

**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES**  
**Secretary's Tribal Advisory Committee**  
**CHARTER**

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**Background**

The United States has a unique legal and political relationship with Indian tribal governments, established through and confirmed by the Constitution of the United States, treaties, statutes, executive orders, and judicial decisions. In recognition of that special relationship, pursuant to Executive Order 13175 of November 6, 2000, executive departments and agencies are charged with engaging in regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, and are responsible for strengthening the Government-to-Government relationship between the United States and Indian tribes.

The Department of Health and Human Services (HHS) has taken its responsibility to comply with Executive Order 13175 very seriously over the past decade, and on February 4, 2010, in compliance with President Obama's Memorandum for the Heads of Executive Departments and Agencies, signed on November 5, 2009, HHS proposed a set of initial activities to step up the Department's efforts to improve services, outreach, and consultation efforts. The establishment of the Secretary's Tribal Advisory Committee (STAC), one key piece of this plan, will bring the work of HHS's reform and improvement efforts to a new level.

**Purpose and Function**

The Secretary's Tribal Advisory Committee signals a new level of attention to Government-to-Government relationship between HHS and Indian Tribal Governments.

The STAC's primary purpose is to seek consensus, exchange views, share information, provide advice and/or recommendations; or facilitate any other interaction related to intergovernmental responsibilities or administration of HHS programs, including those that arise explicitly or implicitly under statute, regulation or Executive Order. This purpose will be accomplished through forums, meetings and conversations between Federal officials and elected Tribal leaders in their official capacity (or their designated employees or national associations with authority to act on their behalf.)

The purview of the STAC covers but is not limited to the following core functions:

1. Identify evolving issues and barriers to access, coverage and delivery of services to American Indians/Alaska Natives (AI/ANs), related to HHS programs;
2. Propose clarifications and other recommendations and solutions to address issues raised at Tribal, regional and national levels;
3. Serve as a forum for Tribes and HHS to discuss these issues and proposals for changes to HHS regulations, policies and procedures;
4. Identify priorities and provide advice on appropriate strategies for Tribal consultation on issues at the Tribal, regional and/or national levels;
5. Ensure that pertinent issues are brought to the attention of Indian Tribes in a timely manner, so that timely Tribal feedback can be obtained;
6. Coordinate with HHS Regional Offices and Operating Divisions on Tribal consultation initiatives.

## **Committee Composition**

The STAC will be comprised of seventeen positions to be filled by voluntary representatives: one delegate (and one alternate) from each of the twelve Indian Health Service (IHS) areas and one delegate (and one alternate) for five National At-Large Tribal Member (NALM) positions.

HHS understands and supports the role of national Tribal organizations and the work they do on behalf of Tribal Governments. There are many national Tribal organizations that are not physically based in Washington, DC, and, therefore, are often left out of DC-based advisory opportunities. In order to rectify this long-standing challenge, in accordance with the Federal Advisory Committee Act (FACA) exemption of the Unfunded Mandates Reform Act (UMRA), HHS has incorporated the NALM positions as members of the STAC to provide specific representation for the regional and national concerns of Tribal governments. As described below under Selection Process, all NALMs must either be elected Tribal officials, acting in their official capacity as elected officials of their Tribe, or be designated by an elected Tribal official, in that official's elected capacity, with authority to act on behalf of the Tribal official.

The Secretary sent a letter to Tribal leaders requesting nominations for STAC delegate and alternate from Tribes located in each of the twelve IHS Areas for the Area positions and as well as nominations for five NALM delegate and alternate positions.

Primary committee members must make a good faith effort to attend all meetings via teleconference or in person and may be accompanied by a technical advisor as outlined below. Each committee member will have an alternate that has been selected for their specific area and in the event that the Primary committee member cannot attend a meeting the alternate workgroup member will be notified. Such alternate shall have the full rights as designated in the letter by the delegate.

## **Selection Process**

The names of each STAC delegate and alternate from each of the twelve Area Offices of the IHS are to be submitted to the Office of Intergovernmental Affairs (IGA) in an official letter from the Tribe. The Chief of Staff and the Director of IGA will be responsible for selecting and finalizing the body of members.

### ***Area Representatives:***

Area Representatives should be an elected official or designated representative that is qualified to represent the views of the Indian Tribes in the respective area for which they are being nominated. Nominations will be considered for selection in the priority order listed below. In the event that there is more than one nomination in the priority list, individuals whom had a letter of support from regional Tribal organizations will be taken into consideration when selecting the primary and alternate delegates.

1. Tribal President/Chairperson/Governor
2. Tribal Vice-President/Vice-Chairperson/Lt. Governor
3. Elected or Appointed Tribal Official
4. Designated Tribal Official

### ***National At-Large Members***

In order to achieve the broadest coverage of HHS-related national perspectives and views, the STAC will include five positions for NALMs. The NALM should be an elected official or designated representative that is qualified to represent the views of tribes on a national, collective perspective, including but not limited to such views of

groups like National Congress of American Indians, National Indian Health Board, Tribal Self Governance Advisory Committee, Direct Service Tribes Advisory Committee, National Indian Child Welfare Association, National Indian Headstart Director's Association and the National Tribal Environmental Council.

Nominations will be considered for selection in the priority order listed below. In the event that there is more than one nomination in the priority list, individuals whom had a letter of support from tribal organizations will be taken into consideration when selecting the primary and alternate delegates.

1. Tribal President/Chairperson/Governor
2. Tribal Vice-President/Vice-Chairperson/Lt. Governor
3. Elected or Appointed Tribal Official
4. Designated Tribal Official

**Period of Service:**

Terms for the STAC will be two calendar years. Terms will be staggered, with a lottery method used to assign one-year terms to half the Area members and two of the NALMs initially appointed to the STAC (with their first terms expiring on December 31, 2011) and two-year terms to the remaining half of the Area members and three of the NALMs (with their first terms expiring on December 31, 2012.) A member may serve successive, consecutive terms if nominated again when their term expires.

