

March 27, 2014

The Honorable John Tester  
Senate Committee on Indian Affairs  
706 Hart Senate Office Building  
Washington, D.C. 20510-2604

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: Tribal Leaders Urge the United States Congress to Enact *Carcieri* Fix Legislation**

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

On behalf of the Native Nations, organizations and communities that we represent, we write to respectfully urge you to work to enact legislation to rectify the significant damage to Indian Country that has been caused by the Supreme Court's 2009 decision in *Carcieri v. Salazar*, 555 U.S. 379 (2009). That misguided decision inadvertently has created substantial inequities, creating an arbitrary divide by which some federally recognized tribes may no longer be eligible for the very same essential benefits available to all other federally recognized tribes under the Indian Reorganization Act of 1934 (IRA). Only Congress can rectify this modern-day injustice -- only Congress can ensure that all federally recognized tribes will be treated equally under the law.

More specifically, it is critical that the U.S. Congress enact a *Carcieri* fix to clarify the Secretary of the Interior's authority to acquire land in trust for *all* federally recognized tribes. The ability of tribes, working with the Secretary consistent with well-established federal regulations, to acquire adequate land is essential to our ability to provide essential governmental services to our people 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 are essential to these efforts. Tribal trust acquisitions also play a significant role in tribal economic development as well as job creation in tribal communities and surrounding non-Indian communities.


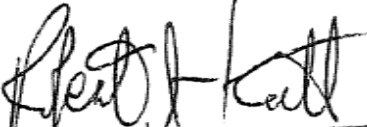




During the seventy-five years before the *Carcieri* decision was handed down, the Department of the Interior consistently (and we think correctly) construed the 1934 Indian Reorganization Act (IRA) to authorize the Secretary of the Interior to place land into trust for all tribes so long as that tribe was federally recognized at the time of the trust application. In *Carcieri*, the Supreme Court changed that by construing the IRA to limit the Secretary's authority to place land into trust only for those tribes that were "under federal jurisdiction" as of 1934. This ruling jeopardizes the ability of 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. Also, due to *Carcieri*, tribes are finding it increasingly difficult to secure financing for economic

development projects that would create jobs in these tough times given questions raised about the status of lands on which these projects would be located. 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.

In sum, a simple *Carcieri* fix which makes clear that the Secretary of the Interior should resume treating federally recognized tribes equally in her implementation of the Indian Reorganization Act is all that we ask for. Such a fix would be budget neutral. More importantly, it would be a great and admirable milestone in the United States' history of its relationship with Indian tribes, a signal that the United States' relationship with tribal governments in the twenty-first century will be characterized by fair and honorable dealings.

We thank you for your consideration of our request, and we look forward to continuing to work with you on passage of this critical legislation.






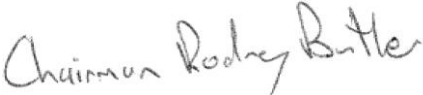





Sincerely,

Name	Native Nation/Org./Community
	Chairman, Jamestown S'Klallam
	Native Village of Elim
	Central Council Tlingit Haida Indian Tribes of Alaska
	Tribal Council, Quinault Indian Nation
	Absentee Shawnee Tribe of Indians of Oklahoma
	Principal Chief, Sac and Fox Nation

	Nome Eskimo Community
	Chief, Mohegan Tribe of Indians of Connecticut Chairperson Tribal Self-Governance Advisory Committee for IHS
	Chairman, Alabama Coushatta Tribe of Texas
	Vice-Chairwoman, Alabama Coushatta Tribe of Texas
	Chief, Aroostook Band of Micmacs
	Chief, Catawba Indian Nation
	Vice-Chief, Catawba Indian Nation
	Chitimacha Tribe of Louisiana
	Vice-Chairwoman, Coushatta Tribe of Louisiana
	Council Member, Coushatta Tribe of Louisiana

