

**SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION  
(SAMHSA)  
TRIBAL TECHNICAL ADVISORY COMMITTEE**

**CHARTER**

**PURPOSE**

The Federal delivery of health services and funding of programs to maintain and improve the health of American Indian and Alaska Natives (AI/AN) are consonant with and required by the Federal Government's historical and unique legal relationship with Indian Tribes, as reflected in the Constitution of the United States. In recognition of this and pursuant to Presidential Executive Order No. 13175, November 6, 2000, and the Presidential Memorandum of September 23, 2004, the Substance Abuse and Mental Health Services Administration (SAMHSA) is establishing a Tribal Technical Advisory Committee for working with Federally-recognized Tribes to enhance the government-to-government relationship, honor Federal trust responsibilities and obligations to Tribes and AI/AN people. The SAMHSA Tribal Technical Advisory Committee (TTAC) shall serve as an advisory body to SAMHSA.

The SAMHSA TTAC will provide a complementary venue wherein Tribal representatives and SAMHSA staff will exchange information about public health issues in Indian Country, identify urgent mental health and substance abuse needs in AI/AN communities, and discuss collaborative approaches to addressing these issues and needs. As an advocacy<sup>1</sup> committee, the SAMHSA TTAC will develop, and provide recommendations on policies, guidelines and programmatic issues affecting the delivery of mental health substance abuse programs funded (in whole or in part) by SAMHSA. The SAMHSA TTAC will ensure that SAMHSA activities or policies that affect Indian country are brought to the attention of Tribal leaders.

**AUTHORITY**

The U.S. Department of Health and Human Services (HHS) has adopted a Tribal Consultation Policy that applies to all HHS Divisions and includes SAMHSA. The HHS Tribal Consultation Policy directs Divisions to establish a process to ensure accountable, meaningful, and timely input by Tribal officials in the development of policies that have Tribal implications. The President also signed an Executive Memorandum entitled "Government-to-Government Relationship with Tribal Governments", reaffirming this government-to-government relationship with Indian Tribes on September 23, 2004. In response to these directives, SAMHSA is establishing the SAMHSA TTAC.

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<sup>1</sup> The term advocacy does not include lobbying activities. The advocacy role of SAMHSA TTAC will be limited to bringing forth AI/AN issues to the SAMHSA Administrator consistent with intent of the Committee.

The SAMHSA TTAC charter complies with the statutory provisions set forth at 2 U.S.C. § 1534(b)<sup>2</sup>(1) & (2), and therefore will not implicate the Federal Advisory Committee Act (FACA).

## **FUNCTION**

The SAMHSA TTAC will provide a forum for meetings between Federal officials and elected or appointed Tribal leaders (or their designated employees with authority to act on their behalf); as well as representatives of national Tribal organizations designated by Tribal leaders to act on their behalf, in compliance with the exemptions with FACA. The SAMHSA TTAC will meet to facilitate the exchange of views, information, or advice concerning the intergovernmental responsibilities in the implementation and/or administration of SAMHSA programs, including those that arise explicitly or implicitly under statute, regulation or Executive Order. These programs may be funded in whole or in part by SAMHSA. Such discussions will include, but are not limited to, seeking consensus, exchanging views, information, advice, and/or recommendations, or facilitating any other interaction relating to intergovernmental responsibilities or administration. Meetings may be face-to-face or via conference call. SAMHSA TTAC meetings will complement and not supplant the Tribal consultation process between SAMHSA and the Tribes.

## **COMMITTEE ACTIVITIES**

The Government-to-Government relationship between the Federal Government and Federally-recognized Tribes requires a balanced relationship. The SAMHSA TTAC will become more effective when it provides linkages to other government activities, both in the Federal and Tribal governments. Furthermore, it is important for SAMHSA TTAC to build capacity within Indian Country by performing the following with respect to each sovereign nation's cultural/traditional values:

- Identify evolving issues and barriers to access, coverage and delivery of services to AI/AN, payment and other concerns related to SAMHSA programs;
- Propose clarifications and other recommendations and solutions to address issues raised at Tribal, regional and national levels;
- Serve as a forum for Tribes and SAMHSA to discuss these issues and proposal for changes to SAMHSA laws and regulations, policies and procedures;

Participate in other SAMHSA committees workgroups as may be determined appropriate by SAMHSA TTAC and/or SAMHSA leadership;

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<sup>2</sup> 2 U.S.C. § 1534 (b) provides: *The Federal Advisory Committee Act (5 U.S.C. app.) shall not apply to actions in support of intergovernmental communications where – (1) meetings are held exclusively between Federal official and elected officers of State, local and Tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities; and (2) such meetings are solely for the purposes of exchanging views, information, or advice relating to the management or implementation of Federal programs established pursuant to public law that explicitly or inherently share intergovernmental responsibilities or administration.*

