

**Department of Housing and Urban Development
Native American Housing Assistance & Self-Determination Act of 1996**

CHARTER

I. Official Determination

Native American Housing Assistance & Self-Determination Negotiated Rulemaking Committee (Committee).

II. Purpose

This Charter establishes a Committee to negotiate with the Department of Housing and Urban Development ("HUD") regulations that establish the allocation formula used under 24 C.F.R. Part 1000, subpart D, and related sections (such as Section 1000.118 as applicable) and other regulatory issues that arise out of the allocation or reallocation of Indian Housing Block Grant (IHBG) funds, including actions related to data errors, under the IHBG program of the Native American Housing Assistance & Self-Determination Act, Public Law 104-330 ("Act"). The Committee will advise the Secretary of HUD whether changes should be made to the allocation formula established in 24 C.F.R. Part 1000, subpart D, and will recommend such changes as may be deemed necessary and consistent with: (i) the unique responsibility of HUD and the federal government to protect and support Indian tribes and Indian people; and (ii) other legal obligations. The establishment of this Committee provides a non-exclusive means of tribal participation pursuant to the Act. HUD is required to work with the Committee to establish items to be included in the scope for the next Negotiated Rulemaking to be held within one year. HUD shall obtain input from tribes and other non-Committee members in establishing the scope for future negotiated rulemaking changes.

III. Goals and Objectives

The goal of the Committee is to negotiate a proposed rule implementing changes as described in Section II of this Charter.

IV. Duration

The Committee shall be authorized to convene until such time as all negotiations are determined by the Committee to be final and all regulatory changes negotiated have been published as a Final Rule.

V. Principal Federal Government Officer

Pursuant to the Negotiated Rulemaking Act, the Assistant Secretary for Public and Indian Housing or his/her designee will serve as the Principal Federal Government Officer (PFO) for this Committee. The PFO shall endeavor to ensure that all internal HUD and OMB clearance

issues are raised and addressed during the Negotiated Rulemaking process. Should the OMB and Departmental clearance processes identify necessary changes to the proposed rule developed by the Committee, HUD will submit the changes to the Committee for review and approval. This Committee will report to the Secretary of HUD through the PFO.

VI. Composition of the Committee

Committee Membership

- (a) **Tribal Membership:** The Secretary of HUD shall appoint twenty- four (24) members representing geographically diverse small, medium and large tribes.
- (b) **Federal Government Membership:** The Secretary of HUD will appoint two (2) representatives.

VII. Role of the Committee

- a) The role of the Committee shall be:
 - (1) to determine whether changes or revisions to the regulations that implement the Act are required, as described in Section II of this Charter; and
 - (2) to develop proposed revisions or changes to these regulations as appropriate; and
 - (3) to file a report with the Secretary of HUD in accordance with 5 U.S.C. § 566(f); and
 - (4) to conduct its activities in accordance with the Negotiated Rulemaking Act as adapted to the unique relationship between the Government of the United States and the governments of Indian tribes.
- b) The Committee shall keep detailed minutes of each meeting and make available for public inspection, subject to 5 U.S.C. § 552, all records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda or other document made available to or prepared by the Committee. Such materials will be available for copying and inspection at a single HUD office.
- c) In accordance with the Negotiated Rulemaking Act, if the Committee reaches agreement on a proposed rule, at the conclusion of the negotiations, the Committee shall transmit to HUD a report specifying any areas in which the Committee has reached agreement. The Committee may include in a report any other information, recommendations or materials that the Committee considers appropriate. Any Committee member may include as an addendum to the report additional information, recommendations or materials.

VIII. Meetings

- a) The number of Committee meetings shall be at least six (6). Meetings shall be scheduled no less frequently than monthly, if feasible. To expedite the work of the Committee, at least one meeting shall be held in Washington, D.C., Denver, Colorado, and Seattle, WA.
- b) The date, time, place, purpose, and the proposed agenda for each Negotiated Rulemaking Committee meeting will be published in the FEDERAL REGISTER at least 15 calendar days prior to each meeting. The FEDERAL REGISTER notice will also include a statement whether all or part of the meeting is open to the public.

IX. Compensation for Services


- a) HUD has determined that the participation of 24 tribal committee members is necessary to assure adequate representation of tribal interests.
- b) Members of the Committee shall receive no pay, allowance or benefits by reason of their service on the Committees. In accordance with the requirements of the Act and the Negotiated Rulemaking Act, 5 U.S.C. 568(c), while away from their place of residence or business and in performance of services for the Committee, Committee members may be authorized to be reimbursed for travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Federal Government service if:
 - (1) Such member certifies a lack of adequate financial resources to participate in the Committee; and
 - (2) HUD determines that such member's participation in the Committees is necessary to assure an adequate representation of the member's interest.

X. Financial and Support Services

HUD shall provide travel costs, technical support, copies of public comments, and logistical support services for the activities of the Committee.

XI. Statutory Authority

This Negotiated Rulemaking Committee is established pursuant to Public Law 104-330, Public Law 101-648, and Public Law 107-292.



Michael Liu
Assistant Secretary
Public and Indian Housing

4/30/03
Date