

Land into Trust is a real estate transaction which converts land from private or individual (fee) title to federal title. Once the process is complete, the subject land will belong to the United States of America. The land is then placed under the control of an Indian tribal government with the United States Government acting as a fiduciary.

Does this trust land become public land?

No. The land is reserved for the exclusive use of an American Indian tribe. The named tribe retains usufructuary rights (right of use without ownership) and civil jurisdiction over the land placed in trust.

Why does this process exist?

For most of this nation's history, the government felt the interests of the American Indians living in this country would be best served by integrating Indian people into the mainstream of American culture. In the latter part of the 19th century, Indians were encouraged to own land as individuals—not as communal (tribal) property. Also, the federal government encouraged settlers to move to Indian Country by selling excess tribal lands to the general public. This allotment process was viewed as a necessary step to allow Indians to participate fully in American life. In the early part of this century, the policy began to shift back to a program of separating Indian communities from the American mainstream.

In 1934, Congress passed the Wheeler Howard Act (Indian Reorganization Act or IRA). This Act authorized the Secretary of the US Department of Interior to acquire lands, in federal title, for the exclusive use of American Indian tribes. The stated purpose of the Act was to reacquire the land that was sold to individuals during the allotment period and reestablish distinct tribal communities and governments.