CHARTER

NATIVE AMERICAN EMPLOYMENT AND TRAINING COUNCIL

1. Committee's Official Designation.

Native American Employment and Training Council (Council).

2. Authority.

Under Section 166 of the Workforce Innovation and Opportunity Act (WIOA) (29 USC 3221(i)(4)), the Secretary shall establish a Native American Employment and Training Council to consult with and advise the Secretary of Labor.

3. Objectives and Scope of Activity.

Pursuant to Section 166(i)(4)(C), the purpose of the Council is to advise the Secretary on the operation and administration of the Indian and Native American programs authorized under Section 166 of WIOA. In addition, the Council shall advise the Secretary on the implementation of other programs providing services to Indian and Native American youth and adults under WIOA. The Council shall support employment and training activities for American Indians, Alaska Natives, and Native Hawaiians in order to a) develop more fully the academic, occupational and literacy skills of such individuals; b) to make such individuals more competitive in the workforce and to equip them with the entrepreneurial skills necessary for successful self-employment; and c) to promote the economic and social development of Indian, Alaska Native, and Native Hawaiian communities in accordance with the goals and values of such communities.

4. Description of Duties.

The Council will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App.2, except that Section 14 of FACA concerning advisory committee expiration and renewal, shall not apply to the Council pursuant to WIOA Section 166(i)(4)(G). The Council shall advise the Secretary on:

A. The operation and administration of the programs assisted under WIOA Section 166, including:

   (1) develop a set of performance indicators and standards that is in addition to the primary indicators of performance described in section 116(b)(2)(A) and that shall be applicable to programs under this section (section 166(h)(1)(A));
   (2) agreement on adjusted levels of performance for each of the primary indicators of performance, taking into account the economic conditions, characteristics of the individuals served, and other appropriate factors and using, to the extent practicable, the statistical adjustment model under section 116(b)(3)(A)(viii);

(3) establishing regulations to carry out section 166 of WIOA including regulations relating to the performance accountability measures;
(4) developing a funding distribution plan that takes into consideration previous levels of funding (prior to the date of enactment of WIOA) to those entities; and
(5) the selection of the individual appointed as the head of the unit with responsibility for the Indian and Native American Programs.

5. Official to Whom the Committee Reports.

The Council reports to the U.S. Secretary of Labor (Secretary). The Council's Chairperson will submit reports to the Council's DFO, or his/her designee, who will accept them on behalf of the Secretary.

6. Agency Responsible for Providing the Necessary Support.

Pursuant to the provisions of WIOA Section 166(i)(4)(D)(iii), the Secretary, through the U.S. Department of Labor (the Department), Employment and Training Administration, shall provide administrative support for the Council.

7. Estimated Annual Operating Costs and Staff Years.

The total estimated annual operating costs for this Council are approximately $150,000. The estimated staff years to support the Council are 1 FTE.

8. Designated Federal Officer (DFO).

The DFO will be the Chief, Division of Indian and Native American Programs Office of Workforce Investment, Employment and Training Administration, or his/her designee. The DFO will approve or call all advisory committee and subcommittee meetings, prepare and approve all meeting agendas, prepare the Federal Register Notice for Council meetings, attend all Council and subcommittee meetings, and adjourn any meeting when the DFO determines adjournment to be in the public interest.

9. Estimated Number and Frequency of Meetings.

Pursuant to the provision of WIOA Section 166(i)(4)(F), the Council shall meet no less than twice each year.

10. Duration.

The Council will continue indefinitely as required by WIOA.

11. Termination.

The Council is not subject to the provision under Section 14 of FACA (WIOA Section

166(i)(4)(G).

12. Membership, Designation, and Voting.

The Council shall be composed of no less than 15 members, but no more than 20, appointed by the Secretary, who are representatives of Indian tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations pursuant to WIOA Section 166(i)(4)(B).

Except as otherwise required by law, Council membership will be consistent with the applicable FACA regulations, as follows; a) membership will be fairly balanced; b) members will come from a cross-section of those directly affected, interested, and qualified as appropriate to the nature and functions of the Council; c) the composition of the Council will therefore depend upon several factors, including i) the Council's mission; ii) the geographic, ethnic, social, economic, or scientific impact of the Council's recommendations; iii) the types of specific perspectives required; iv) the need to obtain divergent points of view on the issues before the Council, such as, for example, those of consumers, technical experts, the public at-large, academia, business, or other sectors; and v) the relevance of federal, state, local or tribal governments to the development of the Council's recommendations.

To the extent permitted by FACA and other laws, Council membership should also be consistent with achieving the greatest impact, scope and credibility among diverse stakeholders.
The diversity in such membership includes, but is not limited to, race, disability, sexual orientation and gender identity.

The membership of the Council shall, to the extent practicable, represent all geographic areas of the United States with a substantial Indian, Alaska Native, or Native Hawaiian population, and shall include representatives of tribal governments and of non-reservation Native American organizations that have expertise in the areas of workforce development, secondary and post-secondary education, health care, business and economic development and "job sectors growth."

Members of the Council shall serve without compensation and shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by Section 166 (i)(4)(D)(i) and (ii) of WIOA.

The Council shall elect a Chairperson and a Vice-Chairperson from among its members by a majority of a quorum of members present and voting. The term of a Chairperson and a Vice Chairperson shall be for two years. A Chairperson and a Vice-Chairperson may not serve more than one term consecutively.

Members of the Council shall serve at the pleasure of the Secretary for a two-year term designated by the Secretary in writing. A vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment. A member appointed to a vacancy on the Council shall serve for the remainder of the term for which the predecessor of that member was appointed.

To the extent practicable, members shall be appointed according to the terms of this section of the charter. However, all Council members shall serve at the pleasure of the Secretary and members may be appointed, reappointed, and/or replaced, and their terms may be extended, changed, or terminated at the Secretary's discretion.

Only Council members shall be permitted to vote during Council meetings. If a member is unable to attend a meeting, he or she may notify the DFO in writing and request the DFO's approval to permit another member of the same tribe, organization, or entity to vote on behalf of such member on all matters coming before the Council during that particular meeting. Notice of a proxy's attendance must be given at least 48 hours in advance of the scheduled meeting. A record of the notification and approval will be kept, and written notice includes email notification. Proxies will be counted when calculating whether a quorum is present at the Council meeting.

13. Subcommittees.

The Department, the Indian and Native American Program, DFO, or the Council, with the Department's approval, may form subcommittees or workgroups for any purpose consistent with this charter. If the Council forms subcommittees or workgroups, it must do so in consultation with the DFO to ensure the Department's approval is secured. Such subcommittee or workgroup may not work independently of the chartered Council and must report its recommendations and advice to the full Council for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Council, nor can they report directly to the Department.

14. Record Keeping.

The records of the Council and any subcommittee shall be handled in accordance with General Records Schedule and approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

15. Filing Date.

This charter is filed on the date indicated below.

THOMAS E. PEREZ
Secretary of Labor

SEP 1 1 2015
Date