

**NOMINATION OF BRYAN TODD NEWLAND TO
SERVE AS ASSISTANT SECRETARY FOR INDIAN
AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR**

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS

UNITED STATES SENATE

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

—————
JUNE 9, 2021
—————

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**NOMINATION OF BRYAN TODD NEWLAND TO
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INDIAN AFFAIRS, U.S. DEPARTMENT OF THE
INTERIOR**

WEDNESDAY, JUNE 9, 2021

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 2:35 p.m. in room 628, Dirksen Senate Office Building, Hon. Brian Schatz, Chairman of the Committee, presiding.

**OPENING STATEMENT OF HON. BRIAN SCHATZ,
U.S. SENATOR FROM HAWAII**

The CHAIRMAN. Good afternoon.

Today the Committee will consider the nomination of Bryan Todd Newland of Michigan to be Assistant Secretary for Indian Affairs at the Department of the Interior. President Biden nominated Mr. Newland for this position on April 27th of this year.

This hearing is an important first step in carrying out the Senate's constitutional duty to provide advice and consent. It is an opportunity to learn how, if confirmed, Mr. Newland plans to carry out and uphold the United States' trust responsibilities to American Indian and Alaska Native tribes and to the Native Hawaiian community, and about his priorities and goals for his leadership in the Indian Affairs hallway.

It is quite simply one of the most consequential nominations for Native communities across our Nation. Because as the department's highest ranking Senate-confirmed official in Indian Affairs, the Assistant Secretary is charged with maintaining the government-to-government relationships with the sovereign tribal nations, respecting tribal sovereignty and promoting tribal self-determination. All are key to supporting the Secretary and meeting the Department's mission.

I believe that Mr. Newland has the qualifications, the character and the heart to succeed in the role of Assistant Secretary for Indian Affairs. Indeed, Mr. Newland, a tribal citizen of the Bay Mills Indian Community and the first graduate of the Indian Law program at Michigan State University College of Law, is uniquely qualified. Prior to his current role as the Department's Principal Deputy Assistant Secretary for Indian Affairs, Mr. Newland served his tribe with distinction for several years, serving as its duly elect-

ed president, the chief judge of its tribal court, chairman of the tribe's gaming authority and business holdings board of directors, and as a member of the board of regents for the tribally controlled Bay Mills Community College.

Mr. Newland's previous Federal experience in the Executive Branch as a presidentially appointed counselor and policy advisor to the Assistant Secretary for Indian Affairs under the Obama Administration and his command of Federal Indian law and policy strengthens his nomination.

I believe Mr. Newland has the necessary experience to hit the ground running, implement the President's agenda, and execute Indian Country's priorities. His sincerity and willingness to learn are key attributes to this position.

Mr. Newland has made clear that he is committed to serving as the chief Federal advocate for not just tribal nations, but for Native Hawaiians as well. That is not just my assessment. More than 30 tribes and tribal organizations, including the United South and Eastern Tribes, the National Congress of American Indians and the Alaska Federation of Natives submitted letters in support of Mr. Newland's confirmation. I have made them all part of the record.

Before I turn to the Vice Chair, I would like to thank Mr. Newland and his family for joining us today. What a pleasure it was to meet all of you.

I look forward to considering this important nomination and to working with Vice Chair Murkowski and all the members of this Committee to move Mr. Newland's nomination through our Committee.

Vice Chair Murkowski.

**STATEMENT OF HON. LISA MURKOWSKI,
U.S. SENATOR FROM ALASKA**

Senator MURKOWSKI. Thank you, Mr. Chairman.

Mr. Newland, welcome to the Committee. It is nice to be able to welcome your family as well. We appreciate that.

And I appreciate the conversation that we had by phone, and the opportunity to continue our discussions today. I do just want to note for the record, it is my understanding that we are still waiting for some outstanding documents from your questionnaire. I understand that our staffs have been in contact with you. So I am assuming that we will get those quickly and note that that is an important part of what we are doing here this morning.

As I mentioned, Mr. Newland, in our phone conversation, you will be replacing Tara Sweeney, who was the first Alaska Native to hold the job of Assistant Secretary for Indian Affairs. Ms. Sweeney is not only a woman that I have known for a long period of time. What she was able to do in that role is a considerable one, and one that I am hoping that we will continue on with the good work that she laid down, most notably the focus on the crisis of missing and murdered indigenous women and children.

With her support there as Assistant Secretary, we had operation Lady Justice and some key MMIW initiatives that Senator Cortez Masto and I have worked on that have been launched in these last couple of years. So we are certainly hoping that these things that

she had laid forward will be initiatives that you will continue to build on.

There are big shoes to be filled at the Bureau of Indian Affairs, and important ones. As the Chairman has noted, the Office of Indian Affairs is an exceptionally important one at the Interior Department for all of the reasons, as a central rallying point for Indian initiatives across the Federal Government. It is called upon to educate all stakeholders, government officials, about the challenges and problems, the opportunities that American Indians and Alaska Natives face in our Country, and provide solutions in a way that affirms Native self-determination.

As Assistant Secretary, you will touch the lives of most tribes through trust management of lands, Indian education, energy development, housing, public safety, economic development, such as gaming, transportation, Federal acknowledgement, and so much. As we have discussed, the job is not an easy one. There are over 500 federally recognized tribes to serve. More than 200 of those are in my State. All have different histories, different cultures.

You clearly can't take a one size fits all and try to superimpose that over Indian Country. There are treaties and unique laws to navigate, not to mention the ongoing debates about education, economic empowerment, land into trust, gaming, tribal jurisdiction and the like. It is the position responsible for assisting the Secretary of the Interior in fulfilling the United States sacred trust responsibility.

When it comes to Alaska, we had talked about two of the unique laws, the Alaska Native Claims Settlement Act, ANCSA, and the Alaska National Interest Lands Conservation Act, or ANILCA. Fifty years ago, ANCSA was enacted into law as a new and a different approach by the Federal Government in settling aboriginal land claims. It created native corporations, referred to as ANCs, throughout the State, a very distinct approach to land and economic development from the reservation system of the lower 48.

But ANCs, as we shared, are not like traditional for-profit corporations. Instead, they are mandated by Congress to care for social, cultural, and economic well-being of their Alaska Native shareholders in perpetuity. It is through the federally recognized tribes, the tribal consortia, and ANCs, that Alaska Natives deliver self-determination and self-governance programs at scale. This includes providing services and programs to address the pandemic that we saw throughout this past year.

But even though Congress set up different types of structures for Native peoples across the Country, whether tribes are located in PL-280 States, or if they have different land claim settlements, it is important to understand and to represent all of them. In our phone conversation, we discussed ANCSA and these relationships. I am raising it here again because some of what you shared with me at the time with regard to distribution of funds from the CARES Act tribal set-aside in the Coronavirus Relief Fund showed me that you were still educating yourself about Alaska Native institutions. So I am hoping to hear more today from you on that, and really just reaffirming your support to be a strong advocate for all Native peoples.

I think we have a lot of work that we need to do. I want to highlight just a few of those in Alaska. I have shared with you the concern that I have had now for decades about the good people of King Cove, the Aleut people, who have been seeking a lifesaving road for over three decades from the Federal Government. Also, what more needs to be done to speed up the cleanup of Federal contamination Native-conveyed lands? There is more than 1,000 sites that the Federal Government is legally responsible for.

I know that this is not just an issue for us in Alaska, but it is faced by so many Native communities across the Country. These are really environmental justice issues.

It is also time for the Federal Government to allow tribes to dictate how they want to utilize energy development on their lands. Whether it is renewables or resource extraction, it should be the tribes that decide, not the Department.

I would be remiss if I didn't mention public safety, particularly the need to strengthen the tribal provisions in VAWA.

So Mr. Newland, I am looking forward to hearing more about your vision for the Office of Indian Affairs, and with questions from myself and members, we will learn a little bit more and may have additional questions following that.

So again, thank you, congratulations. Mr. Chair, I turn it back to you and look forward to Mr. Newland's comments this afternoon.

The CHAIRMAN. Thank you, Vice Chair Murkowski.

I will now turn to Senator Gary Peters, also of Michigan, to introduce his constituent and our nominee.

**STATEMENT OF HON. GARY PETERS,
U.S. SENATOR FROM MICHIGAN**

Senator PETERS. Thank you, Chairman Schatz and Madam Vice Chair Murkowski, and distinguished members of the Committee.

It is my honor to introduce Bryan Todd Newland as President Biden's nominee to be the next Assistant Secretary of the Interior for Indian Affairs. I am confident that if confirmed, Mr. Newland will be well-positioned to assist and support Secretary Haaland in fulfilling the United States' trust responsibility and maintaining the Federal tribal government to government relationship.

Mr. Newland's prior experience at the Department of the Interior and his unique perspective as a former tribal leader provides him with deep understanding of the many issues facing tribal governments. His voice will be critical in supporting the tribes in Michigan, as well as all across the Country.

Mr. Newland is a citizen of the Bay Mills Indian Community in Michigan, a former president of its executive council, and former chief judge of Bay Mills' tribal court. During his time serving the Bay Mills Indian Community, Mr. Newland played an instrumental role in a number of economic ventures, infrastructure projects, and the successful administration of dozens of tribal departments and employees and programs.

During his tenure as tribal president, his administration also secured funding for the construction of a \$15 million health care facility that will serve the entire eastern upper peninsula of Michigan.

Mr. Newland's tenure also occurred during one of the hardest years for the Bay Mills Indian Community that they have endured, both economically, financially, and emotionally, due to the COVID-19 pandemic. His steady leadership was critical in ensuring that the Bay Mills Indian Community could weather the storm and emerge from the pandemic in a stable position.

Further, his nomination enjoys the support of the 35 tribal nations from the Midwest Alliance of Sovereign Tribes, as well as from tribal nations all across the United States. From 2009 to 2012, Mr. Newland served as the counselor and policy advisor to the Assistant Secretary of the Interior for Indian Affairs. In that capacity, he helped develop the Obama Administration's policies on Indian gaming and Indian lands, reforming the Department of the Interior's policy on reviewing tribal-State gaming compacts.

He also led a team that improved the Bureau of Indian Affairs' leasing regulations and worked to help enact the HEARTH Act of 2012, which allows tribes to lease restricted lands for residential, business, public, educational, or recreational purposes without the approval of the Secretary of the Interior.

Prior to his Federal service, Mr. Newland worked as an attorney with the Fletcher Law Firm in Lansing, Michigan. He represented tribal clients on issues including the regulation of gaming facilities, negotiation of tribal-State gaming compacts, the fee for trust process, and leasing of Indian lands. He graduated magna cum laude from Michigan State University College of Law, and received his undergraduate degree from James Madison College of Michigan State University. Go Green.

Mr. Newland enjoys hiking and kayaking the shores of Lake Superior, and is a nature photography enthusiast. He is joined here today by his wife, Erica, his daughter, Meredith, his son, Graydon, and his parents, Vicki and Gordon Newland.

Mr. Newland has been an incredible partner to my office and to my staff and to many all across the great State of Michigan over many, many years. I know he will be an excellent partner to all of us upon his confirmation.

Thank you, Mr. Chairman, Madam Vice Chair, for the opportunity to appear today to introduce Bryan. And I thank Bryan for his willingness to serve the public in this capacity.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Peters.

I think on behalf of my father, I am obligated to say Go Blue. [Laughter.]

The CHAIRMAN. I will now swear in the nominee.

Mr. Newland, please rise and raise your right hand. Do you solemnly affirm that the testimony you shall give today shall be the truth, the whole truth, and nothing but the truth under penalty of perjury?

Mr. NEWLAND. I do.

The CHAIRMAN. Thank you. Please be seated.

I want to remind you that your full written testimony will be made part of the official hearing record. Please keep your statement to no more than five minutes, so that members have time for questions.

Mr. Newland, please begin.

STATEMENT OF HON. BRYAN TODD NEWLAND, NOMINEE FOR ASSISTANT SECRETARY FOR INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

Mr. NEWLAND. Aanii, miigwetch. Thank you, Chairman Schatz, Vice Chairman Murkowski, and members of the Committee.

First, I want to thank Senator Peters for his warm and kind introduction and his leadership for the state of Michigan and his friendship as well.

It is an honor to be here today as President Biden's nominee to serve as Assistant Secretary for Indian Affairs at the U.S. Department of the Interior, an important position that serves as a leader for the U.S. trust relationship with Tribal Nations. It is also a privilege to serve with Secretary Haaland at such an important time for Indian Country.

I am so happy to have my wife Erica Newland here with me. We grew up together on the Bay Mills Indian Reservation, and she has been my partner, strategic advisor, and most importantly, my designated "humbler" every step of the way. Together, we have two incredible children, Graydon and Meredith, who are also here, as are my parents, Gordon and Vicki Newland.

My parents had me at a young age, under difficult circumstances, and worked hard to raise my brother Robert, my sister Holly, and me. They also had long careers in public service and instilled those values in us. I want to thank them for that.

Growing up on our reservation, I saw how Federal laws and policies affected the lives of everyday Indians. Commercial tribal fishermen exercised treaty-protected fishing rights to feed their families. I lived up the street from the Bay Mills Community College, which was the first tribally controlled community college established in the State of Michigan.

Our family also lived in tribal housing, which is supported by Federal funding. My parents were fortunate to each have jobs, which allowed them to get a land-lease so that we could move out of tribal housing and purchase a home. We lived in a single-wide trailer for several years while they waited for the Bureau of Indian Affairs to approve their mortgage. When that mortgage was finally approved, my parents became the first people on the Bay Mills Reservation to have a mortgaged-financed home.

Their experience with the BIA's time-consuming mortgage approval process, and the delays they faced was an experience that would stick with me.

I attended Michigan State University and the MSU College of Law, where I was the first Native student to enroll in the Indigenous Law and Policy Program. I graduated there in 2007 and started in private practice. Soon after, I had the opportunity to serve in President Obama's Administration at the Department of the Interior within the office of the Assistant Secretary. There I was lucky to have mentors like Larry Echo Hawk and Del Laverdure.

We worked to reform leasing on Indian lands by putting timelines in place so that other families wouldn't face the same delays and circumstances my parents did. We worked with members of this Committee to see the bipartisan enactment of the HEARTH Act, putting tribes back in control of leasing and home mortgages on tribal lands.

After that, I returned home and used my experience to serve my own tribe, to teach Indian law to aspiring Native attorneys, and to advocate on behalf of other tribes. In 2013, I was elected as Chief Judge of the Bay Mills Tribal Court. In that role, I heard heart-wrenching cases about families in crisis. I also enforced criminal laws in a deliberate and fair way.

In that position, we worked to establish the Bay Mills Healing to Wellness Court. It is a substance-abuse treatment court that has helped to reunite families, provide job opportunities and housing to people in need, and to maintain our tribal connections to one another.

In 2017, our tribe elected me to serve as tribal president and we set about to make Bay Mills a better place to live. We were making progress toward this effort when the pandemic struck, and that became an important life-or-death focus of mine.

Through our partnership with the Indian Health Service, we established community surveillance testing for COVID-19. We saw a disproportionately low rate of infection on our reservation thanks to non-partisan coordination with local, State, and Federal officials.

At the same time, we were able to expand our tribal businesses, develop a new health center, and grow jobs and incomes at Bay Mills, which were important goals for our community.

I know firsthand the connection between public service and the lives of others. When you live with the people you serve, you cannot escape that connection. If you make a mistake, you see it. And if you don't see it, there is sure to be an auntie or a friend to remind you.

If confirmed, I will bring that perspective with me to the Department of the Interior. We must help Indian Country build back better after the pandemic. We must respond with urgency to the violence against indigenous women and children across Indian Country. And we must lay the foundation for the next generation of Native children to succeed.

I believe that tribal governments, rather than Federal agencies, are best suited to respond to the challenges their communities face. Our job is to be a collaborative trustee and ensure that Indian Country drives our work. With your consent, I will be a leader on these important efforts.

I want to say miigwetch again, thank you, for the opportunity to be here today, and for your service to our Country. I look forward to answering your questions.[The prepared statement and biographical information of Mr. Newland follow:]

PREPARED STATEMENT OF HON. BRYAN TODD NEWLAND, NOMINEE FOR ASSISTANT SECRETARY FOR INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

Aanii (Hello)! Thank you, Chairman Schatz, Vice-Chairman Murkowski, and members of the Committee. It is an honor to appear before you today as President Biden's nominee to be the Assistant Secretary-Indian Affairs at the U.S. Department of the Interior, an important position that serves as a leader for the United States' trust relationship with Tribal Nations.

And it is a privilege to serve with Secretary Haaland at such an important time for Indian country.

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My parents had me at a young age, under difficult circumstances, and worked hard to raise my brother Robert, my sister Holly, and me. They also both had long careers in public service and instilled those values in us. I thank them for that.

Growing up on our reservation, I saw how federal laws and policies affected the lives of everyday Indians. Commercial tribal fishermen exercised treaty-protected fishing rights to feed their families. I lived up the street from Bay Mills Community College—the first tribally-controlled community college in Michigan—which was established soon after Congress enacted the Tribally Controlled Colleges and Universities Assistance Act.

Our family also lived in tribal housing, supported by federal grants.

My parents were fortunate to each have jobs, which allowed them to get a land-lease to move out of tribal housing and purchase a home. We lived in a single-wide trailer for several years while they waited for the Bureau of Indian Affairs to approve their mortgage. When that mortgage was finally approved, my parents became the first people on the Bay Mills Reservation to have a mortgaged-financed home.

Their experience with the BIA's time-consuming mortgage-approval process, and the delays that my parents faced as a part of it, would stick with me.

I attended Michigan State University and the Michigan State University College of Law, where I was the first Native student to enroll in the Indigenous Law and Policy Program.

I graduated law school in 2007 and started in private practice. I soon had the opportunity to serve in the Obama administration at the Department of the Interior—in the office of the Assistant Secretary—Indian Affairs.

There I was lucky to have mentors like Larry Echo Hawk and Del Laverdure. We reformed leasing on Indian lands, putting timelines in place so that other families wouldn't have the same delays my parents faced. Working with this Committee, we saw the bipartisan enactment and implementation of the HEARTH Act, putting Tribes back in control of leasing and home mortgages on tribal lands.

Next, I returned home and used my experience to serve my own Tribe, to teach Indian law to aspiring Native attorneys, and to advocate on behalf of other Tribes.

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Miigwetch (Thank you) for the opportunity to be here today, and for your service to our country. I look forward to answering your questions.

BIOGRAPHICAL INFORMATION

1. Name: Bryan Todd Newland
2. Position to which nominated:
Assistant Secretary—Indian Affairs, U.S. Department of the Interior
3. Date of nomination: April 27, 2021
4. Address: [Information not released to the public.]
5. Date and place of birth: [Information not released to the public.]
6. Marital status: Married
Erica Lynn Newland (Robbins)
7. Names and ages of children: Two minor children [Ages and names of minor children not released to the public.]
8. Education:
Undergraduate—Michigan State University, Aug. 1999–May 2003,
B.A. in Social Relations (May 2003)
Law School—Michigan State University College of Law, Aug. 2004–May 2007
Juris Doctorate (May 2007)
9. Employment record:
Administrative Assistant—Marketing Resource Group, Lansing, MI (January 2000 to May 2003)(During academic year while attending college)
Cart Attendant—Wild Bluff Golf Course. Brimley. MI (May–Aug. 2000)
Intern—Office of U.S. Representative Dale Kildee, Washington, D.C. (May–Aug. 2001)
Intern—Office of U.S. Senator Carl Levin, Washington. D.C. (May–Aug. 2002)
Assistant Account Executive—Marketing Resource Group, Lansing, MI (May 2003–Aug. 2004)
Law Clerk—Dykema Gossett PLLC, Lansing, MI (Jan. 2005–May 2007)
Associate Attorney—Dykema Gossett PLLC, Lansing, MI (Aug. 2007–Oct. 2009)
Counselor/Senior Policy Advisor—Office of the Assistant Secretary—Indian Affairs, Washington, D.C. (Oct. 2009–Dec. 2012)
Member/Attorney—Fletcher Law, PLLC, Lansing, MI (Dec. 2012–Jan. 2021)
Chief Judge—Bay Mills Indian Community. Brimley. MI (Nov. 2013–Aug. 2017)
Adjunct Professor—Michigan State University College of Law, East Lansing, MI (Spring Semester 2014)
Adjunct Professor—Michigan State University College of Law, East Lansing, MI (Fall Semester 2017)
President—Bay Mills Indian Community, Brimley, MI (Nov. 2017–Feb. 2021)
Principal Deputy Assistant Secretary—Indian Affairs—U.S. Department of the Interior, Washington, D.C. (Feb. 2021–present)
10. Government experience:
Visiting Judge—Grand Traverse Band of Ottawa and Chippewa Indians, Peshawbestown, MI
Visiting Judge—Sault Ste. Marie Tribe of Chippewa Indians, Sault Ste. Marie, MI
Member—Indian Education Committee for Brimley Area Schools, Brimley. MI
Member—Michigan Advisory Council on Environmental Justice, Lansing. MI
Member—Obama-Biden Presidential Transition Team, Washington, D.C.
11. Business relationships:
Member—Nokomis Learning Center, East Lansing, MI
Member—Michigan State University College of Law Board of Trustees, East Lansing, MI
Member—Bay Mills Community College Board of Regents, Brimley, MI
Chairman—Bay Mills Gaming Authority, Brimley MI
Chairman—Bay Mills Business Holdings Board of Directors, Brimley, MI
Member—Title Track Board of Directors, Williamsburg, MI
12. Memberships:

State Bar of Michigan
Federal Bar Association

13. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

Candidate for and elected as, President—Bay Mills Indian Community, Brimley, MI (Nov. 2017–Feb. 2021)

(b) List all memberships held in or political registrations with any political parties during the last 10 years.

Member of Michigan Democratic Party

(c) List all political offices or election committees during the last 10 years. None.

(d) Itemize all political contributions to any individual campaign organization, political party, political action committee, or similar entity of \$500 or more for the past 10 years.

Expended approximately \$750 in personal funds for my campaign for elected tribal office. Beyond that, I have not made any personal contributions to any candidate, party, or PAC over \$500.

(e) Current political party registration, if any.

Democratic Party.

