

106TH CONGRESS
1ST SESSION

S. 1586

To reduce the fractionated ownership of Indian lands, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 1999

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To reduce the fractionated ownership of Indian lands, and for other purposes.

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 1999”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) in the 1800’s and early 1900’s, the United
9 States sought to assimilate Indian people into the
10 surrounding non-Indian culture by allotting tribal
11 lands to individual members of Indian tribes;

1 (2) many trust allotments were taken out of
2 trust status and sold by their Indian owners;

3 (3) the trust periods for trust allotments have
4 been extended indefinitely;

5 (4) because of the inheritance provisions in the
6 original treaties or allotment Acts, the ownership of
7 many of the trust allotments that have remained in
8 trust status has become fractionated into hundreds
9 or thousands of interests, many of which represent
10 2 percent or less of the total interests;

11 (5) Congress has authorized the acquisition of
12 lands in trust for individual Indians, and many of
13 those lands have also become fractionated by subse-
14 quent inheritance;

15 (6) the acquisitions referred to in paragraph (5)
16 continue to be made;

17 (7) the fractional interests described in this sec-
18 tion provide little or no return to the beneficial own-
19 ers of those interests and the administrative costs
20 borne by the United States for those interests are
21 inordinate;

22 (8) substantial numbers of fractional interests
23 of 2 percent or less of a total interest in trust or re-
24 stricted lands have escheated to Indian tribes under

1 section 207 of the Indian Land Consolidation Act
2 (25 U.S.C. 2206), which was enacted in 1983;

3 (9) in *Babbitt v. Youpee* (117 S Ct. 727
4 (1997)), the United States Supreme Court found
5 that the application of section 207 of the Indian
6 Land Consolidation Act to the facts presented in
7 that case to be unconstitutional;

8 (10) in the absence of remedial legislation, the
9 number of the fractional interests will continue to
10 grow; and

11 (11) the problem of the fractionation of Indian
12 lands described in this section is the result of a pol-
13 icy of the Federal Government, cannot be solved by
14 Indian tribes, and requires a solution under Federal
15 law.

16 **SEC. 3. DECLARATION OF POLICY.**

17 It is the policy of the United States—

18 (1) to prevent the further fractionation of trust
19 allotments made to Indians;

20 (2) to consolidate fractional interests and own-
21 ership of those interests into usable parcels;

22 (3) to consolidate fractional interests in a man-
23 ner that enhances tribal sovereignty; and

24 (4) to promote tribal self-sufficiency and self-
25 determination.

1 **SEC. 4. AMENDMENTS TO THE INDIAN LAND CONSOLIDA-**
 2 **TION ACT.**

3 (a) IN GENERAL.—The Indian Land Consolidation
 4 Act (25 U.S.C. 2201 et seq.) is amended—

5 (1) in section 202—

6 (A) in paragraph (1), by striking “(1)
 7 ‘tribe’” and inserting “(1) ‘Indian tribe’ or
 8 ‘tribe’”;

9 (B) by striking paragraph (2) and insert-
 10 ing the following:

11 “(2) ‘Indian’ means any person who is a mem-
 12 ber of an Indian tribe or is eligible to become a
 13 member of an Indian tribe at the time of the dis-
 14 tribution of the assets of a decedent’s estate.”;

15 (C) by striking “and” at the end of para-
 16 graph (3);

17 (D) by striking the period at the end of
 18 paragraph (4) and inserting “; and”; and

19 (E) by adding at the end the following:

20 “(5) ‘heirs of the first or second degree’ means
 21 parents, children, grandchildren, grandparents,
 22 brothers and sisters of a decedent.”;

23 (2) by amending section 203 to read as follows:

24 **“SEC. 203. OTHER APPLICABLE PROVISIONS.**

25 “(a) IN GENERAL.—Subject to subsection (b), sec-
 26 tions 5 and 7 of the Act of June 18, 1934 (commonly

1 known as the ‘Indian Reorganization Act’) (48 Stat. 985
2 et seq., chapter 576; 25 U.S.C. 465 and 467) shall apply
3 to all Indian tribes, notwithstanding section 18 of that Act
4 (25 U.S.C. 478).

