

## **HUD Policy – Proposed POL Consultation Policy**

### **Introduction**

A. The United States Government has a unique relationship with American Indian governments as set forth in the Constitution of the United States, treaties, statutes, court decisions, and executive orders and memoranda.

B. On April 29, 1994, a Presidential Memorandum was issued reaffirming the federal government's commitment to operate within a government-to-government relationship with federally recognized American Indian and Alaska Native tribes, and to advance self-governance for such tribes. The Presidential memorandum directs each executive department and agency, to the greatest extent practicable and to the extent permitted by law, to consult with tribal governments prior to taking actions that have substantial direct effects on federally recognized tribal governments. In order to ensure that the rights of sovereign tribal governments are fully respected, all such consultations are to be open and candid so that tribal governments may evaluate relevant proposals. On May 14, 1998, the President issued Executive Order 13804, "*Consultation and Coordination with Indian Tribal Governments*," which was revoked and superseded on November 6, 2000, by the identically titled Executive Order 13175, which sets forth guidelines for all federal agencies to (1) establish regular and meaningful consultation and collaboration with Indian tribal officials in the development of federal policies that have tribal implications; (2) strengthen the United States government-to-government relationships with Indian tribes; and (3) reduce the imposition of unfunded mandates upon Indian tribes.

A. The U.S. Government has a unique relationship with American Indian Tribal governments as set forth in the Constitution of the United States, treaties, statutes, court decisions, executive orders, and Memoranda. The United States recognizes the right of Federally recognized Indian tribes (Indian Tribes) to self-government. Indian tribes exercise inherent sovereign powers over their members and territory. The United States Department of Housing & Urban Development and the Indian Tribes believe that in order to establish and promote a relationship of cooperation, coordination, open communication, and good will, and to work in good faith to amicably and fairly resolve issues/differences, and to successfully pursue mutually agreeable objectives, this policy sets out the interaction between the Indian tribes and the U.S. Department of Housing and Urban Development (HUD) and provides that such interaction "shall be based on a government-to-government relationship" aimed at furthering the purposes of meaningful government-to-government consultation.

B. Thus in accordance with Presidential Memoranda issued in 1994 and 2004, and Executive Order 13175, "*Consultation and Coordination with Tribal Governments*," and the most recent White House Tribal Nations Conference held on November 5, 2009, wherein President Obama reaffirmed the Federal Government's commitment to meaningful consultation with Indian Tribes, directing that each Federal Agency adopt a "detailed plan of action" to implement Executive Order 13175 (Nov. 9, 2000), 65 Fed. Reg. 67, 249, HUD adopts this Tribal Consultation Policy.

C. This consultation policy applies to all HUD programs that have substantial direct effects on federally recognized Indian Tribal governments. In formulating or implementing such policies, HUD will be guided by the fundamental principles set forth in section 2 of Executive Order 13175, to the extent applicable to HUD programs. Section 2 of the Executive Order provides as follows:

Sec. 2. Fundamental Principles. In formulating or implementing policies that have tribal implications, agencies shall be guided by the following fundamental principles:

- (a) The United States has a unique legal relationship with Indian tribal governments as set forth in the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions, the United States has recognized Indian tribes as domestic dependent nations under its protection. The Federal government has enacted numerous regulations that establish and define a trust relationship with Indian tribes.
- (b) Our Nation, under the law of the United States, in accordance with treaties, statutes, Executive Orders, and judicial decisions, has recognized the right of Indian Tribes to self-government. As domestic dependent nations, Indian tribes exercise inherent sovereign powers over their members and territory. The United States continues to work with Indian tribes on a government-to-government basis to address issues concerning Indian tribal self-government, tribal trust resources, and Indian tribal treaty and other rights.
- (c) The United States recognizes the right of Indian tribes to self-government and supports tribal sovereignty and self-

C. On \_\_\_\_\_, 2010, representatives from HUD and the Pueblo (or Tribe) of \_\_\_\_\_, met to develop an overarching Policy pursuant to Executive Order 13175, that:

- 1) Promotes effective collaboration and communication between HUD and the Pueblo (or Tribe);
- 2) Promotes a framework for positive government-to-government relations between HUD and Indian Nations, Tribes, or Pueblos (Indian Tribes);
- 3) Promotes cultural competency in providing effective services to Indian Tribes and Alaskan Natives; and
- 4) Establishes a method for notifying all appropriate employees of HUD of the provisions of this Policy.

determination.

