



In Support of Poarch Band of Creek Indians Parity Act - Legislation
to clarify the Land Into Trust Process for the Poarch Band of Creek Indians

October 12, 2023

To: Members of the U.S. Senate and House of Representatives

RE: Support for the Poarch Band of Creek Indians Parity Act

On behalf of the undersigned, we write in strong support of the Poarch Band of Creek Indians Parity Act, legislation to clarify the Land Into Trust Process for the Poarch Band of Creek Indians (Tribe.)

The Tribe is a major economic driver in our counties and cities and throughout Alabama, and employs over 3500 Alabamians, 90 percent of whom are not Tribal members. Additionally, with over 2,700 enrolled Poarch Creek tribal members who are citizens of our state, we feel a duty to do our small part to ensure the Tribe can exercise its inherent sovereignty to provide for future generations.

This legislation is necessary because the Supreme Court ruled in 2009 that the Department of Interior's (DOI's) tribal fee-to-trust authority is limited to only those tribal governments that were "under federal jurisdiction" as of June 18, 1934, the date of enactment of the Indian Reorganization Act (IRA). DOI has struggled to consistently define the term "under federal jurisdiction." The term "under federal jurisdiction" is not defined in the IRA and there is no legislative history to discern congressional intent of the term. Since 2009, DOI has relied on multiple Solicitor M-opinions to determine whether a tribe is under federal jurisdiction. This ambiguity has made the process subject to litigation based on unfounded legal claims and has resulted in heavy legal/administrative burdens for tribes. As such, the Tribe has been subjected to unnecessary litigation over the status of its lands since 2009. Further, the U.S. must commit significant resources from the Departments of

Justice and Interior to do archival analysis, legal research, and litigation support for these decisions at great taxpayer expense.

Fortunately, the Tribe has prevailed in these cases, but these constant attacks have taken an unnecessary toll on the Tribe – stalling development for improved housing, health care, and other essential services to the community. The Tribe is a great community partner, and it is important that we support their efforts to correct this legal ambiguity. This legislation would allow the Tribe to strengthen its capacity to better provide for its nation and the surrounding communities. We offer our full support of the Poarch Band of Creek Indians Parity Act.

Sincerely,



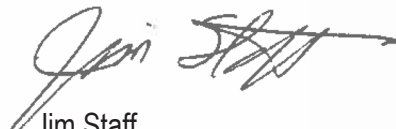
Greg Albritton
Alabama Senate District 22



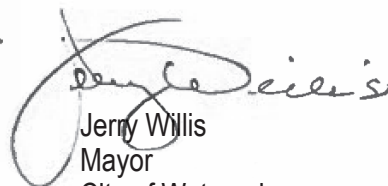
Alan Baker
Alabama House of
Representatives District 66



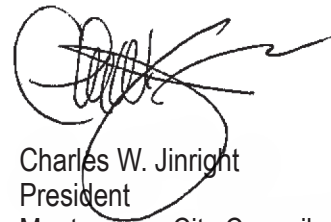
Steven Reed
Mayor
City of Montgomery



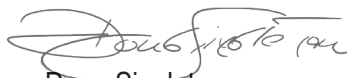
Jim Staff
Mayor
City of Atmore



Jerry Willis
Mayor
City of Wetumpka



Charles W. Jinright
President
Montgomery City Council



Doug Singleton
Chairman
Montgomery County Commission



Bart Mercer
Chairman
Elmore County Commission



Henry Hines
Elmore County Commission



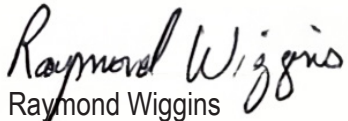
Mack Daugherty
Elmore County Commission



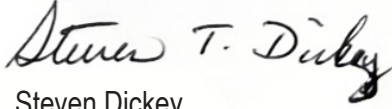
Dennis Hill
Elmore County Commission



Desirae Lewis Jackson
Elmore County Commission



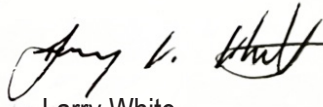
Raymond Wiggins
Chairman
Escambia County Commission



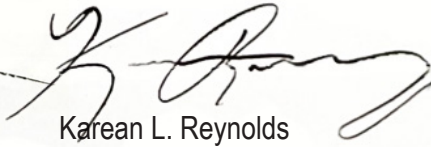
Steven Dickey
Escambia County Commission



Brandon Smith
Escambia County Commission



Larry White
Escambia County Commission



Karean L. Reynolds
Escambia County Commission