

Stand Up For California!
“Citizens making a difference”

www.standupca.org

P. O. Box 355
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September 21, 2017

Honorable Rob Bishop, Chairman
Committee on Natural Resources
1324 Longworth HOB
Washington, DC 20515

RE: H.R. 3744 “Partial Support” - To provide that an Indian group may receive Federal acknowledgement as an Indian tribe only by an Act of Congress. “Tribal Recognition Act of 2017”

Dear Chairman Bishop,

Stand Up For California writes today in “*partial support*” of H. R. 3744. We sincerely appreciate the Chairman’s efforts to put forth this legislation. However, Stand Up For California has concerns and wishes to suggest amendments we believe will provide a solution. While we strongly support placing the stringent criteria for recognition in statute we see a need to broaden the role of informed and interested parties in the process.

The success of California’s 8.3 billion dollar tribal gaming industry has attracted profiteering by out-of-state investors who have created a new model for casino development. Tribal gaming’s success has motivated gaming investors to financially sponsor Indian groups to seek federal recognition. Of the 81 California petitioning groups that were on file prior to July 2015, nearly half were submitted just prior to or shortly after 1998, the year the first California statewide ballot measure was passed to legalize slot machines on California Indian lands. A new model to achieve an exception to IGRA’s gaming prohibition has surfaced through friendly litigation against the Department of the Interior resulting in a settlement for federal recognition or through political lobbying for the Secretary of the Interior to grant reaffirmation. .

We suggest H.R. 3744 provide an opportunity for interested and informed parties to challenge the Assistant Secretary’s report *Section 10 (e) Report*, before it is submitted to Congress for congressional action. This bill should authorize both interested and informed parties to appeal a recognition decision to the Interior Board of Indian Appeals without regard to Article III standing, which the Board currently requires. With respect to possible judicial challenges, litigants should be able to challenge recognition decisions when they have standing to do so under Article III, which may not be until a decision to acquire land in trust or other decision is made.

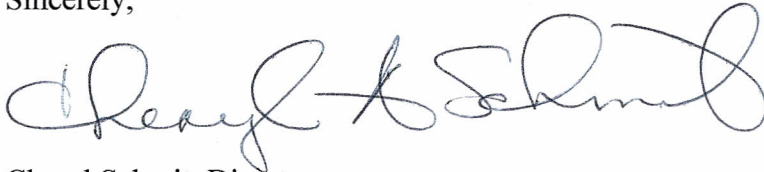
H.R. 3744 does include definitions for interested and informed parties and does provide the opportunity to submit comments or evidence or to be kept informed of general actions regarding a specific petitioner, *but... it does not* clarify how much weight will be given to the comments of these parties. An appeal process holds accountable the Assistant Secretary of Indian Affairs in his/her examination of the evidence in support of the tribal group's petition.

We suggest, H.R. 3744 Section 11 (a) include language that further prohibits the Secretary of the Interior from offering court stipulated settlements for federal recognition and that the Secretary of the Interior must aggressively oppose such actions.

We hope that you will give consideration to our comments and request for amendments to broaden the role of informed and interested parties and require the Secretary of the Interior to aggressively oppose litigation by tribal groups and their gaming investors seeking settlements for federal recognition. This is necessary in order to ensure that all informed, interested and affected parties can participate in a fair, transparent and objective process.

Thank you for your service to our country.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl Schmit". The signature is written in dark ink on a white background.

Cheryl Schmit, Director
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