

**Department of Housing and Urban Development  
Native American 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 advise the Secretary of the Department of Housing & Urban Development (HUD) as to the rules implementing the Native American Housing Assistance & Self-Determination Act, Public Law 104-330 (Act) in a manner that reflects the unique trust responsibility to protect and support Indian tribes and Indian people. The establishment of this Committee shall provide non-exclusive means of tribal participation pursuant to the Act.

**III. Goals and Objectives**

The Committee will provide information and advice to the Secretary of HUD. The objectives of the Committee will be to provide recommendations to the Secretary on the proposed rule which the Agency shall, to the maximum extent feasible consistent with the legal obligations of the Agency, use as the basis for the rules proposed by the agency for notice and comment.

**IV. Duration**

The Committee will be established until final regulations are adopted pursuant to P.L.104-330.

**V. Termination Date**

The Committee will terminate upon promulgation of a final rule implementing the Act.

**VI. Designated Federal Government Officer**

As required by Section 10 of the Federal Advisory Committee Act (FACA) and 5 U.S.C. Section 566(b) (the Negotiated Rulemaking Procedure Act), the Assistant Secretary for Public and Indian Housing or his/her designee will serve as the Designated Federal Government Officer (DFO). This Committee will report to the Secretary of HUD through the DFO.

## **VII. Composition and Authority of Committee and Quorum Requirement**

### **Committee Membership**

- (a) **Tribal Membership:** The Secretary of HUD shall appoint at least forty-eight (48) members representing geographically diverse small, medium and large tribes.
- (b) **Federal Government Membership:** The Secretary of HUD will appoint 10 representatives.

## **VIII. Role of the Committee**

- (a) The role of the Committee shall be:
  - (1) to develop proposed regulations to implement the Act; and
  - (2) to file a report with the Secretary of HUD in accordance with Section 10 of the FACA and in accordance with 5 U.S.C. 566(f); and
  - (3) 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) In accordance with Section 10(b) and (c) of the FACA, 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, agendas or other documents made available to or prepared by the Committee. Such materials will be available for copying and inspection at a single HUD office until the Committee ceases to exist.
- (c) In accordance with the Negotiated Rulemaking Act, if the Committee reaches agreement on a proposed rule, at the conclusion of the negotiations the Committees 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, recommendation, or materials that the Committee considers appropriate. Any Committee member may include as an addendum to the report additional information, recommendations, or materials.

## **IX. Meetings**

- (a) The estimated number of Committee meetings is at least 10, to be conducted at least monthly.
- (b) The exact name of the Committees, date, time, place, purpose, and the proposed agenda for each meeting normally 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.
- (c) In exceptional circumstances less than 15 calendar days' notice may be given, provided that the reasons for doing so are included in the Committee's meeting notice published in the FEDERAL REGISTER.

## **X. Compensation for Services**

- (a) The HUD has determined that the participation of 48 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) The HUD determines that such member's participation in the Committees is necessary to assure an adequate representation of the member's interest.

**XI. Financial and Support Services**

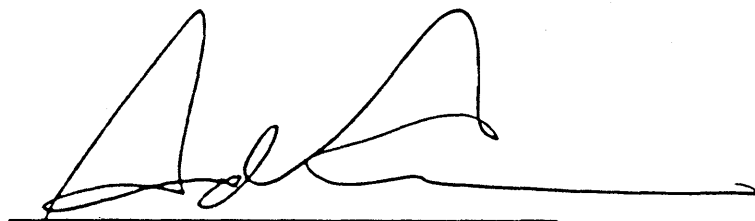
The Committee's costs are estimated at \$900,000.00 and one employee work year. The HUD shall provide technical support, copies of public comments, and logistical support services for the activities of the Committee.

**XII. Statutory Authority**

Public Law 104-330 directs establishment of the Committee.

**Charter Approved:**

Date 2/13/97

A handwritten signature in black ink, appearing to read 'Andrew Cuomo', written over a horizontal line.

Andrew Cuomo, Secretary of Housing  
and Urban Development