Name

Native Nation/Org./Community

 Michele Hicks	Principal Chief Michele Hicks, Eastern Band of Cherokee Indians
 Brendz Commender	Chief, Houlton Band of Maliseet Indians
	Tribal Council, Houlton Band of Maliseet Indians
 Chief B. Cheryl Smith	Chief, Jena Band of Choctaw Indians, LA
 Rocky Jackson	Councilman, Jena Band of Choctaw Indians, LA
 Chairman Rodney Butler	Chairman, Mashantucket Pequot Tribal Nation
 Mylin Anderson	Chief, Mississippi Band of Choctaw Indians
 Ronnie Henry, Sr.	Vice-Chief, Mississippi Band of Choctaw Indians
 Brenda Lintinger	Council, Tunica-Biloxi Tribe of Louisiana
 Hawthorn/Brown	Councilman, Narragansett Tribe
 R. ...	Vice-Chairman, Mohegan Tribe of Connecticut

Name

Native Nation/Org./Community

Clayton Sackabasin	Vice-Chief, Passamaquoddy Tribe – Indian Township
Gerald J. Stevens	Councilman, Passamaquoddy Tribe – Indian Township
CLINT HILL	Nation Liaison, Oneida Nation
Marshall Pierite	Chairman, Tunica-Biloxi Tribe of Louisiana
Frankon Weaver	MOWA Band of Choctaw Indians
Rev. John Nowood	Nanticoke Conni-Carape
George Nowood	Nanticoke of Delaware
Sylvia Bana	Organized Village of Saxman
qufiqokway	Lac Vieux Desert
Clint Pouché	Councilman, Alabama Coushatta Tribe of Texas
Shannon Zahart	Native Village of Tanana, AK

Name

Native Nation/Org./Community

<i>Theresalarky</i>	Native Village of Tanana, AK
<i>Perhart</i>	Native Village of Tanana, AK
<i>Julie Roberts Hopley</i>	Tanana Tribal Council
<i>Aom Pagnat</i>	Sault Ste. Marie Tribe of Chippewa
<i>Annunzio Jones</i>	Big Pine Paiute Tribe of California
<i>Jeremiah L. Hester</i>	Kialesee Tribal Town
<i>Michael S. Davis</i>	Pueblo of Acoma Tribal Council
<i>Harold Hunter</i>	Central Council
<i>Lowell Peltier</i>	Shawnee Tribe
<i>Jerry Isaac</i>	Native Village of Tanacross
<i>Joe L.</i>	Santo Domingo Pueblo

Name

Native Nation/Org./Community

	Pawnee Nation of Oklahoma
	Saginaw Chippewa
	Cherokee Nation
	Iowa Tribe of Oklahoma
	Native Village of Venetie
	Klamath Tribes
	Fallon Paiute-Shoshone Tribe
	Nez Perce Tribe
	Vice-Chairwoman, Mashpee Wampanoag Tribe
	Cherokee
	Ohkay Owingeh, New Mexico

Name



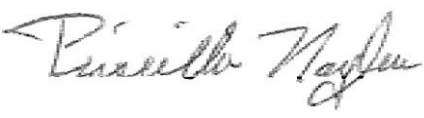


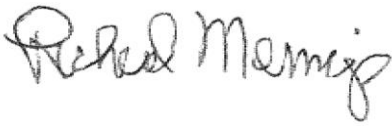


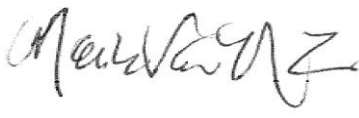

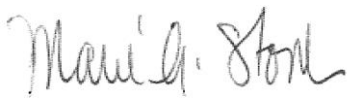
Native Nation/Org./Community

	Ohkay Owingeh, New Mexico
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	Ohkay Owingeh, New Mexico
	Pueblo of Laguna
	Pueblo of Laguna
	Ohkay Owingeh, New Mexico
	Mohegan Tribe
	Lumbee Tribe of North Carolina




