

Statement of Ben Nighthorse Campbell
On S.611
The Indian Federal Recognition Administrative Procedures Act
May 24, 2000

Good afternoon. Today the Committee will receive testimony on “the Indian Federal Recognition Administrative Procedures Act of 1999” --- a bill I introduced in March, 1999 — to bring fairness and efficiency to the recognition process.

“Recognition” triggers the unique legal and political relationship between the U.S. and tribes and in the most practical sense makes the tribe eligible for federal protection, services, and monetary benefits.

Recognition occurs through either congressional action or through the agency process carried out by the Branch of Acknowledgment and Research (BAR) within the Bureau of Indian Affairs (BIA).

For as long as I have been in Congress Indian petitioners and others have complained that the BAR is institutionally biased against recognizing new tribes; that the existing process is too expensive and too time-consuming; and that the process does not provide petitioning groups with procedural due process.

This past March, one group filed a lawsuit seeking to compel the BAR to make a decision on its petition — which was first filed in 1989.

The Assistant Secretary rightly recognizes that there are problems with the BAR’s process and in February, 2000, the BIA proposed regulations to amend the current process with the goal of expediting decision making on petitions submitted.

The bill we will discuss today will revamp the current process by establishing an independent, 3-member “Commission on Indian Recognition” which would sunset 12 years after the date of enactment.

This bill is not perfect and we will hear criticisms in just a few moments but if we are serious about reforming this process and providing justice to those groups who are legitimate Indian tribes, then we must act boldly and we must act together. I believe this bill is the right way to provide that justice and to also provide a date certain for the activities of the Commission to wrap up.