- Annually identify priorities that address statute, budget and policies and provide advice on appropriate strategies for Tribal consultation on issues at the Tribal, regional and/or national levels;
- Respond to SAMHSA on cultural and technical issues regarding grants and contracts and their impact on tribes;
- Ensure that pertinent issues are brought to the attention of Tribal leaders, Tribes, Tribal Health Directors and area national and regional Tribal organizations, and that timely feedback is obtained; and
- Participate in joint meetings, discussions, and conferences with the National Association for Substance Abuse and Drug Abuse Directors and the National Association for State Mental Health Program Directors workgroups where appropriate and recommended by SAMHSA.
- Provide advice to SAMHSA on cultural values and ensure cultural property rights remain intact.

### **STRUCTURE**

The SAMHSA TTAC will be composed of 14 members (and designated alternates) who are either elected or appointed officials of Tribal Governments (or tribal employees who are designated to act on their behalf), and representatives from national tribal organizations designated by Tribal leaders to act on their behalf.

SAMHSA TTAC membership will include representation from each of 12 geographic Areas served by the Indian Health Service (IHS). These Areas include the following: Aberdeen, Alaska, Albuquerque, Bemidji, Billings, California, Nashville, Navajo, Oklahoma, Phoenix, Portland and Tucson. In addition, the SAMHSA TTAC will include one representative (and designate alternates) from two national tribal organizations: the National Congress of American Indians (NCAI) and National Indian Health Board (NIHB)

The designated alternate may participate in the SAMHSA TTAC meetings on behalf of the principle member when that member cannot attend. If that designated alternative is not available, the principle member shall designate a second alternate in writing prior to the SAMHSA TTAC meeting.

### **PERIOD OF SERVICE**

In recognition of the variety of procedures used to determine committee representation within each IHS Area and Tribal Organization, SAMHSA TTAC membership term will coincide with each member's elected leadership term.

**Vacancy:** When a vacancy occurs, Tribal or national Tribal organizations will be notified of the vacancy by the Chairman of the SAMHSA TTAC and the affected Area or the national Tribal organization will be asked to work with their respective Tribal Leadership and Area Health Board or Area Caucus (herein after referred to as the appointing group) to select another representative. Tribal leaders, Area Health Boards or Area Caucus' will notify SAMHSA staff in writing as to the name and contact information of the new

appointee within forty-five (45) days. In the event no nominees are forthcoming, SAMHSA, through the Senior Advisor for Tribal Affairs, shall seek the appointment. In the event of a vacancy, the alternate will attend meetings until such a time as the vacancy is officially filled.

**Removal:** If a designated representative does not participate in a meeting or teleconference on three successive occasions, the appointing body will be notified by the Chairman of the SAMHSA TTAC and request to replace their representative with one who is able to participate regularly. The appointing group may remove or change their representative at any time.

### **SAMHSA SUPPORT**

The Office of the Administrator (OA), SAMHSA through the Office of Policy, Planning and Budget, (OPPB) will be responsible for ensuring agency-wide adherence to SAMHSA and HHS tribal consultation policies. The SAMHSA TTAC Designated Federal Official (DFO) will be designated by the OA. The SAMHSA Senior Advisor for Tribal Affairs will support SAMHSA TTAC functions and help identify scientific and programmatic resources for the SAMHSA TTAC.

In addition, key SAMHSA managers and staff with programmatic expertise, as determined by the SAMHSA Administrator, shall serve as resources to the SAMHSA TTAC by providing leadership, technical assistance, and subject matter expertise to the SAMHSA TTAC in carrying out its duties and responsibilities. As part of these responsibilities, SAMHSA staff will monitor Tribal access to SAMHSA programs by tracking the total resources allocated annually to serve AI/AN, and prepare an inventory of new programs and policies affecting AI/AN communities.

Because the SAMHSA TTAC is a high-level agency advisory committee, it should be understood that the Administrator and her/his immediate staff as well as Directors of Centers/Offices should prioritize and attend the SAMHSA TTAC meetings so that the SAMHSA TTAC can fulfill its purpose. In addition to the executive leadership of the agency, other SAMHSA staff with particular programmatic and technical expertise should be available and responsive to issues and inquiries to allow the SAMHSA TTAC to achieve their role and responsibilities realized through an established trust relationship with SAMHSA.

As stated in the "SAMHSA Support" section, a portion of the agenda for each SAMHSA TTAC meeting will include time with SAMHSA leadership. This will ensure that the input and recommendations provided by Tribal leaders will impact SAMHSA decision-making processes and help guide SAMHSA as it strives to protect people's health and safety, provide reliable health information, and improve health through strong partnerships. The SAMHSA TTAC Executive Director will track the progress of recommendations and follow-up actions and report to SAMHSA TTAC primary and alternate members during subsequent meetings.

