

RESOLUTION OF THE
NAABIK'IYATI' COMMITTEE OF THE
NAVAJO NATION COUNCIL

23RD Navajo Nation Council---First Year, 2015

AN ACTION

RELATING TO NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING U.S. SENATE BILL S. 732 AND U.S. HOUSE OF REPRESENTATIVES BILL H.R. 407 TO AMEND THE ACT OF JUNE 18, 1934, TO REAFFIRM THE AUTHORITY OF THE SECRETARY OF THE INTERIOR TO TAKE LANDS INTO TRUST FOR INDIAN TRIBES

WHEREAS:

- A. The Navajo Nation has a government-to-government relationship with the federal government.
- B. Statements of policy must be reviewed and approved by resolution by the appropriate standing committee(s) and the Navajo Nation Council except as otherwise provided herein. 2 N.N.C. § 164 (A). Statements of policy are written statements submitted to federal, state or local governments by a Navajo Nation official stating the official position of the Navajo Nation on proposed legislation or other action by that government. 2 N.N.C. § 110(W).
- C. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and as such empowered Naabik'íyáti' Committee to coordinate with all committees,... branches, and entities concerned with all Navajo appearances and testimony before Congressional committees, departments of the United States government. 2 N.N.C. §§ 700 (A), 701 (A)(8) (2012); see also CO-45-12.
- D. The Indian Reorganization Act, enacted by Congress in 1934, authorized the Secretary of the Interior to acquire land and hold it in trust for the purpose of providing land for Indians. 25 U.S.C. § 465.
- E. The U.S. Supreme Court in the matter of *Carcieri v. Salazar*, took up the case of the Narragansett Tribe's request to place its acquired land into trust status and the Court held that because the term "now under federal jurisdiction" in the Indian Reorganization Act unambiguously refers to those tribes that were under

federal jurisdiction when the Indian Reorganization Act was enacted, and because the Narragansett Tribe was not under federal jurisdiction in 1934, the Secretary does not have the authority to take the Tribe's land into trust. *Carcieri, et al. v. Salazar, et al.*, 555 U.S. 39 (2009).

- F. U.S. Senate Bill S. 732 and U.S. House of Representatives Bill H.R. 407 proposes to remedy the *Carcieri* decision by amending the Indian Reorganization Act to apply to all federally recognized Indian tribes, regardless of when any tribe became recognized. Attached as Exhibits A and B, respectively.
- G. U.S. Senate Bill S. 1879 also addresses a remedy to the *Carcieri* decision; however, S. 1879 includes a number of additional conditions on the Secretary of the Interior in considering a tribe's application for land into trust most notably encouraging cooperative agreements with contiguous jurisdictions which includes any county, county equivalent, or Indian tribe with authority and control over land contiguous to the land under consideration in the application, and such additional considerations are not in the best interest of the Navajo Nation.
- H. Previous U.S. Congressional bills, regarding lands into trust, proposed a condition that lands into trust could only be accomplished through an Act of Congress; this condition is not in the best interest of the Navajo Nation.
- I. The Navajo Nation, through the Navajo-Hopi Land Commission and other entities, selects lands and land exchanges for the benefit of the Navajo People to be included in the Navajo Nation's trust property and would benefit from the passage of the Congressional bills, U.S. Senate Bill S. 732 and U.S. House of Representatives Bill H.R. 407.
- J. It is in the best interest of the Navajo Nation to support the Congressional bills that will address the Secretary of the Interior's authority to place lands into trust for tribes.

NOW THEREFORE, BE IT RESOLVED:

- A. The Navajo Nation supports U.S. Senate Bill S. 732 and U.S. House of Representatives Bill H.R. 407 for their intended purpose of providing the Secretary of the Interior the authorization to take lands into trust for Indian tribes;

and respectfully requests of Congress to honor tribal sovereignty by not adding amendments that infringe upon tribal sovereignty.

- B. The Navajo Nation hereby authorizes the Navajo Nation President, the Navajo Nation Speaker, and their designees, to advocate for and in support of the aforementioned Congressional bills.

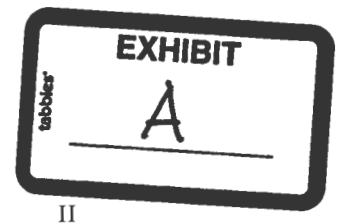
CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 23rd Navajo Nation Council at a duly called meeting in Twin Arrows Casino & Resort, Leupp (Arizona), at which a quorum was present and that the same was passed by a vote of in 14 favor and 0 oppose, this 3rd Day of December, 2015.

A handwritten signature in black ink, appearing to read "LoRenzo C. Bates", with a large, stylized flourish at the end.

Honorable LoRenzo C. Bates, Chairperson
Naabik'íyáti' Committee

Motion : Leonard Tsosie
Second : Jonathan L. Hale



114TH CONGRESS
1ST SESSION

S. 732

To amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes.

