

1 U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
2 INDIAN HOUSING BLOCK GRANT
3 FORMULA NEGOTIATED RULEMAKING COMMITTEE

4

5 Wednesday, September 18, 2013

6 8:04 a.m.

7

8

9

10

11

12

13

14

15

16

17

18

19

20 Grand Hyatt Denver

21 1750 Welton Street

22 Denver, Colorado 80202

- 1 PARTICIPANTS
- 2 STEVE NICHOLS, Facilitator
- 3 SUSAN PODZIBA, Facilitator
- 4 ANNETTE BRYAN, Committee Co-Chair
- 5 JASON DOLLARHIDE, Committee Co-Chair
- 6 JASON ADAMS
- 7 JAD ATALLAH
- 8 RODGER BOYD
- 9 HEATHER CLOUD
- 10 GARY COOPER
- 11 PEGGY CUCITI
- 12 MINDI D'ANGELO
- 13 PETE DELGADO
- 14 SAMI JO DIFUNTORUM
- 15 EARL EVANS
- 16 DEIRDRE FLOOD
- 17 KARIN FOSTER
- 18 CAROL GORE
- 19 LAFE ALLEN HAUGEN
- 20 SANDRA HENRIQUEZ
- 21 RICHARD HILL
- 22 ROBBIE HOBGOOD

- 1 PARTICIPANTS (CONTINUED)
- 2 LEON JACOBS
- 3 KEVIN KLINGBEIL
- 4 TERI NUTTER
- 5 SAM OKAKOK
- 6 RACHEL PHAIR
- 7 MICHAEL REED
- 8 TODD RICHARDSON
- 9 S. JACK SAWYERS
- 10 MARTY SHURAVLOFF
- 11 RUSSELL SOSSAMON
- 12 MICHAEL THOM
- 13 SHARON VOGEL
- 14 BEN WINTER
- 15 ANEVA YAZZIE
- 16
- 17
- 18
- 19
- 20
- 21
- 22

1 PROCEEDINGS

2 MS. BRYAN: Thank you. Good morning, I am Annette
3 Bryan, Puyallup Nation Housing Authority, co-chair.
4 And next to me is Jason Dollarhide, co-chair.

5 And we'd like to welcome you to this morning's
6 session. We're pretty excited that we got a lot of
7 work accomplished in the last session as well as
8 yesterday and looking forward to accomplishing a lot on
9 the issues today.

10 So we'd like to start out our meeting with a
11 prayer, and we've asked Jason Adams if he would please
12 give us that prayer.

13 MR. ADAMS: Good morning, everyone. Before I open
14 us here this morning in prayer, I was just -- I would
15 like to just say a few things.

16 As I was growing up, I had the fortunate
17 experience during my life so far to have a lot of
18 people that influenced my life. And I had a great
19 grandfather, paternal grandfather that was a medicine
20 man, and I learned a lot of things from him and
21 watching him and his life, and my own father followed
22 in his footsteps.

1 And I had a great grandma that probably had the
2 greatest influence on me because through her prayer
3 life, I was able to see the results of her prayer for
4 our family because she was always so humble, on her
5 knees in prayer for our family. And I would ask her
6 what she was doing as a little kid, and she'd say, "I'm
7 praying for you guys."

8 And that never really meant much to me until I got
9 to be an adult and understood what she was doing for
10 us. And so, I've never taken prayer for granted, and
11 so I hope with that spirit of remembrance this morning
12 of those things that were passed on to us that you'll
13 join with me here this morning in prayer.

14 (Speaking Native language.) We thank you. We
15 thank you, Lord, for this day. We thank you, Creator,
16 for this time that we have once again here this
17 morning. We know that we're not here for anything
18 other than for your purposes. So that's what I pray
19 here today, that we remember that you are the reason
20 that we are here.

21 And we thank you for those that came before us.
22 We thank you for those that were in prayer for many

1 generations before us that allow us to be here today.
2 I thank you for them. I thank you for their wisdom,
3 thank you for all the things that they showed us with
4 their lives, for all the struggles that they went
5 through for us to be here today.

6 I thank you for each and every one that's here,
7 for the awesome responsibility that is placed before
8 us. Help us not to take these things for granted. I
9 thank you for the cooperation that we have in this
10 room, for the respect.

11 Father, we just ask for you to watch over those
12 back home, especially I'm thinking of the elderly or
13 those that are home that are sick and those that are
14 struggling with loss of loved ones recently. Always
15 remember them. I ask for you to hold them in the palm
16 of your hand.

17 This morning, I'm thinking also of the tragedies
18 that are happening in this world, the shootings in
19 D.C., the flooding right here in Colorado. We just ask
20 for you to watch over all those people that are
21 affected, be with them and their families.

22 Again, I just thank you for your presence here

1 with us and ask for you to give us the guidance that we
2 need for this day. In Jesus' name I pray, amen.

3 Thank you.

4 MR. DOLLARHIDE: Good morning. Before we get
5 started here, I would like to -- I'd like to start over
6 here with Ms. Vogel, and please introduce yourselves as
7 we go around the table so folks in the audience will
8 know who is speaking and their tribal affiliation.

9 Thank you.

10 MS. VOGEL: Good morning. My name is Sharon
11 Vogel. I'm the executive director of the Cheyenne
12 River Housing Authority and representing Region 3.

13 Thank you.

14 MS. FOSTER: Good morning. My name is Karin
15 Foster, and I'm with the Yakama Nation Housing
16 Authority.

17 MR. BOYD: Good morning. I'm Rodger Boyd, with
18 the Office of Native American Programs.

19 MS. HENRIQUEZ: Good morning. Sandra Henriquez
20 from HUD. Thank you.

21 MR. DELGADO: Good morning. Pete Delgado,
22 executive director, Tohono O'odham Nation Housing

1 Authority.

2 MS. YAZZIE: Good morning. Aneva Yazzie, chief
3 executive officer, Navajo Housing Authority.

4 MS. PHAIR: Rachel Phair, Lummi Housing Authority.

5 MR. HILL: Good morning. Richard Hill, Mille Lacs
6 Band of Ojibwe.

7 MR. SAWYERS: Jack Sawyers, assistant to the co-
8 chairs.

9 (Laughter.)

10 MS. BRYAN: Excellent. Good morning. Annette
11 Bryan, Puyallap Nation Housing Authority.

12 MR. DOLLARHIDE: Good morning. Jason Dollarhide,
13 executive director of the Peoria Housing Authority.

14 MR. OKAKOK: Sam Okakok, Native Village of Barrow.

15 MS. NUTTER: Good morning. Teri Nutter, Copper
16 River Housing Authority, representing Native Village of
17 Gulkana and Kluti-Kaah.

18 MR. SHURAVLOFF: Good morning. Marty Shuravloff,
19 Kodiak Island Housing Authority.

20 MS. GORE: Good morning. Carol Gore from Cook
21 Inlet Housing out of Anchorage.

22 MS. DIFUNTORUM: Good morning. Sami Jo

1 Difuntorum. I'm the housing director for the
2 Confederated Tribes of Siletz Indians in beautiful
3 Oregon.

4 MS. CLOUD: (Speaking Native language.) My name
5 is Heather Cloud. I'm the vice president of the Ho-
6 Chunk Nation, and I'm from God's country in Wisconsin.

7 Thank you.

8 MS. FLOOD: Good morning. I'm Deirdre Jones
9 Flood, and I'm the chairwoman of the Washoe Housing
10 Authority from the great States Nevada and California.

11 MR. THOM: Good morning. I'm Michael Thom. I'm
12 the vice chair of the Karuk Tribe in Northern
13 California.

14 MR. ADAMS: Again, good morning. I'm Jason Adams,
15 the executive director for the Salish Kootenai Housing
16 Authority in Montana.

17 MR. REED: Good morning. Michael Reed, Cocopah
18 Indian Housing and Development.

19 MS. HOBGOOD: Robbie Hobgood from the Choctaw
20 Nation of Oklahoma.

21 MR. COOPER: Good morning, everyone. Gary Cooper,
22 executive director of the Housing Authority of the

1 Cherokee Nation in the great State of Oklahoma.

2 MR. JACOBS: Good morning. My name is Leon
3 Jacobs, representing the Lumbee Tribe of North Carolina
4 and also the Mashpee Wampanoag Tribe in the great State
5 of Massachusetts.

6 MR. EVANS: Hi, my name is Earl Evans. I'm a
7 tribal counselor with the Haliwa-Saponi Indian Tribe
8 from North Carolina. Appointed here to -- or selected
9 to represent the interests of the Haliwa-Saponi Indian
10 Tribe and appointed to the committee to represent the
11 interests of small, medium, and large tribes all across
12 Indian Country.

13 Thank you.

14 MS. BRYAN: Thank you.

15 And I'll have the facilitators introduce
16 themselves after we do a little bit of business here.
17 We are going to jump right into the protocols that were
18 adopted -- well, not adopted. They may be adopted
19 today. But the ones we worked on yesterday.

20 If I could have you pull those out, I need to call
21 your attention to some technical changes so that if we
22 do ratify these, they need to be ratified with changes.

1 So I'll get right into it.

2 On page 3, Section 3, Decisionmaking, (a)
3 Consensus, we need to rework this. Kidding, kidding,
4 kidding. See if you all are awake.

5 (Laughter.)

6 MS. BRYAN: So we did change Article 6(a), (b),
7 (c), (d), that's another change later. But this says
8 6(b). It needs to be changed to 6(a).

9 On page 4, in the letter (b) Drafting Group,
10 second sentence, "Members need not be members of the
11 full committee." I believe it says "by."

12 Page 5, Section 6, there is two letter (a)s. So
13 we will change that to (a), (b), (c), (d), and (e).

14 And finally, on page 6, Section on Co-Chairs
15 letter (a), the last sentence, second to the last line,
16 "committee requests" with an "s," period.

17 So those are the changes for your consideration.
18 We'll open up the floor for discussion on these
19 protocols.

20 MS. YAZZIE: Madam Co-Chair? Could you repeat the
21 change on page 4, please?

22 MS. BRYAN: Yes. Page 4, Drafting Group, which is

1 letter (b). In the middle of that I believe it's the
2 second sentence actually, "Members need not be members
3 of the full committee." It currently says "by."
4 That's a typo.

5 MS. YAZZIE: Thank you.

6 MS. BRYAN: You're welcome. Any other questions
7 or did anybody catch anything? Sami?

8 MS. DIFUNTORUM: Sami Jo Difuntorum, Confederated
9 Tribes of Siletz. This isn't actually a change. This
10 is a clarification of the text.

11 Okay, on the section that talks about good faith,
12 6(a), my recollection of the discussion yesterday was
13 that when people object, they do not have to give a
14 reason. But somebody in the room would have to give an
15 alternate proposal. I believe that's not actually what
16 it says.

17 This says he or she shall state the reason for
18 that opposition, and I would like to say that I think
19 that needs to be the practice. I believe that we need
20 to be accountable to each other, and stating the reason
21 for objecting to something, we should do that if we're
22 objecting. I don't think everybody should give an

1 alternate proposal.

2 So that's actually what the protocols say, but
3 that's not my recollection of the discussion. So just
4 to clarify, I'm very comfortable with how they read
5 right now.

6 MS. BRYAN: Thank you. Anyone else? Mr. Evans?

7 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
8 Tribe. Thank you, Madam Chair.

9 A correction to the tribal name on the -- on page
10 7. The correct legal name of my tribe is Haliwa-Saponi
11 Indian Tribe. So I would just like that reflected to
12 correct -- to reflect the correct legal name of the
13 tribe.

14 Thank you.

15 MS. BRYAN: Thank you. Carol?

16 MS. GORE: Yes. A technical correction perhaps?
17 On, excuse me, page 3 under Decisionmaking and
18 Consensus, it refers to Article 6(b), which I think is
19 supposed to be 6(a).

20 MS. BRYAN: Thank you.

21 MS. GORE: Thank you.

22 MS. BRYAN: Deirdre?

1 MS. FLOOD: I'd like to correct my name, too, on
2 page 7. It says Deirdre Floods. It's Deirdre Flood,
3 and there's an R missing in my name.

4 MS. BRYAN: So it's only one Flood?

5 MS. FLOOD: Only one Flood and an R.

6 MS. BRYAN: Okay. Pete and then Sandra.

7 MR. DELGADO: Yes. Thank you. Can we also
8 correct our official housing authority designation?
9 Our official designation is Tohono O'odham Ki:ki
10 Association. It's Ki:ki.

11 Thank you.

12 MS. HENRIQUEZ: Good morning. I'd like to correct
13 my title. It's the Office of Public and Indian Housing
14 on the signature page, page 8.

15 MS. BRYAN: We're trying to claim you for
16 ourselves, but -- other hands?

17 FEMALE SPEAKER: I'm sorry. Would you mind
18 repeating so we get --

19 MS. HENRIQUEZ: Yes, it's the -- it's the Office
20 of Public and Indian Housing.

21 MS. BRYAN: Sami Jo?

22 MS. DIFUNTORUM: Yes. On mine, I work with the

1 Confederated Tribes of Siletz.

2 MS. BRYAN: So it sounds like we all need to take
3 a really close look at your name and your tribe's
4 spelling to make sure we get that corrected so that we
5 can make sure when you sign this, it's accurate.

6 Yes?

7 MS. NUTTER: I work for Copper River Basin, not
8 Cooper.

9 MS. HOBGOOD: On Russell Sossamon, it should be
10 Housing Authority of the Choctaw Nation of Oklahoma.

11 (Pause.)

12 MS. HOBGOOD: Of the Choctaw Nation.

13 MS. BRYAN: I wonder if we should get our names
14 all changed and accurate and then have them retyped up
15 for our review? I don't know if that necessarily means
16 we don't have to approve the protocols right now, but I
17 want to make sure that our names are spelled correctly,
18 and there's a lot of typos in the last -- in the
19 signature pages.

20 And the signature pages will come later anyway,
21 but I'd like to request that they get retyped up and
22 submitted to us, and then we can review them one more

1 time and correct any further typos, if that's all
2 right?

3 (Pause.)

4 MS. BRYAN: So if that is the committee's will to
5 move forward with the approval of the protocols, then
6 we'll add the signature pages after we -- after they
7 get corrected.

8 Are there any objections to moving forward with
9 approving the protocols -- as corrected?

10 (No response.)

11 MS. BRYAN: Okay. So I think that seeing no
12 objections to the ratification of the protocols in
13 front of you with the changes --

14 MS. YAZZIE: Madam Co-Chair, Aneva Yazzie, Navajo.

15 I'd like to reference page 3. There is an insert in
16 graphics that has a note to a specific reference on
17 page 8, and I think that may be an unneeded insert.
18 Page 8 now where it says "signatures."

19 MS. BRYAN: Good catch, yeah. We'll cross that
20 off.

21 (Pause.)

22 MS. BRYAN: Jack?

1 MR. SAWYERS: I move we ratify the protocols.

2 MR. JACOBS: Leon Jacobs, Lumbee Tribe. I second
3 that.

4 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
5 Tribe. I would like to request a friendly amendment to
6 that motion to add "with the changes as noted."

7 MR. SAWYERS: That's fine.

8 MS. BRYAN: Any opposition to the motion on the
9 table?

10 (No response.)

11 MS. BRYAN: All in favor?

12 (Show of hands.)

13 MS. BRYAN: Okay, thank you. We have protocols.
14 Good job, everybody.

15 So, at this time, we would like to turn it over to
16 our facilitators, and for the audience, if you'd just
17 introduce yourselves. And we're going to go to the
18 presentation, and after that, we'll dig right into it.

19 MR. NICHOLS: Good morning, everybody. Steve
20 Nichols, meeting facilitator.

21 MS. PODZIBA: Hi, I'm Susan Podziba from Boston,
22 Massachusetts, also a facilitator.

1 I'd like to invite Ben Winter, who is an analyst
2 at PD&R with HUD, and he will present on the American
3 Community Survey for you.

4 (Pause.)

5 MR. WINTER: Hello, everyone. Can you all hear me
6 okay? No? Do I need a mike? Yes.

7 (Pause.)

8 MR. WINTER: How's that? Is that a little better?
9 Great.

10 Okay. Well, thank you all for inviting me to talk
11 today and especially thank you for not making me speak
12 at 6:30 last night because I was getting a little
13 hungry, as was everybody else.

14 I also invited the presenters from yesterday to
15 come up as well to try to answer other questions that
16 you might have after settling in last night and
17 thinking a little bit more about the formula and seeing
18 how the ACS data kind of ties back. So they're here
19 for your reference as well.

20 So my name is Ben Winter. I an analyst in PD&R.
21 I work on a variety of new policies and programs that
22 come out of HUD, and also I develop new formulas,

1 especially for the CDBG disaster relief program, and
2 analyze old ones. And I use census data all the time.

3 I've been using it for years, and we've been using the
4 decennial census and, more recently, the American
5 Community Survey.

6 So I'm a regular user of these data. I obviously
7 don't work for the census. I work for HUD. We're just
8 consumers of the data, just like you all.

9 But I'm really here today to talk about the
10 American Community Survey, which is a new source that's
11 available for the needs portion of the American -- or
12 of the Indian Housing Block -- Indian Housing Block
13 Grant program. It's a really important topic because
14 for the last 10 years, Peggy has been running this
15 formula for -- with the old decennial 2000 census data,
16 which was data that was collected from the long form
17 questionnaire in 2000. And she's been adjusting it
18 every year with her projections of population change.

19 And here we are at the end of 2013, and we're
20 still using these old data. We haven't updated with
21 the new 2010 census population or the ACS.

22 So, so today, to understand what this means for

1 the IHBG formula, I'm going to first give you all just
2 an overview of the census's evolution that got us to
3 where we are now, to the American Community Survey.
4 And I'm going to do a side-by-side comparison of the
5 new American Community Survey against the old decennial
6 long form survey.

7 And then I'm going to highlight some of the issues
8 that we should be thinking about when we're applying
9 this to the formula, and then finally, I'm going to
10 give you some overview findings, very high-level
11 findings from the interim Native American housing
12 report that PD&R, my office, is going to put out later
13 this month. It's just the interim report, a part of
14 the larger report that I think most of you should know
15 about.

16 So this is a busy slide. You'll see a lot of my
17 slides are very busy. So I apologize. But when I
18 think of the ACS, I just kind of see it as this next
19 step in the evolution of the decennial census, which
20 has a really long history of, frankly, under
21 representing hard-to-reach communities and minority
22 communities.

1 But over the centuries, you can see that the
2 census has made a variety of changes to do a better job
3 at representing these communities, and I think, you
4 know, it gets to us today, to the American Community
5 Survey, which is arguably the best national source of
6 information for all communities that we have today.

7 So you can see that in 1790, the census began to
8 collect population information but actually didn't
9 start collecting information on American Native
10 households until 1860. Even so, the census relied on
11 BIA enumerators in tribal areas all the way up until
12 1980.

13 So you're going to actually see later on in the
14 presentation what that means when we look at the
15 population between all the census years, and you can
16 see how it's been getting better at measuring the
17 population over time.

18 And then improvements to the census have kind of
19 happened even into modern times. We've already talked
20 about in 2000 when the census allowed individuals for
21 the first time to check more than one race. So that's
22 really important because, all of a sudden, we are able

1 to see the characteristics of people that identify as
2 American Indian/Alaska Native but didn't traditionally
3 check that on the box because they only had to choose
4 one.

