

On March 31, 2008, the U.S. District Court for the District of Columbia issued an opinion in *Indian Educators Federation v. Kempthorne*, D.D.C., Civ. No. 14-01215 (TFH), that concludes that Indian Preference applies to “all positions in the Interior Department that directly and primarily relate to the provision of services to Indians.” This is a broader application of Indian Preference than is currently being made by the Department. The Department currently applies Indian Preference only to positions in the BIA and to positions that have been transferred out of BIA to other offices but that continue to perform the same functions.

The Solicitor’s Office is working with the Department of Justice to determine the next steps the Department will take in response to the Court’s ruling.

At this time, we expect that the Court’s ruling will be applied prospectively only and that it will not in any way affect current employees who were hired or promoted competitively or reassigned into positions that might now be subject to Indian Preference in light of the Court’s ruling.

Further information will be provided when it becomes available.

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