

## S 2711

Native American Omnibus Act of 2002

**Congress:** 107 (2001–2003, Ended)

**Chamber:** Senate

**Policy Area:** Native Americans

**Introduced:** Jul 9, 2002

**Current Status:** Referred to the House Committee on Resources.

**Latest Action:** Referred to the House Committee on Resources. (Nov 22, 2002)

**Official Text:** <https://www.congress.gov/bill/107th-congress/senate-bill/2711>

### Sponsor

**Name:** Sen. Inouye, Daniel K. [D-HI]

**Party:** Democratic • **State:** HI • **Chamber:** Senate

### Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Campbell, Ben Nighthorse [R-CO]	R · CO		Jul 9, 2002

### Committee Activity

Committee	Chamber	Activity	Date
Indian Affairs Committee	Senate	Reported By	Aug 28, 2002
Natural Resources Committee	House	Referred To	Nov 22, 2002

### Subjects & Policy Tags

#### Policy Area:

Native Americans

### Related Bills

*No related bills are listed.*

Native American Omnibus Act of 2002 - **Title I: Land Settlement Provisions - Subtitle A: T'uf Shur Bien Preservation Trust Area Act** - (Sec. 1104) Recognizes and protects in perpetuity the Pueblo of Sandia's rights and interests in the T'uf Shur Bien Preservation Trust Area (Area), including: (1) free and unrestricted access for traditional and cultural uses (except as they conflict with the Wilderness Act and Federal wildlife protection laws); (2) perpetual preservation of the Wilderness and National Forest character of the Area; (3) rights in management (such as right to consent or withhold consent to new uses, consultation regarding modified uses, management and preservation of the Area, and dispute resolution procedures); and (4) exclusive authority to administer access to the Area for traditional and cultural uses by members of the Pueblo and other Indian tribes.

Requires the United States to compensate the Pueblo as if it held fee title interest in the affected portion if Congress: (1) diminishes the Wilderness and National Forest designation of the Area by authorizing a prohibited use in all or any portion of it; or (2) permanently denies the Pueblo access for any traditional and cultural uses in all or any portion of the Area.

(Sec. 1105) Limits the Pueblo's rights and interest in the Area to exclude: (1) any right to sell, grant, lease, convey, encumber or exchange lands in the Area; (2) exemption from applicable Federal wildlife protection laws; (3) the right to engage in certain prohibited uses; and (4) the right to exclude persons or governmental entities.

Excludes from prosecution for Federal wildlife offenses any members of the Pueblo and other federally recognized Indian tribes who exercise traditional and cultural use rights.

(Sec. 1106) Requires the Secretary of Agriculture, acting through the Chief of the Forest Service (Secretary), to consult with the Pueblo in its governmental capacity at least twice a year, unless otherwise mutually agreed, concerning protection, preservation, and management of the Area.

Requires the Pueblo's consent, expressly or by failure to respond timely to a request for consent, before any new use may be authorized.

Requires the public to be provided notice of proposed new or modified uses of the Area.

Retains in the Secretary authority to manage emergency situations.

Prescribes a process for resolving disputes involving Forest Service management and Pueblo traditional or cultural uses.

(Sec. 1107) Provides for the jurisdiction of crimes committed by an Indian tribe member or offenses committed by any person pertaining to the protection and management of national forests.

(Sec. 1108) Excludes from the Area all subdivisions, the Piedra Lisa tract, the land on which the crest facilities are located, the special use permit area, and the La Luz tract now owned in fee by the Pueblo.

Requires the Pueblo to transfer the La Luz tract and the Piedra Lisa tract (if later acquired) to the United States to be held in trust.

Requires the Secretary to ensure that Forest Service Road 333D (Evergreen Hills access) is maintained.

Requires the Secretary of the Interior to grant specified rights-of-way in perpetuity to the County of Bernalillo, New Mexico, utility and other service providers, and the Forest Service.

(Sec. 1109) Extinguishes all Pueblo claims not specifically recognized within this Act.

(Sec. 1110) Disallows the modification of existing private property rights associated with the Piedra Lisa tract or other private lands that are not otherwise addressed in this Act.

