Charter
for the Native American
Employment and Training Council

1. Committee's Official Designation.

Native American Employment and Training Council (Council).

2. Authority.

Under Section 166(h)(4) of the Workforce Investment Act (WIA) of 1998 (29 USC, 2911(h)(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(h)(4)(C), the Council shall advise the Secretary on all aspects of the operation and administration of the Native American programs authorized under Section 166 of WIA. In addition, the Council shall advise the Secretary on the implementation of other programs providing services to Native American youth and adults under WIA.

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 5 U.S.C. App.2 (FACA), except that Section 14 of FACA concerning advisory committee expiration and renewal, shall not apply to the Council pursuant to WIA Section 166(h)(4)(G).

The Council shall advise the Secretary on:

A. All aspects of the operation and administration of the programs assisted under WIA Section 166, including:

   (1) establishing regulations to carry out that section, including performance measures for entities receiving assistance under that section, taking into account the economic circumstances of those entities;

   (2) developing a funding distribution plan that takes into consideration previous levels of funding (prior to the date of enactment of WIA) to those entities; and

   (3) the selection of the individual appointed as the head of the unit with responsibility for the Indian and Native American Program.

5. Official to Whom the Committee Reports.

The Council reports to the U.S. Secretary of Labor (Secretary).

6. Agency Responsible for Providing the Necessary Support.

Pursuant to the provisions of WIA Section 166(h) (4)(D)(iii), the Secretary, through the United States 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 $110,000. The estimated staff years to support the Council are 0.5 FTE.

8. Designated Federal Officer (DFO).

The DFO will be the Native American Division Director, Employment and Training Administration, Office of Workforce Investment, Division of Native American Programs, 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 committee 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 WIA Section 166(h)(4)(F), the Council shall meet no less than twice each year.

10. Duration.

The Council will continue indefinitely as required by WIA.

11. Termination.

The Committee is not subject to the provision under Section 14 of FACA (WIA Section 166(h)(4)(G).

12. Membership and Designation.

The Council shall be composed of no less than 15 members, appointed by the Secretary pursuant to WIA Section 166(h)(4)(B), who are representatives of Indian tribes, tribal organizations,

Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations.

Except as otherwise required by law, Committee membership will be consistent with the applicable FACA regulations, as follows: a) Membership on the Native American Employment Council 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 Native American Employment Council; c) the composition of the Committee will therefore depend upon several factors, including i) the Committee's mission; ii) the geographic, ethnic, social, economic, or scientific impact of the advisory committee's recommendations; iii) the types of specific perspectives required; iv) the need to obtain divergent points of view on the issues before the Committee, such as, for example, those of consumers, technical experts, the public at-large, academia, business, or other sectors; and v) the relevance of State, local or tribal governments to the development of the Committee's recommendations.

To the extent permitted by FACA and other laws, Committee 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, gender, 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 secondary and post secondary education, health care, economic development, and "green jobs."

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 (h)(4)(D)(ii) of WIA.

Pursuant to WIA Section 166 (E), 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 serve more than one term if reelected.

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 [and the FACA Membership Balance Plan, which provides information about the points of view and candidate identification process]. However, all Committee 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 as the Secretary sees fit.

13. Subcommittees.

The Department, the Indian Native American (INA) Program, DFO, or the Committee, with the Agency's approval, may form subcommittees or workgroups for any purpose consistent with this charter. Such subcommittee or workgroup may not work independently of the chartered committee and must report their recommendations and advice to the full Committee for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered committee, nor can they report directly to the Department. The DFO will be notified upon the establishment of each subcommittee.

14. Record Keeping.

The records of the Committee 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.

Hilda L. Solis

Secretary of Labor

AUG 3 1 2011

Date