

CHARTER
TRIBAL ISSUES ADVISORY GROUP
AN AD HOC ADVISORY GROUP OF THE
UNITED STATES SENTENCING COMMISSION

Section 1. Establishment and Purpose.

- (a) The Tribal Issues Advisory Group (the “TIAG”) is established by the United States Sentencing Commission (the “Commission”) as an *ad hoc* advisory group to the Commission under 28 U.S.C. § 995 and Rule 5.4 of the Commission’s Rules of Practice and Procedure.
- (b) The purpose of the TIAG is—
 - (1) to assist the Commission in carrying out its statutory responsibilities under 28 U.S.C. § 994(o);
 - (2) to provide to the Commission its views on federal sentencing issues relating to American Indian defendants and victims and to offenses committed in Indian Country;
 - (3) to study—
 - (A) the operation of the federal sentencing guidelines as they relate to American Indian defendants and victims and to offenses committed in Indian Country, and any viable methods for revising the guidelines to (i) improve their operation or (ii) address particular concerns of tribal communities and courts;
 - (B) whether there are disparities in the application of the federal sentencing guidelines to American Indian defendants, and, if so, how to address them;
 - (C) the impact of the federal sentencing guidelines on offenses committed in Indian Country in comparison with analogous offenses prosecuted in state courts and tribal courts;
 - (D) the use of tribal court convictions in the computation of criminal history scores, risk assessment, and for other purposes;
 - (E) how the federal sentencing guidelines should account for protection orders issued by tribal courts; and
 - (F) any other issues relating to American Indian defendants and victims, or to offenses committed in Indian Country, that the TIAG considers appropriate;

- (4) to recommend to the Commission means to establish regular and meaningful consultation and collaboration with tribal officials in the development of sentencing policies that have tribal implications; and
- (5) to perform any other related functions as the Commission requests.

Section 2. Membership.

- (a) The TIAG shall have no more than 20 voting members, of which—
 - (1) not more than 5 shall be Federal judges;
 - (2) not more than 4 shall be from the Executive Branch, including at least 2 from the United States Department of Justice and at least 1 from the United States Department of the Interior;
 - (3) 1 shall be from a federal public defender organization or community defender organization;
 - (4) not more than 10 shall be at-large members.

All voting members of the TIAG shall be appointed by the Commission and shall have expertise, knowledge, and/or experience in the issues considered by the TIAG.

- (b) The voting members from the Executive Branch shall be appointed after consultation with the Attorney General and the Secretary of the Interior, as appropriate.
- (c) The voting member from the federal public defender organization or community defender organization shall be appointed after consultation with the Chair of the Federal Defender Sentencing Guidelines Committee.
- (d) For the at-large voting members, the Commission intends to openly solicit for applications from individuals who have expertise, knowledge, and/or experience in the issues considered by the TIAG. The Commission intends that the at-large voting membership shall include individuals with membership in or experience with tribal communities, national advocacy groups, legal academia (with expertise in Indian Law and Federal Criminal Law), legal practice (with expertise in Indian Law and Federal Criminal Law, including public or private criminal defense), American Indian crime victimization, federal probation, and federal corrections.

The Commission further intends that:

- (1) no less than 3 at-large voting members shall be tribal officials, or their designees, appointed in a manner that ensures representation among tribal communities diverse in size, geographic location, and other unique characteristics;
- (2) no less than 2 at-large voting members shall be attorneys with experience in public or private criminal defense; and

- (3) no less than 1 at-large voting member shall be an individual with knowledge, expertise, and/or experience in the area of American Indian crime victimization.
- (e) The chairs of the Practitioners Advisory Group, Probation Officers Advisory Group, and Victims Advisory Group, or their designees, shall be *ex officio*, nonvoting members of the TIAG.
- (f) The TIAG shall serve until June 30, 2016. However, the TIAG shall have the option, by majority vote of its voting membership and with the concurrence of the Commission, to extend the term to no later than December 30, 2016.
- (g) When a voting membership becomes vacant before the expiration of the term, an appointment shall, wherever practicable, be made to serve during the remainder of the term.

Section 3. Chair.

- (a) The Chair of the TIAG shall be selected by the Commission from among the voting members and shall serve at the pleasure of the Commission.
- (b) The Chair shall—
 - (1) preside at meetings of the TIAG and collaborate with Commission staff in the development of meeting agendas;
 - (2) serve as the liaison to the Commission and communicate with members of the TIAG when necessary;
 - (3) after consultation with the voting membership of the TIAG, coordinate the development and presentation of TIAG positions to the Commission;
 - (4) not less often than once every two months, submit a progress report to the Commission on the activities of the TIAG;
 - (5) not less often than once every six months, brief the Chair of the Commission on the activities of the TIAG; and
 - (6) form committees as needed.

Section 4. Meetings and Voting.

- (a) The TIAG shall hold a meeting at least once each calendar month, ordinarily by conference call. However, at least three such meetings shall be held in-person before the end of the term in June 2016.

Each conference call shall be arranged by Commission staff.

Each in-person meeting must be approved by the Commission in advance and shall be funded at the Commission's expense. At least one in-person meeting shall be held at the offices of the Commission in Washington, D.C. The TIAG shall propose the venues of the other in-person meetings to the Commission, with consideration given to the geographic location of all members and to the administrative costs. If not able to attend an in-person meeting, members of the TIAG may participate by electronic means, such as telephone, satellite, and video conference devices.

- (b) Action by the TIAG requires the affirmative vote of a majority of the voting members at a meeting at which at least a quorum is participating. A quorum consists of a majority of the voting members then serving.

Section 5. Minutes.

The Chair shall designate one or more members to record the minutes of meetings of the TIAG. The minutes shall reflect the time period during which the TIAG met, the location of the meeting, the members in attendance and whether they attended in-person or by other means, the topics of discussion, and any votes that were taken. The Chair shall review the minutes and disseminate them to the Commission for its review.

Section 6. Report to the Commission.

- (a) The TIAG shall present to the Commission a final report not later than May 16, 2016. The report shall present the findings and recommendations of the TIAG, and shall address all the matters set forth in Section 1(b) of this Charter. The report shall also include any recommendations that the TIAG considers appropriate on potential amendments to the guidelines and policy statements.
- (b) The TIAG shall present to the Commission, in writing, a status update on the final report not later than October 1, 2015. The written update shall apprise the Commission on the TIAG's progress in reviewing the matters from Section 1(b) of this Charter and identify any additional areas of focus. The written update shall also include a plan for timely completion of the final report.

Section 7. Working with Tribal Governments.

The TIAG shall be guided by the principle that the federal government has a unique legal relationship with tribal governments and has recognized the right of tribes to self-government. Further, in making recommendations to the Commission and in conducting any official business, the TIAG shall respect tribal self-government and sovereignty and, where possible, consult with tribal officials to preserve the prerogatives and authority of tribes.

Section 8. Suspension or Amendment of Charter Provisions.

The Commission may suspend or amend any provisions of this Charter as the Commission considers appropriate.