14. Honors and awards:

2020 Clean Water Action Great lakes Protectors Award Recipient (on behalf of Chippewa Ottawa Resource Authority member Tribes)

2015 Recipient of the Michigan Lawyers Weekly Award for “Up and Coming Lawyers”

2011 Recipient of the Washington, D.C. Native American Bar Association “Excellence in Government Service” Award

2011 Recipient of the National Center for American Indian Enterprise Development “40 Under 40” Award

2005 Recipient of the Native American Journalist Association “Best Column Writing” for Monthly Publications

15. Published writings:

Bay Mills News, “On my Fishbox” (monthly column writer from August 2004 to May 2007)(some columns available online, but most were print only with no archives)

Turtle Talk Indian law Blog (irregular posting from 2007 to 2020)(available online, with individual posts named below)

—Breach of Trust: How Government agencies are working with Enbridge, Inc. to Jeopardize Tribal Treaty Rights, August 31, 2018

—Will the EPA allow the line 5 Pipeline to remain in the Straits of Mackinac? May 31, 2018

—Is the Trump Administration Preparing to Gut the Indian Reorganization Act, October 16, 2017

—Breakdown: A closer look at the Trump Administration’s proposed land into trust regulations, October 16, 2017

—The BIA’s land-into-trust process and why changes will never satisfy the critics, July 24, 2017

—Remarks by President Trump and Secretary of Energy Rick Perry at White House Tribal, state, and Local Energy Roundtable, June 29, 2017

—The President’s Budget Cuts for Treaty Rights Funding Affect jobs, June 21, 2017

—Navajo Nation Office of the President Seeking legal Intern, June 5, 2017

—State of Michigan sues Hannahville Indian Community over Gaming Compact, March 14, 2017

—Bureau of Indian Affairs Updates Tribal Transportation Regulations, November 9, 2016

—Donald Trump and Federal Indian Policy: Postscript, October 31, 2016

—Enbridge pipeline litigation and its (potential) impact on tribal treaty rights in the Great lakes, September 19, 2016

- Dept. of the Interior Issues Secretarial Procedures for North Fork Rancheria, August 11, 2016
- Donald Trump and Federal Indian Policy: “They don’t look like Indians to me,” July 25, 2016
- Placing Proposed Amendments to IGRA in Historical Context, May 16, 2016
- Assistant Secretary—Indian Affairs approves gaming application for Cloverdale Rancheria, May 3, 2016
- Parties seek intervention in Right of Way Regulation Lawsuit, April 18, 2016
- Senators Tester and Franken Introduce legislation to Expand Tribal Jurisdiction, April 15, 2016
- Lawsuit Challenges BIA Right of Way Regulations, April 11, 2016
- Department of the Interior Announces Departure of Kevin Washburn (at end of year), December 10, 2015
- Supreme Court Oral Argument transcript in Dollar General, December 7, 2015
- President Obama Appoints Fond du Lac Chairwoman Karen Diver to key White House Post, November 4, 2015
- Dollar General and the Racist Foundation of the Supreme Court’s Tribal Jurisdiction Cases, September 8, 2015
- Gun lake Band Statement on Withholding Revenue Sharing Payments, August 17, 2015
- HEARTH Act Regulations, Federal Preemption of State and local Taxes, and the Seminole Case, August 12, 2015
- House Subcommittee on Indian Affairs Memo on Fee-to-Trust and Important Context, May 14, 2015
- Medical Marijuana Legislation Introduced in Congress, March 16, 2015
- Recent Decision Applying BIA leasing Regulations Signals a Shift in Indian Tax Law, September 10, 2014
- 9th Circuit’s Decision in Big lagoon Case Spells Trouble (breakdown), January 22, 2014
- A Closer look at Gaming Compact Negotiations in Michigan Part Deux: The State’s Bargaining Position, October 1, 2013
- A Closer Look at Gaming Compact Negotiations in Michigan Part I: The history of Michigan’s first gaming compacts, September 24, 2013
- Reaction to Pommersheim Article on Fee-to-Trust, July 26, 2013
- President issues Executive Order Establishing Interagency Council on Native American Affairs, June 26, 2013
- Tribes and the Michigan Wolf Hunt, May 10, 2013
- Department of the Interior Sued Over Tax Provision in New Indian leasing Regulations, April 26, 2013
- The Second Time Around: looking Ahead to President Obama’s Second Term, January 29, 2013
- Retrospective on Federal Indian Policy during President Obama’s First Term, January 16, 2013
- January 19, 2013—”A Retrospective on Federal Indian Policy During President Obama’s First Term” Indian Country Today (available online)
- April 2014—”The HEARTH Act: Transforming Tribal land Development” The Federal Lawyer (available online)
- May 9, 2015—”House Subcommittee on Indian Affairs Memo on Fee-to-Trust and Important Context” Indian Country Today (available online)
- May 27, 2015—”Congress: Keep Hands-Off IRA Fee-to-Trust Provision” Indian Country Today (available online)
- July 28, 2016—”Donald Trump and Federal Indian Policy “They Dont look like Indians to Me”” Indian Country Today (available online)
- February 14, 2020—”Pete Buttigieg is The Best Candidate to Empower Tribal Nations” Indianz.com (available online)
- March 25, 2020—”Indigenous Americans Must Not Once Again Pay the Price for the Mistakes of Others,” Washington Post (available online)

April 13, 2020 “COVID-19 Relief Funds Must go to Tribal Governments, Fairly,” Indian Country Today (available online)

April 22, 2020—“Celebrate Earth Day by Protecting Michigan’s Environment from Line 5,” Bridge Magazine (available online)

July 4, 2020—“Enbridge Line 5 is Michigan’s Next Ecological Disaster,” Detroit Free Press (available online)

December 2, 2020—Terminating Line 5 Easement Means a Safer Future for Michigan and the Great Lakes,” Lansing State Journal (available online)

April 6, 2021 “Indian Country Has Interior’s Commitment to Meaningful Consultation,” Indian Country Today (available online)

16. Speeches:

Native American Financial Officers Association, “Federal Update,” Washington, D.C, April 2021

Arizona State University Law School Conference, “Federal Update,” Tempe, Arizona, March 2021

National Congress of American Indians Winter Session, “Federal Update,” Washington, D.C, February 2021

Ford School of Public Policy “Policy Talks Series: Tribal Sovereignty and Legal Challenges,” Ann Arbor, MI, December 2020

Washington, D.C. Bar Association Water is Life Webinar, “Treaties, Water, and Oil Pipelines,” Webinar, Washington, D.C., September 2020

Lake Superior State University, Campus Big Read Book Discussion: Violence Against Women in Indian country,” Sault Ste. Marie, MI, September 2020

Michigan Climate Action,” Line 5 and Defending Tribal Treaty Rights,” Speaking of Resilience Podcast, July 2020

Indian Country Today,” Interview on Tribal COVID-19 Response,” May 2020

Arizona State University Law School Wiring the Rez Conference,” Moving Online,” Wild Horse Pass Resort, Glendale, Arizona, January 2020

Michigan State University College Law 16th Annual Indigenous Law Conference,” The Lawyer Becomes the Client (Ethics), Michigan State University College of Law, East Lansing, Michigan, October 2019

Wisconsin Bar Association Indian Law Conference, “Environmental Threats: Knowing the Battlefield,” Wilderness Resort, Wisconsin Dells, Wisconsin, August 2019

Mackinac Island Community Forum, “For Love of Water Update on Line 5 Pipeline,” July 2019

Michigan Climate Action Summit, Grand Rapid, MI, February 2019

Lake Superior State University Scholar Series, “Blood Feud: The Ethics of Researching Native American Genetics,” Sault Ste. Marie, MI, November 2018

Great Lakes Coalition Press Conference, “Enbridge Line 5 Pipeline,” Lansing, MI, November 2018

NextGen Native Podcast, “Politics & Art,” November 2016

17. Testimony:

While I have never testified in a non-governmental capacity. I have testified before Congress as the President of the Bay Mills Indian Community at the following hearings:

- May 9, 2018—House Appropriations Subcommittee on Interior, Environment and Related Agencies, American Indian and Alaska Native Public Witness. Hearing on Appropriations for 2019 (appearing in my capacity of President of the Bay Mills Indian Community as witness for Chippewa Ottawa Resource Authority)
- March 7, 2019—House Appropriations Subcommittee on Interior, Environment and Related Agencies, Public Witness Hearing—Tribal Programs: Day 2, Morning Session (appearing in my capacity of President of the Bay Mills Indian Community as witness for Chippewa Ottawa Resource Authority)
- February 11, 2020—House Appropriations Subcommittee on Interior, Environment, and Related Agencies, American Indian and Alaska Native Public Witness Day 1, Afternoon Session (appearing in my capacity of President of the Bay Mills Indian Community as witness for Chippewa Ottawa Resource Authority)

18. Selection:

(a) Do you know why you were selected for the position to which you have been nominated by the President?

I believe I was selected for my experience working both in the Department and as an elected tribal leader and for my accomplishments, in addition to my reputation for ethics and respectful treatment of others.

(b) What in your background or employment experience do you believe affirmatively qualifies you for this particular appointment?

I believe my experiences, including working in the Department, as a successful elected tribal leader and tribal judge, and as an attorney who has represented many different tribes, makes me qualified to exercise the duties of the Assistant Secretary—Indian Affairs.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations, or business organizations if you are confirmed by the Senate? Yes.

2. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, please explain. No.

3. Do you have any plans, commitments, or agreements after completing government service to resume employment, affiliation, or practice with your previous employer, business firm, association, or organization? No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service? No.

5. If confirmed, do you expect to serve out your full term? or until the next Presidential election whichever is applicable? Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers.

I maintain 401(k) or similar retirement accounts through the following previous employers: Dykema Gossett, PLLC; Fletcher Law, PLLC; and Bay Mills Indian Community.

My former employers do not make any further contribution to these plans.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

I have consulted with, and will continue to consult with, the Department's Designated Agency Ethics Official and staff in the Departmental Ethics Office, to identify potential conflicts of interest. I have entered into an ethics agreement, which has been provided to the Committee, with the Department's Designated Agency Ethics Official to identify potential conflicts of interest. I will comply with that agreement.

3. Describe any business relationship, dealing, or financial transaction which you have had during the last 10 years, whether for yourself, spouse or dependents, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

Any potential conflicts of interest have been identified and addressed through consultations with the Office of Government Ethics and the Department's Designated Agency Ethics Official. As a result of those consultations, I have entered into an ethics agreement, which has been provided to the Committee, with the Department's Designated Agency Ethics Official to identify potential conflicts of interest. I am not aware of any other conflicts of interest.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy, regardless if you were a registered lobbyist.

I have never been a registered lobbyist. As a tribal leader, I was regularly in contact with State and Federal legislative bodies and agencies to maintain good relations and influence the execution of policy affecting Indian tribes. As a tribal attorney, I often represented tribal governments and entities on matters that touched upon the implementation of federal policies. For example, I have negotiated tribal-state gaming compacts for several Tribes (Jicarilla Apache Nation, Menominee In-

dian Tribe of Wisconsin, and the Crow Tribe of Montana) that required review and approval by the Department of the Interior. I have also advised several Tribal clients on Federal and State relations, without serving as a principal contact with agency officials or congressional staff.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide a copy of any trust or other agreements.)

I have consulted with, and will continue to consult with the Department's Designated Agency Ethics Official and staff in the Departmental Ethics office, to identify potential conflicts of interest. I have entered into an ethics agreement, which has been provided to the Committee, with the Department's Designated Agency Ethics Official to identify potential conflicts of interest. I will comply with that agreement. I will adhere to all federal ethics statutes, regulations, and policies, as well as ethics rules applicable to me as a licensed attorney.

6. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position? Yes.

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please explain.

I was the subject of a complaint to the Michigan Attorney Grievance Commission filed by an attorney in 2014 or 2015 for communication with an unrepresented party. The attorney who filed the complaint was a defendant in a civil case in which I was the plaintiff's counsel, and he was represented by at least 6 different attorneys during the course of the litigation—including periods where he represented himself. I had served the complaining attorney with notice and a copy of a pleading in the case during a period in which he was representing himself. The Michigan Attorney Grievance Commission disposed of the complaint without any disciplinary action.

2. Have you ever been a subject of an investigation, or investigated, arrested, charged, or held by any Federal, State, Tribal or other law enforcement authority for violation of any Federal, State, Tribal, county, or municipal law, regulation, or ordinance, other than for a minor traffic offense? If so, please explain. No.

3. Have you or any entity, partnership or other association, whether incorporated or unincorporated, of which you are or were an officer ever been involved as a party in an administrative agency proceeding or civil litigation? If so, please explain.

Yes. Before and during the course of my tenure as President of Bay Mills Indian Community, and as a Member of the Board of Regents for the Bay Mills Community College, both entities have been involved in civil litigation as plaintiffs and defendants on a number of matters. None of the cases pertained to my actions or decisions in either my official or personal capacity while serving at those organizations.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain. No.

5. Are you currently a party to any legal action? If so, please provide the nature and status. No.

6. Have you ever declared bankruptcy? If so, please describe the circumstances. No.

7. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination. Not applicable.

E. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees? Yes.

2. Will you ensure that your department/agency responds to all congressional inquiries and letters from members of Congress in a timely matter? Yes.

3. Will you ensure that your department/agency protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.

4. Will you cooperate in providing the committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee in a timely manner? Yes.

5. Please explain, if confirmed, how you will review regulations issued by your department/agency, and work closely with Congress, to ensure that such regulations comply with the spirit of the laws passed by Congress.

If confirmed, I, with the help of the Department's Office of Regulatory Affairs and Collaborative Action and the Office of the Solicitor, will utilize the established administrative decisionmaking process, applicable law, and any relevant case law to develop, review, and, finalize regulations. I will aim to ensure that the Department's regulations comply with the spirit and letter of the law passed by Congress.

6. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

7. Will you commit to submitting timely testimony to the Committee consistent with Committee Rule 4(b)? Yes.

F. GENERAL QUALIFICATIONS AND VIEWS

1. How does your previous professional experiences and education qualify you for the position for which you have been nominated?

I have previously served within the Department of the Interior as a Counselor and Senior Policy Advisor to the Assistant Secretary of Indian Affairs. That service has given me a clear understanding of the responsibilities of the position and the scope of the work. I also served as the Chief Judge of a Tribal Court for 4 years, which was funded through a P.L. 93-638 contract with the Bureau of Indian Affairs. During my tenure as Chief Judge, I experienced the challenges facing many tribal justice systems and the people that they serve. I had the opportunity to serve as President of a Tribe for more than 3 years and was directly responsible to Tribal citizens, for taking actions to improve their lives and being a steward for tribal resources. I have taught Federal Indian law at a large university law school. Lastly I have represented a number of Tribes across the United States as legal counsel, which has given me a perspective regarding the unique challenges facing tribes in different regions.

Together, these experiences have helped me to develop a unique perspective on the relationship between individual tribal citizens, tribal governments, the Department of the Interior, and the Federal Government. I've learned how Federal laws and policies impact tribal governments, and how those impacts flow directly to tribal citizens and residents of tribal communities.

2. Why do you wish to serve in the position for which you have been nominated?

I want to utilize this opportunity to implement policies to improve the lives of people in Indian country, and to set the foundation for a better relationship between American Indians/Alaska Natives and the United States.

3. What goals have you established for your first two years in this position, if confirmed?

If confirmed, in my first two years I intend to:

- Oversee the successful implementation of the American Rescue Plan within the Indian Affairs bureaus at the Department of the Interior;
- Take steps to restore tribal homelands and empower Tribal governments to exercise greater control over the use and development of their lands;
- Move the Bureau of Indian Education closer toward operational independence;
- Implement the Not Invisible Act, build-out the Missing and Murdered Unit at the Department of the Interior, and coordinate with other agencies to respond to missing and murdered Indigenous persons in Indian country;
- Work with the Secretary of the Interior to fulfill President Biden's commitments to Indian country in his January 26, 2021, memorandum regarding tribal consultation and strengthening the nation-to-nation relationship; and,
- Coordinate with other cabinet agencies to successfully reconstitute the White House Council on Native American Affairs and organize the White House Tribal Nations Summit.

4. What skills do you believe you may be lacking which may be necessary to successfully carry out this position? What steps can be taken to obtain those skills?

There are many subject matter areas where I do not have expertise, and I believe the best method to obtain knowledge on those areas is to engage with an open mind, ask questions, and listen.

5. Please discuss your philosophical views on the role of government. Include a discussion of when you believe the government should involve itself in the private

sector, when society's problems should be left to the private sector, and what standards should be used to determine when a government program is no longer necessary.

I believe that the role of government is to preserve the safety and general welfare of the people it serves, and to create conditions that allow people to live safe, healthy, and fulfilling lives in communities of their choosing. I do not believe that the activities of government should be constrained or enlarged by rigid ideology, and instead believe that government actors should adhere to core legal principles while adaptively working to address problems in a dynamic environment.

6. Describe the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated.

The mission and objectives of the Department of the Interior with respect to American Indians, Indian Tribes, and Alaska Natives are to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and manage trust assets.

The Department's operational objectives are to facilitate tribal self-government and self-determination through a variety of programs.

7. What do you believe to be the top three challenges facing the department/agency and why?

The biggest current challenge facing the Department of the Interior—Indian Affairs operation is responding to the COVID-19 pandemic in a way that supports tribal self-determination and self-government while protecting the health and safety of Department and Tribal employees. Relatedly, the Department must also assist Tribal government in delivering effective government services to Tribal citizens in a manner that protects the public health and creates economic opportunity in the aftermath of the pandemic.

Other significant challenges included the need to protect American Indians and Alaska Natives from violent crimes—particularly domestic, intimate partner, and sexual violence. American Indians and Alaska Natives are subjected to violent crimes at a disproportionately high rate, and those criminal acts are often difficult to address due to a lack of resources and jurisdictional challenges.

The Department must also work with Congress and Tribes to help develop modern infrastructure across Indian country. A lack of high-speed Internet access, safe drinking water, safe roads, and housing inhibit economic growth in Indian country.

8. In reference to question number six, what factors in your opinion have kept the department/agency from achieving its missions over the past several years?

The biggest obstacle to upholding the trust responsibility and protecting and managing those assets for the true benefit of Tribes has been indifference and prioritizing the views of other stakeholders that participate in the process over the views of Indian tribes.

9. Who are the stakeholders in the work of this department/agency?

While there are many entities that participate in Indian Affairs activities, like other federal agencies, States, and private sector companies, the primary stakeholders for Departmental programs are federally recognized Indian tribes, individual tribal citizens and Indian landowners, and indigenous people within the United States.

10. What is the proper relationship between the position to which you have been nominated and the stakeholders identified in question number nine?

The proper relationship between the Assistant Secretary—Indian Affairs and Tribe, tribal citizens, Indian landowners, and Indigenous people is a respectful relationship in which the Assistant Secretary acts as a Trustee who empowers the beneficiaries to define their needs and priorities.

11. The Chief Financial Officers Act requires all government departments and agencies to develop sound financial management practices.

a) What do you believe are your responsibilities, if confirmed, to ensure that your department/agency has proper management and accounting controls?

The Assistant Secretary must work closely with managers to provide clear direction and oversight on the execution of program functions. This includes instilling and upholding values consistent with the public trust and holding senior managers accountable for the proper expenditure of taxpayer funds.

b) What experience do you have in managing a large organization?

I served as the President of a federally recognized Tribe for more than 3 years, in which time I was responsible for establishing annual budgets and overseeing

nearly 700 employees. During my tenure as Tribal President, I helped lead our Tribe through the COVID-19 pandemic with a comparatively low infection rate while also expanding the Tribe's business holdings and developing a new health center. I also know the Department and its programs well, having served during the Obama Administration, assisting the Assistant Secretary—Indian Affairs in the management of the Indian Affairs bureaus.

12. The Government Performance and Results Act requires all government departments and agencies to identify measurable performance goals and to report to Congress on their success in achieving these goals.

a) What benefits, if any, do you see in identifying performance goals and reporting on progress in achieving those goals?

Establishing performance goals is a useful tool to measure progress and hold the organization accountable. Reporting on progress is useful in building trust with employees and outside stakeholders.

b) What steps should Congress consider taking when a department/agency fails to achieve its performance goals? Should these steps include the elimination, privatization, downsizing, or consolidation of departments and/or programs?

The first step Congress should take is to evaluate the reasons an agency has not met its performance goals. Sometimes, an agency's failure to meet its goals may be due to the capacity of staff, and sometimes it may be due to larger structural challenges—such as a lack of funding or reliance on other agencies for critical support. Remedies must be designed to respond to the cause of the failure to meet performance goals. With respect to Indian Affairs, Congress should also consider empowering Tribal governments to carry-out the functions to meet the performance goals locally.

c) What performance goals do you believe should be applicable to your personal performance, if confirmed?

Indian Affairs is unique in that its objectives are usually defined by Tribes and individual beneficiaries. It is important that the Assistant Secretary work closely with Tribal leaders to understand how they define and evaluate success and establish performance goals based upon that feedback.

13. Please describe your philosophy of supervisor/employee relationships. Generally, what supervisory model do you follow? Have any employee complaints been brought against you?

I believe the role of a supervisor is to lead, teach, and empower employees to move an organization toward its goals; and a supervisor must ensure that each employee is accountable for meeting those goals and upholding ethical standards. In my career, I have worked hard to empower employees to help meet tasks and avoid micromanagement. I view it as my responsibility as a leader to clearly communicate goals, deadlines, and ethical standards, and trust that employees will use their skills and professionalism to meet deadlines, accomplish goals, and abide by ethical standards.

I have never been the subject of an employee complaint.

14. Describe your working relationship, if any, with the Congress. Does your professional experience include working with committees of Congress? If yes, please explain.

I have had limited experience working with Members of Congress and Committees, but have maintained respect for Members and staff in my prior engagements.

15. Please explain what you believe to be the proper relationship between yourself, if confirmed, and the Inspector General of your department/agency.

The Inspector General must retain a measure of independence to preserve the ability to conduct fair and unbiased investigations of complaints and referrals, and to issue findings—even if critical of current agency employees. If confirmed, I would maintain a degree of respect for staff with the Office of the Inspector General and ensure that they have the ability to perform their important duties without interference.

16. In the areas under the department/agency's jurisdiction to which you have been nominated, what legislative action(s) should Congress consider as priorities? Please state your personal views.

I believe that Congress should prioritize enactment of the American Jobs Plan, because it will provide historic levels of funding for Indian country infrastructure development. In addition, I believe that it will be important for Congress to reauthorize the Violence Against Women Act, and to adopt "Carcieri fix" legislation.

17. Within your area of control, will you pledge to develop and implement a system that allocates discretionary spending in an open manner through a set of fair and objective established criteria? If yes, please explain what steps you intend to take and a timeframe for their implementation. If not, please explain why.

Yes. If confirmed, I will engage in tribal consultation to understand how Tribes want to prioritize discretionary spending, and will actively participate in dialogue with the Tribal Interior Budget Committee.

G. FINANCIAL DATA

[Information not released to the public.]

The CHAIRMAN. Thank you very much, Mr. Newland. You were an elected tribal leader. The first question I have for you is, if confirmed, what lessons from that experience will you take into the role as Assistant Secretary? What specific improvements do you think need to be made that you are going to bring your old perspective into your new role?

Mr. NEWLAND. Thank you for that question, Chairman Schatz.

I think the most important lessons I learned serving as tribal leader, again referencing my introductory comments, is that I understand that when we show up to work every day and do something or don't do something, that it affects the lives of people. So I want to make sure that as I go to work, if I have the privilege of being confirmed, that I keep that in mind.

Another thing I learned working with other elected members of our tribal council in a community that governs itself through a general tribal council is that consensus building is important. While we have many urgent issues to tackle, we also must work to ensure that we are meaningfully engaged with tribes across Indian Country and stakeholders, so that the decisions that we make and the policies we enact, to make sure that they stick. Because when you don't have consensus, when you don't take the time to build that, oftentimes the change you seek eludes you, because people haven't bought in.

So those are some of the lessons that I would bring with me to the Department.

The CHAIRMAN. A friend of mine in Hawaii says, you got to go slow to go fast. So I agree with your perspective on consensus building.

BIE in particular has been really awful in responding to Committee requests, letters, questions from the record, they are just late, sometimes they never get back to us. Do I have your commitment that if confirmed, that you will make sure that BIE and BIA and other bureaus over which you have responsibility timely respond to any Committee member who has any formal correspondence?

Mr. NEWLAND. Thank you, Mr. Chairman. You have my commitment.

The CHAIRMAN. Thank you.

I want to talk to you just a little bit about the OIG. The paperwork you submitted indicates that you agree, but for the hearing record, if confirmed, will you ensure that the OIG has the ability to perform its duties without interference?

Mr. NEWLAND. Thank you, Mr. Chairman. Yes, the Office of Inspector General has a very important role to play and I respect

that role and will make sure that they have the ability to do their job without any interference.

The CHAIRMAN. I want to talk to you a little bit about the Native Hawaiian trust responsibility, the Federal trust responsibility encompassing American Indians, Alaska Natives, and Native Hawaiians. I think there tends to be a misunderstanding depending on where you reside within the Executive Branch. I was just talking to Secretary Becerra about this, that even though the trust responsibility as it relates to Native Hawaiians is sometimes expressed, even through funding or statutory law, in a different part of the Federal architecture, both bureaucratically and in terms of the law itself. That doesn't make it any less valid.

I am just wanting your commitment to not just recognize it as a person and as a leader in a specific position, but as an advocate across the Federal Government. Everybody has to understand that just because, for instance, Native Hawaiian education and Native Hawaiian health, Native Hawaiian housing may reside in a different place, and may be administered by a different department or agency, doesn't make it any less valid.

I really need your commitment to sort of be the watcher here, whether it is HHS or United States Department of Education or the Department of Interior. Do I have your commitment to kind of articulate across agencies that the government's obligation sticks, whether it is Native Hawaiians, Alaska Natives or American Indians?

Mr. NEWLAND. Thank you, Mr. Chairman, for your comments and your advocacy on behalf of Native Hawaiians. You have my commitment to work with you and other officials across the Federal Government to make sure that we are carrying out our legal and our moral obligations to Native Hawaiian people.

