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August 15, 2024

The Honorable Deb Haaland, Secretary  
U.S. Department of the Interior  
1849 C Street, NW, MIB  
Washington, DC 20240

**Re: Comments on the Draft Proposed Rule for The PROGRESS Act, 25 CFR 1000**

Dear Secretary Haaland:

Since the mid-1980s, our Tribe has been among Tribal leadership at the forefront seeking to reaffirm our rights to self-govern and amend the Indian Self-Determination and Education Assistance Act (ISDEAA). What initially began in 1988 within the Department of the Interior (DOI) as a demonstration project, is now permanent statutory authority as well in the Departments of Health and Human Services and Transportation, with additional self-determining pilots and demonstrations dispersed in other Federal agencies. This has been a long journey that only a few remain to tell the story, but it continues through these regs. These proposed regulations are the next chapter in what will be a lifetime battle to reassume Tribal rights to be self-determining and self-governing.

The PROGRESS Act represents the most recent amendments to the Self-Governance authority and for DOI it will not be the last as we continue to seek to correct distortions that have been made to the statute by our Federal trustee, our partner, who wants to impose uniformity that is inflexible and unresponsive to local needs. We like to think of it as an overreach by Federal agencies that Tribes cannot be trusted to do better for themselves than the Federal government, although history has repeatedly shown the contrary. The rationale for detailed policies and procedures, for program manuals, negotiation guidelines, and regulations, is that a Tribe will not get it right without using the bureaucracy's cookie cutter - but one size does not fit all.

The success of Self-Governance can be seen in the increasing number of Tribes that choose to participate. In 1991 only 7 Tribes negotiated agreements with compacts totaling \$27 million; in 2024 as many as 295 Tribes have compacted \$897,497,182 million. While the overarching policy of Self-Governance has been a great success for my Tribe and so many others, the legal framework to carry out that policy within DOI could be vastly improved. In ways too numerous to list, the DOI 1996 Title IV regulations compared to the IHS 2000 Title V regulations limited Tribes from fully exercising their inherent right to be self-governing. Ultimately, five years after the limited rulemaking process began, DOI published regulations that, from the Tribal perspective,

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failed to fully implement Congress's intent when Title IV was enacted. Although we have made some strides forward, we remain Federally constrained by an institutional desire to preserve itself, its prerogatives, and its personnel at all costs.

Over the past 30 years we have made and will continue to make mistakes as does the Federal government. But we would rather grow and improve from our mistakes than continue the duress of involuntary transfer of power. The resistance to change is great in an entrenched bureaucracy whose primary existence is to exercise authority over others. Where we are today in 2024 is light years from where we were in the 20<sup>th</sup> Century. The level of trust, confidence and quantitative data shows that we are operating, managing and administering these programs better than ever by our trustee. We share our unique experiences as Proud Nations and how we have made Self-Governance work for our citizens and within our communities.

As DOI reviews the Tribal comments and continues to engage during the remaining days of the negotiated rulemaking process, our Tribe would like to remind you of the executive and administrative directives and guidance that you have been instructed to implement. Executive Orders 13175<sup>1</sup> and 14112<sup>2</sup>, and Presidential Memorandum January 26, 2021<sup>3</sup> represent the Administration's respect for sovereignty, and commitment to ushering in the next era of Tribal self-determination by ensuring that Tribal Nations have greater autonomy in all aspects of Self-Governance. These words will have no meaning without accompanying meaningful and respectful actions and the PROGRESS Act proposed rule negotiations is the now time for DOI to act in good faith and fully uphold the rights of Tribes to self-govern.

Our Tribe fully endorses the Hobbs, Straus, Dean and Walker comment letter with recommendations on the draft regulations which is attached. If you have questions or would like to speak with me about our comments, please contact me at [rallen@jamestowntribe.org](mailto:rallen@jamestowntribe.org) or (206) 369-6699. Thank you for considering our recommendations.

Sincerely,



W. Ron Allen, Tribal Chairman/CEO

Attachment: Hobbs, Straus, Dean and Walker Comment Letter on the Proposed Draft Rule for the PROGRESS Act

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<sup>1</sup> Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, November 9, 2000

<sup>2</sup> Reforming Federal Funding Support for Tribal Nations to Better Enhance Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination, December 6, 2023

<sup>3</sup> Presidential Memorandum, Tribal Consultation and Strengthening Nation-to-Nation Relationships, January 26, 2021