



Administration for Children and Families Tribal Advisory Committee (ACF TAC)

CHARTER

I. BACKGROUND

A unique government-to-government relationship exists between American Indian and Alaska Native (AI/AN) tribes and the Federal government. The government-to-government relationship is political and independent of race or ethnicity. This relationship is grounded in the United States Constitution, numerous treaties, statutes, federal case law, regulations, and Executive Orders, as well as political, legal, moral, and ethical principles. In order to support this ongoing relationship, the Administration for Children and Families has created a committee of AI/AN tribal leaders to help guide programs and policies intended to serve tribal communities. The name of the Committee shall be the Administration for Children and Families Tribal Advisory Committee (ACF TAC).

II. AUTHORITY

This committee is established under the authority of the Secretary's Tribal Advisory Committee (STAC) Rules of Order, per the Acting Assistant Secretary's Memorandum of March 7, 2013, through his authority to establish committees to support and accomplish the objectives of the Department of Health and Human Services. It is also supported by the *ACF Principles for Working with Federally Recognized Tribes*, to ensure informed input from elected tribal representatives to ACF leadership.

III. PURPOSE

The ACF TAC'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 ACF 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.

A. The purposes of the ACFTAC include but are not limited to the following

1. Function as an agency work group to ensure that pertinent issues are brought to the attention of Indian tribes and ACF leadership in a timely manner, so that tribal feedback and input can be obtained.
2. Coordinate with the Assistant Secretary, Administration for Children and Families, and the Deputy Assistant Secretary for Native American Affairs/Commissioner, Administration for Native Americans, (ANA) on ACF tribal consultation activities and initiatives under ACF's Tribal Consultation Policy.

3. Propose recommendations, clarifications and solutions to address ACF policies and procedures that affect Native Americans as well as issues raised at tribal, regional, and national levels.
4. Identify evolving issues and barriers to access, coverage, and delivery of services to AI/ANs, including ensuring the Native American population is included in ACF initiatives.
5. Share program and policy information from ACF programs with tribal communities.
6. Advise and/or support ACF office activities that serve Indian tribes and their communities.

Discussions held by the ACF TAC do not supplant nor take the place of tribal consultation.

IV. FUNCTIONS

- A. The functions of the ACF TAC shall include but are not limited to the following:
 1. Enhancing communication between ACF program, budget and policy offices and Native American communities.
 2. Enhancing communication with tribes by advising on the ACF consultation protocols to meet and communicate with tribal communities
 3. Enhancing and sharing information and outreach activities related to Native American communities.
 4. Working with program offices to develop demonstration projects and Self-Governance pilots with specific ACF programs pursuant to legislative authority to commence the pilot projects, as appropriate.
 5. Supporting the Secretary's Intradepartmental Council on Native American Affairs (ICNAA) the STAC, and the One Department initiative.
 6. Providing information and technical assistance to ACF senior managers to design, implement, and evaluate, and evaluate programs in Native American communities or affecting AI/AN populations.



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7. Facilitation of improved State Tribal working relationships, coordination, and consultation.
8. Serve as liaisons to ACF to receive and disseminate information on issues, priorities, and other topics of importance to the tribes in their area and on a national basis.
9. Tribal Representatives of the ACF TAC will regularly report on the activities of the ACF TAC to the tribes within their region and on a national basis.

B. Consultation with Tribal Governments

Executive Order 13175 (November 2000) describes the government-to-government relationship and requires that each Department develop a mechanism to consult with Tribal Governments on actions substantially affecting Native Americans. President Obama also issued a memorandum on November 9, 2010 that reaffirmed the Executive Order.

Pursuant to ACF *Principles for Working with Federally Recognized Tribes* as well as the ACF Tribal Consultation Policy, ACF recognizes that the government-to-government relationship with Indian Tribes merits regular, meaningful, and informed consultation with American Indian and Alaska Native tribal officials in the development of new or amended funding, amended funding formulas, programmatic policies, regulations, and legislative actions initiated by ACF that affect or may affect tribes.

It is the policy of the Department to consult with Indian tribes to the greatest extent practicable and permitted by law before taking actions that affect these governments and peoples.