The CHAIRMAN. Thank you very much.
Vice Chair Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Mr. Newland, as I mentioned in our call, and just in my opening here, the differences that we have in Alaska when it comes to Alaska Native governance and representation, and the distinction with our ANCs that were created through ANCSA.

So we learned very clearly, I think, after the passage of the CARES Act and the Treasury's actions to disburse the funds under the tribal set-aside, it became clear to us in Alaska that the structure, when it comes to Alaska Native governance, is just not as well understood as we believe it is. It has been around now for 40 years, and we think that others understand it. But because it is so unique to Alaska, I think it is an ongoing education issue. We saw that play out. We are now awaiting the decision by the Supreme Court in the Chehalis litigation.

I need to know that you are aware of how important it is that ANCs are included in the ISDEA definition of Indian tribe, which is referenced in hundreds of other statutes. I am also needing to reinforce and make sure that you are aware of how important it is that ANCs serve as the recognized governing body of an Indian tribe under ISDEA and DOI guidelines, sometimes only in limited circumstances. But I know that you have been looking further into

this in not only preparation for this hearing but just in the role that you have been nominated to.

So again, if you can affirm to me that you do understand the importance of what I have just laid down, and if you can share with me what you are doing to educate yourself now on ANCSA and ANILCA and Alaska's unique structure that serves tribal communities, and making sure that not only for yourself but for others in your office that you will commit to the ANCSA and the ANILCA trainings that are provided, if you are confirmed.

Mr. NEWLAND. Thank you, Vice Chair Murkowski. I appreciate your comments.

First, I would share your assessment that there is a lot of educating that needs to be done on the unique structure of Indian law in Alaska. I will acknowledge that I am working to educate myself on those laws as well, and I have been working diligently since I arrived at the Department to work with the experts within the Department to understand ANCSA and ANILCA, and also the other unique ways that other laws interact with those statutes.

I am also looking forward to having the opportunity to getting on the ground in your State and working with leaders and visiting communities and understanding and hearing directly from them. I believe there is no substitute for that.

Which is all a longwinded preface, I know, to respond to your question, which is that I am committed to better understanding and to carrying out my responsibility to the 229 federally recognized tribes in Alaska as well as the corporations there. I am eager to work with you and your team and folk across Alaska.

Senator MURKOWSKI. I thank you for that. I think you have been made aware that because of some of the comments that were made last year, comments that were very critical of ANCs in the context of the CARES implementation, including comments that you have made, that the temperature on this got pretty hot there for a while. So I think it is going to be important to not only lower that temperature, but for you in this position to really set that tone as an ambassador and as an advocate for all of Indian Country and Native people.

Very quickly, because my time is just about expired, Alaska is a PL-280 State. We have been working over the years to piece together different grants and programs to support our public safety systems. We have been able to direct funding to Alaska for our tribal courts, even though we are a PL-280 State. So your position on using BIA funding for tribal courts in PL-280 States like Alaska, recognizing your significant experience with the tribal court system?

Mr. NEWLAND. Thank you, Vice Chair Murkowski.

Consistent with what you have just laid out under the President's Rescue Plan that Congress enacted, we worked toward that end with leaders across Alaska Native communities to make sure that our law enforcement funding that came down through the Department of the Interior acknowledged the unique challenges that tribes in Public Law 280 States faced so that we made sure that they were not excluded from public safety funding under the Rescue Plan. I think that is important, as you have laid out. I look forward to working on it, if confirmed.

Senator MURKOWSKI. Thank you, Mr. Chairman.
The CHAIRMAN. Senator Cortez Masto.

**STATEMENT OF HON. CATHERINE CORTEZ MASTO,
U.S. SENATOR FROM NEVADA**

Senator CORTEZ MASTO. Thank you, Mr. Chairman.

Mr. Newland, congratulations on your nomination. Welcome to your family. And thank you for taking the time with me to talk with me prior to today's hearing as we talked about important issues that impact tribal communities in my State and across the Country.

One of the things I want to focus on is the need for better coordination among the Federal agencies as it comes to representing and providing additional and necessary resources to our tribal communities. One, I want to get a commitment from you that you are willing to not only appear before us, but work with other Federal agencies on issues, whether it is economic development or infrastructure, that pertain to tribal communities. Are you willing to do that?

Mr. NEWLAND. Yes, Senator.

Senator CORTEZ MASTO. Two, there are two issues really that are a priority for me. One of them, and I am going to need our help with this, has to do with wildfires. In the west, we are seeing more and more wildfires, we are dealing with this here in Congress, not only the resources, but addressing the prevention, suppression, all of the above.

I want to make sure our tribal communities are brought into this conversation, because they are dealing with the wildfires and necessary resources to assist them. But it requires you to work with other Federal agencies to really come to the table and have a coordinated response for policies, protocols, and working with State and local as well as our tribal communities, most importantly.

So can you talk a little bit about that, what is already being done and what you can promise at least or make a commitment that we can address for the future?

Mr. NEWLAND. Sure, thank you, Senator. I appreciate the opportunity to talk about this a little bit.

One of the great things this Administration has already done on this effort is to reconstitute the White House Council on Native American Affairs. The trust obligation to Indian Country does not rest solely within the Bureau of Indian Affairs, it is the United States' trust obligation. That allows us to actually put action behind the all-of-government approach to issues across Indian Country, including wildfire issues.

I know that Secretary Haaland and Secretary Vilsack at the Department of Agriculture have been speaking and working on wildfire issues across the west, particularly as they relate to Indian Country and protecting tribes and making sure tribes have resources on that. Within the Department, we have bureaus coordinating in anticipation of this year's wildfire season.

But the White House Council is going to be critical to making sure that this coordination on Indian Country issues happens. I am really glad to be a part of it.

Senator CORTEZ MASTO. Thank you. And really, what I am looking for is action items coming from that, whether they are MOUs

or agreements, policies, protocols and how the agencies, who is going to take the lead at certain times, how it actually gets done at the end of the day. I am hopeful that you will help me make sure that that happens.

Let me jump to another issue. When it comes to the Tribal Energy Loan Guarantee Program, we discussed this previously, but let me just broach this again with you. Tribal Energy Loan Guarantee Program has not issued any loans since it was authorized under the Energy Policy Act of 2005. I think this is a missed opportunity to help tribes as they look to deploy renewable energy. The fiscal year 2021 Consolidated Appropriations Bill included language to encourage the Department of Energy's Office of Indian Energy to better market the program.

So if confirmed, will you commit to reviewing the Tribal Energy Loan Guarantee Program and expediting efforts to make the program more accessible to tribes?

Mr. NEWLAND. Sure, thank you, Senator.

This goes back to the all-of-government approach you referenced in your first question. We have been working with the Department of Energy on this, and also trying to make sure that the Department of the Interior's Indian Loan Guarantee Program works with Department of Energy's loan guarantee program for Indian Country, so that tribes have access to the capital they need to develop the resources they have on their lands, be they renewable energy resources, or others.

Senator CORTEZ MASTO. Thank you. I appreciate your comments today. Congratulations again.

Thank you, Mr. Chair.

The CHAIRMAN. Senator Lankford.

**STATEMENT OF HON. JAMES LANKFORD,
U.S. SENATOR FROM OKLAHOMA**

Senator LANKFORD. Mr. Chairman, thank you very much.

Mr. Newland, it is a tough job to be able to step up into. You know well, because you watched it, when you served in Interior before. So thanks for stepping up and being able to be energetic, I would say, to be able to step into this and be able to try again to be able to lead it.

I have multiple questions for you. I will try and run through them as quick as I can, through several of them.

This issue of tribal energy production that Senator Cortez Masto was talking about is an important one. There are a lot of tribes in my State as well that want to continue energy production.

Are you still committed to all-of-the-above energy production on Native lands?

Mr. NEWLAND. Thank you, Senator. I have had an opportunity to work in your State with a number of the tribes and know how important oil and gas development is to tribes in Oklahoma. My priority, if confirmed to this job, is to make sure that tribes are in control of whether, when and how to develop their energy resources, be they renewable energy or other resources they have on their lands.

Senator LANKFORD. That is great. Let me just give you a specific, I can give you a bunch of them, but let me zero in on one tribe in

particular, for the Osage. Starting in 2014, the Solicitor of the Department of Interior determined that if they are going to get their own records to be able to do land development, energy development on the Osage Nation area, then they would have to go through a FOIA request to do that. As you know, for energy development right now, with it \$68, \$70 a barrel, there are a lot of folks that want to do production. They are going to go to start doing production.

Now, if they have to do a FOIA request, if it would take months to years just to get the records for that area, they are not going to do it. They are going to move on. This has been a challenge for a very long time of how long it takes to be able to get to those records.

I can give you multiple other examples of things that just take an extraordinarily long period of time to be able to get access to information. How do we solve those things?

Mr. NEWLAND. Thank you, Senator. I don't know the details of that particular opinion.

Senator LANKFORD. Right.

Mr. NEWLAND. But there is a reference in my introductory comments, my parents faced this when I was a kid, and we have lived it. That was something that really stuck with me, making me want to work with members of the Committee on the HEARTH Act.

When it comes to things like you have just referenced, it is going to be important for us to be a collaborative trustee. That is going to mean that tribes are in the driver's seat for what they want to do within their communities, especially in terms of economic development and energy development.

I don't want to be an impediment for tribes. Part of that is going to involve communicating directly with leaders of communities, kind of that on the ground, that slog that you come in day after day and build those relationships. But I also want to make sure that we are holding our staff within Indian Affairs accountable for getting the job done.

Senator LANKFORD. Right. That is the challenge, that there is communication. But when it comes time to actually make the decision, the decision doesn't seem to be made, or it takes so long to get to a decision on something that would be pretty straightforward that it makes that a real challenge to be able to do energy production, whether it be renewable or traditional energies. So it is an area that we do need to be able to fix.

Let me ask you about another legal opinion. You have done so much work on Indian law, let me bring up an obvious one. This is recent, it is the McGirt case. Everyone that I know that is dealing with Indian law right now is all interested in that case.

Tell me your opinion on that. How far does that expand? What is the meaning of the McGirt case? How far does it extend beyond Oklahoma and the five tribes directly affected?

Mr. NEWLAND. Thank you, Senator. The Supreme Court's decision in McGirt was an interpretation of a single treaty for a single tribe on the matter of criminal prosecutions. But when you confirm the existence of reservation boundaries that leads to a host of other questions. I know that has been a particular concern for tribes and communities in Oklahoma.

I think it is going to be important that we take those questions as they come in terms of the consequences of the McGirt decision. Because reservation boundary questions, questions of jurisdiction, they are so fact-specific, even within the same reservation they depend on the actors and the land tenure involved.

So that is all to say I don't want to mis-speak by pronouncing consequences for McGirt that don't exist yet or that haven't come before us. I would rather take it as it comes, work with the Solicitor the Department of the Interior, affected tribes and communities and try to find answers on questions as they come.

Senator LANKFORD. Right. It will be an area that we need to be able to talk about. Because obviously, as you mentioned, the McGirt case was a criminal case. But then there have been some decisions by the Department of Interior dealing with Office of Surface Mines and others to say, well, we have expanded beyond criminal, that we are still trying to determine where that decision got made, how that decision got made.

So it becomes important as the State and as our tribes continue to be able to work out all the issues that will obviously be Federalized as well as we actually talk through final decisions on it and what that really looks like.

I will try to submit some things for the record. I need some clarification on Indian child welfare. This is a significant issue for many of our tribes and individuals in the State.

Then I have been pretty outspoken on off-reservation gaming to say that I completely understand all the issue with on-reservation gaming. But off-reservation gaming has its own unique challenges for the governments and the counties and the cities that are now competing with a new government in the area they weren't used to, or to be able to move to another reservation and to be able to allow gaming in that area.

So I will submit those for the record for you as well.

Mr. NEWLAND. Thank you, Senator.

The CHAIRMAN. Senator Luján.

**STATEMENT OF HON. BEN RAY LUJÁN,
U.S. SENATOR FROM NEW MEXICO**

Senator LUJÁN. Thank you, Chair Schatz, and thank you, Vice Chair Murkowski as well, for holding this hearing on the nomination of Bryan Newland to be the Assistant Secretary of Indian Affairs. Congratulations to you, sir, and to your family. It is great to see them here with you.

I want to begin by sharing the story of Helene Archeletta, who is the daughter of Betty McArthur. Helene lives beyond Counselor, New Mexico, on the Navajo Nation, miles and miles from her school at Cuba High, where she has to travel more than an hour in each direction to get to school. She and her mother are members of the Navajo Nation, where they live. Her home lacks vital access to utilities, including wired electricity and running water. She relies on a solar panel, a small battery and a generator for electricity to access broadband, which she receives on her mobile phone. But she cannot use that to complete her school work, because her family faces stringent punitive data caps.

I am committed to getting reliable broadband and other basic utilities to Helene and her family. However, tribal governments themselves often lack the resources to construct complete censuses of households without broadband, electricity, and running water.

Growing up in the Bay Mills Indian Community, you know it is vital that the Federal Government partner with tribal nations to understand and provide basic utilities to Native homes and households. You state that tribal governments, rather than Federal agencies, are best suited to respond to the challenges their communities face.

How can the Federal Government better support tribal nations and households in understanding their basic utility infrastructure needs, including broadband?

Mr. NEWLAND. Thank you, Senator Luján. First, I appreciate you sharing that story. It is all too common across Indian Country. Some of the things we need to do are make needed investments in this area. President Biden has proposed ambitious infrastructure investment across the Country, including Indian Country. Just last week, Vice President Harris, Secretary Haaland and Secretary Raimondo announced the broadband initiative in Indian Country. So these are some of the things that can help.

The other thing that we can do with Indian Country is to be a collaborative trustee, by making sure that we are facilitating development of that infrastructure and not being an impediment, which means letting tribes and Indian landowners make those decisions, and then getting it done as quickly as we can so they can have access to drinking water, access to broadband, and the things that they need.

Senator LUJÁN. Yes or no, will you commit to working with me in your role as Assistant Secretary to support tribal governments in creating complete censuses of households on tribal lands and lack basic utility infrastructure? Today, at IHS, for example, they do comprehensive reviews of lack of water and wastewater. But they count on assessments nation to nation. I don't believe that they are complete.

And in order to make progress to make these investments necessary, I think we need accurate data, so that we can make progress together. Is that something you can agree to work with me on?

Mr. NEWLAND. Yes, Senator, we can.

Senator LUJÁN. I appreciate that.

Now, another challenge that I have encountered, several years ago FEMA issued a declaration after a flood that took out a road and a bridge near Manuelito on the Navajo Nation. I personally had to go down to moderate a meeting between FEMA, the Navajo Nation, the Bureau of Indian Affairs, and the local county government to try to figure out what was going on and make sure we could expend those funds.

The BIA would not secure and grant the right-of-way necessary to invest the funds that were given and recognized with the natural disaster by FEMA. The bridge is still unpassable. There was poor coordination between these Federal agencies, and the BIA still struggles to realize its treaty and trust responsibilities to tribes.

If confirmed, what are you going to do to modernize the BIA and its partnerships so it is there to support tribes and protect non-tribal members, especially in situations like the example I provided?

Mr. NEWLAND. Thank you, Senator, and I know full well how frustrating that experience is. You have everything lined up as a tribe, or as a community, you have done your due diligence with Federal agencies, you are within the bounds of the laws and the regulations, and for whatever reason, it doesn't happen, or when Federal agencies, you are a spectator as a tribe, and Federal agencies have a difficult time connecting. That is something that, having that experience and frustration, I want to make sure it doesn't happen.

One of the ways that we can do that is to make sure that within the Bureau of Indian Affairs, in our approval processes, that we are not having, even with the same policies and regulations, that we don't have a patchwork of applications depending on which community you are in. I know that is something that people across Indian Country, it drives them crazy. We are working right now at the Department of the Interior to make sure we have a consistent application of rights of way regulations, leasing regulations, so that there is not this patchwork.

Then better coordination across the government. The President has made it clear all of our work, including in Indian Affairs, has to be an all-of-government approach. That communication you are referencing will be done through the White House Council and in other ways.

Senator LUJÁN. Chair Schatz, thank you so much. There are a few other questions that I have, but will submit them into the record. Especially as we work to secure an infrastructure package, I think these are going to be areas that we have to address in order to see that infrastructure deployed timely.

Thank you for this important hearing, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Luján.
Senator Hoeven.

**STATEMENT OF HON. JOHN HOEVEN,
U.S. SENATOR FROM NORTH DAKOTA**

Senator HOEVEN. Thank you, Mr. Chairman.

Mr. Newland, we had a hearing in North Dakota last year where we talked about law enforcement on the reservation. Three of the major takeaways were the need to address the shortage of BIA law enforcement officers, particularly in the Great Plains region, missing and murdered indigenous women and children, and substance abuse and mental health challenges.

So how do you envision working with tribes to address these public safety challenges?

Mr. NEWLAND. Again, I think being a collaborative trustee is going to be important on that. But when it comes to missing and murdered indigenous persons, and I know you have been an advocate and a leader working on these issues, Senator, part of the big challenge is raising the visibility of it within the Federal Government and prioritizing it. Secretary Haaland has made this a priority in unmistakably clear terms within the Department.

So when a Cabinet Secretary says, we are going to focus on missing and murdered indigenous people and violence in Indian Country, we are expected to deliver. We are working to build out the missing and murdered unit within the Bureau of Indian Affairs, adding staff to that across the Country and to coordinate on investigations for missing persons and murder cases.

I appreciate your highlighting the challenges the Bureau has faced through decades in trying to attract and retain law enforcement staffing across the Country. It has been a challenge, as you know.

One of the things that we are starting to do is to go and identify some of the root causes. Is it pay? Is it the challenges of the job? What is leading to the shortage of officers in many of these communities, including in your State?

I think that is going to be the first step we have to take.

Senator HOEVEN. Part of it is having training in the Great Plains region, which is what was set up at the Spirit Lake Reservation, basically. So we do have a center now there that is helping with training. Because it is very hard to recruit from the Great Plains region if they have to go all the way down to Artesia to get training. It is hard to get people who go to Artesia, be it the southwest or whatever, to come up north and in the Great Plains.

So part of it is that training center. I would ask that you would be willing to work with me to continue that so we can try to fill these vacancies, which as I mentioned is most acute across the Great Plains region.

Mr. NEWLAND. Senator, I would be happy to work with you and your team to address these issues.

Senator HOEVEN. Senator Lankford asked about energy. I want to follow up on that as well. The MSC Nation, the Mandan, Hidatsa, and Arikara tribes in our State, Three Affiliated Tribes, that reservation, if it were a State, it would be in the top 10 oil and gas producing States in the Country. They rely on infrastructure to get their oil to market, including the Dakota Access Pipeline.

Do you think it is important in the discussion of the Dakota Access Pipeline that they have a voice in terms of how that is handled?

Mr. NEWLAND. Thank you for your question, Senator. When tribes are impacted by Federal decision-making, it is important that we engage them early on in meaningful consultation. So yes, they should have a voice on matters that directly impact them.

Senator HOEVEN. If confirmed, what is your main goal? What do you think you can do to help tribes recover from the COVID pandemic? What are some of the key things you think can and should be done?

Mr. NEWLAND. Thank you, Senator, for that question, and the opportunity to talk about that. I think one of the big things that we can do coming out of the pandemic is to make sure that tribes have an economic opportunity at home so they can lead safe, fulfilling and healthy lives in their tribal communities. Some of the things, as you know from different communities in your State, some of the things that are lacking are just the basic infrastructure that many

communities take for granted, access to the modern economy through broadband connections.

So making these investments and also making sure that we actually turn those investments into real assets in tribal communities that can benefit people will help tribes weather the storm, whether it is another pandemic, a natural disaster, and make it so that people have an opportunity to lead those safe, healthy, and fulfilling lives at home.

Senator HOEVEN. Thank you. Welcome to your family, as well. Thank you.

Mr. NEWLAND. Thank you, Senator.

The CHAIRMAN. Senator Cantwell.

**STATEMENT OF HON. MARIA CANTWELL,
U.S. SENATOR FROM WASHINGTON**

Senator CANTWELL. Thank you, Mr. Chairman.

Again, welcome to the nominee. We appreciate your willingness.

I want to bring up several issues. One, I am excited that the Biden Administration is in support of a permanent Carcieri fix. I think this is very important, to take land into trust and to have recognized tribes be able to move forward on issues here. It has been very beneficial in the State of Washington over the past several decades when we did have that.

If confirmed, can you commit to supporting a clean Carcieri fix and address the Department of Interior's policies for taking land into trust?

Mr. NEWLAND. Thank you, Senator. Absolutely.

Senator CANTWELL. Great. Will you support another initiatives that myself, Senator Murkowski and many others have been supportive of, that is dealing with the backlog and cases related to murdered and missing indigenous women? In Washington State, Seattle specifically, we have the highest rate of murdered and missing indigenous people with cases.

If confirmed, would you commit to supporting and providing resources to helping us tackle this issue?

Mr. NEWLAND. Thank you, Senator. I share Secretary Haaland's commitment to taking meaningful action on addressing the crisis of missing and murdered indigenous people across Indian Country.

Senator CANTWELL. Thank you.

An agency that affects a lot of our tribes is the Puget Sound Agency Fee to Trust. The office has had lots of what we would say serious failings in the processing of realty transactions. Since 2019, the office has had a series of acting superintendents who served only four months, the result being a massive backlog of fee to trust applications. As a result, I have heard stories about applications being in progress literally for years.

So its failure to really live up to the trust responsibility as the Department considers options, what can you do? What is your plan to help us with this Puget Sound Agency office so we have capacity for the future in dealing with these issues in a timely fashion?

Mr. NEWLAND. Thank you, Senator. I would be happy to take a closer look at the Puget Sound Agency to better understand what is going on there.

With respect to overall things that we can do, again, part of it is going to involve myself, if confirmed, setting clear expectations within the Bureau of Indian Affairs that this is a priority, and that our field staff are expected to make decisions in a timely manner. Nobody in Indian Country should be in the position that my parents were in, being made to wait years when they had everything they needed to get into a home because the Bureau of Indian Affairs simply would not get to their application.

So this is a priority for me, making sure that our agencies across the Country are consistently applying the laws and the regulations and the policies on land into trust and leasing. If confirmed, I am going to communicate that to our team clearly.

Senator CANTWELL. Thank you. Another top priority for me is achieving 100 percent Federal medical assistance percentage FMAP for Urban Indian organizations, treating them with the same level of parity that you would treat a hospital. Seventy percent of American Indians and Alaska Natives live in urban settings, and they rely on Urban Indian health. So to me, they should be treated just like any other IHS facility.

So we have been working on this in the past dealing with COVID. In the Finance Committee, we are also looking at this. If confirmed, will you commit to supporting efforts to provide Urban Indian Health organizations 100 percent of their FMAP funding?

Mr. NEWLAND. Thank you, Senator. If confirmed, I would look forward to working with folks over at Indian Health Service and HHS through the White House Council on Native American Affairs to make sure that we are playing a meaningful and positive role in addressing these challenges across Indian Country, including Urban Indian Health centers.

Senator CANTWELL. Do you see the difference between them and a hospital, an IHS hospital?

Mr. NEWLAND. I am sorry, Senator?

Senator CANTWELL. Do you see a difference between Seattle Indian Health and, say, a hospital in some other State? To me, they are both facilities run by Indian Health organizations and should be funded with full FMAP funding.

Mr. NEWLAND. I don't see the distinction based on who is operating a health center if they are providing health services.

Senator CANTWELL. Okay, thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Daines.

**STATEMENT OF HON. STEVE DAINES,
U.S. SENATOR FROM MONTANA**

Senator DAINES. Thank you, Mr. Chairman. I greatly appreciate it. I will be your cleanup hitter here.

Mr. Newland, good to see you again. I really enjoyed our conversation we had a few weeks ago where we discussed the Montana Water Rights Protection Act. The Montana Water Rights Protection Act was approved, Senator Tester and I worked hard to get that passed last December and signed by the President. So it has been ratified and confirmed. It directed the Secretary to execute and implement the compact.

Despite this very clear directive from Congress, we have yet to see the Secretary of Interior execute the compact.

