



Cherokee Tribe of Northeast Alabama®

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Cherokee, DeKalb,
Etowah & Jackson
counties)

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(serving Blount, Cultman,
Marion, St Clair &
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Chilton, Jefferson &
Shelby counties)

Audrey Lemley –
Cheaha District
(serving Calhoun,
Chambers, Clay,
Cleburne, Coosa, Elmore,
Lee, Randolph, Talladega
& Tallapoosa counties)

Dean Jackson – Nauvoo
District (serving Bibb,
Fayette, Greene, Hale,
Lamar, Pickens,
Tuscaloosa & Walker
counties)

Danny Skillman – Tanasi
district (serving all
remaining counties in
Alabama and at-large
members)

September 20, 2013

Kevin Washburn, Assistant Secretary
Indian Affairs
MS-4141-MIB
1849 C Street NW
Washington DC 20240

Re: Revisions to Federal Acknowledgment Regulations

Dear Mr. Washburn:

The Cherokee Tribe of Northeast Alabama (CTNEAL) has reviewed the proposed changes to the regulation for federal recognition. We agree there needs to be an increase in transparency of those regulations and appreciate the attempt to do so. However, we do not understand how changes can be proposed that are so stringent that not even the existing Federal tribes could qualify. We have drafted alternate changes that we would like to have implemented.

From the time of the Removal, the U.S. has attempted to either annihilate or to fully assimilate American Indians, the children of free nations and peoples were forcibly taken away from their families and loved ones, put into indoctrination centers and taught to identify themselves with the symbols and historical personalities of Whites. The goal was to kill the consciousness of their original free existence by making them identify themselves with Whites more than their own people and their ancestors.

The Indians remaining in the South endured horrific treatment by white groups such as the KKK who burned crosses in their yards and wreaked havoc on their wellbeing. When you couple this treatment with laws effecting Indians that were not repealed until the 1960s, there is no way to compare tribes from the southeast to those who were grouped together in territories in the west. The tribes that already hold federal recognition would like to have everyone believe they are the only descendants of the first Americans. The fact that in less than two weeks, CTNEAL was able to secure 144 signed letters and 1765 signatures on petitions that are attached to this proposal shows that we are living in the southeast and flourishing in the year 2013.

Professor Tim A Garrison of Portland State University is extensively published and lectures on the particular problems Southeastern Woodlands Indians have had with the law in the south. A published study of his was the first to show how state courts enabled the mass expulsion of Native Americans from their southern homelands in the 1830s. We agree the ones who stayed suffered through Jim Crow laws and the Civil Rights era, and are still dealing with issues as they unfold

Transmittal of Recognition Criteria
September 20, 2013
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today. Professor Garrison states "pro removal partisans exploited regional sympathies. By casting removal as a state's rights, rather than a moral issue, they won the wide support of a land-hungry southern populace."(Garrison 2002)

One issue that disturbs us more than others is the rate of intermarriages expected for Federal Recognition. This paragraph should be deleted in its entirety as it goes against our Civil Rights as American citizens, as well as being discriminatory on too many levels to even contemplate. While we teach our children not to discriminate against anyone, our government tries to pass regulations that would restrict us to marrying among our tribe. Even in animals you see signs of deformities from inbreeding. By law, you are forbidden to marry your sister. By law you are forbidden to marry your cousin. But the United States government says that we must intermarry in order to be federally recognized. This is another form of genocide...we will be eliminated by making our children so mentally and physically deformed that they will be unable to survive.

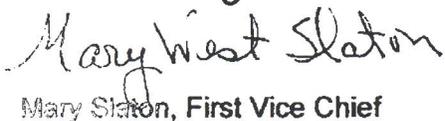
We understand that the MaChis have sent a proposal to you as well and we agree with most of their proposals which have been highlighted in yellow on the attachment; however, we have added additional changes in green that will directly affect us as Cherokee people.

There are many pros and cons to becoming a federally recognized tribe. Would a new federally-recognized tribal member receive subsidies from the federal government? Probably not; those go to the tribes already recognized. On paper, federal recognition would provide funding and education for tribal infrastructure, housing, government, and healthcare ... but we all know about the current economy and the federal deficit. What federal recognition DOES provide is the opportunity for tribal governments to help their people; it allows more money earned from tribal businesses to remain within our communities to be used to help our people; this is what we seek. We are not interested in gaming, gambling or the sale of alcohol. We are, however, interested in teaching our children the Cherokee language, culture and customs and we are interested in caring for our elderly and in meeting the basic needs of our people

We understand the need for transparency in the regulations. We also understand the need for fair and impartial treatment in the law governing the American Indian. Please take our ideas and concerns into consideration when implanting new regulations.

Sincerely,


J. Stanley Long, Principal Chief


Mary Slaton, First Vice Chief

Color code:

Black: original BIA criteria; exception: text crossed out in black to be considered as though in blue

Red: proposed BIA changes

Blue text highlighted in yellow: changes submitted by MaChis Lower Creek Indian Tribe

Text highlight in blue: additional changes submitted by CTNEAL

Comments providing rationale appear in text boxes.

RECEIVED

SEP 25 2013

ASIA-OFA

PRELIMINARY DISCUSSION DRAFT
COMMENTS DUE AUGUST 16 2013

TITLE 25—INDIANS

CHAPTER i—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

PART 83 PROCEDURES FOR ESTABLISHING THAT AN AMERICAN INDIAN
GROUP EXISTS AS AN INDIAN TRIBE

Sec.

83.1 Definitions.

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83.6 General provisions for the documented petition.

83.7 Mandatory criteria for Federal acknowledgement.

83.8 Previous Federal acknowledgement.

83.9 Notice of receipt of a petition.

83.10 Processing of the documented petition.

~~83.11 Independent review, reconsideration, and final action.~~

~~83.11 [Deleted].~~

83.12 Implementation of decisions.

83.13 Information collection.

§ 83.1 Definitions

As used in this part:

~~Area Office means a Bureau of Indian Affairs Area Office.~~

~~Assistant Secretary or AS-IA~~ means the Assistant Secretary—Indian Affairs, ~~or that officer's~~ authorized representative.

Comment: An authorized representative should not be dealing with Federal recognition.

Autonomous means the exercise of political influence or authority independent of the control of any other Indian governing entity. Autonomous must be understood in the context of the history, geography, culture and social organization of the petitioning group, ~~with the inclusion of the local history where laws may have existed prohibiting the outward expression or civil legitimacy of the Indian group.~~

Comment: Jim Crowe laws and state anti-Indian laws prevailed in the southeast and continued to be enforced until the 1980s while the U.S. government turned a blind eye. Only with the civil rights movement did we begin to see these laws repealed and another two decades passed before southeastern Indians began to feel safe in claiming their heritage.

~~Board means the Interior Board of Indian Appeals.~~ This board shall/will not consist of staff from the various departments within the Bureau of Indian Affairs, nor any former present employee of the Bureau of Indian Affairs or a federal recognized tribe, nor a former or present

Comment: Leave in original definition with the additional wording.

consultant associated with the Bureau of Indian Affairs or federal recognized tribe, or a member of a federal recognized tribe.

Bureau means the Bureau of Indian Affairs.

Community means a social, religious, occupational, or other group sharing common characteristics or interests and perceived or perceiving itself as distinct in some respect from the nonmembers. any group of people which can demonstrate that consistent interactions and significant social relationships exist within its membership and that its members are differentiated from and identified as distinct from nonmembers. Community must be understood in the context of the history, geography, culture and social organization of the group. The people in the community must show that interactions and social relationships exist within said community. [NOTE: This draft also incorporates the definition into criteria at § 83.7(b)].

Comment: Shaded sentence was deleted by BIA should be re-inserted with additional text.

Continental United States means the contiguous 48 states and Alaska, Hawaii and American territories.

Continuously or continuous means extending from first sustained contact with non-Indians throughout the group's history 1934 1986 to the present substantially without interruption. [NOTE: This draft also incorporates the definition into criteria at § 83.7(b) and (c)].

Comment: This date should correlate with the time it was considered safe to be an Indian living in the southeast. The almost unique situation faced by the Southeastern Woodland tribes needs to be taken into consideration here. The southeastern coastal areas were all but depopulated by the earlier settlers and shipped off as slaves to the Caribbean and Northeast. Natives from smaller tribes did their best to blend in or flee to areas that were not hostile. Later, between 1828 and 1829, Alabama Georgia and Mississippi passed legislation asserting that state civil and criminal laws applied to Indians, assuming that the Indians would rather remove than submit. In addition to piecemeal legislation between those years, Alabama lawmakers passed a broader extension bill in 1832 that brought the Indians further under Alabama law. These laws were designed to usurp Indian governments and prohibit them from violating Alabama's laws (Littlefield, 2011, p 6).

This is one of many reasons why it is so difficult for tribes to get recognition under the current rules. Although this criteria is federal in nature, it is impossible to remove negative influences of local, regional and state laws. In the southern part of the United States, the American Indians, Afro-Americans and Jewish races dealt with issues such as Jim Crowe's laws, Ku-Klux-Klan, and segregation laws. Tribes such as those in Virginia do not have genealogical records needed to prove their continued uninterrupted existence – a requirement for federal recognition – because states actively altered records, as did Indian families out of fear of discrimination, deportation and even death. Virginia's Racial Integrity Act of 1924 is but one example of a law that intentionally resulted in genealogical records being destroyed during the first half of the twentieth century. There is no way of knowing how many family records were destroyed or falsified to protect the identity of oppressed Indians in Alabama (Littlefield, D.F., 2001; Encyclopedia of American Indian Removal, Santa Barbara, CA; Greenwood).

Currently, birth certificates in Alabama do not state the race of parents or child.

Department means the Department of the Interior.