(Sec. 1111) Limits any suit to enforce this Act brought against the Pueblo to declaratory judgement or injunctive relief, and limits venue to the United States District Court for the District of New Mexico.

(Sec. 1112) Authorizes the Secretary to accept contributions from the Pueblo to perform a survey of the Area or to carry out any other project for the benefit of the Area.

Requires the Secretary to prepare and offer an exchange of specified National Forest land for certain land owned by the Pueblo in the Evergreen Hills subdivision of Sandoval County with the Pueblo, and the La Luz tract in Bernalillo County. Specifies land exchange and acquisition requirements.

Directs the Secretary, if the United States acquires the Piedra Lisa tract, to compensate the Pueblo for the fair market value of a certain right-of-way and conservation easement.

Authorizes the Pueblo, the County of Bernalillo, New Mexico, and any person that owns or has owned property inside the boundaries of the Area and who has incurred cost of participating in the case of Pueblo of Sandia v. Babbitt, or other proceedings related to resolving the issues litigated in that case, to apply for reimbursement. Directs the Secretary of the Treasury to make reimbursement payments of up to \$750,000 per party, but no more than \$3 million altogether.

(Sec. 1113) Authorizes appropriations.

**Subtitle B: Pueblo de Cochiti Settlement** - (Sec. 1201) Directs the Secretary and the Secretary of the Army to implement certain modifications regarding the use of settlement funds as described in the First Amendment to Operation and Maintenance Agreement for Implementation of Cochiti Wetlands Solution.

**Title II: Water Settlements and Water-Related Provisions - Subtitle A: Zuni Heaven Restoration Water Rights Settlement** - Zuni Indian Tribe Water Rights Settlement Act of 2002 - (Sec. 2104) Ratifies the Settlement Agreement concerning Zuni Indian Tribe water rights claims in the Little Colorado River basin, Arizona.

Authorizes appropriations for: (1) FY 2004 for acquisition of water rights and associated lands, and other activities by the Zuni Tribe to facilitate enforceability of the Settlement Agreement; and (2) FY 2004 through 2006 for actions necessary to restore, rehabilitate, and maintain the Zuni Heaven Reservation, including the Sacred Lake, wetlands, and riparian areas.

Ratifies specified agreements between the Salt River Project Agricultural Improvement and Power District, Tucson Electric Power Company, the Arizona State Land Department, the Zuni tribe, and the United States.

(Sec. 2105) Requires the Secretary of the Interior to take legal title of specified lands in the Gila and Salt River Base and Meridian into trust for the benefit of the Zuni tribe. Declares that these lands shall not have Federal reserved rights to surface water or groundwater. Requires the Zuni Tribe to make payments in lieu of all current State, county, and local ad valorem taxes that would otherwise apply if those lands were not held in trust.

Prohibits the United States, except in certain instances, from removing jurisdiction to Federal courts for disputes over intergovernmental agreements entered into under these trust land agreements.

(Sec. 2106) Establishes and authorizes appropriations to the Zuni Indian Tribe Water Rights Development Fund, to be

allocated among specified activities, including the acquisition of water rights and restoration of the Zuni Heaven Reservation. Requires deposit in it of any funds paid to the Tribe as required by the Settlement Agreement. Conditions Zuni expenditures from such Fund upon the Secretary's approval of a tribal management plan and an expenditure plan.

Prohibits any per capita distribution from the Fund to members of the Zuni Tribe.

(Sec. 2107) Extinguishes all claims for water rights in Zuni lands.

Declares that nothing in this Act recognizes or establishes any right of a member of the Zuni tribe to water on the Reservation.

Authorizes the Zuni tribe to waive and release past, present, and future claims for injuries to water rights against Arizona, the United States, and others.

Authorizes the Zuni tribe to waive its right to request that the United States bring any current or future claims for injuries to water quality.

Waives and releases all past, present, and future common law and natural resource damage claims of the United States against Arizona or others with respect to Settlement land and water.

(Sec. 2108) Disallows any claim of sovereign immunity by the United States or specified tribes in specified kinds of litigation relating to the interpretation or enforcement of this Act, the Settlement Agreement, other specified agreements, or a Pumping Protection Agreement. Requires all water rights used on the Zuni Heaven Reservation to be held in trust by the United States. Specifies water use rights and immunities, subject to certain limitations. Continues existing rights-of-way and requires the Secretary to grant additional rights-of-way under specified conditions.

