

TESTIMONY OF
JEANETTE HANNA
REGIONAL DIRECTOR, EASTERN OKLAHOMA REGION
BUREAU OF INDIAN AFFAIRS
U. S. DEPARTMENT OF THE INTERIOR
BEFORE THE
COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES
HEARING ON H. R. 2912

March 15, 2004

Good morning, Mr. Chairman and Members of the Committee. My name is Jeanette Hanna and I am the Regional Director for the Bureau of Indian Affairs (BIA) Eastern Oklahoma Region. I am pleased to appear before the Committee today to present the Department's position on H.R. 2912, "a bill to affirm the sovereign rights of the Osage Tribe to determine its membership and form of government."

The Department supports a legislative solution to correct this longstanding issue for the Osage Tribe. This legislation will resolve a long history of uncertainty among Indian people who can trace their family history to the Osage Tribe, yet, due to the governing statute enacted in 1906 by the Congress, only tribal individuals with an ownership interest in the mineral estate can be officially recognized as members of the Osage Tribe with full membership rights.

H.R. 2912, if enacted, will allow the recognized Osage tribal government to be the official representative of all Osage Indian people. The bill will allow all Osage tribal members to participate in tribal matters including the selection of their leadership.

The Department has met with Principal Chief Jim Roan Gray and other elected representatives of the Osage Tribe, who advised us of their intent to seek a legislative

remedy regarding their membership. One concern the Department has is, the U.S. Court of Appeals, 10th Circuit, in 1997 found: “[i]n summary, Congress terminated the power of the Osage Tribe to create a form of tribal government inconsistent with the prescription of the 1906 Act.” (*Fletcher v. United States*, 116 F.3d 1315, 1329). The judiciary recognized that the legislative branch had to make any correction in the form mandated by the 1906 Act.

If H.R. 2912 is enacted, we will be happy to work with the Osage Tribe, at its request, to assist in conducting an election to implement the present subsection (b)(2) reaffirming the inherent sovereign right of the Osage Tribe to determine its own form of government. We also recommend that there should be an express provision in subsection (b) (1) that prohibits any form of government that diminishes the property interests of the headright holders.

That concludes my statement. I will be happy to answer any questions that you may have.