### **Purpose**

The purpose of the consultation policy is to enhance communication and coordination between HUD and federally recognized Indian tribes, and to outline guiding principles and procedures under which all HUD employees are to operate with regard to federally recognized Indian and Alaska Native tribes.

### **Principles**

- A. HUD acknowledges the unique relationship between the federal government and Indian tribes.
- B. HUD recognizes and commits to a government-to-government relationship with Federally-recognized tribes.
- C. HUD recognizes tribes as the appropriate non-federal parties for making their policy decisions and managing programs at the local level for their constituents.
- D. HUD shall take appropriate steps to remove existing legal and programmatic impediments with tribes on housing and community development programs administered by HUD.
- E. HUD shall encourage states and local governments to work with and cooperate with tribes on housing and community development programs administered by HUD.
- F. HUD shall work with other federal departments and agencies to enlist their interest and support in cooperative

Through this Policy, HUD will seek to foster and facilitate positive government-to-government relations between HUD and all federally recognized Indian tribes. The purpose of this Policy is to develop, improve, or maintain partnerships with Indian tribes by using agree-upon processes when HUD develops, changes, or implements policies, programs, or services that directly affect Indian tribes.

- A. Confidentiality – HUD will protect and exhibit a high degree of respect and sensitivity regarding confidential information provided by Tribal governments and staff, and shall ensure confidentiality to the extent provided by applicable federal, state, or tribal law.
- B. Recognize and Respect Sovereignty – The United States government, via its Departments (Agencies) and the various Indian tribes are sovereign governments. The recognition and respect of sovereignty is the basis for government-to-government relations and this Policy. Sovereignty must be respected and recognized in government-to-government consultation and collaboration between HUD and Indian tribes. HUD recognizes and acknowledges the trust responsibility of the Federal government to federally recognized Indian tribes.
- C. Government-to-government Relations – HUD recognizes the importance of collaboration, communication, and cooperation with Indian tribes. Accordingly, HUD recognizes the value of dialogue with Indian Tribes and specific policies, programs, and/or services.
- D. Efficiently addressing Tribal Issues and Concerns – HUD recognizes the value of Indian tribes' input regarding HUD policies, programs, and/or

efforts to assist tribes to accomplish their goals within the context of all HUD programs.

G. HUD shall be guided by these policy principles in its planning and management activities, including its budget, operating guidance, legislative initiatives, management accountability system and ongoing policy and regulation development processes for all programs and affecting tribes.

### **Definitions**

A. “*Consultation*” means the direct and inter-active (i.e. collaborative involvement of tribes in the development of regulatory policies on matters that have tribal implications. Consultation is the active, affirmative process of (1) identifying and seeking input from appropriate Native American governing bodies, community groups and individuals; and (2) considering their interest as a necessary and integral part of HUD’s decision-making process. This definition adds to any statutorily mandated notification procedures. The

services. Thus, it is important that Tribes’ interests are reviewed and considered by HUD in its policies, programs, and/or services development process.

E. Collaboration and Mutual Resolution – HUD recognizes that good faith mutual respect, and trust are fundamental to meaningful collaboration and communication policies. As they arise, HUD shall strive to address and mutually resolve concerns with impacted Indian tribes.

F. Communication and Positive Relations – HUD shall strive to promote positive government-to-government relations with Indian tribes by: 1) interacting with Tribes in a spirit of mutual respect; 2) seeking to understand the varying Tribes’ perspectives; 3) facilitating communication, understanding and appropriate dispute resolution with Tribes; and 4) working through the government-to-government process towards a shared vision in areas of mutual interest.

G. Informal Communication – HUD recognizes that formal consultation may not be required in all situations or interactions. HUD may seek to communicate with and/or respond to Tribes outside the consultation process. These communications do not negate the authority of HUD and Tribes to pursue formal consultation.

A. “*Consultation*” shall operate as an enhanced form of communication that emphasizes trust and respect. It is a shared responsibility that allows An open and free exchange of information and opinion among parties that, in turn, may lead to mutual understanding and comprehension. Consultation with Indian tribes is a unique government-to-government process with two main goals: 1) to reach consensus in decision-making; and 2) whether or not consensus is reached, to afford any party the opportunity to issue a dissenting opinion for the record, and more importantly to have honored each other’s sovereignty.

goal of notification is to provide an opportunity for comment; however, with consultation procedures, the burden is on the federal agency to show that it has made a good faith effort to elicit feedback.