Distinct community means a group of people with consistent interactions and significant social relationships within its membership and whose members are differentiated from, and identified as distinct from, nonmembers. Distinct community must be understood in the context of the history, geography, culture and social organization of the group.

Comment: Moved from §83.6©

Documented petition means the detailed arguments made by a petitioner to substantiate its claim that it meets the requirements for an expedited favorable finding, meets four of all the mandatory criteria or has established previous federal acknowledgment and meets the criteria in § 83.8, to continuous existence as an Indian tribe, together with the factual exposition and all documentary evidence necessary to demonstrate that these arguments address, that the petitioner meets the requirements for an expedited favorable finding or meets all the mandatory criteria in § 83.7(a) through (g).

Historically, historical or history means dating from first sustained contact with non-Indians.

Comment: What does "first sustained" mean? See definitions of term for full disclosure.

Indian group or group means any Indian or Alaska Native aggregation within the continental United States, Alaska, Hawaii and United States territories that the Secretary of the Interior does not acknowledge to be an Indian tribe.

~~*Indigenous* means native to the continental United States in that at least part of the petitioner's territory at the time of sustained contact extended into what is now the continental United States. [Note: This draft deletes this definition because the concept is already in "Indian group."]~~

Informed party means any person or organization, other than an interested party, who requests an opportunity to submit comments or evidence or to be kept informed of general actions regarding a specific petitioner. The petition group shall be given the contact information regarding an informed party.. The informed party comments must be documented with evidence. All evidence must be sited from sources, location and copies of documentation/evidence must be included and provided to the petitioning group by the BIA/OFA.

Interested party means any person, organization or other entity, who can establish a legal, factual or property interest in an acknowledgment determination and who requests an opportunity to submit comments or evidence or to be kept informed of general actions regarding a specific petitioner. "Interested party" includes the governor and attorney general of the state in which a petitioner is located, and may include, but is not limited to, local governmental units, and any recognized Indian tribes and unrecognized Indian groups that might be affected by an acknowledgment determination. The petition group shall be given the contact information regarding an interested party. All comments submitted by the interested party must include documentation along with supporting evidence, including source. All comments will be provided by the Bureau of Indian Affairs to the petitioning group that any interested party submits.

~~*Letter of intent* means an undocumented letter or resolution by which an Indian group requests Federal acknowledgment as an Indian tribe and expresses its intent to submit a documented petition.~~

Member of an Indian group means an individual who is recognized by an Indian group as meeting its membership criteria and who does not belong to another Indian group or an Indian tribe, and who consents to being listed as a member of that group.

Member of an Indian tribe means an individual who meets the membership requirements of the tribe as set forth in its governing document or, absent such a document, has been recognized as a member collectively by those persons comprising the tribal governing body, and has consistently maintained tribal relations with the tribe or is listed on the tribal rolls of that tribe as a member, if such rolls are kept.

~~*Office of Federal Acknowledgment or OFA* means the Office of Federal Acknowledgment within the Office of the Assistant Secretary—Indian Affairs, Department of the Interior.~~

~~*Office of Hearings and Appeals or OHA* means the Departmental Case Hearings Division of the Office of Hearings and Appeals, Department of the Interior.~~

~~*Pages* means pages containing 1-inch margins and type that is double-spaced and 12-point Times New Roman font.~~

Petitioner means any entity that has submitted a letter of intent documented petition to the Secretary requesting acknowledgment that it is an Indian tribe.

Political influence or authority means the ability of a tribal council, leadership, internal process or other mechanism over which the group has used as a means of influencing or controlling the behavior of its members in significant respects, and/or making decisions for the group which substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence. This process is to be understood in the context of the history, culture and social organization of the group. [NOTE: This draft also incorporates this

definition into criteria at § 83.7(c)]. *Previous Federal acknowledgment* means action by the Federal government clearly premised on identification of a tribal political entity and indicating clearly the recognition of a relationship between that entity and the United States.

Regional Office means a Bureau of Indian Affairs Regional Office.

Secretary means the Secretary of the Interior or that officer's authorized representative.

Sufficient evidence to meet the criterion in § 83.7(c) from the point of last Federal acknowledgment to the present may be provided by demonstration of substantially continuous historical identification, by authoritative, knowledgeable external sources, of leaders and/or a governing body who exercise political influence or authority, together with demonstration of one form of evidence listed in § 83.7(c).

Comment: Moved from 83.8 (d)(3)

Sustained contact means the period of earliest sustained non-Indian settlement and/or governmental presence in the local area in which the historical tribe or tribes from which the petitioner descends was located historically.

Comment: This definition is completely inadequate as it fails to recognize the migratory nature of Indian Tribes that resulted from contact with non-Indian and the violent nature of the pressure that caused them to move to areas where they believed they could break contact with the non-Indian population. This cannot be defined without being subjective, biased and prejudiced. Many tribes, after experiencing first contact and pressure with non-Indians, moved, breaking contact for a while. The history of the Chickamauga Cherokee Tribe, once recognized by the Federal government as a separate Indian tribe, is a great example of intermittent contact versus sustained contact. Further, there is no delineation of what records will be used to establish this contact. There were many tribes, independent of each other, but of the same people. The records list them by names given by non-Indians and referred to the people not the individual tribe. They were called Creek, Choctaw, Cherokee, Apache, etc., or they might be identified as a village such as Coweta, Hitchiti or Okmulgee. This definition fails to address the term "governmental presence" as many areas in the southeast fell under six separate national governments, territorial governments, and unincorporated frontier governments.

Tribal relations, for purposes of these regulations, means participation by an individual in a political and social relationship with an Indian tribe upon obtaining recognition status.

Tribal roll, for purposes of these regulations, means a list exclusively of those individuals who have been determined by the tribe to meet the tribe's membership requirements as set forth in its governing document. In the absence of such a document, a tribal roll means a list of those recognized as members by the tribe's governing body. In either case, those individuals on a tribal roll must have affirmatively demonstrated consent to being listed as members. A notarized statement confirming that the request to be a member of the tribe should be on file for each person 18 years and older; for ages 17 and younger, a notarized statement should be signed by a parents or guardian. In case of incompetency, the guardian must sign agreement that this individual is a tribal member.

§ 83.2 Purpose.

The purpose of this part is to establish a departmental procedure and policy for acknowledging that certain American Indian groups exist as tribes. Acknowledgment of tribal existence by the Department is a prerequisite to the protection, services, and benefits of the Federal government available to Indian tribes by virtue of their status as tribes. Acknowledgment shall also mean that the tribe is entitled to the immunities and privileges available to other federally acknowledged Indian tribes by virtue of their government-to-government relationship with the United States as well as the responsibilities, powers, limitations and obligations of such tribes. Acknowledgment shall subject the Indian tribe to the same authority of Congress and the United States to which other federally acknowledged tribes are subjected.

§ 83.3 Scope.

(a) This part applies only to ~~Indian groups~~ those Indian groups indigenous to the continental United States which are not currently acknowledged as Indian tribes by the Department. It is intended to apply to groups that can establish a substantially continuous tribal existence and which have functioned as autonomous entities throughout history until the present.

(b) Indian tribes, organized bands, pueblos, Alaska Native villages, or communities which are already acknowledged as such and are receiving services from the Bureau of Indian Affairs may not be reviewed under the procedures established by these regulations.

(c) Associations, organizations, corporations or groups of any character that have been formed ~~since 1986 in recent times~~ may not be acknowledged under these regulations. The fact that a group that meets the criteria in § 83.7 (ab) through (g) ~~and~~ has recently incorporated or otherwise formalized its existing autonomous political process will be viewed as a change in form and have no bearing on the ~~Assistant Secretary's final Department's~~ decision.

Comment: The southeastern part of the United States requests that no date earlier than 1986 be established for this clause as it represented the date that facilitates major changes in tribal organization based on both federal and state recognition.

(d) Splinter groups, political factions, communities or groups of any character that separate from the main body of a currently acknowledged tribe may not be acknowledged under these regulations.

(e) ~~Further, groups~~ Groups which are, or the members of which are, subject to congressional legislation terminating or forbidding the Federal relationship may not be acknowledged under this part.

(f) ~~Finally, groups~~ Groups that previously petitioned and were denied Federal acknowledgment under these regulations ~~or under previous regulations in part 83 of this title, may not be acknowledged under these regulations as long as they have maintained their tribal identity, except as provided in section § 83.10(r). This includes reorganized or reconstituted petitioners previously denied, or splinter groups, spin offs, or component groups of any type that were once part of petitioners previously denied. Therefore, the petitioning groups may reapply for federal recognition. Splinter groups, spin offs, or component groups of any type that were once part of petitioners previously denied may not reapply.~~

(g) Indian groups whose documented petitions ~~are under active consideration:~~

~~(1) Have not yet reached active consideration as of the effective date of these revised regulations must proceed under these revised regulations.~~

~~(2) Are under active consideration, including those that have received a proposed finding, at the effective date of these revised regulations may choose to complete their petitioning process either under these regulations or under the previous acknowledgment regulations in part 83 of this title: or to file a new documented petition under these regulations. This choice must be made by April 26, 1994. [INSERT DATE 60 BUSINESS DAYS AFTER PUBLICATION OF FINAL RULE.] This option shall apply to any petition for which a determination is not final and effective. Such petitioners may request a suspension as of consideration under § 83.10(g) the effective date of not more than 180 days in order to provide additional information or argument. these revised regulations.~~

Comment: Delete the entire sentence.

§ 83.4 Filing a ~~letter of intent. documented petition.~~

(a) Any Indian group in the continental United States or territories that believes it should be acknowledged as an Indian tribe, village, or pueblo and that it can satisfy the criteria in § 83.7 this part may submit a letter of intent documented petition under this part.

