

**SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
ADMINISTRATION TRIBAL TECHNICAL ADVISORY COMMITTEE
CHARTER**

JULY 2023

Background

The federal delivery of services and resources to maintain and improve the behavioral health of American Indians and Alaska Natives (AI/AN) is consonant with and required by the federal government's historical and unique legal relationship with Indian tribes, as reflected in the Constitution of the United States, legislation, and federal policy. In recognition of this unique government-to-government relationship the Substance Abuse and Mental Health Services Administration (SAMHSA) established the Tribal Technical Advisory Committee (TTAC).

Pursuant to Presidential Executive Order No. 13175, November 6, 2000, and the Presidential memoranda of September 23, 2004, November 5, 2009, and January 26, 2021, 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 SAMHSA. 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, SAMHSA established the SAMHSA TTAC as one method of enhancing communications with Tribal Nations. The SAMHSA TTAC Charter complies with an exemption within section 204(b) of the Unfunded Mandates Reform Act (UMRA) (Pub. L. 104-4) to the Federal Advisory Committee Act that promotes free communication between the federal government and tribal governments. In accordance with this exemption, the SAMHSA TTAC facilitates the exchange of views, information, or advice between federal officials and elected or traditionally appointed officers of tribal governments acting in their official capacities (or their designated employees with authority to act on their behalf).

Purpose and Function

The SAMHSA TTAC shall serve as an advisory body to SAMHSA on policy, process, and the delivery of behavioral health resources and services funded (in whole or in part) by SAMHSA. The TTAC will provide a complementary venue wherein elected or traditionally appointed Tribal officials, acting in their official capacity (or their designated employees with authority to act on their behalf), and SAMHSA staff will exchange information, views, or advice concerning tribal public health issues, identifying urgent mental and substance use disorder concerns, and collaborative approaches to addressing issues and needs.

The TTAC will meet to facilitate the exchange of views, information, or advice concerning the implementation and/or administration of SAMHSA resources and services, including those that arise explicitly or implicitly under statute, regulation, or Executive Order. TTAC meetings will complement and not supplant the formal tribal consultation process between SAMHSA and Tribes.

The purview of the TTAC covers but is not limited to the following core functions:

- Identify evolving issues and barriers to access, coverage, and delivery of services to AI/ANs, related to SAMHSA programs.
- Propose clarifications and other recommendations and solutions to address issues raised at Tribal, regional and/or national levels.
- Serve as a forum for Tribes and SAMHSA to discuss issues and proposals that recommend changes to SAMHSA 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 Tribes in a timely manner, so that timely Tribal feedback can be obtained.
- Coordinate with SAMHSA on Tribal consultation initiatives.

Composition

The TTAC is composed of 14 primary delegates. Twelve of the primary delegates will represent each of the Indian Health Service (IHS) Areas and two primary delegates will serve as national at-large delegates who possess national AI/AN behavioral health experience. In addition, TTAC will include 14 alternate delegates. Twelve of the alternate delegates will represent each of the IHS Areas and two delegates will serve as alternate national at-large delegates. The alternate delegates will participate in TTAC meetings when the primary delegate is unable to do so. Each TTAC delegate must be an elected or traditionally appointed tribal government official or designated representative.

Primary Delegates: The primary delegate should be an elected or traditionally appointed officer of a tribal government acting in their official capacity (or their designated employee with authority to act on their behalf). A delegate must be qualified to represent the views of the Indian tribal nations in the respective area from which they were nominated.

If a primary delegate cannot attend a TTAC meeting, the primary delegate will notify, by email, the SAMHSA Office of Tribal Affairs and Policy (OTAP) Director. OTAP will then notify the alternate delegate prior to the meeting to participate on the TTAC primary delegate's behalf.

Alternate Delegates: The alternate delegate should be an elected or traditionally appointed officer of a tribal government acting in their official capacity (or their

designated employee with authority to act on their behalf). An alternate delegate must be qualified to represent the views of the Indian tribal nations in the respective area from which they were nominated.