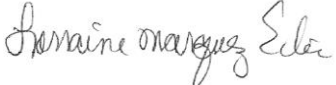









Name

Native Nation/Org./Community

	Councilman, Narragansett Tribe
	Timbisha Shoshone
	Fort Independence Paiute Tribe
	United Keetoowah Band of Cherokee
	Cherokee Nation
	Picuris Pueblo
	Muscogee Creek
	Tlingit & Haida
	Cheyenne River
	Chippewa Cree
	Mashpee Wampanoag Tribe

Name


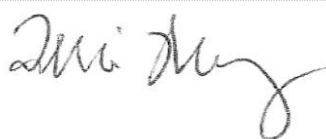
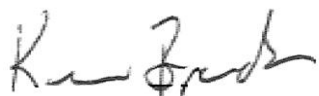
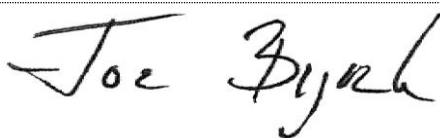







Native Nation/Org./Community

	Tohono O'odham Nation
	Tohono O'odham Nation
	Tohono O'odham Nation
	Tohono O'odham Nation
	Tohono O'odham Nation
	Tohono O'odham Nation
	Tohono O'odham Nation
	Cowlitz Tribe
	Poarch Band of Creek Indians, AL
	Native Village of Afognak, AK
	Native Village of Buckland, AK

Name	Native Nation/Org./Community
<i>Virginia Comstock</i>	Native Village of Ambler
<i>Chief Ronald Robinson</i>	Chief, Haliwa-Saponi Indian Tribe
<i>Chief George Tipton</i>	Chief, Muscogee Creek Nation
<i>Reginald Salsbery</i>	Osage Nation
<i>Jacqueline Beaulac</i>	Osage Nation
<i>Gregg J. Abraham</i>	Spokane Tribe
<i>Donald Arnold</i>	Scotts-Valley-Pomo
<i>Dennis Hendrick</i>	Tuolumne Band of Mewuk Indians
<i>Curtis Sommer</i>	Native Village of Tanana
<i>Ruby Clark</i>	Hualapia Tribe of Arizona
<i>Rosemary Moulto</i>	Soboba Band of Luiseno Indians





Name

Native Nation/Org./Community

	Sisseton Wahpeton Oyate
	Chairwoman, Eastern Band of Cherokee Indians
	Tule River Tribe of California
	Cherokee Nation
	Cherokee Nation
	Cherokee Nation
	Cherokee Nation
	Cherokee Nation
	Cherokee Nation
	Cherokee Nation
	Cherokee Nation






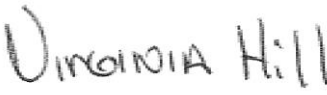


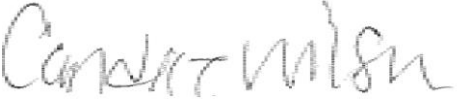


Name

Native Nation/Org./Community

	Cherokee Nation
	Cherokee Nation
Scott BigHorse	Assistant Chief, Osage Nation
Georgiana Hotch	Chilkoot Indian Association
Harriet Brouillette	Chilkoot Indian Association
Theodore Hart	Chilkoot Indian Association
Evangeline Willard-Hoy	Chilkoot Indian Association
Stephen G. Smith	Kiowa Business Committee
Mavis G. Kindness	General Council, Vice-Chair Yakama Nation
	Assistant Chief, Seminole Nation
	Principal Chief, Seminole Nation of OK












Name

Native Nation/Org./Community

	President, Pawnee Nation
	Pawnee Nation Council
	Vice President, Pawnee Nation
	First Lt. Governor Pueblo of Laguna
	Navajo Nation
	Iipay Nation of Santa Ysabel
	Quinault Nation NA
	Shoalwater Bay Tribe
	Lummi Nation
	Seneca Nation of Indians
	Native Village of Eagle




