



Muscogee (CREEK) Nation

Executive Office

March 7, 2022

Dear Chairman Schatz and Vice Chairman Murkowski:

On behalf of the Muscogee (Creek) Nation, I respectfully request that you defer consideration of groups seeking federal acknowledgment to the Department of the Interior's Office of Federal Acknowledgment (OFA).

Federal acknowledgment of Indian tribes is a solemn consideration of the United States. Federally acknowledged tribes are sovereigns with significant governmental powers impacting both Indians and non-Indians, including the authority to tax, regulate activity within tribal territory, and take away personal freedoms through the exercise of criminal jurisdiction. Acknowledgment decisions should be made on merit and not politics.

Although Congress certainly has the power to acknowledge groups seeking federal acknowledgment, Congress should defer to the administrative process that is well equipped to investigate whether a group is an historical tribe or whether the persons claiming modern citizenship in that historical tribe can demonstrate genealogical descent from that tribe.

The OFA process protects the interests of established Tribal Nations. Oftentimes, groups seeking federal acknowledgment claim tribal identities that do not belong to them. Even more often, the people claiming to be descendants of known historic tribes cannot demonstrate tribal ancestry, or any Native ancestry at all. The OFA process separates meritorious claims of tribal identity from the many of examples of fraud we see from hundreds of groups across the country.

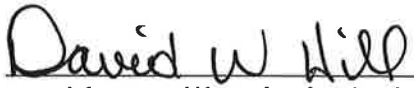
As a tribal nation that was historically removed from our ancestral homelands, the Muscogee Nation is familiar with the risks inherent in granting federal recognition to a tribe that is not who they claim to be. Although we have been forcibly removed

from our homelands, we maintain a presence in the Southeast and we continue to fight to protect Mvskoke graves and sacred sites. And although federal law guarantees the rights of tribal nations to protect sacred sites and cultural patrimony, hasty political decisions granting a group of people federal recognition significantly undermine the rights of legitimate tribal nations to protect the most sacred of sacred.

In considering the question of whether a group of people should be recognized as a tribal nation that pre-dates the United States, we respectfully request that you defer to the OFA in the first instance. Should Congress consider legislative recognition of a group that has exhausted the OFA process, we request that it only do so after robust engagement with all tribes whose current or ancestral homelands could be impacted by recognition. Such engagement should consider and prioritize sacred sites protection, and further, should ensure that all impacted tribes are provided the opportunity to testify at a hearing where they are invited to share their concerns with the proposed recognition.

We appreciate your time and consideration of these important matters.

Sincerely,



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