

109TH CONGRESS
2^D SESSION

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Indian Land Consoli-
5 dation Act Amendments of 2006”.

1 **SEC. 2. DEFINITIONS.**

2 Section 202 of the Indian Land Consolidation Act
3 (25 U.S.C. 2201) is amended—

4 (1) in paragraph (4)—

5 (A) by inserting “(i)” after “(4)”;

6 (B) by striking “‘trust or restricted inter-
7 est in land’ or” and inserting the following:

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

9 and

10 (C) in clause (ii) (as designated by sub-
11 paragraph (B)), by striking “an interest in
12 land, title to which” and inserting “an interest
13 in land, the title to which interest”; and

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

16 “(7) the term ‘land’—

17 “(A) means any real property; and

18 “(B) includes, for purposes of intestate
19 succession only under section 207(a) and only
20 with respect to any decedent who dies after
21 July 20, 2007, the interest of the decedent in
22 any improvements permanently affixed to a par-
23 cel of trust or restricted lands (subject to any
24 valid mortgage or other interest in such an im-
25 provement) that was owned in whole or in part

1 by the decedent immediately prior to the death
 2 of the decedent;”.

3 **SEC. 3. DESCENT AND DISTRIBUTION.**

4 Section 207 of the Indian Land Consolidation Act
 5 (25 U.S.C. 2206) is amended—

6 (1) in subsection (a)(2)(D)—

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

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

12 “(v) EFFECT OF SUBPARAGRAPH.—
 13 Nothing in this subparagraph limits the
 14 right of any person to devise any trust or
 15 restricted interest pursuant to a valid will
 16 in accordance with subsection (b).”;

17 (2) in subsection (c)(2), by striking “the date
 18 that is” and all that follows through the period at
 19 the end and inserting the following: “July 21,
 20 2007.”; and

21 (3) in subsection (o)—

22 (A) in paragraph (3)—

23 (i) by redesignating subparagraphs
 24 (A) and (B) as clauses (i) and (ii) and in-
 25 denting the clauses appropriately; and

1 (ii) by striking “(3)” and all that fol-
2 lows through “No sale” and inserting the
3 following:

4 “(3) REQUEST TO PURCHASE; CONSENT RE-
5 QUIREMENTS; MULTIPLE REQUESTS TO PUR-
6 CHASE.—

7 “(A) IN GENERAL.—No sale”; and

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

10 “(B) MULTIPLE REQUESTS TO PUR-
11 CHASE.—Except for interests purchased pursu-
12 ant to paragraph (5), if the Secretary receives
13 a request with respect to an interest from more
14 than 1 eligible purchaser under paragraph (2),
15 the Secretary shall sell the interest to the eligi-
16 ble purchaser that is selected by the applicable
17 heir, devisee, or surviving spouse.”;

18 (B) in paragraph (4)—

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

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

23 (iii) by striking subparagraph (C);

24 and

25 (C) in paragraph (5)—

1 (i) in subparagraph (A)—

2 (I) in the matter preceding clause

3 (i), by striking “auction and”;

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

6 (III) in clause (ii)—

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

9 (bb) by striking “the inter-
10 est passing to such heir rep-
11 represents” and inserting “, at the
12 time of death of the applicable
13 decedent, the interest of the dece-
14 dent in the land represented”;
15 and

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

19 (IV) by adding at the end the fol-
20 lowing:

21 “(iii)(I) the Secretary is purchasing
22 the interest as part of the program author-
23 ized under section 213(a)(1); or

24 “(II) after receiving a notice under
25 paragraph (4)(B), the Indian tribe with ju-

1 jurisdiction over the interest is proposing to
 2 purchase the interest from an heir who is
 3 not a member, and is not eligible to be-
 4 come a member, of that Indian tribe.”;

5 (ii) in subparagraph (B)—

6 (I) by striking “(B)” and all that
 7 follows through “such heir” and in-
 8 serting the following:

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

11 “(i) EXCEPTION.—Notwithstanding
 12 subparagraph (A), the consent of the heir
 13 or surviving spouse”;

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

17 (III) by adding at the end the
 18 following:

19 “(ii) NONAPPLICABILITY TO CERTAIN
 20 INTERESTS.—Subparagraph (A) shall not
 21 apply to any interest in the estate of a de-
 22 cedent who dies on or before July 20, 2007
 23 (or the last day of any applicable period of
 24 extension authorized by the Secretary
 25 under subparagraph (C)).”;

