

**TESTIMONY
OF
SALLY JEWELL
SECRETARY
UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
UNITED STATES SENATE
COMMITTEE ON INDIAN AFFAIRS**

MAY 15, 2013

Good afternoon, Chairwoman Cantwell, Vice-Chairman Barrasso, and Members of the Committee. I would like to thank my friend and fellow Washingtonian Senator Cantwell for inviting me to be here today. It is a pleasure to appear before your Committee to discuss my views and priorities relating to Indian Affairs at the Department of the Interior.

Introduction

As I have become more familiar with the details of the Department's many missions and programs over these past few weeks, I have come to see the truly astonishing breadth of the issues and responsibilities located within this one agency. As I said at my confirmation hearing, it is with deep humility that I acknowledge the scale of the duties entrusted to the office, from upholding our solemn trust responsibilities to American Indians and Alaska Natives to making wise decisions about the use and conservation of the resources with which we have been blessed. Almost all of these duties and responsibilities are applicable to the Indian Affairs programs.

As Secretary of the Interior I have the responsibility to oversee the work of all components of the Department that intersect with Indian Country, including the important work performed by the Office of the Assistant Secretary—Indian Affairs, the Bureau of Indian Affairs, the Bureau of Indian Education, and the Office of the Special Trustee.

My familiarity with Native American issues developed through my 19 years in commercial banking from 1981 to 2000. During that time, I worked with a number of Indian tribes in the Northwest, and served for several years as the lead banker for NANA, an Alaska Regional Corporation. I learned that, through treaties, the Constitution, Federal law, and court decisions, the United States has a government-to-government relationship with, and obligations to, American Indian tribes and Alaska Natives. I also learned that American Indian tribes and Alaska Native groups are governments with inherent sovereignty.

As Secretary of the Interior, I am committed to upholding the Federal government's obligations to Native Americans and to strengthening the United States' government-to-government relationship with Indian tribes and Alaska Natives. I realize that the Federal government has not always honored its trust responsibilities or fully recognized the sovereign status of tribes. I acknowledge this before discussing my broad goals and the challenges that we face.

American Indians and Alaska Natives are survivors of efforts to assimilate indigenous people, terminate tribal governments, and wipe out native languages and cultures. The emotional, spiritual, psychological, and physical violence perpetrated on continues to haunt Native American communities today. American Indians and Alaska Natives consistently rank near the bottom of every economic, social and health indicator. While nothing can undo this tragic history, I am learning that this Administration, including my predecessor Secretary Ken Salazar, has taken action to address these disparities in Native American communities.

That effort began with a promise by then presidential candidate Barack Obama to hold a yearly summit with tribal leaders from all Federally-recognized tribes. Beginning with his first address to the first gathering of tribal leaders in 2009, President Obama told these tribal leaders that this time would be different and that he would begin a lasting conversation – one that would be crucial to our shared future. He also committed to forging a new and better future together where those in Indian Country could be full partners in pursuing the American Dream. As you can imagine, Indian Country was skeptical. But with the passage of the Tribal Law and Order Act, the settlement of the *Cobell* case and tribal trust litigation and, more recently, the passage of the tribal criminal jurisdiction provisions in the Violence Against Women Act, all with the full support of the Obama Administration, we have made great progress in showing that it is indeed a new day.

As Secretary, I intend to carry on the Obama Administration's policy with respect to Indian Affairs. The cornerstone of that policy continues to be promoting tribal self-governance and self-determination and recognizing the inherent right of tribal governments to make their own decisions to strengthen their communities. Over the past few weeks, I have reviewed the various programs and issues at the Department and have identified a number of important priorities with regard to Indian Affairs programs. Those priorities generally fall within several broad issue areas: honoring the trust relationship by restoring tribal homelands; upholding treaty obligations and protecting trust and natural resources; strengthening tribal nations; and promoting self-governance.

Successful management of all of these priorities is important to Indian Country. At the end of our tenure here, I hope that Indian Country will have no doubt that the Federal Government can be a respectful and productive partner.