**Subtitle B: Quinault Indian Nation** - (Sec. 2201) Authorizes the Secretary to carry out a water source, quantity, and quality feasibility study to identify ways to meet the current and future domestic and commercial water supply and distribution needs of the Quinault Indian Nation, Olympic Peninsula, Washington.

**Subtitle C: Santee Sioux Tribe of Nebraska Rural Water System Feasibility Study** - (Sec. 2301) Directs the Secretary of the Interior, through the Bureau of Reclamation, to conduct and report to Congress on a feasibility study for developing a water treatment and distribution system for the Santee Sioux Tribe of Nebraska.

Requires the Secretary to enter into a cooperative agreement with the Tribe, at its request, for activities necessary to conduct such study.

(Sec. 2302) Authorizes appropriations.

**Title III: Land Provisions - Subtitle A: Agreement To Affirm Boundary Between Pueblo of Santa Clara and Pueblo of San Ildefonso Aboriginal Land Within Garcia Canyon Tract** - (Sec. 3102) Declares the right, title, and interest of the United States in certain tracts of land in Rio Arriba County and in Rio Arriba and Santa Fe Counties, New Mexico, to be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso, respectively (including mineral rights).

(Sec. 3104) Directs the Office of Cadastral Survey to conduct a survey of the boundary lines between the properties.

(Sec. 3105) Declares the lands held in trust to be part of the Santa Clara Indian Reservation and the San Ildefonso Indian Reservation and directs that they be administered in accordance with any law (including regulations) or court order generally applicable to property held by the U.S. Government in trust for Indian tribes. Subjects to the Pueblo Lands Act

of 1924 such trust lands and other lands in the Santa Clara Pueblo Grant and the San Ildefonso Pueblo Grant that are held by the respective tribes or subsequently acquired by them.

Requires trust lands to be used only for traditional or customary uses or stewardship conservation. Prohibits trust lands from being used for any new commercial developments beginning on the date of the enactment of this Act.

(Sec. 3106) Prohibits this Act from being construed to: (1) affect any person's (other than the United States') existing right-of-way, lease, permit, mining claim, grazing permit, water right, or other right or interest in or to the trust lands; (2) affect any existing right or claim of either Pueblo to any lands or interest in lands based upon Aboriginal or Indian title; or (3) constitute the reservation of water or water rights in the trust lands or any change in status of water rights of either Pueblo.

**Subtitle B: Additional Land Provisions** - (Sec. 3201) Revises the Indian Land Consolidation Act with respect to the Secretary's acquisition in trust, upon request, of any portion of an Indian or tribal government's fee interest in a parcel of land meeting certain requirements.

(Sec. 3202) Amends Federal law with respect to certain corrections to legal descriptions or recording information for specified lands declared to be held by the United States in trust for the benefit of the Mississippi Band of Choctaw Indians.

(Sec. 3203) Amends the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 with respect to conditions on the conveyance to the Ute Tribe of Oil Shale Reserve Numbered 2 on the Uintah and Ouray Reservation Land. Repeals the prohibition against reversion of the land to the United States for management in trust status. Declares that: (1) such land shall not be subject to any Federal restriction on alienation; and (2) no grant, lease, exploration or development agreement, or other conveyance of the land (or any interest in the land) that is authorized by the governing body of the Tribe shall be subject to approval by the Secretary of the Interior or any other Federal official.

(Sec. 3204) Amends the Cow Creek Band of Umpqua Tribe of Indians Recognition Act concerning certain Oregon land conveyed by the Cow Creek Band of Umpqua Tribe to the Secretary to hold in trust for them. Declares that real property taken into trust shall be treated as on-reservation land for the purpose of processing acquisitions of real property into trust.

(Sec. 3205) Authorizes the Seminole Tribe of Florida to mortgage, lease, sell, convey, warrant, or otherwise transfer all or any part of any interest in any real property that was held by the Tribe on September 1, 2002, and not held in trust by the United States for the tribe's benefit.