5 And then, finally, 2005 was a very important year
6 because that was the first year that the census
7 introduced the American Community Survey, which is an
8 annual survey to replace the long form decennial
9 questionnaire. And in 2010, obviously, was the first
10 decennial census where we counted the population and
11 did not send out the long form questionnaire.

12 So another busy slide, but let me walk you through
13 it. I think that this is kind of a helpful side-by-
14 side comparison of what the old decennial long form
15 questionnaire, how that compares to the new American
16 Community Survey. Let's start from the bottom and go
17 up.

18 First, the similarities. So the questions are
19 actually very similar between the old long form
20 decennial census and the new American Community Survey.

21 The difference really is with the American Community
22 Survey, since it's administered every year, the census

1 can make small tweaks to the changes -- or to the
2 questions. So you see it evolve a little bit more
3 incrementally. By the way, in the old decennial
4 census, you had to wait 10 years before you changed the
5 survey to improve the outcome.

6 Also both surveys are mandatory by law to respond
7 to, and a little something that people don't realize is
8 that both surveys produced sampling error. They're
9 both producing estimates with confidence intervals. So
10 the only difference is that the decennial census, they
11 just produced a statistic, an estimate for a particular
12 variable, but didn't tell you what that margin of error
13 is, that plus or minus 2 percent or 3 percent. The
14 American Community Survey does give you that
15 information.

16 Now that's some of the things that are very
17 different. First of all, obviously, the census was a
18 point in time estimate that occurs every 10 years, and
19 they collect that data through a 3- to 4-month period.

20 The American Community Survey is called a period
21 estimate. It's not a point in time.

22 So they collect data continuously throughout the

1 year and then aggregate it together, and those are
2 considered period estimates. And then to make the
3 samples, to make it more statistically significant to
4 get to lower geographies, they'll aggregate multiple
5 years to get down. So kind of point in time versus
6 period.

7 Now because the census was a -- the long form was
8 a point in time, they had to do it every 10 years, they
9 had to sample a lot of households at once. So they
10 sampled one in every six households. It was 18 million
11 addresses, and they had to do that every year.

12 For the ACS, because they do it every year, they
13 can kind of take that big sample and kind of draw it
14 out over time. So they only sample 3 million
15 households every year. And then, of course, the
16 decennial census, you have a new product every 10
17 years. And the ACS, you have it every year.

18 Then there are some minor differences that affect
19 some of the results. So the census collects
20 information for people at their -- what they call their
21 usual address, and the ACS collects information for
22 people who've been living at an address for at least 2

1 months.

2 And when the actual survey happens, the decennial
3 census kind of relies on very temporary survey takers.

4 Meanwhile, the ACS kind of relies on more professional
5 staff that are employed year round. And when the
6 decennial census happens, they kind of have these big
7 media campaigns, spent a lot of money, and it was to
8 get people to respond. Meanwhile, the ACS does
9 smaller, more targeted media campaigns and worked with
10 communities to get their responses.

11 So here we are, these are the products that we
12 have today from the census. You obviously have the
13 decennial census, which is just a count of people and
14 households and housing units, and you also -- that
15 comes with race and ethnicity. And again, that was
16 collected the first 3 months in 2010, and that will be
17 updated every year. Oh, I'm sorry, every 10 years.

18 And then we have the American Community Survey.
19 Because the sample sizes are so small, every year,
20 remember, 3 million addresses are sampled. The latest
21 ACS product, which collected information for the entire
22 year of 2011, only produces results that are

1 statistically significant for big populations, over
2 65,000 people.

3 So a lot of the tribal areas, that's not going to
4 work. So you might have to go down to the 3-year
5 estimate. So it's a period estimate of responses from
6 January 1, 2009, all the way to December 31, 2011. But
7 again, it's not as many addresses. So you can only --
8 that only works for places that are 20,000 people.

9 So, for us, the thing that really makes -- that
10 we're going to think about using is the 5-year
11 estimates, which should get us at all the geographies.

12 Okay?

13 Just a quick note. The census actually
14 discourages mixing and matching these products. So
15 it's not like you should be using the 1-year estimate
16 for a really large tribe and then using the 5-year
17 estimate for a smaller tribal area. Those are two
18 different period estimates, so it's not really
19 comparing apples to apples.

20 So you can use the ACS data for just about every -
21 - well, you can use the ACS data in every single
22 component of the existing formula. You can even use it

1 for the population count. So, you know, we kind of
2 have a choice. You could use the decennial 2010 census
3 and adjust it annually, like we've been doing, or you
4 could also consider using the American Community
5 Survey, which gets updated every year.

6 And then we also, HUD, just like we did with the
7 decennial 2000 census, we do special tabulations with
8 the census so we can connect these data up to formula
9 median income, area median incomes, and so we can get
10 these statistics for multi -- AIAN alone and AIAN in
11 combination.

12 So -- so we can get all these different variables
13 that we use currently that we talked about. We can
14 also use it to introduce new variables that you might
15 start thinking about during the NegReg process --
16 vacancy, unemployment, labor force participation rate,
17 building age, child poverty, unemployment, educational
18 attainment, child poverty -- did I already say that?

19 There's a whole list. It's a lot of indicators
20 and ways to cut these data. And there's a little link
21 here to a document, the technical document of the ACS.

22 So you can kind of click on that in your free time

1 when you want to torture yourself and read some really
2 difficult, boring literature. But it does have a list
3 of all the different variables that are available in
4 the ACS, and we could talk about that, too, later on.

5 So another couple of things to consider when using
6 the American Community Survey data is when we -- we
7 actually get these data as special tabulations from the
8 census. So when they do that, they have special
9 rounding rules. I don't have them memorized, but it's
10 like instead of having -- if your estimate is 22
11 people, they might round it up to 25. If it's 21
12 people, they'll round it down to 20 people.

13 This doesn't -- it's not really that big of an
14 issue, but it becomes kind of an issue when you're
15 working with very small geographies, and you're kind of
16 cobbling together small geographies. And then, so it
17 makes a small difference there for when you're cobbling
18 together geographies.

19 And also the estimates are less precise for
20 smaller geographies and lower population. Now this is
21 a statistical term, precision versus accuracy, right?
22 So the ACS could be producing pretty accurate results,

1 but it's just less precise, meaning that it has a wider
2 confidence interval. So that true statistically
3 significant estimate has -- it's either 20 people in
4 poverty or 30 people in poverty, somewhere between that
5 ground.

6 So some of the ways to deal with these rounding
7 and precision issues is to, you know, PD&R can request
8 that we get larger areas so we can create our own
9 formula areas, geographies, and then they'll kind of
10 aggregate them up -- aggregate the data up to that area
11 so we don't have to cobble it together.

12 So this is an important issue, and I want to talk
13 about it, and we could talk about it a little bit more
14 later in questions. But the issue of representation
15 for American Indians and Alaska Natives.

16 We've already seen, honestly, that there is a
17 history of under representation in the census. But I
18 think that we've -- the censuses have been -- they have
19 been making incremental changes throughout the years,
20 which makes it more representative over the years.

21 One thing in particular that I think was really
22 important is the 2000 because research does show that

1 when an AIAN household that is in combination with
2 another race is forced to only choose one race, they
3 tend to choose the other race. So that's important.
4 That was a good improvement. And also starting in
5 1980, the census has been doing targeted outreach with
6 tribal areas and, most recently, with the National
7 Congress of American Indians Policy Center for the 2010
8 census and ACS.

9 So is it perfect? No. But it's what we have, and
10 it is objectively administered across the country to
11 ensure consistency across all areas. So it doesn't
12 necessarily mean that it's fully representative for
13 hard-to-reach areas, but again, it's what we have to
14 work with.

15 I'll give you just a little idea of response rate.

16 I just pulled these from the American Community Survey
17 Web site. I'm sorry. Who was it from yesterday that
18 asked about -- I'm sorry, Sharon. I don't have these
19 data for individual tribal areas or by county. I'm
20 sure they exist, and I might be able to go back and
21 research it.

22 But overall, we see that the response rate

1 nationally is really high for the American Community
2 Survey. It's very high for any survey. We see that
3 97.6 percent of all housing units surveyed actually
4 responded in 2011, and only 1.1 percent refused. And
5 that response rate has been pretty constant ever since
6 it became fully implemented in 2005 on.

7 And then, when you look at the response rate by
8 State, you see on one end, you have States like
9 Oklahoma that have 99 percent response rates, and on
10 the other hand, you have States like Alaska that have a
11 95 percent response rate. But still, even so on the
12 far end side, 95 response rate is really high.

13 So is it perfect? No. But one of the good things
14 about the ACS is that they do have survey takers that
15 follow up with people that don't respond either by
16 phone -- I'm not sure how much by in person. Probably
17 less than the decennial census, but they do follow up.
18 It gets the response rate higher.

19 So I'm going to pause right here before I go into
20 the Native American Needs Study, which relies heavily
21 on the American Community Survey, especially for the
22 interim report, not the full report. And I want to

1 pause here and ask if anybody has questions about the
2 American Community Survey, the decennial census, and
3 how it applies to the formula, too. We can open it up.

4 MS. YAZZIE: Aneva Yazzie, Navajo. What -- are
5 there like set-asides and targets the ACS targets in
6 the communities, or is this based on the 2000 census
7 pool of residents, I guess, in the respective States?
8 How is that determined to try to reach these confidence
9 intervals that you're trying to measure so that it's
10 truly -- is representative, I guess, of the data that's
11 being analyzed?

12 MR. WINTER: So I'm the user of the data. So I'm
13 going to try to answer that question, and I don't know
14 exactly, exactly what they do. But my understanding is
15 that they have a national address database that's
16 updated all the time, every year. And from that
17 database, they pull a statistically representative
18 sample from that database.

19 So I don't think it really relies on the 2000
20 census. It's really on the national address database.

21 I don't know if, Todd, you can confirm?

22 MR. RICHARDSON: Yeah, enumerators are now --

1 actually, Kevin is in the back here. I'm actually
2 going to ask if Kevin, who worked on the ACS back in
3 2010, may be able -- can answer that question. So can
4 you come up, Kevin?

5 MR. KLINGBEIL: What's the question?

6 MR. RICHARDSON: The question has to do with the
7 sampling frame that's used for the ACS, and my
8 understanding is the enumerators have -- went out,
9 tried to identify all the addresses prior to the 2010
10 census, methods were used for also the ACS.

11 MR. KLINGBEIL: Right. So the map that was
12 developed during the decennial census, that became the
13 basis for what was used as the universe, especially in
14 Indian Country because there are no physical addresses
15 on a lot of the reservations. So as many of you have
16 probably seen, when ACS staff people come around,
17 they're not looking for usually 100 Mockingbird Lane.
18 They're trying to find a spot on a map with a physical
19 description.

20 So that becomes kind of the survey frame for
21 working within Indian Country on a lot of the
22 reservations instead. They don't have the same kind

1 of, you know, post office style addresses for these
2 homes. They have maps that were generated by the folks
3 who went around using the little Kleenex box-looking
4 GPS devices that they were using during the 2010
5 census.

6 So that, in and of itself, creates a different
7 issue, I guess, that we can address later on about
8 identifying and actually finding the homes. Because
9 that's one of the ways they categorize responses is
10 "Type A non-interview," that type of thing, where if
11 they're not able to find the house, then they're not
12 able to conduct a survey at that particular house.

13 So I hope that answers the question.

14 MR. RICHARDSON: It does. Thank you, Kevin.
15 Sorry to put you on the spot.

16 MS. YAZZIE: Well, it kind of does, but I was just
17 trying to -- you know, you mentioned these confidence
18 intervals, and on the ACS, that 89 percent. But I just
19 wondered how that related to the sampling size to make
20 sure that it truly was representative of what -- of the
21 area or tribes, I guess specifically at this point.

22 MR. WINTER: So your question is, does the

1 confidence intervals relate to how representative it is
2 to the -- well, I think those are -- I mean, they're
3 kind of two different terms, I think, in my mind. So
4 representative is, this gets to that term of precision
5 versus accuracy, right?

6 So a sample can produce accurate results, but with
7 really -- so representative and accurate of a
8 particular geography or a people, but it could be less
9 precise. So it has a wider confidence interval. So it
10 could be representative, just not very precise with a
11 large confidence interval.

12 So, on the other hand, you could have something
13 that's not very accurate, but very precise with a very
14 small confidence interval. It's just that your survey
15 isn't reaching the right people, but you're getting --
16 you're not getting much variance.

17 So I don't know. It's kind of a statistical term.
18 Hopefully, that answers it, and I think we do need to
19 have more work to see how accurate the ACS data is in
20 Indian Country. And I think some of the other work
21 that's going on and especially our needs study that
22 we're doing will help -- will help with that.

1 Yes, Sharon?

2 MS. VOGEL: Could you talk a little bit more about
3 the 1-year, 3-year, and 5-year? I think there is some
4 things on that that if you run it for 1 year, it may be
5 favorable to you. If you run it for the 3-year, it may
6 be less favorable to you, and if you run it for the 5-
7 year, it's definitely --

8 MR. WINTER: Yeah. Yeah, it's a little --

9 MS. VOGEL: Or it could be that, you know, you're
10 losing, and so how do you balance that out?

11 MR. WINTER: So it's a good question, and it's --
12 it's a little byproduct. It's a little quirk for these
13 products that we're not used to in the past.

14 So if a place that actually has a large
15 population, yes, the ACS 1-year is going to give you an
16 estimate that's reflective of that 1 year of the entire
17 year that they've collected data. But for most places
18 in Indian Country, you're not going to be able to use
19 that 1-year period. You're going to have to use the 5-
20 year period, which, when you conceptually think about
21 what it is, it's actually think about it as the average
22 poverty rate, for instance, from the last 5 years.

1 So, and because of what you're describing like,
2 well, some people could gain or lose depending on what
3 products we're using, if you want to make it fair
4 across all geographies, we should be comparing apples
5 to apples and using the same -- the same ACS product
6 for all geographies just because of what you're talking
7 about.

8 MS. VOGEL: So then with a variance like that,
9 then what does a census challenge, the provision that
10 you currently have, how does that come into play with
11 the ACS?

12 MR. WINTER: Yeah, I think that's a really good
13 question, and I don't have an answer for you for that.

14 And that might be something that we need to discuss
15 further. That's one of the things that we need to talk
16 about and figure out when transitioning.

17 But you're right. That's a good question, and we
18 should appoint that for further discussion among
19 everyone.

20 Yeah?

21 MR. COOPER: Gary Cooper. I think it kind of gets
22 back to what Sharon and Aneva both asked because each

1 year you sample 3 million -- 3 million families. Is
2 that correct?

3 MR. WINTER: Mm-hmm.

4 MR. COOPER: So --

5 MR. WINTER: We don't. The census does.

6 MR. COOPER: The census does, yeah, I'm sorry. So
7 the chances of, for instance, probably families we
8 could count on one hand maybe in Sharon's region or
9 somewhere else of actually getting phoned or -- for the
10 survey is slim and none. Would that be accurate?

11 MR. WINTER: Well, it seems like a small sample
12 size every year, which is exactly why we need to be
13 looking at the 5-year estimates. Because it's such a
14 small estimate, you can't get statistically significant
15 results for the 1-year -- for the 1-year product,
16 especially for some of these smaller areas. So that's
17 exactly why you need to be looking at an average of a
18 5-year sample.

19 MS. VOGEL: Sharon Vogel, Cheyenne River Housing
20 Authority. With the -- because you aren't able to
21 break down that refusal rate, you're saying the
22 response rate is high on that one slide, was that an

1 average or was that -- was that per year that it's that
2 high? And when you have that refusal rate, then what
3 happens? Do you go through the same process of five
4 attempts, and then you drop that and then you go on to
5 another?

6 Because if you're taking that census the fifth
7 year, and you have a poor response rate for that year,
8 then that's definitely going to skew your data. So how
9 do you account for that refusal rate? And if you have
10 low cooperation in one particular area, you know, over
11 a period of time, that's definitely going to impact
12 your numbers.

13 MR. WINTER: It's a good point, and I wish I could
14 be more informed about this. I could give you a better
15 answer if I actually knew what the refusal rate was by
16 year for Indian Country. I just don't know it. And,
17 but you see, at least at the national level, that the
18 response rate has been really high over that time
19 period, that 5-year time period.

20 So, unfortunately, I really can't comment on that.

21 MS. VOGEL: And the only reason that I happen to
22 know is that the staffer has done that. The full-time

1 census staffer comes to us a lot and is looking for
2 units, you know, that they don't have a name of like
3 Kevin had pointed out. They're looking for those unit
4 structures.

5 And she constantly is not getting -- you know,
6 she'll have to look for another one. She'll come back
7 and she'll say, well, I didn't have any luck on that
8 one. So here's a replacement. So when you're going to
9 that, that's why I'm really concerned. I think that
10 it's a serious issue that, you know, we need to take a
11 look at.

12 MR. WINTER: Yes.

13 MS. VOGEL: And if we're going to use this data,
14 then, you know, does that put responsibility back on
15 the tribes to do a local campaign, you know, to inform
16 our residents that this ACS is an important survey that
17 impacts their funding? I mean, there's a lot of things
18 that are going to come into play if we're going to rely
19 on this data.

20 MR. WINTER: I think that's a good point, and I
21 think especially the point that you just said is really
22 important where it's we need to start thinking about

1 this as a partnership with census, where all
2 communities, not just tribal communities, but other,
3 you know, immigrant communities, for instance, that
4 might have experienced under representation in the
5 survey, we need to make sure that you work -- have a
6 concerted effort with the census to actually encourage
7 people to respond.

8 I think it's a good point. But like I said
9 before, even with all of the -- the things that maybe
10 don't make this a perfect product, it's still the only
11 national survey that we have to work with, and it's
12 administered the same across the country.

13 So, Todd, you have -- great.

14 MR. RICHARDSON: So I'm making some notes on
15 things we need to follow up on.

16 MR. WINTER: Yeah, that's great. So if you have
17 any other questions on this, maybe if I could just kind
18 of -- yes?

19 MR. OKAKOK: Sam Okakok, with the Native Village
20 of Barrow. I did have some questions on your point in
21 time count information. For instance, in housing and
22 homeless coalitions, they rely pretty heavily on the

1 continuum of care funds, and is there a pot of funds
2 that tribes can utilize for utilizing the point in time
3 estimates and counts?

4 MR. RICHARDSON: I'll take that. So you're
5 talking about in our continuum of care programs, we
6 have the annual point in time survey where we go out
7 and try to find folks that are homeless to create a
8 fund. That's separate from the American Community
9 Survey and the census.

10 And actually, it's not something that we've used
11 for this formula, but actually, it's an interesting
12 question about whether or not that's something we
13 should look at. That is new since we developed the
14 formula. So I think we should look into that to see a
15 little bit more about how the data is collected and it
16 might be used.

17 MR. WINTER: But I would say that the geographies
18 for the point in time counts are very different than
19 for tribal areas, right? So --

20 MS. VOGEL: I'm concerned about the point in time
21 data. We participated this year with a point in time,
22 the State HUD's count, and it did not do well for us at

1 all because of the definition that, you know, I mean,
2 we have a lot of people that are overcrowded, and they
3 don't qualify under that definition to become as
4 homeless.

5 So our actual count for Cheyenne River was very
6 low. It was under 100 people that qualified on that
7 particular day for the definition of homeless. So
8 that's really alarming to us, and so I think we need to
9 look at that very cautiously when we look at that and
10 unless they're willing to address the overcrowding and
11 be able to have that count at some point in time.