Working Toward the Promise: Departmental Goals and Priorities

Honoring the Trust Relationship

Restoring Tribal Homelands

One way that the Obama Administration has sought to advance a nation-to-nation relationship with tribal governments and the long-standing policy goals established in the Indian Reorganization Act (IRA) is by protecting and restoring tribal homelands. We must never forget that through the destructive federal policies of allotment and assimilation, Tribes lost tens of millions of acres of tribal lands. At the present time, tribes use lands acquired in trust for housing, schools, hospitals, tribal government administrative offices and economic development projects. More generally, tribes use trust lands to promote the health, safety, social, and economic welfare of tribal members and tribal governments. Over the last four years, Indian

Affairs has processed more than 1,100 separate applications and acquired over 205,000 acres of land in trust on behalf of Indian tribes and individuals. Nonetheless, efforts to restore tribal homelands have been hindered by the United States Supreme Court decisions in *Carcieri v. Salazar* and *Salazar v. Patchak*.

In *Carcieri v. Salazar*, 555 U.S. 379 (2009), the Supreme Court held that land could not be taken into trust for the Narragansett Tribe of Rhode Island under Section 5 of the Indian Reorganization Act of 1934 because the Tribe was not under Federal jurisdiction in 1934. The *Carcieri* decision represents a step back toward misguided policies of a century ago and is wholly inconsistent with the United States long-standing policy of self-governance and self-determination for all Federally-recognized tribes.

The decision has placed unnecessary and substantial administrative burdens on the Department and tribes, and has significantly increased litigation risks. The historical inquiry into whether an Indian tribe was “under federal jurisdiction” in 1934 is often fact-intensive and can make the Department’s review process for acquiring land in trust pursuant to Section 5 of the IRA both time consuming and costly for tribes and the Department.

Then, after the Department’s decision is complete, it is not atypical for suits to be filed challenging the acquisition. The Department is currently engaged in both Federal court and administrative litigation regarding the Secretary’s authority to acquire land in trust pursuant to the IRA following the *Carcieri* decision. The increase in litigation results in years of delay and significant additional cost to the Department, tribes, and also the Department of Justice. These litigation costs have real life consequences – including the unwarranted diversion of time and resources that could be expended on services and programs in tribal communities. Overall, the *Carcieri* decision creates uncertainty and adversely affects the tribes’ ability to progress as a government.

The Administration continues to support a legislative solution to address the negative impacts and increased burdens on the Department and on Indian Country resulting from this decision. The President’s Fiscal Year 2014 Budget includes language that, if enacted, would resolve this issue.

The Supreme Court’s decision in *Salazar v. Patchak*, or *Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians v. Patchak*, 132 S. Ct. 2199 (2012), has exacerbated the problems created by the *Carcieri* decision. In *Patchak*, the Court held that, despite the Quiet Title Act, the decisions of the Secretary to acquire land in trust for tribes could be challenged even if the land at issue was already held in trust by the United States. The Supreme Court rejected the Government’s argument that there was a widely-held understanding that once land was held in trust by the United States for the benefit of a tribe, the Quiet Title Act prevented a litigant from seeking to divest the United States of such trust title.

The Administration could support a legislative solution to the *Patchak* decision that allows for judicial review of the Secretary’s decisions to acquire land in trust while also protecting the tribal land base after title to the land transfers to the United States in trust for a tribe.

Cobell Settlement Implementation

Congress approved the *Cobell* Settlement Agreement in the Claims Resolution Act of 2010, Pub. L. No. 111-291 (Dec. 8, 2010). The Settlement was finalized on November 24, 2012, following the end of the appeal process. The \$3.4 billion Settlement addresses the Federal Government's responsibility for trust accounts and trust assets maintained by the United States on behalf of more than 300,000 individual Indians.

I know that Secretary Salazar, Deputy Secretary Hayes, and Solicitor Tompkins were major proponents of that settlement. Its implementation will ultimately serve to strengthen the relationship between Native Americans and the Federal Government. I am pleased to continue to make implementation of this historic settlement a priority at the Department.

Individual Compensation

Of the Settlement funds, \$1.5 billion compensates class members for their historical accounting, trust fund, and asset mismanagement claims regarding the Individual Indian Money accounts held in trust by the Federal Government. The Department's involvement in this phase of the settlement is limited to supplying the "best and most current" contact information for each beneficiary class member and indicating if the class member is a minor; non-compos mentis; an individual under legal disability; in need of assistance; or whose whereabouts is unknown. Settlement payments to the Historical Accounting Class members began on December 17, 2012 for Stage 1. Payments to Trust Administration Class (Stage 2) members may occur before the end of 2013.

