

**PROGRESS ACT NEGOTIATED RULEMAKING COMMITTEE
TRIBAL COMMITTEE MEMBERS' PROPOSED RECOMMENDATION
FOR THE PART 1000 SUBPARTS TO COMMENCE NEGOTIATED RULEMAKING**

AGENDA

November 14, 2022

The Tribal Committee Members of the PROGRESS Act Negotiated Rulemaking Committee propose the following subparts of 25 CFR Part 1000 Title IV regulations as the topics to commence negotiations with Interior Department Committee Members and FMCS facilitators.

The Tribal Committee Members consider these subparts to be least controversial and therefore regulatory topics the Committee may have the least difficulty reaching consensus to revise the existing Part 1000 regulatory text to comply with the PROGRESS Act amendments.

As the full Committee gains experience and confidence with the negotiated process over these issues, it may facilitate the Committee's later negotiations to address the more challenging regulatory topics by promoting trust among Committee Members and facilitators and providing Committee Members with the experience of negotiated rulemaking consistent with the consensus protocols we are jointly working to finalize.

The Tribal Committee Members propose negotiations commence in full plenary on December 16, 2022 with the following Part 1000 Subparts:

1. Subpart B (Selection of Tribes for Participation in Tribal Self-Governance);
2. Subpart E (Annual Funding Agreements for BIA Programs);
3. Subpart G (Negotiation Process for Compacts and AFAs, including Final Offer);
4. Subpart J (Waiver of Regulations)
5. Subpart M (Reassumption)
6. Subpart N (Retrocession)
7. Subpart S (Conflicts of Interest)
8. Subpart L (Federal Tort Claims)

The Tribal Committee Members propose to develop and share draft redline discussion drafts with FMCS facilitators and Interior Department Committee Members at least one week in advance of the scheduled December 16, 2022 virtual full Committee meeting.

As work progresses, the Tribal Committee Members would then propose to the Leadership Team additional Part 1000 regulatory subparts for the Committee's consideration to negotiate. This approach may facilitate greater consensus and the eventual publication of the proposed and final rule within the statutory timeframes for the Committee's work.