

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

**TRIBAL ADVISORY COMMITTEE
CHARTER**

Revised August 4, 2022

BACKGROUND

The United States has a unique legal and political relationship with 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 Tribal Nations. A presidential memorandum was issued on January 26, 2021, "Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships." In this memo the President expressed renewed priorities to support robust Tribal Consultations and strengthen the government-to-government relationships that exist between Tribes and the United States Government.

This charter outlines the duties and responsibilities of the Centers for Disease Control (CDC)/Agency for Toxic Substances and Disease Registry (ATSDR) Tribal Advisory Committee (TAC) to serve the purpose of seeking consensus, exchange views, share information, provide advice and/or recommendations; or facilitate any other interaction related to intergovernmental responsibilities or administration of CDC programs, including those that arise explicitly or implicitly under statute, regulation or Executive Order.

PURPOSE

The purpose of the CDC/ATSDR¹ TAC is to provide a forum wherein elected officers of Tribal governments (or their designated employees or national association with authority to act on their behalf) and CDC/ATSDR leaders exchange views, information, or advice relating to the management or implementation of federal programs established pursuant to statute, and that explicitly or inherently share intergovernmental responsibilities or administration. The content of the meetings consists of exchanges of views, information, or advice on CDC/ATSDR program, policies, and priorities that affect American Indian/Alaska Native (AI/AN) populations, as well as the implementation of intergovernmental responsibilities or administration, including those that arise from statute, regulation, or executive order.

¹ 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.

The 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 Tribal nations 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.

Consistent with the HHS Tribal Consultation Policy, CDC and ATSDR established the CDC/ATSDR TAC as one method of enhancing communications with Tribal governments. 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 TAC facilitates the exchange of views, information, or advice between Federal officials and elected officers of Tribal governments (or their designated employees or national association with authority to act on their behalf) acting in their official capacities.

FUNCTION

The TAC serves a vital role in guiding CDC/ATSDR’s engagement with federally-recognized Tribal governments. Per the UMRA exemption policy and in recognition of Tribal sovereignty and the government-to-government relationship between Federally recognized Tribal governments and the Federal government, TAC responsibilities are to exchange views, share information, provide advice and/or recommendations; or facilitate any other interaction relating to the management or implementation of intergovernmental responsibilities or administration, including those arising from federal statute, regulation, or Executive Order.

In addition, specific functions of the TAC may include but are not limited to:

1. Identify evolving issues and barriers to access, coverage, and delivery of services to AI/AN populations related to CDC/ATSDR programs
2. Propose clarifications, recommendations, and solutions to address issues raised at tribal, regional, and national levels
3. Serve as a forum for tribes and CDC/ATSDR to discuss these issues and proposals for changes to CDC/ATSDR regulations, policies, and procedures
4. Identify priorities and provide advice on appropriate strategies for tribal consultation on issues at the tribal, regional, and/or national levels
5. Ensure that pertinent issues are brought to the attention of Tribal Governments in a timely manner, so that timely Tribal feedback can be obtained.

COMMITTEE COMPOSITION

The TAC will include only elected officers of Tribal governments acting in their official capacities or their designated employees with authority to act on their behalf.

The TAC will consist of 17 members (also known as delegates):

- Twelve of these positions will be filled by one delegate from each of the 12 Indian Health Service (IHS) areas. The IHS areas are Alaska, Albuquerque, Bemidji, Billings, California, Great Plains, Nashville, Navajo, Oklahoma, Phoenix, Portland, and Tucson.
- Five of these positions will be National At-Large Tribal Member (NALM) positions. These positions were created to facilitate broader coverage of regional and national Tribal perspectives and views on CDC/ATSDR issues and programs.

Each TAC delegate will have only one (1) designated TAC alternate, who may represent the TAC delegate in TAC meetings and other TAC activities in the event the TAC delegate is unable to attend. A designated TAC alternate must be qualified to represent the same Area as the TAC delegate but does not have to be from the same Tribe as the TAC delegate.

