Media Contact: Richards (703) 557-1500
For Immediate Release: May 8, 1975
Print PDF

Acting Secretary of the Interior, Kent Frizzell today announced approval of new procedures on appeals from administrative decisions of the Commissioner and the Area Directors of the Bureau of Indian Affairs.

Under the new procedures, review authority is given to the Board of Indian Appeals of the Department's Office of Hearings and Appeals on all appeals except those requiring the exercise of the Secretary's discretion and appeals from decisions concerning tribal enrollments.

The Department amended Department Hearings and Appeals Procedures to provide for the taking of appeals, except tribal enrollments, directly to the Interior Board of Indian Appeals by persons aggrieved by administrative decisions of the Commissioner of Indian Affairs in cases involving determinations, findings and orders protested as in violation of the legal rights or privileges of the appellants. Cases requiring exercise of the Secretary's discretion will be decided finally by the Commissioner.

Exercise of the Secretary's review authority by the Board of Indian Appeals in these matters insures impartial review in accordance with the Administrative Procedure Act, free from organizational conflict in that the Board is a part of the Office of Hearings and Appeals in the Office of the Secretary and as such is independent of the Bureau of Indian Affairs and the Solicitor, Acting Secretary Frizzell said. The new procedures will also streamline the appellate process in appeals to the Commissioner of the Bureau of Indian Affairs.

Originally published in the Federal Register on December 19, 1973, as proposed rulemaking the new rules received favorable public comment. The final version includes only minor changes suggested in written comments and in oral statements submitted.

The new rules are effective 30 days after publication in the Federal Register, and will govern all proceedings commenced after the effective date and all pending proceedings except to the extent that application of the amendments in a pending proceeding would not be feasible or would work injustice. Copies of the revised regulations may be obtained from the Department's Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Va. 22203.