

DOC HASTINGS, WA
CHAIRMAN
DON YOUNG, AK
LOUIE GOHMERT, TX
ROB BISHOP, UT
DOUG LAMBORN, CO
ROBERT J. WITTMAN, VA
PAUL C. BROUN, GA
JOHN FLEMING, LA
TOM McCLINTOCK, CA
GLENN THOMPSON, PA
CYNTHIA LUMMIS, WY
DAN BENISHEK, MI
JEFF DUNCAN, SC
SCOTT R. TIPTON, CO
PAUL A. GOSAR, AZ
RAÚL R. LABRADOR, ID
STEVE SOUTHERLAND II, FL
BILL FLORES, TX
JON RUÑYAN, NJ
MARK AMODEI, NV
MARKWAYNE MULLIN, OK
CHRIS STEWART, UT
STEVE DAINES, MT
KEVIN CRAMER, ND
DOUG LaMALFA, CA
JASON SMITH, MO

TODD YOUNG
CHIEF OF STAFF

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

PETER A. DeFAZIO, OR
RANKING DEMOCRATIC MEMBER
ENI F.H. FALCOMA VAEGA, AS
FRANK PALLONE, JR., NJ
GRACE F. NAPOLITANO, CA
RUSH HOLT, NJ
RAÚL M. GRIJALVA, AZ
MADELEINE Z. BORDALLO, GU
JIM COSTA, CA
GREGORIO KILILI CAMACHO SABLÁN, CNMI
NIKI TSONGAS, MA
PEDRO R. PIERLUISI, PR
COLLEEN W. HANABUSA, HI
TONY CÁRDENAS, CA
STEVEN HORSFORD, NV
JARED HUFFMAN, CA
RAUL RUIZ, CA
CAROL SHEA-PORTER, NH
ALAN LOWENTHAL, CA
JOE GARCIA, FL
MATTHEW CARTWRIGHT, PA

PENNY DODGE
DEMOCRATIC STAFF DIRECTOR

Opening Statement of
Chairman Don Young
Subcommittee on Indian and Alaska Native Affairs
On Tuesday, March 19, 2013

1324 Longworth House Office Building Full Committee Oversight Hearing on
"Authorization, standards, and procedures for whether, how, and when Indian tribes should be newly
recognized by the federal government: Perspective of the Department of the Interior"

On June 27, 2012, the Subcommittee held an oversight hearing regarding federal recognition of Indian tribes, but the Department did not make a witness available. Because the perspective of the Executive Branch is so important, today we are holding what may be considered Part Two of that hearing.

Our witness today is the Assistant Secretary for Indian Affairs, Kevin Washburn. Though he has been in his position for nearly six months, it is Mr. Washburn's first opportunity to testify before the Subcommittee.

Last year, my opening statement set forth a few facts concerning federal recognition of tribes. They are worth briefly mentioning again.

Tribal recognition is one of the most solemn issues this Committee deals with. It has impacts on the federal budget, on the government's trust responsibility, on other recognized tribes, and on states and their political subdivisions. It affects the legal rights of many individuals – both Indian and non-Indian – who reside or do business in Indian reservations.

Historically, tribes have been recognized pursuant to Acts of Congress, Treaties, and Executive Orders. In modern times, however, the Bureau of Indian Affairs has extended recognition to new tribes without clear instructions from Congress.

This is inconsistent with the precedents established by the Supreme Court, which has held that Congress possesses "plenary" power over Indian Affairs. Not the Executive Branch, which in the tribal arena is limited solely to performing actions specified by the Congress.

Much of the controversy surrounding a number of recognition and fee-to-trust actions made by the BIA may be traced to the failure of the agency to act according to specific direction from the Congress.

The Department of the Interior has its own perspective and today, I am pleased to welcome the new Assistant Secretary to provide it for the benefit of the Members of the Subcommittee.