



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Secretary's Tribal Advisory Committee
Rules of Order

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1. MISSION STATEMENT

The Secretary's Tribal Advisory Committee'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).

2. PURPOSE OF STAC

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 Tribe.

The Department of Health and Human Services (HHS) has taken its responsibility to comply with Executive Order 13175 very seriously over the past decade. On February 4, 2010, in compliance with President Obama's Memorandum for the Heads of Executive Departments and Agencies, signed on November 5th, 2009, on Consultation and Coordination with Indian Tribal Governments. HHS proposed a set of initial activities to step up the Department's efforts to improve services, outreach, and consultation efforts. 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.

3. GOALS

- Identify evolving issues and barriers to access, coverage and delivery of services to AI/ANs, related to HHS programs;

- Propose clarifications and other recommendations and solutions to address issues raised at Tribal, regional and national levels;
- Serve as a forum for Indian Tribe and HHS to discuss these issues and proposals for changes to HHS regulations, policies and procedures;
- Identify priorities and provide advice on appropriate strategies for Tribal consultation on issues at the Tribal, regional and/or national levels;
- Ensure that pertinent issues are brought to the attention of Indian Tribe in a timely manner, so that timely Tribal feedback can be obtained;
- Coordinate with HHS Regional Offices' and Operating Divisions on Tribal consultation initiatives.

4. **MEMBERSHIP**

- a. **Appointment/Reappointment terms:** The Secretary will send a letter to Tribal leaders requesting nominations for a STAC delegate and alternate from Indian Tribe categorized by the twelve Indian Health Service (IHS) Areas; and will nominate five National At Large Tribal Member (NALM) delegates and alternate positions.

The names of each STAC delegate and alternate from the twelve IHS Office Areas will 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.

Nominated members for the STAC will serve two calendar year terms of which will be staggered. Upon creation of the STAC, a lottery method will be used to assign one-year terms to six of the Area members and two of the NALMs (expected first term will expire on December 31, 2011). The remaining lottery method assignments of the six Area members and three NALMs will serve two year terms (expected first term will expire on December 31, 2012).

- b. **Representation:** The STAC will include seventeen representatives to include one Delegate (and one Alternate) from each of the twelve Indian Health Service (IHS) Areas and five NALM.

IHS Area Representatives should be an elected official or designated Tribal representative that is qualified to represent the views of the Indian Tribe in the respective area for which they are being nominated. Nominations will be considered for selection in the priority order listed below.

- A. Tribal President/Chairperson/Governor
- B. Tribal Vice-President/Vice-Chairperson/Lt. Governor
- C. Elected or Appointed Tribal Official
- D. Designated Tribal Official

In the event that there is more than one nomination in the priority list, letters of support from regional tribal organizations will be taken into consideration when selecting individuals for the primary and alternate delegates.

- c. **Alternate:** Each Delegate will have an Alternate that has been selected for their specific IHS Area. Should the Delegate be unable to attend a meeting, the Alternate has full rights to participation and voting privileges.

- d. **National At-Large Tribal Member (NALM):** 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.

All NALM members must either be elected Tribal officials, acting in their 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. There will be one Delegate (and one Alternate) for five NALM positions.

Nominations will be considered for selection in the priority order listed below

- A. Tribal President/Chairperson/Governor
- B. Tribal Vice-President/Vice-Chairperson/Lt. Governor
- C. Elected or Appointed Tribal Official
- D. Designated Tribal Official

In the event that there is more than one nomination in the priority list, letters of support from tribal organizations will be taken into consideration when selecting the individuals for the primary and alternate delegates.

In order to achieve the broadest coverage of HHS-related national perspectives and views, a NALM must be qualified to represent the on a national and collective Tribal perspectives. Representation of such viewpoints includes groups like National Congress of American Indians, National Indian Health Board, Tribal Self Governance Advisory Committee, Direct Service Indian Tribe Advisory Committee, National Indian Child Welfare Association, National Indian Headstart Director’s Association and the National Tribal Environmental Council.

