

**CENTERS FOR DISEASE CONTROL AND PREVENTION AND  
AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY**

**TRIBAL ADVISORY COMMITTEE  
CHARTER**

January 2020

**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 Tribal Nations.

**PURPOSE**

The purpose of the Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR)<sup>1</sup> Tribal Advisory Committee (TAC) is to provide a forum wherein elected Tribal leaders acting in their official capacity (or their designated employees with authority to act on their behalf) and CDC/ATSDR staff exchange views, information, or advice about emerging public health issues in Indian Country, the identification of urgent public health needs, and collaborative approaches to address these public health issues and needs of American Indian/Alaska Native (AI/AN) populations. The content of the meetings consists of exchanges of views, information, or advice on CDC/ATSDR program, policies, and priorities that affect AI/AN populations, as well as the implementation of intergovernmental responsibilities or administration, including those that arise from statute, regulation, or executive order. The CDC/ATSDR TAC will support, and not supplant, any other government-to-government consultation activities that CDC/ATSDR undertakes. In addition to assisting CDC/ATSDR in the planning and coordination of Tribal consultation sessions, the TAC will advise CDC/ATSDR regarding the Tribal consultation process and will help ensure that CDC/ATSDR activities or policies that impact Indian Country are brought to the attention of all Tribal leaders.

**AUTHORITY**

Pursuant to Presidential Executive Order No. 13175, November 6, 2000, and the Presidential memoranda of September 23, 2004, and November 5, 2009, the United States Department of Health and Human Services (HHS) adopted a Tribal Consultation Policy that applies to all HHS operating and staff divisions, including CDC and ATSDR. The HHS Tribal Consultation Policy directs operating divisions to establish a process to ensure accountable, meaningful, and timely input by Tribal officials in the development of policies that have Tribal implications.

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<sup>1</sup> Note: References to CDC also apply to the Agency for Toxic Substances and Disease Registry (ATSDR). The CDC director also serves as the ATSDR administrator.

Consistent with the HHS Tribal Consultation Policy, CDC and ATSDR established the CDC/ATSDR TAC as one method of enhancing communications with Tribal Nations. The TAC Charter complies with an exemption within the “Unfunded Mandates Reform Act” or UMRA (P.L. 104-4) to the Federal Advisory Committee Act (FACA) that promotes the free communication between the Federal government and Tribal governments. In accordance with this exemption, the CDC/ATSDR TAC facilitates the exchange of views, information, or advice between Federal officials and elected officers of Tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities.

## **FUNCTION**

Per UMRA exemption policy and in recognition of Tribal sovereignty and the government-to-government relationship between Federally recognized Tribal Nations and the Federal government, TAC responsibilities are to exchange information or advice relating to the management or implementation of intergovernmental responsibilities or administration, including those arising from federal statute, regulation, or Executive Order.

## **COMMITTEE COMPOSITION**

The TAC will include only elected officers of Tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities from each of the twelve geographic areas served by the Indian Health Service (IHS) and the five Federally-recognized Tribes At-Large Members (TALM). These areas currently are the following: Alaska, Albuquerque, Bemidji, Billings, California, Great Plains, Nashville, Navajo, Oklahoma, Phoenix, Portland, and Tucson. In addition, to achieve the broadest coverage of Tribal perspectives and views on CDC/ATSDR issues and programs, the TAC includes one representative (and designated alternate) for each of the five TALMs positions. These TAC members will provide specific representation for the regional and national concerns of Tribal governments. The TAC will consist of 17 members and will be structured to include the following representatives: one member and one alternate delegate from each of the 12 IHS areas, and one member and one alternate for each of the five TALM positions. A designated alternate may participate in TAC meetings on behalf of the primary member when that member cannot attend.

### **TAC Member**

The Area/TALM member should be an elected officer of a Tribal government (or their designated employee with authority to act on their behalf), acting in his or her official capacity. The Area/TALM member must be qualified to represent the views of the Indian Tribal Nations in the respective area from which he or she was nominated.

Employees of an elected officer of a Tribal government who have authority to act on that officer's behalf and who are designated to do so in writing may participate on the TAC in lieu of the elected officer. A designated employee should have authority to speak for and bind the Tribal Nation he or she is representing in the same manner that the Tribal official would.

If a member cannot attend a TAC meeting, the member will notify, by email, the Director of the Office of Tribal Affairs and Strategic Alliances (OTASA) within CDC's Office of State, Tribal, Local, and Territorial Support (CSTLTS). OTASA will then notify the alternate, prior to the meeting, to participate on the TAC member's behalf.

### **TAC Alternate**

The alternate should be an elected officer of a Tribal government (or their designated employee with authority to act on their behalf), acting in his or her official capacity. An area alternate must be qualified to represent the views of the Indian Tribal Nations in the respective area from which he or she was nominated. In the event the alternate will be participating on behalf of the member, the alternate will be given full voting rights. The alternate may attend all TAC meetings and activities but cannot participate actively unless the seat is ceded by the primary member.

