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

Statement of Ranking Member Doc Hastings
Committee on Natural Resources
Oversight Hearing on Carcieri v. Salazar
April 1, 2009

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Mr. Chairman, thank you for holding this hearing. I understand the Department of the Interior may not be prepared to give the Committee its testimony at this time, but I hope that when the relevant political appointees are nominated and confirmed then we will be able to hold another hearing on this important subject.

I completely understand the anxiety that a number of recognized tribes that were not under federal jurisdiction in 1934 must be feeling right now. Following this Supreme Court decision, some must undoubtedly wonder if they were under federal jurisdiction in 1934 and who will make that determination, and what it means for their trust lands.

Mr. Chairman, as we seek answers to the questions this case raises, I hope we use this opportunity to open the record books and archives of the Department and the Committee. We are dealing with 75 years of history, with potentially dozens of tribes, thousands of acres of land, and with a Department whose implementation of a major law has been overturned by the Court.

It is important that Congress act carefully when addressing the effects of the Court's decisions, and we must especially make certain that responsive action comes from Congress. At the heart of the Supreme Court's ruling is that the authority to recognize tribes and take land into trust rests with Congress and not with the attorneys in the Executive Branch. It is our responsibility in Congress to determine how to act following the Court's ruling, not simply to sit and wait to rubberstamp a plan that's written and submitted by the Interior Department, whose actions were struck down by the Supreme Court.

I look forward to listening to the witnesses' testimony.