12 Thank you.

13 MR. DOLLARHIDE: We've got Gary Cooper, and then I
14 believe, Sami Jo, you had your hand up, and then Sam.

15 MR. COOPER: And actually, I was getting ready to
16 ask a question about overcrowding, too. How does your
17 sampling whenever you go to an address affect or how
18 does overcrowding affect that? Is that still just one
19 survey, even though you may have three families living
20 in the same -- the same household?

21 MR. WINTER: For the American Community Survey,
22 it's basically the same questions that the decennial

1 census has. So I'm going to, in a couple slides, show
2 you some of the results, how the ACS is measuring
3 overcrowding versus the old decennial census.

4 But I think the overcrowding issue on HUD's
5 continuum of care point in time counts, we'll look into
6 that as a follow-up measure. Yes?

7 MS. D'ANGELO: And just as a clarification, right
8 now, because HUD also insists, we're using a household
9 and not the number of families.

10 MR. WINTER: Thank you.

11 MS. DIFUNTORUM: Hi. Sami Jo Difuntorum,
12 Confederated Tribes of Siletz. With the census,
13 families or households self-identify as Native
14 American. Is that also true with the ACS?

15 MR. WINTER: Yeah, the ACS relies on self-
16 identification only. That's correct.

17 MR. OKAKOK: Sam Okakok, Native Village of Barrow.
18 On the point in time counts on the State side or the
19 coalition, they rely very heavily on those counts for
20 homeless, and under the HEARTH Act of, I believe, it's
21 point number 2 under there where we do or we can take
22 advantage of the counts in regards to doubling up

1 situations such as tribes have throughout the nation.

2 You know, we have just so many families within the
3 household, and the HEARTH Act does take that into
4 account. So there is a provision in there that talks
5 about doubling up. And with that said, I was wondering
6 where it would be best to take advantage of in
7 addressing homeless issues?

8 I know we can do it under NAHASDA, but also versus
9 the State where they have a separate fund, pot of fund
10 that they are able to take advantage of. But we have
11 to utilize our NAHASDA funds to do that.

12 MR. WINTER: That's a good point. Are there any
13 other comments that anybody would like to make on the
14 American Community Survey or questions?

15 (No response.)

16 MR. WINTER: Looks like we've got some homework.
17 Keeping us busy.

18 All right. Well, let's just try to move this
19 along. So now I'm going to talk about the interim
20 report for our needs, American Indian and Alaska Native
21 Needs Study. As you all heard from the previous
22 presentations, the prior -- the first NegReg was kind

1 of informed by HUD's Native -- assessment of Native
2 American housing needs, which was published back in
3 1996, and we haven't really updated that since then.

4 So we recently started that process again. And
5 we're just about ready to complete the first phase,
6 which tries to give kind of an overview of some of the
7 changes in the -- in these communities, as measured by
8 the American Community Survey. But these really only
9 scratch the surface of the need.

10 And I think the one thing that it does show me as
11 a reader learning about these issues for the first
12 time, for me, is that it really does underscore the
13 huge diversity of issues and problems that the
14 different tribal communities are facing. So I think
15 it's -- and I'm going to kind of show you some of the
16 slides and charts that I stole from the Urban
17 Institute's report. So it's like a sneak preview that
18 you get.

19 The second phase should be completed later on. I
20 think December 2014. You can correct me, Todd, if I'm
21 wrong on that. But that will be kind of a more
22 comprehensive look at Native American needs. It has a

1 unique household survey that many of you have commented
2 on, I believe. I've seen some of your names on
3 comments.

4 And it also has a study of lender activity in
5 tribal areas and in-depth interviews with tribal
6 leaders. Again, that's actually not going to be able
7 to drill down deep into different tribal areas, but it
8 will give us a good estimate of needs, especially
9 compared to how the American Community Survey measures
10 it.

11 So what I read as a reader -- again, I didn't do
12 this analysis. But, so when I read it, some of the
13 major factors that kind of came out as important for
14 you all to think about is, number one, population
15 growth. AIAN population growth from 2000 to 2010 has
16 been really -- it was really high, faster than the U.S.
17 population. But a lot of that was driven by the growth
18 of Hispanic/Latino/AIAN identified households and
19 multi-race households population.

20 We also see really large improvements in housing
21 facility problems and also in socioeconomic factors.
22 But still the gaps between AIAN people and the rest of

1 the country are still very large. So it's good that we
2 see improvements, but in some cases, gaps are
3 narrowing, but the gaps are actually widening in other
4 places. And we still also see high incidences of
5 overcrowding and cost burdens as well.

6 So to dig deeper into this, I love this chart
7 because it looks at how the decennial census measures
8 the AIAN population over time. You can see up until
9 1950 it's been very slow growth as measured by the
10 decennial census. But we've already kind of looked at
11 some of the history on that and see, well, maybe this
12 is actually a reflection of the census getting better
13 at measuring the population over time.

14 So, for instance, you look at 1980, and we see an
15 increase of 71 percent in the AIAN population from 1970
16 to 1980. This could be a product of not relying on BIA
17 enumerators and only relying on self-identification.
18 It could also be a product of some of their first
19 concerted outreach programs.

20 But from 2000 to 2010, the AIAN population alone,
21 people that only identify as AIAN, increased by 18
22 percent. That's almost twice the rate of the national

1 growth in population. But this slide will kind of show
2 that most of that growth can be attributed to the
3 growth of Hispanic/Latino population. So 68 percent --
4 so the Hispanic/Latino population that identifies as
5 American Indian/Alaska Native grew by 68 percent from
6 2000 to 2010.

7 MR. RICHARDSON: It might be helpful to clarify on
8 the census form, you can mark -- there two categories.

9 You can mark ethnicity, and you can mark race. So
10 Hispanic/non-Hispanic is the ethnicity. And then race
11 has AIAN, black, African American, white, Asian,
12 Pacific Islander. I've forgotten some of those.
13 Anyways --

14 MR. WINTER: Yes. Other.

15 MR. RICHARDSON: Other. So you can actually mark
16 ethnicity, and then you can mark multiple races. So
17 what Ben is pointing out here is that folks are -- many
18 folks are indicating that they're Native American only
19 on the race category, but they're also marking that
20 they're Hispanic.

21 So that's been where we've seen a lot of growth
22 between 2000 and 2010 in folks marking just Native

1 American, but also marking Hispanic.

2 MR. WINTER: Yeah, thanks for the clarification.

3 So, but the vast majority of this Hispanic/Latino
4 identified AIAN alone population -- it's a lot of words
5 -- is really occurring outside of tribal areas. But
6 the share of Hispanic-identified AIAN people in tribal
7 areas also grew by 60 percent. Still -- oh, sorry.

8 Still, though, even though it grew by 60 percent,
9 it's still a very small share of the total population,
10 right? But, so meanwhile that the non-Hispanic AIAN
11 alone population in tribal areas only grew 7 percent,
12 which was slower than the national population growth.

13 Now in the parts, the county parts surrounding
14 tribal areas, the non-Hispanic AIAN population grew
15 much faster than in tribal areas, 15 percent compared
16 to 7 percent, and that is higher than the national
17 growth rate. And in rural counties that don't have a
18 lot of tribal areas in them are also growing in their
19 importance because they saw a growth rate of 9 percent
20 of the non-Hispanic AIAN population. So, but even so,
21 the total share of AIAN population in those areas is
22 still very small.

1 So AIAN in combination with another race has also
2 grown very fast since 2000. The ACS measures an
3 increase of about 39, 40 -- 39 percent since 2000. But
4 according to the 2010 census, only 8 percent of the
5 multi-racial AIAN population lives in tribal areas, and
6 the majority of that population live in metropolitan
7 counties that don't actually have tribal lands.

8 Now some high-level indicators for social and
9 economic indicators from the ACS. We see that over
10 time for education, we've been seeing that the
11 percentage of AIAN adults without a high school diploma
12 has fallen a lot since 1990. In fact, 11 percent from
13 1990, 11 percentage points from 1990 to the most recent
14 ACS, which actually narrowed the gap slightly between
15 AIAN alone households and non-AIAN households.

16 For employment indicators, this is actually a
17 place where we saw the gap widen. For labor force
18 participation rate actually fell in the AIAN community
19 from 2000 to recent years. It went from 61 percent in
20 the 2000 decennial census to 60 percent in this
21 American Community Survey that we're looking at.

22 Meanwhile, the national rate actually increased

1 from that time period, from 63 to 65 percent, which
2 widened the gap. In tribal areas, the labor force
3 participation rate was even lower at 55 percent.
4 That's not on this chart.

5 So the gap for household income also widened
6 between AIAN households and non-AIAN households. Thank
7 you. But it's a little different. It's an interesting
8 story with the household income. So we see for AIAN
9 households, income dropped \$3,300 on average per
10 household. I'm sorry, \$3,500. For everybody else, it
11 dropped \$3,300. So the gap widened a little.

12 But we see that the drop was most severe for AIAN
13 households outside of tribal lands, and the drop was
14 much smaller in tribal lands.

15 MR. RICHARDSON: So, actually, this is a good time
16 to talk about this. We're talking about the 2006 to
17 2010 5-year average data. So if you think about how
18 those data work, the survey was taken. They were
19 averaging people who were asked questions in 2006,
20 another -- and adding information of people who were
21 asked questions in 2007, 2008, 2009, and 2010.

22 So, on average, right, we're basically capturing

1 what the characteristics were sort of in 2008, if you
2 want to think about it in sort of an aggregate. That's
3 sort of in the teeth of the recession, right?

4 So the whole country, poverty rates were much
5 higher, incomes were much lower in 2008. We're coming
6 out of that now, but this doesn't show up in the ACS.
7 It only shows up sort of incrementally in the 5-year
8 data.

9 We see it in the 1-year data at a national level
10 in large geographies, but for smaller area geographies,
11 we don't have the data to capture that. So that's an
12 interesting part of the 5-year data that's worth
13 thinking about.

14 MR. WINTER: Yeah, no, that's a great point.

15 So, so even so, when we're looking at these time
16 period estimates, when we see the drop in income, it
17 only really exacerbated the problem of poverty for AIAN
18 households. For children, we see 1 in 3 kids are in
19 poverty versus 19 percent nationwide, very large gap
20 there. And also, for adults, it's 24 percent are in
21 poverty versus 13 percent nationwide, and elderly also
22 has a very large gap.

1 So, and now this is a very busy chart, and I
2 actually took what the Urban Institute did and added on
3 a couple other things to make it more complex. So, but
4 this is basically showing some of the major factors
5 that you use in the needs formula, as measured by the
6 2000 census and as measured by this period ACS
7 estimate. This is actually looking at the 2006 to 2010
8 period estimates.

9 So let's start with these, these groups of these
10 three here. This is plumbing, insufficient plumbing
11 facilities and incomplete kitchen facilities. Overall,
12 nationally, we don't see -- we see that the ACS is
13 measuring these variables pretty similarly. There's
14 not much of a change, at least overall nationally.

15 But we see, at least for AIAN households, we've
16 seen really big improvements over a year. So in tribal
17 areas, we see that in 2005, we had 9.5 percent of
18 households with incomplete plumbing, and then in this
19 time period estimate that we're looking at for the ACS,
20 it dropped down to 6.1 percent. A great improvement,
21 but still this gap between the national rate and tribal
22 areas is really large.

1 The same goes for counties that had tribal areas
2 in them. So think about like the balance of counties.

3 A little bit less of rates than tribal areas, but
4 still the drop was very significant. But still the gap
5 remains high. Same kind of story happens with
6 incomplete kitchen facilities.

7 Overcrowding, I wanted to save at the end because
8 we have a little different story here. You see that
9 the rates of overcrowding dropped a lot nationally. At
10 least as measured by the decennial 2000 census and the
11 ACS. So a lot of factors here that could be -- that
12 could be causing that.

13 We did some other analysis for the CDBG block
14 grant formula, which also uses overcrowding, and we
15 kind of came to the conclusion that we think that the
16 ACS might be measuring this particular variable better
17 than the decennial census did because it's relying on
18 better survey takers and can kind of explain what a
19 room means better than the decennial census did.

20 So, nationally, we see a big drop, and that
21 explains some of this massive drop in tribal areas and
22 AIAN counties. It explains some of the drop. But if

1 you actually look at the percentage change and not the
2 percent, the percent points, the drop nationally was
3 faster than in tribal areas.

4 So, and I just wanted to preview this chart so we
5 could see which kind of geographies these housing
6 problems persist. So overcrowding for Native
7 households is the most prevalent in tribal areas,
8 obviously, where 11.3 percent of all AIAN alone
9 households are overcrowded.

10 For AIAN households living in counties outside of
11 tribal areas, it's only 6.7 percent overcrowded, which
12 is still more than double the national rate. But like
13 the national trend, we see that the incidence of
14 overcrowding is greater for renter AIAN households than
15 non-renter AIAN households.

16 The housing facility problems are also highest in
17 tribal areas, but the interesting thing here is that we
18 see that the housing facility problems are more of an
19 issue for the homeowner population than the renter
20 population in tribal areas, at least measured by the
21 ACS.

22 And this is the last chart that I have. This kind

1 of combines all these four main housing problem
2 indicators that we use to try to find places that have
3 the highest incidence of housing problems. And those
4 are cost burden households, overcrowded households,
5 those lacking complete kitchen facilities, and plumbing
6 facilities.

7 So this isn't the national share of people with
8 problems. This is just every region's actual rate of
9 problems. So for cost burden, we see that the overall
10 cost burdens have been increasing for AIAN households
11 over time while facility problems are decreasing.

12 So for cost burden, we see that the regions that
13 have the highest cost burden problems are the
14 California/Nevada region and the Pacific Northwest and
15 Eastern regions. Arizona/New Mexico had some of the
16 highest facility problems and overcrowding problems,
17 but they had the lowest cost burden problems of the
18 regions. And regions of Oklahoma and South Central
19 also had some of the lowest cost burden problems.

20 For overcrowding, the highest county rates for
21 overcrowding were in Arizona/New Mexico -- I already
22 said that -- Alaska and also the Northern Plains

1 regions. Some where this was less of a problem were
2 the North Central, Eastern, Oklahoma, and South Central
3 areas.

4 And plumbing and kitchen facilities, again, we
5 find that the Arizona and New Mexico regions had the
6 highest incidence of this problem, along with Alaska.

7 So that's about it. Here's in your presentation,
8 you have our contact information, and we're going to
9 look into some of these follow-up questions. This is
10 just a quick little map that I stole from the Urban
11 Institute study that kind of shows you where the
12 regions are that we just talked about.

13 But, so with that, I'll open it up with questions,
14 and hopefully, I can be of use.

15 MS. VOGEL: I do have one question. Under
16 population growth, do you do a comparison on the birth
17 rates by Indian areas?

18 MR. WINTER: I don't have that offhand. I think
19 that --

20 MR. RICHARDSON: That could be done.

21 MR. WINTER: It could be done. One thing that you
22 could use in the ACS, for instance, I don't know about

1 birth rates, but you could kind of back into it because
2 you can -- you can cut the data looking at the
3 distribution of population by age, and you can kind of
4 look at that change by different tribal areas. So we
5 could also do that.

6 MS. NUTTER: Thank you. Teri Nutter --

7 MR. WINTER: I'm sorry, Teri, one second. Sorry.

8 MS. CUCITI: I mean, implicitly that to me is what
9 the Indian Health Service is using. I mean, remember,
10 it's a combination of birth and death rates that the
11 Indian Health Service uses to create its population
12 projections. And if you look at the growth rate factor
13 that we report by county on your formula areas, it
14 would give you some idea of the data they're collecting
15 on births and deaths.

16 MR. WINTER: Sorry, Ms. Nutter.

17 MS. NUTTER: Thank you. My question is, is ACS
18 predominantly used in other State and Federal programs
19 that are -- that have a formula or --

20 MR. WINTER: Yep. It is. The decennial 2000
21 census no longer exists for the long form. So all the
22 Federal Government's formulas are relying at least in

1 part on the American Community Survey because it's the
2 definitive source of information for formulas.

3 There's also other formulas like our Community
4 Development Block Grant formula for disaster relief, we
5 don't actually use it. We use other data sources to
6 look at the damage. But most formulas, yes.

7 We actually just introduced the American Community
8 Survey data in HUD's larger community development block
9 program and the HOME program, and all of those programs
10 that are funded that way.

11 MR. RICHARDSON: Yeah, at this point, we've
12 introduced the American Community Survey into all of
13 our other programs. This is, I think, the only program
14 they have not yet introduced the ACS to.

15 MR. WINTER: Yeah. In other Federal programs,
16 this is what we use in their block group, block
17 program. Block grant -- I keep calling it block group.

18 MS. VOGEL: This is Sharon Vogel, Cheyenne River.
19 Nowhere in any of your presentation was there anything
20 about tribal enrollment data, and there is reference to
21 it in the statute. So I'm just curious how you factor
22 that in or if that's even a factor?

1 MR. WINTER: So we talked about tribal enrollment
2 areas, population, how we use it in the regular formula
3 as is, right? I think, Peggy, you said that you use it
4 to kind of distribute the need portions where you have
5 overlapping formula areas?

6 MS. CUCITI: No. That's resident service area.
7 The only time tribal enrollment currently enters into
8 the formula is in applying the population cap, and
9 we're using tribal enrollment data that we derive
10 either from the BIA labor force or from updates that
11 the tribes give us annually.

12 The issue in the census and in the American
13 Community Survey is there is a variable after somebody
14 self-identifies as AIAN, but the wording of the
15 question seems to refer to affiliation, as opposed to
16 tribal membership. And furthermore, when we try to use
17 it -- look at it in the 2000 census, there are in terms
18 of recognized tribes, there may be many tribes in a
19 grouping, but -- I don't know how to express this
20 properly.

21 So there may be many Paiute groups that are
22 separately identified tribes, and you'll see some of

1 them separately identified in terms of affiliation in
2 census data. But then there will be another kind of in
3 general Paiute where they didn't separately identify
4 their band or tribe. So that data is really difficult
5 to use. And it's still self-identification, and it may
6 not reflect membership as we tend to think of it
7 anyway.

8 It does help a little in terms of some of this
9 growth potentially in the Hispanic identifying
10 population because there is some way of perhaps
11 distinguishing those people who are actually
12 identifying with Central American or South American
13 tribes, as opposed to American Indian tribes.

14 MR. WINTER: Thank you. But this is a good point.

15 I mean, if we use that data for the population cap
16 currently in the formula, is this something that we're
17 going to continue on doing in the future?

18 MR. DOLLARHIDE: We've got Jason and then you,
19 Leon.

20 MR. ADAMS: Jason Adams, Salish Kootenai. A
21 couple of questions. And the first one I don't know if
22 maybe it's for you or for HUD, but I heard you say,

1 Todd, that this hasn't -- the ACS hasn't been used in
2 the formula yet. Why not?

3 MS. D'ANGELO: Because the regulations say that we
4 are to use the decennial census data.

5 MR. ADAMS: It specifically says decennial census?

6 MS. D'ANGELO: It's 1000.330, and it specifically
7 calls out U.S. decennial census data.

8 MR. WINTER: We're going to give the --

9 MR. ADAMS: And a follow-up on that. Oh, sorry.
10 Jad?

11 MR. ATALLAH: That's okay. Just to clarify, the
12 regulations, to be exact, the regulations say that HUD
13 is to use objectively measurable data information, and
14 the decennial census is the starting point. So I just
15 want to clarify that, and the reason why we have not
16 used the ACS data is because we wanted to do tribal
17 consultation, get everybody here in the room, and do
18 negotiated rulemaking on this.

