

U.S. DEPARTMENT OF HOMELAND SECURITY

Tribal Homeland Security Advisory Council Charter

1. Official Designation:

Tribal Homeland Security Advisory Council (THSAC) (hereinafter THSAC or Council).

2. Authority:

This charter renews the THSAC under the authority of 6, United States Code (U.S.C.), § 451 (originally approved on August 15, 2022, and filed with Congress on August 15, 2022). In recognition of the special relationship between Tribal Nations and the Federal Government, and the sensitive nature of the subject matter involved, this discretionary committee is exempted from Public Law 92-463, the Federal Advisory Committee Act (FACA), 5 U.S.C. Ch. 10.

3. Objectives and Scope of Activities:

The THSAC will provide organizationally independent, strategic, timely, specific, and actionable recommendations to the Secretary of the Department of Homeland Security (DHS) on matters relating to intergovernmental relations including, but not limited to: (a) DHS's implementation of Executive Order 13175, *Consultation and Coordination With Indian Tribal Governments*, and the President's January 26, 2021, *Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships*; (b) implementation and execution of the DHS Tribal Consultation Policy; and, (c) upholding the Federal Government's and Department's trust and treaty responsibility to Tribal Nations. The Council's advice and recommendations may involve discussions on issues, processes, studies, and/or reports on a range of topics related to the duties and authorities of DHS and the Office of Partnership and Engagement (OPE).

4. Description of Duties:

The duties of the THSAC are solely advisory in nature and shall extend only to the submission of advice and recommendations to the Assistant Secretary for Partnership and Engagement, which shall be non-binding on OPE. No determination of fact or policy will be made by the Council. The Council will not consider nor be provided any information considered sensitive or classified.

5. Officials to Whom the Committee Reports:

The THSAC reports to the Secretary, through the Assistant Secretary for Partnership and Engagement.

6. Agency Responsible for Providing Necessary Support:

OPE shall be responsible for administratively managing, supporting, and funding the Council.

7. Estimated Annual Operating Costs and Staff Years:

The estimated annual operating costs of the Council are approximately \$250,000. Annual operating costs include meeting expenses, travel, publication of Federal Register notices, and other expenses. Members shall not be paid for their time or service. As representatives, members may be reimbursed for their travel-related expenses and provided a per diem to attend meetings in accordance with 5 U.S.C. 5703. All travel for Council business must be approved in advance by the Designated Federal Officer (DFO). The DFO will be the only Full-Time Equivalent (FTE) employee appointed to solely support the Council.

8. Designated Federal Officer:

The Assistant Secretary for Partnership and Engagement shall appoint a full-time federal employee to serve as the DFO and has the option to appoint a part-time federal employee to serve as the Alternate DFO (ADFO). The DFO or ADFO will approve of, call, and schedule all THSAC meetings and subcommittee meetings, if any, prepare and approve all meeting agendas, attend all Council meetings and subcommittee meetings, adjourn any open meetings when determined to be in the public interest, and chair meetings when directed by the Chair.

9. Estimated Number and Frequency of Meetings:

The Council shall meet at such intervals as are necessary to carry out its duties. Each year, the Council will conduct at least two meetings with any additional sessions throughout the year as called by the DFO.

10. Duration and Termination:

The THSAC shall function on a continuing basis until the earlier of (A) two years from the date of its renewal as identified below; or (B) termination by the Secretary. This Charter shall be in effect for two years and may be amended at any time at the discretion of the Secretary. The Secretary may also renew this Charter at the end of this two-year period pursuant to 6 U.S.C. § 451(b).

11. Membership and Designation:

The THSAC shall consist of no fewer than ten (10) members and up to fifteen (15) members, of which a Chair and Vice Chair will be selected by the Secretary. The Chair will lead THSAC meetings and provide strategic leadership and direction for Council discussions and activities. The Vice Chair will act as Chair in the absence or incapacity of the Chair or in the event of a vacancy in the office of the Chair. The term of office of the Chair and Vice Chair will be two years. They may be reappointed for additional terms, not to exceed two

additional terms. If a Chair or Vice Chair is not able to serve for their entire term, the Secretary will make a new appointment.

The Council members will be appointed by, and will serve at the pleasure of, the Secretary. Members will serve a term of two years, with opportunities to renew for up to three terms. In order for DHS to fully leverage broad-ranging experience and education, the THSAC shall be diverse with regard to the stakeholders represented. DHS is committed to pursuing opportunities, consistent with applicable law, to compose a Council that reflects the diversity of tribal nations.

Council members shall represent, as appropriate, Indian tribal governments of federally recognized Indian tribes, along with tribal associations and tribal organizations and other nongovernmental organizations representing the interests of tribes. The Council shall be comprised of representative members only. Members will not serve as Special Government Employees as defined in 18 U.S.C. § 202(a). The DHS Office of Intergovernmental Affairs (IGA) shall assure that the Council reflects balanced membership and includes a cross-section of members having an interest in the duties and authorities of DHS. Those nominated for the Council will go through a vetting process with the White House Liaison. In the event that the THSAC is terminated, all appointments to the Council shall terminate.

12. Subcommittees:

The Secretary or the Assistant Secretary for Partnership and Engagement may establish subcommittees of the Council, as necessary. Such subcommittees may not work independently of the chartered Council and must present their work to the THSAC for discussion and full deliberation. Subcommittees will not have authority to make decisions on behalf of the THSAC. A Chair and Vice Chair will be selected from among the THSAC members for each subcommittee.

13. Recordkeeping:

The records of the Council and any subcommittees will be handled in accordance with the General Records Schedule 6.2 and other approved agency records disposition schedules. The records will be available for public inspection and copying in accordance with the Freedom of Information Act (FOIA), 5 U.S.C. § 552, subject to any applicable FOIA exemptions or exclusions.



Alejandro N. Mayorkas
Secretary of Homeland Security
08/23/2024