

114TH CONGRESS
2D SESSION

S. 2636

To amend the Act of June 18, 1934, to require mandatory approval of applications for land to be taken into trust if the land is wholly within a reservation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2016

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

A BILL

To amend the Act of June 18, 1934, to require mandatory approval of applications for land to be taken into trust if the land is wholly within a reservation, 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 “Reservation Land Con-
5 solidation Act of 2016”.

1 **SEC. 2. ON-RESERVATION LAND ACQUISITIONS.**

2 The Act of June 18, 1934 (commonly known as the
3 “Indian Reorganization Act”), is amended by inserting
4 after section 5 (25 U.S.C. 465) the following:

5 **“SEC. 5A. ON-RESERVATION LAND ACQUISITIONS.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) INDIAN TRIBE.—The term ‘Indian tribe’
8 means an Indian tribe included in the list published
9 by the Secretary in the Federal Register pursuant to
10 section 104 of the Federally Recognized Indian
11 Tribe List Act of 1994 (25 U.S.C. 479a–1).

12 “(2) RESERVATION.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraphs (B) and (C), the term ‘reserva-
15 tion’ means the area of land over which an In-
16 dian tribe is recognized by the United States as
17 having governmental jurisdiction.

18 “(B) APPLICATION TO CERTAIN LAND.—
19 Notwithstanding subparagraph (A), with re-
20 spect to the State of Oklahoma or where there
21 has been a final judicial determination that a
22 reservation has been disestablished or dimin-
23 ished, the term ‘reservation’ means the area of
24 land constituting the former reservation of an
25 Indian tribe, as defined by the Secretary.

1 “(C) EFFECT.—If the meaning given the
2 term ‘reservation’ in subparagraphs (A) and
3 (B) conflicts with any law enacted by Congress
4 to acquire, or to authorize the acquisition of,
5 title to particular land to be held in trust by the
6 United States for the benefit of an Indian tribe,
7 that law shall control with respect to that land.

8 “(b) ACQUISITION OF LAND IN TRUST.—An Indian
9 tribe seeking to have land wholly within or contiguous to
10 the reservation of the Indian tribe taken into trust for the
11 benefit of that Indian tribe shall submit to the Secretary
12 an application containing such title evidence necessary for
13 the United States to accept title to the land.

14 “(c) REQUIREMENTS.—Immediately on application
15 under subsection (b), and subject only to Federal land ac-
16 quisition title requirements applicable to an acquisition of
17 land by the Secretary to be held in trust for the benefit
18 of an Indian tribe, the Secretary shall take into trust the
19 land covered by the application.”.

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