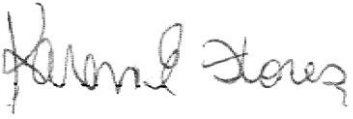



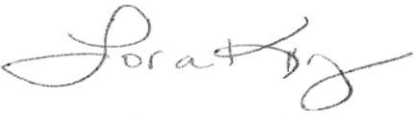

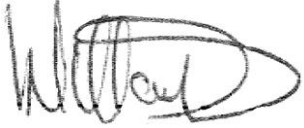

Name

Native Nation/Org./Community

	Chairman, Mashpee Wampanoag
	Bishop Paiute Tribal Council
	Choctaw Apache Community of Ebarb, LA
	Treasurer, Squaxin Island
	Reno-Sparks Indian Colony
	Muscogee Creek
	Muscogee Creek
	Berry Creek Rancheria of Maidu Indians of California
	Tribal Council, Berry Creek Rancheria of Maidu Indians of California
	Muscogee Nation
	Cherokee Nation

Name

Native Nation/Org./Community

	Chickasaw Nation
	Muscogee Creek
	Tribal Council, Tohono O'odham Nation
	Cortina Rancheria
	Ma-Chis Lower Creek
	Eastern Band of Cherokee Indians
	Muscogee Creek
	Muscogee Creek
	Sisseton Wahpeton Oyate
	Muscogee Creek
	Round Valley Indian Tribes



Name

Native Nation/Org./Community

	Kenaitze Indian Tribe
	Crow Tribe
	Lac Vieux Desert
	Rincon Band of Luiseno
	Santo Domingo Pueblo, New Mexico
	Hannahville Indian Community
	Echota Tribe of Alabama
	Ote-Missouria Tribe
	Round Valley IHA, ED
	Round Valley Indian House
	Chair, Agua Caliente

Name

Native Nation/Org./Community

	Chalkyitsik
Manuel Heart	Ute Mountain Ute Tribe
Leath Yng Ben	Sac & Fox Tribe of Mississippi in Iowa "Meskwaki"
	Spirit Lake Tribe North Dakota
Walter F. Leam	Leech Lake Reservation
	Santo Domingo Pueblo Santo Domingo Pueblo New Mexico
	Mesa Grande Band of Mission Indians
	Nanticoke Lenni-Lenape Tribal Nation
	Yurok Tribe
	Taos Pueblo
	Colville Confederated Tribes
Rebecca Duncom	Round Valley Indian Tribes
	Santo Domingo Tribe, NM

Name

Native Nation/Org./Community

	Sac & Fox Tribe of the Mississippi in Iowa "Meskwaki"
	Cherokee Nation
	Round Valley Indian Tribes
	Round Valley Indian Tribes
	Santo Domingo Pueblo, NM
	Confederated Tribes of Warm Springs Reservation of Oregon
	Colville Tribes
	Colorado River Indian Tribes
	Wampanoag Tribe of Gay Head (Aquinnah)
	Ogala Lakota
	Pokagon Band of Potawatomi
	Standing Rock Sioux Tribe
	Stockbridge Munsee

Name

Native Nation/Org./Community

	Aquinnah Wampanoag Tribe of Gay Head
	Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
	Quinault Nation
	Prairie Band Potawatomi Nation
	Cowlitz Indian Tribe
	Puyallup Tribe
	Central Council of the Tlingit and Haida Indian Tribes of Alaska
	Saginaw Chippewa Tribe
	Haliwa-Saponi Indian Tribe
	Sauk-Suiattle Indian Tribe, Darrington, WA
	Chickasaw
	Ho-Chunk Nation, Wisconsin
	Santo Domingo Pueblo

Name

Native Nation/Org./Community

<p><i>Governor</i> <i>Don Lito</i></p>	<p>Santo Domingo Pueblo, New Mexico</p>
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