Probate and Indian land consolidation tools included in legislation enacted today

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For Immediate Release: October 28, 2004
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WASHINGTON, D.C. - President George W. Bush has signed into law a measure championed by U.S. Senator Ben Nighthorse Campbell of Colorado and supported by Interior Secretary Gale Norton that will reform American Indian probate rules and will help facilitate the consolidation of Indian land ownership across the nation. The legislation introduced by Sen. Campbell, chairman of the Senate Committee on Indian Affairs, was passed by both the House of Representatives and the United States Senate under 'unanimous consent' rules - meaning no member of Congress expressed opposition to the measure.

The American Indian Probate Reform Act of 2004 (S. 1721) provides valuable tools to the Department of the Interior, Tribal governments, and individual Indians to facilitate the consolidation of Indian land ownership in order to restore economic viability to Indian assets.

"The swift consideration and enactment of this important legislation reflects this administration's commitment to Indian Trust issues," Secretary Norton said today. "This measure is one of the pieces necessary for true Trust reform."

"This legislation provides us with tools to help improve probate and to help tackle the complicated issue of fractionation," Assistant Secretary -Indian Affairs David Anderson said. "The federal government and Indian leaders have a mutual interest in promoting economic viability on lands that are rapidly becoming converted into an unmanageable mosaic of tiny interests due to fractionated ownership. This is one more step in the right direction."

Ross Swimmer, the Special Trustee for American Indians, echoed the importance of the legislation: "The ownership of many disparate, uneconomic, small interests has limited benefit in Indian country. It has been feeding an administrative burden that continues to drain resources and attention away from other beneficial Indian programs. This new law is a meaningful step in our effort to improve the quality of Trust management services throughout Indian country."

The legislation provides a clearer method to pass individual Indian land ownership from one generation to the next - creating a uniform federal Indian probate code instead of the multiple individual state laws that now govern Indian probate activity. This new law establishes a definition of highly fractionated lands, allows small interests in land to pass exclusively to single heirs when there is no will involved, and allows greater flexibility for individuals and Tribes to consolidate and acquire interests during the probate process. The measure makes the Department of the Interior's Land Acquisition Pilot Program permanent and allows a Tribe or a co-owner to request a sale of a highly fractionated parcel of land for the purposes of making that parcel whole under one individual owner.

Secretary Norton today recognized Sen. Campbell's role in introducing the legislation and successfully seeing it enacted in his last term in office:

"Historians will have much to consider when reflecting upon the legacy of Senator Campbell's service to Indian people and this nation. This legislation will surely be considered among Senator Campbell's most significant achievements."