5 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
6 tion is intended to supersede any other provision of Fed-
7 eral law which authorizes, prohibits, or restricts the acqui-
8 sition of land or the creation of reservations for Indians
9 with respect to any specific Indian tribe, reservation, or
10 State.”;

11 (3) in section 205—

12 (A) in the matter preceding paragraph

13 (1)—

14 (i) by striking “Any Indian” and in-
15 serting “(a) IN GENERAL.—Subject to
16 subsection (b), any Indian”;

17 (ii) by striking “per centum of the un-
18 divided interest in such tract” and insert-
19 ing “percent of the individual interests in
20 such tract. Interests owned by an Indian
21 tribe in a tract may be included in the
22 computation of the percentage of owner-
23 ship of the undivided interests in that tract
24 for purposes of determining whether the

1 consent requirement under the preceding
2 sentence has been met.”;

3 (iii) by striking “: *Provided, That—*”;

4 and inserting the following:

5 “(b) CONDITIONS APPLICABLE TO PURCHASE.—Sub-
6 section (a) applies on the conditions that—”;

7 (B) in paragraph (2)—

8 (i) by striking “If,” and inserting
9 “if”; and

10 (ii) by adding “and” at the end; and

11 (C) by striking paragraph (3) and insert-
12 ing the following:

13 “(3) the approval of the Secretary shall be re-
14 quired for a land sale initiated under this section,
15 except that such approval shall not be required with
16 respect to a land sale transaction initiated by an In-
17 dian tribe that has in effect a land consolidation
18 plan that has been approved by the Secretary under
19 section 204.”;

20 (4) by striking section 206 and inserting the
21 following:

1 **“SEC. 206. DESCENT AND DISTRIBUTION OF TRUST OR RE-**
2 **STRICTED LANDS; TRIBAL ORDINANCE BAR-**
3 **RING NONMEMBERS OF AN INDIAN TRIBE**
4 **FROM INHERITANCE BY DEVISE OR DE-**
5 **SCENT.**

6 “(a) TRIBAL PROBATE CODES.—

7 “(1) IN GENERAL.—Notwithstanding any other
8 provision of law, any Indian tribe may adopt a tribal
9 probate code to govern descent and distribution of
10 trust or restricted lands that are—

11 “(A) located within that Indian tribe’s res-
12 ervation; or

13 “(B) otherwise subject to the jurisdiction
14 of that Indian tribe.

15 “(2) CODES.—A tribal probate code referred to
16 in paragraph (1) may provide that, notwithstanding
17 section 207, only members of the Indian tribe shall
18 be entitled to receive by devise or descent any inter-
19 est in trust or restricted lands within that Indian
20 tribe’s reservation or otherwise subject to that In-
21 dian tribe’s jurisdiction.

22 “(b) SECRETARIAL APPROVAL.—

23 “(1) IN GENERAL.—Any tribal probate code en-
24 acted under subsection (a), and any amendment to
25 such a tribal probate code, shall be subject to the
26 approval of the Secretary.

1 “(2) REVIEW AND APPROVAL.—

2 “(A) IN GENERAL.—Each Indian tribe
3 that adopts a tribal probate code under sub-
4 section (a) shall submit that code to the Sec-
5 retary for review. Not later than 180 days after
6 a tribal probate code is submitted to the Sec-
7 retary under this paragraph, the Secretary shall
8 review and approve or disapprove that tribal
9 probate code.

10 “(B) CONSEQUENCE OF FAILURES TO AP-
11 PROVE OR DISAPPROVE A TRIBAL PROBATE
12 CODE.—If the Secretary fails to approve or dis-
13 approve a tribal probate code submitted for re-
14 view under subparagraph (A) by the date speci-
15 fied in that subparagraph, the tribal probate
16 code shall be deemed to have been approved by
17 the Secretary, but only to the extent that the
18 tribal probate code is consistent with Federal
19 law.