B. “*Exigent situation*” means an unforeseen combination of circumstances or the resulting state that calls for immediate action in order to preserve tribal resources, rights, interests, or federal funding.

C. “*Indian tribe*” means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 USC 479a.

B. “*Collaboration*” is a recursive process in which two or more parties work together to achieve a common set of goals. Collaboration may occur between HUD and Tribes, their respective agencies or departments, and may involve other Indian organizations, if needed. Collaboration is timely communication and joint effort that lays the groundwork for mutually beneficial relations, including identifying issues and problems, generating improvements and solutions, and providing follow-up as needed.

C. “*Communication*” means verbal, electronic or written exchange of information between HUD and Indian Tribes.

D. “*Consensus*” serves as a decision making method for reaching agreement through a participatory process that: 1) involves HUD and Indian Tribes through their official representatives; 2) actively solicits input and participation by HUD and Indian Tribes; and 3) encourages cooperation in reaching agreement on the best possible decision for those affected. HUD shall endeavor to conduct deliberations with Indian Tribes in good faith and in accordance with the processes outlined in this Policy. Within this process it is understood that consensus, while a goal, may not always be achieved.

E. “*Government-to-Government*” describes the relationship between the United States, HUD, and the Indian Tribal governments.

F. “*Indian Organizations*” means those organizations predominantly operated by Indian Tribes, that represent or provide services to all Native Americans or Alaskan Natives living on and/or off tribal lands and/or in urban areas.

G. *“Participation”* describes an ongoing activity that allows interested parties to engage one another through negotiation, compromise, and problem solving to reach a desired outcome.

H. *“Tribal Advisory Body”* is a duly appointed group of individuals established and organized to provide advice and recommendations on matters relative to HUD policies, programs, and/or services.

I. *“Tribal Government”* means the governing structure of a sovereign, federally recognized government of an Indian Tribe.

J. *“Tribal Officials”* are the elected or duly appointed officials of Indian Tribes or authorized intertribal organizations.

K. *“Indian Tribe”* means an Indian or Alaskan Native tribe, band, nation, pueblo, village, or community that the Secretary of Interior acknowledges to exist as an Indian Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 USC 479a.

L. *Exigent Situation”* means an unforeseen combination of circumstances or the resulting state that calls for immediate action in order to enforce the law; provide for the national defense; or to preserve life, health, national security, national resources, tribal resources, property, rights, interests, or Federal funding.

M. *Work Groups”* means formal advisory bodies and task forces established through joint effort by HUD and individual Indian tribes. Work groups can be established to address or develop more technical aspects of policies or programs separate or in conjunction with the formal consultation process. Work groups shall, to the extent possible, consist of members from HUD and participating Indian Tribes.

## **Tribal Coordination, Collaboration & Consultation**

A. Tribal coordination, collaboration and consultation applies when any proposed policies, programs or actions are identified by HUD as having a substantial direct effect on an Indian tribe. The Office of Native American Programs (ONAP), within the Office of Public and Indian Housing, may serve as the lead Departmental office for the implementation of this policy, and is the principal point of contact for consultation with tribes on all HUD programs.

B. Procedures & Methods for implementation – Tribal, Regional and National Forums.

1. Based on a government-to-government relationship and in recognition of the uniqueness of each tribe, a primary focus for consultation activities is with individual Tribal governments. The use of tribal organizations/committees will be in coordination with, and not to the exclusion of, consultation with individual tribal governments. When proposed federal government policies, programs or actions are determined by HUD as having tribal implications, HUD will notify the affected tribe(s) or its (their) designee. Tribes at any time may exercise their right to request consultation with HUD.
2. Tribes are encouraged to exercise their option to convene regional tribal meetings to identify and address issues. Tribes may schedule quarterly regional meetings with HUD representatives to address issues relevant to HUD policies, regulations, and statutes.
3. At least one national tribal consultation and coordination meeting will be held by HUD each year. To reduce costs and

## **General Provisions**

A. Collaboration & Communication: To promote effective collaboration and communication between HUD and Indian Tribes relating to this Policy, HUD will utilize, as appropriate: Tribal Advisory Bodies, Work Groups and information communication.

