

Office of Tribal Relations, Office of the Secretary

The Council for Native American Farming and Ranching

CHARTER

1. **Committee's Official Designation**

The Council for Native American Farming and Ranching

2. **Authority**

The Secretary establishes the Council as a discretionary advisory committee under agency authority and it will operate pursuant to the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C App.2. USDA reserves to itself all discretion required by FACA.

3. **Objectives and Scope of Activities**

Members shall consider ways to improve the delivery of USDA programs to Native American farmers and ranchers. The Council will also provide advice to the Secretary of Agriculture consistent with the duties of the Council and on relevant related issues as deemed appropriate.

4. **Description of Duties**

The purpose of this Council is: (1) to advise the Secretary of Agriculture on issues related to the participation of Native American farmers and ranchers in USDA programs; (2) to transmit recommendations concerning any changes to regulations or internal guidance or other measures that would eliminate barriers to program participation for Native American farmers and ranchers; (3) to examine methods of maximizing the number of new farming and ranching opportunities created through enhanced extension, sound conservation practices, targeted rural business services, and financial literacy services; (4) to examine methods of encouraging intergovernmental cooperation to mitigate the effects of land tenure and probate issues on the delivery of USDA programs; (5) to evaluate other methods of creating new farming or ranching opportunities for Native American producers; and (6) to address other Native American related issues as deemed appropriate.

5. **Agency or Official to Whom the Council Reports**

The Council for Native American Farming and Ranching reports to the Secretary of Agriculture.

6. **Support**

The USDA, through its Office of Tribal Relations, is responsible for providing support and staffing for the Council.

7. **Estimated Annual Operating Costs and Staff Years**

Members may receive reimbursement for travel expenses and per diem as authorized by 5 U.S.C. 5703, and in accordance with USDA travel regulations for attendance at Council functions. Council members who represent the interests of Native American farmers or ranchers will be paid an amount not less than \$100 per day for time spent away from their employment or farming or ranching operation, subject to the availability of funds. Estimated annual operating expenses are \$105,000 and 0.30 staff years.

8. **Designated Federal Officer**

- a. The Designated Federal Officer (DFO) is a full-time or permanent part-time federal employee, designated by the Director of the Office of Tribal Relations in the Office of the Secretary.
- b. The DFO or an alternate DFO will be present at all Council meetings. The DFO will approve or call all of the Council's and any subcommittee meetings, prepare and approve all meeting agendas, attend all Council and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the Secretary or his designee.

9. **Estimated Number and Frequency of Meetings**

The Council shall meet approximately twice per fiscal year. As required by the FACA, the Council 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. § 552b).

10. **Duration**

The duration of the Council shall be continuing.

11. **Termination**

This charter will be in effect for two (2) years from the date it is filed with Congress. It may be renewed as authorized in accordance with Section 14 of FACA.

12. **Membership and Designation**

The Council shall consist of fifteen (15) members appointed by the Secretary of Agriculture. The Council is to be comprised of Native American leaders and senior officials of USDA. Of the fifteen members, no fewer than eleven will be selected to represent the interests of Native American farmers and ranchers.

Qualified Native American leaders will be nominees who, at a minimum, have experience with farming and/or ranching, have experience in dealing with USDA programs, and have an

understanding of the needs and challenges facing Native American farmers and ranchers. Native American leaders may include persons who represent the interests of Native American tribes or Native American organizations. The term “Native American leaders” is not limited to elected Tribal representatives or members or persons with Native American ancestry. The Native American representatives may include:

- (1) Native American farmers or ranchers who have participated in USDA loan, grant, conservation, or payment programs;
- (2) Representatives of organizations with a history of working with Native American farmers or ranchers;
- (3) Representatives of tribal governments with demonstrated experience working with Native American farmers or ranchers; and/or
- (4) Such other persons as the Secretary considers appropriate.

In addition to Native American farmers or ranchers and persons who represent the interests of Native American farmers or ranchers, members shall also include representatives from the following groups:

- (1) Director of Office of Tribal Relations or his or her delegate;
 - (2) Administrator of Farm Service Agency or his or her delegate;
 - (3) Chief of the Natural Resources Conservation Service or his or her delegate;
 - (4) Assistant Secretary for Civil Rights or his or her delegate;
- a. In the event these USDA job titles change or are eliminated, these roles will be filled by other senior management officials appointed by the Secretary.
 - b. Members representing Native American interests shall be appointed by the Secretary and shall serve no longer than three (3) consecutive two-year terms. Pursuant to 7 U.S.C. § 2283(c), no person other than an officer or employee of the Department of Agriculture may serve for more than six consecutive years on an advisory committee, unless authorized by the Secretary.
 - c. Ex-officio members may be invited. They will have no voting rights and will not count towards the quorum. The Assistant Secretary for Indian Affairs, Department of the Interior or his or her designee shall have a permanent invitation to serve as an ex-officio member of the Council.
 - d. Of the Council members, one member will become the chairperson by vote of the full Council membership. 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 Council. A vice-chairperson may be assigned, especially to facilitate their transition to become the chairperson in the future.

- e. This Council will be fairly balanced in its membership in terms of the points of view represented and the functions to be performed. Equal opportunity practices in accordance with USDA policies will be followed in all appointments to the Council. To ensure that the recommendations of the Council have taken into account the needs of the diverse groups served by USDA, membership shall include to the extent possible, individuals with demonstrated ability to represent minorities, women and persons with disabilities.
- f. The USDA prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program.

g. Ethics Statement:

To maintain the highest levels of honesty, integrity and ethical conduct, no Council or Subcommittee member shall participate in any “specific party matters” (i.e., matters that 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 Council 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 Council’s recommendations.

- h. All members will receive ethics training to identify and avoid any actions that would cause the public to question the integrity of the Council’s advice and recommendations. Members who are appointed as “Representatives” 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.
- i. Members appointed as “Special Government Employees” (SGEs) are considered to be intermittent Federal employees and are thus 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 Form 450) via the FDonline e-filing database system. To ensure the highest level of compliance with applicable ethical standards USDA will provide ethics orientation training to SGEs on their appointment or reappointment date each year. 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.

13. **Subcommittees**

The DFO has the authority to create subcommittees and membership on the subcommittees should be approved by the DFO. Subcommittees must report back to the Council, and must not provide advice or work products directly to the Secretary.

14. **Recordkeeping**

The records of this Council, formally and informally established subcommittees, or other subgroups of the Council, shall be handled in accordance with General Records Schedule 6.2, or other approved agency 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.

15. **Filing Date**