(b) ~~Letters of intent Documented petitions~~ requesting acknowledgment that an Indian group exists as an Indian tribe shall be filed with the Assistant Secretary—Indian affairs, Department of the Interior, 1849 C Street NW, Washington, DC 20240, Attention: Branch Office of Federal Acknowledgment and Research, Mail Stop 2611 MIB. ~~A letter of intent may be filed in advance of, at at the same time as, a group's documented petition.~~

(c) A letter of intent must be produced, dated and signed by the governing body of an Indian group and submitted to the Assistant Secretary.

§ 83.5 Duties of the Department.

(a) The Department shall publish in the Federal Register, ~~no less frequently than every three years no later than by~~ January 30 of each year, a list of all Indian tribes entitled to receive services from the Bureau by virtue of their status as Indian tribes. The list may be published more frequently, if a tribe is acknowledged by the Assistant Secretary ~~deems it necessary~~.

(b) ~~The Assistant Secretary OFA shall make available revised and expanded maintain~~ guidelines for ~~the preparation of documented petitions by September 23, 1994~~. These guidelines ~~will include an explanation of the criteria and other provisions of the regulations, a discussion of the types of evidence which may be used to demonstrate particular criteria or other provisions of the regulations, and~~ general suggestions and guidelines on how and where to conduct research. the preparation of documented petitions. These guidelines will have include fillable forms available to complete, along with samples of how to complete the application. These forms, guidelines, sample will be maintained and be published on the OFA website. Also there will be a web tutorial on how to complete the forms and where to conduct research. The guidelines ~~may shall~~ be supplemented or updated as necessary. ~~The Department's OFA's~~ example of a documented petition format, while preferable, shall not preclude the use of any other format. The guidelines may shall be supplemented or updated as necessary.

(c) ~~The Department-OFA~~ shall, upon written request, provide petitioners with suggestions and advice regarding preparation of the documented petition. ~~The Department-OFA~~ shall not be responsible for the actual research on behalf of the petitioner. This shall be done within 45 business days of receiving the request. All request and responses shall be sent through certified, U.S. mail.

(d) Any notice which by the terms of these regulations must be published in the Federal Register, shall also be mailed to the petitioner, the governor of the state where the group is located, and to other interested parties. The petitioner shall be notified of all interested parties with contact information.

(e) ~~[Deleted.] After an Indian group has filed a letter of intent requesting federal acknowledgment as an Indian tribe and until that group has actually submitted a documented petition, the Assistant Secretary may contact the group periodically and request clarification, in~~

~~writing, of its intent to continue with the petitioning process.~~ [NOTE: renumber remaining paragraphs.]

(f) All petitioners under active consideration, ~~including those that have received a proposed finding,~~ shall be notified, ~~by April 16, 1994,~~ [INSERT EFFECTIVE DATE OF FINAL RULE + 30 days), of the opportunity under § 83.3(g) to choose whether to complete their petitioning process under the provisions of these revised regulations or previous regulations ~~as published, on September 5, 1978 February 25 1994,~~ at ~~43 59 FR 39364 9293.~~

(g) All other groups that have submitted documented petitions ~~or letters of intent~~ shall be notified of and provided with a copy of these regulations by ~~July 25, 1994~~ [INSERT EFFECTIVE DATE OF REGULATIONS.]

§ 83.6 General provisions for the documented petition.

(a) The documented petition ~~may be in any readable form~~ must be typed, ~~not to exceed XX pages, using Times New Romans with a font size 12, for the main body,; sections must be in bold, underlined, using Times New Romans with a font size 14, with a one inch margins.~~ that contains detailed, specific evidence in support of a request to the ~~Secretary-Department~~ to acknowledge tribal existence. ~~This is excluding supporting documentations. This document will contain detailed, specific evidence in support of a request for acknowledgment as a tribe.~~

Comment: Delete (a) above and replace with the following:

(a) The documented petition shall contain detailed, specific evidence in support of a request to the Department to acknowledge tribal existence. The body of the petition shall be typed with one-inch margins, using 12 point Times New Roman font, with section heading in a 14-point font, underlined and bold, and shall not exceed 100 pages in length, excluding supporting documentation.

(b) The documented petition must include a:

(1) A certification, signed and dated by members of the group's governing body, stating that it is the group's official documented petition;

(2) An official membership list, separately certified by the group's governing body, of all known current members of the group, including each member's full name (including maiden name), date of birth, and current residential and mailing address; Each person must sign a statement that he/she is not a member of another federal or unrecognized tribe. If a child, a parent or guardian may sign the statement. If a person is ruled to be incompetent, then the individual holding a power of attorney may sign this statement, with proper documentation showing that he/she has power of attorney.

(3) A copy of each available former list of members based on the group's own defined criteria and a statement describing the circumstances surrounding the preparation of the current list and, insofar as possible, the circumstances surrounding the preparation of former lists;

Comment: "supporting documents" and "in support of" is redundant.

(4) Thorough explanations and supporting documents in support of meeting the requirements for an expedited favorable finding or, in the absence of such evidence, thorough explanations and supporting documents in support of meeting all the mandatory criteria, except criterion (g). A tribe should be expedited with the following: 1) has state recognition and has with the same or similar criteria as OFA, 2) owns their own land

which is recorded in the tribe's name, 3) owns operates a tribal-owned business, 4) assists tribal families with various social programs, and 5) provides educational assistance.

(i) The Department may accept evidence the petitioner volunteers in support of criterion (g), but the petitioner is not required to provide any evidence for criterion (g).

(ii) The Department will determine whether the petitioner meets criterion (g).

(iii) If a tribe is recognized by a state with similar procedures for state recognition as that required for federal recognition, the tribe shall automatically be federal recognized.

(c) A-In order for tribal existence to be acknowledged, a petitioner must satisfy all of:

(1) Meet four of the mandatory criteria in paragraphs (ad), (e), (f) and (g) of § 83.7 and one of the expedited favorable criteria in § 83.10(g)(3); or as follows: 1) has state recognition with similar or same criteria as OFA, 2) owns land which is recorded in the tribe's name and recorded in the local county courthouse, 3) operates owns a tribal business, 4) assists tribal families with various social programs, and 5) provides educational assistance.

(2) If neither of the expedited favorable criteria are met, meet all the mandatory criteria in paragraphs (b) through (g) of § 83.7 in order for tribal existence to be acknowledged.

Therefore, the documented petition must include thorough explanations and supporting documentation in response to all of the criteria. The definitions in § 83.1 are an integral part of the regulations, and the criteria should be read carefully together with these definitions;

or

The mandatory criteria are as follows: are found in 83.7(b)

At least 30 percent of the petitioning group comprises a distinct community and has existed as a community from historical times 1986 until the present, without a period greater than 25 years of interruption. Distinct community means a group of people with consistent interactions and significant social relationships within its membership and whose members are differentiated from, and identified as distinct from, nonmembers. Distinct community must be understood in the context of the history, geography, culture and social organization of the group.

(i) A 30 % of marriage within the group, and/or, as may be culturally required, patterned out-marriages with other Indian populations.

(ii) Significant Social relationships connecting individual members.

(iii) Significant rates of informal social interaction which exists broadly among the members of a group.

(iv) A significant degree of shared or cooperative labor or other economic activity among the membership.

(v) Evidence of strong patterns of discrimination or other social distinctions by non-members.

(vi) Shared sacred or secular ritual activity encompassing most of the group.

(vii) Cultural patterns shared among a significant portion of the group that are different from those of the non-Indian populations with whom it interacts. These patterns must function as more than a symbolic identification of the group as Indian. They may include, but are not limited to, language, kinship organization, or religious beliefs and practices system, or ceremonies.

Comment:
CTNEAL agrees
with BIA
changes and
recommends
deletion of Ma-
Chris additions.

(viii) The persistence of a named, collective Indian identity continuously over a period of more than ~~50~~ 20 years, notwithstanding changes in name.

(ix) A demonstration of historical political influence under the criterion in § 83.7(c) shall be evidence for demonstrating historical community for that same time period.

(3) Establish previous Federal acknowledgment and meet the criteria in § 83.8.

(d) A petitioner ~~may will~~ **may** be denied acknowledgment if the evidence available ~~demonstrates that it does not meet one or more criteria. A petitioner may also be denied if there is insufficient evidence to show that it meets the requirements for an expedited favorable finding, one or more~~ **four** of the ~~criteria. mandatory criteria, or one or more of the expedited~~ **or** and the criteria applicable to petitioners that establish previous Federal acknowledgment.

(1) A criterion shall be considered met if ~~the available evidence establishes:~~

(i) A preponderance of the evidence supports the validity of the facts claimed when viewed in the light most favorable to the petitioner; and

Comment: 'Preponderance' - meaning is somewhat subjective.

(ii) The facts establish a reasonable likelihood of the validity of the facts relating to that the criterion is met. ~~The facts establish a reasonable likelihood of the validity of the facts relating to that the criterion is met.~~

(2) Conclusive proof of the facts relating to a criterion shall not be required in order for the criterion to be considered met.

Comment: Delete in its entirety ... too subjective..

(e) Evaluation of petitions shall take into account ~~historical~~ situations and time periods for which evidence is ~~demonstrably~~ limited or not available. The limitations inherent in demonstrating the historical existence of community and political influence or authority shall also be taken into account. Existence of community and political influence or authority shall be demonstrated on a substantially continuous basis, but this demonstration does not require meeting these criteria at every point in time. Fluctuations in tribal activity during various years shall not in themselves be a cause for denial of acknowledgment under these criteria. [NOTE: This draft also incorporates this concept into criteria at § 83.7(b)(3) and (c)(4)].

(f) The criteria in § 83.7 (a) through (g) shall be interpreted as applying to tribes or groups that ~~have historically as of 1934~~ 1986 ~~were~~ combined and functioned as a single autonomous political entity.