B. The Role of Tribal Advisory Bodies. HUD may solicit advice and recommendations from duly appointed advisory organizations or committees to collaborate with Indian Tribes in matters of policy development prior to engaging in consultation, as contained in this Policy. HUD may convene such advisory organizations/committees to provide advice and recommendations on departmental policies, programs, and/or service matters that have tribal impacts. Input derived from such activities is not defined as this Policy's consultation process.

C. The Role of Work Groups. HUD, in consultation with recognized Tribal Officials, may appoint an agency-tribal work group to develop recommendations and provide input on Department (Agency) policies, programs, and/or services as they might impact Tribes and American Natives./Alaska Natives. HUD or the Work Group may develop procedures for the organization and implementation of work group functions.

D. Informal Communication.

- 1) Informal Communication with Tribes. HUD recognizes that consultation meetings may not be required in all situations or or interactions involving HUD-Tribal relations. HUD recognizes that Tribal Officials may communicate with appropriate HUD employees outside the consultation process to ensure that any policies of HUD will not adversely impact tribal interests. While less formal mechanisms of communication may be more effective at times, this does not negate HUD's or the Tribe's ability to pursue formal consultation on a par-

conserve resources, to the extent feasible, tribes and HUD will coordinate consultation meetings to be held before or after other regularly scheduled meetings such as multi-agency and association meetings.

- C. Tribal Advisory Organizations/Committees. The principal focus for consultation activities of HUD is with individual tribal governments. However, it is frequently necessary that HUD have organizations/committees in place from which to solicit tribal advice and recommendations, and to involve tribes in decision making development. In consultation with elected tribal advisory organizations/committees. Consultation shall be conducted as follows:
- 1) Headquarters. HUD will consult with existing national organizations.
  - 2) Area Offices. Each area ONAP Administrator, in consultation with tribal governments, will consult with organizations/committees and/or representatives of tribal governments served by the Area ONAP. The tribal representatives will provide advice and consultation to the Area ONAP Administrator and staff. Meetings with the Area ONAP shall occur at least annually, or more frequently when there is a need.
  - 3) National/Area Coordination. To promote coordination in addressing issues arising from tribal consultation events at both the national and local level, a summary record of the comments made during national and area consultations will be made available to tribes.
- D. Joint Federal/Tribal Work Groups or Task Forces. It may become necessary for HUD, to establish or select a work group or task force to develop recommendations on certain issues. The work group

particular issue or policy.

- 2) Informal Communication with Indian Organizations. HUD-Tribal relationship is based on a government-to-government relationship. However, Indian organizations, such as those representing or providing services to urban and/or off-reservation American Indians/Alaskan Natives, serve to benefit and assist HUD. Through this Policy, HUD recognizes that it may solicit recommendations or otherwise collaborate and communicate with these organizations.

### **Consultation**

Consultation shall be between the HUD Secretary or his/her designated representative and Tribal Officials or their delegated representatives who possess authority to negotiate on their behalf.

- A. Applicability. Tribal consultation is most effective and meaningful when conducted before taking action that impacts Indian Tribes and American Indian/Alaskan Natives. HUD acknowledges that a best case scenario may not always exist, and that HUD and Tribes may not have sufficient time or resources to fully consult on a relevant issue. If a process appropriate for consultation has not already begun, through this Policy, HUD shall seek to initiate consultation as soon as possible thereafter.
- B. Focus. The principle focus for government-to-government consultation is with Indian Tribes through their Tribal Officials. Nothing shall restrict or prohibit the ability or willingness of Tribal Officials and the HUD Secretary to meet directly on matters that require direct consultation. HUD recognizes that the principle of intergovernmental collaboration, communication, and cooperation is a first step in government-

Or task force may conduct its activities through conventional (e.g. telephone and mail), as well as innovative (e.g., e-mail and video conferences) means of communication.

1) Membership and Meeting Notices.

- a) Tribal representation should be consistent with the established standard of geographically diverse small, medium and large tribes, whenever possible.
- b) Meetings will be posted on the internet and will be open to the public. In addition to internet posting, HUD may also announce meetings through FAX, letter, e-mail, publication in the Federal Register, or other appropriate means.

2) Participation.

