



USET

SOVEREIGNTY PROTECTION FUND

1730 Rhode Island Avenue, NW
Suite 210
Washington, DC 20036
P: (615) 872-7900
F: (615) 872-7417
www.usetinc.org

September 18, 2023

Representative Bruce Westerman
Chairman
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Representative Raul Grijalva
Ranking Member
House Committee on Natural Resources
1332 Longworth House Office Building
Washington, DC 20515

Dear Chairman Westerman and Ranking Member Grijalva,

On behalf of the United South and Eastern Tribes Sovereignty Protection Fund, we write in strong support of H.R. 1208, legislation to fix the Supreme Court decision in *Carciari v. Salazar*, and to urge immediate action on the bill by the House Committee on Natural Resources. For 14 years, this decision has impeded our ability to rightfully restore our land bases and pursue Nation rebuilding efforts.

USET SPF is a non-profit, inter-tribal organization advocating on behalf of thirty-three (33) federally recognized Tribal Nations from the Northeastern Woodlands to the Everglades and across the Gulf of Mexico.¹ 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.

In response to federal policies that stripped us of our land base, the Department of the Interior (DOI) has, for nearly 90 years, restored Tribal lands through trust acquisitions to enable Tribal Nations to build schools, health clinics, hospitals, housing, and provide other essential services to Tribal citizens. Over this period, DOI-approved trust acquisitions represent only a small fraction of the more than 100 million acres lost through Federal policies of removal, allotment, and assimilation.

USET SPF Tribal Nations continue to work to reacquire our homelands, which are fundamental to our existence as sovereign governments and our ability to thrive as vibrant, healthy, self-sufficient communities. And as our partner in the trust relationship, it is incumbent upon the federal government to prioritize the restoration of our land bases. The federal government's objective in the trust responsibility and obligations to our Nations must be to support healthy and sustainable self-determining Tribal governments, which fundamentally includes the restoration of lands to all federally-recognized Tribal Nations, as well as the legal defense of these land acquisitions.

¹ USET SPF member Tribal Nations include: Alabama-Coushatta Tribe of Texas (TX), Catawba Indian Nation (SC), Cayuga Nation (NY), Chickahominy Indian Tribe (VA), Chickahominy Indian Tribe–Eastern Division (VA), Chitimacha Tribe of Louisiana (LA), Coushatta Tribe of Louisiana (LA), Eastern Band of Cherokee Indians (NC), Houlton Band of Maliseet Indians (ME), Jena Band of Choctaw Indians (LA), Mashantucket Pequot Indian Tribe (CT), Mashpee Wampanoag Tribe (MA), Miccosukee Tribe of Indians of Florida (FL), Mi'kmaq Nation (ME), Mississippi Band of Choctaw Indians (MS), Mohegan Tribe of Indians of Connecticut (CT), Monacan Indian Nation (VA), Nansemond Indian Nation (VA), Narragansett Indian Tribe (RI), Oneida Indian Nation (NY), Pamunkey Indian Tribe (VA), Passamaquoddy Tribe at Indian Township (ME), Passamaquoddy Tribe at Pleasant Point (ME), Penobscot Indian Nation (ME), Poarch Band of Creek Indians (AL), Rappahannock Tribe (VA), Saint Regis Mohawk Tribe (NY), Seminole Tribe of Florida (FL), Seneca Nation of Indians (NY), Shinnecock Indian Nation (NY), Tunica-Biloxi Tribe of Louisiana (LA), Upper Mattaponi Indian Tribe (VA) and the Wampanoag Tribe of Gay Head (Aquinnah) (MA).

Because there is Strength in Unity

No Tribal Nation should remain landless. All Tribal Nations, whatever their historical circumstances, need and deserve a stable, sufficient land base – a homeland – to support robust Tribal self-government, cultural preservation and economic development. The federal government should ensure every Tribal Nation has the opportunity to restore its homelands, regardless of the concerns of other units of government, private citizens, or other interests. This is a necessary function of the U.S. government in delivering upon the trust responsibility and obligations to Tribal Nations. Regaining a land base is essential to the exercise of Tribal self-government. Jurisdiction over territory is a bedrock principle of sovereignty, and Tribal Nations must exercise such jurisdiction in order to fully implement the inherent sovereignty we possess.

While USET SPF member Tribal Nations ultimately seek full jurisdiction and management over our homelands without federal government interference and oversight, we recognize the critical importance of the restoration of our land bases through the land-into-trust process. We further recognize that the federal government has a trust responsibility and obligation to Tribal Nations in the restoration and management of trust lands. With this in mind, it is vital that the land-into-trust process be available to and applied equally to all federally-recognized Tribal Nations. This parity is central to the federal government's legal and moral obligations to all of Indian Country.

The fundamentally incorrect 2009 decision in *Carcieri v. Salazar* has created a deeply inequitable 2-class system, in which some Tribal Nations have the ability to restore the homelands stolen from them and others do not. To add insult to injury, in the years following the decision, the rhetoric surrounding the need to correct this grave injustice has been perverted by those who seek to undermine the acquisition of trust lands for Tribal Nations. This has led to widespread misunderstanding about the purpose and effects of a fix.

As Congress (and other branches of the federal government) approaches the restoration of Tribal homelands, USET SPF continues to repeat that this basic correction is simply that. It returns us to the status quo prior to 2009—a rigorous process for the acquisition of trust land for **ALL** federally-recognized Tribal Nations. This long overdue fix does not confer any additional benefits or supersede any existing law, nor is it about anything other than the rightful restoration of Tribal homelands.

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. USET SPF extends its gratitude to Rep. Tom Cole for his continued introduction of bi-partisan legislation that would right this wrong and once again, we urge the House Committee on Natural Resources and the whole of Congress to take immediate action on H.R. 1208.

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

Sincerely,



Kirk Francis
President



Kitcki A. Carroll
Executive Director