(g) The specific forms of evidence stated in the criteria in § 83.7 (a) through (b) and (c) and § 83.7(e) are not mandatory ~~requirements~~. The criteria may be met alternatively by any suitable evidence that demonstrates that the petitioner meets the requirements of the criterion statement ~~and related definitions~~.

§ 83.7 Mandatory criteria for Federal acknowledgment.

The mandatory criteria are:

(a) ~~[Deleted]. The petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900. Evidence that the group's character as an Indian entity has from time to time been denied shall not be considered to be conclusive evidence that this~~

crit~~erion has not been met. Evidence to be relied upon in determining a group's Indian identity may include one or a combination of the following, as well as other evidence of identification by other than the petitioner itself or its members.~~

- ~~(1) Identification as an Indian entity by Federal authorities.~~
- ~~(2) Relationships with State governments based on identification of the group as Indian.~~
- ~~(3) Dealings with a county, parish, or other local government in a relationship based on the group's Indian identity.~~
- ~~(4) Identification as an Indian entity by anthropologists, historians, and/or other scholars.~~
- ~~(5) Identification as an Indian entity in newspapers and books.~~
- ~~(6) Identification as an Indian entity in relationships with Indian tribes or with national, regional, or state Indian organizations.~~

~~(b) A predominant portion At least ~~XX~~4030 percent of the petitioning group comprises a distinct community and has existed as a community from historical times 1934 1986, including the regional history until the present. The petitioning tribal community had an interruption without substantial interruption, greater than 5020 years. Distinct community means a group of people with consistent interactions and significant social relationships within its membership and whose members are differentiated from and identified as distinct from nonmembers. Distinct community must be understood in the context of the history, geography, culture and social organization of the group. Substantial interruption is determined on a case-by-case basis considering the history and circumstances of the petitioning group.~~

(1) This criterion may be demonstrated by some combination of the following evidence and/or other evidence ~~that the petitioner meets the definition of community set forth in § 83.1:~~

~~(i) Significant rates of marriage within the group, and/or, as may be culturally required, patterned out marriages with other Indian populations.~~

Comment: This is an outdated requirement and should be deleted in its entirety and subsequent sections re-numbered accordingly. Laws of this country make marrying brother, cousin, etc. illegal. It is well-documented that European royalty developed mental illness from intermarrying. It is also well-documented that inbreeding causes deformities. For the BIA to require intermarriages of an ever decreasing populace goes against everything natural.

- ~~(ii) Significant s Social relationships connecting individual members.~~
- ~~(iii) Significant rates of i I nformal social interaction which exists broadly among the members of a group.~~
- ~~(iv) A significant degree of s Shared or cooperative labor or other economic activity among the membership.~~
- ~~(v) Evidence of strong patterns of discrimination or other social distinctions by non-members.~~
- ~~(vi) Shared sacred or secular ritual activity encompassing most of the group.~~
- ~~(vii) Cultural patterns shared among a significant portion of the group that are different from those of the non-Indian populations with whom it interacts. These patterns must function as more than a symbolic identification of the group as Indian. They may include, but are not limited to, language, kinship organization, or religious beliefs and practices system, or ceremonies.~~
- ~~(viii) The persistence of a named, collective Indian identity continuously over a period of more than 5020 years, notwithstanding changes in name.~~
- ~~(ix) A demonstration of historical political influence under the criterion in § 83.7(c) shall be evidence for demonstrating historical community for that same time period.~~

Comment: "Significant" removed from this section – not clearly defined.

(2) A petitioner shall be considered to have provided sufficient evidence ~~of to~~ demonstrate community at a given point in time if evidence is provided to demonstrate any one of the following:

(i) More than ~~50XX~~ 30 percent of the members reside in a geographical area exclusively or almost exclusively composed of members of the group, and the balance of the group maintains consistent interaction with some members of the community;

(ii) At least ~~50XX~~ 30 percent of the marriages in the group are between members of the group;

(iii) At least ~~50XX~~ 30 percent of the group members maintain distinct cultural patterns such as, but not limited to, language, kinship ~~organization, or religious beliefs and practices system, or ceremonies~~;

Comment: Do not delete. However, this section needs to be reviewed as to its purpose. The world in which we live is changing and employment is harder than ever to find to people move in order to support their families. Education opportunities and military service also causes tribal members to disperse ... this is part of being an American citizen. Tribes who had the ability to hold large reservations over time have less of an issue than those tribes who were unable to maintain large land holdings subsequent to the removal. The encroachment of non-Indians into Indian lands, low Indian birth rates, and high Indian infant mortality also make this requirement extremely hard to meet for those tribes that do not have lands protected for their use and propagation by the federal government.

(iv) There are distinct community social institutions encompassing most of the members, such as organizations, formal or informal economic cooperation, or religious organizations; or

(v) The group has met the criterion in § 83.7(c) using evidence described in §83.7(c)(2).

(3) The limitations inherent in demonstrating the existence as an Indian distinct community that has existed since 1934-1986 without substantial interruption greater than 50 25 years shall be taken into account. Petitioners may provide information and background for time periods prior to 1934-1986, but the information and background will be considered only to the extent relevant to an analysis of the group from 1934-1986 to the present. [NOTE: This paragraph is repeated from § 83.6(e)].

(c) The petitioner has maintained political influence or authority over its members as an autonomous entity Indian group from historical times 1934-1986 until the present without substantial interruption greater than 25 years. Political influence or authority means the ability of a tribal council, leadership, internal process or other mechanism to shape and control the political behavior of others and to lead and guide their behavior in the direction desired by the power. Political power is the capacity of the tribal council, leadership, internal process or other mechanism to influence, condition, mold, and control human behavior for the accomplishment of political objectives. The tribal council, leadership, internal process or other mechanism representing the group possesses the power of dealing with outsiders in matters of consequence which the group has used as a means of influencing or controlling the behavior of its members in significant respects, and/or making decisions for the group which substantially affect its members, and/or representing the group in dealing with outsiders in matters of consequence. This process is to be understood in the context of the history, culture and social organization of the group. Substantial interruption is determined on a case-by-case basis considering the history and circumstances of the petitioning group.

Comment: Delete – listed under definitions

(1) This criterion may be demonstrated by some combination of the evidence listed below and/or by other evidence that the petitioner meets the definition of political influence or authority in § 83.1.

- (i) The group is able to mobilize significant numbers of members and significant resources from its members for group purposes.
- (ii) Most of the membership considers issues acted upon or actions taken by group leaders or governing bodies to be of importance.
- (iii) There is widespread knowledge, communication and involvement in political processes by **most** of the group's members.
- (iv) The group meets the criterion in § 83.7(b) at more than a minimal level.
- (v) There are internal conflicts which show controversy over valued group goals, properties, policies, processes and/or decisions.

(2) A petitioning group shall be considered to have provided sufficient evidence to demonstrate the exercise of political influence or authority at a given point in time by demonstrating that group leaders and/or other mechanisms exist or existed which:

- (i) Allocate group resources such as land, residence rights and the like on a consistent basis;
- (ii) Settle disputes between members or subgroups by mediation or other means on a regular basis;
- (iii) Exert strong influence on the behavior of individual members, such as the establishment or maintenance of norms and the enforcement of sanctions to direct or control behavior;
- (iv) Organize or influence economic subsistence activities among the members, including shared or cooperative labor; or
- (v) Show a continuous line of group leaders and a means of selection or acquiescence by a majority of the group's members.

(3) A group that has met the requirements in paragraph 83.7(b)(2) at a given point in time shall be considered to have provided sufficient evidence to meet this criterion at that point in time.

(4) The limitations inherent in demonstrating the existence of political influence or authority that has existed since 1934-1986, depending on the local history where the tribe is located, without substantial interruption shall be taken into account. Petitioners may provide information and background for time periods prior to 1934-1986, but the information and background will be considered only to the extent relevant to an analysis of the group from 1934-1986 to the present. [NOTE: This paragraph is repeated from § 83.6(e)].

(d) A copy of the group's present governing document including its membership criteria. In the absence of a written document, the petitioner must provide a statement describing in full its membership criteria and current governing procedures.

(e) TheAt least ~~XX~~ 40-30 percent of the petitioner's membership consists of individuals who descend from a historical Indian tribe or from historical Indian tribes from the region where the tribe is located and which combined and functioned as a single autonomous political entity. History recordings are usually recorded tribe as Creek, Cherokee, and Apache or by name of villages.

(1) Evidence acceptable to the Secretary which can be used for this purpose includes but is not limited to:

- (i) Rolls prepared by the Secretary on a descendancy basis for purposes of distributing claims money, providing allotments, or other purposes;
- (ii) State, Federal, or other official records or evidence identifying present members or ancestors of present members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity.
- (iii) Church, school, and other similar enrollment records identifying present members or ancestors of present members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity.
- (iv) Affidavits of recognition by tribal elders, leaders, or the tribal governing body identifying present members or ancestors of present members as being descendants of a historical tribe or tribes that combined and functioned as a single autonomous political entity.

(v) Historians' and anthropologists' conclusions drawn from historical records, and historical records created by historians and anthropologists. The historians and anthropologist cannot be a member of petitioning tribe, member of a Federal recognized tribe nor have performed work for another tribe, OFA (BAR), as an employee, or consultant.

(vi) Other records or evidence identifying present members or ancestors of present members as being descendants of a historical tribe or tribes and combined and functioned as a single autonomous political entity.

(2) The petitioner must provide an official membership list, separately certified by the group's governing body, of all known current members of the group. This list must include each member's full name (including maiden name), date of birth, and current residential and mailing address. The petitioner must also provide a copy of each available former list of members based on the group's own defined criteria, as well as a statement describing the circumstances surrounding the preparation of the current list and, insofar as possible, the circumstances surrounding the preparation of former lists.