Mr. Newland, can you specifically commit that you and the Department of Interior will do whatever is necessary, including working with the Department of Justice, to get the compact signed in the next few weeks? It has been now almost six months.

Mr. NEWLAND. Thank you for that question, Senator, and also for your bipartisan work to get that done and to carry the burden here in Congress.

Yes, I can commit to working with you and others within the Department and the Department of Justice to make sure that we are getting that finalized and playing our role.

Senator DAINES. Could we see if we can get this done in the next few weeks?

Mr. NEWLAND. Senator, I will work to get it done, play a part in getting it done as quickly as we can.

Senator DAINES. Okay. I know the tribe very much wants to see this, it was years in negotiations and it settles a century-old water dispute, as you know. Thank you for that commitment.

CSKT, and also the Blackfeet Water Rights Settlements along with several other authorized settlements across the west, they still require significant funding to meet the Federal obligations guaranteed by the terms of the settlements. The longer it takes to fully fund these settlements, the greater the cost to the American taxpayer, and the long and important treaty and trust obligations continue to be, frankly, ignored.

As Congress works on the appropriations process, we look to provide funding for these Indian water rights settlements.

The question, Mr. Newland, is how can you ensure that the Department and the Administration's plan appropriately, from budgeting discretionary funding, that they plan appropriately for that within the DOI's budget to meet these very important obligations?

Mr. NEWLAND. I am sorry, Senator, I didn't understand.

Senator DAINES. How can you ensure that the Department, the Administration, they play appropriately for budgeting these discretionary funding items within the Department's budget, the DOI's budget, so we can meet these obligations?

Mr. NEWLAND. Thank you, Senator. I know that the Assistant Secretary for Indian Affairs works closely with the Secretary's Indian Water Rights Office, which coordinates this work for the Department of the Interior. We have made it a priority to make sure that we are completing our obligations under enacted Indian water rights settlements.

I believe there may be items in the President's budget request related to these two settlements. We will be happy to work with you and your team to make sure we are getting that done.

Senator DAINES. Thank you.

My last question, last Congress I raised an issue that the Department of Interior was slow-rolling improvements for land records required to implement the HEARTH Act, which poses significant challenges for our tribes. In October of 2019, we were told that external portals as a proxy for the trust asset and accounting management system would only be, I was told, weeks away. That was back in October of 2019. I realize that was before your time.

It has been almost two years since we were promised we were weeks away. These portals have never materialized.

Mr. Newland, could you commit to digitizing Fort Belknap's and other tribes' land records and getting these portals up and running in accordance with the funding that has been appropriated?

Mr. NEWLAND. Thank you, Senator, I appreciate your highlighting that issue.

Full implementation of the HEARTH Act is something that, as we spoke about, is near and dear to my heart. When it comes to those portals, I believe we have made that accessible to some of the compacted and contracted tribes. I believe we can work with you and your team to provide a demonstration of that work.

When it comes to Fort Belknap, I would be happy to work with the tribe there and make sure that they have clear and accurate land records and the things that they need to manage their lands effectively.

Senator DAINES. Mr. Newland, thank you. You have my support in your nomination. I look forward to working with you to help out Indian Country, not only in Montana but around the Country. Thank you.

Mr. NEWLAND. Thank you, Senator.

The CHAIRMAN. On that positive note, if there are no more questions, members may also submit follow-up written questions for the record. I would ask members to do so promptly, as we would like to move this confirmation as expeditiously as possible.

I would also ask the nominee to respond fully and as promptly as possible to any follow-up questions we may have, and also to meet with any remaining Committee members who may wish to do so.

The hearing record will be open for one week. Thank you, Mr. Newland, and thank you to your family, you must be very proud, for your time and your testimony and all of your collective public service. It is much appreciated.

This hearing is adjourned.

[Whereupon, at 3:39 p.m., the hearing was adjourned.]

A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN HOEVEN TO HON. BRYAN TODD NEWLAND

Last Congress, when I served as Chairman of the Senate Committee on Indian Affairs, I held a field hearing in North Dakota where we discussed how tribes, Congress, and federal agencies can best work together to improve public safety and promote the safety and security of tribal members and their families.

A key take away from that hearing was the substantial Bureau of Indian Affairs (BIA) law enforcement officer shortage present throughout the Great Plains region, and the need to find solutions to recruit and retain more BIA officers in the region.

As we discussed at the hearing on June 9, 2021, the BIA law enforcement officer shortage must be addressed. One way I have been working to address the shortage is by providing BIA law enforcement training opportunities in the Great Plains so that individuals do not have to travel far from their communities in order to complete their training. Providing law enforcement training opportunities closer to home will reduce one barrier for those who are interested in pursuing BIA law enforcement officer roles in the Great Plains region.

That is why I have worked to secure \$5 million over the last two years for additional specialized law enforcement trainings. Last Congress, I worked closely with the Department of the Interior and BIA to utilize this funding to help establish new BIA law enforcement training courses at Camp Grafton, North Dakota. I am hoping to work with the administration to continue this important endeavor so that more BIA law enforcement officers can receive training closer to their home communities.

Question 1. If confirmed, will you work with me to find solutions to the BIA law enforcement officer recruitment and retention challenges we are seeing across the country, particularly in the Great Plains region?

Answer. If confirmed, ensuring adequate BIA staffing would be a high priority of mine and I would look forward to working with you to find solutions to recruitment and retention challenges, including in the Great Plains region. I recognize the funding Congress has provided for these specialized trainings and as I stated at my hearing, I appreciate the potential recruitment benefits to training closer to home.

Question 2. If confirmed, will you support continuing the efforts at Camp Grafton in North Dakota to provide specialized law enforcement training to BIA officers, and work with me to build upon these efforts so that prospective BIA law enforcement officers can receive training closer to home and help fill existing gaps in the Great Plains region?

Answer. The Advanced Training Center (ATC) on Camp Grafton, North Dakota opened in 2020 to deliver specialized advanced training in criminal investigation, drug enforcement, and command school programs. If confirmed, I commit to supporting the ATC and working with you to build on its training efforts.

Last Congress, the U.S. House of Representatives passed the Lumbee Tribe of North Carolina Recognition Act (H.R. 1964) by voice vote. Companion legislation (S. 1368) was introduced in the Senate by Senators Richard Burr and Thom Tillis and was referred to the Senate Indian Affairs Committee, a committee I chaired for the last four years and of which I remain a member.

Question 3. Do you support the goals of the Lumbee Tribe of North Carolina Recognition Act?

Answer. I recognize that federal recognition is extremely important to communities seeking to establish a government-to-government relationship with the United States. I am familiar with the decades-long pursuit of federal recognition by the Lumbee Tribe of North Carolina. While the administration has yet to take a formal position on this bill, I recognize that the President has stated his strong support for the goals of this legislation in the past and, if confirmed, I look forward to working with Congress on this very important issue to the Lumbee people.

Question 4. Do you support extending federal recognition to the Lumbee Tribe of North Carolina?

Answer. I recognize that federal recognition is extremely important to communities seeking to establish a government-to-government relationship with the United States. I am familiar with the decade's long pursuit of federal recognition by the Lumbee Tribe of North Carolina. If confirmed, I commit to carefully considering this issue in the context of the Department's federal acknowledgment process, but it would be inappropriate to prejudge the outcome of that process. Additionally, I respect that Congress has the power to recognize tribes, and if confirmed, I commit to working with Congress as part of that process as well.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. MIKE ROUNDS TO
HON. BRYAN TODD NEWLAND

Question 1. What is your opinion on individual tribal members seeking to take their land out of trust? Or conversely, putting individually owned fee land into trust?

Answer. There is established law, processes, and procedures that allow for individual Indians to apply for a patent in fee, or for trust status for their undivided fractional and full interests on-reservation or contiguous fee land. If confirmed, I intend to follow the law and implement the Department's processes and procedures for these transactions.

Question 2. Programmatically, what role should states have in this decision-making process?

Answer. Upon receipt of a completed application to have lands taken into trust from individual Indians, the Secretary will notify the state and local governments having regulatory jurisdiction over the land to be acquired, unless the acquisition is mandated by legislation. The notice will inform the state or local government that each will be given 30 days in which to provide written comments as to the acquisition's potential impacts on regulatory jurisdiction, real property taxes and special assessments. If the state or local government responds within a 30-day period, a copy of the comments will be provided to the applicant, who will be given a reasonable time in which to reply and/or request that the Secretary issue a decision.

Question 3. What is your opinion on individual tribal members being able to secure private financing by pledging or mortgaging their individual trust land or even obtaining a leasehold mortgage on tribal trust land?

Answer. 52 IAM 4 establishes the Department's policy, responsibilities, and procedures for the management and processing of leasehold and land mortgages of trust property. If confirmed, I intend to follow the law and implement the Department's processes and procedures for these transactions. As I stated at my hearing, I believe the Department should be a collaborative trustee when working with Tribal Nations to advance their goals, including homeownership.

Question 4. How do you intend to improve the BIA mortgage approval process? Specifically, is there a way to streamline the requests for Title Status Reports, BIA mortgage approval and mortgage recordation on the Title Status Reports?

Answer. In 2019, the BIA issued the Indian Affairs Mortgage Handbook, 52 IAM 4-H. It provides standardized procedures and other guidance to assist BIA staff in efficient and consistent processing of leasehold mortgages and land mortgages of trust property from various mortgage lenders and lending programs. If confirmed, I would work on ensuring implementation of the Indian Affairs Manual and use of the Mortgage Handbook that streamlines the mortgage approval process. I would pay close attention to how this new guidance is working and listen to Tribes and Tribal organizations, Congress, and other stakeholders to determine what, if any, further improvements can be made.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. CATHERINE CORTEZ MASTO
TO HON. BRYAN TODD NEWLAND

Air Force Expansion

Nevada is home to a large Air Force training installation in Southern Nevada and the Navy has a large training installation in Northern Nevada. Both the Air Force and Navy have sought to significantly expand the footprint of their installations, which would have substantive impacts on lands managed by the Interior Department, including the Desert National Wildlife Refuge, popular recreational areas, federally-owned grazing lands, and important tribal and cultural resources.

The Department of the Interior must be actively engaged in these discussions and finding reasonable, workable, and collaborative solutions with the military and local stakeholders, including impacted tribal communities.

Question 1. Can I have your commitment that in your role as Assistant Secretary for Indian Affairs you will work with all stakeholders to find such solutions, and make sure that tribal input is a part of these solutions?

Answer. When Tribes are impacted by federal decisionmaking, it is important that we engage them early on in meaningful and robust consultation. If confirmed, I commit to working alongside the other Bureaus within the Department to listen to all stakeholders and to engage in regular, meaningful and robust Tribal consultation to identify collaborative solutions. I understand that the Department, is engaging with the Department of Defense on these issues and I look forward to being part of the effort to ensure tribal input is taken seriously during the consideration of solutions.

MMIW Issues

I'm glad to see Secretary Haaland is moving forward to implement the provisions of Savanna's Act and the Not Invisible Act, my bills with Sen. Murkowski that became law last year.

Question 2. If you are confirmed, how will you approach implementation of these laws?

Answer. I share Secretary Haaland's commitment to taking meaningful action on addressing the crisis of missing and murdered Indigenous people across Indian country. In April, Secretary Haaland announced the formation of a new Missing & Murdered Unit (MMU) within the Bureau of Indian Affairs Office of Justice Services to provide leadership and direction for cross-departmental and interagency work involving missing and murdered American Indians and Alaska Natives. The Department is also designating new positions to support the investigative needs of the MMU, including the collection and analysis of performance data and coordination of services with the families of victims. These efforts further implementation of Savanna's Act. Secretary Haaland also announced that she is moving forward to implement the Not Invisible Act, which calls for the Department to coordinate prevention efforts, grants, and programs related to missing and murdered Indigenous peoples. I look forward to working on these important issues as one of the Department's top priorities if I am confirmed.

Law Enforcement

I hear from tribal law enforcement in Nevada and across the country that they need more tools, resources, and support to help keep their communities safe.

Question 3. If confirmed, what will be your priorities when it comes to management of the BIA's Office of Justice Services?

Answer. Every community deserves to be safe. If confirmed, ensuring adequate BIA staffing would be a high priority of mine and I would commit to the efficient and effective recruitment of qualified people. I would also prioritize listening to BIA's Office of Justice Services to identify, procure and provide the tools and resources they need. The President's FY22 budget request includes strong investments for Indian Country, including justice services, and I look forward to engaging with Congress to ensure those are well targeted and provide real improvements for Tribal public safety.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BEN RAY LUJÁN TO HON. BRYAN TODD NEWLAND

Question 1. While we have some estimates at the federal level, it is fair to say that we lack information on who does and does not have access to clean drinking water and wastewater in Native communities. Yet we know the need for water infrastructure on Tribal lands is staggering, and it is paramount that we must fund the backlog of projects that exist within the Indian Health Service. I was proud to introduce the Indian Health Service Sanitation Facilities Construction Enhancement Act to provide \$3 billion to address the backlog of water infrastructure projects documented by IHS. However, Congress must wait each year to obtain a report on the cost of sanitation deficiencies of Native American communities, and this can hamper legislative efforts to fund the most recent project inventory. If confirmed, what will you do to increase interim communication of the IHS Sanitation Deficiency System inventory and data to Congress?

Answer. If confirmed, I would look forward to working with leadership of Indian Health Service and the Department of Health and Human Services on this important issue. While the position to which I have been nominated does not have direct authority within HHS, the White House Council on Native American Affairs is led by the Department and through my participation in several subcommittees, I will

make every effort to ensure that Interior is playing a meaningful and positive role in addressing these challenges across Indian country by leading a whole of government approach to these issues.

Question 2. The IHS has a responsibility to report annually on water infrastructure needs. However, IHS relies on Tribal governments to obtain data. This data is often incomplete on the number and locations of households that lack running water and wastewater. If confirmed, what will you do to ensure a more complete and accurate database is maintained at IHS?

Answer. If confirmed, I would look forward to working with leadership of Indian Health Service and the Department of Health and Human Services on this important issue. While the position to which I have been nominated does not have direct authority within HHS, the White House Council on Native American Affairs is led by the Department and through my participation in several subcommittees, I will make every effort to ensure that Interior is playing a meaningful and positive role in addressing these challenges across Indian country by leading a whole of government approach to these issues.

Question 3. Would you support a requirement that BIA report to Congress every few years on utility infrastructure need inventories, including water, electricity and broadband access, similar to the way IHS reports water deficiency needs to Congress annually?

Answer. If confirmed I commit to ensuring that the BIA complies with the law and works with Congress consistent with the Department's processes for such information requests. Expanding Tribal broadband is one of Secretary Haaland and my top priorities for Tribal economic development and I am ready to work with Congress on all ways to effectively advance that goal.

Question 4. Non-Tribal and Tribal members, whether they are living on or off of Tribal lands, are being negatively impacted by high transmission and distribution right of way easement costs. High easement costs have a negative impact on Tribal members, especially in my state of New Mexico, where utility rates to recover Indian right of way costs mostly fall on Tribal members. Escalating easement costs often are indirectly imposed onto customers residing within the Tribe's exterior boundaries, who must pay higher utility costs charged by companies that are trying to recoup the cost of easement agreements with Tribes. How will you work with the BIA to consider the impact of right of way costs, both direct and indirect, on both Tribal and non-Tribal members?

Answer. The Department can be a collaborative trustee with Indian country by making sure that we are facilitating development of infrastructure, and not being an impediment, which means letting tribes and Indian landowners make decisions and then getting things done as efficiently as possible. If I am confirmed, I am committed to ensuring certainty and transparency in these processes and this will be a priority for me if confirmed. I am also committed to the President's infrastructure plan which will improve transmission and clean energy options for underserved communities, including Tribal Nations and rural communities around them.

Question 5. The Navajo Nation's farm enterprise, the Navajo Agricultural Products Industry (NAPI), is based in my state in Farmington, New Mexico and utilizes 70,000+ acres of land for farming with water from the Navajo Indian Irrigation Project. In March, our Committee had a hearing to hear from Tribes about their water infrastructure needs. The Navajo Nation and the Colorado River Indian Tribes in the hearing testified on the challenges they face with their irrigation projects. We heard about routine project maintenance that often goes unfinished, irrigation projects that can't meet safety code and about the need to complete the construction of these irrigation projects to utilize undeveloped land for farming. I understand this is a complex issue, but have you developed or are you currently working on a plan to address the Operations and Maintenance (O&M) needs of the country's Indian irrigation projects?

Answer. Irrigation projects like the ones mentioned in your question can be critical to Tribal economic development. If confirmed, I am committed to working on the O&M needs of the Indian irrigation projects managed by the Department, in addition to addressing other high priority infrastructure needs of Tribal communities.

Question 6. If not, will you commit to working with Tribes with Irrigation projects to develop a plan that is responsive to the challenges they face?

Answer. The President has committed to addressing priority infrastructure needs of Tribal Nations. If confirmed, I will work with Tribes with irrigation projects managed by the Department to develop a plan responsive to the challenges they face.

Question 7. Would you be willing to enter into consultation with the Navajo Nation and the Navajo Agricultural Products Industry to come up with a plan and timeline to complete the construction of the Navajo Indian Irrigation Project?

Answer. When Tribes are impacted by federal decision-making, it is important that we engage them early on in regular, meaningful and robust consultation. If confirmed, I look forward to being briefed on this project, the role of the Department of the Interior, and working to find solutions within the budget and authorities of the Department.

Question 8. Have you developed or are you currently working on a plan to address the Operations and Maintenance (O&M) needs of the Indian irrigation projects?

Answer. If confirmed, I am committed to working on the O&M needs of the Indian irrigation projects managed by the Department, in addition to addressing other high priority infrastructure needs of Tribal communities. I look forward to being briefed on Indian irrigation projects, the role of the Department of the Interior, and working to find solutions within the budget and authorities of the Department.

Question 9. The GAO in 2014 estimated that the backlog of deferred maintenance on Indian irrigation projects exceeded \$500 million. Have you developed or are you currently working on a plan to address the deferred maintenance needs of the Indian irrigation projects?

Answer. As I noted in the previous response, if confirmed, I am committed to working on the deferred maintenance needs of the Indian irrigation projects managed by the Department. I look forward to being briefed on Indian irrigation projects, the role of the Department of the Interior, and working to find solutions within the budget and authorities of the Department.

Question 10. If not, will you commit to working with Tribes with Irrigation projects to develop a plan that is responsive to the challenges they face?

Answer. If confirmed, I am committed to working with Tribes on the deferred maintenance needs of the Indian irrigation projects managed by the Department. I look forward to being briefed on Indian irrigation projects, the role of the Department of the Interior, and working to find solutions within the budget and authorities of the Department.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JAMES LANKFORD TO
HON. BRYAN TODD NEWLAND

Question 1. Do you believe that the *McGirt* decision, plus the subsequent decisions that have expanded it to apply to the “Five Tribes” in Oklahoma, changes the Department of Interior’s authorities and responsibilities within the state of Oklahoma and on those reservations? If so, how?

Answer. As I stated in my confirmation hearing, it’s important to take those questions as they come in terms of the consequences of the *McGirt* decision because questions of reservation boundaries and jurisdiction are so fact-specific, even within the same reservation. They depend on the actors, proposed course of action, and the land tenure involved. I don’t want to prejudge questions that may arise by pronouncing consequences for *McGirt* that don’t exist yet or that haven’t come before us. If confirmed, I will work with the Solicitor of the Department of the Interior, affected Tribes, the state of Oklahoma, and non-Tribal communities and try to find answers on questions as they come. I understand the importance of this decision for Oklahoma, Tribes, and non-Tribal communities and I believe that communication and cooperation will be the best ways to move forward.

Question 2. In areas where the Department determines that the State of Oklahoma has lost or has had altered its authority on the reservation, how will you work with the tribes and state to ensure a seamless transfer of authority?

Answer. I understand that this is an important issue for you and the State of Oklahoma. If confirmed, I would engage in meaningful and robust consultation with Tribes and will support efforts to work with all parties on how to move forward. I understand the importance of this decision for Oklahoma, Tribes, and non-Tribal communities and I believe that communication and cooperation will be the best ways to move forward.

Question 3. Do you believe that that the *McGirt* decision as announced by the Supreme Court applies to criminal and civil jurisdiction on the reservation? If so, do you feel like the Department of Interior has the authority to make the determination that it applies to both or is an additional court determination needed?

Answer. The Supreme Court’s decision in *McGirt* was an interpretation of a single treaty for a single tribe on the matter of criminal prosecutions, but when you confirm the existence of reservation boundaries, that leads to a host of other questions

and I know that's been a particular topic of interest for tribes, the State, and communities in Oklahoma. It is my understanding that the Solicitor's Office of the Department believes that the Court's ruling also affects civil jurisdiction in some circumstance, but the Department must respond to questions arising from the *McGirt* decision as they arise. I would consult with the Department's Solicitor's Office on matters such as this.

Question 4. Is the Department willing to cooperate with the tribes to assist in building necessary infrastructure as they exercise the authorities and rights that come with having a reservation? Including identifying available federal resources that can be utilized by the tribes during this transition.

Answer. Yes. If confirmed, I will work with Tribes to ensure they are aware of federal resources and opportunities related to any expanded jurisdiction they might have.

Question 5. Citing the *McGirt v. Oklahoma* decision, DOI's Office of Surface Mining Reclamation and Enforcement (OSMRE) recently notified the state of Oklahoma that it no longer has regulatory jurisdiction over mines on Indian Lands in the state. OSMRE cites the definition of "Indian Lands" under the Surface Mining Control and Reclamation Act of 1977. However, it's my understanding *McGirt* only applied to criminal jurisdiction. Will you commit to working with your colleagues to give my office the pre-decisional documentation on how the solicitor's office arrived at the decision? Will you also commit to providing the pre-decisional documentation for future decisions regarding application of civil authority from *McGirt*?

Answer. If confirmed, I commit to consulting with the Department's Solicitor's Office to determine what information is appropriate to provide and make good faith efforts to provide your office with information to help understand the Department's conclusion.

Question 6. Do you support legislation in response to the 2009 Supreme Court decision *Carcieri v. Salazar*? If so, what would be your policy preference for that legislation?

Answer. President Biden has made it clear that he supports a clean *Carcieri* fix to ensure that the Secretary may place land into trust for all tribes, and I support it, too. If confirmed, I will work with Secretary Haaland, the Department, and Congress on these issues related to the *Carcieri* decision.

Question 7. Do you intend or expect to make any changes to the Department's rules concerning the Indian Child Welfare Act? If so, what changes would you make?

Answer. President Biden supports the Indian Child Welfare Act. The recent Fifth Circuit decision is a complicated one that found parts of the law unconstitutional but generally upheld the law. That decision is being reviewed by the Office of the Solicitor General, Department of Justice, and our Solicitor's Office. Once that review is finished, we will determine what steps may need to be taken. If confirmed, I will work to support the best interests of children and Tribes, consistent with the law.

Question 8. If confirmed, will you commit to publishing a map showing generally (and without divulging confidential information or specific addresses) where and how much land is held in trust throughout the country?

Answer. If confirmed, I look forward to working with appropriate personnel in the Department to evaluate the appropriate options for this information and make a good faith effort to consider this question.

Question 9. Do you support off-reservation tribal gaming?

Answer. I support Tribal economic development, including gaming, as may be provided under the law. If confirmed, I look forward to working with the Department through its established legal process while reviewing off-reservation gaming requests.

Question 10. Should land-into-trust applications be approved automatically?

Answer. Placing land into trust for the benefit of Tribes and individual Indians is an important responsibility. If confirmed, I look forward to working with the Bureau of Indian Affairs and the Solicitor's Office on fulfilling this responsibility, according to the law.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. RICHARD BLUMENTHAL TO
HON. BRYAN TODD NEWLAND

In 2015, the U.S. Department of the Interior finalized revisions to the criteria for federal recognition of Indian Tribes which prohibited previously denied Tribes from re-petitioning under the new criteria. The final regulations were the result of significant input from the Connecticut delegation and Connecticut state and local officials.

In 2020, two US District Court decisions found the re-petitioning ban to be unconstitutional. The Department of the Interior has not addressed the impact of these decisions. How the Department resolves this issue is of significant concern to Connecticut residents who may be substantially impacted by any change in the regulations.

