

Protect Native American Land

From: The Honorable Dale E. Kildee

Sent By: paxton.myers@mail.house.gov

Bill: H.R. 3742

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PROTECT NATIVE AMERICAN LAND COSPONSOR H.R. 3742

Cosponsors: Baca, Boren, Grijalva, Heinrich, Honda, Inslee, McCollum, Napolitano, Shuler and Stupak

Supported by National Congress of American Indians

October 8, 2009

Dear Colleague:

I invite you to become a cosponsor of H.R. 3742, which would amend the Indian Reorganization Act (IRA) of 1934 by reaffirming the Secretary of the Interior's authority to take land into trust for federally recognized Indian tribes. This bill would clarify the law and remove the uncertainty caused by the recent U.S. Supreme Court's decision in *Carcieri v. Salazar*.

In February 2009, the U.S. Supreme Court issued a decision in the *Carcieri v. Salazar* case that said the Secretary of Interior could not accept land into trust for Indian tribes **recognized after** the Indian Reorganization Act (IRA) of 1934. The IRA allows for the recovery of tribal land and authorizes the Secretary to acquire land in trust to benefit Indian tribes. The IRA defines the term "Indian" as "all persons of Indian descent who are members of any recognized Indian tribe **now under Federal jurisdiction.**" The Supreme Court overturned a lower court's decision and ruled that the phrase "**now** under federal jurisdiction" only referred to tribes that were recognized at the time of the IRA's enactment on June 18, 1934.

The Supreme Court's literal interpretation of the Indian Reorganization Act ignores the congressional intent of the original legislation and would reverse years of progress. The Supreme Court's decision sets a dangerous precedent and could open the flood gates to numerous new legal challenges of tribal trust acquisitions—both past and present. H.R. 3742 would prevent this onslaught by reaffirming the Secretary of Interior's authority to take land into trust for federally recognized tribes. There is **NOTHING** in this bill or in the Supreme Court's decision that addresses Indian gaming or off-reservation gaming.

H.R. 3742 already enjoys wide support throughout Indian Country. It was developed in close consultation with tribal organizations, the Department of Interior and it is supported

by the National Congress of American Indians. Please join me in supporting this important legislation.

For more information or to become a cosponsor please contact Paxton Myers 5-0932 or paxton.myers@mail.house.gov.

Sincerely,

Dale E. Kildee, M.C.

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