

108TH CONGRESS  
1ST SESSION

# H. R. 3394

To clarify the lands over which Indian tribes shall have jurisdiction or exercise governmental power.

---

## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 29, 2003

Mr. BOEHLERT (for himself, Mr. HOUGHTON, Mr. JOHNSON of Illinois, Mr. BLUNT, Mrs. KELLY, and Mr. SWEENEY) introduced the following bill; which was referred to the Committee on Resources

---

## A BILL

To clarify the lands over which Indian tribes shall have jurisdiction or exercise governmental power.

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. JURISDICTION OF INDIAN TRIBES OVER LAND.**

4       (a) TRIBES WITH LANDS.—No Indian tribe shall  
5       have jurisdiction over, or shall exercise governmental  
6       power within, any land that is not located in the same  
7       State as the reservation, trust lands, or other tribal lands  
8       that constituted the principal residence and location of  
9       that Indian tribe on the date of the enactment of this sec-  
10      tion, unless such land is—

1           (1) contiguous to the lands that constituted the  
2           principal residence and location of the Indian tribe  
3           as of the date of the enactment of this section; or

4           (2) has been taken into trust in accordance  
5           with section 5 of the Act of June 18, 1934 (25  
6           U.S.C. 465).

7           (b) TRIBES WITH NO LANDS.—An Indian tribe that  
8           had no reservation, trust lands, or other tribal lands on  
9           the date of the enactment of this section shall not have  
10          jurisdiction over, or exercise governmental power within,  
11          any land located outside of the State in which that Indian  
12          tribe was principally located as of the date of the enact-  
13          ment of this section, until and unless land has been taken  
14          into trust on behalf of that Indian tribe in accordance with  
15          section 5 of the Act of June 18, 1934 (25 U.S.C. 465).

16          (c) APPLICABILITY.—This section shall apply to  
17          lands owned by an Indian tribe on the date of the enact-  
18          ment of this section or acquired by an Indian tribe after  
19          the date of the enactment of this section.

○