Question 1. Will you consult with the Connecticut Congressional delegation, state and local officials about any change in the rule banning Tribes that have been denied federal recognition from re-petitioning under the new criteria to respond to the U.S. District Courts' decisions striking down such ban and agree to address our concerns?

Answer. I know this is an issue that is important to you. If confirmed, I will engage with states and local governments, tribes, Congress, and other interested stakeholders before promulgating any change.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. LISA MURKOWSKI TO
HON. BRYAN TODD NEWLAND

Alaska's Unique Legal Structure

Question 1. What are your views on the Government's position, as briefed and argued by the Solicitor General of the United States, in the case *Yellen v. Confederated Tribes of the Chehalis Reservation*, Nos. 20-543 and 20-544, that the Indian Self Determination and Education Assistance Act's (ISDEAA) recognition clause ("recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians") within the definition of "Indian tribe" can be reasonably read to refer not only to sovereign Indian Nations, but also, given the explicit reference to Alaska Native Corporations (ANCs) in that definition, to the distinct statutory status that Congress has conferred on ANCs. (See Gov't Br. 47-48; Gov't Reply Br. 19-20.)? Please explain.

Answer. As I am currently at the Department, and the Department does not comment on active litigation, I am unable to provide a personal comment on the Government's position. I understand the Government's position and respect the legal process that is going forward.

Question 2. Will you support and defend the Government's position, in the case *Yellen v. Confederated Tribes of the Chehalis Reservation*, Nos. 20-543 and 20-544, if confirmed?

Answer. As I am currently at the Department, and the Department does not comment on active litigation, I am unable to provide comment. I understand the Government's position and respect the legal process that is going forward. That litigation is being led by the Department of Justice, and when there is a decision, I will respect and follow it.

Question 3. At the hearing on your nomination you told me that you were working to educate yourself on the unique structure of Indian Law in Alaska and the ways other laws interact with specific Alaska statutes like Alaska Native Claims Settlement Act (ANCSA) and Alaska National Interest Lands Conservation Act (ANILCA). What have you learned about how ISDEAA and ANCSA interact? Please explain.

Answer. The depth and breadth of Indian Law in Alaska, much like the State itself, is vast. While I have had some introduction to it, if I am confirmed, I commit to my ongoing education on these issues throughout my tenure. I understand that ANCSA was passed in 1971 to settle Native land claims in Alaska and led to the establishment of Alaska Native Corporations (ANCs). Congress passed ISDEAA subsequently in 1975, in order to empower Tribes to operate their own services provided for by the federal trust responsibility including housing, education, transportation, public safety, and healthcare, and included ANCs as part of ISDEAA. In Alaska, some ANCs provide essential services for Alaska Natives using ISDEAA authorities.

Question 4. Are you now aware of how important it is that ANCs are included in the ISDEAA definition of "Indian tribe," which is referenced in hundreds of other statutes, with the specific intent of explicitly including ANCs?

Answer. I understand the importance of ANCs in ISDEAA. I know that Alaska is a very unique situation for Native People, with the Alaska Native Corporation structure put in place by ANCSA, when compared to the lower 48 states. I also understand that ANCs provide educational services, health services, and social services to Alaska Native people. Additionally, I know that ANCs are not like other corporations. They are distinguished by their manner of creation, ownership, governance, roles, connection to place, and values. If confirmed, I commit to working to ensure

that the Alaska Native people get the services that they need, whether through Alaska Native Corporations, tribal governments, or any other organizations.

Question 5. Are you now aware of how important it is that ANCs serve as the recognized governing body of an “Indian tribe” under ISDEAA and Department of the Interior guidelines, even if only in limited circumstances?

Answer. I am aware of the importance of ANCs to delivering services such as those provided for under ISDEAA. As I said in the response to the previous question, I know that Alaska is a very unique situation for Alaska Natives and that the Alaska Native Corporations play a very important role in their lives and for their health, safety, and well-being. If confirmed, I commit to learning more about issues such as this. I will always work to ensure that Alaska Native people get the services that they need, whether through the Alaska Native Corporations or any other organizations.

Question 6. The Department of the Interior offers ANCSA and ANILCA trainings for its employees who will have to navigate the application of these laws in their work. Will you commit to taking yourself, and mandating for others in your office, ANCSA and ANILCA trainings, if you are confirmed?

Answer. Yes, if confirmed, I commit to taking the Department’s ANCSA and ANILCA trainings and ensure those who have to work with these laws view it as required training.

Question 7. At the hearing on your nomination, you told me that you share my assessment that there is a lot of education that needs to be done on the unique structure of Indian law in Alaska. What actions will you take as Assistant Secretary to ensure that education takes place across the government, and Indian country, if you are confirmed?

Answer. As I noted in a previous response, I would learn more about these issues myself. In addition to the benefit of your experience, I would commit to taking the Department’s ANCSA and ANILCA trainings and I would ensure those who have to work with these laws in my office view it as required training.

Question 8. In an article from April 2020, titled, “Indian Tribes object to allowing federal bailout money to go to Alaskan Native Corporations.” You are quoted as saying, COVID–19 funds should not go to “stabilize or improve the returns for shareholders in for profit corporations at the expense of tribal governments that desperately need money to protect their citizens..” You further stated, giving Alaskan Native Corporations a share of the \$8 billion “would not be equitable it would be galling.” (*Dermotcole.com.*) Is this still your opinion? Why or why not?

Answer. When the pandemic struck that became an important life or death focus of mine for my community as the Tribal President. I recognize that the role of a Tribal President is much different than the role of the Assistant Secretary-Indian Affairs. I know that Alaska Native Corporations are not like other corporations, and that they provide important services to Alaska Native people. If I am confirmed, I will be serving all federally recognized Indian Tribes, Alaska Native villages, ANCs, and answerable to individual Indians and Alaska Natives.

Question 9. In an opinion piece you authored from July 2020, titled “Congress should make sure pandemic relief legislation works for Indian Country,” that was published on *Indianz.com*, you state that new legislation should “clarify” that the Coronavirus Relief Fund is intended for use by the 574 recognized tribal governments, rather than for profit corporations referring to ANCs. Is this still your opinion? Why or why not?

Answer. As I noted in the response to the previous question, in 2017 my Tribe elected me to serve as Tribal President and we set about to make Bay Mills a better place to live. When the pandemic struck that became an important life or death focus of mine for my community as the Tribal President. I recognize that the role of a Tribal President is much different than the role of the Assistant Secretary-Indian Affairs. If I am confirmed, I will be serving all federally recognized Indian Tribes, Alaska Native villages, ANCs, and answerable to individual Indians and Alaska Natives.

As discussed in previous questions, this topic is a matter of litigation, and as a current official at the Department I am not able to comment on it directly. As a member of the Department, I respect the administration’s position and I am not advocating for any legislation outside of President Biden’s legislative priorities.

Question 10. How will you lower the temperature related to tribes and ANCs, given that you, yourself, have made comments critical of ANCs in the context of the CARES Act Tribal set-aside implementation, if confirmed?

Answer. Communication and transparency are important functions for building trust, and I would ensure that I am carrying out my duties in a transparent and

open way, if I am confirmed. I will ensure that federally recognized Indian Tribes, ANCs, Tribal consortia, and individual Indians know that I am working hard to serve them all. During disagreements, rhetoric can become overheated but I will work every day to communicate with civility and respect and encourage others to do the same.

Question 11. How would you set the tone as an ambassador and advocate for all of Indian country and Native peoples, if confirmed?

Answer. If I am confirmed as Assistant Secretary—Indian Affairs, I will be serving all federally recognized Indian Tribes, ANCs, individual Indians. I would look forward to engaging in meaningful tribal and ANC consultation, so all have a voice on matters that directly impact them. I would endeavor to be a clear, strong leader on Tribal priorities broadly within the government and with external stakeholders and strive to communicate with the civility and respect that my parents taught me.

Consultation

Question 12. What are your views on consultation with Alaska Native Corporations? Please explain.

Answer. When Tribes, Native organizations, and ANCs, are impacted by federal decisionmaking, it is important that we engage them early on in meaningful consultation. So yes, they should have a voice on matters that directly impact them and their lands. The Department's Manual requires this consultation with ANCs in these situations and I believe that is an important obligation.

Question 13. Do I have your commitment, if confirmed, to conduct meaningful and consistent consultation with the Tribes and Native organizations in Alaska including ANCs, and to involve them appropriately in decisionmaking relevant to them?

Answer. Yes. When Tribes and Native organizations, including ANCs, are impacted by federal decisionmaking, it is important that we engage them early on in meaningful and robust consultation. So yes, they should have a voice on matters that directly impact them.

Question 14. If confirmed, how will you encourage collaboration between the Department, your office and other agencies across government, including the Department of Justice, in particular, to address the problems and concerns of Native people?

Answer. Yes. The President has made it clear all of our work, including in Indian Affairs, has to be an all-of government approach. I look forward to working through the White House Council on Native American Affairs to make sure that we are playing a meaningful and positive role in addressing these challenges across Indian country.

Question 15. What role do you have in the development of the Interior Department's plan of actions to implement the President's directives on consultation with Indian Tribes? Have those plans been submitted and approved?

Answer. Under our Department Manual (DM), as Principal Deputy Assistant Secretary—Indian Affairs (PDAS-IA), I was appointed as a Tribal Governance Officer (TGO) to oversee consultation efforts. The DM incorporates statutory language that requires Interior to consult with Alaska Native Claims Settlement Act (ANCSA) corporations in the same manner as Tribes. In late April, Interior submitted its detailed plan for improving consultation to OMB, as required by the January 26, 2021 Presidential Memorandum.

Question 16. Do I have your commitment to meet and work with the people of King Cove, Alaska to understand their decades long quest for a life-saving road, if confirmed?

Answer. Yes, I will meet with the people of King Cove and work to understand their views. All our people should have access to adequate medical services and that this can be a very serious matter for those living in remote areas and under difficult conditions. I am hopeful that a solution that works for all can be achieved, and I am committed to working toward making that happen, if confirmed.

Land into Trust in Alaska

Question 17. What tribal consultation, including with Alaska Native Corporations, has occurred in Alaska since M-37064 was rescinded?

Answer. The Department has conducted 27 tribal consultations on various issues since M-37064 was rescinded on January 19, 2021.

Question 18. What is your involvement specifically in these consultations?

Answer. I participate as needed in many consultations and review all input collected from consultations under the purview of Indian Affairs.

Question 19. How will the Interior Department ensure the protection of regional native corporations' valid, existing rights to develop that subsurface estate if there

is an effort to take the surface lands into trust? How will these subsurface rights be administered?

Answer. If confirmed I will follow the law. The Department must respect existing legal rights in any administrative process that it conducts. If confirmed, I would be happy to work with the Committee to provide further information on the question of administration.

Question 20. What are your views on the development and implementation of Alaska-specific land-into-trust regulations, rather than simply using the Part 151 regulations for off-reservation requests?

Answer. The Bureau of Indian Affairs will schedule virtual consultation sessions with Tribal Nations and ANCs to engage in regular, meaningful and robust consultation on the Secretary's land into trust authority in Alaska. This consultation will inform the Department's actions regarding this issue, and I do not want to pre-judge this process.

Question 21. Please describe what subsistence means to you. What role do you expect to have in subsistence management in Alaska, if you are confirmed?

Answer. Subsistence rights are important to me as someone who grew up in a Native community and understands what they mean for feeding people in Indian Country. Alaska presents unique issues around the Alaska National Interest Lands Conservation Act (ANILCA) "subsistence" priority for rural Alaska residents upon which many Native communities depend. The Department looks forward to working with the Alaska Native community respecting the protections for hunting, fishing, and gathering rights.

Public Safety and Tribal Justice

Question 22. How will you use your experience as Chief Judge to further improve the tribal court systems in Alaska and across all of Indian Country, if confirmed?

Answer. As I stated in my testimony to the Committee, my experience as a Tribal judge instilled in me the importance of applying the law in a fair and impartial manner regardless of the parties. I also understood that many of the cases that came before the court would benefit from mental health, substance abuse, and other counseling services that would improve lives and families, and that's why I worked to help secure federal resources to create the Bay Mills Healing to Wellness Court. I know that Tribal courts benefit from support for their resources and technical expertise, especially in rural and isolated places in Indian Country and Alaska, and if confirmed I would work with Tribes to identify and implement support for their self-governance and sovereignty when it comes to Tribal court systems.

Question 23. How do we navigate the roadblocks, including those that may be internal to the BIA, to support public safety and justice in Alaska, especially when we know self-determination is so critical to adequate responses at the tribal level?

Answer. If confirmed, I will prioritize supporting public safety and justice efforts throughout the United States, including Alaska. As I stated at my confirmation hearing, I believe the Department should be a collaborative trustee, not an impediment, so I would work to address roadblocks to support for public safety where they exist.

Question 24. Do I have your commitment to work with us here at the Indian Affairs Committee to develop a tribal title to improve and expand on the authorities granted in the existing VAWA to address violence against native women and children, if confirmed?

Answer. Yes. President Biden and Secretary Haaland are committed to renewing and strengthening VAWA, including for Native women and children and I look forward to playing an active role in that legislative process with other members of the Administration when it comes to Tribal provisions with Congress, if confirmed.

Question 25. The Office of Justice Service has been under the Bureau of Indian Affairs Directorate for many years and has lost the visibility to be effective due to bureaucracy. Are you willing to consider moving the Office of Justice Service under your office, Office of the Assistant Secretary for Indian Affairs, and away from BIA, if confirmed?

Answer. If confirmed, I will work to ensure that the Indian Affairs bureaus are organized in a manner to ensure they are able to meet the needs of Indian country. In addition, I would commit to meaningful and robust Tribal consultation prior to any efforts to significantly reorganize the structure of the Indian Affairs bureaus.

Question 26. Staffing BIA police and detention officers has to be a top priority for your division. Do you support increasing law enforcement personnel to the field? If so, what regions would you staff up first, if confirmed?

Answer. If confirmed, ensuring adequate BIA staffing would be a high priority of mine and I would commit to the efficient and effective recruitment of qualified peo-

ple. I would also prioritize listening to BIA's Office of Justice Services to identify, procure and provide the tool and resources they need where they need them. I want to work to understand the root cause of law enforcement staffing shortages in different regions and work to systematically address them to meet the public safety needs of tribal communities.

Question 27. Will you commit to keeping the BIA drug enforcement officer in Alaska, if confirmed?

Answer. There are no plans to eliminate that position, and I will work to ensure that we have law enforcement resources where they are needed, including Alaska.

Question 28. A recent news article, "Indian Affairs Promised to Reform Tribal Jails. We found Death, Neglect and Disrepair" from *NPR.org* found a pattern of neglect, disrepair and mismanagement at jails overseen by the Bureau of Indian Affairs. What steps will you immediately implement to ensure that future deaths and disrepair will not be tolerated? Please explain.

Answer. I am aware of and upset about the disturbing issues that were recounted in this article. I am committed to tackling the long-standing problems of staffing and facilities and operations that have contributed to these tragedies. Secretary Haaland believes these deaths are unacceptable. So do I. If confirmed, I look forward to working with this Committee to do all we can to improve this situation.

Question 29. What is your position on using BIA funding for tribal courts in P.L. 280 states?

Answer. With regard to the President's rescue plan that Congress enacted, the Department worked with leaders across Alaska Native communities to make sure that law enforcement funding that came through the Department acknowledged the unique challenges that tribes in Public Law 280 states face. We made sure that they were not excluded from public safety funding under the rescue plan. This is an important issue, and if confirmed, I look forward to working on it.

Fee to Trust Indian Country

Question 30. How does the Supreme Court decision in *Carcieri* affect tribal and non-tribal communities?

Answer. The Court's opinion in *Carcieri* created confusion about the application of the Indian Reorganization Act to a number of tribes and has made the land-into-trust process more time consuming and expensive.

Question 31. Describe your previous experience involving work related to the *Carcieri* decision.

Answer. I was not involved in the *Carcieri* litigation but have helped implement the Department's land-into-trust policies during my previous work at the Department. In private law practice, I provided legal counsel regarding the applicability of the *Carcieri* decision to tribal clients.

Question 32. On your committee questionnaire, you said a "Carcieri fix" should be a priority for legislative action. If confirmed, what steps will you take to help advance such a fix in Congress? If a legislative fix is not possible, do you support Tribes to individually seek land into trust through Congressional action instead of administratively?

Answer. President Biden has called for clean *Carcieri* fix legislation and I believe that is one of the top priorities for legislation relating to the position for which I have been nominated. I would work with Congress to support its legislative efforts, including this Committee on a bipartisan basis, such as providing testimony, technical assistance, and other support as necessary while respecting that Congress is the legislative branch of our government. While a legislative fix is still in the legislative process, I would also work with Congress on any individual land into trust legislative issues as they may arise.

Question 33. On land into trust applications, are you considering changing how input received from local and state stakeholders is factored into or considered in the decisionmaking on whether such lands should be taken into trust?

Answer. Upon receipt of a completed application to have lands taken into trust, the Secretary will notify the state and local governments having regulatory jurisdiction over the land to be acquired, unless the acquisition is mandated by legislation. The notice will inform the state or local government that each will be given 30 days in which to provide written comments as to the acquisition's potential impacts on regulatory jurisdiction, real property taxes and special assessments. If the state or local government responds within a 30-day period, a copy of the comments will be provided to the applicant, who will be given a reasonable time in which to reply and/or request that the Secretary issue a decision.

Question 34. Are you considering reforming or streamlining the land into trust applications for on-reservation and off-reservation acquisitions?

Answer. I look forward to hearing from Tribes about their experience with the land into trust process. In addition, Solicitor's Opinion M-37069 recommends the Bureau of Indian Affairs schedule consultation sessions with Tribal Nations to engage in regular, meaningful and robust consultation on the Secretary's land into trust authority in Alaska.

Question 35. How can the BIA work better with Tribes on their land into trust applications to avoid long backlogs? Are you considering sunsets for land into trust applications that are pending for too long?

Answer. There is established law, processes, and procedures to evaluate land into trust applications. The Department's Fee-to-Trust Handbook has identified timeframes for processing applications. If confirmed, I intend to follow the law and efficiently and effectively implement the Department's processes and procedures for these transactions.

Question 36. How can the Interior Department be more supportive of Tribes when undertaking the costly process of applying to take land into trust?

Answer. The Department provides technical assistance as requested during the evaluation period of a fee-to-trust application. I believe this is an important function for requesting Tribes and I would continue to do that.

Question 37. Under *Carcieri*, what are your views on whether and how an Indian tribe can show it was "under federal jurisdiction" in 1934, if it was not "federally recognized" before 1934?

Answer. Solicitor's Opinion M-37070, Withdrawal of Certain Solicitor M-Opinions, Reinstatement of Sol. Op. M-37029 The Meaning of 'Under Federal Jurisdiction' for Purposes of the Indian Reorganization Act, and Announcement Regarding Consultation on "Under Federal Jurisdiction" Determinations, is binding on all Departmental employees. Sol. Op. M-37070 reinstates Sol. Op. M-37029, The Meaning of 'Under Federal Jurisdiction' for Purposes of the Indian Reorganization Act, which established criteria for determining when a tribe could be considered "under federal jurisdiction" under Section 19 of the Indian Reorganization Act of 1934.

Question 38. In your opinion, do the federally recognized Alaskan tribes fall "under the federal jurisdiction" criteria in the 1934 Indian Reorganization Act and therefore are not subject to further *Carcieri* analysis?

Answer. The Department relies on the Office of the Solicitor to prepare an analysis of whether the Tribal applicant was under Federal jurisdiction in 1934 for inclusion in the decision, if applicable. An opinion whether a tribal applicant was under Federal jurisdiction in 1934 (a "*Carcieri* opinion") is only required for applications submitted pursuant to 25 U.S.C. § 5108 and that rely on the first definition of "Indian." Where the Solicitor's Office has already prepared an analysis of whether the Tribal applicant was under Federal jurisdiction in 1934, BIA may rely on that analysis.

Question 39. In your own analysis, how are lands to be taken into trust for an Indian Tribe in Alaska different from other Indian Tribes lands taken into trust in the lower 48 states? And, what federal laws may be applied in these circumstances?

Answer. Solicitor's Opinion M-37069 recommends the Bureau of Indian Affairs schedule virtual consultation sessions with Tribal Nations to engage in regular, meaningful and robust consultation on the Secretary's land into trust authority in Alaska. At the present time, there is only one set of regulations found at 25 C.F.R. § 151 that pertain to discretionary land-into-trust acquisitions.

30x30 America the Beautiful Plan

Question 40. What is the vision for tribal land conservation under this new 30x30 America the Beautiful Plan?

Answer. The vision for Tribal conservation in the America the Beautiful Plan is articulated in the preliminary report as one of the eight principles for a locally led effort to conserve and restore America the Beautiful. That report states:

Tribal Nations have sovereign authority over their lands and waters, possess long-standing treaty hunting and fishing rights on and off reservations, and have many cultural, natural, and sacred sites on national public lands and the ocean. Efforts to conserve and restore America's lands and waters must involve regular, meaningful, and robust consultation with Tribal Nations. These efforts must respect and honor Tribal sovereignty, treaty and subsistence rights, and freedom of religious practices. Federal agencies should seek to support and help advance the priorities of American Indian, Alaska Native, Native Hawaiian, and Indigenous leaders, including those related to sustainable land management and the conservation of natural, cultural, and historical resources.

Question 41. Is there a timeframe and how much land do you hope to conserve for Indian country under the 30x30 America the Beautiful Plan?

Answer. The administration released its America the Beautiful report which includes its specific recommendations for achieving the 30 percent conservation goal by 2030. I look forward to the America the Beautiful initiative providing opportunities for Tribes to pursue conservation on a voluntary basis, consistent with the principles of Tribal sovereignty over their trust land. The report did not include any specific targets for conservation on Tribal land.

Question 42. How do you view “land into trust” coming into play, if at all, in this plan?

Answer. I believe that Tribal Nations and Native communities do significant amounts of conservation work, including drawing from traditional Tribal knowledge about managing resources. I look forward to the America the Beautiful initiative providing opportunities for Tribes to pursue conservation on a voluntary basis, consistent with the principles of Tribal sovereignty over their trust land. Any conservation actions taken on land taken into trust would be a decision by a Tribe consistent with the principles of Tribal sovereignty.

Energy Development

Question 43. What role do you see your office and the Department of Interior, more generally, playing in facilitating energy development in Indian Country and in Alaska?

Answer. The mission of the Division of Energy and Mineral Development (DEMD) is to provide the best possible technical and economic advice and services in assisting Indian mineral owners to achieve economic self-sufficiency by creating sustainable economies through the environmentally sound development of their energy and mineral resources. DEMD works with Tribes on all aspects of energy development to grow their economies. DEMD has an expert team of geologists, engineers, marketing experts, and other key personnel, our staff facilitates all aspects of energy development for Tribes. DEMD is committed to finding the best companies that fit with Tribal goals.

Question 44. Since the passage of the Indian Energy and Self Determination Act of 2005 and 2017, there has been zero tribes that have completed a Tribal Energy Resource Agreements (TERAs) will you commit to ensuring that these agreements can be approved, if confirmed?

Answer. If confirmed I commit to learning more about why Tribes have not entered into TERAs with the Department and working with Tribes further on this topic.

Question 45. The Office of Indian Economic Development oversees the Division of Energy and Mineral Development for tribes. Do you commit to staffing this office appropriately to meet the demand of tribes?

Answer. If confirmed I would seek to ensure appropriate staffing for this office, working within our budget limits and balancing staffing needs to meet the needs of Tribal programs throughout the areas under my authority.

Question 46. Indian Energy is a vital for economic development for Tribes. You testified that you support all forms of energy development. Specifically, do you commit to supporting the following forms of energy? Please answer Yes or No for each of the following: Oil and Gas, Renewables, Electricity Production, Coal, Minerals and nuclear power.

Answer. As I stated at my hearing, I support Tribal sovereignty and self-determination when it comes to developing their natural resources, and that extends to all types of energy resources including the ones listed in your question.

I am also committed to supporting President Biden’s administration whole of government approach to combatting the threat of climate change and providing for an equitable clean energy future for all Native communities. It is my understanding that the Biden administration’s approach includes a wide variety of options and solutions, including Carbon Capture, Utilization and Storage and nuclear energy, along with renewable energy and other technologies.