- e. **HHS Representatives:** HHS anticipates that appropriate representatives from the following HHS components will be actively involved, attend regular STAC meetings, and provide necessary assistance to the STAC to fulfill 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 and Medicaid Services
 8. Administrator, Health Resources and Services Administration
 9. Director, Indian Health Service
 10. Director, National Institutes of Health
 11. Administrator, Substance Abuse Mental Health Services Administration

5. **ROLES**

- a. **STAC Delegate** (Area/NALM representative or primary committee member): should be an elected official or designated representative, acting, in their official capacity, is the delegate must be qualified to represent the views of the Indian Tribe in the respective Area for which they have been selected. HHS will pay for the Delegate to attend STAC

meetings. In the event that the Delegate cannot attend, HHS will provide funding for the Alternate to attend the meeting.

- b. **STAC Alternate:** should be an elected official or designated area representative, acting in their official capacity and is qualified to represent the views of the Indian Tribe in the respective area for which they have been selected. HHS will pay for the Alternate to attend the meeting in the event that the Delegate cannot attend. The Alternate will also be given full voting rights in this instance. They may attend all STAC meetings and activities, but cannot actively participate unless the seat is ceded by the primary delegate.
- c. **STAC Technical Advisor:** Tribal Delegates will be allowed to bring one STAC technical advisor to the meeting to assist them with their duties and responsibilities as a STAC member. If the STAC Technical Advisor is accompanying the STAC delegate/STAC Alternate he/she cannot actively participate unless the seat is ceded by the Primary Delegate/Alternate. The STAC Technical Advisor may always communicate directly with his/her STAC Delegate or Alternate. The Technical Advisor has no authority to vote.
- d. **HHS Representative: Health and Human Service (HHS)** representatives are determined by the Secretary and he/she will be expected to attend all STAC meetings. In the event that the designated HHS representative is unable to attend the meeting, the next highest ranking official will be designated to attend. The HHS Representative has no voting capacity for quorum.
- e. **HHS Technical Advisor:** The HHS representative will be allowed to bring one HHS 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. Due to the complexity of programs and services, HHS will work to ensure that subject matter technical experts are available when needed. The HHS Technical Advisor has no voting capacity for quorum.

6. CONDUCT OF MEETINGS

- a. **Participation:** The meetings will be limited to official representatives of the STAC that include the Primary Delegate with his/her Technical Advisor and the HHS Representative with his/her Technical Advisor. In the absence of the delegate and the alternate the technical advisor may attend the meeting but not participate. Due to the complexity of programs and services HHS will work to ensure that subject matter technical experts are available when needed. HHS will utilize the Interdepartmental Council on Native American Affairs (ICNAA) as a vehicle to report activities, coordinate agendas, and organize follow-up of the STAC activities.
- b. **Quorum and Voting:** Total voting capacity of Primary Delegates and NALM representatives is 17 and quorum consisting of a majority, 9 out of 17. Voting can be performed in-person or, in the instance of an emergency, by telephone. Note that informational sessions may occur in the absence of a quorum.
 - i. The twelve Delegates may vote.
 - Should the Delegate be absent, the alternate shall vote.
 - ii. The five NALMs may vote.
 - Should the delegate be absent, the alternate shall vote.

- c. **Decision Making Capacity:** STAC decisions and actions will be taken by a consensus of Tribal Area and NALM members. In an instance where a consensus cannot be met, an in-person or telephone majority quorum vote may be taken; or the Chair/Co-Chair may authorize subsequent polling of the positions.

7. DUTIES/EXPECTATIONS

- a. **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.
- b. **Excused Attendance:** The request for an excused absence should be provided 2 weeks before the meeting, if possible, to arrange for travel for the designee. In extreme circumstances, a delegate and alternate who are not able to attend may be allowed to participate in the meeting via other means in compliance with the FACA exemption.
- c. **Termination:**
 - 1. **Vacancy:** When a vacancy occurs for the Primary Delegate or NALM (for reasons such as resignation or loss of Tribal election/appointment in a respective Area), IGA will:
 - a. IGA verify the vacancy by contacting:
 - i. the individual;
 - ii. the respective Tribe;
 - iii. And/or the regional/area office to confirm.
 - b. Send a regional or national letter for the respective vacancy and Indian Tribe will be expected to nominate a replacement.
 - c. IGA will confirm induction of the new member into STAC and will announce the replacement within a timely manner.
 - 2. **Removal:** STAC members (either Delegate or Alternate) are expected to participate in all meetings. Criteria for STAC removal include the following:
 - a. If a STAC Delegate does not participate in three consecutive meetings in-person. An excused absence weighs toward a consecutive absence.
 - b. If a STAC Alternate does not participate in a meeting, in-person or by telephone, on three successive occasions. , An excused absence weighs toward a consecutive absence.
 - c. IGA will notify Indian Tribe in the respective Area and ask them to nominate a replacement. IGA will confirm induction of the new STAC and will announce the replacement within a timely manner.
 - 3. **Speaking:** Discussion and Representation
FACA exemption compliance: Pursuant to page 4 of the charter first paragraph the charter states:

