Memorandum of Understanding
among the
U.S. Department of the Interior,
U.S. Department of Agriculture,
U.S. Department of Labor,
U.S. Department of Health and Human Services,
U.S. Department of Housing and Urban Development,
U.S. Department of Education,
U.S. Department of Veterans Affairs,
and the U.S. Interagency Council on Homelessness

Regarding Interagency Coordination and Collaboration for Setting a Path to End Homelessness among American Indians and Alaska Natives

I. Purpose and Principles

The Departments of the Interior, Agriculture, Labor, Health and Human Services, Housing and Urban Development, Education, Veterans Affairs, and the U.S. Interagency Council on Homelessness (each a Participating Agency and collectively the Participating Agencies) enter into this Memorandum of Understanding (MOU) to implement actions that set a path to end homelessness among American Indians and Alaska Natives through strategic interdepartmental coordination and collaboration.

II. Background

American Indians and Alaska Natives are disproportionately represented among people experiencing homelessness. Data suggests that while only 1.2 percent of the national population self-identifies as American Indian or Alaska Native, 2.3 percent of all people experiencing sheltered homelessness, 2.0 percent of all sheltered individuals, and 2.9 percent of all sheltered families self-identify as American Indian or Alaska Native. These data represent American Indians and Alaska Natives experiencing homelessness primarily off tribal lands, but the problem exists in tribal communities as well. In urban locations like Seattle, Washington and Minneapolis, Minnesota, American Indians and Alaska Natives are disproportionately represented in annual homelessness counts.

In 2010, the Obama Administration released *Opening Doors* – the first Federal strategic plan to prevent and end homelessness. Although American Indians and Alaska Natives are a part of the *Opening Doors* goal to set a path to end all types of homelessness, they merit special ongoing strategic focus and attention from key U.S. Interagency Council on Homelessness (USICH) agencies given their needs are unique due to stigma; economic, historical, and cultural factors; and being underserved.

Fully ending homelessness among American Indians and Alaska Natives will require a longer-term strategy to address the decades of underinvestment, a lack of infrastructure and capacity, and restrictions on access to Federal resources experienced by these communities. However, as part of the USICH Interagency Working Group on Native American Homelessness, the aforementioned Agencies must continue to collaborate on implementing a set of strategic actions that will build the foundation for longer-term work.

In carrying out activities pursuant to this MOU, the Participating Agencies will be guided by the definitions of *homeless* and *at risk of homelessness* under the McKinney-Vento Act, 42 U.S.C. 11301 et seq. The Participating Agencies will implement actions that set a path to end homelessness, and situations of severe overcrowding and substandard housing, among American Indians and Alaska Natives.

III. Legal Authorities

1. The Department of the Interior enters into this MOU under the following authorities:

    a. 25 U.S.C. 2; 25 U.S.C. 9; Reorganization Plan No. 3 of 1950, 5 U.S.C. App. 1; 43 U.S.C. 1457.
    b. 25 U.S.C. 13 *et seq.*(Snyder Act)
    c. 25 U.S.C. 452 *et seq.*

2. The Department of Health and Human Services enters into this MOU under the following authorities:

    a. 25 U.S.C. 13 *et seq.* (Snyder Act); 42 U.S.C 2001(a) (Transfer Act)
    b. 42 U.S.C. 2991 *et seq.* (Native Americans Program Act of 1974)
    c. 42 U.S.C. 290aa(d)(18)
    d. 42 U.S.C. 11311
    e. 42 U.S.C. 241
    f. American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, 123 Stat. 115 (Feb. 17, 2009)
    g. Children's Health Insurance Program Reauthorization Act of 2009, Pub. L. 111-3, 123 Stat. 8 (Feb. 4, 2009)
    h. Patient Protection and Affordable Care Act of 2010, Pub. L. 111-148, 124 Stat. 119 (Mar. 23, 2010)
    i. Titles XVIII, XIX, and XXI of the Social Security Act.

3. The Department of Housing and Urban Development enters into this MOU under the following authorities:

    a. 12 U.S.C. 1701c (Section 502 of the Housing Act of 1948)
    b. 12 U.S.C. 1701z-2(f) (Section 502(f) of the Housing and Urban Development Act of 1970)

4. The Department of Labor enters into this MOU under the following authorities:

a. 29 U.S.C. 3249(c) (Workforce Investment and Opportunity Act of 2014, section 189(c))
b. 29 U.S.C. 3221 (Workforce Investment and Opportunity Act of 2014, section 166)
c. Executive Order 13175 (November 6, 2000)

5. The Department of Veterans Affairs enters into the MOU under the following authorities:

   a. 38 U.S.C. 523 Coordination and promotion of other programs affecting veterans and their dependents
   b. 38 U.S.C. 6306 Use of Other Agencies
   c. 38 U.S.C. 3762 Direct housing loans to Native American Veterans: Program Adminstration