Previous Employment

Question 47. Can you explain your relationship with the Fletcher Law? Are you still being compensated from previous legal work?

Answer. I have severed my relationship with Fletcher Law, PLLC and am not still being compensated from previous legal work.

Question 48. Do you commit to recuse yourself from matters involving clients you represented while employed at Fletcher Law, if confirmed?

Answer. I am committed to following the high ethical standards required by the Administration and the Department. I have provided the Committee with my ethics agreement, which was been developed by the Department's career ethics officials and covers my recusal requirements.

Gaming

Question 49. The Indian Gaming Regulatory Act provides statutory authority for how land is taken into trust for Indian gaming after 1988. Federal Courts and the Department have developed a common law and regulatory framework for applying the Indian Gaming Regulatory Act's land to trust exceptions. Consistency and transparency in the application of this legal and regulatory framework is key to ensuring the success of the nearly \$35 billion tribal gaming industry. Can you commit that any decision coming before you, or previous decisions adjudicated by the Department, regarding land into trust for gaming will continue to follow the legal and regulatory framework outlined by Congress, the Department, and Federal Courts, and not be subject to Agency overreach?

Answer. As you note, there are established common law and regulatory frameworks for land into trust gaming applications. If confirmed, I intend to follow the law and impartially implement the Department's established processes and procedures for these decisions.

Question 50. The last administration had a "communicability" distance standard for any on off reservation land into trust request. Do you believe a "communicability" standard should continue to apply? What standards will you consider for any off reservation land into trust requests? Please explain.

Answer. The Department of the Interior adopted regulations in 2008 governing how to evaluate applications to place land into trust for gaming. If confirmed, I would apply those regulations to tribal applications in a manner consistent with existing law.

Question 51. As President of the Bay Mills Indian Community, you negotiated and entered into various agreements with the State of Michigan, including a recent Class III gaming agreement for the Tribe to offer mobile sports wagering within the State. If confirmed, you will be authorized to approve or disapprove Class III compacts and their amendments pursuant to the Indian Gaming Regulatory Act (IGRA). Please explain your understanding of how mobile sports wagering, conducted pursuant to a class III compact, is applied to wagers placed off of tribal lands.

Answer. Mobile gaming is a new technology that presents opportunities and challenges for Tribes. It also presents a number of questions about the application of IGRA. If confirmed, I would work closely with the Department's Office of the Solicitor, the National Indian Gaming Commission, and the Department of Justice to understand how IGRA and other federal laws apply to tribally-operated mobile gaming enterprises.

Question 52. The IGRA allows for gaming to occur on Indian Lands. At least one gaming compact allows for sports betting to be made anywhere in the state as long as the server is located on Indian Lands. Do you agree with this position that a server housed on Indian Lands is sufficient under IGRA?

Answer. As I indicated in my previous response, there are many questions regarding how existing laws apply to mobile and Internet sports betting. If confirmed, I would work closely with the Department's Office of the Solicitor, the National Indian Gaming Commission, and the Department of Justice to understand how IGRA and other federal laws apply in these circumstances.

Question 53. Can a state-tribal gaming agreement seeking approval by the Department be approved if it is in violation of Federal Law? If so, please explain?

Answer. The Indian Gaming Regulatory Act governs the Department's review of tribal-state gaming compacts, and states that the Department may disapprove such an agreement if it "violates any other provision of federal law that does not relate to jurisdiction over gaming on Indian lands." 25 U.S.C. § 2710(d)(8).

Housing

Question 54. If confirmed, please discuss how you plan to change the current title reporting process to expedite BIA clearance of title to lands held in trust.

Answer. The Department is working to finalize updates to regulations governing title and land records at 25 C.F.R. Part 150. If confirmed, I will work to complete this effort.

Question 55. The Department's Trust Asset and Accounting Management System (TAAMS) is archaic and needs improvement. What is your plan to update this system so tribes can expedite title searches for home ownership?

Answer. The Trust Asset and Accounting Management System is a critical tool that helps the Department's leadership ensure that it is effectively carrying out its trust obligations to Indian landowners. If confirmed, I will work with appropriate staff within the Indian Affairs bureaus to ensure that TAAMS is modernized and works properly to facilitate our trust responsibilities.

Question 56. Will you commit to work and coordinate with the Department of Housing and Urban Development, (HUD) Office of Native American Programs (ONAP) to assist with homeownership for tribes, if confirmed?

Answer. Yes, as I stated at my hearing, meeting the trust and treaty responsibilities to Tribes is not just a duty within the Department of the Interior but for the entire Federal government. In order to best serve those interests and meet those responsibilities, interagency cooperation is essential, including in the case of Tribal housing with HUD's ONAP.

Question 57. Will you commit to working with HUD, ONAP on setting metrics to increase on-reservation homeownership, if confirmed?

Answer. If confirmed, I would be willing to work with HUD ONAP to improve opportunities for homeownership across Indian country.

Question 58. What are your goals to increase tribal HEARTH Act implementation? Have you set any metrics? Please explain.

Answer. Implementation of the HEARTH Act is driven by Tribes who are seeking to reclaim control over tribal land management decisions. I will work with the Bureau of Indian Affairs and the Office of the Solicitor to ensure that review of tribal HEARTH Act ordinances is responsive and timely.

Question 59. At your nomination hearing before the Committee you testified that reforming the land leasing and title clearance process at the Department of the Interior would be a priority for you if confirmed to this position. Please discuss your understanding of any recent reforms by the Department with regard to expediting clearance of title and leasing on trust lands?

Answer. The Department is currently working to finalize changes to the land and title standards regulations at 25 C.F.R. Part 150; and, if confirmed, I will work to ensure that this effort is completed. Within the past decade, the Department has made significant updates to its leasing and right of way regulations, which have modernized the process, empowered tribes to make land-use decisions, and expedited the Department's review of leases and rights of way.

Congressional Responsibility

Question 60. Office morale at BIA is very important. The last administration had a zero tolerance policy regarding sexual harassment or any work place harassment. Will you commit to adhere to a zero tolerance sexual harassment policy?

Answer. Yes. The Department takes sexual harassment very seriously and so do I. I agree that strong morale at BIA is important to ensuring we are doing the best job for Tribal Nations and I will work to foster a positive workplace environment in all aspects.

Question 61. Testifying in Congress is part of being Senate Confirmed. Will you commit to testifying at the Senate Committee on Indian Affairs, if asked?

Answer. Yes.

Question 62. If confirmed, are you committed to providing the Committee with Congressionally mandated reports such as those required under the NATIVE Act, the 477 program, and others that may be due or are overdue for submittal?

Answer. Yes, complying with Congressional direction for reports is an important duty for the Department and I would take these responsibilities seriously. In areas where the Department is behind on deadlines, I will work to understand the factors at work and improve performance.

477 Program

Question 63. The 477 program has been very successful. In the legislation that established the 477 program, the Assistant Secretary of Indian Affairs is in charge of the 477 program implementation. Will you commit to leading 477 implementation and not delegate this to another Department or Division in the federal government?

Answer. If confirmed, I will work to ensure that the 477 program is implemented effectively.

Question 64. Will you commit to consult with all the 477 tribes on any new changes to the program, if confirmed?

Answer. Yes, the Department has a duty to consult with Tribal Nations when making decisions that have a significant impact for them.

Federal Acknowledgement

Question 65. In a July 12, 2012 hearing on the federal acknowledgment process before the Senate Committee on Indian Affairs, you testified that allowing previously denied petitioners to reapply under the administrative acknowledgment regulations was a concern that the Department considered in undertaking revisions to the acknowledgment regulations. The 2015 revisions to the acknowledgment regulations retained the long-standing prohibition on re-petitioning by previously denied petitioner groups, but that ban was recently vacated and remanded to the Department by two federal district courts. In response to those remands, the Department engaged in tribal consultation regarding the ban earlier this year. What is your position on allowing re-petitioning by previously denied petitioner groups? Did any recognized tribes express opposition to allowing re-petitioning? What process will the Department follow to complete the court remands?

Answer. The Department is working to understand what is required by the recent district court decisions, and how they affect the 2015 regulatory ban on re-petitioning. The Department will move forward in a way that complies with federal law and existing statutes. During the recent consultation process, no federally recognized tribes expressed support for allowing re-petition.

Question 66. Do you support revising the acknowledgment regulations to reverse the significant changes to the substantive criteria identified by the courts? What would be next steps the Department would take to achieve this?

Answer. The Department undertook significant revisions to its federal acknowledgment regulations in 2015, which were based on years of review and tribal consultation. It is important to implement those regulations and ensure consistency in decisionmaking.

Question 67. The 2015 revisions to the acknowledgment regulations added a provision that allows the use of land set aside by a State for a petitioner or its collective ancestors to be used as evidence for criteria (b) (Community) and (c) (Political influence and authority). If re-petitioning is allowed, are there any previously denied petitioners outside that this provision would apply to?

Answer. I am not aware of specific instances where these criteria would apply. It is important that the Department consider all of the evidence submitted by a petitioning group when applying the regulations and making decisions on petitions for federal acknowledgment.

Question 68. Can you please explain your understanding of the administrative process for “federal recognition” of tribal communities in Alaska?

Answer. If confirmed, I look forward to learning more about this process. I understand that the acknowledgement regulations apply to indigenous entities that are not federally recognized tribes. 25 C.F.R. § 83.4. In addition, Indigenous means native to the continental United States in that at least part of the petitioner’s territory at the time of first sustained contact extended into what is now the continental United States, which includes Alaska. 25 C.F.R. § 83.1.

Question 69. For decades, two tribes in Alaska—the Qutekcaak Native Tribe (or QNT) and the Knugank Tribe (aka Olsonville)—have had petitions pending before DOI to organize under the congressionally-created common bond standard for Alaska Native communities and to gain federal recognition. Can you commit to issuing decisions on Knugank’s and QNT’s pending petitions? And can you set a timeframe for issuing a final decision before December 31, 2022?

Answer. If confirmed, I will work to ensure that the Department is not allowing petitions to languish for unreasonably long periods of time and that we are making timely decisions. If confirmed, I will look into this specific situation and work with the Tribes to ensure that we are communicating clearly about the Department’s process when it comes to these pending petitions.

Education

Question 70. Getting students back to school is very important. What steps will you take to ensure that students will be back to school in the fall in a timely and safe manner?

Answer. Supporting vaccine confidence and ensuring BIE teachers, support staff, and student families are protected against COVID-19 is a key part of safely reopening in person learning.

BIE hosted school reopening consultations on May 10 for Grades K–12 and BIE residential facilities and May 11 for post-secondary institutions to determine if supplemental reopening guidance is needed due to the unique nature of our system. As BIE staff gathers recommendations for reopening, they will work with schools to assist in the updating of locally and culturally responsive individual school reopening plans to prepare for the 2021–2022 school year. Further, BIE is partnering with

states with high Native populations through our ED-funded comprehensive center to exchange best practices for reopening and also supporting school leaders by providing opportunities for cross collaboration and professional development.

Question 71. What steps will you take to ensure Indian students are not left behind regarding mandatory testing?

Answer. In May the BIE consulted with tribes and stakeholders regarding the extent to which BIE-funded schools can administer BIE's assessments this year and whether BIE should request an assessment waiver from ED. I understand the difficult school year that many BIE students had with distance learning and Internet access challenges, along with the importance of testing to educational progress, and will work with BIE to ensure that decisions are made in the best interest of student's long term success.

Question 72. The GAO High Risk list was just released for 2021, The Office of Indian Energy and Bureau of Indian Education remained on the list. Please explain what steps you will take to get both the Office of Indian Energy and the Bureau of Indian Education off the list.

Answer. The Department has concurred with all of GAO's recommendations and is working to implement the outstanding recommendations in order to get both the Office of Indian Energy and the BIE off the High-Risk list. Successfully implementing those recommendations and moving BIE off that list will be an important goal for me and the Department.

Question 73. What is your vision for the five percent in mandatory funds from the National Parks and Public Land Legacy Restoration Fund, that BIE will receive for priority deferred maintenance at BIE schools under the Great American Outdoors Act?

Answer. The Great American Outdoors Act (GAOA) funding is a much-needed boost to address backlogged school repairs and replacement. BIE has instituted regular school condition and safety assessments and expedited facilities improvement and repair projects through streamlined procurement options. Currently, the Bureau has 86 schools assessed as in poor condition, and 44 prioritized for action. My vision is for BIE to allocate GAOA funding as Congress intended, prioritizing deferred maintenance projects that frees up regular appropriations to improve schools across BIE to ensure a safe and productive learning environment for Native children. I look forward to working with Congress and others in the Department on BIE facilities funding, if confirmed.

Marijuana

Question 74. As President of the Bay Mills Indian Community, you worked towards approval and opening of the first Tribally owned recreational Marijuana dispensary in the State of Michigan. Can you please discuss your understanding of how the Controlled Substance Act applies to activities on Tribal lands?

Answer. The voting citizens of the Bay Mills Indian Community authorized and directed the Tribe's involvement in the recreational marijuana industry under Tribal law. If confirmed, in this position, I would rely on the legal advice of the Department's attorneys and the position of the Department of Justice on how the Controlled Substance Act applies to activities on Tribal lands.

KEWEENAW BAY INDIAN COMMUNITY
May 24, 2021

Dear Chairman Schatz and Vice Chair Murkowski:

The Keweenaw Bay Indian Community ("Community") would like to express our support for the nomination of Bryan Newland to serve as the Assistant Secretary for Indian Affairs ("Assistant Secretary") at the Department of the Interior. Mr. Newland's experience as a tribal leader, as well as his current and past experiences working at the Interior Department make him uniquely qualified to carry out the duties of the Assistant Secretary.

Mr. Newland, the former President of the Bay Mills Indian Community, knows firsthand how federal policies and regulations directly impact tribal nations. As a neighboring tribal nation, I have had the privilege to work with Mr. Newland during his tenure as President of the Bay Mills Indian Community. If confirmed by the Senate, Mr. Newland would be the first former tribal chairman to serve as the Assistant Secretary in over 30 years.

Mr. Newland's previous service as a counselor and senior policy advisor to the Assistant Secretary makes him incredibly knowledgeable on the inner workings of the Interior Department. During his time with the Obama Administration, he worked on key issues related to fee-to-trust, Indian gaming, and the leasing of Indian lands.

He has performed his current role, Principal Deputy Assistant Secretary, admirably and has been instrumental in carrying out the federal government's day-to-day responsibilities to tribal nations.

Mr. Newland's background provides him with a 360-degree view of Indian Country's challenges and opportunities. He has in-depth knowledge of the broader issues facing tribal nations, as well as the unique issues in our region. Combined with Secretary Haaland's leadership, and the historic investments Congress recently made in Indian Country, Mr. Newland's potential service as Assistant Secretary gives us a great sense of optimism.

In closing, the Keweenaw Bay Indian Community urges the Senate Committee on Indian Affairs to promptly consider and confirm Bryan Newland to serve as the Assistant Secretary for Indian Affairs. His proven leadership abilities and in-depth knowledge of Indian law and policy are desperately needed during these challenging times.

Sincerely,

WARREN C. SWARTZ, PRESIDENT

PASCUA YAQUI TRIBE
June 15, 2021

Dear Chairman Schatz and Vice Chair Murkowski:

On behalf of the Pascua Yaqui Tribe in Arizona, I am reaching out to you today in support of President Biden's nomination of Bryan Newland to the position of Assistant Secretary for Indian Affairs. Mr. Newland's years of experience within the DOI and his firsthand understanding of Tribal governance make him a candidate that can foster the collaboration needed to meet the challenges we face.

Beyond all the obvious reasons Mr. Newland is the perfect candidate—from his experience as Principal Deputy Assistant Secretary for Indian affairs to his legal acumen in the field of Indian Law—it is his experience with policy making and regulations that makes him stand out. Mr. Newland helped develop policies on Indian gaming and Indian lands, led a team that reformed the BIA's Indian leasing regulations, and worked with key officials to help enact the HEARTH Act of 2012. Mr. Newland understands how to effect change; with those skills I have every confidence that he will achieve his goals to "build back better."

Mr. Newland's testimony today, which specifically highlighted the need to "respond with urgency to the violence against indigenous women and children [and] lay the foundation for the next generation of Native children to succeed," resonates deeply with the Pascua Yaqui people. Eight years ago, the Pascua Yaqui Tribe joined Phase One of the VAWA 2013 Pilot Project and we have made great strides. But our work is far from over. We welcome the opportunity to collaborate with Mr. Newland on ways that Indian Country can come together and address this problem together.

I look forward to working with Mr. Newland in his role as Assistant Secretary of Indian Affairs.

Thank you for your time in this matter. Your service on the Senate Committee for Indian Affairs is greatly appreciated.

Sincerely,

PETER YUCUPICIO, CHAIRMAN

USET SPF
April 23, 2021

USET SPF Applauds the Nomination of Bryan Newland for Assistant Secretary—Indian Affairs

(Washington, DC)—Yesterday, the Biden Administration announced its intent to nominate Bryan Newland, a citizen of the Bay Mills Indian Community (Ojibwe), to be the next Assistant Secretary-Indian Affairs (AS-IA). The AS-IA plays a critical role in elevating the voices of Indian Country, as well as delivering upon the federal government's trust responsibility and obligations. The position's responsibilities include advising the Secretary of the Interior on Indian Affairs policy issues and overseeing the Bureau of Indian Affairs and the Bureau of Indian Education.

Mr. Newland has spent his career fighting for Tribal rights, becoming a trusted voice in the field of federal Indian law. He would bring a wealth of experience to the role of Assistant Secretary, having served most recently as the President of the Bay Mills Indian Community, as well as Chief Judge of the Bay Mills Tribal court and counselor and Senior Advisor to the AS-IA during the Obama Administration. His background provides him with a unique perspective on matters of Tribal self-

governance, self-determination, and the delivery of federal trust and treaty obligations. USET SPF celebrates this nomination as another opportunity to advance Tribal sovereignty and improve the relationship between the United States and Tribal Nations.

“Bryan knows first-hand the challenges we face, as well as the opportunities that lie ahead for us as sovereign governments,” said USET SPF President, Kirk Francis. “We know him to be fair, knowledgeable, and passionately committed to justice for our people and the advancement of the U.S.-Tribal Nation diplomatic relationship. At a time when America is reckoning with its past, Bryan is the right person to meet this moment and deliver meaningful change for Indian Country. On behalf of the USET/USET SPF family, I extend our congratulations and full support.”

As a former Tribal Leader, Mr. Newland’s intimate understanding of both Tribal and federal service will be an asset to the Department of the Interior and its role in Nation-to-Nation diplomacy with Indian Country. Like Secretary Haaland, Mr. Newland holds a full appreciation for our history and relationship with the United States, as well as an indigenous sensibility for the stewardship of our lands, environment, and cultural resources. USET SPF is confident that Mr. Newland’s service as AS-IA will bring significant progress in Tribal sovereignty, self-governance, and self-determination. We call upon the United States Senate to act swiftly on his confirmation in accordance with its responsibility to honor its obligations to Tribal Nations.

SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS
April 26, 2021

Dear Senate Majority Leader Schumer, Senate Minority Leader McConnell, Chair Schatz and Vice-Chair Murkowski:

Ahneen, Boozho Negee Ogemuk,

On behalf of the Sault Ste. Marie Tribe of Chippewa Indians, I write in support of the confirmation of Mr. Bryan Newland as Assistant Secretary—Indian Affairs (AS-IA) in the US Department of the Interior. My tribe is the closest relative nation to the Bay Mills Indian Community for which Mr. Newland has been a lifelong tribal citizen. The families in our respective tribal nations overlap with several ancestors in common but were separately recognized with Bay Mills maintaining recognition through the 1934 Indian Reorganization Act and my tribe seeking federal recognition and gaining approval in 1972. Our respective tribes hold our treaty rights in common from both the 1820 and 1836 treaties. Given our shared history and close familial ties, submitting this letter of support of Mr. Newland’s nomination is even more momentous.

The United States must uphold its responsibility to tribal nations, honor its treaties, and provide a voice for Indian Country in the federal government. It is with this responsibility in mind and with tremendous enthusiasm that the Sault Ste. Marie Tribe of Chippewa Indians urges you to confirm President Biden’s nomination of Mr. Bryan Newland to lead as the Assistant Secretary of Indian Affairs in the U.S. Department of the Interior.

As you know, the Assistant Secretary—Indian Affairs under the U.S. Department of the Interior carries out a broad range of responsibilities including serving a key role in advising the Secretary of the Interior and sharing the responsibility as trustee to tribal nations in upholding the federal trust and treaty responsibilities to the 574-plus tribal nations and more than 5.2 million American Indians and Alaska Natives. The Bureau of Indian Affairs, the Bureau of Indian Education and other trustee related functions are led by the AS-IA with day-to-day leadership responsibility over all aspects of tribal sovereignty and self-governance, from education to economic development to law enforcement.

As a result of this unique fiduciary obligation to tribal nations, it is critical that Interior leadership and employees reflect the communities it serves.

President Biden’s nominee Mr. Newland has spent his career advocating and serving as an advocate for tribal rights of his tribe as well as others. Over the years, he has matured into sound, rational and trusted voice in the field of federal Indian law. His vast experience would bring a wealth of experience to role the of Assistant Secretary, having served most recently as the President of the Bay Mills Indian Community, as well as Chief Judge of the Bay Mills Tribal Court, and Counselor and Senior Advisor to the AS-IA during the Obama Administration. His background provides him with a unique perspective on matters of tribal self-governance and the delivery of the treaty and trust obligation.

In a regional and local sense and from a personal perspective, I have served as Chair to Bryan as Vice Chair of the Inter-Tribal Council of Michigan and as Vice

Chair to Bryan as Chair of the Bay Mills Tribal College. Further, we have worked closely as colleagues through the United Tribes of Michigan, Chippewa Ottawa Resource Authority, and on countless projects of inter-tribal, state, regional and national scope. I have a very high regard for Bryan's diplomatic and respectful approach to honoring the sovereignty of every tribe he has worked with or for whom he has had diplomatic relations.

In conclusion, I ask you to support the confirmation of Mr. Bryan Newland as Assistant Secretary—Indian Affairs. He has extensive experience, exemplary qualifications, and a demonstrated commitment to public service. His broad experience in Indian law, tribal justice and governance and commitment to good public policy showcases that he will continue to bring pragmatism to his role and responsibility as Assistant Secretary—Indian Affairs. As an Anishinaabe Ogemuk Ogitch'da (tribal leader and modern warrior) Mr. Newland descends from people who have hunted, fished, gathered and served as our nation's first stewards who cared for our Aki (Mother Earth) and Neebii (waters) since time immemorial. He understands deeply that these landscapes are multipurpose and integral to sustaining many communities, economies, and cultures.

On behalf of the Sault Ste. Marie Tribe of Chippewa Indians, it is my honor to support Mr. Bryan Newland as Assistant Secretary—Indian Affairs and ask that you swiftly confirm Mr. Newland.

Chi McGwitch Negee.

Submitted with Great Respect,

DR. AARON A. PAYMENT, CHAIRPERSON

SOUTHERN UTE INDIAN TRIBE

April 26, 2021

Dear Chairman Schatz and Vice Chairman Murkowski:

On behalf of the Southern Ute Indian Tribe, this letter expresses our support for the nomination of Bryan Newland as Assistant Secretary—Indian Affairs, Department of the Interior. Mr. Newland is well qualified for this position. A member of the Bay Mills Indian Community, Mr. Newland recently completed his tenure as President of his Tribe. Growing up on the Bay Mills Reservation, he knows the challenges faced by Indian families in terms of housing, health care, unemployment and associated concerns. He graduated from Michigan State University College of Law, served as Chief Judge of the Bay Mills Tribal Court, and was Counselor and Policy Advisor to the Assistant Secretary—Indian Affairs in the Obama Administration.

As a result of these life and career experiences, Mr. Newland has a unique understanding of the needs of federally-recognized Tribes and is well respected throughout Indian Country.

With his in-depth knowledge of Federal Indian Law and his practical experience working with Tribes and in the Department of Interior, Mr. Newland will make an exceptional Assistant Secretary. We strongly support his nomination without hesitation or qualification.