In the event the alternate delegate will be participating on behalf of the primary delegate, the alternate delegate will be given full voting rights while acting as a representative of the primary delegate. When not acting as a representative of the primary delegate the alternate delegate may attend all TTAC meetings and activities but cannot actively participate (e.g., vote on TTAC matters) unless the seat is ceded by the primary delegate.

National At Large Delegates: At large primary and alternate delegates are elected, or traditionally appointed, Tribal governmental officials, or their designated representatives, who are qualified to represent the views of their specific Tribe and of Tribes generally from a national behavioral health perspective.

Tribal Technical Advisor: The tribal technical advisor is a subject matter expert selected by a TTAC member to assist the delegate in their TTAC role. The technical advisor is not a member of the TTAC. The technical advisor may attend TTAC meetings as an observer.

Nomination and Selection Process

The OTAP Director will serve as the executive secretary for the TTAC. The executive secretary will announce TTAC vacancies and request nominations from Federally Recognized Tribes.

Nominations for open TTAC delegate and alternate positions are to be signed and submitted to the executive secretary on official Tribal Nation letterhead. Submissions must include:

- Name of the nominee
- Nominee's official title
- Name of the tribal nation
- Date of the nominee's election to official tribal position and term length
- Nominee's contact information (mailing address, phone, fax, and email)
- Name of the elected officer submitting nomination
- Official title of the elected officer submitting nomination
- Contact information for the elected officer submitting the nomination and/or administrative office for the tribal government
- Confirmation that the nominee:
 - has the authority to act on behalf of the tribal nation from which they are being nominated, and
 - is qualified to represent the views of the Indian tribal nations in the area from which they are being nominated

The selection of nominees shall be prioritized as follows:

- Tribal President/Chairperson/Governor
- Tribal Vice-President/Vice-Chairperson/Lt. Governor
- Elected or traditionally appointed Tribal Official
- Designated Tribal Official

The Assistant Secretary for Mental Health and Substance Use and the Director of OTAP will be responsible for selecting and finalizing the body of members. In the event that there is more than one nomination in the priority list, individuals who had a letter of support from tribal organizations will be taken into consideration when selecting the primary and alternate delegates.

Leadership

Co-Chairs: Two TTAC members will be elected by the SAMHSA TTAC members to serve as Co-Chairs for a two-year term of service. The term of service will be recorded and reviewed by TTAC members every two years. The number of eligible terms a member can serve is not limited. Should a Co-Chair be unable to serve out the full two-year term, TTAC members will elect a new member to complete the term. The Co-Chairs are the sole officers of the TTAC.

Designated Federal Official: The Designated Federal Official (DFO) serves as the lead point of contact between SAMHSA and the TTAC. The Assistant Secretary for Mental Health Substance Use will delegate responsibility for the administration and operational functions of the TTAC to the OTAP Director, who will serve as the DFO. In addition, the DFO will:

- Provide programmatic guidance, technical assistance, and administrative support;
- Select key SAMHSA leaders and staff to serve as resources to the TTAC by providing leadership, technical assistance, and subject matter expertise.
- Monitor and tracks the total resources allocated annually to serve AI/AN populations through SAMHSA programs and initiatives.

Period of Service

The TTAC membership term will be two calendar years. A member may serve successive, consecutive terms if nominated again when their term expires.

Vacancy: When a vacancy occurs on the TTAC, the executive secretary 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 SAMHSA's HHS partners (including 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 and asks them to nominate a replacement. Elected or traditionally appointed tribal officers must submit their written and signed nomination letter of a nominee by the deadline provided by the executive secretary. The

alternate delegate may attend and participate in TTAC meetings on behalf of the primary delegate until the vacancy is officially filled.

