

Statement of Ben Nighthorse Campbell  
Chairman, Senate Committee on Indian Affairs

Business Meeting to Consider

*The American Indian Probate Reform Act of 2003*

January 28, 2004

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Good morning and welcome back after our winter recess. This morning the Committee will consider one item: a Substitute Amendment to S.1721, the *American Indian Probate Reform Act of 2003*.

Before I recognize Mr. Mullan to explain the bill, I want to make a few remarks because today is an historic day in our efforts to really reform the badly-broken Indian trust system.

The core problem of trust reform and the heart of the Cobell v Norton case is Indian land fractionation: where Indian lands become owned by increasing numbers of owners as the generations wear on.

Land fractionation is the number one problem we face and it requires both forward-looking changes to the law – which we are doing today; and backward-looking remedies like large-scale purchases of fractionated shares, which I hope the Department will be unveiling as part of the President's FY2005 Budget Request.

Back in April, 2003, Vice Chairman Inouye and I sent letters to all Tribal leaders emphasizing the need to address the many aspects of trust reform and to do it one step at a time.

We are taking the first step today by reforming the way Indian estates are probated and Indian assets are inherited.

S.1721 will do just that and will achieve three goals we all share:

1. reducing Indian land fractionation and prevent further fractionation of those lands;
2. improving the administration of Indian estates; and
3. improving Indian land management so that Indian lands become productive assets for their Indian owners.

The last thing I would say is that this bill is truly a cooperative effort between Indian country, the Congress, and the Interior Department and I hope we can continue to work together on the other aspects of trust reform.

Now, to describe the provisions of the Substitute, I now recognize Mr. Mullan.

Thank you, Mr. Mullan.

I now move the adoption of the Substitute Amendment to S.1721.

Is there a Second? Is there any discussion?

All those in favor say "AYE", opposed "NO".

In the opinion of the chair, the "AYES" have it and the Substitute is agreed to.

Unless there are other items of business, this meeting is adjourned.

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