

115TH CONGRESS
2D SESSION

S. 3269

To establish the Department of Veterans Affairs Advisory Committee on Tribal and Indian Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2018

Mr. TESTER (for himself, Mr. UDALL, and Mr. SULLIVAN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To establish the Department of Veterans Affairs Advisory Committee on Tribal and Indian Affairs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Vet-
5 erans Affairs Tribal Advisory Committee Act of 2018”.

1 **SEC. 2. DEPARTMENT OF VETERANS AFFAIRS ADVISORY**
2 **COMMITTEE ON TRIBAL AND INDIAN AF-**
3 **FAIRS.**

4 (a) IN GENERAL.—Subchapter III of chapter 5 of
5 title 38, United States Code, is amended by adding at the
6 end the following new section:

7 **“§ 547. Advisory Committee on Tribal and Indian Af-**
8 **fairs**

9 “(a) ESTABLISHMENT.—(1) The Secretary shall es-
10 tablish an advisory committee to provide advice and guid-
11 ance to the Secretary on matters relating to Indian tribes,
12 tribal organizations, and Native American veterans.

13 “(2) The advisory committee established under para-
14 graph (1) shall be known as the ‘Advisory Committee on
15 Tribal and Indian Affairs’ (in this section referred to as
16 the ‘Committee’).

17 “(3) The Committee shall facilitate, but not supplant,
18 government-to-government consultation between the De-
19 partment and Indian tribes or tribal organizations.

20 “(b) MEMBERSHIP.—(1) The Committee shall be
21 composed of 15 members selected by the Secretary from
22 among individuals nominated by Indian tribes or tribal or-
23 ganizations for purposes of this section.

24 “(2) In selecting members under paragraph (1), the
25 Secretary shall ensure that—

1 “(A) each of the 12 regions of the Bureau of
2 Indian Affairs is represented in the membership of
3 the Committee; and

4 “(B) not fewer than four of the members are
5 veterans.

6 “(3) No member of the Committee may be an em-
7 ployee of the Federal Government.

8 “(4) One representative from the Office of Tribal
9 Government Relations of the Department shall be present
10 at each meeting of the Committee. Such representative
11 shall not be a voting member of the Committee.

12 “(c) PERIOD OF APPOINTMENT; VACANCIES.—(1) A
13 member of the Committee shall be appointed for a term
14 of two years and no member may serve for more than two
15 terms.

16 “(2) The Secretary shall fill a vacancy in the Com-
17 mittee in the same manner as the original appointment
18 within 180 days.

19 “(d) MEETINGS.—The Committee shall meet in-per-
20 son with the Secretary, or the Secretary’s designee, not
21 less frequently than twice each year and hold monthly con-
22 ference calls as necessary.

23 “(e) SUBCOMMITTEES.—(1) The Committee may es-
24 tablish subcommittees.

1 “(2) Such subcommittees may enhance the function
2 of the Committee, but may not supersede the authority
3 of the Committee or provide direct advice or work products
4 to the Department.

5 “(f) DUTIES.—The duties of the Committee are as
6 follows:

7 “(1) To advise the Secretary on ways the De-
8 partment can improve the programs and services of
9 the Department to better serve Native American vet-
10 erans.

11 “(2) To identify for the Department evolving
12 issues of relevance to Indian tribes, tribal organiza-
13 tions, and Native American veterans relating to pro-
14 grams and services of the Department.

15 “(3) To propose clarifications, recommenda-
16 tions, and solutions to address issues raised at trib-
17 al, regional, and national levels, especially regarding
18 the Annual Tribal Consultation Report.

19 “(4) To provide a forum for Indian tribes, trib-
20 al organizations, and the Department to discuss
21 issues and proposals for changes to Department reg-
22 ulations, policies, and procedures.

23 “(5) To identify priorities and provide advice on
24 appropriate strategies for tribal consultation on
25 issues at the tribal, regional, or national levels.