Sincerely,

MELVIN J. BAKER, CHAIRMAN,
Southern Ute Indian Tribal Council

GREAT PLAINS TRIBAL CHAIRMEN'S ASSOCIATION, INC.

April 26, 2021

Dear Chairman Schatz, Vice Chairman Murkowski, Senator Rounds and Senator Hoeven:

Please vote to confirm Bryan Newland as Assistant Secretary for Indian Affairs.

Bryan Newland is a seasoned Indian law attorney, who has served his own Native Sovereign Nation as Chairman and served the Obama Administration in the Office of the Assistant Secretary for Indian Affairs. Bryan is thoughtful, knows Tribal Government protocol. Chairman Harold Frazier, Great Plains Tribal Chairmen's Association, Inc., with 16 Member Nations and Tribes, said, "Bryan Newland will work to "strengthen our Nation-to-Nation Relations with the United States and Respect Tribal Sovereignty," as the Biden Administration has pledged to do.

The AS-IA plays a critical role in Indian Country, by working with our Native Sovereign Nations on a Nation-to-Nation basis as well as working to deliver upon the federal government's treaty responsibilities and trust obligations. AS-IA responsibilities include advising the Secretary of the Interior on Indian Affairs policy issues and overseeing the Bureau of Indian Affairs and the Bureau of Indian Education.

We encourage you to vote for Bryan Newland for Assistant Secretary for Indian Affairs. Thank you for your thoughtful consideration.

Sincerely,

HAROLD C. FRAZIER, CHAIRMAN,

SPOKANE TRIBE OF INDIANS
May 10, 2021

Chairman Schatz and Vice Chairman Murkowski,

On April 23, 2021, President Joe Biden nominated Bryan Newland to be the new Assistant Secretary for Indian Affairs at the Department of the Interior. The Spokane Tribal Business Council strongly supports this nomination.

The Spokane Tribe of Indians have a rich history and our ancestral homelands consist of approximately 3 million acres in what is now northeastern Washington State. We are a river people, and the Spokane Indian Reservation sits at the confluence of the Spokane and Colombia rivers.

During his previous time at the Bureau of Indian Affairs, Mr. Newland had a great understanding of the unique challenges facing our Tribe and to challenges facing Indian Country as a whole. Following his service during the Obama Administration, Mr. Newland was selected to serve as Chairman of the Bay Hills Indian Community. This experience of leading his people, combined with his previous tenure serving at the Bureau of Indian Affairs makes Mr. Newland the ideal candidate to serve as Assistant Secretary.

We were grateful for your earlier support in the confirmation of Deb Haaland as the first Native American to serve as Secretary of the Department of the Interior. If confirmed, Bryan Newland is well equipped to help carry out the mission of the Bureau of Indian Affairs.

Sincerely,

CAROL EVANS, CHAIRMAN

CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION
May 11, 2021

The Chippewa Cree Tribe officially endorsed President Biden's pick to lead the Bureau of Indian Affairs. Bryan Newland is a citizen of the Bay Mills Indian Community (Ojibwe), where he recently completed his tenure as Tribal Chairman. Before that, Newland served as Chief Judge of the Bay Mills Tribal Court. From 2009 to 2012, Newland served as a Counselor and Senior Policy Advisor to the Assistant Secretary of the Interior—Indian Affairs.

Newland is yet to be confirmed by the U.S. Senate. If confirmed Bryan Newland would serve as Assistant Secretary for Indian Affairs, along with the first Native American Secretary of Interior, Deb Haaland.

Many Indian tribes believe the Native American leadership at the Department of the Interior will have more success to secure traditional cultures, develop tribal economies and continue to heal the broken relationship with the federal government.

While working under the Obama Administration Newland helped develop policies on Indian gaming and Indian lands, reforming the Department of the Interior's policy on reviewing tribal-state gaming compacts. He also led a team that improved the BIA's Indian leasing regulations and worked with key officials to help enact the HEARTH Act of 2012.

Prior to his federal service, Newland worked as an attorney with Fletcher Law in Lansing, Michigan. He represented tribal clients on issues including the regulation of gaming facilities, negotiation of tribal-state gaming compacts, the fee-to-trust process, and leasing of Indian lands. He graduated magna cum laude from Michigan State University College of Law and received his undergraduate from James Madison College at Michigan State University.

HARLAN BAKER, CHAIRMAN

RESOLUTION NO. 63-21—OFFICIALLY SUPPORTING THE NOMINATION OF BRYAN NEWLAND OF THE BAY MILLS INDIAN COMMUNITY (OJIBWE) TO SERVE AS ASSISTANT SECRETARY—INDIAN AFFAIRS FOR THE U.S. DEPARTMENT OF THE INTERIOR.

WHEREAS, the Chippewa Cree Business Committee is the governing body of the Chippewa Cree Tribe of the Rocky Boy's Indian Reservation, Montana, by the authority of the Constitution and by-Laws of the Chippewa Cree Tribe approved on the 23rd day of November, 1935; and

WHEREAS, pursuant to their inherent sovereignty and Constitution and By-Laws of the Chippewa Cree Tribe, the Chippewa Cree Business Committee is charged with the duty to promote and protect the health, security, and general welfare of the Chippewa Cree Tribe; and

WHEREAS, the Chippewa Cree Business Committee is authorized to negotiate with the Federal, State and local governments on behalf of the Chippewa Cree Tribe, and to advise and consult with representatives of the Interior Department on all activities of the Department that may affect the Rocky Boy's Indian Reservation; and

WHEREAS, President Biden has nominated Bryan Newland to serve as Assistant Secretary for Indian Affairs. Mr. Newland served as President of the Bay Mills Indian Community; and is a former Senior Policy Advisor of Interior under Secretary Ken Salazar, with a professional record and experience in Indian Country that is well-known and respected; and

WHEREAS, Mr. Newland is a citizen of the Bay Mills Indian Community (Ojibwe), where he recently completed his tenure as Tribal Chairman. Before that, Newland served as Chief Judge of the Bay Mills Tribal Court. From 2009 to 2012, Newland served as a Counselor and Senior Policy Advisor to the Assistant Secretary of the Interior—Indian Affairs. In that capacity, he helped develop the Obama Administration's policies on Indian gaming and Indian lands, reforming the Department of the Interior's policy on reviewing tribal-state gaming compacts. He also led a team that improved the BIA's Indian leasing regulations and worked with key officials to help enact the HEARTH Act of 2012; and

WHEREAS, a successful U.S. Senate confirmation of Bryan Newland to serve as Assistant Secretary for Indian Affairs, along with the first Native American Secretary of Interior, Deb Haaland—Indian tribes have the critical opportunity to take steps to secure traditional cultures, tribal economies, and continue to heal the broken relationship with the federal government; and

WHEREAS, prior to his federal service, Newland worked as an attorney with Fletcher Law in Lansing, Michigan. He represented tribal clients on issues including the regulation of gaming facilities, negotiation of tribal-state gaming compacts, the fee-to-trust process, and leasing of Indian lands. He graduated magna cum laude from Michigan State University College of Law and received his undergraduate degree from James Madison College at Michigan State University.

THEREFORE BE IT RESOLVED, the Chippewa Cree Business Committee hereby approves the resolution officially supporting the nomination of Bryan Newland of the Bay Mills Indian Community (Ojibwe) as the next Assistant Secretary of Indian Affairs of the U.S. Department of the Interior.

WILTON RANCHERIA
May 4, 2021

Dear Chairman Schatz and Vice Chairman Murkowski:

On behalf of the Wilton Rancheria, I write to support President Biden's nomination of Bryan Newland to be Assistant Secretary—Indian Affairs (AS-IA). Wilton Rancheria is located in Sacramento County, California. The Tribe was terminated in 1959 by the federal government. After years of struggle, the Tribe regained its federal recognition in June 2009. In November 2011, the Tribe adopted its modern Constitution, and since that time, the Tribe's leadership has worked diligently to implement and further develop the Tribal government. The Tribe intends to build on these successes and having a strong partnership with the federal government will be essential for this purpose.

The United States must uphold its trust obligations to tribal governments, honor its treaties, and provide a strong voice for Indian Country within the federal government. The AS-IA, as the primary representative of the Department of the Interior on issues affecting Indian Affairs, has an essential role in ensuring that the federal government fulfills these obligations and responsibilities.

Mr. Newland is eminently qualified for the AS-IA role. His prior experience includes having served as the President of Bay Mills Indian Community, the Chief Judge of the Bay Mills Tribal Court, and an attorney representing tribal governments. Therefore, Mr. Newland understands the government-to-government relationship from a tribal perspective. Additionally, he has significant federal Indian Affairs experience, having served as Counselor and Policy Advisor to a previous AS-IA. Accordingly, he has firsthand knowledge of the federal government processes affecting Indian Affairs and would have a holistic understanding of the Department's

unique role in ensuring the federal government meets its obligations to Indian Country.

Mr. Newland's experience also demonstrates a strong commitment to serving Indian Country. This strong commitment is vital to ensuring the Department and other agencies across the federal government truly engage with tribes on a government-to-government basis to improve the lives of Native people across the nation.

It is with Mr. Newland's qualifications and commitment in mind that Wilton Rancharia is honored to support his nomination. Accordingly, I respectfully urge you to support his confirmation to be the next AS-IA.

Sincerely,

JESUS TARANGO, CHAIRMAN

THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD NATION
Dear Chairman Schatz and Vice Chairman Murkowski:

On behalf of the Confederated Salish and Kootenai Tribes (Tribes) I am writing to you in support of the nomination of Mr. Bryan Newland to be the Assistant Secretary for Indian Affairs.

Mr. Newland has established himself as a strong advocate for Indian tribes. Through his previous work as President of his tribe, a tribal judge, an attorney, and an advisor in the Obama administration, Mr. Newland has a very well-rounded body of experience from which to draw in making policy and other decisions affecting tribes and tribal members.

I met with Mr. Newland recently in his current capacity as Principal Deputy Assistant Secretary Indian Affairs. I appreciated his attention to, and consideration of, the issues that my Tribes raised. Having been the leader of the Bay Mills Indian Community, it makes sense that he, as Assistant Secretary, will be an effective federal partner with tribal leaders. His prior experience in the Assistant Secretary's office will undoubtedly serve him well.

In short, I am confident that Mr. Newland will be a constructive part of Secretary Haaland's Interior leadership team and I urge your Committee to recommend his confirmation to be the next Assistant Secretary—Indian Affairs.

Thank you,

SHELLY R. FYANT, CHAIRWOMAN, TRIBAL COUNCIL

June 4, 2021

Dear Chairman Schatz and Vice Chairman Murkowski,

On behalf of our undersigned organizations, we state our unequivocal support for the confirmation of Bryan Newland, a citizen of the Bay Mills Indian Community (Ojibwe), to be the next Assistant Secretary-Indian Affairs (AS-IA). The AS-IA plays a critical role in elevating the voices of Indian Country, as well as delivering upon the federal government's trust responsibility and obligations. The position's responsibilities include advising the Secretary of the Interior on Indian Affairs policy issues and overseeing the Bureau of Indian Affairs and the Bureau of Indian Education.

Mr. Newland has spent his career fighting for Tribal rights, becoming a trusted voice in the field of federal Indian law. He would bring a wealth of experience to the role of Assistant Secretary, having served most recently as the President of the Bay Mills Indian Community, as well as Chief Judge of the Bay Mills Tribal court and counselor and Senior Advisor to the AS-IA during the Obama Administration. His background provides him with a unique perspective on matters of Tribal self-governance and the delivery of federal trust and treaty obligations. Our collective organizations celebrate this nomination as another opportunity to advance Tribal sovereignty and improve the relationship between the United States and Tribal Nations.

Mr. Newland knows first-hand the challenges we face, as well as the opportunities that lie ahead for us as sovereign governments. We know him to be fair, knowledgeable, and passionately committed to justice for our people and the advancement of the U.S.-Tribal Nation diplomatic relationship. At a time when America is reckoning with its past, Mr. Newland is the right person to meet this moment and deliver meaningful change for Indian Country.

As a former Tribal Leader, Mr. Newland's intimate understanding of both Tribal and federal service will be an asset to the Department of the Interior and its role in Nation-to-Nation diplomacy with Indian Country. Like Secretary Haaland, Mr. Newland holds a full appreciation for our history and relationship with the United States, as well as an indigenous sensibility for the stewardship of our lands, envi-

ronment, and cultural resources. We are confident that Mr. Newland's service as AS-IA will bring significant progress in Tribal sovereignty, self-governance, and self-determination.

Our organizations stand in unity and offer our full support for Mr. Bryan Newland as the next Assistant Secretary—Indian Affairs (AS-IA). We call upon the United States Senate to act swiftly on his confirmation in accordance with its responsibility to honor its obligations to Tribal Nations.

Sincerely,

KIRK FRANCIS (PENOBSCOT) PRESIDENT, USET SOVEREIGNTY PROTECTION
FUND

FAWN SHARP (QUINULT) PRESIDENT, NATIONAL CONGRESS OF AMERICAN
INDIANS

HAROLD FRAZIER (CHEYENNE RIVER SIOUX) CHAIRMAN, GREAT PLAINS TRIBAL
CHAIRMEN'S ASSOCIATION, INC

W. RON ALLEN, TRIBAL CHAIRMAN/CEO, JAMESTOWN S'KLALLAM TRIBE AND
PRESIDENT, BOARD OF DIRECTORS, SELF-GOVERNANCE COMMUNICATION &
EDUCATION TRIBAL CONSORTIUM

AARON PAYMENT (SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS) PRESIDENT,
MIDWEST ALLIANCE OF SOVEREIGN TRIBES

JASON GILES (MUSCOGEE CREEK) EXECUTIVE DIRECTOR, NATIONAL INDIAN
GAMING ASSOCIATION

AARON PAYMENT (SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS) CHAIRMAN
OF THE BOARD OF DIRECTORS, INTER-TRIBAL COUNCIL OF MICHIGAN, INC.

WILLIAM F. SNELL, JR. (CROW/ASSINIBOINE) EXECUTIVE DIRECTOR, ROCKY
MOUNTAIN TRIBAL LEADERS COUNCIL

FRANK ETTAWAGESHIK (ODAWA) PRESIDENT, ASSOCIATION ON AMERICAN
INDIAN AFFAIRS

LEONARD FORSMAN (SUQUAMISH) PRESIDENT, AFFILIATED TRIBES OF
NORTHWEST INDIANS

CRISTINA DANFORTH (ONEIDA NATION) PRESIDENT, NATIVE AMERICAN FINANCE
OFFICERS ASSOCIATION

CHUCK HOSKIN, JR. (CHEROKEE) PRESIDENT, INTER-TRIBAL COUNCIL OF THE
FIVE CIVILIZED TRIBES

ADRIAN STEVENS (SENECA NATION) ACTING CHAIRPERSON, NATIONAL
AMERICAN INDIAN HOUSING COUNCIL

LAURA HARRIS (COMANCHE) EXECUTIVE DIRECTOR, AMERICANS FOR INDIAN
OPPORTUNITY

WILFRED HERRERA (LAGUNA) CHAIRMAN, ALL PUEBLO COUNCIL OF
GOVERNORS

JASON DROPIK (BAD RIVER BAND OF LAKE SUPERIOR CHIPPEWA INDIANS)
PRESIDENT, NATIONAL INDIAN EDUCATION ASSOCIATION

GILA RIVER INDIAN COMMUNITY

June 4, 2021

Dear Chairman Schatz and Vice Chairwoman Murkowski,

I write on behalf of the Gila River Indian Community ("Community") in support of the nomination of Bryan Newland to serve as the Assistant Secretary for Indian Affairs at the United States Department of the Interior ("Interior").

The Community is very familiar with Mr. Newland, both during his time in the Assistant Secretary's Office during the Obama Administration, as well as his time as the Chairman of his own tribe. In both instances, Mr. Newland demonstrated that he understood the complicated balance that Native leaders must strive to achieve between providing social services for our people, protecting and strengthening our culture and traditions, and looking for opportunities to expand our economies and become more self-sufficient. For example, during his time in the Assistant Secretary's Office Mr. Newland was instrumental in drafting the Helping Expedite and Advance Responsible Tribal Homeownership Act ("HEARTH Act") which grants greater authority to federally recognized tribes to develop and implement their own regulations for leasing on Indian lands. The Community has benefited from the HEARTH Act, through passage of our own Community leasing regulations, that has enabled the Community to significantly reduce the time it takes to approve leases for homes and small businesses on our Reservation. Efforts such as these, aimed

at empowering tribal governments, is exactly the type of leadership that Interior needs. The Community feels confident that Mr. Newland is well-positioned to provide such leadership and would fully embrace and encourage tribal self-determination and economic development across Indian Country.

The Community has also witnessed Mr. Newland's commitment to consultation between Interior and tribal governments which involves more than just listening to tribal governments but actually partnering with tribal governments to further strengthen the government-to-government relationship. The Community is similarly committed to working with Mr. Newland in his role as the Assistant Secretary for Indian Affairs to work together to coordinate and collaborate with other federal agencies, educate the different facets of the Biden Administration and communicating with the relevant Congressional committees. The Community has no concerns that Mr. Newland has the experience, legal background, and unique knowledge of the interplay between all of these entities to successfully advocate for and make difficult policy decisions impacting Indian Country.

Indeed, the multitude of problems facing Indian Country especially heightened during the recent pandemic, make it clear that there is no one-size-fits-all approach to addressing these problems. Mr. Newland's experience working for the Obama Administration and as a tribal leader make him particularly qualified to work with tribal governments to address these problems and develop unique solutions.

For the reasons described above, the Community supports the nomination of Mr. Newland and hopes that this Committee will quickly approve his nomination and bring it to the full Senate for consideration in a timely manner.

Sincerely,

STEPHEN ROE LEWIS, GOVERNOR

MILLE LACS BAND OF OJIBWE
June 4, 2021

Dear Chairman Schatz and Vice Chairwoman Murkowski,

On behalf of the Mille Lacs Band of Ojibwe Indians, I am writing to provide our strongest support for the swift confirmation of Bryan Newland, a citizen of the Bay Mills Indian Community (Ojibwe), to be the next Assistant Secretary-Indian Affairs (AS-IA).

As Chief Executive/Chairwoman of the Mille Lacs Band of Ojibwe, I have known Mr. Newland for decades. Mr. Newland's character and integrity are beyond reproach. He is one of the best and brightest Indian country has to offer, and has spent his entire career in public service to Indian nations and our citizenry. I know he will be an outstanding Assistant Secretary for Indian Affairs and will always do right by tribal governments and Indian people.

As a tribal leader and activist, Mr. Newland has spent his career fighting for Tribal rights, becoming a trusted voice in the field of federal Indian law. He would bring a wealth of experience to the role of Assistant Secretary, having served most recently as the President of the Bay Mills Indian Community, as well as Chief Judge of the Bay Mills Tribal court and counselor and Senior Advisor to the AS-IA during the Obama Administration. His background provides him with a unique perspective on matters of Tribal self-governance and the delivery of federal trust and treaty obligations.

The AS-IA plays a critical role in protecting and advancing tribal sovereignty, self-determination and self-governance for tribal governments. Mr. Newland knows first-hand the challenges we face, as well as the opportunities that lie ahead for us as sovereign governments. We know him to be fair, knowledgeable, and passionately committed to justice for our people and the advancement of the U.S.-Tribal Nation diplomatic relationship. At a time when America is reckoning with its past, Mr. Newland is the right person to meet this moment and deliver meaningful change for Indian Country.

I am incredibly proud of Mr. Newland and all he has accomplished across his career, and very happy to see a former tribal leader stepping into this key role. Mr. Newland has my unequivocal trust and support.

The Mille Lacs Band of Ojibwe Indians urges you to move swiftly to confirm Mr. Newland and we are very excited to work with him. It is my opinion that Mr. Newland will be the best Assistant Secretary for Indian Affairs that Indian country has ever seen.

Sincerely,

MELANIE BENJAMIN, CHIEF EXECUTIVE

 ALASKA FEDERATION OF NATIVES
June 4, 2021

Dear Senator Murkowski and Senator Sullivan:

On behalf of the Alaska Federation of Natives (AFN), I am writing to express our support for Bryan Newland's nomination for Assistant Secretary-Indian Affairs in the U.S. Department of the Interior.

AFN represents more than 175,000 Alaska Natives, including 169 federally recognized tribes, 174 village for-profit corporations, nine regional for-profit corporations, and 12 regional nonprofit and tribal consortia. Our mission, among other things, is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community.

Mr. Newland is qualified for this role and is widely known for being a strong advocate for tribal communities across the nation. Mr. Newland is a citizen of the Bay Mills Indian Community (Ojibwe), where he recently completed his tenure as Tribal Chairman. Before that, Newland served as Chief Judge of the Bay Mills Tribal Court. From 2009 to 2012, Newland served as a Counselor and Policy Advisor to the Assistant Secretary of the Interior—Indian Affairs. In that capacity, he helped develop the Obama Administration's policies on Indian gaming and Indian lands, reforming the Department of the Interior's policy on reviewing tribal-state gaming compacts. Before his federal service, Newland worked as an attorney with Fletcher Law in Lansing, Michigan. He represented tribal clients on issues including the regulation of gaming facilities, negotiation of tribal-state gaming compacts, the fee-to-trust process, and leasing of Indian lands.

Mr. Newland's strong background and multi-faceted experience promoting Native rights, cultural values, and economic prosperity will make him a strong advocate for Native communities within the Administration. As such, we look forward to the opportunity to work with Mr. Newland on issues that impact our communities across Alaska and the nation.

I would be pleased to speak with you or your staff in more detail about his qualifications.

Thank you for considering our views on this nomination.

Sincerely,

JULIE KITKA, PRESIDENT

 ONEIDA INDIAN NATION
June 7, 2021

Dear Chairman Schatz and Vice Chairman Murkowski:

Shekólih. Greetings. On behalf of the Oneida Indian Nation, we write to express our full support for the confirmation of Bryan Newland (Ojibwe) as Assistant Secretary—Indian Affairs.

Mr. Newland is a respected Native leader, who will bring real world and practical experience that will help him succeed in this position within the U.S. Department of the Interior. His breadth of experience, including as a Senior Advisor to a prior AS-AI, gives him a unique understanding of how this role functions, and how the policies and approaches that impact Indian Country must evolve so that Indian tribes can govern and act in the 21st century.

Serving most recently as President of the Bay Mills Indian Community, Mr. Newland's knowledge and ability in public service will be invaluable to the Department of the Interior. Tribal sovereignty remains a critical component of Tribal-federal relations, and his deep knowledge of our collective history will serve to fortify the existing relationships between the United States and the Tribal nations across the country.

We encourage the United States Senate to confirm Mr. Newland as quickly as possible.

Na ki'wa,

RAY HALBRITTER, NATION REPRESENTATIVE

 NORTHWEST INDIAN FISHERIES COMMISSION
June 8, 2021

Dear Chairman Schatz and Vice Chairman Murkowski:

The Northwest Indian Fisheries Commission—composed of the 20 treaty Indian tribes¹ in western Washington—respectfully submits our unequivocal support for the confirmation of President Biden’s nomination of Bryan Newland to be the next Assistant Secretary—Indian Affairs (AS–IA). The AS–IA is a critical position for Indian Country, whose responsibilities include advising the Secretary of the Interior on policy issues relative to Indian Affairs and overseeing the Bureau of Indian Affairs and the Bureau of Indian Education. The nomination of the AS–IA is important to our tribes because the AS–IA plays a fundamental role in ensuring that the Department of Interior is carrying out the federal government’s trust responsibility and treaty obligations.

Mr. Newland is well situated to understand the distinct challenges that our tribes face and has the experience and know-how to help guide the federal government to address them. Having served most recently as President of Bay Mills Indian Community and Chief Judge of Bay Mills Tribal Court, Mr. Newland is both well-informed and has a unique perspective on matters regarding tribal self-governance, treaty-reserved rights and the federal government’s fiduciary responsibility to tribes. Mr. Newland’s service as a Counselor and Policy Advisor to the AS–IA, under President Obama, gives him the essential experience in navigating the agency.

