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

Statement of Chairman Don Young
Subcommittee on Indian and Alaska Native Affairs
Hearing on H.R. 1291, H.R. 1234 and H.R. 1421
July 12, 2011

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Today the subcommittee will study legislation to reverse *Carcieri v. Salazar*. By, now most Members should be familiar with the Supreme Court ruling in *Carcieri*, which is that the Secretary has no authority under Section 5 of the Indian Reorganization Act to require lands for tribes not recognized and under jurisdiction on June 18, 1934. This ruling came as a surprise to many of us who have worked on tribal issues for years.

The subcommittee will also receive testimony on H.R. 1421, a bill sponsored by the Ranking Democratic Member, Mr. Boren. The bill concerns Cherokee Nation development of hydroelectric facilities on a lock and dam project on historic Cherokee lands. I will defer to Mr. Boren for a complete description of his bill and its need. Fortunately, based on what I know about it, it is a fine piece of legislation and I would hope it can be passed quickly in the House.

Let me know discuss H.R. 1291 and H.R. 1234. These bills overturn the effects of the Supreme Court decision be delegating authority to the Secretary of the Interior to acquire lands in trust for a tribe recognized at any time. The bills also ratify and confirm lands that had been put in trust prior to the Supreme Court holding in February 2009. The eliminated confusion over the status of countless tracts of trust lands, protects existing development on these lands in which tribes have invested large sums, and ends a number of costly legal challenges to the authority of the Department to continue holding land in trust for the benefits of tribes.

Passage of this legislation is critical for recognized tribes to build a land base, which will spur economic development, housing, education. I have seen few other issues that have brought tribes from all regions of the county together to press for legislation.

The Committee must recognize, however, the States, counties and non-Indian people may have different views on the merits of this legislation, and its necessary to ensure their views are considered. Accordingly, the witness list contains a range of viewpoints. The witness list includes also includes two authorities on the history of Indian law and the development of the Indian Reorganization Act.

One final note. The bills are similar in effect, with one difference: H.R. 1234 is a simple reversal of the Supreme Court, While H.R. 1291 includes a provision to affirm congressional policy that lands may not be acquired in trust in the State of Alaska. As set forth in section 2(b) of the Alaska Native Claims Settlement Act of 1971, congressional

policy for the settlement of all Native claims in Alaska would be done “without creating a reservation system or lengthy wardship or trusteeship...”

H.R. 1291 simply clarifies this policy as this is an issue the Department of the Interior has no business determining itself.