19 But currently, I don't think there's a legal bar
20 to applying the ACS. But to respect our tribal
21 consultation policy, we wanted the committee to get
22 together and make that decision.

1 MR. ADAMS: But then the follow-up on it is if in
2 preparation for this, have you done the data runs
3 showing the migration of the data over?

4 MR. WINTER: It's a good question. We haven't
5 actually done that data run, partly because, as I was
6 saying before, you know, we -- we don't just rely on
7 the ACS data that they publish on their Web site, HUD
8 PD&R. We actually have to purchase special tabulations
9 of these data from the census. It's actually a cost to
10 us.

11 And we just received those data. So,
12 unfortunately, we -- you know, we haven't done the
13 analysis yet. But we have looked at the effects in
14 other -- in other block grant programs.

15 Another question or a comment?

16 MR. DOLLARHIDE: Jason Dollarhide, Peoria Tribe.
17 I don't know how to take the comment by the attorney
18 for HUD on using the NegReg as a platform for
19 consultation for -- for the census issue. So, but I
20 just want to bring that to everybody's attention. I
21 have a small -- small issue with that.

22 Though we are -- though some of us are tribal

1 leaders in this room, and most of us are able to speak
2 for our tribes when pertaining to the formula issue and
3 to the issues pertaining to the formula, I don't really
4 -- I think this is kind of a gray area on what our
5 scope here is as far as executive directors of tribal
6 programs, et cetera.

7 Thank you.

8 MS. VOGEL: Then I think we need to resolve that
9 before we go on any further.

10 MR. ATALLAH: Okay. Jad Atallah. Let me clarify.

11 The question was by Mr. Jason Adams. Why does HUD not
12 use the ACS data already? And Mindi's response was the
13 regulations prohibit us because the regulations say the
14 decennial census. I was simply clarifying that the
15 regulations say the decennial census is the starting
16 point.

17 Legally, I don't think there is a bar in the
18 regulations for HUD applying the ACS data, particularly
19 because the 2010 decennial census no longer captures
20 six of the seven variables that we use to determine
21 needs in the formula. What I was -- the point I was
22 trying to make was to respect the process, consistent

1 with our tribal consultation policy, we waited for a
2 negotiated rulemaking to apply that.

3 We wanted you to get to the table and discuss
4 these issues and see how ACS data impacts you before we
5 adopt it for the formula. Legally, I'm saying we can
6 do it, but we did not do it out of respect. That's
7 all.

8 MR. DOLLARHIDE: Thank you for that clarification.
9 Is there any more questions?

10 (No response.)

11 MS. BRYAN: So, at this time, we would like to
12 thank Todd and Ben for your wonderful, informative
13 presentation. I know you guys will be around. If you
14 guys have any more specific questions, feel free to
15 contact them while they're here in the room with us, or
16 we have their contact information here.

17 And at this time, we'd like to call for a break
18 for 15 minutes so we can get down to business when we
19 return.

20 (Break.)

21 MS. BRYAN: Thank you all for coming back. That
22 was a really fast break. It went by really quickly.

1 One of the things that we talked about this
2 morning and that I think this group has done in the
3 past is set up a drafting group, I believe we're
4 calling it. So what we are going to do is put this pad
5 on the back. Steve the facilitator is by it. And if
6 you are interested in the drafting group, please put
7 your name on it. We'll leave that paper up until the
8 end of the day.

9 And a couple of housekeeping items. Leon has
10 asked to make a small announcement.

11 MR. JACOBS: Leon Jacobs, Lumbee Tribe. I'd like
12 to welcome a very special person here that's joined us
13 this morning, representing the South and Eastern Tribes
14 is Wanda Janes. Wanda, would you raise your hand?
15 Thank you.

16 MS. BRYAN: Thank you, Leon. Welcome, Wanda.

17 And another housekeeping business, Susan has a
18 prearranged religious holiday that she had to leave
19 for, and so Steve will be taking over as our
20 facilitator, and she sends her apologies. She decided
21 to leave during the break because there wasn't a
22 natural time for her to do that. So she's apologizing,

1 and this was all pre-planned. So know that her energy
2 is here with us in our work today and tomorrow.

3 Yes, Carol?

4 MS. GORE: Yes. I have a clarifying question
5 about the drafting committee because we also talked at
6 length about getting the preamble committee set up with
7 the very first meeting as well. I don't know if the
8 drafting committee is also the preamble committee. So
9 I just want to be clear that this is inclusive of that
10 activity.

11 Thank you.

12 MS. BRYAN: Thank you, Carol. Good question.

13 The drafting committee does the preamble work. So
14 it is the drafting/preamble committee, but they like to
15 be called a group, and they will do the preamble.

16 Any other discussion about that? I know I kind of
17 threw that in there.

18 (No response.)

19 MS. BRYAN: So we are at a point where we have
20 adopted a charter. We've adopted protocols. We've
21 appointed co-chairs. We've seen all the presentations.
22 We've been given a lot of information on formulas and

1 background on rulemaking committees and so forth. So,
2 at this point in our agenda, we are ready to start our
3 work.

4 And since Jason and I are new, I think we would
5 like to rely on Steve to introduce where we're at and
6 suggest a way to move forward and then open it up to
7 the committee, for those of you who have been here,
8 been part of a process that has worked well, for you to
9 lend your suggestions as well.

10 So I'll turn it over to you, Steve.

11 MR. NICHOLS: Okay. Thank you.

12 Good morning again, everyone. I think, as Ms.
13 Bryan just said, we're at the point where we need to
14 organize ourselves to conduct the work that you all
15 want to conduct in the committee.

16 So the -- I talked to some people about how it was
17 done in the past. I don't have the directions on how
18 to go about doing it because I think that's something
19 that we all agree to together here.

20 But as I understand the procedures from the past
21 is what the committee has done is identify the issues
22 that are highest priority to the members of the

1 committee and then form the working groups to work in
2 more detail on those issues over the course of the next
3 day and a half that you're here. The working groups
4 each have a chairperson who's a member of the
5 committee, and they report back to the committee at the
6 end of each day on what progress they're making, what
7 decisions they've made, et cetera.

8 So I think what that says to me is that the thing
9 that is probably the important next step for the
10 committee to take is to identify what the issues are
11 that you all would like those working groups to work on
12 and then give the working groups basically the goal
13 that you want them to pursue. So define for them what
14 their task is.

15 And then identify the chairs for each of those
16 working groups, which are probably self-nominated, I
17 would assume. But, and then begin to work in those
18 committees. So I think -- I think my suggestion would
19 be at this point is to open that up for discussion. Is
20 that the procedure you'd like to take?

21 So it would be, first of all, identify the issues,
22 prioritize the issues, turn those into goals for the

1 working groups to pursue, form the working groups,
2 begin the working group process, reporting back to the
3 committee at the end of the day, in a nutshell.

4 Ms. Henriquez?

5 MS. HENRIQUEZ: Good morning. I was wondering if
6 it might make -- be helpful to all of us if we revisit
7 or think about the goals and objectives. So much like
8 earlier negotiated rulemakings on formula, there was a
9 vision, a statement of a rule, and what the committee
10 wanted to accomplish.

11 And I don't know if that might be helpful for us
12 as a starting point to think about what -- should we
13 embrace what was there before? Should we write any of
14 them or at least hold that to the forefront of our
15 minds as we move forward through this process?

16 MR. NICHOLS: Okay. So, so the suggestion is to
17 set an overall goal/vision/objective for the committee,
18 for this committee. How do the rest of you feel about
19 that?

20 MS. BRYAN: Earl?

21 MR. NICHOLS: Yes?

22 MR. EVANS: Earl Evans, Haliwa-Saponi Indian

1 Tribe. I think in '03 -- and of course, you veteran
2 committee members correct me if I'm wrong -- I think we
3 had primarily about three or four working groups. I
4 remember FCAS, needs, and then we had a special
5 committee that looked at small tribes and what we could
6 do to increase the minimum funding for small tribes.
7 And I can't remember if we had another, but those are
8 the ones that comes to mind.

9 And then those working groups determined their
10 goals and priorities, and they split up into even
11 smaller subgroups to address particular components to
12 bring proposals to the working group, which the working
13 group then worked through, then presented those to the
14 full committee during the working group reporting
15 sessions on the agenda.

16 If I'm remembering that incorrectly, someone
17 please correct me. But that's how I think I remember
18 it from the last session.

19 MR. NICHOLS: Mr. Dollarhide?

20 MR. DOLLARHIDE: I would agree with that. Our
21 initial thought to bring to this committee was actually
22 to have at least four working groups to kind of start

1 off with, the FCAS group, the need group, you know?

2 And I was kind of -- I'm kind of hesitant on the
3 regulatory group because those may come hand-in-hand
4 with the need or the FCAS. And then also, you know, I
5 guess the parking lot group, you know, the other issues
6 that folks may want to introduce within the formula, et
7 cetera, et cetera.

8 I think that, you know, we got a big, I guess for
9 lack of words, a bomb dropped on us here just a few
10 minutes ago with the introduction of the new data that
11 was introduced. So I'm sure that that's probably going
12 to play a huge role.

13 Folks are going to probably be wanting to see a
14 lot of data runs with those new numbers involved within
15 their formula to see where their regions, where their
16 tribes stand with those new numbers because it is the
17 unknown. So I don't think it's rocket science to
18 figure out that folks are going to want that.

19 So just those folks that are going to be
20 incorporating those data runs, please be prepared for a
21 rush of requests. Thank you.

22 MR. NICHOLS: Ms. Vogel?

1 MS. VOGEL: I have a question for the run data.
2 Have we agreed upon a 1-year, 3-year, 5-year? Have we
3 agreed to the data elements? So I think we're rushing
4 ahead here, and have we not even explored other
5 alternatives to collecting data?

6 MR. DOLLARHIDE: Well, I understand what you're
7 saying, and I appreciate your comment. I wasn't really
8 trying to get ahead of anything. I was just trying to
9 prepare this committee and the folks that are going to
10 be involved running those data runs that this --
11 there's going to be a lot of work that's going to be
12 entailed just probably on this specific piece of
13 information.

14 MS. BRYAN: Deirdre?

15 MS. FLOOD: I just have a -- I like what Sandra,
16 Ms. Henriquez, said about us setting a goal and some
17 objectives for ourselves. I think we need some kind of
18 initial guidance to get started, not just, you know,
19 kind of break off in groups until we have a specific
20 goal and then some objectives. I think it will work
21 out better that way.

22 MS. BRYAN: Is there a way to put up what you're

1 looking at for the rest of us to see, Sandra? And are
2 there other comments about the will of the group to
3 start at that point?

4 MR. NICHOLS: So, Ms. Henriquez?

5 MS. HENRIQUEZ: The goals I was referring to is
6 really to look at part of the presentation, the slide
7 that Todd presented yesterday, and I think we've got a
8 condensed version of that slide in hardcopy. It was
9 handed out. It's page 3 is the first discussion that
10 said -- so it says, for example, that they developed --
11 the previous group set -- developed a set of goals
12 based on the statute and a mission statement.

13 One, fair and equitable to all tribes, to serve
14 low- and moderate-income Native Americans, data
15 available and consistent for all tribes, the integrity
16 of that data, objectively measurable and defensible,
17 and the tribes have a right to appeal established data.

18 Those were some of the ideas that came forward
19 initially. There it is. I think there was probably
20 one other -- if you go back one more slide, the mission
21 statement was to determine the criteria for need that
22 is fair and equitable to all tribes pursuant to the

1 law.

2 So whether the group wants to -- the committee
3 wants to embrace these and do a little wordsmithing. I
4 mean, they're pretty straightforward. They seem to
5 have withstood the test of time. The thought that this
6 plus the goals would guide our conversations for the
7 remainder of the day and the remainder of negotiated
8 rulemaking on the formula.

9 MR. DOLLARHIDE: Earl and then Jason.

10 MR. EVANS: Thank you, Mr. Chairman.

11 Earl Evans, Haliwa-Saponi Indian Tribe. If I'm in
12 order, Mr. Chairman, I would like to move that the
13 committee adopt the mission statement and the goals as
14 presented on the two slides, except eliminating the
15 statement "accomplished by April 15th."

16 (Laughter.)

17 (Crosstalk.)

18 MR. ADAMS: Just a clarification. Jason Adams,
19 Salish Kootenai. I don't know -- recollect these being
20 the goals and mission statement for 2003 review. It
21 was the original -- the original negotiated rulemaking
22 committee that these were established for, I think. I

1 don't think we had anything like this for 2003 that I
2 recall.

3 MS. HENRIQUEZ: If I might defer to Todd?

4 MR. RICHARDSON: That's correct. These were the
5 goals that were established in 1997.

6 MS. HENRIQUEZ: Were there ones for '03?

7 MR. RICHARDSON: I actually don't recall if we had
8 goals for 2003. But the -- sort of the thought here
9 was, and based on my thinking on looking at these
10 goals, is does the formula currently still achieve
11 these goals as a way to start asking questions about
12 the formula.

13 So if these are the goals you all still think are
14 the right goals, then the question is, does this
15 formula or a future proposed formula meet these goals?

16 MR. ADAMS: Just again follow-up, Jason Adams.
17 I'm not disagreeing with them. I'm just clarifying
18 that they weren't part of 2003 that I recall.

19 MS. BRYAN: Aneva?

20 MS. YAZZIE: Aneva Yazzie, Navajo. And I
21 appreciate the distinction of what occurred years past
22 versus present day. But I think we need to have some

1 guiding parameters just to reassure the focus on which
2 and the platform on which the discussions will ensue
3 pertaining to the negotiations, Madam Chair.

4 MS. BRYAN: Thank you. Carol?

5 MS. GORE: Yes, Carol Gore. I like starting with
6 a mission statement and goals, and those that are
7 provided I think really help us reach back to our
8 history and why we came here in the first place. I
9 like that it will help us frame our work as we present
10 back from the workgroup. It helps us frame how we
11 conduct our work.

12 So I see these as very good guiding principles in
13 how we proceed and move forward. So I'm speaking in
14 favor of both the mission statement and the goals, and
15 I really do want April 15th as a deadline.

16 (Laughter.)

17 MS. GORE: Thank you.

18 MS. HENRIQUEZ: Subject to availability.

19 MS. BRYAN: Is that a friendly amendment? Other
20 comments on this, and then we do have a motion on the
21 floor. I see Sharon and Leon.

22 MS. VOGEL: Thank you. Sharon Vogel.

1 I do have a friendly amendment on -- on the goal.

2 Are we up to the goal, or are we focusing just on the
3 mission statement, or are they combined?

4 MR. NICHOLS: Both, I think.

5 MS. HENRIQUEZ: Both.

6 MS. VOGEL: Okay. On the goal, where it has fair
7 and equitable to all tribes, to serve low- and
8 moderate-income Native American eligible -- Native
9 American families eligible to receive NAHASDA services.

10 MR. NICHOLS: Following our established procedure,
11 Ms. Henriquez, is that acceptable to you?

12 MS. HENRIQUEZ: It is.

13 MR. NICHOLS: I'm sorry?

14 FEMALE SPEAKER: Could Ms. Vogel please repeat
15 what she just said?

16 MR. NICHOLS: Oh, could you please repeat that,
17 Ms. Vogel?

18 MS. VOGEL: Oh, I'm sorry. I think you've got it.
19 To serve low- and moderate-income Native American
20 families eligible to receive NAHASDA services. That's
21 correct.

22 MS. HENRIQUEZ: So I would accept that amendment.

1 MR. NICHOLS: Okay. Thank you. And then Mr.
2 Jacobs is next?

3 MR. DOLLARHIDE: Yes.

4 MR. JACOBS: Leon Jacobs. I'm wondering if -- if
5 we shouldn't add some more language because of some new
6 programs like the 184 program, which serves not only
7 low-income, but other. So somewhere we need to put
8 low-income and other Native Americans.

9 MR. NICHOLS: Ms. Henriquez?

10 MS. HENRIQUEZ: I would just like to add that the
11 184 and 184(a) loan guarantee programs are not -- are a
12 separate appropriation line item. So they're not part
13 of NAHASDA as the formula -- they are not driven by the
14 formula.

15 MR. NICHOLS: So they would not fall under the
16 purview of this committee. Is that correct?

17 MS. HENRIQUEZ: That is correct.

18 MR. NICHOLS: Okay. Thank you. Does that address
19 your comment?

20 MR. JACOBS: I accept that clarification.

21 MR. NICHOLS: Okay. Very good.

22 MS. BRYAN: Teri and then Aneva.

1 MS. NUTTER: Thank you. Teri Nutter, Copper River
2 Housing Authority. I'd like to provide or offer a
3 friendly amendment to Sharon's proposal, which is to
4 include Alaska Native/American -- Native American and
5 Alaska Native families.

6 MR. NICHOLS: Yes. First, I want to go back to
7 Ms. Henriquez and make sure that's acceptable as an
8 amendment.

9 MS. BRYAN: This is Annette. Not to interject,
10 but to be consistent, we might say American Indian and
11 Alaska Native, if that's language we're all comfortable
12 with?

13 MR. NICHOLS: AIAN?

14 MS. BRYAN: Yeah. Aneva?

15 MS. YAZZIE: Thank you. Aneva Yazzie, Navajo. To
16 my colleague's earlier comment, Mr. Leon Jacobs, you
17 know, the statute does allow for nominal income, those
18 families between 80 and 100 percent. How would that be
19 -- how would that be treated relative to the formula?
20 And I think there's that pocket of needs that's still
21 with our working families on reservations. Madam
22 Chair.

1 MR. NICHOLS: Ms. Henriquez, do you have a
2 response yet to the amendment, or are you still working
3 on it?

4 MS. HENRIQUEZ: I'm still working. People should
5 continue, please.

6 MR. NICHOLS: Okay.

7 MR. DOLLARHIDE: We have Mr. Jacobs and then
8 Jason.

9 MR. NICHOLS: I think we had Mr. Evans waiting
10 first.

11 MR. DOLLARHIDE: I mean Mr. Evans. I'm sorry,
12 yes.

13 MR. NICHOLS: And then Mr. Adams.

14 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
15 Tribe. I think to what Ms. Yazzie just mentioned, that
16 was what my comment was going to be about. Because I
17 think if you just simply delete the words "low and
18 moderate income," then I think you're covering
19 everyone.

20 MS. VOGEL: I think the moderate income covers the
21 families that we're referencing. But I would not
22 approve of anything that removes the term "low-income

1 families."

2 MR. DOLLARHIDE: We have Mr. Adams.

3 MR. ADAMS: I was just going to add that same
4 statement that I believe the language up there, low and
5 moderate income, includes 80 to 100 percent income
6 folks, and it does say they're eligible. It does say
7 eligible families. So they are eligible up to a
8 degree.

9 MS. YAZZIE: Thank you, and I would say and I
10 would agree if you were to say that serve American
11 Indian and Alaska Native families eligible to receive,
12 that encompasses both low, and there is a distinction
13 in the law with respect to non-low income. So moderate
14 I don't believe captures that unless we define it
15 explicitly.

16 So I would agree that with my colleague Mr. Evans
17 that if you were to remove "low and moderate," the
18 words "eligible to receive NAHASDA services" would
19 still suffice to capture all eligible participants.