(f) The membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe. However, under certain conditions, a petitioning group may be acknowledged even if its membership is composed principally of persons whose names have appeared on rolls of, or who have been otherwise associated with, an acknowledged Indian tribe. The conditions are that the group must establish that ~~it has functioned throughout history until the present as a separate and autonomous Indian tribal entity that its members do not maintain a bilateral political relationship with the acknowledged tribe, and that its members have provided written confirmation of their membership in the petitioning group:~~

(1) It has functioned from 1934-1986 (depending on the local history where the tribe is located without substantial interruption shall be taken into account) until the present as a separate and autonomous Indian tribal entity;

(2) Its members do not maintain a bilateral political relationship with the acknowledged tribe; and

(3) Its members have provided written confirmation of their membership in the petitioning group.

(g) Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship. The Department must determine whether the petitioner meets this criterion, and the petitioner is not required to submit evidence to meet it.

§ 83.8 Previous Federal acknowledgment.

(a) Unambiguous previous Federal acknowledgment is acceptable evidence of the tribal character of a petitioner to the date of the last such previous acknowledgment. If a petitioner provides substantial evidence of unambiguous previous Federal acknowledgment, such as signing treaty by one of the ancestors, the petitioner will then only be required to demonstrate that it meets the requirements of § 83.7 to the extent required by this section.

(b) A determination of the adequacy of the evidence of previous Federal action acknowledging tribal status shall be made during the technical assistance review of the documented petition conducted pursuant to § 83.10(b). If a petition is awaiting active consideration at the time of adoption of these regulations, this review will be conducted while the petition is under active consideration unless the petitioner requests in writing that this review be made in advance.

Comment: We disagree with the BIA deletion.

- (c) Evidence to demonstrate previous Federal acknowledgment includes, but is not limited to:
- (1) Evidence that the group has had treaty relations with the United States. An ancestor that the group comes from could be a signature on the treaty.
 - (2) Evidence that the group has been denominated a tribe by act of Congress or Executive Order.
 - (3) Evidence that the group has been treated by the Federal Government as having collective rights in tribal lands or funds. This could involve class action lawsuits, e.g. Keepseagle Farmers and Ranchers Lawsuits, Docket claims, Etc.

(d) To be acknowledged, a petitioner that can demonstrate previous Federal acknowledgment must show that:

~~(1) The group meets the requirements of the criterion in § 83.7(a) except that such identification shall be demonstrated since the point of last Federal acknowledgment. The group must further have been identified by such sources as the same tribal entity that was previously acknowledged or as a portion that has evolved from that entity.~~

(1) The group meets the requirements of the criterion in § 83.7(a), except that such identification shall be demonstrated since the point of last Federal acknowledgment. The group must further have been identified by such sources as the same tribal entity that was previously acknowledged or as a portion that has evolved from that group. Historical recordings usually recorded tribes as a large group, Creek, Cherokee or Apache, etc, or name of a village.

~~(2) The group meets the requirements of the criterion in § 83.7(b) to demonstrate that it comprises a distinct community as defined in § 83.7(b) at present. However, it need not provide evidence to demonstrate existence as a community historically; and~~

(2) The group meets the requirements of the criterion in § 83.7(b) to demonstrate that it comprises a distinct community at present. Distinct community means a social, religious, occupational, or other group sharing common characteristics or interests and perceived or

Comment: Included above or moved to "Definitions" or to §83.7

~~pereceiving itself as distinct in some respect from the nonmembers. Community must be understood in the context of the history, geography, culture and social organization of the group. The people in the community must show interactions and social relationships exist within said community. This is the definition that should be used in the § 83.7(b). However, it need not provide evidence to demonstrate existence as a community historically; and~~

(3) The group meets the requirements of the criterion in § 83.7(~~ecb~~) to demonstrate that political influence or authority is exercised within the group at present. ~~Sufficient evidence to meet the criterion in § 83.7(c) from the point of last Federal acknowledgment to the present may be provided by demonstration of substantially continuous historical identification, by authoritative, knowledgeable external sources, of leaders and/or a governing body who exercise political influence or authority, together with demonstration of one form of evidence listed in § 83.7(c).~~

Comment:
BIA deletion
should be
retained.

~~(4) The group meets the requirements of the criteria in paragraphs 83.7 (d) through (g).~~

~~(5) If a petitioner which has demonstrated previous Federal acknowledgment cannot meet the requirements in paragraphs (d) (1) and (3), the petitioner may demonstrate alternatively that it meets the requirements of the criteria in § 83.7 (a) through (c) from last Federal acknowledgment until the present.~~

§ 83.9 Notice of receipt of a petition.

(a) Within 30 ~~business~~ days after receiving a ~~letter of intent, or a~~ documented petition ~~if a letter of intent has not previously been received and noticed, the Assistant Secretary, OFA~~ shall acknowledge such receipt in writing and shall have published within 60 ~~business~~ days in the Federal Register a notice of such receipt. This notice must include the name, location, and mailing address of the petitioner and such other information as will identify the entity submitting the ~~letter of intent or~~ documented petition and the date it was received. This notice shall also serve to announce the opportunity for interested parties and informed parties to submit factual or legal arguments in support of or in opposition to the petitioner's request for acknowledgment and/or to request to be kept informed of all general actions affecting the petition. The notice shall also indicate where a copy of the ~~letter of intent and the~~ documented petition may be examined.

(b) ~~The Assistant Secretary OFA~~ shall notify, in writing, the governor and attorney general of the state in which a petitioner is located. ~~The Assistant Secretary OFA~~ shall also notify any recognized tribe and any other petitioner which appears to have a historical or present relationship with the petitioner or which may otherwise be considered to have a potential interest in the acknowledgment determination. ~~The Assistant Secretary OFA~~ shall also notify the petitioning tribe of all interested parties and informed parties with their contact information.

(c) ~~The Assistant Secretary OFA~~ shall ~~within 60 business days~~ also publish the notice of receipt of the ~~letter of intent, or~~ documented petition ~~if a letter of intent has not been previously received,~~ in a major newspaper or newspapers of general circulation in the town or city nearest to the petitioner. The notice will include all of the information in paragraph (a) of this section.

§ 83.10 Processing of the documented petition.

~~(a) Upon receipt of a documented petition, the Assistant Secretary shall cause a review to be conducted to determine whether the petitioner is entitled to be acknowledged as an Indian tribe.~~

~~The~~(a) Within 180 business days of receipt ~~OFA's~~ shall review the documented petition; said review shall include consideration of the documented petition and the factual statements contained therein. ~~The Assistant Secretary~~, as well as consideration of interested parties' and informed parties' factual or legal arguments in support of or in opposition to the petitioner's request for acknowledgment. ~~OFA~~ may also initiate other research for any purpose relative to analyzing the documented petition, the factual statements contained therein, and obtaining additional information about the petitioner's status. ~~The Assistant Secretary~~~~OFA~~ may likewise consider any factual evidence or legal arguments in support of or in opposition to the petitioner's request for acknowledgment. The interested and informed parties' information must be documented with name of source and location, and be verified by ~~OFA~~. All information, documentation, and field notes will be provided to the petitioning group by ~~OFA~~ within 60 business days of reviewing. The petitioning group has 180 business days to respond to the documentation, or information provided by interested or informed parties. Interested or informed parties should shall not interfere with a positive finding.

(b) Technical Assistance Review. Prior to active consideration of the documented petition, ~~the Assistant Secretary~~ ~~OFA~~ shall conduct a preliminary review of the petition for purposes of technical assistance. This review will be done within 180 business days of the receipt the documented petition.

(1) This technical assistance review does not constitute ~~the Assistant Secretary's~~ ~~OFA's~~ review to determine if the petitioner is entitled to be acknowledged meets the criteria for acknowledgement as an Indian tribe. It is a preliminary review for the purpose of providing the petitioner an opportunity to supplement or revise the documented petition prior to active consideration. Insofar as possible, technical assistance reviews under this paragraph will be conducted in the order of receipt of documented petitions. However, technical assistance reviews will not have priority over active consideration of documented petitions.

(2) After the technical assistance review, ~~the Assistant Secretary's~~ ~~OFA's~~ shall notify the petitioner by letter of any obvious deficiencies or significant omissions apparent in the documented petition and provide the petitioner with an opportunity to withdraw the documented petition for further work or to submit additional information and/or clarification. This written review will be conducted with 60 business days after completion of the technical review process.

(3) If a petitioner's documented petition claims previous Federal acknowledgment and/or includes evidence of previous Federal acknowledgment, the technical assistance review will also include a review to determine whether that evidence is sufficient to meet the requirements of previous Federal acknowledgment as defined in § 83.1. This review will occur within 180 days of receipt of documented petition.

(4) The petitioning group will be assigned a liaison to advise the petitioning group on appropriate actions to take to clarify deficits in petition. All correspondence will be done through certified United States Mail or email with verification of reading.

(c) Petitioners have the option of responding in part or in full to the technical assistance review letter or of requesting, in writing, that ~~the Assistant Secretary~~~~OFA~~ proceed with the active consideration of the documented petition using the materials already submitted. The Petitioners

Comment: BIA deletion not accepted.
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must respond in 45 business days that they will be or will not be responding to the technical review. If the petitioning group decides to respond to the technical review they have 365 business days to respond from the date the request to respond is received by OFA.

(1) If the petitioner requests that the materials submitted in response to the technical assistance review letter be again reviewed for adequacy, ~~the Assistant Secretary OFA~~ will provide the additional review. However, this additional review will not be automatic and will be conducted only at the request of the petitioner. This review will occur within 180 business days from the date the additional review request was received.

