

TOM COLE
4TH DISTRICT, OKLAHOMA

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Congress of the United States
House of Representatives
Washington, DC 20515-3604

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- ☐ 711 SW D AVENUE
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- ☐ SUGG CLINIC OFFICE BUILDING
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ADA, OK 74820
(580) 436-5375

August 1, 2012

David J. Hayes
Deputy Secretary of the Interior
1849 C Street, NW
Washington DC 20240

Dear Secretary Hayes:

I am writing to ask for your assistance clarifying an issue concerning implementation of the Cobell vs. Salazar settlement in relation to Indian Lands Consolidation Act ("ILCA").

As you know, the ILCA requires Indian tribes to repay the purchase price of the lands that are acquired to reunify fractionated land on reservations. Under the ILCA, a lien is placed on the revenue from the purchased land, and those proceeds are applied to that purchase price. While the lien provisions of ILCA, which were enacted many years prior to the settlement, were meant to create an on-going self-sustaining program, the Cobell Settlement was intended to attack and resolve a significant portion of the fractionation problem which was an exacerbating cause of the trust administration issue, due to the continued proliferation of trust accounts associated with small, fractionated land interests.

The Cobell legislation anticipated that the \$1.9 billion would fund the buy-back of fractionated interests and make those lands available to tribes — without any "strings" (i.e., liens) attached. As a legal settlement, it would not make sense for tribes to be required to reimburse the Federal Government for the benefit realized by the settlement. Could you provide me a letter clarifying whether the ILCA requirements apply to lands purchased pursuant to the Cobell settlement?

I appreciate your assistance in clarifying this issue.

Sincerely,



Tom Cole
Member of Congress