(Sec. 3206) Authorizes the Shakopee Mdewakanton Sioux Community to lease, sell, convey, warrant, or otherwise transfer any interest of the Community that is not held in trust by the United States.

(Sec. 3207) Declares that the land held by the Barona Band of Mission Indians of California shall be considered to be a portion of the reservation of the Band held in trust by the United States.

(Sec. 3208) Authorizes the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, with the approval of the Secretary of the Interior, to enter into a lease or other temporary conveyance of water rights recognized under the Fort Peck-Montana Compact.

**Title IV: Leasing Provisions** - (Sec. 4001) Allows any restricted lands on the reservation of, and held in trust for, the Confederated Tribes of the Umatilla Reservation, the Yurok Tribe, and the Hopland Band of Pomo Indians of the Hopland

Rancheria to be leased by the Indian owners, with the Secretary of the Interior's approval, for terms of not to exceed 99 years for public, religious, educational, recreational, residential, business, or certain other purposes.

(Sec. 4003) Allows the Assiniboine and Sioux Tribes of the Fort Peck Reservation to lease tribally-owned land to the Northern Border Pipeline Company for one or more interstate gas pipelines under specified conditions.

(Sec. 4004) Declares that no approval by the Secretary shall be required for any new lease or renewal of any existing lease of restricted lands if it is for an aggregate term of less than seven years.

**Title V: Judgment Fund Distribution - Subtitle A: Gila River Indian Community Judgment Fund Distribution - Gila River Indian Community Judgment Fund Distribution Act of 2002 - Chapter I: Gila River Judgment Fund Distribution -** (Sec. 5101) Requires the per capita distribution of funds paid in settlement of claims made in Docket Nos. 236-C and 236-D, Gila River Pima-Maricopa Indian Community v. United States, to enrolled members of the Gila River Indian Community (Arizona).

Requires the Community to prepare a payment role according to specified criteria. Defines eligible and ineligible recipients.

Requires the Gila River Indian Community to provide to the Secretary of the Interior: (1) a notice that indicates the total number of eligible recipients; and (2) enrollment information necessary to allow the Secretary to establish estate accounts for deceased recipients and Individual Indian Money accounts for legally incompetent individuals and minors.

Directs the Secretary to disburse funds within 30 days after Community approval of the payment roll. Makes special provision for deceased or legally incompetent individuals and minors.

Permits payments of eligible individuals not on the roll out of residual funds and Community-owned funds, as specified.

Requires that any judgment funds remaining after distribution, any share remaining unclaimed for six years, or any unpayable share be deposited in the general fund of the Community.

**Chapter II: Conditions Relating To Community Judgment Fund Plans -** (Sec. 5111) Directs the Community to modify the judgment funds distribution plans in Docket No. 228 of the U.S. Claims Court and Docket No. 236-N of the U.S. Court of Federal Claims to require the Secretary to: (1) hold the per capital shares of minors in trust until they attain age 18; (2) not disburse judgment funds or interest earned until a minor attains age 18; and (3) distribute to the Community and deposit in its general fund, upon Community request, any residual principal and interest funds remaining after the Community has declared the per capita payments have been completed.

**Chapter III: Expert Assistance Loans -** (Sec. 5121) Cancels the balance of all outstanding expert assistance loans to the Gila River Indian Community made by the Department of the Interior.

**Subtitle B: Assiniboine and Sioux Tribes of the Fort Peck Reservation Judgment Fund Distribution -** Assiniboine and Sioux Tribes of the Fort Peck Reservation Judgment Fund Distribution Act of 2002 - (Sec. 5204) Requires that amounts distributed to the Assiniboine and Sioux Tribes of the Fort Peck Reservation under Indian Tribal Judgement Funds Use or Distribution Act (and including funds from the Fort Peck Reservation, et al. v. The United States of America, Docket No. 773-87) be made available for tribal health, education, housing and social services programs of the tribes, including programs for: (1) education and youth; (2) improvement of facilities and housing; (3) equipment for public utilities; (4) medical assistance or dental, optical or convalescent equipment; and (5) senior citizen and community services.

Prohibits the per capita distribution of such share to any member of the tribe.