OST's Trust Beneficiary Call Center has increased its capacity to address the increased number of calls that occurred following Stage 1 payments, and we expect even more capacity will be needed to meet the volume increase expected with the Stage 2 payments.

Land Buy-Back Program

The remaining part of the Settlement establishes a \$1.9 billion fund to consolidate fractionated ownership of land interests in Indian Country. The Land Buy-Back Program provides for voluntary purchases of fractionated interests in trust or restricted parcels from willing Individual Indian Money Account holders. The Settlement gives the Department ten years to consolidate such fractional interests under the program for beneficial use by tribal communities.

Given the Land Buy-Back Program's size, limited duration, and importance, the Department established an office within the Office of the Secretary, subject to the oversight of the Deputy Secretary, to facilitate coordinated engagement and accountability within the Department and to streamline projects and the prioritization of resources. The Department hopes to make offers to purchase fractional interests at initial locations by December 2013.

Indian Education Scholarship Fund

As an additional incentive to participate in the Land Buy-Back Program, the Settlement authorizes up to \$60.0 million to be set aside for an Indian Education Scholarship Fund for American Indian and Alaska Native students when individuals sell fractional interests under the Land Buy-Back Program. On March 12, 2013, Secretary Salazar announced the selection of the

American Indian College Fund to administer the student scholarship fund, with a fifth of the annual scholarships to be awarded by the American Indian Graduate Center.

Indian Trust Commission

One of the many outcomes of the *Cobell* Settlement was the creation of the Secretarial Commission on Indian Trust Administration and Reform. This five-member Commission is charged with conducting a comprehensive evaluation of the Department's management of nearly \$4 billion in American Indian trust assets and offering recommendations for improvement. The Commission is expected to deliver a report at the end of November 2013.

Honoring Treaty Commitments

The Obama Administration has made it a high priority to honor our treaty obligations and trust responsibility to Native Americans and Alaska Natives, and I intend to carry out that commitment.

One important way the Department honors its commitments is through the Rights Protection Implementation program, which supports the implementation of Federal court orders that resulted from decisions in complex, *off-reservation* treaty rights litigation. Generally speaking, these cases involved treaties in which the signatory tribes conveyed significant amounts of land to the United States and reserved the right to hunt, fish, and gather within the ceded territory. The rights involved are shared among multiple tribes and involve co-management with other jurisdictions.

There are 49 tribes whose off-reservation hunting, fishing and gathering rights in the Pacific Northwest and Great Lakes regions are supported by this program. Five umbrella intertribal organizations assist the tribes in implementing relevant court orders and carrying out co-management responsibilities. The court decisions and orders implemented through this program include *U.S. v. Washington*, *U.S. v. Michigan*, *Lac Courte Oreilles v. Voigt*, *U.S. v. Oregon*, *Minnesota v. Mille Lacs* and *Grand Portage v. Minnesota*. In addition, this program supports implementation of the US/Canada Pacific Salmon Treaty.

Settling Indian Water Rights Disputes

With respect to Indian water rights, I am committed to continuing and enhancing the Department's longstanding initiative of settling Indian water rights disputes whenever possible. Indian water settlements help fulfill the United States' general trust responsibility to tribes and ensure that Indian people have safe, reliable, and accessible water supplies. Indian water settlements also end decades of controversy and contention among tribes and neighboring communities and promote cooperation in the management of water resources.

The Administration is committed to resolving Indian water rights claims and ensuring that Native American communities can use and manage water to meet domestic, economic, cultural, and ecological needs, as demonstrated by the six Indian water rights settlements that have been enacted into law during this Administration. These settlements include the four enacted under the Claims Resolution Act of 2010, Pub. L. No. 111-291 (Dec. 8, 2010), benefitting seven tribes in three different states at a total Federal cost of more than \$1 billion: White Mountain Apache Tribe in Arizona, the Crow Tribe in Montana, and the Pueblo of Taos, Pueblo of Nambe, Pueblo

of Pojoaque, Pueblo of San Ildefonso, and Pueblo of Tesuque in New Mexico; and the two settlements enacted under the Omnibus Public Lands Act, Pub. L. No. 111-11, 123 Stat. 991 (2009), including the Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement (Nevada), and the Navajo-San Juan River Indian Water Rights Settlement Agreement (New Mexico).

