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U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

July 8, 2016

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The Honorable Pete Sessions
Chairman
House Committee on Rules
H-312
United States Capitol

The Honorable Louise Slaughter
Ranking Member
House Committee on Rules
H-152
United States Capitol

Dear Chairman Sessions and Ranking Member Slaughter:

Section 128 of H.R. 5538 is a bipartisan provision addressing a significant and long-standing problem for Native American Tribes. The rule governing consideration of this measure in the House should protect this section from challenge on technical grounds.

An unfortunate 2009 Supreme Court decision in the *Carcieri* case put the status of millions of acres of Tribal land in limbo, potentially depriving Tribes of desperately needed land currently held in trust for their benefit. Immediately after the decision, Tribes began calling on Congress to address this flawed decision and it remains among the most important issues in Indian Country.

In correspondence to you, Chairman Bishop urges the Rules Committee to allow Section 128 to be removed from the bill on a technicality because the Natural Resources Committee “is currently developing legislation that would fairly address the legal issues raised by the *Carcieri* decision through the committee process under regular order.”

As noted, *Carcieri* was decided in 2009. The Natural Resources Committee has had 7 years to address this problem, including the last 18 months during which Mr. Bishop has been our Chairman, and has failed to act.

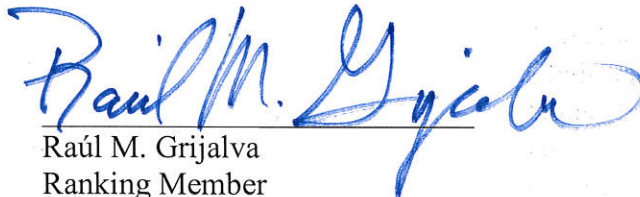
On January 20, 2015, Subcommittee on Interior, Environment, and Related Agencies Ranking Member McCollum and Subcommittee on Labor, Health, and Human Services, Education and Related Agencies Chairman Cole introduced bipartisan legislation to address this problem (H.R. 407); Chairman Bishop has refused to allow a hearing on the bill. On multiple occasions, Democrats on the Natural Resources Committee have sought to offer amendments to deal with the *Carcieri* problem. The Majority, led by Chairman Bishop, has opposed all such efforts.

To argue that Section 128 should be removed from H.R. 5538 on a technicality because the authorizing Chairman is, at this late date in the Congress, now drafting secret legislation to fix this problem is simply not good enough.

The language in Section 128 is not perfect, and using the Appropriations process to address this problem is not ideal, but this is clearly the only avenue available for solving this problem for Indian Country given Chairman Bishop's continued intransigence.

I urge the Rules Committee to protect Section 128 from a point of order.

I appreciate your consideration of this request.



Raúl M. Grijalva
Ranking Member
Committee on Natural Resources