

INDIAN AFFAIRS and TRIBAL BUDGET ADVISORY COUNCIL

PROTOCOL

(Updated August 9, 2007 in Polson, Montana)

(Amended May 13, 2009 in Arlington, Virginia)

Mission: To provide an advisory Government-to-Government forum and process for Tribes and the Department to develop budgets that allow for the fulfillment of Tribes' self-determination, self-governance, sovereignty, and treaty rights, as well as sufficient levels of funding to address the needs of Tribes and their tribal citizens.

I. Introduction

The Indian Affairs and Tribal Budget Advisory Council (TBAC) is established to allow Tribes and Tribal organizations to work with the Department of the Interior (DOI) in the formulation of the Indian Affairs and Office of the Special Trustee annual budget request and performance plan in the spirit of Government-to Government collaboration. Tribal representatives will work with and advise DOI on:

- a. development of Indian Affairs and Office of the Special Trustee budget requests relative to the priority needs of Indian Country and Department, Tribal governments, and individual Indian and Alaska Native beneficiaries, and
- b. strategies and data collection processes and systems to justify budget increases to meet unmet needs and fully fund budget priorities; to support budget formulation, fund distribution, program management, and statutory and regulatory reporting requirements, including GPRA and PART; and
- c. policy and performance measure changes that improve the budgeting policy for the long-term, including development of standards and criteria for GPRA and PART; and
- d. establishment of meaningful relations with all Federal officials that influence the Indian Affairs budget.

This protocol document provides the framework for IATBAC meetings, activities, and actions and for any subgroup(s) authorized to perform activities in the name of the TBAC.

II. Purpose

- a. Assure and/or encourage the appropriate policy and/or political decision makers are actively and regularly participating in these forums.
- b. Engage Tribal and Federal leaders to cooperatively participate, on a Government-to-Government basis, in the budget formulation, justification, and information efforts of the Department.
- c. Provide an educational forum for all TBAC participants to improve understanding

of tribal priorities and political pressures on the budget as well as develop an orientation process for all new participants.

- d. Identify the Tribal governmental, operational and service needs of Tribal governments to carry out the intent of the Self-Determination and Education Acts as amended.

III. Membership

Membership on the TBAC includes the following:

- a. Indian Affairs Representatives:

- Assistant Secretary – Indian Affairs

- i. Principal Deputy Assistant Secretary
 - ii. Deputy Assistant Secretary-Management
 - a. Chief Financial Officer
 - b. Chief Information Officer
 - c. Director, Office of Budget Management
 - d. Director, Office of Facilities, Environmental and Cultural Resources
 - 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 Director
 - b. Assistant Deputy Director, Administration
 - c. Deputy Director, Policy and Evaluation, Post Secondary

- b. Special Trustee for American Indians

- 1. Principal Deputy
 - 2. Budget Officer

- c. Tribal Representatives

- 1. Twenty- four elected or appointed Tribal officials will be nominated and selected to serve on the TBAC, two from each of the 12 BIA Regions. Tribal officials may also formally designate a non-elected representative by written notification.
 - 2. Selection criteria: Each Region will establish a process to nominate and select two Tribal officials to serve on the TBAC 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.

d. **TBAC Leadership:**

There shall be two Tribal Co-Chairs. 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 Tribal Co-Chairs shall be elected by a majority vote of the Tribal membership on the TBAC. Election of the Tribal Co-Chairs will be held annually at the National Budget Meeting (first meeting held after the release of the President’s Budget). If a sitting Tribal Co-Chair is unable to continue to serve in that capacity for any reason, appointment of a Tribal Co-Chair to complete the current term can be held at any other full TBAC meeting and may be decided by a majority vote of the tribal membership. The Tribal Co-Chairs may serve multiple consecutive terms.

e. **Length of Service:**

Tribal Representatives are appointed for 2-year terms. Tribal Representatives may be appointed for multiple terms. In the event that a TBAC member can no longer serve on TBAC, the BIA Regional Director shall — in consultation with Tribes in their Region — appoint a new Tribal Representative to complete the current term.

f. **Responsibilities:**

1. Tribal members serving on the TBAC are responsible for coordinating input from other Tribal leaders within their respective Regions, as well as providing a report of recommendations back to all Tribes.
2. Indian Affairs members serving on the TBAC are responsible for facilitating the active participation of Tribal representatives in the formulation of the Indian Affairs budget request and annual performance plan.
3. The TBAC Co-Chairs will develop a draft agenda and send it to members no later than 30 days before the meeting.

