

2024 Current Fiscal Year Report: Self-Governance PROGRESS Act Negotiated Rulemaking Committee

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1. Department or Agency		2. Fiscal Year	
Department of the Interior		2024	
3. Committee or Subcommittee		3b. GSA Committee No.	
Self-Governance PROGRESS Act Negotiated Rulemaking Committee		84667	
4. Is this New Fiscal Year?	5. Current Charter	6. Expected Renewal Date	7. Expected Term Date
No	05/18/2022	05/18/2024	12/21/2024
8a. Was Terminated During Fiscal Year?	8b. Specific Termination Authority		8c. Actual Term Date
	P.L. 118-15, Sec. 2102		
9. Agency Recommendation for Next Fiscal Year	10a. Legislation Req to Terminate?	10b. Legislation Pending?	
Continue	Not Applicable	Not Applicable	
11. Establishment Authority Statutory (Congress Created)			
12. Specific Establishment Authority	13. Effective Date	14. Committee Type	14c. Presidential?
P.L. 116-180	10/21/2020	Continuing	No
15. Description of Committee Regulatory Negotiations Committee			
16a. Total Number of Reports	No Reports for this Fiscal Year		
17a. Open	17b. Closed	17c. Partially Closed	Other Activities
6	0	0	0
17d. Total Meetings and Dates			
Purpose	Start	End	

Topics for this meeting will include
Committee priority setting, possible
subcommittees and assignments,
subcommittee reports, negotiated 12/20/2023 - 12/20/2023
rulemaking process, schedule and agenda
setting for future meetings, Committee
caucus, and public comment.

Topics for this meeting will include
Committee priority setting, possible
subcommittees and assignments,
subcommittee reports, negotiated 01/18/2024 - 01/18/2024
rulemaking process, schedule and agenda
setting for future meetings, Committee
caucus, and public comment.

Topics for this meeting will include
Committee priority setting, possible
subcommittees and assignments,
subcommittee reports, negotiated 02/08/2024 - 02/08/2024
rulemaking process, schedule and agenda
setting for future meetings, Committee
caucus, and public comment.

Topics for this meeting will include
Committee priority setting, possible
subcommittees and assignments,
subcommittee reports, negotiated 02/29/2024 - 02/29/2024
rulemaking process, schedule and agenda
setting for future meetings, Committee
caucus, and public comment.

Topics for this meeting will include
Committee priority setting, possible
subcommittees and assignments,
subcommittee reports, negotiated 03/14/2024 - 03/14/2024
rulemaking process, schedule and agenda
setting for future meetings, Committee
caucus, and public comment.

Topics for this meeting will include
Committee priority setting, possible
subcommittees and assignments,
subcommittee reports, Committee report and 04/04/2024 - 04/04/2024
draft NPRM documents, schedule and
agenda setting for future meetings,
Committee caucus, and public comment.

Number of Committee Meetings Listed: 6

	Current Next	
	FY	FY
18a(1). Personnel Pmts to Non-Federal Members	\$0.00	\$0.00
18a(2). Personnel Pmts to Federal Members	\$0.00	\$0.00
18a(3). Personnel Pmts to Federal Staff	\$0.00	\$0.00

18a(4). Personnel Pmts to Non-Member Consultants	\$0.00	\$0.00
18b(1). Travel and Per Diem to Non-Federal Members	\$0.00	\$0.00
18b(2). Travel and Per Diem to Federal Members	\$0.00	\$0.00
18b(3). Travel and Per Diem to Federal Staff	\$0.00	\$0.00
18b(4). Travel and Per Diem to Non-member Consultants	\$0.00	\$0.00
18c. Other(rents,user charges, graphics, printing, mail, etc.)	\$0.00	\$0.00
18d. Total	\$0.00	\$0.00
19. Federal Staff Support Years (FTE)	0.00	0.00

20a. How does the Committee accomplish its purpose?

The Committee will negotiate and advise the Secretary of the Interior (Secretary) through the Office of Self-Governance and the Assistant Secretary - Indian Affairs to develop the text of a proposed rule to implement Title IV of the Indian Self-Determination and Education Assistance Act (ISDEAA) regarding the Tribal Self-Governance Program as amended by the PROGRESS Act. It is anticipated that the proposed rule developed by the Committee will revise the current regulations implementing the Tribal Self-Governance Program codified at 25 C.F.R. Part 1000 to amend, delete, and add provisions as appropriate to implement the PROGRESS Act.

20b. How does the Committee balance its membership?

To ensure fair and balanced representation of viewpoints, the Secretary will appoint Tribal representatives to the Committee reflecting a geographical balance and representing a diversity

of interests affected by the regulations.

