



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution #MKE-17-031

### **TITLE: Support for the Indian Land Tenure Foundation's Social Impact Bond for Indian Land Title Consolidation Project**

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**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, many Northwest Tribal lands were allotted by way of the Dawes General Allotment Act of 1887 (Slater Allotment Act of 1885 affected the Umatilla Tribes), which broke up Indian Reservations into parcels owned by Tribal members; and

**WHEREAS**, the Allotment period is considered to have had an overall negative effect on Tribes and their members, prompted by desire to acquire or lease Indian lands by farmers, ranchers, and railroads; and

**WHEREAS**, the coinciding system to manage those lands fell to the Bureau of Indian Affairs, resulting in differing levels of management, exceedingly complex processes and transactions, and Indian lands underutilized by Indian people for their individual or collective benefit; and

**WHEREAS**, the other outcome of this management system was that the individual parcel allotments, over time with no estate planning or wills, produced probate processes which divided those ownerships among eligible heirs, resulting in many parcels having hundreds of owners in common; and

**WHEREAS**, Indian lands that were not allotted were typically sold at public auction for pennies on the dollar to local interests; and

**WHEREAS**, the Elouise Cobell Settlement resulted in the Department of Interior Land Buy-Back Program for willing sellers that resulted in higher levels of consolidation under Tribal ownership; and

**WHEREAS**, the Buy Back Program is shifting focus to accommodate the individual allotment owner's interests to consolidate their own ownership; and

**WHEREAS**, the Indian Land Tenure Foundation was formed in 2002 with a mission to ensure that "Land within the original boundaries of every reservation and other areas of high significance where tribes retain aboriginal interest are in Indian ownership and management;" and

**WHEREAS**, the Indian Land Tenure Foundation has recently embarked on an effort to provide substantial and sustained resources to assist Indian landowners to effectively acquire, control, and utilize their interests; and

**WHEREAS**, the major feature of this effort is to stop and reverse fractionation of Indian allotments that have frustrated ownership control; and

**WHEREAS**, a proposal was structured to make use of a funding mechanism, Social Impact Bonds, where administrative cost savings from estate planning and consolidation efforts will pay for these tools; and

**WHEREAS**, initial response from the Department of the Interior and Land Buy Back Program leadership has been positive.

**NOW THEREFORE BE IT RESOLVED**, that the National Congress of American Indians (NCAI) does hereby support the Indian Land Tenure Foundation's Social Impact Bond for Indian Land Title Consolidation proposal; and


**BE IT FURTHER RESOLVED**, that NCAI strongly recommends that the United States Department of the Interior actively support this effort and enter into appropriate partnership agreements; and

**BE IT FURTHER RESOLVED**, that NCAI strongly encourages the United States Congress to approve legislation authorizing the project; and

**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

#### CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2017 Annual Session of the National Congress of American Indians, held at the Wisconsin Center in Milwaukee, WI, Oct 15, 2017 - Oct 20, 2017, with a quorum present.

  
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Jefferson Keel, President

ATTEST:

  
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Juana Majel Dixon, Recording Secretary