



UNITED SOUTH AND EASTERN TRIBES, INC.

Resolution No. USET 97:71

RECONSIDER THE IMPLEMENTATION AND EFFECTS OF THE NATIVE AMERICAN HOUSING AND SELF-DETERMINATION ACT OF 1996 (NAHASDA)

- WHEREAS,** the United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-three (23) federally recognized tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors is comprised of delegates from the member tribes leadership; and
- WHEREAS,** the Native American Housing and Self-Determination Act of 1996 (P.L. 104-330, hereafter referred to as NAHASDA) was enacted during the last moments of the 1996 Congressional session and the effective date of the Act is October 1, 1998; and
- WHEREAS,** broad and significant changes to the manner in which the Federal government provides housing to Native Americans are contemplated by this Act; and
- WHEREAS,** the Department has, through a course of conduct in the Negotiated Rulemaking process, evidenced a unwillingness to act in a manner consistent with the assurances made through a Negotiated Rulemaking Committee Charter signed by Secretary Cuomo, the Negotiated Rulemaking Committee Organizational Protocols signed by Dominic Nessi acting as the Designated Federal Official on behalf of the Department, or intents stated in a letter dated February 13, 1997, from Secretary Cuomo and addressed to the Chairman of the Negotiated Rulemaking Committee, including instances such as:
- 1) the Department unilaterally changed regulatory language negotiated and agreed to by Tribal and Department representatives despite expressed language contained in the Protocols that provides, "The Secretary agrees to use the Committee's preliminary report and proposed regulations as the basis of this Notice of Proposed Rulemaking (NPRM)";
 - 2) no opportunity was provided to Tribal representatives to comment on the unilateral changes to the NPRM prior to their publication as is expressly provided for in the Protocols;
 - 3) key decision makers responsible for the changes to the NPRM were not made available to participate in the Negotiated Rulemaking Process thereby preempting a good faith effort as required by the Charter and Protocols to negotiate regulatory language acceptable to Tribal representatives and the Department; and
- WHEREAS,** the time remaining to publish a final rule is not sufficient to allow meaningful tribal input; and
- WHEREAS,** no final rule has been published to date and without the guidance and requirements of a final rule tribal housing programs can not prepare appropriate applications in a timely manner so that they may fully participate in the program; and
- WHEREAS,** the earliest date that a final rule can take effect will be *on or after* October 1, 1997 (the effective date of NAHASDA); and

(USET 97:71)

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WHEREAS, the Directorship of Native American Programs is currently vacant at a time when a central organizing voice that can assure consistent and equal implementation across the country is needed; and

WHEREAS, the Secretary of the Department refuses to meet, despite the unique government-to-government relationship that exists between the Tribes and the United States, with tribal leaders to discuss these and other concerns and to discuss ways to assure that the new program will be successful; therefore, be it

RESOLVED, that the United South and Eastern Tribes, Inc. does hereby respectfully and urgently request that the Congress of the United States, through the legislative process, delay the effective date of NAHASDA for one year and thereby continue addressing the housing needs of Indian people through the *familiar* provisions and auspices of the program and laws superseded by NAHASDA, except that if possible the NAHASDA funding allocation formula should be utilized in the interim for allocation of FY 98 funds; and be it further

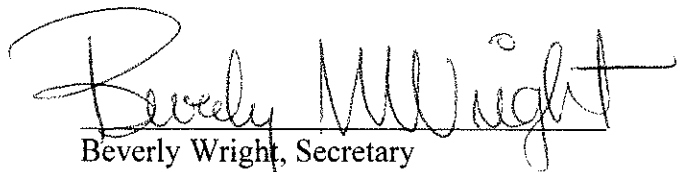
RESOLVED, that the United South and Eastern Tribes, Inc. does hereby respectfully request that the appropriate Committee(s) of the Congress of the United States conduct hearing to determine the full effects of NAHASDA on Indian Housing Programs and the measures needed to assure the success of the new program.

CERTIFICATION

This resolution was duly approved at the USET Executive Committee Meeting, at which a quorum was present via conference call on Monday, August 18, 1997.



Keller George, President
United South and Eastern Tribes, Inc.



Beverly Wright, Secretary
United South and Eastern Tribes, Inc.

UNITED SOUTH AND EASTERN TRIBES, INC.
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE
BYLAWS

SECTION 2. ELECTIONS AND TERMS OF OFFICE

Officers of the Committee shall be elected by its membership at its Annual meeting and shall serve for terms of two years and until their successors are elected. A nominee for an officer's position must be a member of the Committee.

SECTION 3. ELECTION PROCEDURES

Only one committee member from each Tribe in attendance may vote in committee elections.

SECTION 4. AUTOMATIC REMOVAL

If a Chairperson or Vice Chairperson misses two consecutive meetings that officer may be removed from office by majority vote of the Committee.

If the Secretary notifies the Chairperson responsible for chairing the next upcoming Committee meeting in advance of said meeting that he or she will be unable to attend the meeting, the Chairperson may appoint a Secretary Pro Tempore to serve in the Secretary's place. If the Secretary fails to provide notification and fails to appear at the Committee meeting, a vacancy shall be declared.

SECTION 5. REMOVAL

Any officer of the Committee may be removed by majority vote of the Committee if the officer has conducted himself or herself in a manner that would bring discredit upon the Committee or USET, Inc.

SECTION 6. VACANCIES

Any vacancy occurring in the office of Chairperson, Vice Chairperson or Secretary shall be filled by election at the next meeting of the Committee. The person elected to fill such vacancy shall serve until the next regular election.

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COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE
BYLAWS

ARTICLE II.
MEMBERSHIP

The Committee shall be comprised of a designated representative and/or one alternate from each USET member Tribe. A Committee member shall serve at the discretion of the Tribe he/she represents.

ARTICLE III.
VOTING

Each USET Tribe represented on the Committee shall have one vote. The act of the majority of the Committee members present at the meeting at which a quorum is present shall be the act of the Committee.

ARTICLE IV.
MEETINGS AND QUORUM

The Committee's regular meetings shall occur at the same time as the USET Board of Directors meetings. Special meetings may be called as determined necessary by the Committee. A quorum of the Committee shall be comprised of five (5) members.

ARTICLE V.
RULES AND PROCEDURES

The rules contained in Robert's Rules of Order, Revised shall govern the meetings of the Committee in all cases in which they are applicable and in which they are not inconsistent with the Bylaws of USET or with these Committee Bylaws.