

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") on Formula Allocation.

II. Purpose

This Charter establishes a Committee to review Department of Housing and Urban Development ("HUD") regulations that establish the allocation formula used under 24 C.F.R. Part 1000, subpart (D), the Indian Housing Block Grant ("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.

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 whether a need for change exists with respect to the IHBG allocation formula, and advice on any such change, which information and advice the Agency shall, to the maximum extent feasible consistent with the legal obligations of the Agency, use as the basis for any change to the allocation formula of 24 C.F.R. Part 1000, subpart (D).

IV. Duration

The Committee will be established until a final report concerning 24 C.F.R. Part 1000, subpart (D) is provided to the Secretary.

V. Termination Date

The Committee will terminate upon provision of its final report to the Secretary, or upon the adjournment of the sixth Committee meeting under Article IX of this Charter, whichever first occurs.

VI. Designated Federal Government Officer

As required by 5 U.S.C. § 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") and shall be authorized to fully represent HUD in the discussions and negotiations of the Committee.. This Committee may 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 has appointed at least 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.

VIII. Role of the Committee

- (a) The role of the Committee shall be:
 - (1) to determine whether changes or revisions to the allocation formula used in the IHBG program are required; and
 - (2) to develop proposed revisions or changes to the allocation formula 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 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 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.

IX. Meetings

- (a) The number of Committee meetings shall not exceed six (6). Meetings shall be scheduled no less frequently than monthly. Each meeting shall be held within one of the six following regions, and no more than one meeting may be held in any such region: Eastern Woodlands, Northern Plains, Southern Plains, Southwest, Northwest and Alaska regions.
- (b) The exact name of the Committee, date, time, place, purpose and the proposed agenda for each meeting shall be published in the *Federal Register* at least fifteen (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.

X. 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 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 expense, 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 interests.

XI. Financial and Support Services

The Committee's costs are estimated at \$_____ and one-quarter employee work year. 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 and Public Law 101-648 authorize establishment of the Committee.

Charter Approved:

Date: _____

Melvin Martinez, Secretary
Housing and Urban Development