



December 9, 2010

The Honorable Frank R. Wolf  
Cannon House Office Building, Room 241  
1<sup>st</sup> and Independence Ave., S.E.  
Washington, DC 20515

Dear Congressman Wolf:

On behalf of the National Association of Counties (NACo), the only national organization that represents county governments in the United States, I want to express our opposition to a provision included in H.R.3082. Section 2727 would provide the Secretary of the Interior with the authority to take land into trust for Indian tribes regardless of whether they were under federal jurisdiction at the time of the passage of the Indian Reorganization Act of 1934. I thank you for your efforts to oppose the provision.

At NACo's annual conference this year, our members spoke clearly on this issue in the form of a policy statement that was unanimously adopted. Specifically, NACo opposes any administrative action or a legislative "quick fix" to overturn the United States Supreme Court decision in the case of *Carcieri v. Salazar*, 555 U.S., 129 S. Ct. 1058 (2009). In *Carcieri*, the Court held that the Secretary of the Interior lacks authority to take land into trust for tribes that were not "under federal jurisdiction" upon enactment of the Indian Reorganization Act (IRA) in 1934.

Rather, NACo calls on Congress to address any *Carcieri* issues as part of a comprehensive examination and congressionally enacted reform of the fee land into trust process. This reform is necessary as the current federal fee to trust process as exercised under the IRA and as used under the "restored lands" exception to the Indian Gaming Regulatory Act (IGRA) is contrary to the original legislative intent; is without clear and enforceable standards; does not take into account county interests; and, at times, interferes with county ability to provide essential services to the community. Because the language within Sec. 2727 seeks to implement a *Carcieri* "quick fix" rather than addressing the concerns held by local governments, NACo is opposed to this provision or any such provision seeking to achieve similar results.

I would urge that this provision be removed from the legislation. Thank you for your consideration of this request. If you have any questions regarding our position or need any additional information, please contact Mike Belarmino, Associate Legislative Director, at 202-942-4254.

Sincerely yours,

A handwritten signature in black ink that reads "Larry E. Naake".

Larry E. Naake  
Executive Director