20 MR. NICHOLS: So is there a suggestion here to
21 remove those? Is that what you're suggesting, remove
22 "low and moderate?" Then what we need to, I think, is

1 first see if as it's worded right now is acceptable to
2 Ms. Henriquez, since she was the original proposer, and
3 then consider the low and moderate.

4 MS. HENRIQUEZ: I'm sorry. We were having this
5 discussion about the term "families" versus
6 "households," and is it a nuanced difference or not.
7 And there is a -- there is not among the HUD team
8 unanimity of -- there's not a consensus position, how's
9 that? So we say.

10 (Laughter.)

11 MS. HENRIQUEZ: So I'm sorry. So would you pose
12 the question to me again because I wasn't paying
13 attention. I'm sorry.

14 MR. NICHOLS: Well, we have -- we have a couple of
15 things that have been discussed here while you were
16 considering that last. There's been a suggestion to
17 change the wording to the way you see it right now, and
18 then there's also been a suggestion to remove "low and
19 moderate income."

20 I don't think we have total agreement on that,
21 however. It's been a suggestion that's been made.
22 Some people don't necessarily agree with that is my

1 understanding. Correct? So we don't have a total
2 agreement on that removal of "low and moderate income."

3 MS. HENRIQUEZ: So, as I understand it, low and
4 moderate income is really tied to the statute as
5 opportunities of eligibility. But I could be mistaken.

6 So I would not accept the amendment to remove that
7 language. I would accept it as it was all written
8 right there, where those amendments came into these.

9 MR. NICHOLS: You would accept the wording as it
10 is now?

11 MS. HENRIQUEZ: Yes. As it currently exists.

12 MR. DOLLARHIDE: Okay. We have Heather.

13 MR. NICHOLS: Where are we here? Okay.

14 MS. CLOUD: Heather Cloud with the Ho-Chunk
15 Nation. I have a problem with the word "low and
16 moderate income" because you're labeling tribal
17 members, and I guess as a tribal leader, I -- it is my
18 hope to be able to do programming and implement ways
19 for my people to be successful and to be self-
20 sufficient. And if this is a self-determination, I am
21 self-determined for my people to become successful.

22 And if you're putting low and moderate income in

1 there, that's one way to keep our Native American
2 people down. We were promised housing, not just
3 housing if we were low or moderate income. So that
4 would be a strong objection to keeping low and moderate
5 income in that statement.

6 MR. NICHOLS: Ms. Yazzie?

7 MS. YAZZIE: Aneva Yazzie, Navajo. And it's not
8 to negate, I think, the classification of the various
9 ranges of income that our families are in. I want to
10 also add the fact that we do have nominal income that's
11 distinguished in the statute for under NAHASDA that's
12 the 80 to 100 percent. But also, and I was reminded by
13 my staff member that we also serve essential families
14 without regard to income, even if they're over 100
15 percent of AMI.

16 So I think, again, I would go back to proposing
17 not labeling low or moderate, but to say -- and I think
18 this captures this. If we were to delete low and
19 moderate income, there's no distinction with respect to
20 income, because the statute will capture Native persons
21 or families eligible to receive NAHASDA services. That
22 would capture -- that would capture everyone that is

1 eligible, be it low, moderate, non-low income, and 100
2 -- essential or over 100 percent. Madam Chair.

3 MR. NICHOLS: Mr. Adams?

4 MR. ADAMS: I don't disagree with the discussion
5 on this, but I do think that it's important that we
6 keep the focus of why we receive NAHASDA funds. Before
7 NAHASDA, we were just low-income Americans, and so
8 that's why we were part eligible for public housing
9 funds.

10 Then NAHASDA came into effect, and it added the
11 layer of governmental -- government-to-government
12 between the United States and tribes being eligible for
13 NAHASDA funds. But again, it kept that eligible,
14 serving low-income people. That's the focus of the
15 funds. You can do other things.

16 I just want to call attention in the regulations
17 as exists now, 1000.4, the objectives of NAHASDA, it
18 says to assist and promote affordable housing
19 activities to develop, maintain, and operate affordable
20 housing and safe -- in safe and healthy environments on
21 Indian reservations and other Indian areas for
22 occupancy by low-income Indian families.

1 And so, the objectives, as agreed upon in the
2 regulations previous, make reference to low-income
3 families.

4 MR. NICHOLS: We have several hands up, Mr. Chair.

5 MR. DOLLARHIDE: I think Heather was first.

6 MS. CLOUD: Heather Cloud with the Ho-Chunk
7 Nation. Our treaty promises shelter for all tribal
8 members. It doesn't identify income.

9 Thank you.

10 MS. YAZZIE: Thank you. Aneva Yazzie, Navajo.

11 The objectives of NAHASDA also cite four other
12 provisions that pertain to self-determination, which is
13 the heart of the capture of the law as well. So I
14 don't think we should limit ourselves to describing
15 just low income.

16 If there is a self-determination component in the
17 law, which is to foster private capital investments in
18 Indian Country, it really is to make that dent to come
19 out of poverty. So, Madam Chairman.

20 MR. NICHOLS: We had some more hands up.

21 MS. BRYAN: Oh, we have Earl, Michael, then Leon,
22 please.

1 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
2 Tribe. I think what we've been tossing about is on
3 page 17 of these booklets that we have, page 17, which
4 is Section 201 and Subsection (b) of the NAHASDA law,
5 which defines eligible families. So even if we remove
6 the low and moderate income and leave the rest, the law
7 says who the eligible families are.

8 And it should capture whatever income levels and
9 whatever exception there is to the income level by
10 utilizing Ms. Vogel's language of families eligible to
11 receive NAHASDA services.

12 MR. NICHOLS: Mr. Reed?

13 MR. REED: Mike Reed, Cocopah. I would like to
14 see that 1000.4 on the board and -- because I think one
15 of the issues or one of the problems we're running into
16 is there are a number of objectives that are required
17 by NAHASDA, and I think the members are really citing
18 those individually. And all of them, I think, are
19 equally important, especially when you talk about small
20 tribes receiving more funds for the purpose of
21 leveraging maybe through Title VI or something like
22 that.

1 And we have such a diversity of need in terms of
2 those dollars that the original group that formed
3 NAHASDA I thought did an exceptionally good job of
4 pointing those out to us.

5 MR. NICHOLS: So what would your proposal be to
6 change?

7 MR. REED: I'm not so sure I have a proposal to
8 change, but I would like to have something that
9 encompasses those issues under 1000.4 because it
10 itemizes the areas that the dollars or NAHASDA was
11 developed for.

12 MR. NICHOLS: Okay. Thank you.

13 MS. BRYAN: Thank you. Leon?

14 MR. JACOBS: Leon Jacobs. I would like to offer a
15 friendly amendment. If we were to look at "serve low,
16 moderate, and other income of Native Americans and
17 Alaska Natives," I think that would be all inclusive of
18 everybody that we're trying to serve.

19 MS. BRYAN: It's "moderate income, and other?" Is
20 that right now?

21 MR. JACOB: "And other income."

22 MS. BRYAN: Ms. Henriquez, do you accept those

1 amendments?

2 MS. HENRIQUEZ: Before I answer that, I just want
3 to say the following. My mother had a saying or
4 there's a saying sometimes in the African-American
5 community, we don't have any nickels in that quarter,
6 meaning it's going to spend the same, and we don't have
7 a decision in that.

8 And so, the reason I raised this issue was just to
9 focus the committee on is this the direction that the
10 committee wanted to -- in which it wanted to proceed?
11 The goals are your goals. So you could make them as
12 extensive or as de minimis as possible, as you want.

13 I was simply trying to at least get us thinking
14 about sort of the more "do no harm," how do we move
15 forward, and what are the old version guiding
16 principles by which we will all come to the table and
17 do our work. And use the goals and the mission as a
18 way -- as the lens by which we judge are we
19 accomplishing what we've set out to be?

20 In addition, does the goal allow for the fullest
21 possible discussion, potential change of formula?
22 Whatever the committee decides is still through this

1 lens. So I offer this as just a way to start. I don't
2 think it was my amendment, and I wish someone else
3 would take it over.

4 (Laughter.)

5 MS. HENRIQUEZ: Because it really is yours to do
6 with as you see fit, and in this process, I'll state
7 again the HUD role is to not advance a position. It is
8 just to make sure that whatever positions are advanced,
9 we can deliver on behalf of the committee.

10 So can I accept that? Sure, if that's where the
11 committee is. But I would like someone else to now be
12 the sponsor of this.

13 MR. NICHOLS: Would it be helpful -- I ask the co-
14 chairs would it be helpful to just open this up to
15 general discussion rather than follow the established
16 procedure of proposal/amendment, proposal/amendment?

17 MR. DOLLARHIDE: That was going to be my
18 recommendation. I believe we've got Ms. Foster, Jason,
19 and then Jack.

20 MS. FOSTER: Thank you. Karin Foster, Yakama
21 Nation Housing Authority.

22 I appreciate Leon's amendment. I was thinking

1 along the same lines, too. Although I think that
2 moderate income is actually encompassed in other, and I
3 do also appreciate the reference to low income
4 remaining in the statement.

5 So I would suggest the words "low-income and
6 other" as encompassing everything. It still has the
7 right emphasis, I think, on low income but allows the
8 flexibility that's allowed under the statute. And I do
9 have another proposed amendment, actually. I don't
10 know if now is the time?

11 MR. NICHOLS: Sure. Go ahead. Because we're
12 discussing this generally now, as I understand it.
13 Correct?

14 MS. FOSTER: Okay. The other suggestion that I
15 have, I think it's -- I do like going back to 1000.4.
16 So thank you for that. I was looking back at the
17 purposes called out in the NAHASDA statute, and I would
18 like to add as a fourth goal, "recognizes the right of
19 Indian self-determination and tribal self-governance."

20 I think that approaching it in this way and
21 setting goals is very valuable to try and help focus
22 on, you know, what we should be thinking about in our

1 framework. So I think this is a good thing.

2 MR. NICHOLS: And we also had Mr. Reed's comment
3 about including Section 104, some language regarding --
4 with regard to Section 104. Is that correct, Mr. Reed?
5 1000.4, I mean?

6 MR. REED: Yes, right.

7 MR. NICHOLS: Yes. So maybe we put that as a
8 bullet point, as a placeholder. I'm not sure what that
9 language would be.

10 MR. DOLLARHIDE: Jason?

11 MR. ADAMS: I guess before I make my comment, I'm
12 kind of wondering how this process should work because
13 we've got a proposal and changes to it. Are we going
14 to -- I'm going to propose something if this thing
15 fails. If we're still having heartburn on the first
16 bullet point, I was going to ask for maybe we just
17 insert a simple statement there that says to leave
18 objectives as defined at 1000.4. in the statute -- or
19 in the regulations.

20 Then you don't have to fight over all the verbiage
21 there. It's all in 1000.4, which already have been
22 agreed to.

1 MR. NICHOLS: Ms. Cloud?

2 MS. BRYAN: We have a list.

3 MR. DOLLARHIDE: We have a list here.

4 MS. CLOUD: Heather Cloud, with the Ho-Chunk
5 Nation.

6 MR. NICHOLS: You have a list?

7 MS. CLOUD: I believe that that is all-inclusive,
8 and I would -- I would not really be favorable of
9 relying on the statute. So if she says that that's not
10 her proposal, then I'll make a proposal.

11 MR. NICHOLS: You have a list of people that are
12 in line?

13 MR. DOLLARHIDE: I do.

14 MR. NICHOLS: Okay.

15 MR. DOLLARHIDE: Jack is next to speak.

16 MS. BRYAN: We have Jack.

17 MR. SAWYERS: While we are just talking and being
18 friendly here, yesterday I introduced my son. Today
19 I'd like to introduce my father. We have Paul Iron
20 Cloud here, a long, long time veteran of housing. I
21 just wanted to recognize him because of all the things
22 that he's done for housing over the years.

1 He's been on every major committee, a very, very
2 long time, excellent administrator, and I'd just like
3 to introduce him now. Paul, would you stand up?

4 (Applause.)

5 MR. SAWYERS: Thank you.

6 MR. NICHOLS: We also, by the way, had a new
7 committee member join us who wasn't here when we had
8 the introductions at the beginning. So, Mr. Haugen,
9 would you be so kind as to introduce yourself?

10 MR. HAUGEN: Yes, Lafe Haugen, Germany.

11 (Laughter.)

12 MR. HAUGEN: Northern Cheyenne, Lame Deer.

13 I was just telling Rodger, you know, I ran my 5K
14 this morning. I felt so good I ran another 5K. So
15 excuse me for being late.

16 MS. BRYAN: Okay. Carol, you're next. And then
17 in terms of process, Jason asked, I think talking this
18 through for a couple of more minutes, and then we can
19 start making amendments and doing that.

20 Carol?

21 MS. GORE: Thank you. Carol Gore, Cook Inlet. I
22 think sometimes we get hung up on -- like maybe

1 starting with where 2003 left off is not a great -- or
2 I should say 1996 left off is maybe not our best
3 starting point. So I've been sitting here thinking
4 about why we're really here, and I think the first
5 statement goes beyond what we're trying to do.

6 So we're trying to really talk about who's
7 eligible, when we're really here to talk about Subpart
8 (d), which is the formula. And so, I would make a
9 friendly amendment, and I think this falls to Ms.
10 Cloud's conversations and many others, to take the
11 first goal and just put a period after "fair and
12 equitable to all tribes."

13 And to stop trying to repeat what is already in
14 the regulation about who we serve because I think that
15 just complicates and is not relevant necessarily to our
16 conversation. It's already in the data. It's already
17 in our guidebook about who we serve and how we serve
18 them.

19 So I think that response to the self-
20 determination, and I just want to suggest that we may
21 also want to go back and take another look at the
22 mission statement and make sure that it is also

1 relevant to the work that we're doing today as well
2 once we, you know, set goals.

3 So thank you.

4 MS. BRYAN: Thank you, Carol. Is that a proposal
5 for what's on the board?

6 MS. GORE: I think Ms. Cloud already made that
7 proposal. Well, if she made it, I will endorse that.

8 MS. BRYAN: Well, I missed that. My apologies,
9 Ms. Cloud.

10 So we have a proposal on the board. Are there any
11 objections?

12 MR. ADAMS: Well, the proposal is the whole -- the
13 whole document, the whole thing?

14 MS. BRYAN: The goals that are listed in front of
15 us right now. I think the mission statement fell off,
16 if I'm correct, when Sandra withdrew her original
17 request.

18 Ms. Cloud?

19 MS. CLOUD: I am agreeable to the friendly
20 amendment that Ms. Gore suggested.

21 MS. BRYAN: Thank you. Jason, you had your hand
22 up?

1 MR. ADAMS: Well, I was just trying to follow
2 along and figure out where we are at because I didn't
3 understand how her proposal was withdrawn. Then who
4 picked up the proposal then and was the author of what
5 we're talking about?

6 MS. BRYAN: Thank you, Jason.

7 So the way I'm following this is Ms. Henriquez
8 said, "I don't want to do this. I want to withdraw my
9 proposal. This is really up to the committee."

10 So we opened it up for discussion. We heard from
11 a lot of folks, and then Heather said I'd like to make
12 this a proposal now. And so, I missed that as well.
13 I'm sorry.

14 So Carol made a comment, a friendly amendment.
15 Heather accepted it. So I guess the committee wanted
16 to move right forward with the proposal. So I was
17 trying to move it forward. But it did get withdrawn
18 and then put back on the table.

19 So, at this point, let me know do we need to have
20 discussion on the proposal that's up on the board, or
21 do we need to just see if it's getting voted down? If
22 someone can help me out?

1 MR. NICHOLS: Mr. Evans has his hand up, and you
2 were calling on someone else?

3 MS. BRYAN: Sharon and then Mr. Evans.

4 MS. VOGEL: Thank you. I was going to suggest we
5 just vote on this and then decide whether we're going
6 to start afresh again.

7 MS. BRYAN: Thank you. Mr. Evans?

8 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
9 Tribe. Thank you, Madam Chair.

10 First thing is I'm getting confused on the traffic
11 flow a little bit because sometimes the chairs
12 recognize, sometimes the facilitators do. So I think
13 we need to work on how we're going to coordinate that
14 traffic flow and figure out what we're going to do.

15 The second thing is I agree with Ms. Vogel. I
16 think we should just vote on the proposal. If it
17 doesn't fly, let's move on to something else.

18 MS. BRYAN: Thank you.

19 I think Jason and I are comfortable trying really
20 hard to see who's speaking. I know he's taking a list.

21 So we're trying to go in order. So if the facilitator
22 can maybe just point to folks as you see them, and then

1 we'll call on them. We'll try that and see if that's
2 more helpful in terms of traffic flow.

3 I've had a motion and a second, if you will, to
4 move this proposal forward. So are there any
5 objections to the proposal on the board?

6 (Show of hands.)

7 MS. BRYAN: I see two, three. So per the
8 protocols, would you please state your reason why?

9 MS. VOGEL: Sharon Vogel, Cheyenne River. I
10 object because the emphasis is not where it needs to
11 be, low-income families. That is the emphasis of what
12 NAHASDA is all about. And if we're going to reference
13 anything, then let's reference the statute.

14 Thank you.

15 MS. BRYAN: Thank you. Karin and then Michael.

16 MS. FOSTER: I agree with Sharon about the
17 emphasis. It's the emphasis under the statute, and I
18 think it's what we need to be looking at. We're going
19 to be looking at variables to help us serve low-income
20 families who are able to indicate need.

21 I think that the addition of the word "other"
22 captures the other ways in which tribes can use these

1 funds, and so I am still favoring the earlier proposal
2 and not in favor of this amendment.

3 MR. REED: Mike Reed, Cocopah. I view this as --
4 the objectives as an opportunity for the committees to
5 take some kind of focus, and so I'm gearing towards
6 more specifics. But I think if you take the document
7 that's up here now as a vision of the group and then
8 maybe document more specifically to the 1000.4, or even
9 I was pointed out, you know, under the congressional
10 findings, it even gets more specific.

11 But, and that's the law, and it can't be changed.

12 But I've used 1000.4 as our guidelines at our tribe
13 for all the different ways we can do things. And we
14 found even some others going through that. So that
15 would be my friendly amendment is to go ahead and make
16 a broad statement, but then further codification would
17 be the 1000.4.

18 Thank you.

19 MS. BRYAN: So for clarification, Michael, we have
20 the amendment was voted down. So are you making a new
21 proposal?

22 MR. REED: Yes. Do you want me to be more

1 specific than that or --

2 MS. BRYAN: I think we need to be more specific,
3 and I see you, Heather. Leon? We'll get to this
4 proposal, and then we'll call on you.

5 MR. JACOBS: Madam Chair, Leon Jacobs. I would
6 recommend that we go back to the original language that
7 we had, "to serve low-income and other American Indians
8 and Alaska Natives."

9 MS. BRYAN: Okay. Point of order. I'll try and
10 speak up. I need Michael to finish his proposal, and
11 that's kind of where we're at in the process.

12 MR. REED: Well, the proposal is maybe to work on
13 a general statement followed by 1000.4, and I don't
14 have words for the general statement.

15 MS. BRYAN: Okay. I'm not sure what to do with
16 that. I don't have a report either. So I'm going to
17 call on Heather.

18 MS. CLOUD: Heather Cloud, with the Ho-Chunk
19 Nation. I would reintroduce it without the friendly
20 amendment with the low and other American Indian and
21 Alaska Native or, yeah, families. And then I would
22 also remind the committee that within the charters and

1 the protocols, it is within our scope to address any
2 other regulation or legalities that may keep -- may
3 come up with the changes to the formula.

