

109TH CONGRESS
2D 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:

18 (B) in paragraph (4)—
19 (i) in subparagraph (A), by adding
20 “and” at the end:

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-

0 est passing to such heir rep-

1 resents” and inserting “, at the

2 time of death of the applicable

3 decedent, the interest of the dece-

4 dent in the land represented”;

5 and

6 (cc) by striking the period at

7 the end and inserting “; and”;

8 and

9 (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 authorized

23 under section 213(a)(1); or

24 “(II) after receiving a notice under

25 paragraph (4)(B), the Indian tribe with ju-

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.—

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:

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: **EMILY J. REYNOLDS,**
Secretary.