

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

**CHARTER**

**I. Official Name**

The official name of the Committee established herein is the Native American Housing Assistance & Self-Determination Negotiated Rulemaking Committee (“Committee”).

**II. Purpose**

This Charter establishes a Committee, pursuant to Public Laws 101-648, 104-330, 107-292 and 110-411, to negotiate changes to the regulations governing the implementation of the Native American Housing Assistance and Self-Determination Act (PL 104-330) as amended, except that subpart D of 24 CFR Part 1000 shall be excluded from this negotiated rulemaking committee as such regulations are scheduled for negotiations under a different committee in 2012.

**III. Goals and Objectives**

The goal of the Committee is to negotiate a proposed rule implementing changes as described in Sections II and VII(a) of this Charter.

**IV. Duration**

Subject to the limitations of Section VIII of this Charter, 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 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, the Tribes and HUD will endeavor to 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-five (25) members reflecting geographically diverse cross-section of small, medium and large tribes and other unique or significant tribal interests.
- (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 additions to the NAHASDA regulations are necessary, desirable or convenient to implement, conform to or clarify any statutory provisions;
- (2) to classify and expedite the development of any proposed regulation change that is not controversial or complex, and to begin drafting the report required by Section VII(a)(5) of this Charter with respect to such changes, simultaneously with the development of more controversial or complex regulatory changes;
- (3) to identify any statutory provision that is not self-executing, and that requires an implementing regulation before taking effect;
- (4) to develop proposed revisions or additions to NAHASDA regulations consistent with this Charter and protocols adopted under this Charter;
- (5) to file a single report with the Secretary of HUD in accordance with 5 U.S.C. § 566(f), both with respect to expedited proposed regulation changes under Section VII(a)(2) of this Charter and subsequent proposed regulation changes;
- (6) 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; and
- (7) to register for future consideration regulatory proposals identified by Committee members and not accepted by the committee according to protocol for current consideration.

- b) The Committee shall keep detailed minutes of each meeting and make available for public inspection all records, reports, transcripts, or other documents made available to or prepared by the Committee. Such materials will be available for copying and inspection at all ONAP offices and on HUD's website, at such time approved by the Committee.
- c) In accordance with the Negotiated Rulemaking Act, if the Committee reaches agreement on a proposed rule, 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, and the report shall be in a form suitable for publication in the *Federal Register* as a preamble to the proposed rule. Any Committee member may include as an addendum to the report additional information, recommendations or materials; however, any such addendum shall not be included in any preamble.

### **VIII. Meetings**

- a) The number of Committee meetings shall be no more than six (6). Meetings shall be scheduled no less frequently than monthly, if feasible.
- 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 that the meeting is open to the public.

### **IX. Compensation for Services**

- a) HUD has determined that the participation of 25 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 Committee. In accordance with the requirements of 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 Committee 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, Public Law 107-292 and Public Law 110-411.

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Assistant Secretary  
Public and Indian Housing

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Date