20 “(C) CONSISTENCY OF TRIBAL PROBATE
21 CODE WITH THIS ACT.—The Secretary may not
22 approve a tribal probate code under this para-
23 graph unless the Secretary determines that the
24 tribal probate code is consistent with this Act.

1 “(D) EXPLANATION.—If the Secretary dis-
2 approves a tribal probate code under this para-
3 graph, the Secretary shall include in a notice of
4 the disapproval to the Indian tribe a written ex-
5 planation of the reasons for the disapproval.

6 “(E) AMENDMENTS.—

7 “(i) IN GENERAL.—Each Indian tribe
8 that amends a tribal probate code under
9 this paragraph shall submit the amend-
10 ment to the Secretary for review and ap-
11 proval. Not later than 60 days after receiv-
12 ing an amendment under this subpara-
13 graph, the Secretary shall review and ap-
14 prove or disapprove the amendment.

15 “(ii) CONSEQUENCE OF FAILURE TO
16 APPROVE OR DISAPPROVE AN AMEND-
17 MENT.—If the Secretary fails to approve
18 or disapprove an amendment submitted
19 under clause (i), the amendment shall be
20 deemed to have been approved by the Sec-
21 retary, but only to the extent that the
22 amendment is consistent with Federal law.

23 “(3) EFFECTIVE DATES.—A tribal probate code
24 or amendment approved under paragraph (2) shall
25 become effective on the later of—

1 “(A) the date specified in section
2 207(e)(1); or

3 “(B) 180 days after the date of approval.

4 “(4) LIMITATIONS.—

5 “(A) TRIBAL PROBATE CODES.—Each trib-
6 al probate code enacted under subsection (a)
7 shall apply only to the estate of a decedent who
8 dies on or after the effective date of the tribal
9 probate code.

10 “(B) AMENDMENTS TO TRIBAL PROBATE
11 CODES.—With respect to an amendment to a
12 tribal probate code referred to in subparagraph
13 (A), that amendment shall apply only to the es-
14 tate of a descendant who dies on or after the
15 effective date of the amendment.

16 “(5) REPEALS.—The repeal of a tribal probate
17 code shall—

18 “(A) not become effective earlier than the
19 date that is 180 days after the Secretary re-
20 ceives notice of the repeal; and

21 “(B) apply only to the estate of a decedent
22 who dies on or after the effective date of the re-
23 peal.

24 “(c) USE OF PROPOSED FINDINGS BY TRIBAL JUS-
25 TICE SYSTEMS.—

1 “(1) TRIBAL JUSTICE SYSTEM DEFINED.—In
2 this subsection, the term ‘tribal justice system’ has
3 the meaning given that term in section 3 of the In-
4 dian Tribal Justice Act (25 U.S.C. 3602).

5 “(2) REGULATIONS.—The Secretary shall pro-
6 mulgate regulations concerning the use of proposed
7 findings of fact and conclusions of law, as rendered
8 by a tribal justice system, in the adjudication of pro-
9 bate proceedings by the Department of the Interior.

10 “(d) LIFE ESTATES FOR NON-INDIAN SPOUSES AND
11 CHILDREN WHO WOULD OTHERWISE BE PRECLUDED
12 FROM INHERITING BY REASON OF THE OPERATION OF
13 A TRIBAL PROBATE CODE.—

14 “(1) IN GENERAL.—Paragraph (2) shall apply
15 with respect to a non-Indian spouse or child of an
16 Indian decedent, if that decedent is subject to a trib-
17 al probate code that has been approved by the Sec-
18 retary (or deemed approved) under subsection (b)
19 and—

20 “(A) dies intestate; and

21 “(B) has devised an interest in trust or re-
22 stricted lands to that non-Indian spouse or
23 child, which the spouse or child is otherwise
24 prohibited from inheriting by reason of that
25 tribal probate code.

1 “(2) LIFE ESTATES.—

2 “(A) IN GENERAL.—A surviving non-Indian spouse or child of the decedent described in paragraph (1) may elect to receive a life estate in the portion of the trust or restricted lands to which that individual would have been entitled under the tribal probate code, if that individual were an Indian.