To help the Department more effectively partner with tribes on water issues, the Department assists tribes during the assessment, litigation, negotiation and implementation phases of establishing and enforcing tribal water rights. Currently, there are 17 appointed Federal Indian Water Rights Negotiation Teams active in negotiating water rights claims in the western United States. An additional 21 Federal Indian Water Rights Implementation Teams work on implementing congressionally enacted settlements, including the four enacted in 2010. With increasing drought conditions in the United States and pressure from an expanding population, the number of requests for the appointment of new negotiation teams continues to grow.

Strengthening Tribal Communities

Increasing Renewable and Conventional Energy Development on Indian Lands

A stronger America depends on a growing economy that creates jobs. No area holds more promise than investments in American energy. As the President has stated many times, our success depends in significant part on pursuing an all-of-the-above energy strategy. As a part of this strategy, the Department is committed to assisting tribes in expanding on Indian lands renewable, low cost, reliable, and secure energy supplies as well as and safe and responsible oil and gas development in accordance with tribal objectives. Implementing the President's all-of-the-above energy strategy in Indian Country will contribute to the goals of increasing our nation's domestic energy supplies and of improving the economies of many Indian tribes and Alaska Native villages.

Under the Assistant Secretary, the BIA is responsible for developing, implementing and reviewing bureau-wide policies, plans, processes, environmental impact studies, industry leasing and development activities, and other functions related to development and production of energy and mineral resources on Indian lands. In addition, the Office of Indian Energy and Economic Development (IEED), within the Office of the Assistant Secretary for Indian Affairs, provides financial and technical assistance to tribes, supporting development and management of their energy resources. This includes resource assessments, geologic studies, economic analyses, and market studies.

The Department currently holds in trust 55 million surface acres and 57 million acres of subsurface mineral estate throughout Indian Country. The potential on Indian lands for the development of both conventional and renewable energy resources is significant.

Renewable Energy Development

More than 50 renewable energy projects are ongoing on an estimated 35 reservations. This, however, is barely tapping into the renewable energy potential that exists in Indian Country. While the resources on these reservations have not yet been fully determined, the BIA has identified 267 reservations with renewable energy potential.

An example of this great potential is the solar energy project on Moapa Band of Paiute's trust lands in Nevada, approved by the Department last year. This milestone project is the first-ever, utility-scale solar project approved for development on tribal lands. The project will generate lease income for the Tribe, create new jobs and employment opportunities for tribal members, and connect the existing tribally-owned Travel Plaza to the electrical grid, decreasing its dependence on a diesel powered generator. The procurement of construction materials and equipment is expected to generate additional sales and use tax revenues for the county and the State. In addition, the Tribe's agreement with the Los Angeles City Council for a 25-year power purchase agreement will provide enough energy to power over 100,000 Los Angeles households.

Conventional Energy Development

The BIA is also working closely with tribal nations that are interested in developing conventional energy resources. Together, BIA and Indian tribes are defining, quantifying, and developing tribal energy resources for industrial scale energy production. The Department has estimated that energy and mineral development on Indian lands in 2012 supported over \$16.0 billion of economic activity and nearly 120,000 jobs related to trust resources. In the last three years, IEED assisted Indian mineral owners in the negotiation of 55 leases for oil, gas, renewable energy, and aggregate materials development on approximately 3.1 million acres.

The IEED assisted the Three Affiliated Tribes of the Fort Berthold Reservation in the negotiation of lease agreements with oil and gas companies that have allowed the Tribes to share in the success of the oil and gas leasing boom in the Bakken Formation in the Williston Basin. In 2011, over 200 drilling permits and associated rights-of-ways were approved in the area. In 2012, the number of drilling permits and associated rights-of-way permits rose to over 300. Also in 2012, the Department approved a fee-to-trust application from the Tribes to build a refinery on the Fort Berthold Reservation. Once all required approvals are obtained, this will be the first new refinery built in the U.S. in more than 30 years.

Advancing Indian Education

Education of Native American children is an issue of paramount concern. These children experience some of the highest levels of poverty in the United States, which not only affects the possibilities for their academic success but may also limit other possibilities for success later in life. The Administration is committed to ensuring Native American students receive an academically rigorous, culturally appropriate education that will prepare them to be productive citizens and leaders in their communities and help build safer, stronger, healthier, and more prosperous Indian communities.