1 “(6) To ensure that pertinent issues are
2 brought to the attention of Indian tribes and tribal
3 organizations in a timely manner, so that tribal
4 feedback can be obtained.

5 “(7) To encourage the Secretary to work with
6 other Federal agencies and Congress so that Native
7 American veterans are not denied the full benefit of
8 their status as both Native Americans and veterans.

9 “(8) To highlight contributions of Native Amer-
10 ican veterans in the Armed Forces.

11 “(g) REPORTS.—(1) Not less frequently than once
12 each year, the Committee shall submit to the Secretary
13 and the appropriate committees of Congress such rec-
14 ommendations as the Committee may have for legislative
15 or administrative action for the upcoming year.

16 “(2) Not later than 90 days after the date on which
17 the Secretary receives a recommendation under paragraph
18 (1), the Secretary shall submit to the appropriate commit-
19 tees of Congress a written response to the recommenda-
20 tion.

21 “(3) Not less frequently than once every two years,
22 the Committee shall submit to the Secretary and the ap-
23 propriate committees of Congress a report describing the
24 activities of the Committee during the previous two years.

1 “(4) The Secretary shall make publicly available on
2 an Internet website of the Department—

3 “(A) each recommendation the Secretary re-
4 ceives under paragraph (1);

5 “(B) each response the Secretary submits under
6 paragraph (2); and

7 “(C) each report the Secretary receives under
8 paragraph (3).

9 “(h) COMMITTEE PERSONNEL MATTERS.—Each
10 member of the Committee shall be compensated at a rate
11 equal to the daily equivalent of the annual rate of basic
12 pay prescribed for level IV of the Executive Schedule
13 under section 5315 of title 5 for each day (including travel
14 time) during which such member is engaged in the per-
15 formance of duties of the Committee.

16 “(i) FEDERAL ADVISORY COMMITTEE ACT EXEMP-
17 TION.—Section 14 of the Federal Advisory Committee Act
18 (5 U.S.C. App.) shall not apply to the Committee.

19 “(j) DEFINITIONS.—In this section:

20 “(1) The term ‘appropriate committees of Con-
21 gress’ means—

22 “(A) the Committee on Veterans’ Affairs
23 and the Committee on Indian Affairs of the
24 Senate; and

1 “(B) the Committee on Veterans’ Affairs
2 of the House of Representatives.

3 “(2) The term ‘Indian tribe’ has the meaning
4 given such term in section 4 of the Indian Self-De-
5 termination and Education Assistance Act (25
6 U.S.C. 5304).

7 “(3) The term ‘Native American veteran’ has
8 the meaning given such term in section 3765 of this
9 title.

10 “(4) The term ‘tribal organization’ has the
11 meaning given such term in section 3765 of this title
12 and includes an Urban Indian organization (as de-
13 fined in section 4 of the Indian Health Care Im-
14 provement Act (25 U.S.C. 1603)).”.

15 (b) DEADLINE FOR ESTABLISHMENT.—The Sec-
16 retary of Veterans Affairs shall establish the advisory com-
17 mittee required by section 547 of title 38, United States
18 Code, as added by subsection (a), not later than 180 days
19 after the date of the enactment of this Act.

20 (c) DEADLINE FOR INITIAL APPOINTMENTS.—Not
21 later than 90 days after the date on which the Secretary
22 establishes the advisory committee required by such sec-
23 tion, the Secretary of Veterans Affairs shall appoint mem-
24 bers under subsection (b)(1) of such section.

1 (d) INITIAL MEETING.—Not later than 90 days after
2 the date on which the Secretary establishes the advisory
3 committee required by such section, such advisory com-
4 mittee shall hold its first meeting.

5 (e) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of chapter 5 of such title is amended by
7 inserting after the item relating to section 546 the fol-
8 lowing new item:

“547. Advisory Committee on Tribal and Indian Affairs.”.