IN THE SENATE OF THE UNITED STATES

MARCH 12, 2015

Mr. TESTER (for himself, Mr. MORAN, Mr. FRANKEN, Mr. HEINRICH, Ms. HEITKAMP, Mrs. MURRAY, Ms. STABENOW, and Mr. UDALL) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REAFFIRMATION OF AUTHORITY.**

4 (a) MODIFICATION.—

5 (1) IN GENERAL.—The first sentence of section
6 19 of the Act of June 18, 1934 (commonly known
7 as the “Indian Reorganization Act”) (25 U.S.C.
8 479), is amended—

1 (A) by striking “The term” and inserting
2 “Effective beginning on June 18, 1934, the
3 term”; and

4 (B) by striking “any recognized Indian
5 tribe now under Federal jurisdiction” and in-
6 serting “any federally recognized Indian tribe”.

7 (2) EFFECTIVE DATE.—The amendments made
8 by paragraph (1) shall take effect as if included in
9 the Act of June 18, 1934 (commonly known as the
10 “Indian Reorganization Act”) (25 U.S.C. 479), on
11 the date of enactment of that Act.

12 (b) RATIFICATION AND CONFIRMATION OF AC-
13 TIONS.—Any action taken by the Secretary of the Interior
14 pursuant to the Act of June 18, 1934 (commonly known
15 as the “Indian Reorganization Act”) (25 U.S.C. 461 et
16 seq.), for any Indian tribe that was federally recognized
17 on the date of that action is ratified and confirmed, to
18 the extent such action is subjected to challenge based on
19 whether the Indian tribe was federally recognized or under
20 Federal jurisdiction on June 18, 1934, as if the action
21 had, by prior Act of Congress, been specifically authorized
22 and directed.

23 (c) EFFECT ON OTHER LAWS.—

24 (1) IN GENERAL.—Nothing in this section or
25 the amendments made by this section shall affect—

1 (A) the application or effect of any Federal
2 law other than the Act of June 18, 1934 (25
3 U.S.C. 461 et seq.), as amended by subsection
4 (a); or

5 (B) any limitation on the authority of the
6 Secretary of the Interior under any Federal law
7 or regulation other than the Act of June 18,
8 1934 (25 U.S.C. 461 et seq.), as so amended.

9 (2) REFERENCES IN OTHER LAWS.—An express
10 reference to the Act of June 18, 1934 (25 U.S.C.
11 461 et seq.), contained in any other Federal law
12 shall be considered to be a reference to that Act as
13 amended by subsection (a).

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114TH CONGRESS
1ST SESSION

H. R. 407

To amend the Act of June 18, 1934, to reaffirm the authority of the
Secretary of the Interior to take land into trust for Indian tribes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 2015

Ms. MCCOLLUM (for herself and Mr. COLE) introduced the following bill;
which was referred to the Committee on Natural Resources

A BILL

To amend the Act of June 18, 1934, to reaffirm the author-
ity of the Secretary of the Interior to take land into
trust for Indian tribes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REAFFIRMATION OF AUTHORITY.**

4 (a) MODIFICATION.—

5 (1) IN GENERAL.—The first sentence of section
6 19 of the Act of June 18, 1934 (commonly known
7 as the “Indian Reorganization Act”; 25 U.S.C. 479),
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5 tribe now under Federal jurisdiction” and in-
6 serting “any federally recognized Indian tribe”.

7 (2) EFFECTIVE DATE.—The amendments made
8 by paragraph (1) shall take effect as if included in
9 the Act of June 18, 1934 (commonly known as the
10 “Indian Reorganization Act”; 25 U.S.C. 479), on
11 the date of the enactment of that Act.

12 (b) RATIFICATION AND CONFIRMATION OF AC-
13 TIONS.—Any action taken by the Secretary of the Interior
14 pursuant to the Act of June 18, 1934 (commonly known
15 as the “Indian Reorganization Act”; 25 U.S.C. 461 et
16 seq.), for any Indian tribe that was federally recognized
17 on that date of the action is ratified and confirmed, to
18 the extent such action is subjected to challenge based on
19 whether the Indian tribe was federally recognized or under
20 Federal jurisdiction on June 18, 1934, ratified and con-
21 firmed as fully to all intents and purposes as if the action
22 had, by prior Act of Congress, been specifically authorized
23 and directed.

24 (c) EFFECT ON OTHER LAWS.—

1 (1) IN GENERAL.—Nothing in this section or
2 the amendments made by this section shall affect—

3 (A) the application or effect of any Federal
4 law other than the Act of June 18, 1934 (25
5 U.S.C. 461 et seq.), as amended by subsection
6 (a) of this section; or

7 (B) any limitation on the authority of the
8 Secretary of the Interior under any Federal law
9 or regulation other than the Act of June 18,
10 1934 (25 U.S.C. 461 et seq.), as so amended.

11 (2) REFERENCES IN OTHER LAWS.—An express
12 reference to the Act of June 18, 1934 (25 U.S.C.
13 461 et seq.), contained in any other Federal law
14 shall be considered to be a reference to that Act as
15 amended by subsection (a) of this Act.

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