Indian Affairs - Office of Public Affairs

Proposed rule would address arbitrary, inefficient process

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For Immediate Release: July 25, 2014
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WASHINGTON, D.C. – Assistant Secretary – Indian Affairs Kevin Washburn today announced an extension of the public comment period and additional tribal consultations and public meetings on proposed regulations to reform the process by which Interior formally and officially recognizes Indian tribes.

Due to significant public comments and interest, the comment period deadline has been extended by 60 days. Two additional tribal consultations will be held via teleconference on August 18th and 20th for tribal leaders, their representatives and staff. Two additional public meetings will be held via teleconference on September 3rd and 5th. Written comments may now be submitted through September 30, 2014.

"With this extended comment period, the Department is providing more opportunities for comment and suggestions from tribes and the public than any other rule issued by Indian Affairs during this Administration," said Assistant Secretary Washburn. "Input from tribes, including the 17 that have been recognized under the regulations, states, local governments, the public and non-federally recognized tribes will result in a better final rule."

The existing regulations governing federal recognition of Indian tribes were originally adopted in 1978 and updated only once 20 years ago. Prior to 1978, the Department of the Interior addressed requests for acknowledgment on a case-by-case basis. While the regulations established a structured procedure for evaluating federal acknowledgment ("the Part 83 process"), this system has been widely criticized as being too time-consuming, sometimes arbitrary and generally "broken."

This proposed rule to reform the 35-year old process, released for public comment on May 22, 2014 would make the procedure more transparent, efficient, timely, and flexible, while maintaining the integrity of the process. Some key features of the proposed rule are that it would promote transparency by updating the Part 83 criteria to include objective standards, promote efficiency by requiring a petitioner to show community and political influence/authority from 1934 to the present rather than from as early as 1789, and eliminate the need for a petitioner to demonstrate that third parties identified the petitioner as a tribe from 1900 to the present. The proposed rule would also make changes to the petitioning process that facilitate the timely issuance of proposed findings and final determinations and allows for an administrative judge to conduct a comprehensive hearing and review of a negative proposed finding.

In recognition of the high level of interest in the acknowledgement process, the Department has used a transparent approach and significant outreach effort. The Office of the Assistant Secretary - Indian Affairs has been conducting tribal consultations and public meetings on the proposed rule in the South, Pacific, Northwest, Midwest, California and the Rocky Mountain Regions. A public meeting will be held on July 29th from 8:30 am to noon EDT and the tribal consultation will be held on July 29th from 1:00

pm to 4:30 pm EDT at the Mashpee Wampanoag Facility, Mashpee, MA.

Newly announced additional tribal consultations will be held by conference call on August 18th and 20th from 1:30 pm to 4:30 pm EDT at the following number: 1-888-323-4307. Use participant passcode 4823348. Tribal consultations are open only to representatives of federally recognized Indian tribes.

And, the new additional public meetings will be held by conference call on September 3rd and 5th from 1:30 pm to 4:30 pm EDT at the following number: 1-888-323-4307. Also use participant passcode 4823348. Public meetings are open to everyone. Transcripts of all tribal consultations and public meetings will be posted on the Indian Affairs website.

The Office of Indian Affairs has established a website, where the public can access the proposed rule, a frequently asked questions (FAQs) document, and other information at: http://www.bia.gov/WhoWeAre/AS-IA/ORM/83revise/index.htm

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