### **One-Time Appointment of an Interim Representative**

If both the member and alternate are not available for a meeting, the member may designate an alternate, known as a "interim representative," who is an elected officer of a Tribal government (or their designated employee with authority to act on the Tribal Nations behalf), acting in his or her official capacity, to serve in his or her place. The interim representative will have the same voting rights as the member. The member must designate the interim representative in writing, via signed letter on official letterhead, to the OTASA Director prior to the TAC meeting.

When there is a vacancy in a member's position (due to removal or for other reasons) for which a designated alternate is currently serving, the Designated Federal Official (DFO) will notify the designated alternate and request that the alternate perform the duties of the TAC member to the extent the designated alternate would be eligible to serve as a member on the TAC. The criteria and process for selecting a replacement following a vacancy or removal will follow the selection process described above. The designated alternate will serve the remainder of the unexpired term of the original member and if nominated again may serve successive, consecutive terms.

### **SELECTION PROCESS**

The Director of OTASA will serve as the executive secretary for the TAC (designated federal official). The executive secretary will announce TAC vacancies and solicit nominations from federally-recognized Tribes. Only federally-recognized Tribes may nominate TAC members and their alternates. Submissions must include signed nomination letters on official Tribal Nation letterhead with the following information and be sent to the executive secretary by the requested deadline:

1. Name of the nominee
2. Nominee's official title
3. Name of the Tribal Nations
4. Date of nominee's election to official Tribal position and term length
5. Nominee's contact information (mailing address, phone, fax, and email)
6. Name of elected officer submitting nomination
7. Official title of elected officer submitting nomination
8. Contact information for elected officer submitting nomination and/or administrative office for Tribal government
9. Confirmation that the nominee:
  - a. has the authority to act on behalf of the Tribal Nations
  - b. is qualified to represent the views of the Indian Tribal Nations in the area from which he or she is nominated

The executive secretary is also responsible for selecting the TAC members based on the submitted letter(s). The seated TAC membership will be notified of the results of the recruitment process via email. Nominations are considered for selection in the priority order listed below:

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

In the event there is more than one nomination for a member or alternate seat, letters of support from regional and national Tribal organizations will be taken into consideration.

## **MEETINGS**

CDC/ATSDR seeks to convene up to two face-to-face TAC meetings on a fiscal year basis, depending on the availability of funds. CDC/ATSDR expects to host one in-person meeting in Atlanta, Georgia, and a Tribal Nation will host the other meeting, in accordance with HHS and CDC/ATSDR meeting policies.

These meetings may be held in conjunction with formal CDC/ATSDR Tribal consultation sessions and may be funded in whole or in part by CDC/ATSDR. CDC/ATSDR may convene TAC conference calls as needed. Additional meetings may be scheduled depending on need and availability of funds.

Pursuant to Section 204 (b) of the Unfunded Mandates Reform Act (2 U.S.C. §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 do not serve as or necessarily qualify as eligible to be TAC members, they may not participate in any committee discussions or any other committee business during meetings.

To ensure that members and alternates are afforded every opportunity to meaningfully engage in the TAC and fulfill their roles as members, members and alternates must be consulted on the date, time and location of the TAC meetings. Once date, time, and location have been finalized, members and alternates must be provided timely notice of the scheduled TAC meetings. Additionally, the purpose, preliminary charge, time frame, and other specific tasks of the meeting shall be clearly identified in the notice.

The CDC Director/ATSDR Administrator and CDC/ATSDR senior leadership will be invited and may participate in dialogue during TAC meetings.

## **TAC LEADERSHIP**

### **Chair**

A Chair is selected by and from the TAC members for a one calendar-year term of service. The Chair will be an elected or appointed Tribal officer. The Chair may serve additional terms provided he or she remains a TAC member.

### **Co-Chair**

The Co-Chair is selected by and from the TAC members for a one calendar-year term of service. The Co-Chair will be an elected or appointed Tribal officer. The Vice-Chair may serve additional terms provided he or she remains a TAC member.

### **Designated Federal Official (DFO)**

The DFO serves as the lead point of contact for the TAC. The DFO may delegate responsibilities for the administration and operational functions for the TAC to the executive secretary. In addition, this individual:

1. Provides programmatic guidance, technical assistance, and administrative support
2. Selects key CDC/ATSDR leaders and staff to serve as resources to the TAC by providing leadership, technical assistance, and subject matter expertise
3. Monitors and tracks the total resources allocated annually to serve AI/AN populations through CDC/ATSDR programs and initiatives
4. Actively engages the TAC in the creation of the agenda for all in-person and virtual TAC meetings and conference calls

Unless otherwise designated by the CDC Director/ATSDR Administrator, the DFO will be the Director for CDC's Center for State, Tribal, Local, and Territorial Support (CSTLTS).

### **Re-election**

The TAC will hold elections annually, at which time the seated members of the TAC will call for nominations for an election. TAC members may reconfirm the Chair/Vice-Chair or vote on a new Chair/Vice-Chair.