We have crossed paths with Mr. Newland many times over the years and are confident in his ability to carry out his duties in a manner that is professional, fair and knowledgeable. Mr. Newland’s keen management and policy skills are sure to advance the federal-tribal government diplomatic relations, and his passion for justice and the protection of tribal rights lends us certainty that the job will be carried out respectfully and ethically.

Mr. Newland has served the Bay Mills Indian Community during one of the most difficult years due to the COVID–19 pandemic and it is our understanding that his service was critical to overcoming economic, financial and emotional hardships. These reports only further bolster our confidence in Mr. Newland’s leadership and management abilities. Therefore, we offer our full support for Mr. Newland as the next AS–IA and respectfully request the United States Senate to act swiftly on his confirmation.

Thank you for your consideration on this important issue.

Sincerely,

LORRAINE LOOMIS, CHAIRPERSON

YUOK TRIBE
June 10, 2021

Aiy-ye-kwee’ Chairman Schatz and Vice Chairwoman Murkowski,

The Yurok Tribe writes to express our unqualified support for the nomination of Bryan Todd Newland for the position of Assistant Secretary—Indian Affairs at the Department of the Interior. Mr. Newland has both the experience and skills to succeed in this position.

Mr. Newland has worked on both sides of the federal trust responsibility to Indian tribes. His work in the Assistant Secretary—Indian Affairs office previously is well known for being careful, diligent, high quality, and demonstrating a positive relationship with Indian country. Since then, he has served admirably in leadership for his own tribe, the Bay Mills Indian Community. He therefore understands the many challenges and demands that Indian tribes face. His legal training also gives him additional understanding of the complicated laws and programs that he will oversee.

Mr. Newland demonstrates the appropriate personal skills for this difficult position. He is calm and committed to his work. He shows critical leadership skills and a remarkable commitment to Indian country. We are confident he will serve Indian country and the nation well if confirmed and urge the Committee to enthusiastically support his nomination.

Wok-hlew’

JOSEPH L. JAMES, CHAIRMAN

COQUILLE INDIAN TRIBE
June 10, 2021

Dear Chairman Schatz and Vice Chairwoman Murkowski,

¹The NWIFC member tribes are the Hoh, Jamestown S’Klallam, Lower Elwha Klallam, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Port Gamble S’Klallam, Puyallup, Quileute, Quinault, Sauk-Suiattle, Skokomish, Squaxin Island, Stillaguamish, Suquamish, Swinomish, Tulalip, and Upper Skagit.

Dai'sla! I am honored to submit this letter of support for Chairperson Bryan Newland to serve as the U.S. Assistant Secretary of Indian Affairs.

As a member of the Bay Mills Indian Community, Chairperson Newland has a personal appreciation for the intergenerational struggles that Indian people confront on a daily basis. For much of our nation's history, Federal Indian affairs policy has been conceived and implemented from a non-Indian point of view. As a result, these well-intentioned policies often fail because they misunderstand what Indian people need.

As the Chairperson of the Bay Mills Indian Community Executive Council, Mr. Newland appreciates the position of Indian tribal governments in our modern era of tribal self-determination, tribal governments are the key service delivery agents in Indian country. I can personally attest to the challenges that tribal leaders face to both understand federal policy and use federal tools to provide real help to their people. Because he has been a leader of a Federally recognized tribe, I believe that Chairperson Newland is more likely to provide wise and meaningful leadership. My sense is that Indian people are more likely to accept even difficult policy choices when they are made using traditional values by a person who is accountable to his own elders and ancestors.

As an Indian person who has chosen a path of higher education and leadership, Chairperson Newland will serve as a role model for all Native American youth.

For these reasons and more, the Coquille Indian Tribe supports Chairperson Newland's confirmation as Assistant Secretary of Indian Affairs.

Thank you for the opportunity express our support.

Masi,

BRENDA MEADE, CHAIRPERSON

SOBOBA BAND OF LUISEÑO INDIANS

June 19, 2021

Dear Chairman Schatz and Vice Chairwoman Murkowski,

The Soboba Band of Luiseño Indians (Tribe) is pleased to support the recent nomination of Bryan Newland for the position of Assistant Secretary—Indian Affairs in the U.S. Department of the Interior.

We have full respect for Mr. Newland's accomplishments and appreciate his advancement of tribal issues and concerns over the years. His record and experience in Indian country are well-known. We strongly encourage you and your colleagues to move quickly to confirm Bryan Newland as the new Assistant Secretary of Indian Affairs.

The Tribe appreciates your prompt consideration of this matter.

Sincerely,

ISALAH VIVANCO, CHAIRMAN

ALABAMA-COUSHATTA TRIBE OF TEXAS

June 22, 2021

Dear Chairman Schatz and Vice Chairwoman Murkowski, and Members of the Senate Indian Affairs Committee:

On behalf of the Alabama-Coushatta Tribe of Texas, I write in support of the confirmation of Bryan Newland as the new Assistant Secretary for Indian Affairs. Mr. Newland's experience leading his people at the Bay Mills Indian Community as well as his previous service at the Department of the Interior has made him aware of the challenges tribes face in trying to meet the needs of their tribal members through economic development and education. At the same time, he has continued to honor and maintain important cultural traditions. We are confident that Mr. Newland will work to ensure that tribes have the tools and support necessary to allow tribes to shape their futures.

The Alabama and Coushatta, formerly known as the Alibamu and Koasati, were originally separate organized tribes, both of whom migrated westward from present-day Alabama to East Texas prior to most European settlers. In recognition for assisting General Sam Houston's army during the war for Texas Independence, the 1854 Texas Legislature authorized the purchase of separate lands for both tribes, and in the absence of available acreage, both tribes began living on their present-day reservation in 1859. Recognition as one tribe came through the issuance of the 1929 land deed for 3,071 acres. During the termination period of the 1950s, the Tribe's federal recognition was terminated, but Congress restored the Tribe's federal status in 1987. Today, the Tribe is engaged in a struggle with Texas regarding the Tribe's ability to offer electronic bingo as a means to provide for its members and

achieve economic independence. We would look forward to working with Mr. Newland regarding this and our other tribal issues.

The Alabama-Coushatta Tribe of Texas fully supports the nomination of Mr. Newland as the Assistant Secretary for Indian Affairs and hopes for a quick confirmation.

Respectfully,

NITA BATTISE, TRIBAL COUNCIL CHAIRPERSON

NORTHERN ARAPAHO BUSINESS COUNCIL
June 9, 2021

Dear Chairman Schatz and Vice Chairwoman Murkowski,

I write to you on behalf of the Northern Arapaho Business Council (NABC) to express our strong support for Bryan Newland, a citizen of the Bay Mills Indian Community, to be the Assistant Secretary for Indian Affairs at the Department of the Interior. Mr. Newland's understanding of tribal governments and experience supporting the Assistant Secretary for Indian Affairs makes him an ideal candidate to be confirmed as the next Assistant Secretary for Indian Affairs. I urge you to swiftly advance Mr. Newland's nomination and support his confirmation on the Senate floor.

The Assistant Secretary for Indian Affairs (ASIA) plays a significant role for tribal governments, primarily by fulfilling federal trust obligations and advising the Secretary of the Interior on issues related to Indian Country. It is important for tribes throughout the country that the ASIA is someone who understands the unique position of tribal governments and also has indepth knowledge of the Department of the Interior and federal government. Mr. Newland is a person who fits this position, and NABC proudly supports his nomination.

Mr. Newland's experience as President of the Bay Mills Indian Community will be invaluable as he works alongside tribal leaders to strengthen the government-to-government relationship. The Northern Arapaho Business Council works alongside federal officials on a daily basis, and we see firsthand the importance of working with partners who understand the complexities that tribal governments face as one of the most regulated entities in the country. Mr. Newland's appreciation of the challenges that tribal governments must navigate to accomplish basic tasks will help him be an effective ASIA, and ultimately benefit everyone.

Mr. Newland's time as Counselor and Senior Advisor to the Assistant Secretary for Indian Affairs has him ready to hit the ground running once he is confirmed. His understanding of the Agency combined with his policy expertise has him well positioned to effectively execute the Administration's direction while strengthening tribal sovereignty. We anticipate that he will play a strong role in advancing the Administration's Native American priorities, such as meaningful consultation, and we are optimistic that he will be a great partner for Indian Country.

The NABC has no doubt that Mr. Newland will be a strong Assistant Secretary for Indian Affairs and we respectfully urge you to support him. We look forward to continue working with you to continue strengthening our government-to-government relationship.

Kind Regards,

Lee Spoonhunter, Co-Chairman

Attachment

RESOLUTION NO. NABC 2021-1363

WHEREAS, The Northern Arapaho Business Council (NABC) is the duly constituted governing body of the Northern Arapaho Tribe, and

WHEREAS, The Tribe retains inherent sovereign authority to promote interests of the Tribe and its members and residents of the Wind River Reservation, and

WHEREAS, President Biden has nominated Bryan Newland to serve as Assistant Secretary for Indian Affairs. Mr. Newland served as President of the Bay Mills Indian Community; and is a former Senior Policy Advisor of Interior under Secretary Ken Salazar, with a professional record and experience in Indian Country that is well-known and respected, and

WHEREAS, Mr. Newland is a citizen of the Bay Mills Indian Community (Ojibwe), where he recently completed his tenure as Tribal Chairman. Before that, Newland served as Chief Judge of the Bay Mills Tribal Court. From 2009 to 2012,

Newland served as a Counselor and Senior Policy Advisor to the Assistant Secretary of the Interior—Indian Affairs. In that capacity, he helped develop the Obama Administration’s policies on Indian gaming and Indian lands, reforming the Department of the Interior’s policy on reviewing tribal-state gaming compacts. He also led a team that improved the BIA’s Indian leasing regulations and worked with key officials to help enact the HEARTH Act of 2012, and

WHEREAS, a successful U.S. Senate confirmation of Bryan Newland to serve as Assistant Secretary for Indian Affairs, along with the first Native American Secretary of Interior, Deb Haaland—Indian tribes have the critical opportunity to take steps to secure traditional cultures, tribal economies, and continue to heal the broken relationship with the federal government, and

WHEREAS, Prior to his federal service, Newland worked as an attorney with Fletcher Law in Lansing, Michigan. He represented tribal clients on issues including the regulation of gaming facilities, negotiation of tribal-state gaming compacts, the fee-to-trust process, and leasing of Indian lands. He graduated magna cum laude from Michigan State University College of Law and received his undergraduate degree from James Madison College at Michigan State University.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

The NABC hereby approves the resolution officially supporting the nomination of Bryan Newland of the Bay Mills Indian Community (Ojibwe) as the next Assistant Secretary of Indian Affairs of the U.S. Department of the Interior.

CERTIFICATION

The undersigned, as Chairman of the Northern Arapaho Business Council, hereby certifies that the Northern Arapaho Business Council consists of six (6) members and that four (4) members were present constituting a quorum, at a specially called meeting of the Northern Arapaho Business Council held on June 9, 2021 that the foregoing resolution was adopted a vote of Four (4) Members FOR and Zero (0) Members AGAINST and that the foregoing resolution was not rescinded or amended in any way.

BLACKFEET TRIBE

May 6, 2021

Browning, MT. The Blackfeet Tribe officially endorsed President Biden’s pick to lead the Bureau of Indian Affairs. Bryan Newland is a citizen of the Bay Mills Indian Community (Ojibwe), where he recently completed his tenure as Tribal Chairman. Before that, Newland served as Chief Judge of the Bay Mills Tribal Court. From 2009 to 2012, Newland served as a Counselor and Senior Policy Advisor to the Assistant Secretary of the Interior—Indian Affairs.

Newland is yet to be confirmed by the U.S. Senate. If confirmed Bryan Newland would serve as Assistant Secretary for Indian Affairs, along with the first Native American Secretary of Interior, Deb Haaland.

Many Indian tribes believe the Native American leadership at the Department of the Interior will have more success to secure traditional cultures, develop tribal economies and continue to heal the broken relationship with the federal government.

While working under the Obama Administration Newland helped develop policies on Indian gaming and Indian lands, reforming the Department of the Interior’s policy on reviewing tribal-state gaming compacts. He also led a team that improved the BIA’s Indian leasing regulations and worked with key officials to help enact the HEARTH Act of 2012.

Prior to his federal service, Newland worked as an attorney with Fletcher Law in Lansing, Michigan. He represented tribal clients on issues including the regulation of gaming facilities, negotiation of tribal-state gaming compacts, the fee-to-trust process, and leasing of Indian lands. He graduated magna cum laude from Michigan State University College of Law and received his undergraduate degree from James Madison College at Michigan State University.

RESOLUTION OF THE BLACKFEET NATION OFFICIALLY SUPPORTING THE NOMINATION OF BRYAN NEWLAND OF THE BAY MILLS INDIAN COMMUNITY (OJIBWE) TO SERVE AS ASSISTANT SECRETARY—INDIAN AFFAIRS FOR THE U.S. DEPARTMENT OF THE INTERIOR—NO. 311–2021

WHEREAS, The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation, and

WHEREAS, The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation, and

WHEREAS, In accordance with Article VI Section 1 (a) of the Constitution for the Blackfeet Tribe, the Blackfeet Tribal Business Council is empowered to negotiate with the federal, state and local governments on behalf of the tribe and to advise and consult with the representatives of the United States Government on all activities that may affect the Blackfeet Tribe, and

WHEREAS, President Biden has nominated Bryan Newland to fill the post as Assistant Secretary for Indian Affairs. Mr. Newland served as President of the Bay Mills Indian Community; and is a former Senior Policy Advisor of Interior under Secretary Ken Salazar, with a professional record and experience in Indian Country that is well-known and respected.

WHEREAS, Mr. Newland is a citizen of the Bay Mills Indian Community (Ojibwe), where he recently completed his tenure as Tribal Chairman. Before that, Newland served as Chief Judge of the Bay Mills Tribal Court. From 2009 to 2012, Newland served as a Counselor and Policy Advisor to the Assistant Secretary of the Interior-Indian Affairs. In that capacity, he helped develop the Obama Administration's policies on Indian gaming and Indian lands, reforming the Department of the Interior's policy on reviewing tribal-state gaming compacts. He also led a team that improved the BIA's Indian leasing regulations and worked with key officials to help enact the HEARTH Act of 2012.

WHEREAS, a U.S. Senate confirmation of Bryan Newland to serve as Assistant Secretary for Indian Affairs, along with the first Native American Secretary of Interior, Deb Haaland—Indian tribes have the critical opportunity to take steps to secure traditional cultures, tribal economies, and continue to heal the broken relationship with the federal government.

WHEREAS, Prior to his federal service, Newland worked as an attorney with Fletcher Law in Lansing, Michigan. He represented tribal clients on issues including the regulation of gaming facilities, negotiation of tribal-state gaming compacts, the fee-to-trust process, and leasing of Indian lands. He graduated magna cum laude from Michigan State University College of Law and received his undergraduate degree from James Madison College at Michigan State University.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Blackfeet Tribal Business Council hereby approves the resolution officially supporting the nomination of Bryan Newland of the Bay Mills Indian Community (Ojibwe) as the next Assistant Secretary of Indian Affairs of the U.S. Department of the Interior.

2. That the Chairman or Vice-Chairman in the Chairman's absence and Secretary of the Blackfeet Tribal Business Council are hereby authorized to sign this Resolution and any other documents to effectuate the purposes of this Resolution.

RESOLUTION NO. 21-217

WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with the authority to "consult, negotiate and conclude agreements and contracts on behalf of the Tohono O'odham Nation with Federal, State and local governments" and to "promote, protect and provide for public health, peace, morals, education and general welfare of the Tohono O'odham Nation and its members" (Constitution, Article VI, Section 1(t) and Section 1(c)(2)); and

WHEREAS, the U.S. Department of the Interior has vast responsibilities in carrying out the federal government's trust obligation with tribal nations and makes decisions that directly affect the lives of millions of American Indians and Alaska Natives; and

WHEREAS, President Joe Biden has nominated Bryan T. Newland, a member of the Bay Mills Indian Community, to serve as Assistant Secretary—Indian Affairs in the U.S. Department of the Interior; and

WHEREAS, nominee Bryan T. Newland has served as President of the Bay Mills Indian Community, has served as a political appointee in the office of the Assistant Secretary—Indian Affairs during the Obama Administration, and more recently as the Principal Deputy Assistant Secretary of Indian Affairs in the Department of the Interior; and

WHEREAS, nominee Bryan T. Newland is uniquely qualified to serve as the Assistant Secretary for Indian Affairs given his extensive experience practicing federal

Indian law, his service as a tribal leader, and his service in the Department of the Interior.

NOW, THEREFORE, BE IT RESOLVED, that the Tohono O'odham Legislative Council strongly supports the confirmation of Bryan T. Newland as Assistant Secretary—Indian Affairs and calls for expeditious confirmation hearings in the U.S. Senate.

OGLALA SIOUX TRIBE
July 14, 2021

Dear Chairman Schatz and Vice-Chairwoman Murkowski:

On behalf of the Oglala Sioux Tribe, I write in support of the confirmation of Bryan Newland as Assistant Secretary for Indian Affairs. The United States must uphold its responsibility to Tribal Nations, honor its treaties, and provide a voice for Indian Country in the federal government. It is with this responsibility in mind and with tremendous enthusiasm that the Oglala Sioux Tribe urges you to vote to confirm Bryan Newland to be the Assistant Secretary for Indian Affairs.

The Oglala Sioux Tribe is a part of the Oceti Sakowin (Seven Council Fires, known as the Great Sioux Nation) and a signatory to the Treaty with the Teton of 1815, 7 Stat. 125 (Jul. 19, 1815), the Treaty of Fort Laramie of 1851, 1 Stat. 749 (Sept. 17, 1851), and the Treaty of Fort Laramie of 1868, 15 Stat. 635 (Apr. 29, 1868). The Tribe is one of the largest land-based tribes in the United States. Our Tribe's Pine Ridge Indian Reservation is comprised of 3,155,200 acres of land in southwestern South Dakota, roughly the size of Connecticut. Our Reservation, however, is extremely rural and remote, and we are in need of adequate housing, economic development, job opportunities, community development and infrastructure, and quality health care.

The U.S. Department of the Interior (Interior) carries out a broad range of responsibilities affecting Tribal Nations and its day-to-day decisions impact all aspects of tribal sovereignty and self-governance, from education to economic development to law enforcement. As part of the Administration, Interior is charged and entrusted with upholding the federal trust and treaty responsibilities to the 574 tribal nations and more than 5.2 million American Indians and Alaska Natives. Thus, it is critical that nominees for Interior's leadership positions fully understand the challenges facing our people and Indian Country as a whole and reflect the communities Interior serves.

We believe that Mr. Newland knows first-hand the challenges we face, as well as the opportunities that lie ahead for us as sovereign governments. His background and work experience have prepared him well to be the Assistant Secretary for Indian Affairs. Therefore, for the reasons expressed in the June 4, 2021, Joint Inter-Tribal Organization Letter (attached), we believe Mr. Newland is the right person to fill the role of Assistant Secretary for Indian Affairs, and we ask you and the other members of the Committee to vote to confirm Bryan Newland to be the Assistant Secretary for Indian Affairs.

Sincerely,

KEVIN KILLER, PRESIDENT

July 23, 2021

Dear Majority Leader Schumer and Minority Leader McConnell:

As federally recognized tribes in Virginia, we are pleased to urge Senate confirmation of Bryan Todd Newland as Assistant Secretary for Indian Affairs at the U.S. Department of the Interior. Mr. Newland's experience and background make him exceptionally well-qualified for the role of Assistant Secretary for Indian Affairs.

A graduate of the Indian Law program at Michigan State University College of Law, citizen of the Bay Mills Indian Community (Ojibwe), and former elected President of his Tribe, Mr. Newland possesses impressive academic and professional credentials. As a lawyer in private practice, he represented tribal clients on issues like gaming, the fee-to-trust process, litigation concerning tribal sovereign immunity and jurisdiction, leasing of Indian lands, land planning and regulation, economic development, and code drafting. Mr. Newland has the personal and professional background to lead the staffs of the U.S. Bureau of Indian Affairs, the Office of Indian Gaming, and the U.S. Bureau of Indian Education. His experience working in the federal government as a presidentially appointed Counselor and Policy Advisor to the AS-IA in the Obama administration will be an asset in his new role. Mr. Newland brings experience developing policies on Indian gaming and Indian lands, reforming the Department of the Interior's policy on reviewing tribal-state gaming

compacts, reforming the BIA's Indian leasing regulations, and helping enact the HEARTH Act of 2012.

Bryan Todd Newland is eminently qualified to serve as the Assistant Secretary for Indian Affairs. We respectfully urge you to vote in support of Mr. Newland's nomination, and we appreciate your consideration of our views.

Sincerely,

CHICKAHOMINY TRIBE
CHICKAHOMINY INDIANS EASTERN DIVISION
NANSEMOND INDIAN NATION
MONACAN INDIAN NATION
RAPPAHANNOCK TRIBE
UPPER MATTAPONI INDIAN TRIBE

STILLAGUAMISH TRIBE OF INDIANS
July 13, 2021

Dear Chairman Schatz and Ranking Member Murkowski,

On behalf of the Stillaguamish Tribe of Indians, I write to encourage you to quickly take up the nomination of Bryan Newland to serve as the Assistant Secretary for Indian Affairs at the U.S. Department of the Interior and to favorably report this nomination from the Senate Committee on Indian Affairs to the full Senate.

Bryan Newland is a dedicated civil servant and former Tribal leader who has consistently demonstrated his commitment to and support of Indian Country throughout his career. Prior to his current role as Principle Deputy Assistant Secretary for Indian Affairs, Mr. Newland served as the Tribal President of Bay Mills Indian Community. As Tribal President, Mr. Newland championed Tribal health initiatives, economic development, and the protection of Tribal natural resources.

Before being elected as Tribal President of his Tribe, Mr. Newland served in the Obama Administration as a senior policy advisor to the Assistant Secretary of the Interior for Indian Affairs. During his tenure at Indian Affairs, we worked with Mr. Newland on a number of matters including protecting Tribal treaty rights and Tribal natural resources. In our work with Mr. Newland, he was always supportive of the Federal Government in its role as trustee to Tribes while also ensuring Tribal sovereignty was respected.

Because of his dedication and deep understanding of the issues facing Tribes, we feel that Bryan Newland is the right person to serve in this critical leadership role. As such, we strongly support Bryan Newland's nomination as Assistant Secretary for Indian Affairs and ask that you swiftly consider and support his nomination in your Committee.

Thank you for your consideration of our request.

Sincerely,

SHAWN YANITY, CHAIRMAN

NOTTAWASEPPI HURON BAND OF THE POTAWATOMI
July 13, 2021

Dear Chairman Schatz and Vice Chairwoman Murkowski,

On behalf of the Nottawaseppi Huron Band of the Potawatomi (NHBP), I write to express our support for the nomination of Bryan Newland to serve as the Assistant Secretary for Indian Affairs at the U.S. Department of the Interior ("Department").

NHBP interacted regularly with Mr. Newland during his time as the Chairman of the Bay Mills Indian Community. We were not always on the same side of every issue, but, Mr. Newland always conducted himself in a respectful and well-reasoned manner and he was always honest and transparent in his dealings with NHBP. Our experience with him is that he is very knowledgeable on the issues, fair, and professional. We can agree to disagree on some issues, but still work together on others.

NHBP is also familiar with Mr. Newland during his previous tenure at the Department of the Interior. During that time, we observed Mr. Newland providing critical counsel on a number of highly technical and difficult issues and advocate for new policy initiatives focused on strengthening tribal self-governance and self-determination. He has a strong record of accomplishment for thinking outside of the box to tackle systemic problems that have plagued Indian Country and the Department. This type of leadership is exactly what the Department needs to stimulate economic development and self-sufficient tribal nations.

We recognize that Mr. Newland would be recused from any issues that might impact his own tribe and likely other Michigan tribal matters, but we appreciate the

fact that he will bring his unique perspective as a former tribal leader and tribal attorney to this high-level position at the Department.

We believe Mr. Newland has the key characteristics needed to successfully serve as Assistant Secretary for Indian Affairs, and urge the Committee to favorably vote and report Mr. Newland's nomination to the full Senate. We hope that the full Senate will confirm him in a timely manner so that he can get to work in his new position as quickly as possible.

Sincerely,

JAMIE STUCK, CHAIRMAN

