

Statement of Ben Nighthorse Campbell  
Chairman - Committee on Indian Affairs  
Hearing on Indian Land Consolidation Act Amendments (S.1586)

November 4, 1999

---

Good morning. The Committee will come to order. Today we are joined by our colleagues from the House Resources Committee to consider a bill that addresses one of the most difficult and complicated issues facing Indian tribes --- fractionated ownership of their lands.

This Committee and Indian country together are often faced with the challenge of trying to reverse the effects of failed federal policies. Often this means we are asked to “put the toothpaste back in the tube”.

In the case of land fractionation, hundreds of thousands of individual Indians own very small parcels of land lowering the economic value of these lands and making the administration of these lands and revenues from the lands a nightmare.

In the early 1980s, Congress’ view was that if these ownership interests were small enough and generated only a small amount of revenues, the parcels should go back to the tribe when the owner died.

In 1997, the Supreme Court held this policy unconstitutional.

As an alternative to further fractionation, this bill proposes requiring the owners of these small interests to pass the ownership of these tiny parcels to their heirs in a will. It is also proposes that a fund be established to allow the Bureau of Indian Affairs to acquire these interests and hold them until they are paid for out of revenues generated by the lands once they are consolidated.

Before we turn to the witnesses, let me say that there may be differing opinions on how we address fractionation, but I think we can all agree that the only unacceptable option is to do nothing while this problem spirals out of control.