

S 550

American Indian Probate Reform Act of 2003

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Native Americans

Introduced: Mar 6, 2003

Current Status: Committee on Indian Affairs. Hearings held. Hearings printed: S.Hrg. 108-379.

Latest Action: Committee on Indian Affairs. Hearings held. Hearings printed: S.Hrg. 108-379. (Oct 15, 2003)

Official Text: https://www.congress.gov/bill/108th-congress/senate-bill/550

Sponsor

Name: Sen. Campbell, Ben Nighthorse [R-CO]
Party: Democratic • State: CO • Chamber: Senate

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Inouye, Daniel K. [D-HI]	D · HI		Mar 6, 2003
Sen. Thomas, Craig [R-WY]	R · WY		Mar 6, 2003

Committee Activity

Committee	Chamber	Activity	Date
Indian Affairs Committee	Senate	Hearings By (full committee)	Oct 15, 2003

Subjects & Policy Tags

Policy Area:

Native Americans

Related Bills

Bill	Relationship	Last Action
108 S 1721	Related bill	Oct 27, 2004: Became Public Law No: 108-374.

American Indian Probate Reform Act of 2003 - Amends the Indian Land Consolidation Act to revise the requirements for testamentary and nontestamentary disposition of 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.

Limits the order of the devise of an interest in trust or restricted land for: (1) an interest not devised according to the general rule; and (2) an interest held as a passive trust interest.

Permits the owner of an interest in trust or restricted land to request that it be held in a passive trust.

Provides for the partition and purchase of Indian land by eligible Indian tribes.

Prohibits the Secretary from approving a tribal probate code that prevents the devise of an interest in trust or restricted land to: (1) an Indian lineal descendant of the original allottee; or (2) an Indian who is not a members of the tribe unless it provides for the renouncing of interests, reservation of life estates, and payment of fair market value.

Provides that the authority available to an Indian tribe to acquire an interest in trust or restricted land devised by the owner to a non-Indian shall not apply if the interest is part of a family farm that is devised to a member of the decedent's family, and the devisee agrees that the Indian tribe will have the opportunity to acquire the interest for fair market value if it is offered for sale to an entity that is not a member of the family of the owner of the land.

Provides that the rules of intestate succession under the Indian Land Consolidation Act or a tribal probate code approved under such Act shall apply after patents issued in the name of the allottees (or their heirs) have been executed and delivered.

Restricts the devise of interest in trusts or restricted Indian lands within reservations that is less than 2.5 acres.

Actions Timeline

- **Oct 15, 2003:** Committee on Indian Affairs. Hearings held. Hearings printed: S.Hrg. 108-379.
- **May 7, 2003:** Committee on Indian Affairs. Hearings held. Hearings printed: S.Hrg. 108-81.
- **Mar 6, 2003:** Introduced in Senate
- **Mar 6, 2003:** Sponsor introductory remarks on measure. (CR S3269-3270)
- **Mar 6, 2003:** Read twice and referred to the Committee on Indian Affairs. (text of measure as introduced: CR S3270-3275)