

105TH CONGRESS  
1ST SESSION

# S. 1329

To prohibit the taking of certain lands by the United States in trust for economically self-sufficient Indian tribes for commercial and gaming purposes, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 1997

Mr. LIEBERMAN introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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## A BILL

To prohibit the taking of certain lands by the United States in trust for economically self-sufficient Indian tribes for commercial and gaming purposes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Indian Trust Lands  
5 Reform Act of 1997”.

1 **SEC. 2. PROHIBITION AGAINST TAKING CERTAIN LANDS IN**  
 2 **TRUST FOR AN INDIAN TRIBE.**

3 Section 5 of the Act of June 18, 1934 (commonly  
 4 known as the “Indian Reorganization Act of 1934”) (48  
 5 Stat. 985; 25 U.S.C. 465) is amended—

6 (1) by striking the section designation and in-  
 7 serting immediately preceding the first undesignated  
 8 paragraph the following:

9 **“SEC. 5. ACQUISITION OF LANDS.”;**

10 (2) in the first undesignated paragraph, by  
 11 striking “The Secretary of the Interior” and insert-  
 12 ing the following:

13 “(a) IN GENERAL.—Except as provided in subsection  
 14 (b), the Secretary of the Interior”;

15 (3) in the undesignated paragraph following  
 16 subsection (a), as redesignated, by striking “For  
 17 the” and inserting the following:

18 “(d) AUTHORIZATION OF APPROPRIATIONS.—For  
 19 the”;

20 (4) in the undesignated paragraph following  
 21 subsection (d), as redesignated, by striking “The un-  
 22 expended” and inserting the following:

23 “(e) AVAILABILITY OF UNEXPENDED BALANCES.—  
 24 The unexpended”;

1 (5) in the undesignated paragraph following  
 2 subsection (e), as redesignated, by striking “Title  
 3 to” and inserting the following:

4 “(f) EXEMPTION FROM TAXATION.—Title to”; and  
 5 (6) by inserting after subsection (a) the follow-  
 6 ing:

7 “(b) PROHIBITION.—

8 “(1) IN GENERAL.—Except with respect to  
 9 lands described in subsection (c), the Secretary of  
 10 the Interior may not take, in the name of the United  
 11 States in trust, for use for any commercial purpose  
 12 (including gaming, as that term is used in the In-  
 13 dian Gaming Regulatory Act (25 U.S.C. 2701 et  
 14 seq.)) by an economically self-sufficient Indian tribe,  
 15 any land that is located outside of the reservation of  
 16 that Indian tribe as of the date of enactment of the  
 17 Indian Trust Lands Reform Act of 1997.

18 “(2) DETERMINATION OF ECONOMIC SELF-SUF-  
 19 FICIENCY.—

20 “(A) IN GENERAL.—The Secretary of the  
 21 Interior shall, after providing notice and an op-  
 22 portunity for public comment, determine wheth-  
 23 er an Indian tribe is economically self-sufficient  
 24 for purposes of this subsection. The Secretary  
 25 of the Interior shall issue regulations pursuant

1 to section 553 of title 5, United States Code, to  
2 prescribe the criteria that shall be used to de-  
3 termine the economic self-sufficiency of an In-  
4 dian tribe under this subsection.

5 “(B) CRITERIA.—The criteria described in  
6 subparagraph (A) shall include—

7 “(i) a comparison of the per capita al-  
8 location of the gross annual income of an  
9 Indian tribe (including the income of all  
10 tribal enterprises of the Indian tribe)  
11 among members of the Indian tribe with  
12 the per capita annual income of citizens of  
13 the United States; and

14 “(ii) the potential contribution of the  
15 lands at issue as trust lands toward efforts  
16 of the Indian tribe involved to achieve eco-  
17 nomic self-sufficiency.

18 “(c) TREATMENT OF CERTAIN LANDS.—Subsection  
19 (b) shall not apply—

20 “(1) with respect to any lands that are taken  
21 by the Secretary of the Interior in the name of the  
22 United States in trust, for the establishment of an  
23 initial reservation for an Indian tribe under applica-  
24 ble Federal law, including the establishment of an  
25 initial reservation by the Secretary of the Interior in

1       accordance with an applicable procedure of acknowl-  
2       edgement of that Indian tribe, or as otherwise pre-  
3       scribed by an Act of Congress; or

4               “(2) to any lands restored to an Indian tribe as  
5       the result of the restoration of recognition of that  
6       Indian tribe by the Federal Government.”.

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