6. The Department of Agriculture enters into this MOU under the following authority:

   42 U.S.C 1441 et seq. (Housing Act of 1949, as amended)

7. The U. S Interagency Council on Homelessness enters this MOU per the following authority:

   P.L. 100-77, as amended

8. The Department of Education enters into this MOU under the following authorities:
   a. 20 USC 3475
   b. Executive Order 13592 (December 2, 2011)

IV. Participating Agency Agreement

The Participating Agencies hereby agree to work together to consult with tribal leaders, urban Indian programs, and experts in the field as appropriate in implementing the following actions:

1. Improve access to housing and services through administrative action, where possible, and provide guidance and technical assistance to: a) increase the knowledge and capacity of tribal communities and homelessness services and housing providers to improve access to housing and services; and b) increase the availability of housing options for American Indians and Alaska Natives experiencing or at risk of experiencing homelessness both on and off tribal lands;

2. Improve data collection on American Indians and Alaska Natives experiencing or at risk of experiencing homelessness both on and off tribal lands to better enumerate the size and scope of the problem;

3. Ensure that Federal strategies and actions to set a path to end homelessness among American Indians and Alaska Natives are informed by consultation and engagement with tribal leaders, urban Native communities, and experts in the field; and

4. Elevate awareness of the crisis of homelessness and housing instability among American Indians and Alaska Natives, both on and off tribal lands, through coordinated Federal messaging and communications.

The USICH Interagency Working Group on Native American Homelessness will develop an action plan for implementation of the MOU within 120 days following the signing of the MOU.

V. General Provisions

It is mutually agreed and understood by and among the Participating Agencies that:

1. Nothing in this MOU will cause any Participating Agency to take any action which conflicts with any existing authority, responsibility, or obligation, established under Federal law or regulation.

2. This MOU is not intended and does not create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by any party against the United States, its agencies, its officers, or any person.

3. This MOU is neither a fiscal nor a funds-obligation document. Activities contemplated or required by this MOU are subject to the availability of funds. Nothing in this MOU shall be construed as obligating any Participating Agency to expend funds or to provide resources or be involved in any obligation for future payment of money or provision of resources. Any endeavor involving reimbursement or contribution of funds among the parties to this instrument will be handled in accordance with applicable laws, regulations, and procedures including those for Government procurement and printing. Such endeavors will be outlined in separate agreements that shall be made in writing by representatives of the parties and shall be independently authorized by appropriate statutory authority. This instrument does not provide such authority.

4. This MOU in no way restricts any Participating Agency from involvement in similar activities with other public and private agencies, organizations, and individuals.

5. Participating Agencies shall coordinate all public statements and other disclosures with regard to this MOU, and no Participating Agency may enter into any publicity regarding this MOU unless all Participating Agencies consult in advance on the form, timing, and contents of any such publicity, announcements, or disclosure.

6. PRIVACY ACT AND FREEDOM OF INFORMATION ACT (FOIA). Participating Agencies must adhere to the requirements of Federal law governing disclosure of public and confidential information by a Government agency, including but not limited to the Privacy Act of 1974, as amended, 5 U.S.C. 552a, and the Freedom of Information Act ("FOIA"), 5 U.S.C. 552.

7. FEDERAL ADVISORY COMMITTEE ACT (FACA). In carrying out any activities pursuant to this MOU, the Participating Agencies will comply with the Federal Advisory Committee Act (5 U.S.C. Appendix 2), to the extent it applies.

8. The program or activities conducted under this MOU will be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended, to the extent applicable; the Civil Rights Restoration Act of 1987 (P.L. 100-259); and other applicable nondiscrimination statutes: namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and the Age Discrimination Act of 1975.

VI. Administrative Procedures

1. This MOU takes effect upon the signature of all Participating Agencies. This instrument expires no later than 5 years upon the date of the final Participating Agency's signature, at which time it is subject to renewal through execution of a new MOU by the Participating Agencies.

2. Modifications within the scope of this MOU shall be made by formal consent of the Participating Agencies, by the issuance of a written modification, signed and dated by the Participating Agencies, prior to any changes becoming effective.

3. Other Federal agencies may participate in this MOU at any time while the MOU is in effect. Participation will be evidenced by an appropriate agency official's signature on an addendum to this MOU.

4. Any Participating Agency may terminate participation at any time before the date of expiration, by providing 30 day written notice to the other Participating Agencies.

VII. Signatures of Participating Agencies

Sally Jewell NOV 04 2015

Sally Jewell **Date**
Secretary
U.S. Department of the Interior

Thomas J. Vilsack **Date**
Secretary
U.S. Department of Agriculture

Thomas E. Perez **Date**
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