20c. How frequent and relevant are the Committee Meetings?

Seven meetings were held in FY 2023. For FY2024 it is expected the Committee will meet approximately once a month, and at such other times as designated by the DFO. Meetings will be held according to a schedule agreed upon by the Committee.

20d. Why can't the advice or information this committee provides be obtained elsewhere?

As required by the PROGRESS Act, members will be representatives only of the Federal Government and Tribal Governments.

20e. Why is it necessary to close and/or partially closed committee meetings?

All Committee meetings will be open to the public.

21. Remarks

Seven Committee meetings were held in FY 2023 and consensus was reached on 9 Subparts before the Committee's authority expired on April 20, 2023. However, Congress granted an extension to December 21, 2023 for the NPRM, and the Committee's authority to complete a final rule now expires on December 21, 2024

Designated Federal Officer

Vickie Hanvey Program Policy Analyst

Committee Members	Start	End	Occupation	Member Designation
Aikin, Scott	05/18/2022	05/18/2024	U.S. Fish and Wildlife Service	Regular Government Employee (RGE) Member
Allen, Ron	05/18/2022	05/18/2024	Jamestown S'Klallan Tribe	Representative Member
Attebery, Russell	05/18/2022	05/18/2024	Karuk Tribe	Representative Member

Benjamin, Melanie	05/18/2022	05/18/2024	Mille Lacs Band of Ojibwe	Representative Member
Dolson, Michael	05/18/2022	05/18/2024	Confederated Salish & Kootenai Tribes of the Flathead Nation	Representative Member
Fierro, Karen	05/18/2022	05/18/2024	Choctaw Nation of Oklahoma	Representative Member
Firecloud, Dorothy	05/18/2022	05/18/2024	National Park Service	Regular Government Employee (RGE) Member
Fourkiller, Melanie	05/18/2022	05/18/2024	Choctaw Nation of Oklahoma	Representative Member
Freeman, Sharee	05/18/2022	05/18/2024	Office of Self-Governance	Regular Government Employee (RGE) Member
Loosle, Byron	05/18/2022	05/18/2024	Bureau of Land Management	Regular Government Employee (RGE) Member
Peterson, Richard	05/18/2022	05/18/2024	Central Council Tlingit and Haida Indian Tribes of Alaska	Representative Member
Petoskey, Rose	05/18/2022	05/18/2024	Office of the Assistant Secretary--Indian Affairs	Regular Government Employee (RGE) Member
Schwarz, Jody	05/18/2022	05/18/2024	Office of the Solicitor	Regular Government Employee (RGE) Member
Titensor, Kelly	05/18/2022	05/18/2024	Bureau of Reclamation	Regular Government Employee (RGE) Member
Hope, Gerry [Drafting Subcommittee]	10/03/2022	12/21/2024	Tribal Member	Representative Member
Micklin, Will [Drafting Subcommittee]	10/03/2022	12/21/2024	Tribal Member	Representative Member
Pittman, C. Juliet [Drafting Subcommittee]	10/03/2022	12/21/2024	Tribal Member	Representative Member
Skenandore, Candice [Drafting Subcommittee]	10/03/2022	12/21/2024	Tribal Member	Representative Member
Upton, Brian [Drafting Subcommittee]	10/03/2022	12/21/2024	Tribal Member	Representative Member

Webster, Jenn [Drafting Subcommittee]	10/03/2022	12/21/2024	Tribal Member	Representative Member
Amdur-Clark, Nathaniel [Protocols Subcommittee]	05/18/2022	05/18/2024	Tribal Member	Representative Member
Baker-Shenk, Phil [Protocols Subcommittee]	05/18/2022	05/18/2024	Tribal Member	Representative Member
Jaffee, Matt [Protocols Subcommittee]	05/18/2022	05/18/2024	Tribal Member	Representative Member
McLaughlin, Jennifer [Protocols Subcommittee]	05/18/2022	05/18/2024	Tribal Member	Representative Member
Osborne, Steve [Protocols Subcommittee]	05/18/2022	05/18/2024	Tribal Member	Representative Member
Strommer, Geoff [Protocols Subcommittee]	05/18/2022	05/18/2024	Tribal Member	Representative Member

Number of Committee Members Listed: 26

Narrative Description

The Committee made two initial recommendations: 1.

