



## CHARTER

### TRIBAL ISSUES ADVISORY GROUP

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#### SECTION 1. ESTABLISHMENT AND PURPOSE.

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- (a) The Tribal Issues Advisory Group (the “TIAG”) is established by the United States Sentencing Commission (the “Commission”) as a standing 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 and Alaska Native defendants and victims, and to offenses committed in Indian country;
  - (3) to engage in meaningful consultation and outreach with tribes, tribal governments, and tribal organizations regarding federal sentencing issues that have tribal implications;
  - (4) to disseminate information regarding federal sentencing issues to tribes, tribal governments, and tribal organizations; and
  - (5) to perform any other related functions as the Commission requests.

#### SECTION 2. MEMBERSHIP.

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- (a) The TIAG shall have no more than 9 members, of which—
  - (1) not more than 1 shall be a Federal judge;
  - (2) 2 shall be from the Executive Branch, 1 from the United States Department of Justice and 1 from the United States Department of the Interior;
  - (3) 1 shall be from a federal public defender organization or community defender organization;
  - (4) 1 shall be a tribal court judge;
  - (5) not more than 4 shall be at-large members.

All 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 members from the Executive Branch shall be appointed after consultation with the Attorney General and the Secretary of the Interior.
- (c) The 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 rest of the membership, 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 membership shall include individuals with membership in or experience with tribes, tribal governments, and tribal organizations, appointed in a manner that ensures representation among tribal communities diverse in size, geographic location, and other unique characteristics.
- (e) All members of the TIAG shall be appointed for a term of three years, except that the terms of the initial membership appointed after the adoption of this Charter shall be staggered so that 3 members serve a term of three years, 3 members serve a term of two years, and 3 members serve a term of one year.
- (f) An individual who serves two consecutive terms as a member of the TIAG is not eligible to serve as a member during the following year.
- (g) When a membership becomes vacant before the expiration of the term, an appointment shall, wherever practicable, be made to serve during the remainder of the term.
- (h) A member of the TIAG may be removed by the Commission prior to the expiration of the member's term for failure to comply with the duties and responsibilities described in this Charter, including excessive absenteeism from meetings, persistent lack of participation in meetings or activities of the TIAG, poor performance of duties, and disruptive behavior.

### **SECTION 3. CHAIR.**

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- (a) The Chair of the TIAG shall be selected by the Commission from among its membership 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; and
- (4) form committees as needed.

#### **SECTION 4. MEETINGS AND VOTING.**

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- (a) The TIAG shall meet not less than once a year while there is a quorum of commissioners serving on the Commission. Meetings of the TIAG may be held at the offices of the Commission in Washington, D.C., or may be held at another location in conjunction with a Commission meeting, program, or other event. The TIAG shall meet at least once every other year in Indian country. In-person meetings must be approved by the Commission in advance and shall be funded at the Commission's expense.
- (b) Members of the TIAG may participate in meetings from remote location by electronic means, such as telephone, satellite, and video conference devices.
- (c) Action by the TIAG requires the affirmative vote of a majority of the members at a meeting at which at least a quorum is participating. A quorum consists of a majority of the membership then serving.

#### **SECTION 5. WORKING WITH TRIBAL GOVERNMENTS.**

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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 6. NONPUBLIC INFORMATION AND DATA.**

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The Commission may provide to the TIAG non-publicly available information and data, when needed for performing the duties identified in this charter. In such a case, members of the TIAG will be required to abide by the confidentiality requirements of the Commission and to sign a non-disclosure and confidentiality agreement at the time of appointment, acknowledging they understand and will adhere to the terms and conditions set forth in the agreement.

**SECTION 7. SUSPENSION OR AMENDMENT OF CHARTER PROVISIONS.**

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