4 I am in total support of the original intent of
5 NAHASDA, which is self-determination, rather than being
6 dictated regulations by the Federal Government, which
7 would, I guess, keep the people that I serve at a low
8 income in order to be served. Because that isn't what
9 was written into the treaty that was signed, and that
10 this is a government-to-government negotiations. I
11 would fully support self-determination.

12 MS. BRYAN: So can you review what's up here and
13 then tell me if that's your proposal for us, please?

14 (Pause.)

15 MS. BRYAN: Okay. That's affirmative. Sam?

16 MR. OKAKOK: In light of some of the ideas being
17 put up there in regards to some of the focus and some
18 of the broadness of this, I was going to propose that
19 the first bullet point on there be "fair and equitable
20 to all NAHASDA recipients."

21 MS. BRYAN: Are you making a friendly amendment to
22 the proposal on the table?

1 MR. OKAKOK: Yes.

2 MS. BRYAN: And I will have to ask Heather would
3 she like to accept that?

4 MR. NICHOLS: Can I clarify, Mr. Okakok, is that
5 to replace the wording that's there or in addition to
6 the wording that's there?

7 MR. OKAKOK: Yeah, to keep it broad, but yet
8 focused on NAHASDA recipients. I think that includes
9 all the words in our regulations.

10 MR. NICHOLS: So would you strike these words out
11 and put --

12 MR. OKAKOK: I would to keep it broad, but yet
13 focused on the NAHASDA recipients, yes.

14 MR. NICHOLS: I understand. Thank you.

15 MS. BRYAN: Yes or no, Ms. Cloud?

16 MR. OKAKOK: "Fair and equitable to all NAHASDA
17 recipients."

18 MR. NICHOLS: So this would also be stricken out?

19 MR. OKAKOK: Yeah.

20 (Pause.)

21 MS. CLOUD: Heather Cloud, Ho-Chunk Nation. I
22 would decline the friendly amendment, with all due

1 respect.

2 MS. BRYAN: Thank you. So we have a proposal on
3 the table. Any other comments? Call for the question.

4 Who -- are there any opposed to the goals on the
5 screen?

6 (Show of hands.)

7 MS. BRYAN: Oh, I see Sharon. Please explain why.

8 MS. VOGEL: I guess I can see why there wasn't
9 anything approved in 2003. I'm very uncomfortable with
10 the emphasis not being on low-income families, and I'm
11 concerned that by opening it up to other that there is
12 no guarantee that low-income families will be served
13 first.

14 MS. BRYAN: Do you have an alternate proposal?

15 MS. VOGEL: Alternate proposal is to move on, as
16 the 2003 NegReg committee did.

17 MS. BRYAN: May I please have discussion on this
18 proposal to move forward with no goals? Ms. Cloud and
19 then Mr. Evans.

20 MS. CLOUD: Heather Cloud, with the Ho-Chunk
21 Nation. I object to not having any goals so we are all
22 on the same page of what it is that we're trying to

1 accomplish. I would feel more comfortable having goals
2 and objectives as we move forward.

3 MR. EVANS: Thank you, Madam Chair.

4 Earl Evans, Haliwa-Saponi Indian Tribe. If I'm in
5 order, since there was an objection expressed to the
6 proposal, I would like to make an alternative proposal.

7 Am in order to do so, Madam Chair?

8 My proposal is as follows. "Mission. Determine
9 formula criteria and regulations that are fair and
10 equitable to all Indian tribes pursuant to the law,"
11 period.

12 MS. BRYAN: All right. Mr. Evans has made a
13 proposal that we are writing up on the board for
14 consideration.

15 (Pause.)

16 MS. BRYAN: Is that accurate, Mr. Evans?

17 MR. EVANS: Earl Evans, Haliwa-Saponi. Yes,
18 ma'am. That's my proposal. Yes, ma'am.

19 MS. BRYAN: All right. Comments on the proposal?
20 Sami?

21 MS. DIFUNTORUM: Hi, Sami Jo Difuntorum. I like
22 it.

1 MS. BRYAN: I'd like to call for the question.

2 Does anybody object to this mission statement?

3 (No response.)

4 MS. BRYAN: Seeing none, this mission statement
5 will be our guiding sentence as we go forward with our
6 work.

7 Okay. Now we're about to start on the creation of
8 the list unless there are any other orders of business
9 or any other things that we are missing here, having
10 not been a party to this before.

11 So I'd like to turn the creation of the list and
12 how we do that over to the facilitator for your input.

13 So this committee is going to establish how we do
14 things. And I'll let Steve give us some ideas, and
15 then we can create the process by which we're going to
16 create our list and our committees as we move forward.

17 Oh, we have a question, comment, Sami?

18 MS. DIFUNTORUM: Sami Jo Difuntorum. I'm fine
19 with the facilitator providing a brief overview, but I
20 would like to have a regional caucus with the Northwest
21 before we get into the specific identification.

22 MR. NICHOLS: And may I just comment? My overview

1 is really intended to just lay out the process that has
2 been followed in the past as to how that was done, is
3 my understanding. So it's really up to the committee
4 how they want to go about doing it.

5 And so, what I want to do is solicit your input
6 and agree -- so that we agree on the approach to
7 identify, first of all, what the issues are, what's the
8 priority of the issues, and what are the goals of the
9 working groups when they are assigned to go forward to
10 do their work.

11 That's my thought and my input. So are we -- are
12 we taking a caucus at this point? I'll ask the co-
13 chairs.

14 MS. BRYAN: If you could just go through the
15 overview that you just discussed going over, that would
16 be great, and we'll call for the caucus before we start
17 our work is my understanding.

18 MR. NICHOLS: Okay. Essentially, what the input
19 that I gathered in looking at the -- from some of the
20 members here who were at the prior committees and from
21 looking at the public records on -- that exist on how
22 the prior committees operated, there were workgroups

1 established by the committee to delve into specific
2 issues. And the issues can really be as specific or as
3 general as you decide you want them to be.

4 So, in some cases, they had a workgroup called
5 needs and FCAS, two separate workgroups. One for FCAS,
6 one for needs. You may decide you want to do it that
7 way. You may decide you want to be more specific and
8 more clear about what you would like the workgroups to
9 work on.

10 But I think the process for doing that is to
11 identify the issues. What are the issues that the
12 committee wants to address, given your mission
13 statement that you just created? And what are the
14 priorities of those issues? How do they group
15 together? What really makes sense in the way the
16 issues group together so that they are assigned to
17 workgroups in a way that is clear to the committee
18 makes the most sense?

19 And then the workgroups are identified, usually
20 three, four, five workgroups, in that range. I think
21 the protocols say up to six. And each workgroup has a
22 chairperson who is one of the committee members. The

1 workgroups then meet throughout the day and identify
2 what information they need, how to explore the issue of
3 alternatives, decide what their recommendations are,
4 and they report back to the full committee at the end
5 of each day as to what progress they're making, where
6 they are, what they need, and if they have specific
7 recommendations that they want to make to the
8 committee.

9 And then the committee decides to accept those
10 recommendations via the same process that we're using
11 of consensus.

12 So did I -- did I explain that in a way that is
13 clear to the people who've been through this before?
14 Is there anything people would add to enhance my
15 explanation or -- yes, Mr. Evans?

16 MR. EVANS: Earl Evans, Haliwa-Saponi. Someone
17 can correct me if I'm wrong, but I don't recall that we
18 required consensus in the workgroups. I think we did
19 majority in the workgroups, and I think that's the only
20 thing that was different.

21 MR. NICHOLS: And I didn't mean to say -- if I
22 said that, I didn't mean to. I meant consensus when

1 they come back to the committee. That's what I meant
2 to say. So my apologies for not being clear about
3 that.

4 MR. EVANS: I apologize.

5 MR. NICHOLS: And I'm sure I wasn't clear. But
6 that's a good point. Thank you for bringing that up.

7 Ms. Gore?

8 MS. GORE: Carol Gore. The only thing I would add
9 is just for history, the workgroups worked pretty
10 autonomously and really adapted to the work of the
11 committee as it progressed, relying on a report back to
12 the committee. Rather than having the committee sort
13 of provide some more restrictive parameters, the
14 committee was able to, based on their work within a
15 day, add study groups, add study areas with the idea
16 that it's reported daily back to the entire committee.

17 So I just wanted to make sure that if that's well
18 understood, in fact, acceptable to the committee or
19 not, I think the committee chairs should know what the
20 expectation of the entire committee is for that work
21 because it flows pretty quickly.

22 Thank you.

1 MR. NICHOLS: Okay. Thank you. Yes?

2 MS. BRYAN: Michael?

3 MR. REED: Mike Reed, Cocopah. There was an issue
4 in our group about the idea of bringing all the ideas
5 back to the committee as to whether or not the group
6 found them to be, you know, something that we wanted to
7 officially give to the committee versus those that we
8 discussed, just so there could be some dialogue.

9 MS. BRYAN: Thank you. And you know, Jason and I
10 were really relying on the committee to let us know how
11 you want to proceed with the list of issues. That's a
12 pretty broad charge for us, and I wonder, Sami, if you
13 wanted to take our caucus first, and then we can come
14 back and cover that question.

15 We have a request for a call for caucus. So be
16 thinking about what makes the most sense and how we can
17 get to the work that we need to get to. And we're
18 going to call for a 15 -- or excuse me.

19 Sami, how long would you like your caucus to be?

20 MS. DIFUNTORUM: I get a choice. How about 15
21 minutes? Thank you.

22 MS. BRYAN: Fifteen minutes it is for general

1 caucus time. Thank you.

2 (Break.)

3 MR. DOLLARHIDE: Thank you. With the added
4 extension onto the caucus, we are going to go ahead and
5 call the lunch break since it's already 3 minutes till
6 12:00 p.m. So the agenda is lunch from 12:00 to 1:15
7 p.m. So we will meet back here at 1:15 p.m. promptly
8 and get back to work.

9 So thank you.

10 (Break.)

11 MS. BRYAN: So we're going to go ahead and get
12 started. Thank you all for coming back. We're very
13 excited to roll up our sleeves and get some work done.

14 And I would like to ask the facilitator to explain
15 the process. Please chime in, committee members, on
16 what you're familiar with or if you have heartburn with
17 what we've talked about doing.

18 So, Steve?

19 MR. NICHOLS: Thank you. Welcome back from lunch.

20 Our next task, as I understand it -- yes, Mr.
21 Dollarhide?

22 MR. DOLLARHIDE: I would like to make one request

1 of the committee, please. If you -- and I will defer
2 until everybody gets in here.

3 MR. NICHOLS: Okay. My understanding is that our
4 next task is to identify the workgroups that the
5 committee would like to form. And the suggestion that
6 I have for a process for doing that, which is subject
7 to your input and your refinement or change, is to
8 brainstorm issues that you all, each of you would like
9 to see the workgroups address.

10 Now in that process of brainstorming, the ground
11 rule would be that there is no good or bad issue, that
12 every issue is one that's worthwhile for the workgroups
13 to address, the working groups to address. So we would
14 not be engaging in debate over whether someone's issue
15 should be included in a workgroup.

16 But we would just allow each committee member to
17 offer the issues that they want to see addressed
18 without comment or criticism or debate and then include
19 those in the workgroups, include all of those issues in
20 workgroups.

21 They will -- in all likelihood, they will
22 naturally group themselves into categories. We're

1 limited by the protocols to no more than six
2 workgroups. So the goal would be to come up with some
3 number of workgroups lower than six that will
4 accommodate all of the issues that you all would like
5 to see addressed, then form the workgroups, and begin
6 the process.

7 So with that description, are there any questions
8 or suggestions?

9 MS. BRYAN: Annette Bryan, Puyallap Nation
10 Housing. I just wanted to add, too, to the committee
11 that we just want to make sure that everyone at the
12 table is heard, whether or not you're, let's say, my
13 housing authority has the biggest block grant,
14 whatever. Whatever the issue is needs to get up there,
15 not to be judged or criticized.

16 And then from there, we'll take suggestions on
17 what you all think are natural workgroups that we would
18 form out of the list of issues. So we're not coming
19 with preconceived ideas of what workgroups. We know
20 what we have had in the past. We may need new
21 workgroups. We may have the same ones we've had in the
22 past. That might still make sense.

1 But until we see the list of issues, we thought we
2 could take suggestions for workgroups after we see the
3 list of issues.

4 MR. NICHOLS: Mr. Sawyers?

5 MR. SAWYERS: I thought that -- well, in the past,
6 we've always had two major workgroups, and then, of
7 course, you had subgroups. And I think it would be,
8 well, I was going to say a waste of time, probably not
9 a waste of time, but certainly inefficient to -- to
10 list them on the board here.

11 I think what we need to do is get into our
12 workgroups and then talk about in our workgroups what
13 our process is going to be, what we're going to look
14 at, and then come back to the other group. Because you
15 know, we'll have a great big, long list, but that would
16 probably preclude some of the things that will come out
17 in the workgroup.

18 So I just think it's, in my opinion, kind of a
19 waste of time to list what we're going to talk about.
20 I think Sharon got consensus on we're going to talk
21 about anything in the process that we need to talk
22 about. And so, basically, I thought we were going to

1 look at all things, and so my suggestion is that we get
2 into the workgroups and then follow up from there.

3 MR. NICHOLS: Okay. Good. Thank you for
4 suggesting that, and believe me, I think that's a good
5 topic for the committee to discuss.

6 You said two workgroups. Just to clarify, were
7 you thinking of FCAS and need?

8 MR. SAWYERS: Yes.

9 MR. NICHOLS: Okay.

10 MS. BRYAN: So we have Jason and then Karin.

11 MR. ADAMS: Jason Adams, Salish Kootenai. I agree
12 with Jack to the extent that I think we have a lot of
13 folks here that are coming from different housing
14 authorities. Maybe some of these folks don't have a
15 seat at this table. And so, to open up the discussion
16 on topics for us to address I think would be more
17 appropriate in the workgroup setting, thereby everybody
18 that's on the workgroup would have input and
19 everybody's idea or issue would get listed.

20 Because what would happen, at least in my opinion,
21 is if we start doing that here, would that still allow
22 the workgroups, once we bring those issues into the

1 workgroups, for the public then to have that input
2 also? Because you'd have to do it again essentially.
3 So why not just start at the workgroup level, whist out
4 all the issues there.

5 Some issues, I'm sure, will be duplicative in both
6 committees or in our workgroups, but that's okay. So I
7 would just prefer that we start at that level and give
8 everyone here that's here on their own time and dime
9 the same opportunity to have input into this part of
10 the process.

11 Thank you.

12 MR. NICHOLS: Yes, Ms. Yazzie?

13 MS. BRYAN: Karin is next.

14 MR. NICHOLS: Oh, I'm sorry. Karin? Ms. Foster?

15 MS. FOSTER: Sorry, AJ. Karin Foster, Yakama
16 Nation Housing Authority.

17 I guess I see the points of, you know, to both
18 approaches, but I guess I would see a little bit of a
19 hybrid. I mean, I know that we're not going to be able
20 to efficiently get into each and every regulation or
21 language change here as we're identifying issues. But
22 I also think that just saying need on one side, FCAS on

1 the other isn't specific enough.

2 For me, as a committee member, I would like to see
3 what the issues are, and I would like to be thinking
4 about how those divide up into workable groups and
5 subgroups. Maybe not all of the subgroups that the
6 working group would select, but at least, you know, the
7 big areas - formula, you know, formula area, maybe data
8 source, variables, those sorts of things.

9 I'd like to see those things discussed here as
10 areas that we're going to go over rather than to leave
11 that just to needs because that's a very large area.

12 MS. BRYAN: AJ and then Jason.

13 MR. NICHOLS: And Mr. Evans also had his hand up.

14 MS. YAZZIE: Aneva Yazzie, Navajo. I just want to
15 share with the committee some of the discussions in
16 caucus, and that is exactly that, that the approach,
17 and we would agree with the discussion of the two
18 major, well, I guess right now workgroups would be
19 needs and FCAS. But from those discussions, as I think
20 Jason Adams has identified, will evolve these other
21 issues.

22 And a case in point was while we may look at some

1 factors like population for tribes, there is this other
2 unspoken area of infrastructure needs for large land-
3 based tribes where the remoteness is such a huge
4 factor. So those types of discussions I think -- or
5 those types of issues can evolve from the two major
6 workgroups, if I can call it that.

7 And therefore -- and other parking lot issues may
8 evolve from that. And I think if we start with the two
9 workgroups and those designations and the discussions
10 ensue, I think there will be a natural evolution of
11 other issues that would arise. And so that maybe when
12 we reconvene, I think we would be in a better position
13 to identify some of those issues in a collective
14 environment.

15 Because in my caucus, there were tribes that are
16 not seated at this table, as Jason had identified, that
17 also would have some input from the regional area. So
18 I would agree with Mr. Adams that we can look at that.

19 MR. NICHOLS: So, to clarify, if we started with
20 the two workgroups, those workgroups could identify a
21 need for additional workgroups and come back to the
22 committee -- or subgroups? Okay. Just wanted to

1 clarify.

2 All right. Mr. Evans?

3 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
4 Tribe. Based on the discussion, then I move that the
5 committee form a needs and FCAS workgroup.

6 MS. YAZZIE: I second the motion.

7 MS. BRYAN: So now we have discussion. Jason?

8 MR. DOLLARHIDE: I have no issue with forming
9 those groups. What my concern and what my issues are
10 is that not everybody at the table or in the audience
11 has the staff or the capacity to go to both workgroups
12 simultaneous to talk about the issues, et cetera.

13 Personally, the brainstorming here in this setting
14 would perhaps, in my opinion, would be a little bit
15 better because then all of those issues that are
16 brought out in both workgroups are present for
17 everybody in the room.

18 I don't know if I'm speaking out of turn without
19 addressing the protocols, but I would assume that that
20 would go hand-in-hand with anybody that is in the
21 audience that would like to express their concerns or
22 their issues concerning either the need side or the

1 FCAS side of the formula.

2 Thank you.

3 MS. BRYAN: Thank you, Jason. And I'd like to
4 call on myself and then Karin, and I'll defer
5 chairmanship to Jason.

6 Annette Bryan, Puyallup Nation Housing Authority.

7 I also feel a little uncomfortable about let's call it
8 two groups and get to work. We, in our charge, in our
9 charter, are here to look at every aspect of the
10 formula. I don't know what you all needs are. So I
11 know they'll come up in the workgroups, and it may be
12 duplicative, and if that's the will of the group, then
13 that's fine.

14 But I would like to see what all the issues are.
15 So whatever group I am able to sit in, I'm the only one
16 here from, you know, my tribe and represent many tribes
17 in the region I'm from, as well as other tribes in the
18 country. It just seems like it would be confusing for
19 me to go into a workgroup not knowing what the issues
20 might be if someone has an issue and I end up in
21 another workgroup.

22 Thank you. And Karin?

1 MS. FOSTER: Karin Foster, Yakama Nation Housing
2 Authority. You've both expressed, you know, my
3 thoughts as well. I may end up in one workgroup and
4 the other group I won't know exactly what the issues
5 are that are being raised. So I guess I would like to
6 be able to be present, you know, for that kind of
7 brainstorming, discussion, identifying issues.

8 And I also would support what Jason I think was
9 suggesting, which was that we allow members of the
10 audience also to identify issues. I think that would
11 be very productive and, you know, a good thing to do.