(2) If the assertion of previous Federal acknowledgment under § 83.8 cannot be substantiated during the technical assistance review, the petitioner must respond by providing additional evidence. This response must be done within 365 business days. A petitioner claiming previous Federal acknowledgment who fails to respond to a technical assistance review letter under this paragraph, or whose response fails to establish the claim, shall have its documented petition considered on the same basis as documented petitions submitted by groups not claiming previous Federal acknowledgment. Petitioners that fail to demonstrate previous Federal acknowledgment after a review of materials submitted in response to the technical assistance review shall be so notified. Such petitioners may submit additional materials concerning previous acknowledgment during the course of active consideration. The additional materials must be sent within 180 business days from receiving notification that the petitioning group failed to prove previous federal recognition.

(d) The petitioner and interested parties shall be notified 45 business days prior to active consideration ~~when the documented petition comes under active consideration.~~

(1) They shall also be provided with the name, office address, and telephone number of the staff member with primary administrative responsibility for the petition; the names of the researchers conducting the evaluation of the petition; and the name of their supervisor. The researchers for genealogy must be a certified genealogist in American Indian Genealogy. The Historian, and anthropologist shall have a background in the region that is being researched. The research team shall not have done any work in the region for another tribe, a member of a tribe in the region, or worked for a federal recognized tribe as an employee, volunteer or consultant.

(2) The petitioner shall be notified of any substantive comment on its petition received prior to the beginning of active consideration or during the preparation of the proposed finding, and shall be provided an opportunity to respond to such comments. The petitioning group will have 180 business days to respond to the any substantive comments.

~~(ge)~~ Once active consideration of the documented petition has begun, ~~the Assistant Secretary OFA~~ shall continue the review ~~and publish unless the petitioner withdraws or OFA suspends consideration.~~ This will occur within 545 business days.

~~(1) At any time before OFA publishes the proposed findings and a final determination in the Federal Register pursuant to these regulations, notwithstanding any requests by, the petitioner or interested parties to may withdraw its petition and OFA will cease consideration. The Assistant Secretary of the petition until such time as the petition is resubmitted, but such~~

Comment:
BIA deletion
not
accepted.

petition will be placed at the bottom of the numbered register of documented petitions upon re-submission and may not regain its initial priority number.

~~(2) The Assistant Secretary OFA has the discretion, however, to suspend active consideration of a documented petition, either conditionally or for a stated period of time, upon a showing to the petitioner that there are technical problems with the documented petition or administrative problems that temporarily preclude continuing active consideration. The Assistant Secretary shall also consider requests by petitioners for suspension of consideration and has the discretion to grant such requests for good cause.~~ Upon resolution of the technical or administrative problems that are the basis for the suspension, the documented petition will have priority on the numbered register of documented petitions insofar as possible.

~~(3) The Assistant Secretary OFA shall notify the petitioner and interested parties when active consideration of the documented petition is resumed. The timetables in succeeding paragraphs shall begin anew upon the resumption of active consideration.~~

~~(h)f) Expedited Negative Finding. Upon beginning active consideration, OFA shall investigate whether the group meets the mandatory criteria in paragraphs (e), (f) or (g) of § 83.7.~~

~~(1) If this review finds that that the group does not meet the mandatory criteria in paragraphs (e), (f) or (g) of § 83.7, a full consideration of the documented petition under the remaining mandatory criteria will not be undertaken. Rather, OFA shall instead decline to acknowledge that the petitioner is an Indian tribe and publish a proposed finding to that effect in the Federal Register. The periods for receipt of comments on the proposed finding from petitioners, interested parties and informed parties, for consideration of comments received, and for publication of a final determination regarding the petitioner's status shall follow the timetables established in paragraphs (i) through (n) of this section. be 90 business days.~~

~~(2) If the review finds that the group meets the mandatory criteria in paragraphs (e), (f) or (g) of § 83.7, and petitioners assert that they qualify for an expedited favorable review, OFA will proceed to the expedited favorable review under paragraph (g) of this section. The petitioning group has 60 business days to respond.~~

~~(3) If the review finds that the group meets the mandatory criteria in paragraphs (e), (f) or (g) of § 83.7, and the petitioners do not assert that they qualify for an expedited favorable review within 60 business days, OFA will conduct a full evaluation of the documented petition under the remaining mandatory criteria.~~

~~(g) Expedited Favorable Finding. If the petitioner meets the mandatory criteria at paragraphs (e), (f), and (g) of § 83.7 and the petitioner asserts that it is eligible for an expedited favorable finding, OFA will next conduct an expedited favorable review. If the petitioner provides the information required by criterion (d) of § 83.7 and meets either of the criteria in paragraph (3) of this section, OFA will issue an expedited favorable proposed finding in the Federal Register summarizing its findings. This will be done within 90 business days.~~

(1) The periods for receipt of comments on the proposed finding from petitioners, interested parties and informed parties, for consideration of comments received, and for publication of a final determination regarding the petitioner's status shall follow the timetables established in paragraphs (i) through (n) of this section.

(2) If the petitioner does not meet either of the criteria in paragraph (3) or provide the information required by criterion (d) of § 83.7, OFA will undertake a full evaluation of the documented petition under the mandatory criteria.

(3) The expedited favorable criteria are:

(i) The petitioner has maintained ~~since 1934~~ a reservation recognized by the State and continues to hold a reservation recognized by the State or is owned by the tribe and is recorded in the name of the tribe at the local courthouse, owns a tribal business or is state recognized by a state that has criteria same or similar to OFA; or

(ii) The United States has held land for the group at any point in time since ~~1934~~ 1986.

(h) The order of consideration of documented petitions for which OFA is undertaking a full evaluation under all the mandatory criteria shall be determined by either the date OFA determines that the petitioner will not receive an expedited negative finding or the date OFA determines the petitioner is not eligible for an expedited positive finding, if the petitioner asserts the latter. OFA shall establish and maintain a numbered register of documented petitions awaiting a full evaluation under all the mandatory criteria by OFA. OFA shall also maintain a numbered register of any prior letters of intent or incomplete petitions based on the original date of filing with the Bureau. In the event that two or more documented petitions receive priority of the same date, the register of any prior letters of intent or incomplete petitions shall determine the order of consideration by OFA. The full review must occur within 545 business days.

(i) Within ~~six months~~ 180 business days after notifying the petitioner that active consideration of the documented petition has begun pursuant to paragraph (d), if OFA has determined the petition meets the criteria for an expedited negative finding or an expedited favorable finding, OFA shall publish proposed findings on the expedited criteria, not to exceed ~~XX50~~ pages, in the Federal Register within 60 business days. OFA may not extend that period. Within ~~one year~~ 545 business days after notifying the petitioner that active consideration of the documented petition has begun, ~~the Assistant Secretary pursuant to paragraph (d), OFA~~ shall publish proposed findings on all the mandatory criteria, not to exceed ~~XX50~~ pages, in the Federal Register. ~~The Assistant Secretary~~OFA has the discretion to extend that period up to an additional 180 days. The petitioner and interested parties shall be notified of the time extension. In addition to the proposed findings, ~~the Assistant Secretary~~OFA shall prepare a report, not to exceed 50 pages, summarizing the evidence, reasoning, and analyses that are the basis for the proposed ~~decision~~finding. Copies of the report shall be provided to ~~[OHA or ASIA?]~~ ASIA, the petitioner, interested parties, and informed parties and made available to others upon written request.

(j) Upon publication of the proposed findings, the petitioner or any individual or organization wishing to challenge or support the proposed findings shall have 180 days to submit arguments, not to exceed ~~XX200~~ pages, and evidence to ~~the Assistant Secretary~~ [OHA or AS-IA?] to rebut or support the proposed finding.

Comment:
BIA's deletion
not accepted
... arguments
should be
sent to the
Assistant
Secretary

Comment:
We do not agree with any of BIA's deletion in this paragraph... communication should be with the Assistant Secretary.

(1) The period for comment on a proposed finding may be extended for up to an additional 180 days at the Assistant Secretary [OHA or AS-IA?] discretion upon a finding of good cause. The petitioner and interested parties shall be notified of the time extension. Interested and informed parties who submit arguments and evidence to the Assistant Secretary must provide copies of their submissions to the petitioner. The Assistant Secretary or designee has 30 business days to provide comments and documentation to the petitioning group.

(2) Interested and informed parties who submit arguments and evidence to [OHA or ASIA?] must provide copies of their submissions to the petitioner. The Assistant Secretary or designee will make sure that these copies are provided to the petitioning group. The Assistant Secretary shall provide copies of their submissions to the petitioner, if interested or informed parties did not provide copies to the petitioning group. The Assistant Secretary or designee has 30 business days to provide comments and documentation to the petitioning group.

~~(j)~~ During the response period, ~~the Assistant Secretary~~OFA shall provide technical advice concerning the factual basis for the proposed finding, the reasoning used in preparing it, and suggestions regarding the preparation of materials in response to the proposed finding. ~~The Assistant Secretary~~OFA shall make available to the petitioner in a timely fashion any records used for the proposed finding not already held by the petitioner, to the extent allowable by Federal law, to assist the petitioner in challenging or supporting the proposed finding and preparing for any requested hearing. These records shall be made available within 60 business days.

(2) In addition, the Assistant Secretary shall, if requested by the petitioner or any interested party, hold a formal meeting for the purpose of inquiring into the reasoning, analyses, and factual bases for the proposed finding. The proceedings of this meeting shall be on the record. The meeting record shall be available to any participating party and become part of the record considered by the Assistant Secretary in reaching a final. This meeting shall be held in the county that the petitioning group office is located.

Comment:
Leave in deletion by BIA & insert additional text.