3 “(B) REMAINDER OF INTEREST.—If a non-Indian spouse or child elects to receive a life estate described in subparagraph (A), the remainder of the interest of the Indian decedent shall vest in the Indians who would otherwise have been heirs, but for that spouse’s or child’s election to receive a life estate.”;

4 (5) by striking section 207 and inserting the following:

5 **“SEC. 207. DESCENT AND DISTRIBUTION; ESCHEAT OF FRACTIONAL INTERESTS.**

6 “(a) DESCENT AND DISTRIBUTION.—Except as provided in this section, interests in trust or restricted lands may descend by testate or intestate succession only to—

7 “(1) the decedent’s heirs-at-law or relatives within the first and second degree;

1 “(2) a person who owns a preexisting interest
2 in the same parcel of land conveyed by the decedent;

3 “(3) members of the Indian tribe with jurisdic-
4 tion over the lands devised; or

5 “(4) the Indian tribe with jurisdiction over the
6 lands devised.

7 “(b) SPECIAL RULE.—A decedent that does not have
8 a relative who meets the description under subsection
9 (a)(1) or a relative who is a member described in sub-
10 section (a)(3) may devise that decedent’s estate or any
11 asset of that estate to any relative.

12 “(c) DEVISE OF INTERESTS IN THE SAME PARCEL
13 TO MORE THAN 1 PERSON.—

14 “(1) JOINT TENANCY WITH RIGHT OF SURVI-
15 VORSHIP.—If a testator devises interests in the same
16 parcel of trust or restricted land to more than 1 per-
17 son, in the absence of express language in the devise
18 to the contrary, the devise shall be presumed to cre-
19 ate a joint tenancy with right of survivorship.

20 “(2) ESTATES PASSING BY INTESTATE SUCCES-
21 SION.—With respect to an estate passing by intes-
22 tate succession, only a spouse and heirs of the first
23 or second degree may inherit an interest in trust or
24 restricted lands.

1 “(3) ESCHEAT.—If no individual is eligible to
2 receive an interest in trust or restricted lands, the
3 interest shall escheat to the Indian tribe having ju-
4 risdiction over the trust or restricted lands, subject
5 to any life estate that may be created under section
6 206(d).

7 “(4) NOTIFICATION TO INDIAN TRIBES.—Not
8 later than 180 days after the date of enactment of
9 the Indian Land Consolidation Act Amendments of
10 1999, the Secretary shall, to the extent that the Sec-
11 retary considers to be practicable, notify Indian
12 tribes and individual landowners of the amendments
13 made by the Indian Land Consolidation Act Amend-
14 ments of 1999. The notice shall list estate planning
15 options available to the owners.

16 “(5) DESCENT OF OFF-RESERVATION LANDS.—

17 “(A) INDIAN RESERVATION DEFINED.—

18 For purposes of this paragraph, the term ‘In-
19 dian reservation’ includes lands located
20 within—

21 “(i) Oklahoma; and

22 “(ii) the boundaries of an Indian
23 tribe’s former reservation (as defined and
24 determined by the Secretary).

1 “(B) DESCENT.—Upon the death of an in-
2 dividual holding an interest in trust or re-
3 stricted lands that are located outside the
4 boundaries of an Indian reservation and that
5 are not subject to the jurisdiction of any Indian
6 tribe, that interest shall descend either—

7 “(A) by testate or intestate succession in
8 trust to an Indian; or

9 “(B) in fee status to any other devisees or
10 heirs.

11 “(6) NOTICE TO INDIANS.—

12 “(A) IN GENERAL.—The Secretary shall
13 provide notice to each Indian that has an inter-
14 est in trust or restricted lands of that interest.
15 The notice shall specify that if such interest is
16 in 2 percent or less of the total acreage in a
17 parcel of trust or restricted lands, that interest
18 may escheat to the Indian tribe of that Indian.

