TESTIMONY OF MICHAEL R. SMITH
DIRECTOR, OFFICE OF TRIBAL SERVICES
BEFORE THE
COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES
ON
H.R. 2345

SEPTEMBER 25, 2002

Good morning, Mr. Chairman and Members of the Committee. My name is Mike Smith and I am the Director for the Office of Tribal Services within the Bureau of Indian Affairs at the Department of the Interior. I am here today to provide the Administration's position of opposition to H.R. 2345, a bill to "extend Federal recognition to the Chickahominy Tribe, the Chickahominy Indian Tribe, Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Tribe, and the Nansemond Tribe."

Under 25 CFR Part 83, groups seeking Federal acknowledgment as Indian tribes are reviewed in a thorough and objective manner. Each petitioning group must demonstrate that they meet all the seven mandatory criteria established in these Federal regulations. The seven mandatory criteria are that a petitioner: (1) demonstrates that it has been identified as an American Indian entity on a substantially continuous basis since 1900; (2) demonstrates that a predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present; (3) demonstrates that it has maintained political influence or authority over its members as an autonomous entity from historical times until the present; (4) provides a copy of the group's present governing document including its membership criteria. In the absence of a written document, the petitioner must provide a statement describing in full its membership criteria and current governing procedures; (5) demonstrates that its membership consists of individuals who descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity; (6) demonstrates that the membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe, and (7) demonstrates that neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship. A criterion shall be considered met if the available evidence establishes a reasonable likelihood of the validity of the facts relating to that criterion. A petitioner must satisfy all seven of the mandatory criteria in order for tribal existence to be acknowledged.

All six of these groups who would benefit from enactment of H.R. 2345, have submitted letters of intent and partial documentation to petition for Federal acknowledgment. However, none of these petitioning groups have submitted completed documented petitions demonstrating their ability to meet all seven mandatory criteria.

The Federal acknowledgment regulations provide a uniform mechanism to review and consider groups seeking Indian tribal status. This legislation, however, allows these groups to bypass these standards – allowing them to avoid the scrutiny to which other groups have been subjected.

This concludes my prepared statement. I will be happy to answer any questions the Committee may have.