- a) Attendance. Work group members shall make good-faith attempts to attend all meetings. They may be accompanied by other individuals to advise them as they deem necessary.
- b) Appointment of Alternates. Alternate work group members may be appointed by written notification signed by the member. Such alternates shall possess the authority of the work group member to make decisions on their behalf if such authority is so designated to them in writing.

3) Work Group Protocols that may be established.

- a) Roles of the work group members.
- b) Process for decision-making.
- c) Process for creating written products and other

to-government consultation.

C. Areas of Consultation. HUD, through reviewing proposed plans, policies, rules, or other pending and proposed programmatic actions, recognizes the need to assess whether such actions may impact Indian Tribes and/or American Indians/Alaskan Natives, as well as whether consultation should be implemented prior to making its decision or implementing its action. To such ends, HUD strives to notify relevant Tribal officials and pursue government-to-government consultation, provided that Tribal Officials have the discretion to decide whether to pursue and/or engage in the consultation process.

D. Initiation. Written notification requesting consultation by HUD or an Indian Tribe shall serve to initiate the consultation process. Written notification, at the very least, should:

- 1) Identify the proposed action to be consulted upon.
- 2) Identify personnel who are authorized to consult on behalf of HUD or the Tribe.

E. Process. HUD, in order to engage in consultation, may utilize duly-appointed work groups, as set forth herein, or otherwise the HUD Secretary or a duly-appointed representative may meet directly with Tribal Officials, or set forth other means of consulting with impacted Tribes as the situation warrants.

- 1) Consultation will be between the HUD Secretary and Tribal Officials or their delegated representatives with authority to negotiate on their behalf.
- 2) HUD will make a good faith effort to invite for consultation all perceived impacted Tribes.

decisional documents.

d) Other items as deemed necessary by the work group.

- 4) Work Groups Final Products and Recommendations. All final recommendations will be given serious consideration by HUD. Whenever possible, all work group products should be circulated to tribal leaders for review and comment.

### **Rulemaking**

On issues relating to tribal self-government, tribal trust resources, or treaty and other rights, HUD will explore, and where appropriate, use consensual mechanisms for developing rulemaking. HUD may establish a standing committee, consisting of representatives of tribal governments, to negotiate rulemaking procedures on particular matters. The procedures governing such a standing committee would be established through the mutual agreement of HUD and tribal governments.

### **Unfunded Mandates**

To the extent practicable and permitted by law, HUD shall not promulgate any regulation that is not required by statute, that has tribal implications, and that imposes substantial direct compliance costs on such communities, unless:

- 1) Funds necessary to pay the direct costs incurred by the Indian tribal government in complying with the regulation are provided by the federal government; or
- 2) HUD, prior to the formal promulgation of the regulation:
  - a) Consulted with tribal officials early in the process of developing the proposed regulation.

### **F. Limitations on Consultation.**

- 1) This policy will not diminish any administrative or Indian Tribe.
- 2) The Policy does not prevent HUD and the Tribes from entering into Memoranda of Understanding, Inter-governmental Agreements, Joint Powers Agreements, professional service contracts, or other established administrative procedures and practices mandated by Federal law or Tribal laws or regulations.
- 3) HUD retains the final decision making authority with respect to actions undertaken by HUD and within HUD jurisdiction. In no way should this Policy impede HUD's ability to manage its operations.
- 4) Consultation with Indian tribes is uniquely a government-to-government process with two main goals: a) to reach consensus in decision-making; and b) whether or not consensus is reached, to afford any party the opportunity to issue a dissenting opinion for the record, and more importantly to have honored each other's sovereignty.

### **Dissemination Policy**

Upon adoption of this Policy, HUD shall determine the appropriate method to distribute the Policy to all its employees, and to the various Indian Tribes.

### **Amendments and Review of Policy**

HUD will contact Indian Tribes periodically to evaluate the effectiveness of this Policy. This Policy is a working document and may be revised as needed.

- b) In a separately identified portion of the preamble to the regulation as it is to be issued in the Federal Register, provides to the Director of the Office of Management and Budget a description of the extent of HUD's prior consultation with representatives of affected Indian tribal governments, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation; and
- c) Makes available to the Director of the Office of management and Budget any written communications submitted to HUD by such Indian tribal governments.

#### **Increasing Flexibility for Indian Tribal Waivers**

HUD shall review the processes under which Indian tribal governments apply for waivers of statutory and regulatory requirements and take appropriate steps to streamline those processes.

