

associations, Indian advocacy organizations, and other parties consulted with regarding the development of rules and regulations for the creation and management of interests in trust and restricted lands under the pilot project;

“(B) the feasibility of accurately monitoring the performance of legal entities such as those involved in the pilot project, and the effectiveness of such entities as mechanisms to manage and protect trust assets;

“(C) the impact that the use of entities such as those in the pilot project may have with respect to the accomplishment of the goals of the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.); and

“(D) any recommendations that the Secretary may have regarding whether to adopt a permanent program as a management and consolidation measure for interests in trust or restricted lands.

“(n) NOTICE TO HEIRS.—Prior to holding a hearing to determine the heirs to trust or restricted property, or making a decision determining such heirs, the Secretary shall seek to provide actual written notice of the proceedings to all heirs. Such efforts shall include—

“(1) a search of publicly available records and Federal records, including telephone and address directories and including electronic search services or directories;

“(2) an inquiry with family members and co-heirs of the property;

“(3) an inquiry with the tribal government of which the owner is a member, and the tribal government with jurisdiction over the property, if any; and

“(4) if the property is of a value greater than \$2,000, engaging the services of an independent firm to conduct a missing persons search.

“(o) MISSING HEIRS.—

“(1) For purposes of this subsection and subsection (m), an heir may be presumed missing if—

“(A) such heir's whereabouts remain unknown 60 days after completion of notice efforts under subsection (m); and

“(B) in the proceeding to determine a decedent's heirs, the Secretary finds that the heir has had no contact with other heirs of the decedent, if any, or with the Department relating to trust or restricted land or other trust assets at any time during the 6-year period preceding the hearing to determine heirs.

“(2) Before the date for declaring an heir missing, any person may request an extension of time to locate such heir. The Secretary shall grant a reasonable extension of time for good cause.

“(3) An heir shall be declared missing only after a review of the efforts made in the heirship proceeding and a finding has been made that this subsection has been complied with.

“(4) An heir determined to be missing pursuant to this subsection shall be deemed to have predeceased the decedent for purposes of descent and devise of trust or restricted land and trust personality within that decedent's estate.”

**SEC. 7. ANNUAL NOTICE AND FILING REQUIREMENT FOR OWNERS OF INTERESTS IN TRUST OR RESTRICTED LANDS.**

The Indian Land Consolidation Act (25 U.S.C. 2201 et seq.) is amended by adding at the end the following:

**“SEC. 222. ANNUAL NOTICE AND FILING; CURRENT WHEREABOUTS OF INTEREST OWNERS.**

“On at least an annual basis, the Secretary shall include along with other regular reports to owners of trust or restricted interests in land and individual Indian money account owners a change of name and address form by means of which the owner may confirm or update the owner's name and address. The change of name and address form shall include a section in which the owner may confirm and update the owner's name and address.”

**SEC. 8. NOTICE; EFFECTIVE DATE.**

(a) NOTICE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall notify Indian tribes and owners of trust or restricted lands of the amendments made by this Act.

(2) SPECIFICATIONS.—The notice required under paragraph (1) shall be designed to inform Indian owners of trust or restricted land of—

(A) the effect of this Act and the amendments made by this Act, with emphasis on the effect of the provisions of this Act and the amendments made by this Act, on the testate disposition and intestate descent of their interests in trust or restricted land;

(B) estate planning options available to the owners, including any opportunities for receiving estate planning assistance or advice;

(C) the use of negotiated sales, gift deeds, land exchanges, and other transactions for consolidating the ownership of land; and

(D) a toll-free telephone number to be used for obtaining information regarding the provisions of this Act and any trust assets of such owners.

(3) REQUIREMENTS.—The Secretary shall provide the notice required under paragraph (1)—

(A) by direct mail for those Indians with interests in trust and restricted lands for which the Secretary has an address for the interest holder;

(B) through the Federal Register;

(C) through local newspapers in areas with significant Indian populations, reservation newspapers, and newspapers that are directed at an Indian audience; and

(D) through any other means determined appropriate by the Secretary.

(4) CERTIFICATION.—After providing notice under this subsection, the Secretary shall—

(A) certify that the requirements of this subsection have been met; and

(B) publish notice of that certification in the Federal Register.

(b) EFFECTIVE DATE.—Section 207 of the Indian Land Consolidation Act (25 U.S.C. 2206), except subsections (e) and (f) of that section, shall not apply to the estate of an individual who dies before the date that is 1 year after the date on which the Secretary makes the certification required under subsection (a)(4).

**SEC. 9. SEVERABILITY.**

If any provision of this Act or of any amendment made by this Act, or the application of any such provision to any person or circumstance, is held to be invalid for any reason, the remainder of this Act and of amendments made by this Act, and the application of the provisions and of the amendments made by this Act to any other person or circumstance shall not be affected by such holding, except that each of subclauses (II), (III), and (IV) of section 205(d)(2)(I)(i) is deemed to be in severable from the other 2, such that if any 1 of those 3 subclauses is held to be invalid for any reason, neither of the other 2 of such subclauses shall be given effect.

**SEC. 10. REGULATIONS.**

The Secretary is authorized to adopt such regulations as may be necessary to implement the provisions of this Act.

Mr. TALENT. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1721), as amended, was read the third time and passed.

**UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR**

Mr. TALENT. Mr. President, as in executive session, I ask unanimous consent that immediately following the vote in relation to the Cantwell amendment, on Thursday, the Senate proceed to executive session and there be 10 minutes equally divided between the two leaders or their designees prior to three consecutive votes on the following nominations: Calendar No. 559, Sandra Townes, to be U.S. District Judge for the Eastern District of New York; Calendar No. 560, Kenneth Karas, to be U.S. District Judge for the Southern District of New York; Calendar No. 561, Judith Herrera, to be U.S. District Judge for the District of New Mexico. I further ask consent that following those votes, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

**ORDERS FOR THURSDAY, JUNE 3, 2004**

Mr. TALENT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. on Thursday, June 3. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, the Senate then begin a period of morning business for up to 60 minutes, with the majority leader or his designee in control of the first 30 minutes, and the Democratic leader or his designee in control of the final 30 minutes; provided that following morning business, the Senate resume consideration of Calendar No. 503, S. 2400, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

**PROGRAM**

Mr. TALENT. Tomorrow, following morning business, the Senate will resume consideration of the Department of Defense authorization bill. Under the previous order, when the Senate resumes consideration of the bill, the pending Crapo and Graham amendments will be adopted, and Senator CANTWELL will be recognized to offer an amendment. There will be up to 4 hours of debate on her amendment prior to a vote. It is anticipated that the vote in relation to the Cantwell amendment will occur at approximately 2:30 p.m. Immediately following the vote in relation to the Cantwell amendment, the Senate will vote on three judicial nominations. Therefore, for the information of Senators, there will be up to four stacked votes beginning in the early afternoon.

*June 2, 2004*

CONGRESSIONAL RECORD—SENATE

**S6385**

For the remainder of the day, the Senate will continue the amending process to the Department of Defense authorization bill.

ADJOURNMENT UNTIL 9:45 A.M.  
TOMORROW

Mr. TALENT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent

the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:41 p.m., adjourned until Thursday, June 3, 2004, at 9:45 a.m.