Indian Affairs - Office of Public Affairs

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Secretary of the Interior Cecil D. Andrus today announced the Justice Department will not seek offsets against future monetary awards in Indian claims cases f or federal monies paid out under the Indian Self-Determination Act

"I was concerned that the tribes not be made reluctant to take over the responsibilities for many of the programs in operation on their land," said Andrus. "The provisions of the Indian Self-Determination Act easily could be frustrated if the trade-off for self-determination is a cloud over pending tribal claims."

In a letter dated February 1, 1980, Secretary Andrus urged the Department of Justice to exercise its discretion by not claiming self-determination funds as offsets under the 1946 Indian Claims Commission Act. This act allows the United States to offset "funds expended gratuitously" by the federal government for the benefit of Indian tribes against any monetary award made in a claim against the United States.

The question arose in connection with a recent Turtle Mountain Chippewa claim award against which millions of dollars given to the tribe might have been offset as grants under the Indian Self-Determination Act. Justice has decided not to offset claims for self-determination money in this case and has stated that it will not claim such offsets in future cases.

Under the 1975 Indian Self-Determination Act, Indian tribes could contract with the Bureau of Indian Affairs to take over programs in operation on their reservation land. Such programs range from health services, schools and welfare programs to law enforcement, fish hatcheries and forestry. If a tribe is not ready to assume operation, grants are available to train and otherwise prepare the tribe for eventual take over.

Massive repudiation of the self-determination program by Indian, tribes as a result of offsets in claims awards could cause serious manpower and monetary repercussions for the Bureau of Indian Affairs, as w ell as deny the tribes these management opportunities, BIA officials said.