**Title VI: Repayment of Expert Witness Loans** - (Sec. 6001) Cancels the balance of all outstanding expert assistance loans to the Pueblo of Santo Domingo, the Ogala Sioux Tribe, and the Seminole Tribe of Oklahoma.

**Title VII: Health Related Provisions** - (Sec. 7001) Amends the Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act to authorize appropriations to the Secretary of Health and Human Services for the construction of a Rural Health Care Facility at the Fort Berthold Indian Reservation of North Dakota.

(Sec. 7002) Authorizes the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, to recruit and hire health professionals for a program that promotes more efficient use of health care funding for the Tribe.

(Sec. 7003) Requires the Director of the Indian Health Service to direct the Aberdeen Area Office of the Indian Health Service to carry out a demonstration program to determine the ability of an urban restored facility to provide health services to members, the viability of third-party billing, and the effectiveness of using a computer-registered patient management system.

(Sec. 7004) Authorizes the Secretary to make funds available to the Yukon Kuskokwim Health Corporation, the Southcentral Foundation, the Cook Inlet Tribal Council, and the Southeast Alaska Regional Health Consortium for specified treatment centers or facilities under the Indian Health Services Youth Program.

**Title VIII: Reauthorization of Native American Programs** - (8001) Reauthorizes appropriations through FY 2006 for certain programs under: (1) the Bosque Redondo Memorial Act; and (2) the Navajo-Hopi Land Settlement Act of 1974 (relocation housing).

(Sec. 8003) Reauthorizes appropriations through FY 2003 for certain programs under the following Acts: (1) the Indian Health Care Improvement Act (including youth, urban Indians, and substance abuse programs); (2) the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (including training, education, emergency shelters, and source eradication); (3) the Indian Child Protection and Family Violence Detention Act; and (4) the Native Hawaiian Health Care Improvement Act (including health scholarships).

(Sec. 8007) Reauthorizes appropriations for the Four Corners Interpretive Center Act through FY 2007 (Arizona, Colorado, New Mexico, and Utah).

(Sec. 8008) Amends the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to reauthorize appropriations for the Environmental Dispute Resolution Fund for FY 2004 through 2008.

**Title IX: Miscellaneous Provisions - Subtitle A: Cultural Provisions** - (Sec. 9101) Requires the Director of the Institute of Museum and Library Services to offer to award financial and technical assistance to the Native American Cultural and Educational Authority of Oklahoma to be used for the development and construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma. Specifies Authority grant recipient requirements and limitations of grant assistance.

(Sec. 9102) Amends Public Law 100-581 to require the Secretary of the Army to make improvements at Celilo Village.

(Sec. 9103) Requires the Secretary of Agriculture, on the request of the Chugach Alaska or Sealaska Corporation, to

convey all artifacts, physical remains, and copies of specified field records to those corporations that have received title to a cemetery site or historical place conveyed under the Alaska Native Claims Settlement Act.

**Subtitle B: Indian Probate Reform - Chapter 1: Indian Probate Reform** - Indian Probate Reform Act of 2002 - (Sec. 9211) Amends the Indian Land Consolidation Act to revise rules governing the succession of intestate and testamentary interests in trust and restricted Indian lands.

Repeals the limitation of any devise of an interest in trust or restricted land to a decedent's Indian spouse or any other Indian person. Retains permission to devise such an interest to the Indian tribe with jurisdiction over the land. Adds permission to devise such an interest to any Indian person in trust or restricted status or as a passive trust interest. Declares that the devise of an interest in trust or restricted land may alter the status of such an interest as a trust or restricted interest only if the testator provides that the interest be held as a passive trust interest.

Limits the order of the devise of an interest in trust or restricted land, not devised according to the general rule, to: (1) a non-Indian as a life estate; (2) the testator's lineal descendant or heir of the first or second degree as a passive trust interest (eligible passive trust devisee); (3) the lineal descendants of the testator's grandparent as a passive trust interest; or (4) a non-Indian in fee status.

Limits the order of the devise of an interest in a trust or restricted land held as a passive trust interest to: (1) any Indian or the Indian tribe that exercises jurisdiction over the interest; (2) the holder's lineal descendants or heirs of the first or second degree; (3) any living descendant of the decedent from whom the holder acquired the interest by devise or descent; and (4) any person who owns a pre-existing interest or a passive trust interest in the same parcel of land if held in trust, restricted status, or in passive trust status.

