

The Honorable Charles E. Schumer
Majority Leader
U.S. Senate
S-221 U.S. Capitol Building
Washington, DC 20510

Re: Need for Swift Passage of H.R. 4352, Carcieri Fix Legislation

Dear Majority Leader Schumer:

On behalf of the undersigned Tribal organizations, we write in strong support of H.R. 4352, which passed the House in December 2021 and is pending in the Senate Indian Affairs Committee and request your support to ensure that the Senate passes this critical legislation before the end of the 117th Congress.

It has been more than 13 years since the devastating U.S. Supreme Court decision in *Carcieri v. Salazar*, which ruled that only Tribal Nations “under federal jurisdiction” in 1934 are eligible for the Indian Reorganization Act’s (IRA) land-into-trust provisions. This erroneous ruling jeopardizes the ability of federally recognized Tribal Nations to rebuild our communities and provide essential governmental programs, as Tribal land bases are the very foundation of Tribal sovereignty and strong economies. We are seeing sustained efforts aimed at eroding Tribal sovereignty due to the *Carcieri* decision and ensuing cases.

The *Carcieri* decision has spawned numerous legal challenges, some of which threaten Tribal lands that have been in trust for decades. The *Carcieri* decision has generated – and will continue to generate if unaddressed – substantial litigation over existing trust lands where the United States, at taxpayer expense, is the defendant.

Tribal Nations have consistently expressed that fixing the wrongful decision in *Carcieri v. Salazar* necessarily includes two components: (1) a restoration to the Secretary’s authority to take land into trust for all Tribal Nations; and (2) a reaffirmation of existing Tribal government trust lands and actions of the Secretary to take land into trust. As legal challenges have mushroomed due to the *Carcieri* decision, our organizations recognize that H.R. 4352 is critically necessary to stop these legal challenges that seek to erode and dismantle Tribal sovereign authorities and rights.

Further, we support enactment of S. 4830, introduced by Senators Jerry Moran and Jon Tester. This bill would reaffirm the actions of the Interior Secretary under the IRA being subjected to *Carcieri* challenges designed to mire the land acquisition process in unnecessary litigation contrary to the Interior Department’s documented historical record. S. 4830 would enable Tribal Nations and the Department to move forward in restoring Tribal homelands. Over the years, Congress has enacted similar reaffirmation legislation for specific Tribal Nations. So that Congress does not have to consider individual bills in a piece-meal fashion and to ensure that all Tribal Nations are treated fairly, S. 4830 would provide a nation-wide solution.

We thank you for your consideration of this request and look forward to working with you on Senate passage of this critical legislation.

Sincerely,