

OFFICE OF TRIBAL RELATIONS, OFFICE OF THE SECRETARY

TRIBAL ADVISORY COMMITTEE

CHARTER

1. Committee's Official Designation

Tribal Advisory Committee (TAC)

2. Authority

The Secretary establishes the Committee pursuant to Section 12303 of the Agriculture Improvement Act of 2018 (7 U.S.C. 6921(b) and will be managed in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. 10.

3. Objectives and Scope of Activities

The TAC will provide advice and guidance to the Secretary on matters relating to Tribal and Indian affairs. The Committee facilitates but does not supplant government-to-government consultation between the Department of Agriculture and Indian tribes.

4. Description of Duties

The TAC will:

- a. Identify evolving issues of relevance to Indian tribes relating to programs of the Department;
- b. Communicate to the Secretary the issues identified in subparagraph (a);
- c. Submit to the Secretary recommendations for, and solutions to
 - i. issues that are identified under subparagraph (a);
 - ii. issues raised at the Tribal, regional, or national level; and
 - iii. issues relating to any Tribal consultation carried out by the Department;
- d. Discuss issues and proposals for changes to the regulations, policies, and procedures of the Department that impact Indian tribes;
- e. Identify priorities and provide advice on appropriate strategies for Tribal consultation on issues at the Tribal, regional, or national level regarding the Department;

- f. Ensure that pertinent issues of the Department are brought to the attention of an Indian tribe in a timely manner so that timely feedback from an Indian tribe can be obtained;
- g. Identify and propose solutions to any interdepartmental barrier between the Department and other Federal agencies;
- h. Not less frequently than once each year, submit to the Secretary and the relevant committees of Congress a report that describes:
 - i. the activities of the Committee during the previous year; and
 - ii. recommendations for legislative or administrative action for the following year.

5. Agency or Official to Whom the Committee Reports

The Committee reports to the Secretary.

6. Support

The Office of Tribal Relations in the Office of the Secretary (“OTR”) is responsible for providing support and staffing to the Committee.

7. Estimated Annual Operating Costs and Staff Years

The estimated annual fiscal year’s costs to operate the Committee is \$251,000 and 0.30 staff years for the Designated Federal Officer. In the performance of duties away from their homes or regular places of business, Committee members will be allowed reimbursement for travel expenses based on per diem and lodging rates, as authorized by 5. U.S.C. 5703.

Included in this estimate, Tribal Advisory Committees will be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for the level IV Executive Schedule for each day (including travel) during which the member is engaged in the performance of duties of the Committee. This compensation will be solely inclusive of days that the Tribal Advisory Committee is engaged in duly scheduled meetings and travel to and from such meetings.

8. Designated Federal Officer

- a. The Designated Federal Officer (DFO) is a permanent federal employee, designated by the Director of OTR.

- b. The DFO or a designee will approve or call all the committee’s meetings, prepare and approve all meeting agendas, attend all Committee meetings, adjourn any meetings when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the Secretary or designee.

9. Estimated Number and Frequency of Meetings

The Committee shall meet not less than twice each year, with at least one (1) meeting required to be in-person. As required by FACA, the Committee will hold open meetings, unless the Secretary determines that a meeting or a portion of a meeting may be closed to the public in accordance with subsection c of the *Government in the Sunshine Act* (5 U.S.C. Section 552(b)).

10. Duration

The duration of the Committee shall be continuing.

11. Termination

The Tribal Advisory Committee does not face termination under Section 14 of the Federal Advisory Committee Act (5 U.S.C. App 14), since this Committee’s legislative authorization waived this section (7 U.S.C. 6921(b)(7)); however, this charter will be renewed every two (2) years.

12. Membership and Designation

- a. Membership Rules. All efforts to make this Committee fairly balanced in its membership in terms of the points of view represented and the functions to be performed. Steps will be taken to encourage fresh points of view, such as establishing staggered membership terms and limiting the number of renewed memberships.
- b. Membership Composition. The Committee will be composed of eleven (11) appointed members of whom:
 - i. Three (3) members shall be appointed by the Secretary;
 - ii. One (1) member shall be appointed by the chairperson of the Committee on Indian Affairs of the Senate;
 - iii. One (1) member shall be appointed by the ranking member of the Committee on Indian Affairs of the Senate;
 - iv. One (1) member shall be appointed by the chairperson of the Committee on Agriculture, Nutrition, and Forestry of the Senate;