Repeals the limitation of intestate succession to a decedent's spouse or heirs of the first or second degree. Subjects intestate succession of any interest in trust or restricted land to the appropriate tribal probate code approved in accordance with applicable Federal law relating to the devise or descent of trust or restricted property (thus preempting State law).

Defines acquired interest as one acquired by a decedent by any means other than devise or inheritance, or through devise or inheritance, if: (1) the decedent acquired additional undivided interests in the same parcel as the interest, by a means other than devise or inheritance, or acquired land adjoining the parcel of land that includes the interest; or (2) the parcel of land that includes the interest includes the decedent's spouse's residence.

Provides for intestate succession in the following order for an acquired interest or any other interest in trust or restricted land to which a tribal probate code does not apply: (1) the decedent's surviving Indian spouse; (2) the decedent's surviving non-Indian spouse as a life estate, with the remainder to the decedent's heirs of the first or second degree; (3) the decedent's Indian collateral heir (aunt, uncle, niece, nephew, and first cousin) who is a co-owner of the interest; or (4) the Indian tribe that exercises jurisdiction over the land.

Provides for the intestate succession of Indian trust or restricted land as devise or inheritance interest in the following order: (1) the surviving Indian heir of the first or second degree; (2) the decedent's Indian spouse; (3) the decedent's Indian collateral heir (aunt, uncle, niece, nephew, and first cousin) who is a co-owner of the interest; or (4) the Indian tribe that exercises jurisdiction over the land.

Provides for intestate succession of Indian trust or restricted land for pretermitted spouses and pretermitted children. Prohibits treatment of a divorced spouse as a surviving spouse.

Authorizes the owner of an interest in trust or restricted land to apply to the Secretary of the Interior requesting the interest be held in passive trust interest status.

Authorizes the Secretary to amend or alter any existing lease or agreement for the purposes of establishing a passive trust.

Authorizes the lease, mortgage, specified selling or conveying of a passive trust instrument in conjunction with the Indian tribe of jurisdiction.

Authorizes the governing body of the Indian tribe exercising jurisdiction over an interest in trust or restricted land held as a passive trust interest to enact an ordinance or resolution to allow the interest owner to apply to the Secretary for removal of the trust or restricted status of the portion of such lands that are subject to the tribe's jurisdiction. Requires the Secretary to review any such ordinance or resolution and authorizes its approval if it is consistent with this Act and will not increase fractionated ownership of Indian land.

Denies any responsibility of the Secretary to collect or account for lease revenues or royalties accruing to an interest held as a passive trust interest unless such interest is taken into active trust status on behalf of an Indian or an Indian tribe upon the Secretary's approval of an application to do so.

Authorizes Indian tribes to apply to the Secretary for the partition of land. Prescribes the partitioning process for parcels of land when different specified circumstances prevail.

(Sec. 9212) Changes the consent condition for the purchase by an Indian tribe of all the interests in a tract of trust or restricted land. Reduces from over 50 percent of the undivided interests in such tract to undivided interests equal to at least 50 percent of the undivided interest in such tract the threshold amount of undivided interests of the owners whose consent the tribe must obtain to purchase all the interests in the tract.

Revises the prohibition against the Secretary's approval of a tribal probate code that prevents an Indian person from inheriting an interest in an allotment that was originally allotted to his or her lineal ancestor. Prohibits approval of a code, or an amendment to it, that prevents the devise of an interest in trust or restricted land to an Indian lineal descendant of the original allottee, or to an Indian who is not a member of the tribe that exercises jurisdiction over such an interest, unless the code provides for the renouncing of interests (to eligible devisees pursuant to such a code), the opportunity for a devisee who is the testator's spouse or lineal descendant to reserve a life estate, and payment of fair market value in a prescribed manner.

Restricts the obligatory transfer for fair market value of a fractional interest in Indian land from the deceased to the Indian tribe of jurisdiction if the interest is part of a family farm. Waives the tribe's right to acquire such an interest if the devisee (who is a member of the decedent's family) agrees that the tribe will have the opportunity to acquire the interest for fair market value if the interest is offered for sale to an entity that is not a member of the landowner's family.

