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APRIL 27, 2021

CONTACT [KCarroll@usetinc.org](mailto:KCarroll@usetinc.org)



USET  
SOVEREIGNTY PROTECTION FUND



## USET SPF PRESS RELEASE

### USET SPF Lauds DOI's Return to Policies Promoting Homelands Restoration

Today, the Department of the Interior (DOI) [announced](#) that it will be removing restrictions to the restoration of Tribal homelands imposed by the previous Administration and reinstating policies that promote this fundamental obligation to Tribal Nations. This includes the withdrawal of M-37054 and M-37055, two Solicitor's Opinions, issued last year without Tribal consultation, which replaced a 2-part process and interpretation of the meaning of "under federal jurisdiction" under the Indian Reorganization Act following the decision in *Carcieri v. Salazar* with a new, arduous 4-part process. [USET SPF condemned](#) this action by the Trump Administration, as its apparent purpose was to undermine the federal land-into-trust process and was ultimately utilized to justify its [reprehensible efforts](#) to disestablish the Mashpee Wampanoag Tribe's reservation.

With the withdrawal of M-37074 and M-37055, the DOI Solicitor's Office has reinstated [M-37029](#), a 2014 opinion which provides a consistent and measured interpretation of "under federal jurisdiction" that has been upheld by multiple federal courts. In addition, Secretary of the Interior Debra Haaland issued [Secretary's Order 3400](#), re delegating the authority to review and approve non-gaming land-into-trust applications to Bureau of Indian Affairs regional directors. Under the Trump Administration, this authority was needlessly elevated to DOI Headquarters, causing avoidable and excessive delays in trust land acquisition. USET SPF hails the reinstatement of processes supporting the return of Tribal homelands as an example of the Biden Administration's commitment to delivering upon its promises to Tribal Nations.

"Our homelands are essential to the exercise of Tribal sovereignty, cultural identity, and the foundations of our economies," said USET SPF President Kirk Francis. "And placing land into trust on behalf of Tribal Nations is foundational to the federal government's trust and treaty obligations. USET SPF has repeatedly called for the reinstatement of M-37029 in response to the Trump Administration's attempts to destabilize the land-into-trust process and, by extension, Tribal governments. Today's actions by the Department of the Interior restore certainty to the restoration of Tribal homelands in the post-*Carcieri* era and deliver upon one of President Biden's central promises to Indian Country. USET SPF applauds these efforts, along with this Administration's renewed focus on empowering and rebuilding Tribal Nations. We look forward to working together on policies that will further

improve and streamline trust land acquisition, as well as achieving a fix to the disastrous decision in *Carcieri* once and for all.”

USET SPF has been advocating for a fix to the Supreme Court decision in *Carcieri v. Salazar* since it was handed down in 2009. *Carcieri* has created a deeply inequitable 2-class system, in which some Tribal Nations have the ability to restore their homelands and others do not. This 2-class system serves to deny these Tribal Nations a critical component of the trust relationship, vital aspects of the exercise of inherent sovereignty, and the opportunity to qualify for several government programs. USET SPF continues to call for the immediate passage of a fix that contains the two features necessary to restore parity to the land-into-trust process: (1) a reaffirmation of the status of current trust lands; and (2) confirmation that the Secretary has authority to take land into trust for all federally recognized Tribal Nations.

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#### **United South and Eastern Tribes (USET)**

Established in 1969, the United South and Eastern Tribes, Inc. (USET) is a non-profit, inter-Tribal organization promoting the interests of and advocating for thirty-three (33) federally recognized Tribal Nations, from the Northeastern Woodlands to the Everglades and across the Gulf of Mexico. USET is dedicated to enhancing the development of Tribal Nations, improving the capabilities of Tribal governments, and improving the quality of life for Indian people through a variety of technical and supportive programmatic services.

#### **USET Sovereignty Protection Fund (USET SPF)**

The USET Sovereignty Protection Fund (USET SPF) is a non-profit, inter-Tribal organization promoting the interests of and advocating for thirty-three (33) federally recognized Tribal Nations from the Northeastern Woodlands to the Everglades and across the Gulf of Mexico. USET SPF is dedicated to promoting, protecting, and advancing the inherent sovereign rights and authorities of Tribal Nations and in assisting its membership in dealing effectively with public policy issues and serving the broad needs of Indian people.

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