

**U.S. Department of the Interior
Office of Self-Governance – Indian Affairs**

Self-Governance PROGRESS Act Negotiated Rulemaking Committee

Charter

- 1. COMMITTEE'S OFFICIAL DESIGNATION.** Self-Governance PROGRESS Act Negotiated Rulemaking Committee (Committee).
- 2. AUTHORITY.** The Committee is in the public interest in connection with the responsibilities of the Department of the Interior (Department) and regulated by the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix 2. Authority for the Committee is under:
 - Practical Reforms and Other Goals to Reinforce the Effectiveness of Self-Governance and Self-Determination (PROGRESS) for Indian Tribes Act (Public Law 116-180)
 - Negotiated Rulemaking Act of 1996 (5 U.S.C. § 561 *et seq.*) The Committee will conduct its activities in accordance with the Negotiated Rulemaking Act as adapted to the unique context of self-governance and the government-to-government relationship between the United States and Indian Tribes.
- 3. OBJECTIVES AND SCOPE OF COMMITTEE ACTIVITIES.** 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.
- 4. DESCRIPTION OF DUTIES.** The duties of the Committee are to negotiate in good faith and encourage the free and open exchange of ideas with the goal of developing proposed regulations to implement Title IV of the ISDEAA as amended by the PROGRESS Act, such that the Committee can approve by consensus the submission of said recommendations to the Secretary. The duties of this Committee are solely advisory.

The Committee will be responsive to specific assignments made by the Designated Federal Officer (DFO). The Committee will consider the matters proposed by the DFO and will attempt to reach consensus. The Committee will define consensus for its deliberations. If the Committee reaches consensus on a proposal, it will submit a report to the DFO specifying any areas in which the Committee has reached a consensus. If the Committee does not reach a consensus on a proposal, it will insert within the report any areas on which a consensus is not reached. The Committee may include in a report any other information, recommendations, or materials that the Committee considers appropriate.

5. **AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS.** The Committee will report to the Secretary through the Office of Self-Governance and the Assistant Secretary – Indian Affairs.
6. **SUPPORT.** The Office of Self-Governance will be responsible for providing the necessary support for the Committee's activities.
7. **ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS.** The annual operating costs associated with supporting the Committee's functions are estimated to be \$500,000.00 including all direct and indirect expenses and 2.6 Federal staff years support.
8. **DESIGNATED FEDERAL OFFICER.** The DFO is a full-time Federal employee within the Department of the Interior, who is appointed in accordance with Agency procedures. The DFO (or alternate DFO) will approve or call all Committee and subcommittee meetings, prepare and approve all meeting agendas, attend all Committee and subcommittee meetings adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the Secretary.
9. **MEETINGS.** Meetings will be held according to a schedule agreed upon by the Committee. The DFO (or alternate DFO) will be present at all meetings. The Committee will meet approximately 5 times annually, and at such other times as designated by the DFO.
10. **DURATION.** The Committee is expected to continue until the promulgation of the final rule under consideration and will not continue past that time.
11. **TERMINATION.** The Committee will terminate 2 years from the date the charter is filed, unless, prior to that date it is renewed in accordance with the provisions of section 14 of the FACA. The Committee will not meet or take any action without a current valid charter.
12. **MEMBERSHIP and DESIGNATION.** The Secretary will appoint primary members and alternates to the Committee to serve a two-year term. Committee membership will consist of approximately 15, but not more than 25 members.
 - A. Members will be representatives only of the Federal Government and Tribal Governments. 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.
 - B. Non-Federal members of the Committee serve without compensation. However, while away from their homes or regular places of business, Committee and subcommittee members engaged in Committee or subcommittee business approved by the DFO, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under 5 U.S.C. § 5703.

C. Members serve at the discretion of the Secretary. A vacancy on the Committee is filled in the same manner in which the original appointment was made.

13. ETHICS RESPONSIBILITY.

- a. **Federal Employees.** Federal members who are appointed to the Committee in their official capacity as Federal employees are subject to applicable Federal ethics statutes and regulations, to include applicable exceptions and exemptions.
- b. **Non-Federal Employees.** Non-Federal members of the Committee and subcommittee(s) are not subject to Federal ethics statutes and regulations. However, these non-Federal Committee or subcommittee members may not participate in any Committee or subcommittee deliberations or votes relating to a specific party matter before the Department or its bureaus and offices including a lease, license, permit, contract, grant, claim, agreement, or litigation in which the member or the entity the member represents has a direct financial interest.

14. **SUBCOMMITTEES.** Subject to the DFO's approval, subcommittees may be formed for the purpose of compiling information or conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Committee for consideration. Subcommittees must not provide advice or work products directly to the Department. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.

15. **RECORDKEEPING.** The records of the Committee, and formally and informally established subcommittees of the Committee, will be handled in accordance with the General Records Schedule 6.2 and other approved Agency records disposition schedules. These records will be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. § 552.



Secretary of the Interior

MAY 11 2022

Date Signed

MAY 18 2022

Date Filed