HHS defines consultation as:

“Consultation – An enhanced form of communication, which emphasizes trust, respect and shared responsibility. It is an open and free exchange of information and opinion among parties, which leads to mutual understanding and comprehension. Consultation is integral to a deliberative process, which results in effective collaboration and informed decision making with the ultimate goal of reaching consensus on issues.”

The Office of the Secretary of the Department of Health and Human Services has formulated consultation policy for the agency. The consultation policy was created by the Office of the Secretary/Intergovernmental and External Affairs in conjunction with tribes and includes defined processes for early inclusion for tribal governments in the decision making process. The consultation policy also identifies specific mechanisms that will be used for consultation purposes.

In following this consultation policy, the ACF TAC will facilitate the ACF Consultation policy development and implementation. The ACF Consultation Policy provides the guidance on how to solicit full participation by Indian tribes for presenting their community needs and input to the ACF regulatory and policy development and HHS budget process. Indian tribes communities will be given a minimum of thirty (30) days notice to submit questions prior to consultations and will have a minimum period of thirty (30) days to submit their comments after the end of each consultation.

V. ACF TECHNICAL SUPPORT

A. Deputy Assistant Secretary for Native American Affairs (DAS)/Commissioner for the Administration for Native Americans (ANA)

On behalf of the Assistant Secretary, Administration for Children and Families, the Deputy Assistant Secretary/Commissioner is the federal lead for planning and coordination of the activities of the ACF TAC. The DAS of Native American Affairs/Commissioner of ANA, or designee, shall be represented on the ACF TAC.

The ACF TAC lead shall coordinate with committee members on all matters pertaining to the coordination and facilitation of committee activities as directed by the Assistant Secretary, ACF.

The authority exercised by the ACF TAC to advise on various actions is the authority of the ACF TAC and not the individual authority of its respective members. This authority is retained within the ACF TAC, and is delegated to the ACF TAC lead to provide direction and oversight of any sub-committees, workgroups, officers or representatives as determined by the ACF TAC.

To ensure organizational continuity when the DAS/ Commissioner is absent, the DAS/ACommissioner will designate someone to lead this Committee and is authorized to act on their behalf. .

B. ACF Representatives

The ACF members of the Committee consists of all ACF program Principals including:



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- the Administration on Children, Youth and Families (Children's Bureau, Family and Youth Services Bureau);
- the Administration for Native Americans;
- the Office of Child Support Enforcement;
- the Office of Community Services;
- the Office of Family Assistance Tribal Temporary Assistance for Needy Families (Tribal TANF);
- the Early Childhood Division (the Office of Head Start; the Office of Child Care and Tribal Maternal, Infant and Early Childhood Home Visiting);
- the Office of Human Services Emergency Preparedness and Response;
- the Office of Planning Research and Evaluation and
- the Office on Trafficking in Persons.

C. Sub-Working Groups

As needed, there will be sub-working groups of the ACF TAC to accomplish tasks and objectives of the Committee. These sub-working groups will support the Assistant Secretary's and the DAS/Commissioner's responsibilities to the Secretary's Intradepartmental Council on Native American Affairs.

VI. COMMITTEE ADMINISTRATION

A. Management and Administrative Staff

The Administration for Native Americans is the lead office for ACF responsible for the management and administration of ACF TAC activities; preparation of agendas for meetings and the maintaining of records of all ACF TAC business, including the preparation and dissemination of minutes from ACF TAC meetings.

Each ACF program shall participate in the meetings of the Council. The Principal or designee of the office will serve as the primary participant.

B. Committee Composition

The ACF TAC will be comprised of thirteen positions to be filled by voluntary representatives: one delegate (and one alternate) from each of 11 Indian Health Service regions and one delegate (and one alternate) for two National At-Large Tribal Member (NALM) positions. For purposes of the ACF TAC, Tucson will not have a separate representative.

ACF 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, D.C. 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 Mandated Reform Act (UMRA), ACF has incorporated the NALM positions as members of the TAC 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.

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.

C. Selection Process

The names of each ACF TAC delegate and alternate from each of the 11 Regional IHS areas are to be submitted to the Administration for Native Americans (ANA) in an official letter from the Tribe. The DAS/ANA Commissioner and the Assistant Secretary will be responsible for selecting and finalizing the body of members.

