



July 23, 2013



The Honorable Maria Cantwell  
Senate Committee on Indian Affairs  
311 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable John Barrasso  
Senate Committee on Indian Affairs  
307 Dirksen Senate Office Building  
Washington, D.C. 20510



The Honorable Doc Hastings  
House Committee on Natural Resources  
1203 Longworth House Office Building  
Washington, D.C. 20515

The Honorable Peter DeFazio  
House Committee on Natural Resources  
2108 Rayburn House Office Building  
Washington, D.C. 20515



The Honorable Don Young  
House Subcommittee on Indian and Alaska  
Native Affairs  
2314 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Colleen Hanabusa  
House Subcommittee on Indian and Alaska  
Native Affairs  
238 Cannon House Office Building  
Washington, D.C. 20515



**Re: Need for Swift Enactment of *Carcieri* Fix Legislation**

Dear Chairwoman Cantwell, Vice Chairman Barrasso, Chairman Hastings, Ranking Member DeFazio, Chairman Young, and Ranking Member Hanabusa:



Our undersigned Tribal organizations have come together to make this joint petition to the Senate Indian Affairs Committee and the House Natural Resources Committee and Subcommittee on Indian and Alaska Native Affairs urging that you work with us to ensure swift enactment of legislation to address the Supreme Court's misguided decision in *Carcieri v. Salazar*, 555 U.S. 379 (2009). Indian Tribes across the country are suffering significant direct negative economic, community, and cultural impacts from this decision and these impacts are increasing exponentially with each day that the Court's decision is not addressed by Congress.



We thank Rep. Tom Cole, now Senator Ed Markey, and Rep. Colleen Hanabusa for introducing H.R. 279 and H.R. 666, respectively, in the 113th Congress to remedy this situation. These bills enjoy bi-partisan support. Further, these proposals are not only budget neutral but also will save the federal government money that is currently being expended to defend itself from mushrooming litigation. The House passed *Carcieri* language as part of the year-long Fiscal Year 2011 Continuing Resolution, which the Senate unfortunately did not pass.



Congress enacted the Indian Reorganization Act (IRA) in 1934 in response to devastating federal policies that resulted in a loss of millions of acres of Tribal lands. An overarching goal of the IRA was to restore and protect Tribal homelands so that Tribes would prosper both politically and economically. Up to the time of the *Carcieri* decision, the Department of the Interior consistently construed the IRA to authorize the Secretary of Interior to place land into trust for any Tribe so long as that Tribe was federally recognized at the time of the trust application. We simply seek legislation that restores the *status quo ante*.

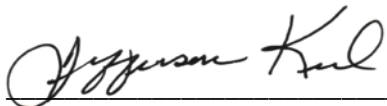


The ability of Tribes, working with the Secretary, to have land taken into trust is central to both Tribal sovereignty and the Federal trust responsibility. Moreover, it is the foundation of Tribal efforts to strengthen our self-determination and to ensure that we protect our cultural identities. Pursuant to the IRA and in furtherance of the Federal government's policy of Tribal self-determination, DOI for over 75 years has assisted Tribal governments in placing land into trust, enabling Tribes to rebuild their homelands to provide essential governmental services through the construction of schools, health clinics, hospitals, Head Start centers, elder centers, veterans centers, housing, and community centers. The IRA's trust acquisition provisions have also assisted Tribes in protecting their traditions, cultures, and customs. Tribal trust acquisitions also play a significant role in Tribal economic development, as well as job and wealth creation in Tribal communities and surrounding non-Indian communities.

In *Carcieri*, the Supreme Court construed the IRA to limit the Secretary's authority to place land into trust to only those Tribes that were "under federal jurisdiction" as of 1934. This ruling jeopardizes the ability for all federally recognized Tribes to rebuild their communities and provide critical programs. The legal ambiguities resulting from *Carcieri* have further delayed the already severely backlogged land-into-trust process. The decision also raises significant safety concerns, as it opens the door to challenging criminal convictions for crimes that occurred on Indian land. Further, *Carcieri* has generated – and will continue to generate if unaddressed – considerable legal disputes over proposed and existing trust acquisitions in which the United States, at taxpayer expense, is a defendant.

We thank you for your efforts thus far on this matter and look forward to continuing our work together on passage of this critical legislation.

Sincerely,



Jefferson Keel, President  
National Congress of American Indians



Brian Patterson, President  
United South and Eastern Tribes



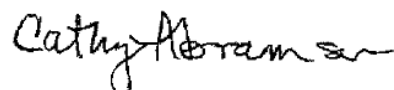
Kevin J. Allis, Executive Director  
Native American Contractors Association



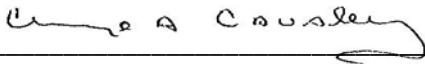
Mark Romero, Chairman  
CATG Board of Directors



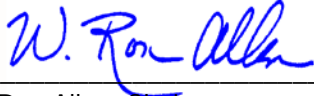
Fawn Sharp, President  
Affiliated Tribes of Northwest Indians



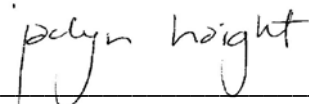
Cathy Abramson, Chairwoman  
National Indian Health Board



Cheryl A. Causley, Chairperson  
Native American Indian Housing Council



W. Ron Allen, Chairman  
Self-Governance Communication & Education Tribal  
Consortium



Jacki Haight, President  
National Indian Head Start Directors Association



Gary Davis, President  
National Center for American Indian Enterprise  
Development, NCAIED



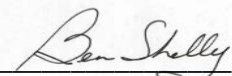
Michele Stanley, President  
Midwest Alliance of Sovereign Tribes



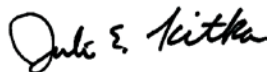
LaDonna Harris, President  
Americans for Indian Opportunity



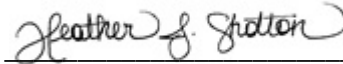
Michael E. Roberts, President  
First Nations Development Institute



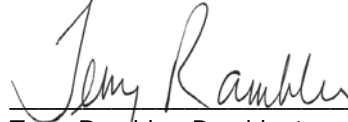
Ben Shelly, President  
Navajo Nation



Julie Kitka, President  
Alaska Federation of Natives



Dr. Heather Shotton, President  
National Indian Education Association



Terry Rambler, President  
Inter Tribal Council of Arizona



Bill Lomax, President  
Native American Finance Officers Association



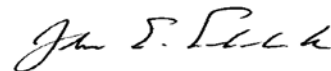
Ryan Wilson, President  
National Alliance to Save Native Languages



Harlan Beaulieu, President  
Intertribal Agriculture Council



Tex Hall  
Co-Chairman, COLT  
Chairman, Great Plains Tribal Chairman Association



John E. Echohawk, Executive Director  
Native American Rights Fund



Robert "Tim" Coulter, Executive Director  
Indian Law Resource Center

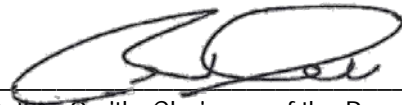


Cris Stainbrook, President  
Indian Land Tenure Foundation



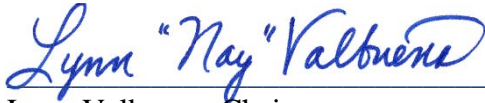
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Melbert "Moke" Eaglefeathers, President  
National Council of Urban Indian Health



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Robert Smith, Chairman of the Board  
Southern California Tribal Chairmen's Association



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Lynn Valbuena, Chairwoman  
Tribal Alliance of Sovereign Indian Nations



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Ernie Stevens, Jr., Chairman  
National Indian Gaming Association