12 MS. BRYAN: I'll take back my chairmanship. Mr.
13 Cooper and then Mr. Adams, please.

14 MR. COOPER: And I echo what Jason and everyone
15 said, and I think that's very important, and maybe we -
16 - maybe we do need to start discussing what the issues
17 are and then also whenever we identify those, maybe we
18 can open it back up for public comments and let the
19 members that are in the audience participate.

20 And I think I just have one other issue, either
21 just a question for clarification of whatever the issue
22 is. But since we are the committee, would we not have

1 to charge the workgroup with whatever it is they would
2 need to look at? I mean, I think that might be an
3 issue that might come up if we just said there is a
4 workgroup here, go forth and do whatever, without
5 actually giving them some type of charge on what
6 they're going to be doing. And I just don't want to --
7 I don't think that we want to head down that road.

8 Now that's not to say that part of their charge
9 maybe at the end is to look at these issues, but also
10 any other issues that might relay. But I think that we
11 may have a responsibility to at least give the
12 workgroup some type of -- some type of charge or
13 directive as far as where they need to go, and that's
14 all I have.

15 MR. DOLLARHIDE: Thank you. Jason?

16 MR. ADAMS: Jason Adams, Salish Kootenai. I don't
17 mean to belabor the point, but maybe as far as history,
18 I guess at the end of each day, when the committee, the
19 full committee reconvenes, we have a report-out of the
20 activities of that day from the workgroups.

21 So I don't know if that helps those that, you know
22 -- because I know that helped me in the past when I

1 wasn't able to be a part of another workgroup, that I
2 could hear what issues were being discussed and then
3 you know, either communicate with somebody in that
4 workgroup or attend the meeting and make sure there
5 were some of the issues that I had to add to the list
6 could be conveyed at that time.

7 So just again some history.

8 MS. BRYAN: We have Sami, Aneva, Jason, and
9 Michael.

10 MS. DIFUNTORUM: Thank you. Sami Jo Difuntorum,
11 Confederated Tribes of Siletz.

12 Maybe I'm interpreting this a little too
13 literally, but when I look at the purpose in the
14 charter, it says that the committee will review all
15 aspects of the formula, all aspects. It doesn't say
16 that we're going to handpick and choose which rules
17 we're going to look at. It says we're going to look at
18 everything.

19 And to me, that means we're going to look at every
20 single regulation. And maybe, you know, that is too
21 literal of a read on what that says, but that's how I
22 understand it.

1 However, having said that, I will defer to the
2 group. If you want to go ahead and start throwing
3 issues up onto the board, I'm fine with that. But it
4 makes more sense to me to break into two workgroups and
5 start kind of compartmentalizing the regulations and
6 forming sub-workgroups as a result of that. That's
7 what makes sense to me, but I'll defer to the majority
8 of the group.

9 MS. YAZZIE: Aneva Yazzie, Navajo. We also had
10 that discussion in our caucus with respect to, well, I
11 wanted to be on that committee, and yeah, and each of
12 us want to be on both workgroups of a thing. So in
13 terms of just resource and the efficiency of time, you
14 know, we all kind of agreed, well, you can go to that
15 workgroup, but we'll reconvene and then maybe at some
16 time exchange so that we have some participation
17 through both workgroups at some future point in time.

18 But also -- but that was the discussion. So some
19 thoughts there. Maybe really isn't to have an
20 exclusive exposure to just one specific workgroup. I
21 think there's opportunity to participate in both
22 workgroups eventually, but I really believe that in

1 breaking up to two workgroups from the get-go, you can
2 have those specific discussions as it pertains to the
3 two major components of the formula.

4 And then I'd have a question. How do we -- is
5 there a chairmanship for each of these workgroups as
6 well? And what's that process, if so?

7 MR. NICHOLS: Yes, the protocol calls for a
8 chairperson of each workgroup. A committee person is
9 the chair of that workgroup.

10 MS. BRYAN: Mr. Reed?

11 MR. REED: That's okay.

12 MS. BRYAN: Jason?

13 MR. NICHOLS: She had her hand up.

14 MS. BRYAN: I had called on Jason, and then,
15 Heather, you'll next.

16 MR. NICHOLS: Okay.

17 MR. DOLLARHIDE: I understand what Mr. Adams is
18 saying, and I am a little -- I'm on the fence on this
19 issue because I still feel, though I do agree what you
20 say, I still feel that the brainstorming needs -- I
21 feel like the brainstorming should be done in this
22 room, and then -- and then whenever we do break off

1 into our groups, obviously, there is going to be more
2 issues that are brought up and expanded off of those --
3 off of these issues that are brought before.

4 But for the initial brainstorming, I would like to
5 see it here and then go from -- then go for the
6 individual workgroup reports at the end of the day once
7 everybody kind of gets a grasp or idea of what we're
8 starting with in those groups then to see where it goes
9 from there.

10 You know, I will -- like Sami Jo, I will defer to
11 the committee on that. I'm just -- that's just my --
12 that's my feeling.

13 MS. CLOUD: Heather Cloud, Ho-Chunk Nation. I
14 tend to agree with Mr. Adams in that if we break into
15 the groups, we can raise all these concerns. And
16 before we went into caucus or before we broke for
17 lunch, we talked about going into a caucus again. And
18 I think at that time, if something wasn't raised and
19 brought back to the committee, it can be brought back
20 by the entire group.

21 So there is plenty of opportunity for anybody.
22 There is no way that we're going to be able to be at

1 both of the workgroups for the entire night. So it's
2 going to be an issue no matter what, and I think that
3 there's plenty of opportunity today yet to come back so
4 everybody has input on what was discussed.

5 MS. BRYAN: Okay. Mr. Reed, Mr. Jacobs, and then
6 we do have a motion on the table.

7 MR. REED: Thank you. I -- I had the frustration
8 of going back and forth, you know, on the committees
9 and -- because I thought I was going to miss something.
10 But I was also on the committee, and it all come back
11 to the committee. So everybody got to talk.

12 What I like is having the groups with more people
13 in it coming up with more ideas, and I don't have any
14 trouble doing that in here, as long as the audience
15 also gets to participate. So either way, I don't think
16 there's a right way. It's just a way.

17 MS. BRYAN: Thank you. Leon?

18 MR. JACOBS: Leon Jacobs, Lumbee Tribe. I was
19 making a point of order, and you mentioned it. We do
20 have a motion and second on the floor. I think we need
21 to go ahead and decide whether we're going to have the
22 two groups and then decide what the agenda will be for

1 the committee or the working groups.

2 MS. BRYAN: Thank you. Is this in reference to
3 your motion, sir? Okay. Mr. Evans?

4 MR. EVANS: Thank you, Madam Chair.

5 Earl Evans, Haliwa-Saponi Indian Tribe. Just as a
6 point of clarification, my motion did not state any
7 preference as to whether or not issues would be
8 discussed here first or in committee first. The motion
9 was simply in regards to the formation of the two
10 workgroups.

11 So if that helps any in clarifying for people to
12 make a decision about the vote.

13 MS. BRYAN: Thank you.

14 Annette Bryan, Puyallup Nation. Defer chair to
15 Jason.

16 I have a question then. The two committees are
17 formed, and out of that, will other committees be
18 formed, if we so choose, or are those the two
19 committees? I know that each one will have
20 subcommittees. But I just want to clarify that it's
21 two and more if needed. May I offer a friendly
22 amendment?

1 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
2 Tribe. I think the charter and protocols allow the
3 committee to form as many workgroups as it wants. My
4 specific motion about these two committees did not have
5 any stipulation that would forbid formation of any
6 additional committees.

7 So I would say the motion, as it is currently
8 phrased, does not inhibit the committee from later
9 coming back and forming any other additional working
10 groups. So if I'm mistaken, then please correct me.
11 But it was not the intent of my motion to infer that
12 there is some kind of a restriction upon the committee
13 to inhibit it from later being able to form any
14 additional working groups.

15 MS. BRYAN: Thank you for the clarification.
16 Karin?

17 MS. FOSTER: Karin Foster, Yakama Nation Housing
18 Authority. I appreciate the clarification from Mr.
19 Evans, and I still feel that a session identifying
20 issues and allowing for public participation, and so I
21 would prefer to see a little more direction to the --
22 to the working groups on what other types of working

1 groups might be encompassed underneath, for example.

2 So I think that the decision about which working
3 group should be formed should be based on the
4 information that comes out of that discussion. So I
5 think it's a little early just to say, okay, these are
6 the working groups we're going to form and then have a
7 discussion after that about the problems we identify.
8 It seems to put the cart before the horse to me.

9 MS. BRYAN: Okay. I want to go ahead and take a
10 vote on this. We've had a lot of discussion on both
11 sides of the fence, so to speak. So is anyone opposed
12 to the motion on the table to create two working
13 groups, needs and FCAS?

14 (Show of hands.)

15 MR. NICHOLS: One, two, three, four, five. We're
16 just saying that we're opposed now, Mr. Haugen. You
17 may change that procedure.

18 MS. BRYAN: Ms. Foster, Ms. Difuntorum, please
19 explain your reasons.

20 MS. FOSTER: Yes, thank you. Karin Foster, Yakama
21 Nation Housing Authority.

22 I think I pretty much just stated the reasons

1 before the vote. I think that it would be helpful and
2 actually would probably be more efficient in terms of
3 time, if that's what we're trying to do is be efficient
4 in terms of time. It would be more efficient just to
5 start talking about the issues identified and throw
6 some things on the wall and then, you know, decide from
7 there what workgroups are appropriate.

8 MS. DIFUNTORUM: What's the question? I'm sorry.

9 I need to give my reason for not agreeing? Pretty
10 much what Karin said. When we had our regional
11 meeting, we had talked about the need for more than
12 just the two workgroups, and I think we need to kind of
13 brainstorm and figure out what those are going to be.

14 Thank you for reminding me of our conversation.
15 Sami Jo Difuntorum. Thank you.

16 MS. BRYAN: Aneva?

17 MS. YAZZIE: Aneva Yazzie, Navajo. I'm not --
18 just for the record, I'm not opposed to the
19 brainstorming. That could make sense. But I think
20 maybe even setting a time limit for that brainstorming
21 so that we can start with the workgroups. Madam Chair.

22 MS. BRYAN: Would you like to make a proposal, Ms.

1 Yazzie?

2 MS. YAZZIE: For a timeframe? Oh, yes. I'd like
3 to proposal to the committee quick brainstorming, maybe
4 even set a time limit so that some parameters, some
5 initial parameters are set for the workgroups that
6 would ensue.

7 And I just -- just for our clarification and as I
8 understood the motion made by Mr. Evans, it wasn't
9 limiting it to just two workgroups. So I don't know if
10 the votes were made from that perspective. It was a
11 minimum of two, and should the discussions arise such
12 that other workgroups need to be created, that would be
13 brought forth for the committee. Madam Chair.

14 MS. BRYAN: Karin?

15 MS. FOSTER: I'm not sure where we are in terms of
16 process. Actually, I wasn't signaling to talk, but I
17 could.

18 I mean, I appreciate AJ's observation there, and
19 that's true that it didn't exclude other committees.
20 But what it did say was we have -- or other workgroups.

21 We'll name these two workgroups, and then if it's
22 appropriate, we'll name others.

1 And I guess I just didn't want to be in a position
2 of having to, you know, support that it's appropriate
3 to get a vote to add additional ones. It just seems to
4 me like we should look at it sort of overall. I mean,
5 we're approaching this, as Sami Jo said, all aspects.

6 MR. SOSSAMON: Point of order.

7 MS. FOSTER: We defined that at the beginning.

8 MR. SOSSAMON: Point of order.

9 MS. BRYAN: Yes, Rusty?

10 MR. SOSSAMON: We have a motion. If there's no
11 second, then we can move on. But we have a motion. We
12 don't move right into discussion unless -- that's my
13 understanding.

14 MS. BRYAN: What's the motion? What's the motion?
15 Did I miss that?

16 MR. SOSSAMON: She just made a motion, did you
17 not? Okay.

18 MS. BRYAN: I didn't hear a time limit. Did you
19 say we're leaving it up to the committee? So I wasn't
20 clear that that was a motion because it wasn't amended,
21 but thank you.

22 MR. SOSSAMON: Okay.

1 MS. YAZZIE: Maybe could I amend the motion?

2 MS. BRYAN: Yes, please.

3 MS. YAZZIE: I recommend a motion, a proposal to
4 the committee to do the brainstorming session with --
5 set a time limit, and I guess I can set it arbitrarily
6 at 1 hour.

7 Thank you.

8 MS. BRYAN: Thank you, Rusty. Is there a second
9 to that motion?

10 (Second.)

11 MS. BRYAN: Jack, second. Discussion?

12 (No response.)

13 MS. BRYAN: Call for question. Is anyone opposed
14 to the motion of setting brainstorming for 1 hour?

15 (No response.)

16 MS. BRYAN: Thank you.

17 MR. NICHOLS: Okay. You want to begin? Now a
18 question I have is do you want to -- would it simplify
19 matters if we have our record-keeper have three columns
20 up here or three categories, which is FCAS, needs, and
21 other? Or do you prefer to just leave it wide open and
22 figure that out later? Okay. We'll do it that way.

1 So, once again, the goal is for us to identify
2 issues without criticism or debate or the merit of the
3 issue. However, clarifying questions are certainly
4 acceptable if something isn't clear or it's not
5 understood. So feel free to ask questions that clarify
6 if you're not clear on what someone needs.

7 And with that, I'll open the floor to the
8 brainstorming of issues for the workgroups to consider.

9 MS. BRYAN: Set the time, please. And can I ask
10 who would the committee like -- Jason and I will call
11 on folks just so it's real clear about traffic for the
12 facilitator.

13 MR. NICHOLS: You will?

14 MS. BRYAN: Yeah. Is that all right?

15 MR. NICHOLS: Yeah, okay.

16 MS. BRYAN: Aneva?

17 MS. YAZZIE: Aneva Yazzie, Navajo. And I guess
18 just to clarify, too, I guess members of the audience
19 could be prepared to stand at a microphone to also
20 participate.

21 MS. BRYAN: Thank you. We did discuss that.

22 Sami Jo?

1 MS. DIFUNTORUM: Hi. Sami Jo Difuntorum. Are we
2 creating a list right now? Is that what we're doing?

3 MR. NICHOLS: Yes.

4 MS. DIFUNTORUM: Okay. So I would suggest formula
5 areas and specifically formula area overlaps.

6 MS. BRYAN: Earl?

7 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
8 Tribe. Just a procedural question. Do we need a
9 motion in order to have members of the audience
10 participate, or just by a lack of objection are we
11 proceeding with that?

12 MS. BRYAN: You know, we did discuss that, and I
13 think for the record, a motion would be appropriate.
14 It was the intention, but it wasn't stated in the
15 original motion. So I think that would be needed.

16 Mr. Reed?

17 MR. REED: Yes. I'd like to make a motion that we
18 allow the audience to participate in the brainstorming.

19 MS. YAZZIE: Second the motion.

20 MS. BRYAN: We have a second. Discussion?

21 (No response.)

22 MS. BRYAN: Call for question. Any objections to

1 having the audience participate in our brainstorming
2 session?

3 (No response.)

4 MS. BRYAN: Thank you.

5 Audience, you are welcome to stand at the
6 microphone and wait in line to be called on. Thank
7 you.

8 MR. NICHOLS: I would like to -- if I may check in
9 here, the issue that was raised, formula area overlaps.

10 One of the things I'd like to just make sure is that
11 it's clear what the issue is. Is that enough so that
12 everyone knows what the issue is, or is more detail
13 required? It's clear enough? Okay.

14 MS. BRYAN: And remember, we're not judging these.
15 We're just getting them up there.

16 So Heather and then --

17 MR. NICHOLS: I just wanted to clarify.

18 MS. BRYAN: Thank you. And then Aneva.

19 MS. CLOUD: Heather Cloud, Ho-Chunk Nation. I
20 have one thing or I guess it's kind of like a couple of
21 things, but they are related. I would like to
22 recognize tribal sovereignty, the right to self-

1 governance and self-determination.

2 MS. BRYAN: Yes, Ms. Yazzie?

3 MS. YAZZIE: Aneva Yazzie. To add to that is a
4 consideration of ACS data potential.

5 MS. BRYAN: Ms. Cloud?

6 MS. CLOUD: Heather Cloud, Ho-Chunk Nation. I
7 also would ask that the committees consider tribal
8 enrollment data.

9 MS. BRYAN: Sami Jo?

10 MS. DIFUNTORUM: Sami Jo Difuntorum. I think that
11 it might warrant a look at the definitions to see which
12 ones are still relevant if we need to revise or refine
13 any of them.

14 MS. BRYAN: Mr. Evans?

15 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
16 Tribe. Weighting factors.

17 MS. BRYAN: Aneva?

18 MS. YAZZIE: Aneva Yazzie, Navajo. Just to bring
19 what one of my regional members brought up. The fact
20 that infrastructure should be considered for remote
21 areas.

22 MR. DOLLARHIDE: Ms. Bryan?

1 MS. BRYAN: I would like to see formula for
2 NAHASDA units.

3 MR. DOLLARHIDE: Ms. Foster?

4 MS. FOSTER: I'd like to see us look at the
5 variables themselves, the weighting, as Earl says, and
6 the definition, as Sami Jo says. But actually, the
7 selection of variables as well.

8 MR. DOLLARHIDE: Ms. Vogel?

9 MS. VOGEL: I have a list of 13 areas. So what
10 I'm going to do is just turn them in.

11 MR. ADAMS: Sharon, can you -- oh, I'm sorry. I
12 was just going to ask if you could read them so that
13 some of us, we wouldn't repeat or --

14 MS. VOGEL: They'll come up as the -- these were
15 issues that were discussed in our region.

16 MR. DOLLARHIDE: Mr. Adams and then Ms. Cloud.

17 MR. ADAMS: Well, again, I don't know if this is
18 going to be on her list. But in the statute, it talks
19 about in the allocation formula, Section 302, it talks
20 about other factors of consideration. And as far as
21 I've been involved in negotiated rulemaking in the
22 formula since the beginning of this, there hasn't been

1 any consideration given -- I think there was some work
2 done, but no agreement on the one factor under (c).

3 The first factor says the relative administrative
4 capacities and other challenges faced by the recipient
5 as a consideration. So I'd like to add that to the
6 list.

7 MR. NICHOLS: Yeah, could you repeat that, please?

8 MS. FIALA: Could you repeat, sir, what you were
9 saying?

10 MR. ADAMS: It's in the statute 302, Section (c),
11 other factors for consideration. It's Number (1).

12 "The relative administrative capacities and other
13 challenges faced by the recipient, including but not
14 limited to geography distribution within the Indian
15 area and technical capacity."

16 MS. BRYAN: Ms. Cloud?

17 MS. CLOUD: Ditto. That was exactly what I was
18 going to say. Thank you.

19 MS. BRYAN: I would like to call on the gentleman
20 at the microphone. State your name for the record.

21 MR. TOMINGAS: Is the microphone on?

22 MR. DOLLARHIDE: Yes.

1 MR. TOMINGAS: John Tomingas, Kluti-Kaah Regional
2 Housing Authority of Alaska. Amending the definition
3 of the formula.

4 John Tomingas, Kluti-Kaah Regional Housing
5 Authority, Alaska. Amending the definition of the
6 formula of median income to allow tribes to use
7 national median income to calculate that formula.

