



United South and Eastern Tribes, Inc.

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USET Resolution No. 2016:001

OPPOSITION TO ALL CONGRESSIONAL EFFORTS TO ERODE THE SECRETARY OF THE INTERIOR'S AUTHORITY TO RECOGNIZE TRIBAL NATIONS

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-six (26) federally recognized Tribal Nations; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member Tribal Nation, as the Board of Directors comprises delegates from the member Tribal Nation's leadership; and
- WHEREAS,** the government-to-government relationship between Tribal Nations and the United States begins at the point where each recognizes the sovereignty of the other and for this reason it is important that the federal government have in place a credible, non-politicized process for determining which Tribal Nations it recognizes; and
- WHEREAS,** USET has passed several resolutions supporting administrative recognition over legislative recognition, because 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 Tribal Nation; and
- WHEREAS,** on April 22, 2015, the House Natural Resources Committee held an oversight hearing, entitled, "The Obama Administration's Part 83 Revisions and How They May Allow the Interior Department to Create Tribes, not Recognize Them"; and
- WHEREAS,** the preparatory hearing memorandum and the testimony of one hearing witness erroneously claimed that the Department of the Interior has been illegally recognizing Tribal Nations through the Part 83 Federal Acknowledgment Process since 1978 and only Congress has the authority to recognize Tribal Nations; and
- WHEREAS,** in passing this resolution USET is not commenting in any fashion on the merits of the revisions to the Part 83 process, for which USET has no position; and
- WHEREAS,** Congress has repeatedly acknowledged the Secretary of the Interior's authority to extend recognition to Tribal Nations, including through the Part 83 Process; and
- WHEREAS,** the courts have repeatedly affirmed that the Secretary of the Interior has properly exercised an Executive function or acted pursuant to delegated Congressional authority in promulgating regulations governing federal recognition; and
- WHEREAS,** the Executive Branch has long exercised authority to extend federal recognition to Tribal Nations through various means, and the Secretary's federal recognition regulations are not ultra vires or unconstitutional; and


- WHEREAS,** on October 20, 2015, Representative Rob Bishop, Chairman of the House Natural Resources Committee, introduced H.R. 3764, the Tribal Recognition Act of 2015; and
- WHEREAS,** H.R. 3764 would terminate the Secretary’s well-established authority to recognize Tribal Nations and forces Tribal Nations to petition Congress for federal recognition; and
- WHEREAS,** H.R. 3764 would have the effect of injecting unrelated political considerations into the federal acknowledgment process and subjecting acknowledgement decisions to the unpredictability of the legislative process; and
- WHEREAS,** on May 6, 2015, USET, along with eight other Tribal Nations and organizations, submitted comments to the House Natural Resources Committee providing legal validation and support for the Secretary’s authority to acknowledge Tribal Nations; and
- WHEREAS,** in December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it
- RESOLVED** the USET Board of Directors strongly opposes all legislative attempts to erode the Secretary of the Interior’s well-established legal authority to recognize Tribal Nations.

CERTIFICATION

This resolution was duly passed at the USET Annual Meeting, at which a quorum was present, in Choctaw, MS, on October 27, 2015.



Brian Patterson, President
United South and Eastern Tribes, Inc.



Lynn Malerba, Secretary
United South and Eastern Tribes, Inc.

“ Because there is strength in Unity”