

TRIBAL/INTERIOR BUDGET COUNCIL PROTOCOL

Approved by Tribal Representatives on: 11/05/21

Mission: To provide a forum and process, consistent with the Indian Self-Determination and Education Assistance Act, 25 USC 5303 and Executive Order #13175 and Department of the Interior's (DOI or Department) Government to Government policy, whereby Tribes and the Department work together to develop policy and budgets that promote:

- 1) DOI to fulfill its Trust responsibilities and Treaty obligations; and
- 2) the fulfillment of Tribes' inherent sovereign rights of self-determination, self-governance, and self-sufficiency, as well as securing levels of funding necessary to strengthen Tribal governmental capacity to serve their Tribal citizens and communities.

I. Introduction

The Tribal/Interior Budget Council (TIBC) is established to provide a forum for the Tribes and Tribal organizations to work with DOI officials in the formulation of the Indian Affairs annual budget requests and performance plans in the spirit of the President's Government-to-Government consultation and collaboration policy.

II. Purpose

Tribal representatives will advise and make recommendations to DOI and Indian Affairs on:

- a. development of Indian Programs within DOI and Indian Affairs (IA) budget requests relative to the priority needs of Indian Country and the Department, Tribal governments, and individual American Indian and Alaska Native (AI/AN) beneficiaries;
- b. strategic planning and data collection processes and systems to justify budget increases to meet Federal treaty and trust obligations and fully fund budget priorities;
- c. budget formulation, fund distribution, program management, and statutory and regulatory reporting requirements, including Government Performance and Results Act (GPRA) and Program Assessments as they apply to the federal and Tribal systems;
- d. policy and performance measure changes that improve the budgeting policy for the long-term, including development of standards and criteria for GPRA and Program Assessments and the DOI Strategic Plan measures;
- e. establishment of meaningful and effective relations and communication with all Federal officials that influence the Indian Affairs and their respective budgets, including the Office of Management and Budget (OMB) and the White House; and
- f. assist in facilitation with other federal agencies to ensure a coordinated budget strategy for Tribal programs.

This protocol document provides the formal framework for TIBC meetings, activities,

and actions and for any subgroup(s) authorized to perform activities as authorized by these TIBC protocols and policy.

III. **Membership**

Membership on the TIBC includes the following (or the equivalent thereof):

- a. Indian Affairs Representatives:
 - 1. Assistant Secretary - Indian Affairs (AS/IA)
 - i. Principal Deputy Assistant Secretary
 - ii. Deputy Assistant Secretary-Management
 - a. Chief Financial Officer
 - b. Associate Chief Information Officer – Indian Affairs
 - c. Director, Office of Budget and performance Management
 - d. Director, Office of Facilities, Property, and Safety Management
 - iii. Deputy Assistant Secretary-Policy and Economic Development
 - a. Director, Office of Indian Energy and Economic Development
 - b. Director, Office of Self Governance
 - iv. Director, Bureau of Indian Affairs
 - a. Deputy Bureau Director, Field Operations
 - b. Deputy Bureau Director, Indian Services
 - c. Deputy Bureau Director, Justice Services
 - d. Deputy Bureau Director, Trust Services
 - e. Regional Directors
 - v. Director, Bureau of Indian Education
 - a. Deputy Bureau Director, School Operations
 - b. Chief Academic Officer
 - c. Associate Deputy Director Division of Performance and Accountability
 - d. Associate Deputy Director Bureau Operated Schools
 - e. Associate Deputy Director Navajo Schools
 - f. Associate Deputy Director Tribally Controlled Schools
 - vi. Bureau of Trust Funds Administration Representatives
 - a. Director
 - b. Principal Deputy Bureau Director
 - c. Budget Officer
- b. White House Representatives
 - 1. Office of Intergovernmental Affairs
 - 2. Office of Management and Budget
 - 3. Executive Director of the White House Council on Native American Affairs, or equivalent
- c. Tribal representatives:
 - 1. Twenty-four elected or appointed Tribal officials will be nominated and selected to serve on the TIBC, two from each of the 12 BIA Regions. Tribal officials may formally designate a non-elected representative by written notification.
 - 2. Selection criteria: Each Region will establish a transparent process to nominate and select two Tribal officials to serve on the TIBC and a third Tribal official to serve as an alternate. These three names will be forwarded to the Regional Director. The Regional Director may help

facilitate the nomination process. Each region should ensure that all Tribes have an opportunity to provide input on the nomination and selection process.