TAC Delegate

Each TAC Delegate should be an elected officer of a Tribal government or designated representative acting in his or her official capacity. 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. The delegate must be qualified to represent the views of their Tribal government and others in the respective area from which he or she was nominated.

Employees of an elected officer of a Tribal government or national associations who have authority to act on that officer's behalf, and who are designated to do so in writing (i.e., a designated representative), may be nominated as a TAC delegate and if chosen to participate on the TAC in lieu of the elected officer. A designated representative should have authority to speak for and bind the Tribal government he or she is representing in the same manner that the Tribal official would.

If a TAC Delegate cannot attend a TAC meeting, the delegate will notify, by email, the Director of the Office of Tribal Affairs and Strategic Alliances (OTASA) within CDC's National Center for State, Tribal, Local, and Territorial Public Health Infrastructure and Workforce. OTASA will then notify the alternate, prior to the meeting, to participate on the TAC delegate's behalf.

TAC Alternate

The TAC Alternate should be an elected officer of a Tribal government or designated representative, acting in his or her official capacity. An area alternate must be qualified to represent the views of their Tribal government and others in the respective area from which he or she was nominated. In the event the alternate will be participating on behalf of the delegate, 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 TAC Delegate.

When there is a permanent vacancy in the corresponding delegate's position (due to removal or for other reasons), the CDC Designated Federal Official (DFO) will notify the alternate and

request that the alternate perform the duties of the TAC delegate to the extent the alternate would be eligible to serve on the TAC (e.g., an alternate could step up to serve as TAC delegate, but if isn't a tribal elected official cannot serve as TAC Chair or Co-Chair). The designated alternate will serve the remainder of the unexpired term of the original delegate and if nominated again may serve successive, consecutive terms.

Interim Representative

If both the delegate and alternate are not available for a meeting or meetings, the delegate may designate an "interim representative," who is an elected officer of a Tribal government or designated representative, 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 delegate. The delegate must designate the interim representative in writing, via signed letter on official letterhead, to the OTASA Director prior to the TAC meeting.

SELECTION PROCESS

The Public Health Infrastructure Center Director serves as the Designated Federal Official (DFO) for the TAC and the OTASA Director serves as the Executive Secretary for the TAC. The Executive Secretary will announce TAC vacancies and solicit nominations from federally-recognized AI/AN Tribes. Only federally-recognized AI/AN Tribes may nominate TAC delegates 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 Nation
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 the 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 Tribal Nations in the area from which he or she is nominated

The DFO and Executive Secretary are also responsible for selecting the TAC delegates based on the submitted letter(s) and notifying the seated TAC delegates of the selections in writing, electronically or otherwise. 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 delegate seat, letters of support from Tribal governments, regional, and national Tribal organizations will be taken into consideration in the priority order listed above.

MEETINGS

Frequency

CDC/ATSDR seeks to convene no less than two TAC meetings each fiscal year, subject to availability of funds. CDC/ATSDR expects to host one in-person meeting in Atlanta, Georgia, and a Tribal Nation will host one in-person meeting in Indian Country, in accordance with HHS and CDC/ATSDR meeting policies. In-person meetings are preferred, with virtual participation allowed. Meetings may be held fully virtually depending on circumstances and CDC/ATSDR and TAC preferences.

These bi-annual 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. Additional meetings may be scheduled depending on need and availability of funds.

Bi-Annual Meeting Planning

The TAC DFO (or his or her delegate), TAC Chair, and Co-Chair will co-lead planning of bi-annual TAC meetings (and other TAC meetings as agreed upon). This includes collaborative planning and input on the purpose, date, time, location, format (e.g., virtual or in-person, or both options), and agenda/content of each meeting.

The CDC Director/ATSDR Administrator (or alternate in leadership position with equivalent decision-making authority in the CDC Office of the Director) and senior leadership from CDC/ATSDR centers, institute, and offices (CIOs) must be invited to participate in outcome-oriented dialogue during TAC meetings.

