



THE SECRETARY OF THE INTERIOR  
WASHINGTON

OCT 23 2009

The Honorable Dale E. Kildee  
House of Representatives  
Washington, DC 20515

Dear Representative Kildee:

I write to express the support of the Department of the Interior for your efforts to address the recent United States Supreme Court decision in *Carcieri v. Salazar*. We agree with you that the decision was not consistent with the longstanding policy of the United States to assist tribes in establishing and protecting a land base sufficient to allow them to provide for the health, welfare, and safety of tribal citizens. The Court's decision hinders fulfillment of the United States' commitment to supporting tribes' self-determination by clouding – and potentially narrowing – the United States' authority to protect lands for tribes by holding the lands in trust on their behalf.

Furthermore, the *Carcieri* decision has disrupted the process for acquiring land in trust for recognized tribes by imposing new and undefined requirements on applications now pending before the Secretary. The decision has called into question the Department's authority to approve pending applications, as well as the effect of such approval, by establishing criteria that have not previously been construed or applied.

If enacted, your legislation, H.R. 3742, would clarify the Department's authority under the Indian Reorganization Act and would reestablish confidence in the United States' ability to provide needed protection for tribes that seek to have their lands placed into trust.

Your leadership and initiative to address these important matters is greatly appreciated. Thank you for your continued support of Indian tribes and I look forward to passage of legislation that will remove the uncertainty created by the *Carcieri* decision.

Sincerely,

Ken Salazar

cc: The Honorable Nick J. Rahall, II  
The Honorable Doc Hastings