

NICK J. RAHALL II, WV
CHAIRMAN
DALE E. KILDEE, MI
ENI F.H. FALCOMA-VAEGA, AS
NEIL ABERCROMBIE, HI
FRANK PALLONE, JR., NJ
GRACE F. NAPOLITANO, CA
RUSH D. HOLT, NJ
RAUL M. GRIJALVA, AZ
MADELEINE Z. BORDALLO, GU
JIM COSTA, CA
DAN BOREN, OK
GREGORIO SABLAN, MP
MARTIN HEINRICH, NM
GEORGE MILLER, CA
EDWARD J. MARKEY, MA
PETER A. DeFAZIO, OR
MAURICE D. HINCHEY, NY
DONNA M. CHRISTENSEN, VI
DIANA DeGETTE, CO
RON KIND, WI
LOIS CAPPS, CA
JAY INSLEE, WA
JOE BACA, CA
STEPHANIE HERSETH SANDLIN, SD
JOHN P. SARBANES, MD
CAROL SHEA-PORTER, NH
NIKI TSONGAS, MA
FRANK KRATOVL, JR., MD
PEDRO R. PIERLUISI, PR

JAMES H. ZOIA
CHIEF OF STAFF

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

DOC HASTINGS, WA
RANKING REPUBLICAN MEMBER
DON YOUNG, AK
ELTON GALLEGLY, CA
JOHN J. DUNCAN, JR., TN
JEFF FLAKE, AZ
HENRY E. BROWN, JR., SC
CATHY McMORRIS RODGERS, WA
LOUIE GOHMERT, TX
ROB BISHOP, UT
BILL SHUSTER, PA
DOUG LAMBORN, CO
ADRIAN SMITH, NE
ROBERT J. WITTMAN, VA
PAUL C. BROWN, GA
JOHN FLEMING, LA
MIKE COFFMAN, CO
JASON CHAFFETZ, UT
CYNTHIA M. LUMMIS, WY
TOM McCLINTOCK, CA
BILL CASSIDY, LA

TODD YOUNG
REPUBLICAN CHIEF OF STAFF

Statement of Ranking Member Doc Hastings
Legislative Hearing on Four Tribal Recognition Bills
July 15, 2009

Mr. Chairman, the tribes that would be recognized under the four bills before us today have the distinction of having been recognized by political appointees in the waning days of the Clinton Administration. It appears these decisions were contrary to the recommendations of the anthropologists, historians, and genealogists in the Bureau of Indian Affairs that analyzed their documented petitions.

Because of the troubling nature of these actions, which were investigated by the Inspector General of the Department of Interior, the decisions for three of the petitions were later reversed, while one of the petitions is still undetermined.

Three of the tribes that were denied recognition under the BIA process failed to meet three of the seven mandatory criteria established under federal rules. It is unclear how the fourth tribe received a positive recommendation when the Inspector General's report noted that professional staff recommended a denial of its petition.

The events I just described beg the question: if the Natural Resources Committee does not require these groups to meet all seven of the BIA's mandatory criteria to attain recognition, then what criteria or standards is the Committee requiring the groups to meet?

Is it four criteria? One criterion? Do we have any criteria at all? These are not unreasonable questions. In fact, I was asking these questions when the Committee and the full House were considering other recognition bills this year. But as of yet, there are no established standards that I'm aware of.

Mr. Chairman, I respectfully suggest that before further action occurs on any recognition bill, the Committee deliberate over this very serious issue. It is a fundamental issue of responsibility and fairness for this Committee to consider recognition bills in a deliberate and careful manner that clearly articulates the criteria under which recognition is to be established.

Furthermore, fairness dictates that this Committee respectfully consider the views of long-recognized tribes whose treaty rights may be affected by Congressional recognition decisions. Without question, one criteria or consideration for recognition action by this

Committee should be consulting with recognized tribes regarding their treaty rights. This is not a matter of granting veto power to existing tribes over new recognition, but it's a matter of this Committee exercising proper respect for the rights of treaty tribes.

It is for this reason that I requested that our Committee hear from a witness representing the Quinault Tribe and one witness representing the Muckleshoot, Tulalip and Puyallup Tribes. The Committee must be very cautious. The Congress should not act hastily when the treaty rights of existing recognized tribes could be affected, or even challenged.

I look forward to hearing the testimony of today's witnesses.