19 “(B) LIMITATION.—Subsections (a) and
20 (d) shall not apply to the probate of any inter-
21 est in trust or restricted lands of an Indian de-
22 cedent if the Secretary failed to provide notice
23 under subparagraph (A) to that individual be-
24 fore the date that is 180 days before the death
25 of the decedent.

1 “(d) ESCHEATABLE FRACTIONAL INTERESTS.—

2 “(1) IN GENERAL.—Notwithstanding subsection
3 (a), no undivided interest which represents 2 percent
4 or less of the total acreage in a parcel of trust or
5 restricted land shall pass by intestacy.

6 “(2) ESCHEAT.—An undivided interest referred
7 to in paragraph (1) shall escheat—

8 “(A) to the Indian tribe on whose reserva-
9 tion the interest is located; or

10 “(B) if that interest is located outside of a
11 reservation, to the recognized tribal government
12 possessing jurisdiction over the land.”; and

13 (6) by adding at the end the following:

14 **“SEC. 213. ACQUISITION OF FRACTIONAL INTERESTS.**

15 “(a) IN GENERAL.—The Secretary may acquire, in
16 the discretion of the Secretary, with the consent of its
17 owner and at fair market value, any fractional interest in
18 trust or restricted lands. The Secretary shall give priority
19 to the acquisition of fractional interests representing 2
20 percent or less of a parcel of trust or restricted land. The
21 Secretary shall hold in trust for the Indian tribe that has
22 jurisdiction over the fractional interest in trust or re-
23 stricted lands the title of all interests acquired under this
24 section.

1 “(b) PROGRAM OF ACQUISITION.—Any Indian tribe
2 that has in effect a consolidation plan that has been ap-
3 proved by the Secretary under section 204 may request
4 the Secretary to enter into an agreement with the Indian
5 tribe to implement a program to acquire fractional inter-
6 ests, as authorized by subsection (a) using funds appro-
7 priated pursuant to this Act.

8 **“SEC. 214. ADMINISTRATION OF ACQUIRED FRACTIONAL**
9 **INTERESTS, DISPOSITION OF PROCEEDS.**

10 “(a) IN GENERAL.—Subject to the conditions de-
11 scribed in subsection (b)(1), an Indian tribe receiving a
12 fractional interest under section 207 or 213 may, as a ten-
13 ant in common with the other owners of the trust or re-
14 stricted lands, lease the interest, sell the resources, con-
15 sent to the granting of rights-of-way, or engage in any
16 other transaction affecting the trust or restricted land au-
17 thorized by law.

18 “(b) CONDITIONS.—

19 “(1) IN GENERAL.—The conditions described in
20 this paragraph are as follows:

21 “(A) Until the purchase price paid by the
22 Secretary for the interest referred to in sub-
23 section (a) has been recovered, any lease, re-
24 source sale contract, right-of-way, or other
25 transaction affecting the document providing

1 for the disposition of the interest under that
2 subsection shall contain a clause providing that
3 all revenue derived from the interest shall be
4 paid to the Secretary.

5 “(B) The Secretary shall deposit any rev-
6 enue derived from interest paid under subpara-
7 graph (A) in the Acquisition Fund created
8 under section 216.

9 “(C) The Secretary shall deposit any rev-
10 enue derived from the interest that is paid
11 under subparagraph (A) that is in an amount
12 in excess of the purchase price of the fractional
13 interest involved to the credit of the Indian
14 tribe that receives the fractional interest under
15 section 213.

16 “(D) Notwithstanding any other provision
17 of law, including section 16 of the Act of June
18 18, 1934 (commonly referred to as the ‘Indian
19 Reorganization Act’) (48 Stat. 987, chapter
20 576; 25 U.S.C. 476), during such time as an
21 Indian tribe is a tenant in common with indi-
22 vidual Indian landowners on land acquired
23 under section 207 or 213, the Indian tribe may
24 not refuse to enter into any transaction covered
25 under this section if landowners owning a ma-

1 jority of the undivided interests in the parcel
2 consent to the transaction.

