

From: Liz Malerba <LMalerba@USETINC.ORG>
To: "Fluhr, Chris" <Chris.Fluhr@mail.house.gov>, "chris.kaumo@mail.house.gov"
Subject: USET SPF Opposition to H.R. 3764, The Tribal Recognition Act

Dear Members of the House Natural Resources Committee,

I write on behalf United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) to register our strong opposition to H.R. 3764, *The Tribal Recognition Act of 2015*, in advance of its mark-up today. USET SPF is a non-profit, inter-Tribal organization representing 26 federally recognized Tribal Nations from Texas across to Florida and up to Maine. USET SPF is dedicated to enhancing the development of Tribal Nations, to improving the capabilities of Tribal governments, and assisting member Tribal governments in dealing effectively with public policy issues and in serving the broad needs of Indian people.

For your background and reference during today's mark-up of H.R. 3764, we attach the following documents:

- [USET & 8 Tribal Nations and Organizations Statement for the Record of April 22, 2015 Legislative Hearing on BIA Proposed Revisions to Federal Recognition Regulations](#)
- [USET Letter to Chairman Bishop, October 28, 2015](#)
- [USET Resolution 2016.001, Opposition to All Congressional Efforts to Erode the Secretary of the Interior's Authority to Recognize Tribal Nations](#)
- [USET Statement for the Record of H.R. 3764 Legislative Hearing October 28, 2015](#)
- [USET Testimony for H.R. 3764 Second Legislative Hearing December 8, 2015](#)

The government to government relationship between Tribal Nations and the United States begins at the point where each recognizes the sovereignty of the other. For this reason it is important that the Federal government have in place a credible, non-politicized process for determining which Tribes it recognizes. Administrative recognition provides an orderly process, administered by experts, such as ethno-historians, genealogists, anthropologists, and other technical staff, that is insulated from political considerations unrelated to the historic legitimacy of a Tribe.

Although Congress has properly delegated authority to the Executive Branch to make a determination regarding the federal recognition of Tribal Nations, the Executive Branch also has independent recognition authority granted by the Constitution. USET SPF is deeply concerned that if Congress now attempts to restrict the Executive Branch's recognition authority through H.R. 3764, which would provide that only Congress may recognize Tribal Nations, that legislation would likely be deemed unconstitutional. While there may be differences of opinion regarding the revised Part 83 federal recognition process, on which USET SPF has no position, there is overwhelming agreement within Indian Country that the Secretary is well-positioned to recognize Tribes.

USET SPF urges that you reject this legislation and instead work directly with Tribal Nations to address any changes that Congress might appropriately adopt to improve this important process. USET believes strongly that all branches of government share equally in the federal trust responsibility and opposes any effort that fails to fully recognize the obligations and authorities of each. We look forward to working with you to ensure that this is upheld.

Should you have any questions or require further information, please feel free to contact me using the information below.

Thank you,

Liz Malerba ~ Mohegan Tribe
Director of Policy and Legislative Affairs
United South and Eastern Tribes, Inc.
400 North Capitol Street, Suite 585
Washington, D.C. 20001

Office: 202-624-3550
Cell: 615-838-5906
Fax: 202-393-5218

lmalerba@usetinc.org
www.usetinc.org