IV. Meetings

- a. TBAC meeting dates, time and location will be decided at a previous meeting of the TBAC.
- b. TBAC meetings will be held over 2 consecutive days unless otherwise agreed, and are open to the public.
- c. Seating at TBAC meetings shall be designated by the TBAC Co-Chairs.
- d. Either Co-Chair may recognize non-TBAC members in discussions at meetings. However, priority shall be given to TBAC members before a non-member is given the opportunity to discuss the issue.

- e. Special meetings may be called by the Co-Chairs with a 14 day notice to all members. These meetings may be conducted via video or telephone conferencing.

V. Voting

- a. Voting is limited to Tribal representatives of the TBAC.
- b. Voting may only occur if a quorum of Tribal representatives or their officially designated alternatives is present during a meeting or special meeting.
- c. A quorum consists of 50 percent plus 1 of the voting Tribal representatives of the TBAC and representing two-thirds of the regions.
- d. A vote requires a simple majority of TBAC members present to pass.

VI. Subgroups

- a. The TBAC may establish a subgroup at any time to look more deeply into an issue of importance to the TBAC. In general, Subgroups are intended to operate for a duration specified by the TBAC at the subgroup's inception. A Subgroup's term, however, may be extended by a majority vote of the TBAC. If no extension is granted the subcommittee will automatically be disbanded. The TBAC must establish a clear mission, purpose and objectives and/or tasks of Subgroup and select members to serve.
- b. Subgroups may include technical staff or other non-TBAC members as required to fulfill the intent of the subgroup.
- c. Stand Subgroups may be established to address long-term or continuing issues for the TBAC. In such cases, membership on these subgroups should be rotated, in a staggered manner, among TBAC members to the extent practicable. This will afford the TBAC and the subgroup the benefit of new perspectives, allow various regional interests to be considered, and individual TBAC members will gain the benefit of receiving more in-depth experience on specific subjects. A Standing Subgroup's continuation must be agreed to annually at each National Budget Meeting by a majority vote of the TBAC.
- d. The TBAC Co-Chairs shall appoint a Subgroup Leader or Co-Leaders, who is/are responsible for fulfilling the Subgroup mandate for the TBAC.
- e. Each active Subgroup shall report at all TBAC meetings. It is the responsibility of the Subgroup Leader or Co-Leaders to prepare and present each report
- f. In the event that Subgroup reports contain recommendations of the Subgroup, each recommendation shall be discussed individually by the TBAC and only adopted after a motion is made and seconded and voted on by the TBAC.

- g. TBAC may recommend a budget to support subgroups created by the TBAC.

VII. Conflicts of Interest

- a. Tribal TBAC members will speak on issues for the general benefit of Indian Country. It is assumed that Tribal TBAC members 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. TBAC members will not present proposals that will create an unfair advantage over any other TBAC member or tribe for the individual person, his/her personal office, or his/her Tribe in the budget process.

VIII. Meeting Records and Follow-up

- a. It is the responsibility of Indian Affairs to ensure that accurate records of meeting actions are recorded into the minutes. The written record shall only be action(s) taken and not the discussion surrounding the action. Indian Affairs should coordinate with national or regional inter-tribal organizations to the extent practicable to assist in tracking meeting actions and any identified follow up items.
- b. Action items will be developed and shared with TBAC members no later than three weeks after the meeting. Indian Affairs will provide a progress report on action(s) taken at subsequent TBAC meetings.
- c. Tribal representatives may be asked to follow up on specific action(s) on a voluntary basis.
- d. A recorded copy of the TBAC meeting shall be provided to the TBAC designee.

IX. Protocol Duration:

This Protocol expires three years from the date of adoption.

X. Adoption and Amendments:

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

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

Adopted

The Protocol was duly passed and adopted at the TBAC meeting, at which a quorum was present in Polson, MT, on August 9, 2007. Signees: Carl Artman, Assistant Secretary Indian Affairs, Governor Arturo Senclair, Tribal Co-Chair, Ross Swimmer, Special Trustee, and Joe Garcia, Tribal Co-Chair.

The Protocol was amended and passed at the TBAC meeting, at which a quorum was present in Arlington, VA, on May 13, 2009.



George Skibine

Deputy Assistant Secretary – Policy and Economic Development



Donna Erwin

Acting Special Trustee



Joseph A. Garcia

Tribal Co-Chairman



Ron His Horse Is Thunder

Tribal Co-Chair