

TRIBAL RECOGNITION

October 2016

THE SITUATION

Federally recognized tribes have a government-to-government relationship with the U.S. and are eligible to receive certain protections, services, and benefits by virtue of their unique status as Indian tribes. Formal recognition is extremely important and valuable to a tribe's economic and social condition since it entitles tribes to distinctive benefits, including eligibility to participate in many federal programs, receipt of services from federal agencies, and sovereign governmental status regarding local jurisdiction and taxation. Federal recognition also enables tribes to petition the Secretary of the Interior to take land into trust for their benefit.



HOW DO TRIBES RECEIVE FEDERAL RECOGNITION?

There are three distinct ways in which a tribe can receive federal recognition: **judicially** – a judge can declare a tribe federally recognized; **administratively** – through the federal acknowledgment process set forth by the Department of the Interior; or **legislatively** – a tribe can directly petition Congress and have a recognition bill or a restoration bill passed on its behalf.

THE FACT

There are **567** federally recognized American Indian tribes and Alaska Native tribes in the U.S.

WHY SHOULD AMERICANS CARE?

The historical mistreatment of tribal people and their lands at the hands of the Federal Government is well documented. **We must right the wrongs of the past, and one of the most important ways to do this is to recognize the sovereignty of legitimate tribes.** Many tribes have still not established or reaffirmed their relationship with the federal government. We should strive to ensure that all tribes are fairly given their due recognition, rather than putting up roadblocks to the process.

WHAT'S CONGRESS DOING?

Chairman Rob Bishop (R-Utah) put forth H.R. 3764, the Tribal Recognition Act of 2015. This misguided legislation would take away the non-partisan, fact-based Administrative process for recognition, stipulating that only Congress has the authority to recognize Indian tribes.



Dems believe taking the Department of the Interior's process away, and leaving an Act of Congress as the only option, will result in further delays and difficulties for tribes. Worst of all, it will leave tribal recognition decisions victim to political whims and special interest influence.



The GOP rhetoric and legislation casts unwarranted doubt on already established tribes, while simultaneously attempting to concentrate the power of tribal recognition into the hands of a select few Members of Congress.

HOW DO WE MOVE FORWARD?

The Secretary of the Interior's authority to acknowledge the existence of Indian tribes is deeply rooted in the laws passed by Congress and the structure of the Constitution, and it must remain an available path for tribes seeking federal recognition. Congress should strive to ensure that all tribes are finally and fairly given the recognition they are due rather than putting up more roadblocks to the process.