The BIE elementary and secondary school system currently has 183 academic or resident-only facilities located on 64 reservations in 23 States. During the 2011-2012 school year, the BIE-funded schools served nearly 48,000 individual K-12 American Indian students and residential boarders. After accounting for transfers, absences, and dropout rates, this equates to an average daily membership of around 41,000 students. Currently 125 of the BIE's schools are tribally-controlled with grant support funding helping to cover administrative and indirect costs incurred by tribes operating contract and grant schools. The BIE also operates two post-secondary

schools, administers operating grants to 27 tribal colleges and universities and two tribal technical colleges, and promotes post-secondary opportunities with scholarships to approximately 32,000 students attending other institutions of learning.

The BIE's mission is to provide quality educational opportunities from early childhood through life in accordance with a tribe's needs for cultural and economic wellbeing while respecting the diversity of Indian tribes as distinct cultural and governmental entities. The BIE's vision for success includes:

- Maximizing student achievement – Teaching its students well is the number one priority for BIE. Effective instruction is a critical element in turning BIE schools around. The BIE has increased the number of School Improvement Grants to encourage school turnaround models across BIE schools.
- Advancing Indian education through self-determination – Self-determination and self-governance are an integral part of advancing Indian education. Over the past year, BIE consulted with tribal governments and their leaders on topics such as the Johnson-O'Malley student count, the Indian Affairs Administrative Assessment, and the Public Law 100-297 grant assurance form. Consultations have resulted in agency-wide collaborative efforts in the areas of education, language, culture, and economic development.
- Optimizing school operations – To support the President's commitment to provide every student even footing when it comes to education, BIE has expressed a desire to adopt the Common Core State Standards, as have 46 States and the District of Columbia, to allow BIE to pursue a unified system of standards, assessments, and accountability rather than using the standards, assessments, and average yearly progress definitions of the 23 different States where BIE schools are located.
- Improving school facilities – Indian Affairs provides funds for facility programs for 183 academic and resident only campuses. From 2002 through 2012, \$2.0 billion has been invested in construction, improvement, and repair projects that have reduced the number of schools in poor condition from more than 120 to 63. This includes 42 complete school replacements and 62 major renovations, which are either completed, funded or under construction. The physical state of our schools remains a significant challenge, as it does for so many other parts of the Interior infrastructure.
- Seeking partners – The BIE signed eleven Memorandums of Understanding, Memorandums of Agreement, and cooperative agreements with other federal agencies, tribal colleges, and tribal governments to increase access to new programs and initiatives as well as to build capacity at tribal colleges and within tribal governments. The BIE recently partnered with Teach for America to increase BIE-funded schools' access to highly qualified teachers in hard-to-fill locations in the BIE system.

Protecting Native Communities and Natural Resources Through Climate Change Adaptation

The Department recognizes that climate change may disproportionately affect Indian tribes and Alaska Natives because they are often heavily dependent on their natural resources for economic development and cultural identity. The Department has a special role to play in working with Indian tribes to safeguard resources and to maintain fish and wildlife needed for subsistence harvests. These protections are especially critical for Native Alaskan populations given the rate of change observed in the state. Given these responsibilities, the BIA will have an essential role in the Department's response to the impacts of climate change in Indian Country.

Climate change impacts are becoming increasingly evident for Indian tribes, and tribal leaders have voiced their growing concerns with the effects of climate change on their surrounding environment. For example:

- In Alaska, the loss of sea ice and resulting shore erosion places subsistence life-ways at risk as well as entire communities experiencing coastal erosion;
- The Fond du Lac Band of Lake Superior Chippewa Indians lost its entire wild rice crop last spring in a record flood;
- For the Confederated Tribes of the Umatilla, the Chinook were late again this spring, resulting in one ceremony without fish and the late root crop just delayed another traditional feast;
- In Oklahoma, Kansas, and the Southwest, extended drought has decimated crops and groundcover, and allowed the wind to move soils, making recovery harder once the drought does break.

These types of events pose significant challenges to any affected community. For Indian nations, these challenges are exacerbated because they not only impact Native economies—they also threaten Native cultures. The Cooperative Landscape Conservation Program, BIA's primary climate change adaptation program, allows the BIA to expand tribal climate adaptation planning and increase BIA capacity to transfer technical information. The Program engages field level managers, Indian Affairs staff and tribal representatives and provides them with the opportunities to improve technical skills.

