Proposed rule would address “broken” process

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Washington, D.C. — Secretary of the Interior Sally Jewell and Assistant Secretary-Indian Affairs Kevin K. Washburn today announced publication of proposed regulations that would reform the 35-year old process by which the Department of the Interior officially recognizes Indian tribes. Federal acknowledgment establishes the U.S. Government as the trustee for Tribal lands and resources and makes Tribal members and governments eligible for federal budget assistance and program services.

“President Obama believes that reforming the federal acknowledgment process will strengthen our important trust relationship with Indian tribes. Acknowledgment by the Department of the Interior confirms the existence of a nation-to-nation relationship between an Indian Tribe and the United States,” said Secretary Jewell. “Through this Administration’s outreach initiatives, tribal leaders have told us that the current process can be inconsistent, cost millions of dollars and take decades to complete. Our proposed rule maintains the rigorous integrity needed, but allows that process to be conducted in a timely, efficient and transparent manner.”

The existing regulations, known as “the Part 83 process”, were originally adopted in 1978 and were updated only once 20 years ago. Prior to that, Interior had addressed requests for Tribal acknowledgment on a case-by-case basis. While the 1978 regulations established a structured process for federal acknowledgment, these regulations have been widely criticized as being too time-consuming, sometimes arbitrary and generally “broken.”

“Reform of the process is long-overdue,” said Assistant Secretary Washburn. “One of my first assignments at the Department was to search for ways to improve the federal recognition process and address long-standing criticisms of those regulations. This initiative is the product of substantial Tribal consultation and public comment and we are grateful for the broad public interest in this reform effort and the helpful guidance we have received from Tribes and the public.”

Key features of the proposed rule 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 make changes to the petitioning process that facilitate the timely issuance of proposed findings and final determinations. It would also allow 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 used a transparent approach and significant outreach effort. Before beginning the formal rulemaking initiative, Interior issued a discussion draft last summer to facilitate public input on how to improve the process. Through the discussion draft and ensuing tribal consultations and public meetings, the Department obtained substantial feedback. In total, more than 2,800 commenters providing input on the discussion

draft.

The proposed rule reflects current federal policy embodied in the Indian Reorganization Act and seeks to codify the Department's past practice under the Part 83 process to promote consistency and transparency. With the issuance of this proposed rule, the Department is again seeking input from tribes, petitioners seeking acknowledgment, and interested members of the public so that any reforms to the process are fair, timely and transparent.

Of the 566 federally recognized tribes, 17 have been recognized through the Part 83 process under Title 25 of the Code of Federal Regulations, Procedures for Establishing that an American Indian Group Exists as an Indian Tribe. Though far more tribes have been recognized through Congressional action, the Part 83 process is an important mechanism because it allows deliberative consideration of petitions by a staff of federal experts in anthropology, genealogy and history and ultimately allows for a decision by an objective decision-maker. When petitioning groups that meet the several criteria are officially "acknowledged" as Indian tribes, the U.S. Government accepts trusteeship of Tribal lands and natural resources and Tribal governments and members become eligible to receive federal health, education, housing and other program and technical assistance services.

Interior will be conducting tribal consultations and public meetings on the proposed rule in July 2014. Tribal consultations are generally open only to representatives of federally recognized Indian tribes. Public meetings are open to everyone. The tribal consultations will be held on the following dates and locations:

Date	**Time**	**Location**
Tuesday 7/1/2014	1:00 p.m. – 4:30 p.m.	Paragon Casino & Resort, 711 Paragon Pl, Marksville, LA 71351
Tuesday 7/15/2014	1:00 p.m. – 4:30 p.m.	BIA Regional Office, 911 NE 11th Ave, Portland, OR 97232*
Thursday 7/17/2014	1:00 p.m. – 4:30 p.m.	Menominee Casino Resort, N277 Hwy. 47/55, P.O. Box 760, Keshena, WI 54135
Tuesday 7/22/2014	1:00 p.m. – 4:30 p.m.	Cache Creek Casino Resort, 14455 California 16, Brooks, CA 95606
Thursday 7/24/2014	8:30 a.m. – 12:00 p.m	Crowne Plaza Billings, 27 N 27th St, Billings, MT 59101
Tuesday 7/29/14	1:00 p.m. – 4:30 p.m.	Mashpee Wampanoag Tribe Community & Government Center Gymnasium, 483 Great Neck Road – South, Mashpee, MA 02649

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*Please RSVP for the Portland consultation to consultation@bia.gov, bring photo identification, and arrive early to allow for time to get through security, as this is a Federal building. No RSVP is necessary for the other consultation locations.

The proposed rule, frequently asked questions, and other information are online at: http://www.bia.gov/WhoWeAre/AS-IA/ORM/83revise/index.htm. Comments on the proposed rule are due August 1, 2014, to consultation@bia.gov.
