

**04-525 LAC COURTE OREILLES BAND OF LAKE SUPERIOR  
CHIPPEWA INDIANS OF WISCONSIN, ET AL. V. UNITED STATES**

QUESTIONS PRESENTED

1. Whether the gubernatorial-concurrence provision of § 2719(b)(1)(A) violates core principles of separation of powers, including the Appointments Clause, by handing over the final federal decision to an individual (i.e., the Governor) who is not subject to any Presidential control?
2. Whether the gubernatorial-concurrence provision violates basic principles of federalism because it rearranges the structure of state government, by which a state has defined itself as a sovereign, and because it makes a state constitutional officer a federal decisionmaker?