Removal: A delegate must make a good faith effort to participate in all meetings, conference calls, and other TTAC established communications. If a delegate does not participate in a formally called meeting or teleconference on three successive occasions, the respective delegate and nominating body will be notified of the removal and effective date. The TTAC Chair and Co- Chair will collaborate with SAMHSA to support delegate participation in meetings before any removal action is taken. To the extent practicable, SAMHSA will work with TTAC to determine meeting dates as far in advance as possible to facilitate member participation. SAMHSA may also request removal if a delegate fails to meet the requirements for TTAC delegates (e.g., loss of election or change in elected tribal position). Should removal action be taken, the process for nomination and selection will begin as outlined in this document.

Meetings

The TTAC will be convened a minimum of twice per year. Meetings may be in person, virtual, or hybrid. One meeting will be convened at a time when other SAMHSA national advisory councils (NAC) are scheduled to meet. As part of this meeting, TTAC will participate in a SAMHSA Joint NAC meeting. The purpose of the Joint NAC meeting is to share behavioral health information among SAMHSA's standing NACs and senior leadership. SAMHSA will provide onsite meeting coordination for all TTAC and Joint NAC meetings. The second TTAC meeting will be convened in Indian Country or a location that allows for increased interaction on tribal behavioral health matters. TTAC conference calls and additional meetings - in person or via webcast - may be held as needed pending the availability of funds.

Quorum: A quorum is established when a simple majority of seated delegates are present either in person or via telephone or other electronic means. In the event the TTAC is not able to establish a quorum, follow up arrangements for the polling of delegates on discussion items may occur via conference call or other manner. In the event the TTAC is unable to establish a quorum for its meeting, then the TTAC Chair or Co-Chair, at their discretion, can arrange for polling of delegates via conference call or any other manner. Informational sessions may occur in the absence of a quorum.

Voting: The TTAC will operate by consensus and where a consensus cannot be reached, the TTAC will vote to resolve any differences. Each TTAC delegate (primary or alternate) will be allowed one vote. If both the primary delegate and their alternate participate in the same meeting or call, only the primary delegate will be counted for a quorum and voting purposes. A majority vote of seated delegates is required and immediate reporting of vote will be provided.

Compensation: TTAC delegates shall receive the following compensation for in-person meetings: per diem and travel expenses in accordance with Standard Government Travel Regulations. Only the primary delegate shall receive compensation in the event that the

primary and alternate delegates both attend a meeting. If a primary delegate is unable to attend a meeting, the alternate or designated tribal employee may attend and the aforementioned compensation will be covered by SAMHSA. A technical advisor may accompany a delegate to an in-person TTAC meeting at the expense of the delegate's tribe or tribal organization.

Meeting Summary: The TTAC meeting summary will reflect discussion highlights and note recommended follow up actions. The recommended follow up actions for federal action and/or attention will be tracked by SAMHSA and reported to the TTAC in a timely manner. SAMHSA will make every effort to share the meeting summary with the TTAC within 90 business days following the meeting. Once approved, the meeting summary will be posted on OTAP's Tribal webpage within 90 days to ensure that the information is accessible to the public.

Subcommittees

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

- Elected or traditionally appointed Tribal leaders acting in their official capacities; or
- Designated employees of an elected tribal leader with authority to act on their behalf

Subcommittees must report directly to the full TTAC and must not provide any advice or work products to a federal officer or SAMHSA. The TTAC can adopt and present such advice or work to a federal officer or SAMHSA.

Termination Date

After initial establishment, the TTAC will continue as long as there is a charter and the charter should be reviewed and updated at least every five years. The TTAC Charter may be amended, as needed, upon approval by the TTAC and final approval by the DFO.

Acronyms

AI/AN American Indian/Alaska Native

DFO Designated Federal Official

HHS U.S. Department of Health and Human Services

IHS Indian Health Service

NAC National Advisory Council

OTAP Office of Tribal Affairs and Policy

SAMHSA Substance Abuse and Mental Health Services Administration

TTAC Tribal Technical Advisory Committee

UMRA Unfunded Mandates Reform Act