~~(k)~~ The petitioner shall have a minimum of ~~60~~90 business days to respond to any submissions by interested and informed parties during the response period. with arguments, not to exceed ~~XX~~300 pages, and evidence. This may be extended at ~~the Assistant Secretary's~~[OHA or AS-IA?]'s discretion if warranted by the extent and nature of the comments. The petitioner and interested parties shall be notified by letter of any extension. No further comments from interested or informed parties will be accepted after the end of the regular response period.

~~(l)~~ At the end of the period for comment on a proposed finding, ~~the Assistant Secretary shall consult with~~[OHA or AS-IA?] will automatically issue a final determination acknowledging the petitioner and interested parties to determine as an equitable timeframe for consideration of written ~~as an~~ Indian tribe if the following are met:

Comment:
CTNEAL agrees with the BIA changes; MaChris did not agree.

(1) The proposed finding is positive, and

(2) [OHA or AS-IA?] does not receive timely arguments and evidence submitted during challenging the response proposed finding from the State or local government where the petitioner's office is located or from any federally recognized Indian tribe within the

State. Interested or informed parties should not delay a positive finding for federal recognition.

(n) If the conditions of paragraph (m) are not met at the end of the period for comment on a proposed finding, [OHA or AS-IA?] shall make its final determination by considering all the evidence in the petition record, including any evidence that arises from a hearing, if requested within 180 business days. The petitioner and interested parties shall be notified of the date such consideration begins.

(1) Unsolicited comments submitted after the close of the response period established in § 83.10(i) and § 83.10(k) will not be considered in preparation of a final determination. ~~The Assistant Secretary~~[OHA or AS-IA?] has the discretion ~~during the preparation of the proposed finding~~, however, to request additional explanations and information from the petitioner or from commenting parties to support or supplement their comments on proposed finding. ~~The Assistant Secretary~~ [OFA or AS-IA?] may also ~~conduct~~require such additional research as necessary to evaluate and supplement the record. In either case, the additional materials will become part of the petition record. The petitioning group will receive a certified copy of all documents, comments, petition field notes, interviews, and hearings, if requested. Associated with the petitioning group within 90 business days if a positive outcome. If the decision is an unfavorable the Assistant Secretary or designee has 30 business days to send a certified copy of all documents , comments, petition field notes, interviews, hearing if requested associated with the petitioning group petition.

(2) [OHA or AS-IA?] shall, if requested by the petitioner or any interested party, hold a hearing on the reasoning, analyses, and factual bases for the proposed finding, comments, and responses. The proceedings of this hearing shall be on the record. The hearing record shall be available to any participating party and become part of the record considered by [OHA or AS-IA?] in reaching a final determination. . This hearing shall be held in the county that the petitioning tribe is located.

(2) ~~After consideration of the~~(i) [OHA or AS-IA?] may require testimony from OFA staff involved in preparing the proposed finding. Any such testimony shall be subject to cross-examination by the petitioner.

(ii) The petitioner may provide such evidence at the hearing as the petitioner considers appropriate.

(3) After [OHA or AS-IA?] holds the hearing, if any, and considers written arguments and evidence rebutting or supporting the proposed finding and the petitioner's response to the comments of interested parties and informed parties, ~~the Assistant Secretary~~[OHA or AS-IA?] shall make a final determination regarding the petitioner's status. A summary of this determination shall be published in the Federal Register within 60 business days from the date on which the consideration of the written arguments and evidence rebutting or supporting the proposed finding begins.

(3) ~~The Assistant Secretary~~(4) [OHA or AS-IA?] has the discretion to extend the period for the preparation of a final determination if warranted by the extent and nature of evidence and arguments received during the response period. The petitioner and interested parties shall be notified of the time extension.

(45) The final determination will become effective 90 business days from publication unless a request for reconsideration is filed pursuant to § 83.11 unless a request for reconsideration is filed pursuant to § 83.11.

Comment; BIA deletion not accepted.

~~(m) The Assistant Secretary (o) [OHA or AS-IA?] shall acknowledge issue a final determination acknowledging the existence of the petitioner as an Indian tribe when it is determined [OHA or AS-IA?] finds that the group satisfies all of meets the mandatory criteria in paragraphs (d), (e), (f), and (g) of § 83.7 and one of the expedited favorable criteria in § 83.7. The Assistant Secretary 10(g)(3); meets all the mandatory criteria in paragraphs (b) through (g) of § 83.7; or establishes previous Federal acknowledgment and meets the criteria in § 83.8. [OHA or AS-IA?] shall decline issue a final determination declining to acknowledge that a petitioner is an Indian tribe if it fails to satisfy when [OHA or AS-IA?] finds that the group does not meet any one of the criteria in § 83.7 four of the above criteria or one of the expedite criteria in § 83.7 of the above. The Assistant Secretary is bound by an acknowledgment determination by [OHA or AS-IA?].~~

~~(np) If the Assistant Secretary [OHA or AS-IA?] declines to acknowledge that a petitioner is an Indian tribe, [OHA or AS-IA?] the Assistant Secretary shall inform the petitioner shall be informed of alternatives, if any, to acknowledgment under these procedures. These alternatives may include other means through which the petitioning group may achieve the status of an acknowledged Indian tribe or through which any of its members may become eligible for services and benefits from the Department as Indians, or become members of an acknowledged Indian tribe.~~

~~(o) (q) The Assistant Secretary's [OHA or AS-IA?] determination to acknowledge or decline to acknowledge that the petitioner is an Indian tribe shall be final for the Department.~~

~~(pr) A petitioner that has petitioned under this part or under the acknowledgment regulations previously effective and that has been denied Federal acknowledgment may not re-petition under this part. The term "to OFA under this part unless its request for re-petitioning proves, by a preponderance of the evidence, that a change from the previous version of the regulations to the current version of the regulations warrants reversal of the final determination. The term "petitioner" here includes previously denied petitioners that have reorganized or been renamed or that are wholly or primarily portions of groups that have previously been denied under these or previous acknowledgment regulations. [OHA or AS-IA?]'s decision whether to allow repetition shall be final for the Department.~~

Comment
Delete 'r'
in its
entirety
and
replace
with
alternate
text.

~~(r) A petitioner that has maintained its identity that has petitioned under this part or under the acknowledgment regulations previously effective and that has been denied Federal acknowledgment may re-petition under this part.~~

~~§ 83.11 Independent review, reconsideration and final action.~~

§ 83.11 Independent review, reconsideration and final action.

Comment: BIA deleted independent review in its entirety. We believe this violates our civil rights and have re-entered with changes. Ma-Chris sections have been re-number for clarity and formatting purposes.

(a) Upon publication of the Assistant Secretary's determination in the Federal Register, the petitioner or any interested party may file a request for reconsideration with the Interior Board of Indian Appeals; this must occur within 90 business days. Petitioners which choose under §

83.3(g) to be considered under previously effective acknowledgment regulations may nonetheless request reconsideration under this section.

(1) A request for reconsideration from a petitioner's or interested party's request for reconsideration must be received by the Board no later than 90 business days after the date of publication of the Assistant Secretary's determination in the Federal Register. If no request for reconsideration has been received, the Assistant Secretary's decision shall be final for the Department 90 business days after publication of the final determination in the Federal Register.

(b) The request for reconsideration petitioner's or interested party's request for reconsideration shall contain a detailed statement of the grounds for the request, and shall include any new evidence to be considered.

(1) The detailed statement of grounds for reconsideration filed by a petitioner or interested parties shall be considered the appellant's opening brief provided for in 43 CFR 4.311(a).

(2) The party or parties requesting the reconsideration shall mail copies of the request to the petitioner and all other interested parties through certified United States Mail.

(c) The Board shall dismiss a request for reconsideration that is not filed by the deadline specified in paragraph (a) of this section.

(1) If a request for reconsideration petitioner's or interested party's request for reconsideration is filed on time, the Board shall determine, within 120 business days after receiving the request of the Assistant Secretary's final determination in the Federal Register, whether the request alleges any of the grounds in paragraph (d) of this section and shall notify the petitioner and interested parties of this determination.

(d) The Board shall have the authority to review all requests for reconsideration that are timely and that allege any of the following:

(1) That there is new evidence that could affect the determination; or

(2) That a substantial portion of the evidence relied upon in the Assistant Secretary's determination was unreliable or was of little probative value; or

(3) That petitioner's or the Bureau's research appears inadequate or incomplete in some material respect; or

(4) That there are reasonable alternative interpretations, not previously considered, of the evidence used for the final determination, that would substantially affect the determination that the petitioner meets or does not meet one or more of the criteria in § 83.7 (a) through (g).

(e) The Board shall have administrative authority to review determinations of the Assistant Secretary made pursuant to § 83.10(m) to the extent authorized by this section.

(1) The regulations at 43 CFR 4.310-4.318 and 4.331-4.340 shall apply to proceedings before the Board except when they are inconsistent with these regulations.

(2) The Board may establish such procedures as it deems appropriate to provide a full and fair evaluation of a request for reconsideration under this section to the extent they are not inconsistent with these regulations.

(3) The Board, at its discretion, may request experts not associated with the Bureau, the petitioner, or interested parties to provide comments, recommendations, or technical advice concerning the determination, the administrative record, or materials filed by the petitioner or interested parties. The experts cannot be a member of a federal recognized tribe in the state that the petitioning group is located, been an employee, volunteer, and consultant for OFA (BAR), or a Federal recognized tribe in the region. The regions are as follows: Northeast, East, Southeast, South, Southwest, West, Northwest, North, Plains, Midwest, Alaska, Hawaii, and Pacific Islands, and Puerto Rico. The Board may also request, at its discretion, comments or technical assistance from the Assistant Secretary concerning the final determination or, pursuant to paragraph (e)(8) of this section, the record used for the determination.

