



NATIONAL CONGRESS OF AMERICAN INDIANS

January 27, 2004

Chairman Ben Nighthorse Campbell
Committee on Indian Affairs
United States Senate
Washington, DC 20510

Vice Chairman Daniel K. Inouye
Committee on Indian Affairs
United States Senate
Washington, DC 20510

Dear Chairman Campbell and Vice Chairman Inouye:

I write on behalf of the National Congress of American Indians to offer our strong support for S. 1721, the Indian Land Consolidation Act Amendments of 2004. I am attaching NCAI Resolution #ABQ-02-115 in support of the bill, which was passed by the NCAI at our recent annual meeting.

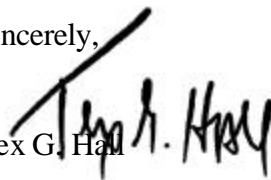
As you know, the ownership of many trust allotments has become fractionated into hundreds of undivided interests through the application of state inheritance laws. According to the Bureau of Indian Affairs, there are approximately 4 million different ownership interests in 170,000 tracts of allotted trust and restricted land. Fractionation has created an accounting nightmare for the federal government and enormous difficulties for owners in putting the land to beneficial use.

S. 1721 will tackle this problem by providing a new federal probate code for trust property that will limit fractionation and promote estate planning. In particular, the "single heir" rule for small intestate interests will put a cap on the growth of fractionation. The bill will also allow tribes and individual owners to acquire and consolidate highly fractionated interests, and it expands and makes permanent the federal land acquisition program. Consolidation will improve federal administration and management and save a lot of federal money that is currently spent tracking tiny interests. S. 1721 also responds to the desire of individual landowners to remove some of the barriers to their productive use of their trust and restricted lands. Finally, the bill makes an important correction regarding constitutional takings by providing for the devise of trust and restricted interests to lineal descendants.

We see this legislation as a most important step in our collective efforts to reform the trust system. We have enjoyed a good working relationship on the bill with the Department of Interior and representatives of Indian landowners, including the Indian Land Working Group. I believe that this relationship can be carried forward to our future efforts on trust reform.

Thank you for your work on the legislation, and please let me know if there is anything I can do to provide assistance from NCAI. It is sometimes a thankless task to work on technical legislation on the persistent problem of Indian land fractionation. But this bill is very important to Indian country and we greatly appreciate your effort.

Sincerely,



Tex G. Hall

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