3 “(E) If the Indian tribe does not consent
4 to enter into a transaction referred to in sub-
5 paragraph (D), the Secretary may consent on
6 behalf of the Indian tribe.

7 “(F) For leases of allotted land that are
8 authorized to be granted by the Secretary, the
9 Indian tribe shall be treated as if the Indian
10 tribe were an individual Indian landowner.

11 “(2) EXCEPTION.—Paragraph (1)(A) shall not
12 apply to any revenue derived from an interest in a
13 parcel of land acquired by the Secretary under sec-
14 tion after an amount equal to the purchase price of
15 that interest in land has been paid into the Acquisi-
16 tion Fund created under section 216.

17 **“SEC. 215. ESTABLISHING FAIR MARKET VALUE.**

18 “For the purposes of this Act, the Secretary may de-
19 velop a reservation-wide system (or system for another ap-
20 propriate geographical unit) for establishing the fair mar-
21 ket value of various types of lands and improvements.
22 That system may govern the amounts offered for the pur-
23 chase of interests in trust or restricted lands under section
24 213.

1 **“SEC. 216. ACQUISITION FUND.**

2 “(a) IN GENERAL.—The Secretary shall establish an
3 Acquisition Fund to—

4 “(1) disburse appropriations authorized to ac-
5 complish the purposes of section 213; and

6 “(2) collect all revenues received from the lease,
7 permit, or sale of resources from interests in trust
8 or restricted lands transferred to Indian tribes by
9 the Secretary under section 213.

10 “(b) DEPOSITS; USE.—

11 “(1) IN GENERAL.—Subject to paragraph (2),
12 all proceeds from leases, permits, or resource sales
13 derived from an interest in trust or restricted lands
14 described in subsection (a)(2) shall—

15 “(A) be deposited in the Acquisition Fund;
16 and

17 “(B) as specified in advance in appropria-
18 tions Acts, be available for the purpose of ac-
19 quiring additional fractional interests in trust
20 or restricted lands.

21 “(2) MAXIMUM DEPOSITS OF PROCEEDS.—With
22 respect to the deposit of proceeds derived from an
23 interest under paragraph (1), the aggregate amount
24 deposited under that paragraph shall not exceed the
25 purchase price of that interest under section 213.

1 **“SEC. 217. DETERMINATION OF RESERVATION BOUND-**
2 **ARIES AND TRIBAL JURISDICTION.**

3 “(a) DETERMINATION OF JURISDICTION.—

4 “(1) IN GENERAL.—The Secretary shall deter-
5 mine whether a parcel of land is—

6 “(A) within an Indian reservation; or

7 “(B) otherwise subject to an Indian tribe’s
8 jurisdiction.

9 “(2) REVIEW.—The United States District
10 Court for the district where land that is subject to
11 a determination under paragraph (1) is located may
12 review the determination under chapter 7 of title 5,
13 United States Code.

14 “(b) RULE OF CONSTRUCTION.—Nothing in this Act
15 may be construed to affect section 2409a of title 28,
16 United States Code.

17 **“SEC. 218. TRUST AND RESTRICTED LAND TRANSACTIONS.**

18 “(a) POLICY.—It is the policy of the United States
19 to encourage and assist the consolidation of land owner-
20 ship through transactions involving individual Indians in
21 a manner consistent with the policy of maintaining the
22 trust status of allotted lands.

23 “(b) VALUATION OF SALES AND EXCHANGES.—Not-
24 withstanding any other provision of law—

1 “(1) the sale of an interest in trust or restricted
2 land may be made for an amount that is less than
3 the fair market value of that interest; and

4 “(2) the exchange of an interest in trust or re-
5 stricted lands may be made for an interest of a value
6 less than the fair market value of the interest in
7 those lands.

8 “(c) STATUS OF LANDS.—The sale or exchange of
9 an interest in trust or restricted land under this section
10 shall not affect the status of that land as trust or re-
11 stricted land.

