

116TH CONGRESS
1ST SESSION

S. 524

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

FEBRUARY 14, 2019

Mr. TESTER (for himself, Mr. SULLIVAN, Mr. UDALL, and Ms. MURKOWSKI) 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 2019”.

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 “(4) The Secretary shall consult with Indian tribes
21 or tribal organizations in developing a charter for the
22 Committee.

23 “(b) MEMBERSHIP.—(1) The Committee shall be
24 composed of 15 voting members selected by the Secretary
25 from among individuals nominated by Indian tribes or
26 tribal organizations for purposes of this section.

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

3 “(A) each of the 12 service areas of the Indian
4 Health Service is represented in the membership of
5 the Committee; and

6 “(B) not fewer than half of the members are
7 veterans, unless the Secretary determines that an in-
8 sufficient number of qualified veterans were nomi-
9 nated under paragraph (1).

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

12 “(c) TERMS; VACANCIES.—(1) A member of the
13 Committee shall be appointed for a term of two years.

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

17 “(d) MEETINGS.—(1) The Committee shall meet in-
18 person with the Secretary, or the Secretary’s designee, not
19 less frequently than twice each year and hold monthly con-
20 ference calls as necessary.

21 “(2)(A) Representatives of relevant Federal agencies
22 may attend meetings of the Committee and provide infor-
23 mation to the Committee.

1 “(B) On representative of the Office of Tribal Gov-
2 ernment Relations of the Department shall attend at each
3 meeting of the Committee.

4 “(C) Representatives attending meetings under this
5 paragraph shall not be considered voting members of the
6 Committee.

7 “(e) SUBCOMMITTEES.—(1) The Committee may es-
8 tablish subcommittees.

9 “(2) The Secretary may, in consultation with the
10 Committee, appoint a member to a subcommittee estab-
11 lished under paragraph (1) who is not a member of the
12 Committee.

13 “(3) Such subcommittees may enhance the function
14 of the Committee, but may not supersede the authority
15 of the Committee or provide direct advice or work products
16 to the Department.

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

19 “(1) To advise the Secretary on ways the De-
20 partment can improve the programs and services of
21 the Department to better serve Native American vet-
22 erans.

23 “(2) To identify for the Department evolving
24 issues of relevance to Indian tribes, tribal organiza-

1 tions, and Native American veterans relating to pro-
2 grams and services of the Department.

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

7 “(4) To provide a forum for Indian tribes, trib-
8 al organizations, and the Department to discuss
9 issues and proposals for changes to Department reg-
10 ulations, policies, and procedures.

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

14 “(6) To ensure that pertinent issues are
15 brought to the attention of Indian tribes and tribal
16 organizations in a timely manner, so that tribal
17 feedback can be obtained.

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

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

24 “(9) To update the consultation policy of the
25 Department on tribal matters.

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

6 “(2) Not later than 90 days after the date on which
7 the Secretary receives a recommendation under paragraph
8 (1), the Secretary shall submit to the appropriate commit-
9 tees of Congress a written response to the recommenda-
10 tion.

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

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

17 “(A) each recommendation the Secretary re-
18 ceives under paragraph (1);

19 “(B) each response the Secretary submits under
20 paragraph (2); and

21 “(C) each report the Secretary receives under
22 paragraph (3).

23 “(h) COMMITTEE PERSONNEL MATTERS.—Each
24 member of the Committee shall be compensated at a rate
25 equal to the daily equivalent of the annual rate of basic

1 pay prescribed for level IV of the Executive Schedule
2 under section 5315 of title 5 for each day (including travel
3 time) during which such member is engaged in the per-
4 formance of duties of the Committee.

5 “(i) FEDERAL ADVISORY COMMITTEE ACT EXEMP-
6 TION.—Section 14 of the Federal Advisory Committee Act
7 (5 U.S.C. App.) shall not apply to the Committee.

8 “(j) DEFINITIONS.—In this section:

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

11 “(A) the Committee on Veterans’ Affairs
12 and the Committee on Indian Affairs of the
13 Senate; and

14 “(B) the Committee on Veterans’ Affairs
15 of the House of Representatives.

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

20 “(3) The term ‘Native American veteran’ has
21 the meaning given such term in section 3765 of this
22 title.

23 “(4) The term ‘tribal organization’ has the
24 meaning given such term in section 3765 of this title
25 and includes an Urban Indian organization (as de-

1 fined in section 4 of the Indian Health Care Im-
2 provement Act (25 U.S.C. 1603)).”.

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

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

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

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

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

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