



SQUAXIN ISLAND TRIBE

Sent to consultation@bia.gov

August 14, 2024

The Honorable Deb Haaland
Secretary of the Department of the Interior
Main Interior, 1849 C Street, NW
Washington, DC 20240

Re: Comments on the Proposed DRAFT Regulations for The PROGRESS Act, 25 C.F.R., Part 1000

Dear Secretary Haaland:

On behalf of the Squaxin Island Tribe, I am submitting comments on the Proposed DRAFT Regulations for the PROGRESS Act, 25 C.F.R., Part 1000, which continues one of the most successful Indian policies in the history of the United States. These Title IV amended regulations have been a long time in the making and are intended to allow Self-Governance Tribes to more efficiently administer, manage and operate the Department of the Interior (DOI), Bureau of Indian Affairs (BIA) assumed programs, services, functions, activities (or portions thereof) (“PSFAs”). However, during recent consultation sessions convened by the Assistant Secretary – Indian Affairs on these draft regulations, while more than 90% of the draft regulations are consensus, it was the non-consensus provisions that left the Squaxin Island Tribal leadership with an unsettling sense of déjà vu relative to the 1996 Title IV negotiated rulemaking experience. And it is with that concern that the Squaxin Island Tribe offers support for the recommendations and comments on the non-consensus provisions presented by the PROGRESS Act Negotiated Rulemaking Tribal Committee Members which is attached to this letter.

Squaxin Island is one of the first 30 Federally recognized Tribes to enter a Compact of Self-Governance with the United States in both the Departments of the Interior and Health and Human Services and we have experienced the lack of flexibility and impacts of Federal interpretation that do not align with the intent of Congress for Self-Governance authority. We urge DOI to take another look at the non-consensus provisions and to re-engage with the Tribal Committee Members when the Negotiated Rulemaking Committee resumes to review the comments on the draft regulations. We hope that you have reviewed the comments and listened to Tribes and are inclined to revisit this small but important list of non-consensus draft regulations:

1. *The Regulations should empower Tribes through liberal statutory interpretations by the Department that facilitates the inclusion of Federal programs in Self-Governance and maximizes Federal Self-Governance Policy.*

10 S.E. Squaxin Lane | Shelton, WA 98584 | Phone (360) 426-9781 | Fax (360) 426- 6577


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2. *To streamline the negotiation phase, and the content of compacts and funding agreements, the Regulations should permit written Tribal attestations of compliance with Title IV in a compact or funding agreement.*
3. *Establish transparency and the PROGRESS Act’s requirement for the Department to negotiate in good faith, the Regulations should expressly acknowledge that inherent Federal functions are a legitimate topic during negotiations.*
4. *To promote uniform application of Title IV and the Regulations across all Department bureaus, the Regulations should set out criteria on how Tribal sovereignty impacts inherent Federal functions determinations by the Department.*
5. *To facilitate and maximize the Self-Governance policy across all Department bureaus, the Regulations should provide the same baseline for determining direct contract support costs for non-BIA programs as applies to BIA programs.*
6. *To empower Tribes and build needed infrastructure in Indian country, the Regulations should recognize that Tribes can make environmental determinations in the same manner as provided under Title V.*
7. *To improve the administration of the Department’s self-governance policy, the Regulations should enhance flexibility for Tribal administrative appeal paths within DOI.*

In addition, the Squaxin Island Tribe supports the requests for the Department to reconsider its position on the non-consensus provisions as outlined by Tribes in correspondence submitted on behalf of Tribal clients from Hobbs, Straus, Dean and Walker, LLP and Sonosky, Chambers, Sachse, Endreson & Perry, LLP.

The Squaxin Island Tribe looks forward to building upon existing benefits of Self-Governance authority with updates contained in the PROGRESS Act. If you have any questions, please do not hesitate to contact Ray Peters, Intergovernmental Affairs and Council Liaison, rpeters@squaxin.us or (360) 789-6655. Thank you.

Sincerely,


Kristopher Peters (Aug 8, 2024 15:47 PDT)

Kristopher Peters, Tribal Chairman

Attachments – Tribal Comments submitted by Hobbs, Straus, Dean and Walker, LLP and Sonosky, Chambers, Sachse, Endreson & Perry, LLP