| **COLUMN 1** | **COLUMN 2** | **COLUMN 3** |
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| **“Fixing America's Surface**  **Transportation Act” (“FAST Act”)**  **(Public Law 114-94)**  **Sec. 1121. Tribal Transportation**  **Self-Governance Program**  **(23 U.S.C. § 207) and related Statutes** | **PROPOSED REGULATION**  **Amendments to Regulations** | **COMMENTS** |
| 23 USC 207 (n) Regulations.-  (1) In general.-  (A) Promulgation.-Not later than 90 days after the date of enactment of the FAST Act, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5 to negotiate and promulgate such regulations as are necessary to carry out this section.  (B) Publication of proposed regulations.-Proposed regulations to implement this section shall be published in the Federal Register by the Secretary not later than 21 months after such date of enactment.  (C) Expiration of authority.-The authority to promulgate regulations under subparagraph (A) shall expire 30 months after such date of enactment.  (D) Extension of deadlines.-A deadline set forth in subparagraph (B) or (C) may be extended up to 180 days if the negotiated rulemaking committee referred to in paragraph (2) concludes that the committee cannot meet the deadline and the Secretary so notifies the appropriate committees of Congress.    (2) Committee.-  (A) In general.-A negotiated rulemaking committee established pursuant to section 565 of title 5 to carry out this subsection shall have as its members only Federal and tribal government representatives, a majority of whom shall be nominated by and be representatives of Indian tribes with funding agreements under this title.  (B) Requirements.-The committee shall confer with, and accommodate participation by, representatives of Indian tribes, inter-tribal consortia, tribal organizations, and individual tribal members.  (C) Adaptation of procedures.-The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian tribes.    (3) Effect.-The lack of promulgated regulations shall not limit the effect of this section.  (4) Effect of circulars, policies, manuals, guidance, and rules.-Unless expressly agreed to by the participating Indian tribe in the compact or funding agreement, the participating Indian tribe shall not be subject to any agency circular, policy, manual, guidance, or rule adopted by the Department, except regulations promulgated under this section.  (Added [Pub. L. 114–94, div. A, title I, §1121(a), Dec. 4, 2015, 129 Stat. 1359](http://uscode.house.gov/statviewer.htm?volume=129&page=1359).) | **§ xxx.xxx May the Secretary amend the TTSGP regulations after publication of the final rule?**  The Act requires the Secretary to promulgate regulations in accordance with procedures authorized under the Negotiated Rulemaking Act (5 USC **§** 565) until June 4, 2018 unless the Secretary notifies Congress that it has requested a 180 day extension until December 1, 2018. Any amendments to these regulations must be initiated/concluded in accordance with procedures authorized under the Negotiated Rulemaking Act (5 USC **§** 565) within this timeframe. | Note: Helen will follow up on potential language revisions. |