

NAHASDA AMENDMENTS 1998-2008

NAIHC LEGISLATIVE COMMITTEE ANALYSIS

NOTE: All NAHASDA Amendments Listed Below are Self-Executing, and are Currently in Full Force and Effect, Unless the Amendment is Noted by an Asterisk (), in which Case the Amendment Requires Implementing Rules Before Taking Effect.*

Committee Reached Consensus on These Issues

I T E M #	AMENDMENTS BY NAHASDA SECTION	AMENDMENT CATEGORY	HUD POSITION PER PIH NOTICE 2009-50	PIH NOTICE ISSUE #	REGULATORY SUBPART	POTENTIALLY RELEVANT REGULATIONS	COMMENTS
TITLE III: ALLOCATION OF GRANT AMOUNTS							
69	<u>Section 302</u> 2000: PL 106-568 amended §302(d)(1)(A) [IMPLEMENTED] This amendment, dealing with small tribe “hold harmless” funding, was implemented in the last Neg Reg session (§316(b)(2)).	N/A	Specific paragraph on “hold harmless” is not addressed in this Notice. However, HUD previously published Notice PIH 2003-2 and Notice PIH 2003-3 addressing many of these amendments.	N/A	Regs for Title III of NAHASDA would typically fall under Subpart D, which is off limits under Charter		
70	2000: PL 106-258 added §302(d)(1)(B) [IMPLEMENTED]. See above.	N/A	See above.	N/A	Regs for Title III of NAHASDA would typically fall under Subpart D which is expressly off limits under Charter		

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71	2008: PL 110-411 amended §302(a)(1) clerical change.	1	Section 302(a) does not require a conforming regulation. A conforming regulation is required to implement section 302(b). Conforming regulations are required at 24 CFR 1000.312, 24 CFR 1000.318, and 24 CFR 1000.322. Pursuant to 24 CFR 1000.306(b), not later than May 21, 2012, the IHBG Formula will be reviewed and any necessary changes will be made with respect to funding under the Formula Current Assisted Stock component.	19	Regs for Title III of NAHASDA would typically fall under Subpart D, which is expressly off limits under Charter.	1000.312, 316, 318, 322 (without respect to the subsections of this amendment)	Workgroup A discussed whether “consultation” should be defined in Subpart A of the regulations to ensure the Tribes have a meaningful opportunity to participate in the study of needs data under §302(a)(2)(A)
72	2008: PL 110-411 added §302(a)(2)(A).* The conduct of HUD’s study, and an acceptable definition of “consultation,” should be the subject of NegReg discussion. *	3		19	Does “consultation” need to be defined? Perhaps in Subpart A?		
73	2008: PL 110-411 added §302(b)(1).* This change amends the criteria for when a unit ceases to be counted for FCAS purposes. *	3		19			