

TESTIMONY
OF
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UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
HOUSE COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON AMERICAN INDIAN AND ALASKA NATIVE AFFAIRS
ON
H.R. 4002

MARCH 27, 2014

Chairman Young, Ranking Member Hanabusa, and Members of the Subcommittee, my name is Kevin Washburn and I am the Assistant Secretary for Indian Affairs at the Department of the Interior (Department). Thank you for the opportunity to present testimony for the Department of the Interior (Department) on H.R. 4002, a bill to revoke the charter of incorporation of the Miami Tribe of Oklahoma. The Department does not object to H.R. 4002.

Background

The Dawes Act of 1887 (also known as the General Allotment Act or the Dawes Severalty Act of 1887), adopted by Congress in 1887, authorized the President of the United States to survey American Indian tribal land and divide this land into allotments for individual Indians. Those who accepted allotments and lived separately from the Tribe were granted United States citizenship. The Dawes Act was amended in 1891, and again in 1906 by the Burke Act. In addition to these laws, the Curtis Act was passed by Congress in 1898. The Curtis Act called for the abolition of tribal governments by March 6, 1906, and was intended to promote individual land holdings.

All of this history was revisited by Congress several decades later when Congress charted a new direction for federal Indian policy. In 1936, the Oklahoma Indian Welfare Act of 1936 (also known as the Thomas-Rogers Act) was adopted by Congress because Congress had previously dissolved sovereign tribal governments in Oklahoma and Indian Territories to pave the way “for Oklahoma’s admission to the union on an ‘Equal footing with the original States.’” Prior to statehood in 1907, the lands of the former reservations in Oklahoma were allotted to individual Indian Tribal members, held in trust by the United States for the benefit of tribal members, or distributed to non-Indians in a series of land runs.

During the Indian New Deal Era, Congress enacted the 1934 Wheeler-Howard Act, also known as the Indian Reorganization Act, to rebuild Indian tribal societies, return land to the tribes, rejuvenate Indian governments, and emphasize Native culture. Although the Indian Reorganization Act did not apply to Oklahoma tribes, Congress enacted similar legislation, known as the Oklahoma Indian Welfare Act of 1936, to extend similar provisions to tribes in Oklahoma. The Miami Tribe re-organized their government under the Oklahoma Indian Welfare Act on June 1, 1940, and adopted a corporate charter at that time.

The Miami Tribe, like other American Indian tribes have come a long way since 1940, and some of the charters drafted and adopted at that time are now dated.

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H.R. 4002, at the request of the Miami Tribe of Oklahoma (Tribe), would revoke the Tribe's charter of incorporation that was approved by the Secretary for the Department of the Interior in 1940. The Tribe has informed Indian Affairs that the charter of incorporation for the Tribe is cumbersome and ineffective for dealing with Tribal resources, and that the Tribe has not operated under its charter for several decades. The Tribe views its charter as too restrictive, due to requirements for Secretarial approval, and believes that it has provisions no longer useful to the Tribe and uncondusive to business activity. For example, the charter purports to require Secretarial approval for any debts in excess of \$150. In part because of the limitations contained within the charter, the Tribe has chosen to operate its enterprises entirely through its own authority as a sovereign governmental entity.

In the past, Congress has passed similar revocations of tribal charters of incorporation similar to HR 4002. For example, in 1996 Congress revoked charters of incorporation for the Minnesota Chippewa Tribe and the Prairie Island Indian Community, and in 2000, the Stockbridge Munsee Community of Mohican Indians. The Department believes, consistent with the Administration's support for tribal self-determination and self-governance, that the decision whether to maintain or revoke such a charter ultimately should be the Tribe's. Therefore, the Department does not object to H.R. 4002.

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