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**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND TRIBAL REPRESENTATIVES**  
**NATIVE AMERICAN HOUSING & SELF-DETERMINATION FORMULA NEGOTIATED RULEMAKING**  
**COMMITTEE 2013**

CHARTER: Approved by the Committee 8/28/2013

**I. Official Name**

The official name of the Committee established pursuant to HUD Federal Register Notice, Volume 78, No 146, published Tuesday, July 30, 2013 is the Native American Housing Assistance & Self-Determination Formula Negotiated Rulemaking Committee ("Committee").

**II. Purpose**

This Charter establishes a Committee to review all aspects of the formula and 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 or are related to 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"), as amended. 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 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 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 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**

The Committee will consist of members as identified in Federal Register Notice, Volume 78, No 146, published Tuesday, July 30, 2013.

#### **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 or desirable to implement, conform to or clarify any statutory provisions;
  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 adopted 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, 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 Committee shall endeavor in good faith to meet at least 6 times within the next 12 months subject to the availability of funds.
- 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**

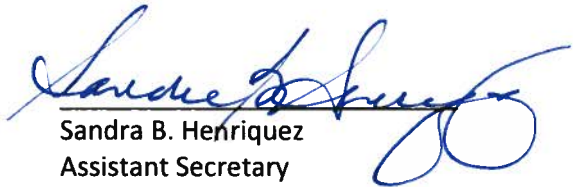
- a. HUD has determined that the participation of 24 tribal committee members is necessary to assure adequate representation of tribal interests.
  
- b. Members of the Committee shall receive no pay, allowance or benefits by reason of their service on the Committee. In accordance with the requirements 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 supports, 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, as amended, and Public Law 101-648, as amended.

  
Sandra B. Henriquez  
Assistant Secretary  
Public and Indian Housing

August 28, 2013  
Date