Other programs at the Department address climate change adaptation as a key purpose, such as the Department's nationwide network of Landscape Conservation Cooperatives, which allows the BIA to assist tribes in identifying and implementing strategies to address impacts on tribal lands. Another example is the work of the United States Geological Survey (USGS) to identify best practices for the potential integration of traditional ecological knowledge into science and funding opportunities. To this end, USGS is interviewing Indian elders who are familiar with the local climate and terrain. This facilitates the incorporation of different and traditional forms of knowledge that allow for a more comprehensive understanding of the complex challenges posed by climate change. The indigenous knowledge encompasses observations, lessons, and stories about the environment that have been handed down for generations. This data provides a long history of environmental knowledge and also can help uncover new areas for scientific study.

Promoting Self-Governance in Tight Fiscal Times

For the Country as a whole, one key challenge moving forward is the uncertainty of the Nation's budget. In these hard fiscal times, tough choices and hard decisions will have to be made at all levels of government. As I said in my introduction, the cornerstone of my policy as Secretary of the Interior will be centered on promoting self-governance and self-determination, and the inherent right of tribal governments to make their own decisions to strengthen their communities. Nonetheless, given the financial climate, tough choices must be made with respect to Departmental programs. One such decision involves the need to balance funding for contract support costs with funding for direct programming and other tribal priorities within constrained resources.

Congress and the Administration have not fully funded contract support costs for many years. Shortfalls in the Department's appropriations for contract support costs have led to litigation to recoup unpaid support costs, most recently in a Supreme Court decision in *Salazar v. Ramah Navajo Chapter*, 132 S. Ct. 2181 (2012). The Administration intends to consult with tribes and work with Congress on a long term solution that will further promote the shared goal of tribal self-determination and self-governance.

The President's Budget for Fiscal Year 2014 has two key features related to contract support costs. First, it proposes \$231 million for contract support costs, which is \$10 million more than the Fiscal Year 2012 enacted level, and approximately 91 percent of the amount identified in the most recent projections as the estimated full funding requirement. Second, to accompany the proposed appropriations language in the President's Budget for Fiscal Year 2014, the Department will submit to the House and Senate Committees on Appropriations a Contract Support Cost Table that identifies an amount to be made available for each self-determination contract for Fiscal Year 2014, consistent with one of the Supreme Court's solutions. The appropriation will also make available a lump-sum amount for contract support costs associated with new or expanded self-determination contracts. This would provide certainty to tribes on the funding they will receive. The contract support costs proposal in the President's FY 2014 Budget is designed to be an interim step toward a long term solution reached by working with Congress and consulting with Indian tribes.

To be clear, the Administration is strongly committed to supporting and advancing self-determination and self-governance for Federally-recognized tribes. For the reasons discussed above, I hope a long-term, mutually beneficial solution can be achieved by working with Congress and consulting with Indian tribes.

Regulatory Reform

As part of this Administration's goal to improve regulatory processes, the Department has been looking at a number of areas, including programs within Indian Affairs.

Reform of the Federal acknowledgment process is a high priority for the Department. The acknowledgment of the continued existence of another sovereign entity is one of the most solemn and important responsibilities undertaken by the Department. Federal acknowledgment permanently confirms the existence of a nation-to-nation relationship between a Federally-

recognized Indian tribe and the United States. The work of Assistant Secretary Washburn and his staff on this issue is important and we are committed to improving the process

The Department's process for acknowledging an Indian tribe provides for the Assistant Secretary for Indian Affairs to make a decision on whether to acknowledge a petitioner's government-to-government relationship with the United States. Some have criticized the process as expensive, inefficient, burdensome, intrusive, less than transparent and unpredictable. The Department is aware of these critiques, and we are reviewing our existing regulations to consider ways to improve the process and address these criticisms and concerns. With this in mind, the Department is actively working to develop draft revised Federal Acknowledgement regulations and will be initiating the Tribal Consultation soon. Pending the outcome from tribal consultation, the next step would be to release the proposed rule for public comment, which will be published in the Federal Register. While the current goal is to publish a final rule sometime in 2014, the timing for publication of a final rule depends upon the volume and complexity of comments and revisions necessary to address the comments received.

Conclusion

Thank you for the opportunity to share my views with the Committee on some of the critical issues affecting tribal nations. I look forward to working with you as we collectively work to uphold our responsibilities.