### **TAC MEMBER PERIOD OF SERVICE**

TAC members serve 2-year terms.

### **Vacancy**

When a vacancy occurs on the TAC, the DFO will notify the following of the vacant seat to solicit nominations: federally-recognized Indian Tribes; Tribal, regional, or national organizations; AI/AN- serving organizations; and CDC/ATSDR's HHS partners (including HHS Secretary's Tribal Advisory Committee and relevant HHS Operating Divisions and Staff Divisions).

When a vacancy occurs, the DFO notifies the Tribal Nations in the respective area (all Tribal Nations will be notified if a TALM position is vacant) and ask them to nominate a replacement. Elected Tribal officers must submit a signed nomination letter of a nominee, in writing and by the deadline provided by the DFO. In the event no nominations are received, the DFO shall seek a new appointee. The designated alternate may attend meetings until the vacancy is officially filled.

### **Removal**

TAC members must make a good faith effort to attend all official meetings either in person or via teleconference. If a member or alternate does not participate in a meeting or teleconference on three consecutive occasions, the DFO will send a letter to the Indian Tribal Nation(s) in the respective area, thanking them for their service. The executive secretary will then announce the position as vacant and will start the selection process for a new member. CDC/ATSDR may also request removal if a delegate fails to meet the requirements for TAC members (e.g., loss of election or change in elected Tribal position).

### **Technical Advisor**

Each TAC member is allowed to bring at least one technical advisor to the meeting to assist in the performance of the member's duties and responsibilities as a TAC member. The advisor's role is limited to giving advice to the member, and in a non-disruptive manner in the form of private counsel to the member, either communicated discreetly and directly to the

member, or away from the group meeting. Technical advisors are not members of the TAC and are not allowed to sit at the table or take part in the official dialogue during the meeting. Ideally, advisors have expertise in public health and/or experience and knowledge of CDC/ATSDR to fulfill their responsibility of advising TAC members with respect to CDC/ATSDR policies, programs, priorities, and other activities.

## **QUORUM**

A quorum, which is a simple majority of TAC members (9 of 17), present in-person or by telephone, will be necessary for formal decisions and actions to be made by the TAC.. If both the member or alternate cannot attend, the designated interim representative may represent the area or TALM position and be counted toward a quorum. In the event the TAC is unable to establish a quorum for its meeting, then the TAC Chair or Co-Chair, at his or her discretion, can arrange for polling of members via conference call or any other manner. Informational sessions may occur in the absence of a quorum.

## **EXPENSES**

Each primary TAC member (or the designated alternate, if the primary member is unable to attend) who is not a Federal employee will have travel expenses paid/ reimbursed by CDC for up to two face-to-face TAC meetings per year in accordance with standard government travel regulations and CDC travel policy, and dependent upon availability of federal funds.

## **VOTING**

The TAC will operate by consensus. When a consensus cannot be reached, the TAC will vote to resolve any differences. Each TAC member (or designated alternate) will be allowed only one vote. If both the member and his or her designated alternate participate in the same meeting or call, only the member will be counted for a quorum and voting purposes.

## **REPORTS**

The DFO will ensure that all TAC meeting proceedings and recommendations are made available to CDC/ATSDR leadership and provided to the TAC through written minutes within 90 days following the TAC meeting. Once approved, the minutes will be posted online on CDC's Tribal Health website within 90 days to ensure that the information is accessible to the public.

## **SUBCOMMITTEES**

The TAC Chair and Vice-Chair, in consultation with the DFO, may form subcommittees, composed of TAC members (or their alternates), as needed, to accomplish the functions of the TAC. To satisfy the UMRA exemption, the members of the subcommittee must be:

1. Elected Tribal leaders acting in their official capacities; or
2. Designated employees of an elected Tribal leaders with authority to act on their behalf; or
3. The representative of a Washington association designated by elected Tribal leaders to act on their behalf.

Subcommittees must report directly to the full TAC and must not provide any advice or work products to a Federal officer or the CDC/ATSDR. The TAC can adopt and present such advice or work to a Federal officer or CDC/ATSDR.

### **TERMINATION DATE**

This TAC Charter is in effect as long as the CDC/ATSDR Tribal Consultation Policy is in effect. The TAC Charter may be amended, as needed, upon approval by the TAC, and final approval by the DFO.

### **ACRONYMS**

AI/AN	American Indian and/or Alaska Native
ATSDR	Agency for Toxic Substance and Disease Registry
CSTLTS	Center for State, Tribal, Local, and Territorial Support
CDC	Centers for Disease Control and Prevention
DFO	Designated Federal Official/Executive Secretary
FACA	Federal Advisory Committee Act
OTASA	Office of Tribal Affairs and Strategic Alliances (CDC)
STAC	Secretary's Tribal Advisory Committee
TAC	Tribal Advisory Committee
TALM	Tribes At-Large Member
UMRA	Unfunded Mandates Reform Act" (P.L. 104-4)