### **TRIBAL SUPPORT**

At each SAMHSA TTAC Area's expense, one (1) tribal technical support representative from each service Area shall serve as resources to the SAMHSA TTAC by providing technical assistance and subject matter expertise in carrying out its duties and responsibilities.

### **LEADERSHIP**

**Chair:** A Chair will be elected by the SAMHSA TTAC members from the TTAC membership for a one calendar-year term of service. The Chair will be an elected Tribal leader. The number of terms is not limited.

**Co-Chair:** The Co-Chair will be elected by the SAMHSA TTAC members from the TTAC membership for a one calendar-year term of service. The Co-Chair will be an elected Tribal leader. The number of terms is not limited.

**Executive Director:** The Executive Director will provide administrative support and will be designated by the Office of the Administrator, SAMHSA and the SAMHSA TTAC .

### **MEETINGS<sup>3</sup>**

Depending on availability of funds, the SAMHSA TTAC will convene a minimum of two face-to-face meetings on a fiscal year basis. All face-to-face meetings will be published in the Federal Register. SAMHSA TTAC conference calls will be held, as needed and additional meetings may be scheduled depending on need and availability of funds.

### **VOTING**

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<sup>3</sup> Pursuant to Section 204 (b) of the Unfunded Mandates Reform Act (2 U.S.C. Sec 1534(b)), members of the public may be present at committee meetings, i.e., in the audience as observers, but since members of the public are not allowed on the committee, they may not participate in any committee discussions, or any other committee business, during the meeting.

The SAMHSA TTAC will operate by consensus and where a consensus cannot be reached, the SAMHSA TTAC will vote to resolve any differences. Each SAMHSA TTAC member (primary member or alternate member) will be allowed one vote.

If the primary member is not able to attend a meeting, a proxy vote can be requested in writing, in advance to the Chair or Co-chair for approval. The proxy vote can only be made by another elected leader from the primary member's area of representation.

### **ELECTRONIC VOTING:**

The Chair or Co-Chair can request a vote by electronic means after providing notice to all primary members and setting forth the ballot. The electronic ballot will be before the SAMHSA TTAC via the Executive Director. All electronic ballots will have a two business day time limitation with time and date identified on ballot. A majority vote is required and immediate reporting of vote will be provided. No proxy voting for such ballots will be allowed.

### **QUORUM**

A quorum is established with a majority of voting members present (8 of 14). In the event SAMHSA TTAC is not able to establish a quorum for its meeting, then in the alternative, the co-chairs in their discretion can arrange for polling of members via conference call or other manner.

### **COMPENSATION**

Members who are not Federal employees shall be paid a rate of \$200.00 per meeting, plus per diem, and travel expenses in accordance with Standard Government Travel Regulations (e.g., two week minimum advance airline reservations, unless prior approval.) Attendance is necessary to receive this benefit.

### **REPORTS**

The Executive Secretary will assure that all SAMHSA TTAC meetings and recommended actions are made available to SAMHSA leaders and will post minutes and reports on the SAMHSA Web site within 15 days following the SAMHSA TTAC approval of the minutes. The Executive Director will ensure that the approved minutes are forwarded to appropriate personnel to be posted on the SAMHSA website.

Recommended follow-up actions requiring federal actions and/or attention will be implemented and tracked within SAMHSA and reported to SAMHSA TTAC in a timely manner.

### **MEETING LOGISTICS**

SAMHSA will provide onsite meeting coordination for all SAMHSA TTAC meetings.

### **SAMHSA TTAC BUDGET**

On an annual basis, SAMHSA TTAC will develop the SAMHSA TTAC budget, including travel, per diem, communication, printing, personnel and other related expenses. This proposal will be provided to SAMHSA on an annual basis for each subsequent fiscal year.

### **TERMINATION DATE**

This SAMHSA TTAC Charter shall be effective as long as the SAMHSA Tribal Consultation Policy is in effect and the charter may be amended as needed.

### **ORIGINAL APPOINTMENT**

**On February 19, 2008 the Inaugural Committee, known as the SAMHSA TTAC, met and sanctioned this charter. In 2006, SAMHSA mailed *Dear Tribal Leader Letters* to all Tribes requesting nominations. Throughout 2007, SAMHSA did outreach to national organizations and Tribes at the Tribal Justice and Safety Government-to-Government Consultation, Training and Technical Assistance Sessions seeking nominations. After this process, the current seating of 11 inaugural committee members were invited to join the SAMHSA TTAC by Administrator Terry L. Cline.**