d. TIBC Leadership:

1. There shall be three Tribal Co-Chairs who shall be elected by a vote of the Tribal representatives of the TIBC. The Chairs shall be elected in a manner that is representative of direct service, self-governance, and contracting Tribes.
2. The Tribal Co-Chairs shall serve three-year terms. If a sitting Tribal Co-Chair is unable to continue to serve in that capacity for any reason, or is unable to meet the attendance requirements of the TIBC, appointment by the Tribal representatives of TIBC of a Tribal Co-Chair to complete the current term can be held at any other full TIBC meeting and may be decided by a majority vote of the Tribal representatives. The Tribal Co-Chairs may serve multiple consecutive terms.
3. So that Tribal Co-Chair terms are staggered by one year, the first election of the Tribal Co-Chairs will elect one Tribal Co-Chair for a term of one year, one Tribal Co-Chair for a term of two years, and one chair for a term of three years. After this initial election, Tribal Co-Chairs will serve three-year terms, subject to III(d)(2) above.
4. The Assistant Secretary – Indian Affairs serves as the federal Co-Chair and the Principal Deputy Assistant Secretary will serve in the Assistant Secretary's absence. The AS/IA may delegate his/her duties to another senior DOI/BIA official.

IV. Length of Service

- a. Tribal representatives are appointed for three-year terms. Tribal representatives may be appointed for multiple terms. In the event that a TIBC representative can no longer serve on the TIBC, or cannot meet attendance requirements, the BIA Regional Director shall—in consultation with Tribes in their Region—appoint a new Tribal representative to complete the current term.

V. Responsibilities

- a. The Tribal representatives from each region will advocate on behalf of Tribes in their region.
- b. Tribal representatives serving on the TIBC and officials from the Indian Affairs regional offices are responsible for coordinating input from Tribal leaders within their respective Regions, as well as providing a report of recommendations and actions to their respective region's Tribes and ensuring thorough communication about the activities and actions of TIBC.
- c. Tribal representatives, NCAI and BIA Regional directors should work together to ensure that Tribal representatives have an opportunity to present updates to relevant intertribal gatherings in their region prior to and at the end of the budget formulation process.
- d. DOI Indian Affairs staff members serving on the TIBC are responsible for facilitating the active participation of Tribal representatives in the formulation of the Indian Affairs budget request and annual performance plan.
- e. DOI Indian Affairs is responsible for working with TIBC Tribal representatives

prior to the budget formulation season to secure a calendar hold on the appropriate DOI and OMB officials' calendars to attend the spring TIBC meeting.

- f. DOI Indian Affairs will develop a draft agenda in consultation with the Tribal Co-Chairs and send it to Tribal representatives no later than 30 calendar days before the meeting.
- g. The TIBC Co-Chairs will moderate TIBC meetings and ensure TIBC objectives are acted upon.
- h. TIBC Tribal representatives should make every effort to participate in all in-person and webinar/phone TIBC meetings. Each Representative can backfill their participation at in-person/remote TIBC meetings with their alternate Representative once per budget formulation cycle (except in extenuating circumstances conveyed to and approved by the TIBC co-chairs). If a Tribal Representative is unable to meet their attendance obligation, the TIBC Co-Chairs will ask the BIA Regional Director to consult with Tribes in their region to designate a different TIBC Tribal representative. Before action to replace a TIBC member is taken, TIBC Tribal Co-Chairs will attempt to make direct contact with the member. This attendance standard will ensure that Tribal representatives at each meeting are up-to-date and actively engaged in the work of the TIBC.
- i. TIBC shall identify its representative who shall testify before any Congressional Committee for TIBC-related invitations.