“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, 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.”
Only the primary delegate shall vote.*

The STAC is exempt from the Federal Advisory Committee Act (FACA) because the members of the STAC meet the “Tribal Leader Exception.” Tribal Leaders can participate on the STAC themselves or may specifically designate, in writing, an alternate to sit on the advisory group on his/her behalf. However, the Tribal Leader will not be able to sit on the STAC at the same time as the alternate and will not be able to actively participate in any discussions while the Tribal Leader is not seated on the STAC. The tribal leader can also temporarily designate a special guest/technical advisor as his/her alternate in accordance with the process delineated above.

8. SCHEDULING OF MEETINGS

- a. **Scheduling of Meetings:** HHS will attempt to schedule STAC meetings so that they are not in conflict with other HHS-tribal consultations/negotiations or National Tribal events. The STAC will preset meeting date in advance with adequate time to maximize planning and attendance.
- b. **Schedule of regular and special meetings:**
 - a. Pending availability of funds, STAC will sponsor three face-to-face meetings per fiscal year in Washington, D.C. Sponsorship will include travel and per diem (lodging and food) for the seventeen Primary Delegates and NALM representatives. If funds are available one STAC meeting will be held in Indian Country.
 - b. Informational conference calls will be held as needed. IGA will provide a teleconference phone number with adequate time for maximal attendance.
- c. **Minutes:** Minutes will be recorded at each STAC meeting. The minutes will be given to the STAC members within 30 days of any meeting for review. The meeting minutes will be approved at the beginning of the next STAC meeting and adopted for the official record.
- d. **Agenda:** The agenda will be developed in draft form 30 days prior to the STAC meeting. Suggestions and comments must be given on the draft agenda. IGA will then confirm all suggested topics and speakers. The agenda will be sent to STAC member’s 5 working days prior to the STAC meeting. In the event that the agenda requires a presentation/discussion of national interest from a member of the public, a NALM will yield his/her seat on a rotating basis to comply with the FACA exemption. If a respective Area delegate requests the agenda item that respective Area delegate will yield his/her seat for the presentation.
- e. **Open/Public meeting:** If the STAC meeting is open to the public, only the STAC delegates/alternates or the federal representatives can participate in the actual meeting. Other attendees must not engage in communication during the meeting with the STAC unless the attendee is made an official alternate designee in writing.
- f. **STAC Member Participation in non-STAC meetings and forums:** Individual members of the STAC can participate in meetings with the public. Additionally, STAC members can and should meet with the Indian Tribe in the regions they represent to get information and hear concerns from those respective Indian Tribe. However, the STAC

as a whole cannot participate in meetings with members of the public. For instance, the entire STAC membership could not participate in a national meeting and hear questions or concerns from the audience. The STAC member should only share STAC related information the STAC has deemed public. Any information the STAC considers non-public should not be shared outside the STAC. STAC members can only speak on behalf of STAC if the STAC has authorized that member to speak on its behalf.

9. TRIBAL ADVISORY COMMITTEES (TAC)

HHS currently has four Tribal Advisory Committees (TAC) which are established at the HHS Division level: (1) Center for Disease Control; (2) Centers for Medicaid and Medicare Services (CMS); (3) Substance Abuse Mental Health Service Administration (SAMHSA); and (4) the Health Research Advisory Committee (HRAC). If other HHS Divisions form a TAC, then those TACs will be covered by this provision. Members of the STAC may invite representatives from an HHS TAC to speak to the STAC. If a TAC representative addresses the STAC, a STAC member must cede his/her seat during the presentation. TAC representatives will only be allowed to present on the issue requested by the STAC and will not have general participation or voting privileges. After each official HHS TAC meeting, each HHS TAC will also be requested to provide an official issue paper to the STAC.

10. OTHER

- a. Conflict of Interest: Members of the STAC will make any and all efforts to avoid and disclose conflicts of interest.
- b. Revision or Amendment of Charter: Will be approved by the STAC and forwarded to the Secretary for Final Approval.

EFFECTIVE DATE:
REVIEWED: N/A
REVISED: N/A