1. HUD shall, to the extent practicable and permitted by law, consider any applications by an Indian tribal government for a waiver of statutory or regulatory requirements in connection with any program administered by HUD with a general view toward increasing opportunities for utilizing flexible policy approaches at the Indian tribal level in cases in which the proposed waiver is consistent with the applicable federal policy objectives and is otherwise appropriate.
2. HUD shall, to the extent practicable and permitted by law, render a decision upon a complete application

#### **Effective Date**

This Policy shall become effective upon the date signed by the Secretary of Housing and Urban Development.

#### **Sovereignty Immunity**

The Policy shall not be constructed to waive the sovereign immunity of the United States or any of its Agencies, or any Tribe, or to create a right of action by or against the United States or a Tribe, or any official of either, for failing to comply with this Policy.

#### **Applicability of the Federal Advisory Committee Act**

The provisions of the Federal Advisory Committee Act (FACA) (5 USC App.) do not apply to Consultations undertaken pursuant to this Policy with Indian Tribal governments. In accordance with Section 204 (b) of the *Unfunded Mandates Reform Act of 1995* (Public Law 104-4, approved March 22, 1995), FACA is not applicable to Consultations between the Federal government and elected officials of Indian Tribal governments (or their designated employees with authority to act on their behalf).

#### **Closing Statement/Signatures**

The Department of Housing and Urban Development hereby adopts this HUD-Tribal Consultation Policy.

for a waiver within 120 days of receipt of such application by HUD. HUD shall provide the applicant with timely written notice of the decision and, if the application for a waiver is not granted, the reasons for such denial.

3. This section applies only to statutory or regulatory requirements that are discretionary and subject to waiver by HUD. Applicable civil rights statutes and regulations are not subject to waiver.

### **Implementation**

1. All committees shall be chaired by at least one tribal and one HUD representative.
2. Time Frames. Time frames for consultation outreach will depend on the need to act quickly. Suggested guidelines are not less than 80 days for significant new matters of national scale, 30 days for routine proposed actions, and 2-3 weeks with expanded tribal outreach efforts for proposed actions which must be “fast tracked” to respond to critical deadlines. These time frames may be compressed in exigent situations.
3. Methods of Communication. The following are examples of communication means by which consultation can be accomplished. The method(s) of communication used will be determined by the significance of the consultation matter, the need to act quickly, and other relevant factors: Internet; broadcast fax; U.S. Postal Service; telephone-conference calls; multimedia; direct contact; and formal meetings.
4. Reporting Mechanisms. In all cases where a tribe or tribes

have been involved in the consultation process, the tribe(s) shall be notified of the HUD decision by one or more of the communication method(s) identified above. This notification shall specifically include a discussion of the public comments received, relationship to the concerns raised in consultation, and any avenues available for further discussion, protest or appeal of the decisions.

5. Internal HUD policies and procedures are excluded from this policy.

#### **Applicability of the Federal Advisory Committee Act**

The provisions of the Federal Advisory Committee Act (5 USC App.) (FACA) do not apply to consultations undertaken pursuant to this Policy. In accordance with section 204 (b) of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4, approved March 22, 1995), FACA is not applicable to consultations between the Federal government and elected officers of Indian tribal governments (or their designated employees with authority to act on their behalf). As the Office of Management and Budget stated in its guidelines implementing section 204 (b): This exemption applies to meetings between Federal officials and employees and tribal governments acting through their elected officers, employees, and Washington representatives, at which “views, information, or advice” are exchanged concerning the implementation of intergovernmental responsibilities or administration, including those that arise explicitly or implicitly under statute, regulation, or Executive Order. The scope of the meetings covered by this exemption should be construed broadly to include meetings called for any purpose relating to intergovernmental responsibilities or administration. Such meetings include, but are not limited to, meetings called for the purpose of seeking consensus, exchanging views, information, advice, and/or recommendations; or facilitating any other responsibilities or administration. (OMB Memorandum 95-20 (September 21, 1995), pp. 6-7, published at 60 FR 50651, 50653 (Sept. 29, 1995).

## **General Provisions**

This document has been adopted for the purpose of enhancing government-to-government relationships, communications, and mutual cooperation between the U.S. Department of Housing and Urban Development and tribes and is not intended to, and does not, create any right to administrative or judicial review, or any other right or benefit or trust responsibility, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other persons. This document is effective on the date it is signed.