12 “(d) GIFT DEEDS.—

13 “(1) IN GENERAL.—An individual owner of an
14 interest in trust or restricted land may convey that
15 interest by gift deed to—

16 “(A) an individual Indian who is a member
17 of the Indian tribe that exercises jurisdiction
18 over the land;

19 “(B) the Indian tribe that exercises juris-
20 diction over that land; or

21 “(C) any other person whom the Secretary
22 determines may hold the land in trust or re-
23 stricted status.

1 “(2) SPECIAL RULE.—With respect to any gift
2 deed conveyed under this section, the Secretary shall
3 not require an appraisal.

4 **“SEC. 219. REPORTS TO CONGRESS.**

5 “(a) IN GENERAL.—Not later than the date that is
6 3 years after the date of enactment of the Indian Land
7 Consolidation Act Amendments of 1999, and annually
8 thereafter, the Secretary shall submit to Congress a report
9 that indicates, for the period covered by the report—

10 “(1) the number of fractional interests in trust
11 or restricted lands acquired; and

12 “(2) the impact of the resulting reduction in
13 the number of such fractional interests on the finan-
14 cial and realty recordkeeping systems of the Bureau
15 of Indian Affairs.

16 “(b) RECOMMENDATIONS FOR LEGISLATION.—The
17 Secretary, after consultation with the Indian tribes, shall
18 make recommendations for such legislation as is necessary
19 to make further reductions in the fractional interests re-
20 ferred to in subsection (a).

21 **“SEC. 220. APPROVAL OF LEASES, RIGHTS-OF-WAY, AND**
22 **SALES OF NATURAL RESOURCES.**

23 “(a) IN GENERAL.—The Secretary may approve any
24 lease, right-of-way, sale of natural resources, or any other

1 transaction affecting individually owned trust or restricted
2 lands that requires approval by the Secretary, if—

3 “(1) the owners of a majority interest in the
4 trust or restricted lands consent to the transaction;
5 and

6 “(2) the Secretary determines that approval of
7 the transaction is in the best interest of the Indian
8 owners.

9 “(b) BINDING TRANSACTIONS.—Upon the approval
10 of a transaction referred to in subsection (a), the trans-
11 action shall be binding upon the owners of the minority
12 interests in the trust or restricted land, and all other par-
13 ties to the transaction to the same extent as if all of the
14 Indian owners had consented to the transaction.

15 **“SEC. 221. REAL ESTATE TRANSACTIONS INVOLVING NON-**
16 **TRUST LANDS.**

17 “(a) IN GENERAL.—Notwithstanding any other pro-
18 vision of law, any Indian tribe may on the same basis as
19 any other person, buy, sell, mortgage, or otherwise acquire
20 or dispose of lands or interests in land described in sub-
21 section (b), without an Act of Congress or the approval
22 of the Secretary.

23 “(b) LANDS.—Lands described in this subsection are
24 lands that are—

1 “(1) acquired after the date of enactment of the
2 Indian Land Consolidation Act Amendments of
3 1999; and

4 “(2) not held in trust or subject to a pre-
5 existing Federal restriction on alienation imposed by
6 the United States.

7 “(c) NO LIABILITY ON PART OF THE UNITED
8 STATES.—The disposition of lands described in subsection
9 (b) shall create no liability on the part of the United
10 States.”.

11 (b) EFFECTIVE DATE; APPLICABILITY.—

12 (1) EFFECTIVE DATE OF AMENDMENTS TO SEC-
13 TION 207 OF THE INDIAN LAND CONSOLIDATION
14 ACT.—Except with respect to the notification under
15 section 207(c) (4) and (6) of the Indian Land Con-
16 solidation Act (25 U.S.C. 2206(c) (4) and (6)), the
17 amendments made by subsection (a) to section 207
18 of the Indian Land Consolidation Act (25 U.S.C.
19 2206) shall become effective on the date that is 2
20 years after the date of enactment of this Act.

21 (2) APPLICABILITY.—The amendments made
22 by subsection (a) to section 207 of the Indian Land
23 Consolidation Act shall apply only to the estates of
24 decedents that die on or after the date specified in
25 paragraph (1).

1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums

3 as are necessary to carry out this Act.

○