of nonapplicability.—The Secretary may extend the period of nonapplicability under subparagraph (B)(ii) for not longer than 1 year if, by not later than July 2, 2007, the Secretary publishes in the Federal Register a notice of the extension.”.

Passed the Senate September 30 (legislative day, September 29), 2006.

Attest: EMILY J. REYNOLDS,

Secretary.