(4) Pursuant to 43 CFR 4.337(a), the Board may require, at its discretion, a hearing conducted by an administrative law judge of the Office of Hearings and Appeals if the Board determines that further inquiry is necessary to resolve a genuine issue of material fact or to otherwise augment the record before it concerning the grounds for reconsideration.

(5) The detailed statement of grounds for reconsideration filed by a petitioner or interested parties pursuant to paragraph (b)(1) of this section shall be considered the appellant's opening brief provided for in 43 CFR 4.311(a).

(6) An appellant's reply to an opposing party's answer brief, provided for in 43 CFR 4.311(b), shall not apply to proceedings under this section, except that a petitioner shall have the opportunity to reply to an answer brief filed by any party that opposes a petitioner's request for reconsideration.

(7) The opportunity for reconsideration of a Board decision provided for in 43 CFR 4.315 shall not apply to proceedings under this section.

(8) For purposes of review by the Board, the administrative record shall consist of all appropriate documents in the Branch of Acknowledgment and Research relevant to the determination involved in the request for reconsideration. The Assistant Secretary shall designate and transmit to the Board copies of critical documents central to the portions of the determination under a request for reconsideration. The Branch of Acknowledgment and Research shall retain custody of the remainder of the administrative record, to which the Board shall have unrestricted access.

(9) The Board shall affirm the Assistant Secretary's determination if the Board finds that the petitioner or interested party has failed to establish, by a preponderance of the evidence, at least one of the grounds under paragraphs (d)(1)--(d)(4) of this section.

(10) The Board shall vacate the Assistant Secretary's determination and remand it to the Assistant Secretary for further work and reconsideration if the Board finds that the petitioner or an interested party has established, by a preponderance of the evidence, one or more of the grounds under paragraphs (d)(1)--(d)(4) of this section.

(f) The Board, in addition to making its determination to affirm or remand, shall describe in its decision any grounds for reconsideration other than those in paragraphs (d)(1)--(d)(4) of this section alleged by a petitioner's or interested party's request for reconsideration.

(1) If the Board affirms the Assistant Secretary's decision under § 83.11(e)(9) but finds that the petitioner or interested parties have alleged other grounds for reconsideration, the Board shall send the requests for reconsideration to the Secretary. The Secretary shall have the discretion to request that the Assistant Secretary reconsider the final determination on those grounds.

(2) The Secretary, in reviewing the Assistant Secretary's decision, may review any information available, whether formally part of the record or not. Where the Secretary's review relies upon information that is not formally part of the record, the Secretary shall insert the information relied upon into the record, together with an identification of its source and nature.

(3) Where the Board has sent the Secretary a request for reconsideration under paragraph (f)(21), the petitioner and interested parties shall have 30 business days from receiving notice of the Board's decision to submit comments to the Secretary. Where materials are submitted to the Secretary opposing a petitioner's request for reconsideration, the interested party shall provide copies to the petitioner and the petitioner shall have 15 business days from their receipt of the information to file a response with the Secretary.

(4) The Secretary shall make a determination whether to request a reconsideration of the Assistant Secretary's determination within 60 business days of receipt of all comments and shall notify all parties of the decision.

(g) The Assistant Secretary shall issue a reconsidered determination within 120 business days of receipt of the Board's decision to remand a determination or the Secretary's request for reconsideration.

(1) The Assistant Secretary's reconsideration shall address all grounds determined to be valid grounds for reconsideration in a remand by the Board, other grounds described by the Board pursuant to paragraph (f)(12), and all grounds specified in any Secretarial request. The Assistant Secretary's reconsideration may address any issues and evidence consistent with the Board's decision or the Secretary's request.

(h) If the Board finds that no petitioner's or interested party's request for reconsideration is timely, the Assistant Secretary's determination shall become effective and final for the Department 120 business days from the publication of the final determination in the Federal Register.

(1) If the Secretary declines to request reconsideration under paragraph (f) (2) of this section, the Assistant Secretary's decision shall become effective and final for the Department as of the date of notification to all parties of the Secretary's decision.

(3) If a determination is reconsidered by the Assistant Secretary because of action by the Board remanding a decision or because the Secretary has requested reconsideration, the reconsidered determination shall be final and effective upon publication of the notice of this reconsidered determination in the Federal Register.

The petitioning group that is denied federal recognition shall seek federal recognition through

1. United States Court System
2. Congressional
3. Executive Order

Comment: The OFA team needs to have clear direction with evaluation criteria that will be used to determine if the petitioning tribe meets the criteria for federal recognition. The evaluation criteria and evidence must not be changed from petitioning group; it must stay the same. The petitioning tribe must receive a copy of the evaluation criteria. There needs to be a committee of both federal and non federal American Indians to observe the evaluation teams and make sure that they are following the set criteria guidelines for evaluating the petitions.

All s Subjective criteria and subjective evaluation tools will not be used by OFA.

September 20, 2013

Kevin Washburn, Assistant Secretary
Indian Affairs
MS 4141 - MIB
1849 C Street NW
Washington, DC 20240

RE: Criteria for Federal Recognition of American Indian Tribes

Dear Mr. Washburn:

I am writing in support of a proposal by the Cherokee Tribe of Northeast Alabama (CTNEAL) to revise Title 25, Chapter 1, Part 83: Procedures for Establishing that an American Indian group exists as an Indian Tribe. My father, who hails from southern Virginia, is part Cherokee, so this issue is of personal importance to me.

CTNEAL feels strongly that, as currently written, the Federal regulations lack both transparency and clarity. They are also unfair in that they fail to consider regional history and the fact that many states continued to enforce their own laws far beyond the Indian Citizenship Act of 1924 and the Indian Reorganization Act of 1934. The mistreatment of American Indians was exacerbated not only by the Federal government's failure to enforce these Acts, but also its decision to ignore blatant violations. As a result, many anti-Indian laws in the Southeast affecting property ownership, interracial marriage, and education, for example, were not repealed until over 40 years later! Even to this day, there are bands of Cherokees in the Southeast that are recognized as tribes by state governments, yet not the Federal government. The revisions proposed by CTNEAL and are long overdue and sorely needed to prevent further "misunderstandings" due to individual interpretations of the law.

American Indians are first and foremost Americans. They have suffered enough injustice at the hands of government. In the interest of protecting their rights and legacy as a people, please strongly consider the proposed changes from CTNEAL.

Thank you for your attention to this important matter.

Sincerely,



JM White
1404 10th P I S
Birmingham, AL 35205

cc: President Barack Obama
Senator Jeff Sessions
Senator Richard Shelby
Congresswoman Terri Sewell

September 20, 2013

Ms. Elizabeth K. Appel, Acting Director
Office of Regulatory Affairs & Collaborative Action- Indian Affairs,
1849 C Street, NW, MS 4141 - MIB,
Washington, DC 20240

Re: Revision to Criteria for Federal Recognition

Dear Ms. Appel:

We are writing in support of a proposal being presented by the Cherokee Tribe of Northeast Alabama (CTNEAL).

We understand that revisions are being made to the procedures for establishing that an American Indian group exists as an Indian Tribe. This is a critical issue affecting American Indians throughout our great country.

We agree there needs to be an increased transparency of regulations, and that these procedures should be written in an easier and clearer language. We also agree that the criteria for federal recognition should be fair and reasonable. Currently criteria are a violation of the 14th Amendment to our Constitution (due process) and marriage regulations are in violation of laws regarding intermarriages. Alabama had laws on their books that were enforced until the mid-1960s that affected property ownership, interracial marriages, education, etc. were not repealed until the mid-1960s.

I ask that you incorporate the proposed changes from CTNEAL and that revised criteria take into consideration regional history, especially in the South where American Indians were treated as sub-class citizens.

Sincerely,

Name:

Mailing Address:

Bryan Adams

Steele, AL

Suzanne Bates

Steele, AL

Brad Reese

Steele, AL

Robert Shinn

atmore, Ala

Lamar Boyd

Atmore, AL

Neil Shabani

Birmingham, AL

Information Collection Clearance Officer
Indian Affairs, Mail Stop 4141
1849 C Street, NW
Washington, DC 20240

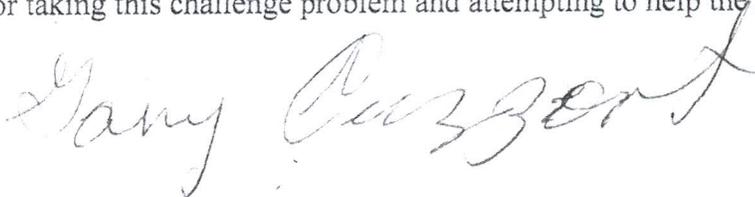
RE: Revisions to Federal Acknowledgment Regulations

Dear Assistant Secretary Washburn;

After reading and discussing the proposed changes, we have decided that the changes typed in blue ink are the ones that would best serve the *American Indians*. There needs to be an increased transparency of the regulations, and written in easier and clearer language.

Thank you for taking this challenge problem and attempting to help the non federal recognized tribes.

Sincerely,

A handwritten signature in cursive script that reads "Gary Buzzert". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Attachment

I ask that you incorporate the proposed changes from CTNEAL and that revised criteria take into consideration regional history, especially in the South where American Indians were treated as sub-class citizens.

Sincerely,

Name: Mailing Address:

Mayhelle BlackBear
Cherokee Tribe of Northeast Alabama
Willis Town/Creek Path District Representative
134 Turner Circle
Henagar, AL 35978

Rebecca Smuly
16699 Al Hwy 75
Henagar, AL 35978

Tracy Carson
2252 Cobb 134
Lot 8
Henagar AL 35978

Tony Smuly
16699 Al Hwy 75
Henagar, AL 35978

Ann Holsombrake
2124 County Rd 29
Crossville, AL 35962

Laurel Gourd
2150 Church St.
Rainville, AL
35986
Cherokee Tribe