Declares with respect to joint tenancy interests that: (1) nothing shall be construed to alter the ability of the owner of such an interest to convey a life estate in the owner's undivided joint tenancy interest; and (2) only the last remaining owner of such an interest may devise or convey more than a life estate in such an interest. Denies the application of this rule to: (1) any conveyance, sale, or transfer that is part of an agreement between a decedent's heirs and devisees to consolidate interests in trust or restricted lands; or (2) a co-owner of a joint tenancy interest.

Repeals the authority of the Secretary to acquire interests in trusts or restricted lands during the three year period of

certification under the Pilot Program for the Acquisition of Fractional Interests in Indian Lands (Pilot Program).

Permits specified options (including payment by pledge of revenue from any source) for the purchase of Indian land by Indian owners who own at least five percent of undivided interest in a parcel of trust or restricted land.

Declares that the Secretary shall have a lien on any revenue accruing to Indian land under the Pilot Program.

Requires the Secretary to utilize the revenue in the Pilot Program Acquisition Fund to acquire undivided interests in restricted or controlled Indian lands.

Exempts any parcel of trust or restricted land that is part of a family farm conveyed to a member of the landowner's family from the right of the Indian tribe that exercises jurisdiction over the land, before the Secretary approves an application to terminate the trust status or remove restrictions on alienation of such parcel, to have the opportunity to acquire the land by matching the offer or paying the fair market value. Requires in such a case, however, that the tribe be afforded an opportunity to purchase the interest if it is offered for sale to an entity that is not a family member of the landowner.

**Chapter 2: Inheritance of Certain Trust or Restricted Lands** - (Sec. 9221) Amends Federal law to allow the devise of an interest in trusts or restricted Indian lands within the States of North Dakota and South Dakota and within the original exterior boundaries of the Lake Traverse Indian Reservation that is less than two-and-one-half acres to: (1) not more than one tribal member; or (2) more than one tribal member if each additional tribal member already holds an interest to such land.

Provides that any interest in such trusts or restricted Indian lands that is less than two and one half acres that would otherwise pass by intestate succession, or is devised to more than one tribal member (where each additional tribal member does not already hold an interest to such land) will escheat to the tribe and be held in trust by the United States.

Requires the Secretary of the Interior to provide notice to owners of trusts or restricted lands within the Lake Travers Reservation of the enactment of this subtitle.

**Subtitle C: Settlement of Certain Foreign Claims** - (Sec. 9301) Requires the Secretary of the Treasury to pay to the Pottawatomie Nation in Canada a specified amount from certain appropriations for final judgments, awards, compromise settlements, and interest and costs specified in judgment awards in accordance with the Stipulation for Recommendation of Settlement dated May 22, 2000, entered into between the Nation and the United States.

**Subtitle D: Certification of Rental Proceeds** - Declares that any rental proceeds from the lease of land acquired under loans from the Farmers Home Administration Direct Loan Account to Indian tribes shall constitute the rental and appraisal value of the land.

**Subtitle E: Tribal Sovereignty** - Amends Federal law to declare that each Indian Tribe shall retain sovereign power to adopt governing documents.

## **Actions Timeline**

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- **Nov 22, 2002:** Message on Senate action sent to the House.
- **Nov 22, 2002:** Received in the House.
- **Nov 22, 2002:** Referred to the House Committee on Resources.
- **Nov 20, 2002:** Measure laid before Senate by unanimous consent. (consideration: CR S11793)
- **Nov 20, 2002:** Committee amendment withdrawn by Unanimous Consent.
- **Nov 20, 2002:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.
- **Nov 20, 2002:** Passed Senate with an amendment by Unanimous Consent.
- **Aug 28, 2002:** Committee on Indian Affairs. Reported by Senator Inouye under authority of the order of the Senate of 07/29/2002 with an amendment in the nature of a substitute. With written report No. 107-247.
- **Aug 28, 2002:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 556.
- **Jul 18, 2002:** Committee on Indian Affairs. Ordered to be reported with amendments favorably.
- **Jul 9, 2002:** Introduced in Senate
- **Jul 9, 2002:** Read twice and referred to the Committee on Indian Affairs.

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