Initiative promotes restoration of tribal homelands, self-determination and economic development

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WASHINGTON, D.C. – As part of President Obama's commitment to help American Indian leaders strengthen self-sufficiency and self-determination, U.S. Department of Interior officials will remove liens placed on thousands of acres of tribal lands acquired under the Indian Land Consolidation Act (ILCA) program and return the revenues generated by these liens to tribal communities to use for reacquiring tribal homelands. The announcement was made today by U.S. Deputy Secretary of the Interior Michael Connor, Principal Deputy Assistant Secretary Lawrence S. Roberts, who leads the Office of the Assistant Secretary - Indian Affairs, and Michael S. Black, Senior Advisor to the BIA Director.

Because the ILCA land acquisition program is no longer in operation, the waiver of the liens ensures that the economic productivity of those restored tribal lands directly benefits the Tribes. The return of more than $14 million existing lien proceeds will be used by the 20 Tribal nations who participated in the ILCA acquisition program to purchase lands from willing sellers within their reservations to further consolidate tribal homelands.

"Our action today is a result of our engagement and meaningful consultation with Tribal leadership, respecting their judgment that waiver of ILCA liens and return of lien proceeds will spur economic development within their territories and enable them to restore tribal homelands," said Deputy Secretary Connor. "Our trust and treaty responsibilities include ensuring that federal programs are tailored to work effectively and efficiently for Indian country. Tribal nations spoke clearly about the benefits of waiving ILCA liens and their effective and efficient ability to reacquire tribal homelands from willing sellers."

On the lien waiver and return of lien proceeds, Principal Deputy Assistant Secretary Roberts said, "Tribal nations have repeatedly proven that if an Administration works with them, tribal solutions can ameliorate the impacts of now repudiated policies that sought to end tribal culture and communities. Our action today is another example of Tribes determining what is best for their communities."

"By releasing the outstanding liens and returning lien proceeds, we are supporting the Tribes in determining the best use of their lands, and continuing opportunities for economic development, housing, and restoring tribal homelands," BIA's Senior Advisor Black said.

Congress enacted the ILCA land acquisition program in 2000, authorizing the Interior Secretary to acquire fractional interests in trust or restricted lands and require the Secretary to place a lien on those lands to recoup the purchase price. Since the program was established, more than 427,313 fractional land interests were restored to the 20 participating tribes.

In 2009, the Administration settled Cobell v. Salazar and in 2010, Congress enacted legislation

approving the settlement. The settlement and legislation established Land Buy-Back Program acquiring trust and restricted interests from willing sellers and transferring those interests to Tribes.

While Congress intended the ILCA acquisition initiative to be on-going and self-sustaining, the program was unable to sustain itself because many of the lands with liens generated little or no income. The proceeds generated from lands acquired for a particular tribe were used to acquire more lands for that tribe. Further, the program liens reduced the ability of tribes to obtain financing to promote economic development on those lands**.** The program ceased operations in 2014 because it lacked funding and the Cobell Land Buy-Back Program was implemented.

Several tribes approached Department officials to request a waiver of the ILCA liens and to determine how to dispose of the proceeds collected from the liens. In 2016, the Department consulted with Tribes on whether to waive the liens established through the ILCA program and return any existing ILCA program funds to the Tribes to be used for land acquisition. Tribal leaders supported the waiver of ILCA liens and the return of any ILCA funds remaining in tribal accounts. Waiver of liens will enable tribes to fully utilize those tribal lands and to devote future income from such lands to advance the health and welfare of tribal communities.

The Department has notified Congress of the Secretary’s decision to waive the liens and transfer the proceeds remaining in the ILCA Acquisition Fund to the appropriate tribe via their trust account for their use and benefit.

Fractionation of American Indian lands was caused by the now repudiated 19th century policy of breaking up tribal homelands into individual allotments or tracts and then the division of ownership among more and more owners after the death of the original owner or allottee. Fractionation has grown exponentially over generations. As a result, many allotted tracts now have hundreds or even thousands of individual owners.

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