Recommending that the Department submit a draft bill as soon as possible to extend the statutory deadlines for the promulgation of regulations implementing the PROGRESS Act set forth in Section 5373 of Title 25, United States Code. Specifically, the Committee recommended: a) the statutory deadline publishing the proposed implementing regulations in the Federal Register be extended to no later than 35 months after October 21, 2020, (September 21, 2023); and b) the statutory deadline for exercising authority to promulgate the implementing regulations be extended to 47 months after October 21, 2020, (September 21, 2024); and 2. In regard to the conflicting audit threshold requirements set forth in the PROGRESS Act and Single Audit Act, a) defer consideration of the proposal to resolve the conflicting audit threshold requirements by technical amendment while the Department obtains a Solicitor's opinion regarding how to deal with these conflicting provisions; b) the Department confer with Indian Health Services regarding these conflicting audit threshold provisions; and c) that the Committee continue to separately move forward with its request to extend the deadline for exercising authority to promulgate regulations implementing the PROGRESS Act.

What are the most significant program outcomes associated with this committee?

Checked if
Applies

Improvements to health or safety	<input type="checkbox"/>
Trust in government	<input checked="" type="checkbox"/>
Major policy changes	<input checked="" type="checkbox"/>
Advance in scientific research	<input type="checkbox"/>
Effective grant making	<input type="checkbox"/>
Improved service delivery	<input type="checkbox"/>
Increased customer satisfaction	<input type="checkbox"/>
Implementation of laws or regulatory requirements	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

Outcome Comments

What are the cost savings associated with this committee?

Checked if Applies

None	<input type="checkbox"/>
Unable to Determine	<input checked="" type="checkbox"/>
Under \$100,000	<input type="checkbox"/>
\$100,000 - \$500,000	<input type="checkbox"/>
\$500,001 - \$1,000,000	<input type="checkbox"/>
\$1,000,001 - \$5,000,000	<input type="checkbox"/>
\$5,000,001 - \$10,000,000	<input type="checkbox"/>
Over \$10,000,000	<input type="checkbox"/>
Cost Savings Other	<input type="checkbox"/>

Cost Savings Comments

What is the approximate Number of recommendations produced by this committee for the life of the committee?

2

Number of Recommendations Comments

The Committee made two recommendations in FY 2022: 1. Recommending that the Department submit a draft bill as soon as possible to extend the statutory deadlines for

the promulgation of regulations implementing the PROGRESS Act set forth in Section 5373 of Title 25, United States Code. Specifically, the Committee recommended: a) the statutory deadline publishing the proposed implementing regulations in the Federal Register be extended to no later than 35 months after October 21, 2020, (September 21, 2023); and b) the statutory deadline for exercising authority to promulgate the implementing regulations be extended to 47 months after October 21, 2020, (September 21, 2024); and FY2023 Update: Congress passed the statutory deadlines to no later than 38 months after October 21, 2020, (December 21, 2023) for the NPRM, and the deadline to promulgate the implementing regulations be extended to 50 months after October 21, 2020, (December 21, 2024) 2. In regard to the conflicting audit threshold requirements set forth in the PROGRESS Act and Single Audit Act, a) defer consideration of the proposal to resolve the conflicting audit threshold requirements by technical amendment while the Department obtains a Solicitor's opinion regarding how to deal with these conflicting provisions; b) the Department confer with Indian Health Services regarding these conflicting audit threshold provisions; and c) that the Committee continue to separately move forward with its request to extend the deadline for exercising authority to promulgate regulations implementing the PROGRESS Act.

What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?

50%

% of Recommendations Fully Implemented Comments

What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?

50%

% of Recommendations Partially Implemented Comments

The agency is in the process of acting upon the Committee consensus items regarding the audit threshold.

Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?

Yes ☒ No ☐ Not Applicable ☐

Agency Feedback Comments

The Committee requested a Solicitor's opinion regarding how to deal with conflicting audit

threshold provisions in the PROGRESS Act and Single Audit Act in consultation with Indian Health Service. This recommendation is in process within the Department.

What other actions has the agency taken as a result of the committee's advice or recommendation?

Checked if Applies

- | | |
|-----------------------------------|--------------------------|
| Reorganized Priorities | <input type="checkbox"/> |
| Reallocated resources | <input type="checkbox"/> |
| Issued new regulation | <input type="checkbox"/> |
| Proposed legislation | <input type="checkbox"/> |
| Approved grants or other payments | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

Action Comments

Is the Committee engaged in the review of applications for grants?

No

Grant Review Comments

How is access provided to the information for the Committee's documentation?

Checked if Applies

- | | |
|---------------------------|-------------------------------------|
| Contact DFO | <input checked="" type="checkbox"/> |
| Online Agency Web Site | <input type="checkbox"/> |
| Online Committee Web Site | <input checked="" type="checkbox"/> |
| Online GSA FACA Web Site | <input type="checkbox"/> |
| Publications | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

Access Comments