- v. One (1) member shall be appointed by the ranking member of the Committee on Agriculture, Nutrition, and Forestry of the Senate;
 - vi. Two (2) members shall be appointed by the chairperson of the Committee on Agriculture of the House of Representatives; and
 - vii. Two (2) members shall be appointed by the ranking member of the Committee on Agriculture of the House of Representatives.
- c. Membership Balance. To the maximum extent feasible, the Secretary shall ensure that the members of the Committee represent a diverse set of expertise on issues relating to geographic regions, Indian tribes, and the agricultural industry. No member of the Committee shall be an officer or employee of the Federal Government except as Special Government Employees necessary for compensation provided for under authorizing statute.
- d. Nominations. The Secretary shall accept nominations for members of the Committee from any of the following:
- i. An Indian tribe, as defined by 25 U.S.C. 5304(e).
 - ii. An Tribal organization, as defined by 25 U.S.C. 5304(1).
 - iii. A national or regional organization with expertise in issues relating to the duties of the Tribal Advisory Committee, as described by Section 4 of this Charter.
- e. Terms. Members appointed to the Committee shall serve no more than three (3) consecutive terms. Terms will otherwise be staggered with each term lasting for no more than three (3) years, except for the first three (3) appointments by the Secretary which may not exceed two (2) year terms.
- f. Non-Voting Representatives. There are to be a minimum of two (2) non-voting representatives required to participate in Committee meetings:
- i. No fewer than one (1) representative from OTR.
 - ii. The Assistant Secretary for Indian Affairs of the Department of the Interior (or designee) shall be present at each meeting of the Committee.
 - iii. Other non-voting representatives may be invited as necessary to inform Committee deliberations.
- g. Chairperson and Vice-Chairperson. Of these eleven (11) voting members, one (1) will be elected the Chairperson by vote of the full Committee. This individual will be recognized for their ability to lead a group in a fair and focused manner and who has been briefed on the mission of this Committee. A Vice-chairperson may also be elected by vote of the full Committee, especially to facilitate their transition to

become the chairperson in the future.

- h. Ethics Statement. To maintain the highest levels of honesty, integrity, and ethical conduct, no Committee or subcommittee member shall participate in any “specific party matters” (i.e., matters are narrowly focused and typically involve specific transactions between identified parties) such as a lease, license, permit, contract, claim, grant, agreement, or related litigation with the Department in which the member has a direct or indirect financial interest. This includes the requirement for Committee or Subcommittee members to immediately disclose to the DFO, for discussion with USDA’s Office of Ethics, any specific party matter in which the member’s immediate family, relatives, business partners, or employer would be directly seeking to financially benefit from the Committee’s recommendations.
- i. Ethics Training. All members will receive ethics training to identify and avoid any actions that would cause the public to question the integrity of the Committee’s advice and recommendations. Members who are appointed to the Committee are not subject to Federal ethics laws because such appointment allows them to represent the point(s) of view of a particular group, business sector or segment of the public.
- j. Special Government Employees. All appointed members are “Special Government Employees” (SGEs) and will be considered intermittent Federal employees subject to Federal ethics laws. SGE’s are appointed due to their personal knowledge, academic scholarship, background, or expertise. No SGE may participate in any activity in which the member has a prohibited financial interest. Appointees who are SGEs are required to complete and submit a Confidential Financial Disclosure Report (OGE-450 form) via the FDonline e-filing database system. Upon request USDA will assist SGEs in preparing these financial reports. To ensure the highest level of compliance with applicable ethical standards USDA will provide ethics training to SGEs on an annual basis. The provisions of these paragraphs are not meant to exhaustively cover all Federal ethics laws and do not affect any other statutory or regulatory obligations to which advisory committee members are subject.
- k. Equal Opportunity Statement. Equal opportunity practices, in line with USDA policies, will be followed in all membership appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

The USDA prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, political beliefs, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA (not all bases apply to all programs).

13. Subcommittees

The Committee or DFO has the authority to create subcommittees. Subcommittees must report back to the Committee and must not provide advice or work products directly to the Agency. Committee member participation in a Tribal Advisory Committee subcommittee does not warrant or provide claim for additional compensation.

14. Recordkeeping

The records of this Committee, formally and informally established subcommittees, or other subgroups of the Committee, shall be handled in accordance with General Records Schedule 6.2 or other approved Departmental records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552. Information about this Committee is available online at: <https://www.usda.gov/tribalrelations>

15. Filing Date

July 13, 2023