



News from the
Committee on Natural Resources
Rep. Nick J. Rahall, II - Chairman

1324 Longworth House Office Building - Washington DC, 20515 - <http://resourcescommittee.house.gov>

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Statement of U.S. Rep. Nick J. Rahall, II
Chairman, Committee on Natural Resources
Oversight hearing on
“Department of the Interior’s Recently Released Guidance on Taking Land into
Trust for Indian Tribes and its Ramifications”
February 27, 2008

The Committee will come to order. Today’s hearing will focus on a recent Guidance memo issued by the Department of the Interior in early January affecting fee to trust applications.

Under this Guidance, the Department now employs a never before used “commutable distance” test that requires a series of questions be answered to determine whether the anticipated benefits outweigh potential negative consequences to the tribe.

Because of this new Guidance, the Department denied fee to trust applications for 11 tribes and returned fee to trust applications for another 12 tribes. Action is expected on other pending applications.

The hearing today is not intended to examine the merits of the applications that were denied or returned. Instead, today’s hearing will focus on how the new Guidance was developed, whether it was lawfully enacted, the ramifications of the new requirements on all off-reservation fee to trust applications, and whether this signifies an attempt by the Administration to change Federal policy towards Indian tribes.

The potential change to the Federal policy towards Indian tribes is disturbing. In the area of health care, this Administration has taken the position that once an Indian leaves the reservation, that person is no longer an Indian. To support this strange concept the President has zeroed out funding for Urban Indian health care. Now, we see this occurring at the Bureau of Indian Affairs and have to question if this Administration is advocating a policy to keep Indians on the reservation.

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Finally, I am particularly interested in the lack of consultation on this matter between the Department and the Tribes. Unfortunately, the lack of consultation appears to be a reoccurring trend with this Administration. As a result, I intend to introduce legislation that will mandate that the Administration adequately consults with Indian tribes. I hope my colleagues will join me in sponsoring that legislation when it is introduced.

For today, however, we will focus on the new Guidance and I thank all the witnesses who have traveled to be with us this morning.