Regional Representatives:

Regional 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, Chief
2. Tribal Vice-President/Vice-Chairperson, Lt. Governor, Sub-chief
3. Elected or Appointed Tribal Official
4. Designated Tribal Official

Alaska Area: representing federally recognized tribes in Alaska

Albuquerque: representing federally recognized tribes in Colorado and New Mexico

Bemidji Area: representing federally recognized tribes in MN, WI, MI

Billings Area: representing federally recognized tribes in MT and WY

California Area: representing federally recognized tribes in California



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Great Plains Area: representing federally recognized tribes in Iowa, Nebraska, North Dakota and South Dakota

Nashville Area: representing federally recognized tribes in Massachusetts, Maine, Connecticut, Rhode Island, New York, Mississippi, Alabama, Florida, North Carolina, South Carolina, Virginia

Navajo Nation: representing just the Navajo Nation.

Oklahoma Area: representing federally recognized tribes in Kansas, Oklahoma and Texas

Phoenix Area: representing federally recognized tribes in Arizona, Nevada, and Utah

Portland Area: representing federally recognized tribes in Idaho, Oregon, and Washington

National At-Large Members

In order to achieve the broadest coverage of ACF-related national perspectives and views, the ACF TAC will include two 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, National Urban Indian Family Coalition, 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/Chief
2. Tribal Vice-President/Vice-Chairperson/Lt. Governor/Sub-chief
3. Elected or Appointed Tribal Official
4. Designated Tribal Official

Period of Service:

Terms for the TAC will be three calendar years. Terms will be staggered, with a lottery method used to assign two-year terms to half the Area members and three of the NALMs initially appointed to the TAC (with their first terms expiring on December 31, 2015) and two-year terms to the remaining half of the Regional members and three of the NALMs (with their first terms expiring on December 31, 2016.) A member may serve successive, consecutive terms if nominated again when their term expires.

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

Removal: ACF TAC members (either delegate or alternate) are expected to make a good faith effort to participate in all meetings and telephone conference calls. If an ACF TAC delegate does not participate in a meeting, in-person or by telephone, on three successive occasions, ACF will notify Indian Tribes in the respective area and ask them to nominate a replacement.

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

ACF will notify all Tribes in the region when an alternate fills a vacant primary delegate position due to removal or resignation.



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B. Meetings

The ACF TAC shall meet at such places as directed by the ACF Assistant Secretary, no less than 3 times per year and as needed to meet the objectives of the Assistant Secretary. Minimally the ACF TAC will meet three times annually, face-to-face with remaining meetings to be teleconference calls or webinar. Electronic media will also be a method of communication to facilitate discussions. The ACF TAC lead shall make every effort to provide ACF TAC members a 30-day advance notice of meetings unless circumstances make this impractical.

A quorum consisting of a majority of the total number of Area and NALM positions (7 of 13) 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 ACF TAC (informational sessions may occur in the absence of a quorum.) To the extent possible, such ACF TAC decisions and actions will be taken by a consensus of Tribal delegates 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 TAC. The advisor's role is limited to assisting the member, and the advisor cannot participate in the meetings of the TAC, unless the advisor has been designated by the elected Tribal official to act on behalf of the official at the meeting. Subject to the availability of funds, ACF will be responsible for paying the travel airline, lodging and per diem for ACF TAC (Primary or Alternates) members.

VII. **REPORTS**

The results of ACF TAC meetings and consultations with Indian tribes will be presented in the form of briefings or written reports to the Assistant Secretary of the Administration for Children and Families. Formalized agency reports of pertinent findings or activities will be shared with the Secretary's Tribal Advisory Committee (STAC), Intradepartmental Council on Native American Affairs (ICNAA), and the ACF Native American Affairs Advisory Council (NAAAC) to identify opportunities, and to deliver and develop social and economic programs that provide for sustainable community-based programs that support self-reliant, safe and healthy families in Native communities.

These reports will assist the Department of Health and Human Services in providing valuable services that will enrich the social and economic development of Native American communities.

VIII. **SPECIAL PROJECTS**

The ACF TAC shall have the authority to form and conduct projects as needed to support ACF program offices in accomplishing their goals and objectives, subject to the availability of funds.

Mark Greenberg
Acting Assistant Secretary
for Children and Families

Date