

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
AND
TRIBAL REPRESENTATIVES
NEGOTIATED RULEMAKING COMMITTEE ON
JOINT TRIBAL AND FEDERAL SELF-GOVERNANCE**

ORGANIZATIONAL PROTOCOL

PREAMBLE

The Negotiated Rulemaking Committee on Joint Tribal and Federal Self-Governance has been established pursuant to P.L. 106-260 and is further detailed in a Committee Charter approved by the Secretary of Health and Human Services. The Committee is charged with the development of regulations to implement amendments to the Indian Self-Determination Act.

1. PARTICIPATION

- A. **Attendance at meetings.** Each Committee Member for each party must make a good faith effort to attend each full negotiating session. The Committee Member may be accompanied by such other individuals as that Member believes is appropriate to represent his/her interest.
- B. **Constituents' Interests.** Committee Members are expected to represent the concerns and interests of their constituents.

2. MEETINGS

- A. **FACA.** The negotiations will be conducted under the Federal Advisory Committee Act (FACA) and the Negotiated Rulemaking Act of 1990 (NRA).
- B. **Open Meetings.** Negotiating sessions will be announced in the Federal Register prior to the meeting and, consistent with FACA requirements, will be open to the public. Members of the public will be given opportunities at various times throughout each meeting to make comments, raise questions, or submit materials for the record.
- C. **Minutes.** The committee shall observe the requirements of the Charter regarding minutes, records, and documents. In addition, approved minutes will be maintained and distributed to the Committee and Tribes utilizing legal/support staff and IHS website. Tribes that don't have access to website, contact Mickey Peercy.
- D. **Agendas.** Meeting agendas will be developed by the Designated Federal Officials (DFO's) and Tribal Co-Chairs in consultation with committee members.
- E. **Caucus.** A break can be declared at any time by a committee member. Parties will be asked for an estimate of the time needed for the caucus. Internal procedures will be determined by each respective caucus.

3. DECISION MAKING

- A. **Consensus.** The Committee will operate by consensus as the whole and a quorum will consist of ½ plus one.

- B. **Sub-committees.** Sub-committees may be formed by the Committee to address specific issues and to make recommendations to the Committee. Subcommittees are open to any Committee Members or the Member's designee, plus such other individuals the Committee believes would enhance the functioning of the Subcommittees. Subcommittees are not authorized to make decisions for the Committee as a whole. All subcommittees will report back to the committee regarding status of the assignments. All Committee Members will be notified of all Subcommittee meetings by the DFOs and Tribal Co-Chairs.

4. AGREEMENT

- A. **Product of Negotiations.** The Committee shall, with the assistance of a neutral facilitator, attempt to reach consensus on the text or content of a proposed rule to implement P.L. 106-260, Tribal Self-Governance Amendments of 2000. The Secretaries agree to use the Committee's preliminary report and proposed regulations as the basis of their Notice of Proposed Rulemaking. The Committee may also recommend changes in the proposed rule in response to comments.
- B. **Final Rule.** The Committee will review all comments received in response to the Notice of Proposed Rulemaking and will submit a final report with recommendations to the Secretary of HHS for promulgation of a final rule.

5. SAFEGUARDS FOR THE COMMITTEE MEMBERS

A. Good Faith.

1. Turn off cell phones
2. Everyone is entitled to have beliefs and values respected
3. One conversation in the room at a time
4. Start on time
5. Be respectful of everyone's time
6. Give everyone opportunity to participate
7. Groups responsibility to maintain flow of discussion and stay focused

B. Information

1. The members of the Committee agree to exchange information in good faith.
2. Members of the Committee will provide information called for by this paragraph as much in advance of the meeting at which such information is to be used as possible.
3. All members of the committee agree not to divulge information shared in confidence.
4. It is the responsibility of the committee members to brief their alternates.

6. SCHEDULE

Negotiating sessions will be held regularly as determined by the Committee. Unless extended by Congress, the deadline for the negotiations is twelve months from the date of enactment of Public Law 106-260.

April 17-19, 2001	Washington, D.C.
May 22-24, 2001	Oklahoma City, OK
June 11-13, 2001	Minneapolis, MN (end at noon on 13 th)
Jul 10-12, 2001	Portland, OR
Jul 30-Aug 1, 2001	Anchorage, Alaska Area

7. FACILITATOR

FMCS staff under the leadership of Jan Jung-Min Sunoo will serve as the facilitators and will work to ensure that the process runs smoothly. The role of the facilitator often includes developing draft agendas, facilitating Committee and select Work Group discussions, assisting the committee to resolve any impasses that may arise, and other functions the Committee requests. The facilitators will remain neutral on the issues before the Committee and serve at the will of the Committee.

8. CO-CHAIRS

The individuals identified in the Federal Register are the Federal Co-Chairs, Paula Williams and Leslie Morris and the Secretary recognizes Tribal Co-Chairs as Merle Boyd and Ron Allen. The role of the Co-Chairs usually includes developing draft agendas, chairing Committee and Sub Committee discussions, working to resolve any impasses that may arise, reviewing meeting summaries, assisting in the location and circulation of background materials, and materials the Committee develops, and other functions the Committee requests. The Tribal Co-Chairs and/or other Tribal representatives of the committee may be authorized to negotiate the Tribal positions with the DFO's and shall report the results of any negotiations to the full Committee for further action. Meetings of the Co-Chairs shall be open to the Committee members.

Paula Williams Federal Co-Chair Date

Merle Boyd Tribal Co-Chair Date