

109TH CONGRESS
2D SESSION

S. 3526

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)”;

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.”;

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 resents” 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”; and

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)).”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(C) AUTHORITY TO EXTEND PERIOD OF
4 NONAPPLICABILITY.—The Secretary may ex-
5 tend the period of nonapplicability under sub-
6 paragraph (B)(ii) for not longer than 1 year if,
7 by not later than July 2, 2007, the Secretary
8 publishes in the Federal Register a notice of the
9 extension.”.

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

Attest:

Secretary.

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