

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2791
OFFERED BY MS. Brownley

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Department of Vet-
3 erans Affairs Tribal Advisory Committee Act of 2020”.

4 **SEC. 2. DEPARTMENT OF VETERANS AFFAIRS ADVISORY**
5 **COMMITTEE ON TRIBAL AND INDIAN AF-**
6 **FAIRS.**

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

10 **“§ 547. Advisory Committee on Tribal and Indian Af-**
11 **fairs**

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

16 “(2) The advisory committee established under para-
17 graph (1) shall be known as the ‘Advisory Committee on

1 Tribal and Indian Affairs' (in this section referred to as
2 the 'Committee').

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

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

9 “(b) MEMBERSHIP.—(1) The Committee shall be
10 comprised of 15 voting members selected by the Secretary
11 from among individuals nominated as specified under this
12 subsection.

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

15 “(A) at least one member of each of the 12
16 service areas of the Indian Health Service is rep-
17 resented in the membership of the Committee nomi-
18 nated by Indian tribes or tribal organizations;

19 “(B) at least one member of the Committee
20 represents the Native Hawaiian veteran community
21 nominated by a Native Hawaiian Organization;

22 “(C) at least one member of the Committee
23 represents urban Indian organizations nominated by
24 a national urban Indian organization; and

1 “(D) not fewer than half of the members are
2 veterans, unless the Secretary determines that an in-
3 sufficient number of qualified veterans were nomi-
4 nated under paragraph (1).

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

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

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

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

16 “(2)(A) Representatives of relevant Federal agencies
17 may attend meetings of the Committee and provide infor-
18 mation to the Committee.

19 “(B) One representative of the Office of Tribal
20 Government Relations of the Department shall at-
21 tend at each meeting of the Committee.

22 “(C) Representatives attending meetings under
23 this paragraph shall not be considered voting mem-
24 bers of the Committee.

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

3 “(2) The Secretary may, in consultation with the
4 Committee, appoint a member to a subcommittee estab-
5 lished under paragraph (1) who is not a member of the
6 Committee.

7 “(3) Such subcommittees may enhance the function
8 of the Committee, but may not supersede the authority
9 of the Committee or provide direct advice or work products
10 to the Department.

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

13 “(1) To advise the Secretary on ways the De-
14 partment can improve the programs and services of
15 the Department to better serve Native American vet-
16 erans.

17 “(2) To identify for the Department evolving
18 issues of relevance to Indian tribes, tribal organiza-
19 tions, and Native American veterans relating to pro-
20 grams and services of the Department.

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

1 “(4) To provide a forum for Indian tribes, trib-
2 al organizations, urban Indian organizations, Native
3 Hawaiian organizations, and the Department to dis-
4 cuss issues and proposals for changes to Department
5 regulations, policies, and procedures.

6 “(5) To identify priorities and provide advice on
7 appropriate strategies for tribal consultation and
8 urban Indian organizations conferring on issues at
9 the tribal, regional, or national levels.

10 “(6) To ensure that pertinent issues are
11 brought to the attention of Indian tribes, tribal or-
12 ganizations, urban Indian organizations, and Native
13 Hawaiian organizations in a timely manner, so that
14 feedback can be obtained.

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

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

21 “(9) To update the consultation policy of the
22 Department on tribal matters.

23 “(10) To support a process to develop an urban
24 Indian organization confer policy to ensure the Sec-

1 retary confers, to the maximum extent practicable,
2 with urban Indian organizations.

3 “(11) To conduct other duties as recommended
4 by the Committee.

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

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

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

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

21 “(A) each recommendation the Secretary re-
22 ceives under paragraph (1);

23 “(B) each response the Secretary submits under
24 paragraph (2); and

1 “(C) each report the Secretary receives under
2 paragraph (3).

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

10 “(i) FEDERAL ADVISORY COMMITTEE ACT EXEMP-
11 TION.—Section 14 of the Federal Advisory Committee Act
12 (5 U.S.C. App.) shall not apply to the Committee.

13 “(j) DEFINITIONS.—In this section:

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

16 “(A) the Committee on Veterans’ Affairs
17 and the Committee on Indian Affairs of the
18 Senate; and

19 “(B) the Committee on Veterans’ Affairs
20 of the House of Representatives.

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

1 “(3) The term ‘Native Hawaiian organization’
2 means any organization that—

3 “(A) serves the interests of Native Hawai-
4 ians;

5 “(B) has Native Hawaiians in substantive
6 and policymaking positions within the organiza-
7 tion;

8 “(C) has demonstrated experience working
9 with Native Hawaiian veterans; and

10 “(D) shall include the Office of Hawaiian
11 Affairs.

12 “(4) The term ‘Native American veteran’ has
13 the meaning given such term in section 3765 of this
14 title.

15 “(5) The term ‘Office of Hawaiian Affairs’
16 means the Office of Hawaiian Affairs established by
17 the constitution of the State of Hawaii.”.

18 “(6) The term ‘tribal organization’ has the
19 meaning given such term in section 3765 of this
20 title.

21 “(7) The term ‘urban Indian organization’ has
22 the meaning given such term in section 4 of the In-
23 dian Health Care Improvement Act (25 U.S.C.
24 1603).”.

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

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

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

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

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