VI. Meetings

- a. TIBC will meet for official business at least three times per year: once in the Spring, once in the Summer, and once in the Fall.
- b. TIBC meeting dates, time, agenda topics, federal participants, and location will be decided at a previous meeting of the TIBC.
- c. TIBC meetings will be held over 2-3 consecutive days unless otherwise agreed and are open to the public. However, only TIBC members are eligible to bring motions and vote.
- d. Seating at TIBC meetings shall be designated by the TIBC Co-Chairs. All Tribal leaders are welcome to attend any Tribal Caucus and speak by request to and approval by the Co-Chairs.
- e. Any Co-Chair may recognize non-TIBC members in discussions at meetings. However, priority shall be given to TIBC members before a non-member is given the opportunity to discuss the issue.
- f. Regular meetings (see "Meetings" VI(a)) may be conducted via video or telephone conference.
- g. Special meetings may be called by the Co-Chairs with advance notice to all representatives. These meetings may be conducted via video or telephone conference.
- h. The TIBC members shall be supported with sufficient resources to enable them to fulfill the purposes of this council.
- i. TIBC members shall be prepared to take action on business brought before TIBC during each meeting.

- j. TIBC Tribal representatives will be reimbursed through their BIA regional office in a manner that is acceptable to the TIBC Tribal representative.
- k. The TIBC budget will be reviewed and approved by the TIBC annually.

VII. Quorum and Voting

- a. A quorum will be met by:
 - 1. Three-fourths (18) majority of the voting Tribal representatives (24); or
 - 2. Three-fourths (9) of Tribal regions representing BIA regions (12).
 - 3. In the absence of a quorum, a working meeting will be held with no formal actions.
- b. Voting is limited to Tribal representatives or their designee of the TIBC.
- c. A vote requires a simple majority of TIBC representatives present to pass.

VIII. Sub-Committees

- a. Purpose.
 - 1. Sub-Committees convene TIBC representatives, participants, and Federal reps to engage in more extensive detail on budgets and budget policy and provide recommendations and supporting data to the full TIBC membership.
- b. Establishment.
 - 1. The TIBC may establish Sub-Committees to review, investigate, and/or evaluate issue(s) of importance and provide recommendations to the TIBC.
 - 2. The TIBC must establish a clear mission, purpose and objectives and/or tasks for the Sub-Committee(s).
 - 3. The number of Sub-Committee voting members and chair(s) are determined by the full TIBC by vote.
 - 4. The Chair(s) of each Sub-Committee serve in a non-voting role within the Sub-Committee they chair, except in the event of a vote that requires a tiebreaker.
 - 5. Sub-Committees are intended to operate for a duration specified by the TIBC at the Sub-Committee's inception. A Sub-Committee's term, however, may be extended by a majority vote of the TIBC. If no extension is granted the Sub-Committee will be dissolved.
 - 6. Standing Sub-Committees may be established to address long-term or continuing issues for the TIBC. A standing Sub-Committee's continuation must be agreed to annually at the first National Budget Meeting of the calendar year.
 - 7. The TIBC may dissolve Sub-Committees by a simple majority of TIBC representatives present when a quorum has been met (See Section VII "Quorum and Voting").
- c. Responsibilities.
 - 1. Each Sub-Committee will present to the full TIBC only when there are specific decision items that require consideration by the full body.
 - 2. In the event that a Sub-Committee has decision items to present, each

recommendation shall be discussed individually by the TIBC and only adopted after a motion is made and seconded and approved by the TIBC.