Vacancy: When a vacancy occurs, IGA will notify Indian Tribes in the respective area and ask them to nominate a replacement.

Removal: STAC members (either delegate or alternate) are expected to make a good faith effort to participate in all meetings and telephone conference calls. If a STAC delegate does not participate in a meeting, in-person or by telephone, on three successive occasions, (or an STAC alternate does not participate in a meeting, in-person or by telephone, for which he/she has agreed in advance to participate in place of the delegate) on three successive occasions, IGA will notify Indian Tribes in the respective area and ask them to nominate a replacement.

Interim Representative: When there is a vacancy in a delegate position (due to removal of for other reasons) for which an alternate is currently serving, IGA will notify the alternate and request that the alternate perform the duties of the delegate. The criteria and process for selecting a replacement following a vacancy or removal will follow the Selection Process described above. A replacement delegate or alternate will serve the remainder of the unexpired term of the original member and if nominated again may serve successive, consecutive terms.

A copy of this notification and any response from the alternate to this request will be forwarded to the respective Area Tribes and a notice will be give to all Tribes for a NALM for nominations of a replacement.

**Meetings:**

Depending upon availability of funds, it is anticipated the STAC will convene up to three face-to-face meetings on a fiscal year basis. Conference calls will be held as needed.

STAC meetings serve the Purposes and Functions described above and in § 204(b)(2) of UMRA for STAC Tribal delegates and alternates and designated HHS officials to exchange views, information, and advice. Under certain circumstances, the delegate, alternate, or both for an Area or NALM position may participate in a meeting or conference call, in-person or by telephone. When the delegate is the elected officer of a Tribal government, and the alternate is a designated employee or national association with authority to act on behalf of the elected officer, and they are present for the same meeting or call, the delegate may designate, in writing, the alternate to participate on the delegate's behalf at the meeting or call, and the delegate will yield his or her participation to the alternate until the delegate wishes to resume participation at the meeting or call. When the delegate and alternate are both elected Tribal government officers or have both been designated by an elected officer of a Tribal government to act on behalf of the officer, they may both participate in the same meeting or call. In the instance that both the primary and alternate attend the meeting, HHS will only provide funding for the primary representative.

If both the primary and the alternate for a particular Area or NALM position are participating in the same meeting or call, only one will be counted for a quorum and voting purposes. The primary and alternate may agree which of them will express a view for consensus or vote on particular issues. If they do not agree, then the delegate's view or vote will be counted.

IGA will provide appropriate advance notice to STAC delegates and alternates of in-person meetings and conference calls.

A quorum consisting of a majority of the total number of Area and NALM positions (9 of 17, if all such positions are filled by a delegate or alternate, present in-person and by telephone, will be necessary for formal decisions and actions by the STAC (informational sessions may occur in the absence of a quorum.) To the extent possible, such STAC decisions and actions will be taken by a consensus of Tribal Area and NALMs. To resolve differences where consensus cannot be reached, a vote may be taken by simple majority of the positions represented, in-person and by telephone (a quorum being present) or the Chair or Co-Chair may authorize a subsequent polling of the positions.

The meetings will be limited to only official representatives of the committee. Tribal delegates will be allowed to bring one-technical advisor to the meeting to assist them with their duties and responsibilities as a member of the STAC. The advisor's role is limited to assisting the member, and the advisor cannot participate in the meetings of the STAC, unless the advisor has been designated by the elected Tribal official to act on behalf of the official at the meeting.

HHS has four Tribal Advisory Committees (TAC) which are established at the HHS Division level. They currently exist at the Centers for Disease Control and Prevention, Centers for Medicare & Medicaid Services, Substance Abuse and Mental Health Services Administration, and the American Indian/Alaska Native Health Research Advisory Committee. Each TAC will be required to provide an official update to the STAC on an annual basis. Each TAC will receive an official invitation to present to the STAC, at which time they will have one representative present to the STAC.

HHS representatives determined by the Secretary or her designee will be expected to attend all meetings of the STAC. In the event that the designated HHS representatives are not able to attend the meeting, the next highest ranking official will be designated to attend in their absence. The HHS representative will be allowed to bring one technical advisor to the meeting to assist

them with their duties and responsibilities as an advisor to the STAC. The advisor must be either a full-time or permanent part-time officer or employee of the Federal Government.

HHS anticipates that appropriate representatives from the following HHS components will be actively involved, regularly attend STAC meetings, and otherwise provide necessary assistance to the STAC in fulfilling its mission.

1. Chief of Staff
2. Director, Office of Intergovernmental Affairs
3. Assistant Secretary, Administration for Children and Families
4. Assistant Secretary, Administration on Aging
5. Assistant Secretary Health, Office of Public Health and Science
6. Director, Centers for Disease Control and Prevention
7. Administrator, Centers for Medicare & Medicaid Services
8. Administrator, Health Resources and Services Administration
9. Director, Indian Health Service
10. Director, National Institutes of Health
11. Administrator, Substance Abuse and Mental Health Services Administration

Due to the complexity of programs and services, HHS will work to ensure that subject matter technical experts are available when needed. As mentioned above, the meetings will be limited to the official representatives and HHS will utilize the ICNAA as a vehicle to report activities of the STAC and coordinate agendas, activities, and follow-up items of the STAC.

**HHS Support:** IGA will have the primary responsibility to coordinate and staff the STAC.



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**Kathleen Sebelius**  
Secretary

**OCT - 7 2010**

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**Date**