Bi-Annual Meeting Procedures

Under certain circumstances, the TAC member, alternate, or both for a Tribe or NALM may participate in a meeting or conference call, in-person or virtually. When the TAC member 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 TAC member may designate, in writing, the alternate to participate on the TAC member's behalf at the meeting or call, and the TAC member will yield his or her participation to the alternate until the TAC member wishes to resume participation at the meeting or call. When the TAC member 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, CDC will only provide funding for the primary representative.

If both the primary and the alternate for a particular Area or NALM position are participating in the same meeting or call, only one will be counted in terms of meeting quorum or voting. The primary and alternate may agree which of them will express a view for consensus or vote

on particular issues. If they do not agree, then the primary TAC member's view or vote will be counted.

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 they may not participate in open discussion and there is no "open mic" time during the meeting portion. authorize.

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 Co-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

Additionally, the DFO will be responsible for inviting and encouraging CDC/ATSDR Senior Leadership participation in each TAC meeting. Unless otherwise designated by the CDC Director/ATSDR Administrator, the DFO will be the Public Health Infrastructure Center Director.

Re-election

The TAC will hold elections annually, at which time the seated delegates (or their alternates) of the TAC will call for nominations for an election. TAC delegates (or their alternates) may reconfirm the Chair or Co-Chair or vote on a new Chair or Co-Chair.

TAC MEMBER PERIOD OF SERVICE

TAC members serve 2-year terms.

Vacancy

When a vacancy occurs on the TAC, the Executive Secretary will announce and solicit nominations for the vacant seat to tribal partners such as, but not limited to, federally-recognized Tribal governments; Tribal, regional, or national organizations; AI/AN-serving

organizations; and CDC/ATSDR's HHS partners (including the HHS Secretary's Tribal Advisory Committee and relevant HHS Operating Divisions and Staff Divisions).

When a vacancy occurs, the Executive Secretary notifies the Tribal Nations in the respective area (all Tribal Nations will be notified if a NALM 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 Executive Secretary. In the event no nominations are received, the Executive Secretary 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 virtually. If a delegate or alternate does not participate in a meeting on three consecutive occasions, the DFO or Executive Secretary will send a letter to the 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 no longer meets the requirements for being a TAC delegate (e.g., loss of election or change in elected Tribal position).

Technical Advisor

Each TAC delegate is allowed to bring a technical advisor or advisors to each TAC meeting to assist in the performance of the delegate'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 (9 of 17) of TAC members (delegates or their alternates or interim representatives), present in-person or virtually, will be necessary for formal decisions and actions to be made by the TAC. If both the delegate and alternate cannot attend a meeting, the designated interim representative may represent the area or NALM 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 TAC delegate (or alternate, if the delegate is unable to attend) who is not a Federal employee will have travel expenses paid/ reimbursed by CDC for up to two in-person 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 delegate (or alternate or interim representative) will be allowed only one vote. If both the delegate and his or her alternate participate in the same meeting or call, only the delegate will be counted for a quorum and voting purposes.

REPORTS

The DFO will ensure that all TAC meeting minutes and initial CDC/ATSDR responses to recommendations made during the meeting are made available to CDC/ATSDR leadership and provided to the TAC within 90 days following the TAC meeting. Once approved, the meeting minutes and recommendations report will be posted on CDC's Tribal Support website within 90 days to ensure that the information is accessible to the public. All meeting materials will also be archived and accessible to TAC members.

The "TAC Rules of Order" covers current agreements on content and timelines for other types of communications from CDC/ATDR to the TAC, such as pre-read TAC meeting and TAC conference call materials and sharing of CDC/ATSDR updates with the TAC.

SUBCOMMITTEES

The TAC Chair and Co-Chair, in consultation with the DFO, may form subcommittees, composed of TAC delegates (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 national 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
CDC	Centers for Disease Control and Prevention
CIO	CDC Center, Institute, or Office
DFO	Designated Federal Official
FACA	Federal Advisory Committee Act
HHS	Department of Health and Human Services
NALM	National At-Large Tribal Member

OTASA	Office of Tribal Affairs and Strategic Alliances (CDC)
STAC	HHS Secretary's Tribal Advisory Committee
TAC	Tribal Advisory Committee
UMRA	Unfunded Mandates Reform Act (P.L. 104-4)