3. All members of the TIBC shall receive written notice of Sub-Committee meetings in advance and be provided the opportunity to participate telephonically.
 4. Indian Affairs officials will assist TIBC Co-Chairs and Sub-Committee chair(s) in inviting and securing participation of appropriate federal officials both within DOI as well as in other federal agencies.
 5. Sub-Committee chair(s) will be responsible for working with the full TIBC to fill vacant positions on Sub-Committee. The TIBC will approve any proposed changes to Sub-Committee membership at the next meeting. However, proposed new members may participate in Sub-Committee meetings in a non-voting capacity until their official membership is approved.
 6. TIBC Tribal Sub-Committee members should make every effort to participate in all in-person and webinar/phone Sub-Committee meetings. Each representative can backfill their participation at in-person/remote TIBC meetings with their alternate representative once per budget formulation cycle (except in extenuating circumstances conveyed to and approved by the Sub-Committee co-chair). If a Tribal Sub-Committee member is unable to meet their attendance obligation, the Sub-Committee chair(s) will work with the TIBC Co-Chairs to identify and designate a replacement member. Before action to replace a TIBC Sub-Committee member is taken, the TIBC Sub-Committee chair(s) will attempt to make direct contact with the member. This attendance standard will ensure that representatives at each meeting are up-to-date and actively engaged in the work of the Sub-Committee.
 7. Each Sub-Committee leader will designate a single individual, either a technical advisor or other staff assistant, to act as the logistical lead responsible for the following Sub-Committee operations:
 - i. working with the Sub-Committee chair(s) to schedule meetings;
 - ii. tracking meeting topics, discussion, outcomes, and follow up;
 - iii. working with the chair(s) to draft meeting agendas and circulate them to Sub-Committee membership at least one week in advance of meetings;
 - iv. tracking Sub-Committee membership, attendance, and managing a process to on-board new members;
 - v. working with the Sub-Committee chair(s) to draft talking points, meeting minutes, and other relevant documents; and
 - vi. ensuring the availability of relevant printed materials for each meeting (agenda, presentations, past meeting notes, etc.).
- d. Sub-Committee Quorum and Voting.
1. A quorum shall be established when a simple majority of Sub-committee voting members are present.
 2. Sub-committee meetings will be open to attendance and participation by the full TIBC membership.
 3. A motion can be brought by a member of the Sub-committee and an affirmative vote will be a simple majority of the voting membership.
 4. Sub-Committees may include technical staff or other non-TIBC members as required to fulfill the intent of the subgroup.

5. Sub-Committee meetings are open to all TIBC members.

IX. Conflicts of Interest

- a. TIBC Tribal representatives will speak on issues for the general benefit of Indian Country. It is assumed that Tribal TIBC representatives will speak from the experience of their Tribes for the benefit of Indian Country in general and that no conflict of interest with any other Tribe occurs when a member speaks about any Tribal issues in their particular Region.
- b. TIBC members will not present proposals that will create an unfair advantage over any other TIBC member or Tribe for the individual person, his/her personal office, or his/her Tribe in the budget process.

X. Meeting Records, communications, and dissemination of TIBC documents

- a. It is the responsibility of Indian Affairs to ensure that accurate records of meeting actions are recorded and summarized as the minutes to be approved by the full TIBC. The written record shall at a minimum be a summary of issues and topics discussed and action(s) taken and not the discussion surrounding the action.
- b. Action items will be developed and provided to the TIBC representatives no later than 21 calendar days after the meeting. Indian Affairs will provide a progress report on action(s) taken at subsequent TIBC meetings.
- c. Indian Affairs is responsible for tracking the following information from Tribes every year:
 1. Each region's two TIBC representatives and alternates
 2. Each region's technical support staff (if any).
- d. Tribal representatives may be asked to follow up on specific action(s) on a voluntary basis.
- e. Information regarding TIBC meetings, activities, and actions shall be posted on the Indian Affairs website.

XI. Protocol Duration:

This Protocol will be reviewed every six years from the date of adoption.

XII. Adoption and Amendments:

This protocol document may be adopted, amended, or terminated per the voting procedure.

The date of adoption and all subsequent amendment dates shall be recorded following this section.

Adopted

The TIBC Protocol was amended during the November 2-5, 2021 TIBC meeting and adopted on November 5, 2021 with a quorum present.



Tribal Co-Chair

W. Ron Allen, Jamestown S'Klallam Tribe



Tribal Co-Chair

Rick Harrison, Chickaloon Native Village

Tribal Co-Chair



Assistant Secretary Indian Affairs

Federal Co-Chair