8 MR. NICHOLS: Hold on just a second. Let's make
9 sure she gets that. Could I ask you to wait just a
10 minute, sir, so we make sure she gets that? She's
11 trying to keep up with the typing.

12 Do you have it written down, Sara? Okay. I think
13 we're good. Thank you.

14 (Pause.)

15 MR. NICHOLS: Ms. Vogel, are all of yours up
16 there?

17 MS. VOGEL: Yes, they are.

18 MR. NICHOLS: Would you like to read them out
19 loud, or would you like me to, either way?

20 MS. VOGEL: Go ahead.

21 MR. NICHOLS: Okay. The 13 items that Ms. Vogel
22 added to the list are change of data in need component,

1 change of terminology in need component, NAHASDA
2 assisted units, maximum funding amount. Does the
3 formula meet statutory requirements to serve low-income
4 AIAN families?

5 Number 6 is continued use of FCAS definitions.
6 Number 7, overlapping formula areas. Number 8,
7 expansion of formula areas. Number 9, minimum funding
8 amount. Number 10, data challenge procedures. Number
9 11, use of ADL factor. Number 12, use of TDC factor.
10 Number 13 is consideration of alternative datasets.

11 MS. VOGEL: That is correct.

12 MS. BRYAN: Ms. Cloud and then Mr. Adams.

13 MS. CLOUD: Heather Cloud, Ho-Chunk Nation. Just
14 as related to Self-Determination Act, I would like to
15 have it addressed that at some -- in some portion of it
16 how in the treaties it talks to provide for shelter
17 housing. It doesn't specifically give income
18 stipulations in the government-to-government
19 agreements.

20 MS. BRYAN: Jason Adams and then Karin Foster.

21 MR. ADAMS: I just wanted to correct the one I had
22 added up there, 302. It's Section 302(c)(1).

1 Thank you.

2 MS. FOSTER: Karin Foster. Thank you, Jason.

3 That answered my question.

4 MR. ADAMS: Another one, I don't see it up there
5 yet, that I have on my list was in the statute, it
6 talks about the extent of poverty and economic
7 distress. And so, I would like for us to add that as
8 far as such things is undergoing.

9 MR. DOLLARHIDE: Ms. Flood?

10 MS. FLOOD: I don't specifically see it there, but
11 overcrowding issues.

12 MS. BRYAN: Ms. Cloud?

13 MS. CLOUD: Heather Cloud, Ho-Chunk Nation. I
14 note there was a topic brought up about families versus
15 households.

16 MS. BRYAN: I see we're winding down. So might I
17 propose any, what do they call them, "burning desires"
18 for folks here who'd like to have a chance to say what
19 they came here to talk about. Earl? And then at the
20 microphone after Earl.

21 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
22 Tribe. One other thing is the technical corrections

1 that may be needed in other areas of the formula and
2 other areas of the regulations based on any changes
3 that we make on the other topics. And then, finally,
4 I'm still going to try for that meeting in Hawaii
5 again, if we can negotiate that.

6 MS. BRYAN: Thank you. At the microphone?

7 MS. ZUNI: Thank you. Denise Zuni, representing
8 pueblos in New Mexico.

9 I have three. One is to look at the possibility
10 of allocation on a competitive basis, maybe doing set-
11 asides. Second is looking at the need to build
12 capacity. And three, and this comes directly from
13 Section 1000.4, the need to develop private capital
14 markets.

15 MS. BRYAN: Thank you. Jason?

16 MR. ADAMS: Another one that comes up in the
17 regulations, 1000.306(c), it says, "During the 5-year
18 review of the housing stock for formula purposes, the
19 Section 8 units shall be reduced by the same percentage
20 as the current assisted stock has diminished since
21 September 30, 1999." So I think that's an issue we
22 have to look at.

1 MS. BRYAN: Thank you. Others? Yes, Mr. Cooper?

2 MR. COOPER: I think it might be covered in a
3 couple of different parts, but I think we need to look
4 at specifically data sources. I think there's some
5 outdated BIA data sources that the formula center may
6 use on occasion that we might need to look at. So
7 maybe just data sources.

8 MS. BRYAN: Yes, Karin?

9 MS. FOSTER: Karin Foster, Yakama Nation Housing
10 Authority. One of the issues that comes up in the
11 Northwest is Section 8. I'd like to add that to the
12 list.

13 MR. DOLLARHIDE: Ms. Vogel?

14 MS. VOGEL: Thank you. Sharon Vogel, Cheyenne
15 River. Just so we don't miss anything, I think perhaps
16 we should add review of all regulations under Subpart
17 (d) Allocation Formula and any changes made by
18 statutory -- or statutory changes.

19 MS. BRYAN: Well, this is going to be easy. Other
20 thoughts, things you want everyone to consider as they
21 do their work here? Yes, Sandra?

22 MS. HENRIQUEZ: I believe that there were some

1 statutory amendments that came in 2008, and so I'd like
2 to add those to the list for consideration because they
3 may have some impact. Thank you.

4 MS. BRYAN: This looks like a good thing to do
5 after lunch. Yes, Sam?

6 MR. OKAKOK: I'd like to see possible tribal
7 needs, protection from FCAS draws, if I said that
8 correctly?

9 MR. NICHOLS: Tribal needs, protection from FCAS?

10 MR. OKAKOK: Draws.

11 MR. NICHOLS: We're missing that word. What's the
12 last word?

13 MR. OKAKOK: Draws.

14 MR. NICHOLS: Draws? D-r-a-w-s? Thank you. My
15 vision and my handwriting are bad. It's off and on
16 this week.

17 MS. BRYAN: Earl?

18 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
19 Tribe. And I think there's one other item that we did
20 not reach consensus on in 2004 that hasn't gone up
21 there, and I think that's housing shortages. So I'd
22 like to add that one as well.

1 MS. BRYAN: Ms. Cloud?

2 MS. CLOUD: I'm not exactly sure where this would
3 fit in. This kind of like impacts the funding. But in
4 our regions, we have local municipalities that uphold,
5 and this doesn't affect tribes that have reservations -
6 - I could be wrong on that -- but in order to build, to
7 spend down our dollars, we need to have the land in the
8 trust, and there's a lot of properties that we can't
9 because the local governments are opposing it.

10 So that affects our ability to build, develop, and
11 spend our NAHASDA funding. I don't know if there's
12 some way that that can be addressed in here or not?
13 But it impacts our development and our housing for
14 tribal members greatly.

15 MR. DOLLARHIDE: Mr. Reed?

16 MR. REED: Yes, Mike Reed, Cocopah. I'd like to
17 also determine how many small tribes there are. I'd
18 like to have a definition of small tribes, and I'd like
19 to have a comparison of dollars to tribes other than
20 small tribes comparison.

21 MS. BRYAN: Thank you. Gentleman at the
22 microphone.

1 MR. BROOKS: Dick Brooks, Lumbee Tribe. The issue
2 in Section 1000, in 330, it talks about using IHS data
3 to reflect population shifts. You might need to
4 discuss how to supplement the IHS data with data where
5 tribes don't have IHS in their regions.

6 For instance, the State tribe in North Carolina
7 don't have Indian Health Services east of the Eastern
8 Band, and we need to make sure that they're capturing
9 that population shift in those areas that don't have
10 IHS services.

11 MS. BRYAN: Sharon?

12 MS. VOGEL: I think we need to look at, to review
13 or at least to determine the -- the data variables that
14 are going to be agreed upon before we do data runs.

15 (Pause.)

16 MS. BRYAN: Yes, Jason?

17 MR. ADAMS: Another one that I've been thinking
18 about since our last negotiation on the formula --
19 Jason Adams, Salish Kootenai -- is the issue of
20 recipients that receive FCAS money and have no need.

21 MS. BRYAN: Mr. Reed?

22 MR. REED: Yes, I'd like to see a comparison of

1 total small tribes, once the definition is determined,
2 to total funding.

3 MS. BRYAN: Yes, Karin?

4 MS. FOSTER: Karin Foster. This is, I guess, is
5 encompassed under the definition of formula area, but I
6 guess I'd like to look at the definitions of formula
7 area in that Subsection (1) saying formula areas are
8 and then listing all these areas, and whether those
9 areas are actually optional or always considered in a
10 formula area.

11 I found it interesting when we got into this issue
12 at Yakama that so many do not have, for example, near
13 reservation service areas included in their -- in their
14 formula area, and I didn't understand why. So --

15 (Pause.)

16 MS. BRYAN: Did you catch Mr. Reed's comments?

17 Ms. Foster?

18 MS. FOSTER: I'm sorry? Pardon me.

19 MS. BRYAN: Your comment captured accurately?

20 MS. FOSTER: Well, I guess maybe I'd add, you
21 know, "colon, optional and mandatory" because the
22 regulation actually defines a formula area to include

1 those areas, and yet a lot of people don't have those
2 areas in their formula area. We learned this actually
3 when we had a contractor coming around trying to sell
4 us a secret. Very strange.

5 Anyway, just I'd like to look at whether those
6 areas are actually supposed to be in everybody's
7 formula area or whether you can choose from them.

8 MS. BRYAN: Mr. Reed and then Ms. Henriquez.

9 MR. REED: Under the comparison of total small
10 tribe funding to total funding. So if you would add
11 the word "funding" between "tribes" and "to," I would
12 understand what I --

13 MR. DOLLARHIDE: Just to make a statement, from
14 some of the folks in the audience, if folks could speak
15 clearly and somewhat loudly into your mike so the
16 audience can hear everybody's comment, it would be
17 greatly appreciated.

18 Thank you.

19 MS. HENRIQUEZ: Thank you. I just want to not add
20 to the list, but I'm trying to get clarification. I
21 thought the way in which we worked was if, indeed, we
22 were having staff or attorneys who represent committee

1 members at the table that the committee member would be
2 recognized and then yield to that person?

3 And I just want to make sure because it's a little
4 confusing sometime to have folks who are at the
5 attorneys' table or the staff table, are they speaking
6 on behalf of the public, and we need to recognize that.

7 Or are they speaking on behalf of the committee member
8 who they represent, and that committee member is at the
9 table.

10 And some might be speaking for tribes who are not
11 at the table, which I get, but then I would assume that
12 that's a public comment as opposed to a staff person
13 working for a committee member. Is that clear?

14 I just need to understand what we're doing and how
15 we do that because I don't expect the HUD staff to come
16 to the microphone and offer something up unless I've
17 asked and then yielded to them as a member of this
18 committee.

19 MR. DOLLARHIDE: Could we pause the time while we
20 have this discussion, please? Thank you. We want to
21 be sure to give everybody that hour.

22 My understanding was that when we opened this up

1 to the microphones or to the public, it was really to
2 anybody because we're not really having a discussion on
3 any topics. It's more or less just throwing out the
4 ideas, good, bad, indifferent. And then whenever --
5 when that allotted time is up, then this committee will
6 decide where those will go as far as FCAS, need, et
7 cetera.

8 Obviously, with the understanding that this is
9 probably just the tip of the iceberg where, you know,
10 trees will grow off of these statements. That's how I
11 understood it. I don't know if anybody else --

12 MS. HENRIQUEZ: Fair enough. I stand corrected,
13 and thank you very much for the clarification.

14 MS. BRYAN: And I just want to further clarify
15 that this is just for the purpose of this discussion as
16 we voted before. So this discussion, yes.

17 Okay. Let's start the clock and get this thing
18 rolling. Are there other comments or issues? We have
19 a lot of time for issues on the agenda. So we wanted
20 to make sure we gave it a fair amount of time, and we
21 have a really long list. Are there others?

22 (Pause.)

1 MS. BRYAN: Yes, Sam?

2 MR. OKAKOK: Implementing parts or all of the
3 HEARTH Act into NAHASDA.

4 MS. FIALA: I'm sorry. Could you repeat that,
5 please?

6 MR. NICHOLS: Could you repeat that, please, Mr.
7 Okakok?

8 MR. OKAKOK: Implementing all or parts of the
9 HEARTH Act into NAHASDA.

10 MR. NICHOLS: The HEART Act?

11 MR. OKAKOK: HEARTH. Back in 2010.

12 (Pause.)

13 MS. BRYAN: Is that all? Yes, Mr. Adams?

14 MR. ADAMS: Well, we've been -- we've been playing
15 nice, and so I guess I'll change the tone.

16 (Laughter.)

17 MR. ADAMS: I apologize. This -- this issue comes
18 up because it's been an issue of the last negotiations
19 that I've been involved with, but inevitably we come up
20 against HUD processes or practices that are not
21 encapsulated into the regulation or the statute that
22 could be in conflict with some of the things that we're

1 proposing. And so, I just wanted to put that on the
2 board as far as HUD processes and practices.

3 MS. BRYAN: Thank you. We have a gentleman at the
4 microphone.

5 MR. DALL: Just a point of clarification. Did
6 someone at the table indicated that they wanted a
7 comparison of total small tribe funding to total
8 funding?

9 MR. NICHOLS: Could you please state your name for
10 the record?

11 MR. DALL: Oh, John Dall, Ho-Chunk Nation.

12 MR. NICHOLS: Thank you. And did everyone get his
13 question?

14 MS. BRYAN: Could whoever put that up there
15 clarify if that's accurate?

16 MR. REED: Comparison of total small tribes
17 funding to total funding. I was speaking of NAHASDA,
18 yes, that's it.

19 MS. BRYAN: Thank you. Any others?

20 Hearing none -- did you have your hand up, Mr.
21 Goodman?

22 MR. GOODMAN: Yes.

1 MS. BRYAN: Okay.

2 MR. GOODMAN: Ed Goodman, on behalf of the United
3 Southern and Eastern Tribes, the minimum funding issue.

4 MS. BRYAN: I thought you were going to take the
5 whole 30 minutes.

6 Others? I'm going to shut it down here in the
7 next few minutes. So if you have things to say, I
8 would appreciate it, just so we don't spend too much
9 time because I know some people are wanting to really
10 roll up their sleeves and get to work.

11 I'm just wondering what the protocol is since we
12 agreed to discuss it for an hour. So we may not need
13 the whole hour. So from here, Karin and then AJ.

14 MS. FOSTER: Just one more item in that question,
15 how to articulate. But we talked about, I think,
16 looking at encouraging private financing opportunities,
17 and I think also we might benefit by looking at how
18 other Federal funds can be also put together with
19 NAHASDA funds and maybe how we can pull together other
20 money. I'm trying to think about expanding the pie,
21 and so --

22 MR. NICHOLS: My recollection of the motion that

1 Ms. Yazzie made on the time limit was that she called
2 it a time limit. Isn't that correct?

3 MS. YAZZIE: Hi. I said no more than 1 hour.

4 MR. NICHOLS: So no more than 1 hour? So that
5 would imply that stopping sooner than that is perfectly
6 fine.

7 MS. BRYAN: Could you repeat that?

8 MR. NICHOLS: In line with the motion that Ms.
9 Yazzie made that was accepted, she said the time limit
10 would be no more than 1 hour. So finishing before 1
11 hour is agreeable, I think, as long as there are no
12 more items.

13 MS. BRYAN: Excellent. Mr. Reed?

14 MR. REED: Since we went through this process and
15 we have some time, it seems to me it might be a good
16 idea if we looked at dividing these up by category
17 maybe, and that might help us determine how many
18 different workgroups we want. Just a suggestion.

19 MS. BRYAN: So is there an interest in the
20 committee, now that we've spent this time making a
21 starting list, to divide them into subgroups? Mr.
22 Evans?

1 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
2 Tribe. Madam Chair, I don't think we should
3 necessarily take the time here to divide them into
4 subgroups. I think what should happen is we should
5 simply have the list to be given a document number,
6 circulate it among the committee members, and then we
7 decide what working groups we want to have. And then I
8 think those groups themselves can look at the list as
9 well as we can as committee members and kind of decide
10 what we think meets the parameters of those working
11 groups.

12 And also I would also suggest that this -- and
13 correct me if I'm wrong, but this -- we're not saying
14 this list is all-inclusive, right? This is simply just
15 a brainstorming of relevant things that people think
16 should be discussed and that we could constantly add to
17 as we go about the process if we deem it necessary.

18 Is that correct?

19 MS. BRYAN: Yes, sir.

20 MR. REED: Thank you.

21 MS. BRYAN: So we have two ideas on the table.

22 One is to create subgroups, and the other is to send

1 each list with each committee. So from here, I'm going
2 to close the discussion on the list and thank you for
3 your indulgence and patience for those of us who are
4 new. Just trying to -- we thought that making the
5 process as transparent as possible and for the public
6 record that this was a really useful exercise, and it
7 only took us a half an hour.

8 So now here's where we start the work. So I'm
9 going to defer to the committee to have it just open up
10 a discussion on how we're going to do the work that
11 we're going to do. So now is the appropriate time to
12 have that conversation.

13 Jack?

14 MR. SAWYERS: Again, I suggest we have two
15 workgroups, and from those, we'll do subgroups. And
16 that will take care of all the categories.

17 MS. BRYAN: We have a proposal on the table. Can
18 we have some discussion, please?

19 (No response.)

20 MS. BRYAN: Hearing no discussion on the proposal,
21 are there any objections to moving forward with Jack's
22 proposal to move forward on two workgroups?

1 Ms. Foster?

2 MS. FOSTER: Karin Foster. Just a clarification
3 then, and maybe this wasn't in Jack's proposal. Maybe
4 this would be a next proposal, but Earl was suggesting
5 that the workgroups themselves take a look at the list
6 and kind of see what falls in that area.

7 Otherwise, I would ask for a little more
8 definition of what is FCAS because I know what FCAS is,
9 but I wonder if it also would encompass sort of
10 generally funding as existing housing? I mean, is that
11 where the NAHASDA unit issue would come in and those
12 issues, or would that be over in need?

13 I'd either ask for clarification or just say, you
14 know, it makes sense, a friendly amendment that we
15 break into these two groups and that each group go
16 through the list and identify the things on the list
17 and the areas that they were going to cover.

18 And then we can come back and see if, you know, we
19 think -- if we think it should fall a different way.

20 MR. SAWYERS: I accept that.

21 MS. BRYAN: We have an amendment with an accepted
22 -- accepted friendly amendment. Anyone opposed to the

1 amendment on the table?

2 (No response.)

3 MS. BRYAN: Okay. That amendment is how we shall
4 proceed.

5 Yes, Mr. Adams?

6 MR. ADAMS: Just logistically, how is this going
7 to work where because if there's two workgroups, I
8 mean, that's half of this room is going somewhere else,
9 or how does that happen?

10 MR. NICHOLS: Yes.

11 MS. BRYAN: Who said yes? Oh.

12 MR. NICHOLS: Protocols on workgroups say that
13 each workgroup must have a HUD representative, and each
14 workgroup -- workgroups are not authorized to make
15 decisions for the committee as a whole. The agenda for
16 each workgroup shall be distributed with the agenda for
17 the committee meeting, and you all have the same
18 language. So I won't read the entire thing.

19 But I'm looking for in here where it says the
20 workgroups will have -- each workgroup shall be chaired
21 by a committee member within the workgroup who shall
22 establish procedures for conduct of the workgroup. So

1 that would say that each workgroup needs to have a
2 chairperson who is a committee member, and I think that
3 probably the most humane way to do that would be to see
4 if someone would like to volunteer?

5 Mr. Adams?

6 MR. ADAMS: Again, I didn't ask this question. I
7 asked the logistics of -- because previously we got
8 into our workgroups, and then the workgroups kind of
9 structured amongst themselves in the workgroup. And
10 so, I'm just asking how we're -- you know, is there
11 another room or rooms or --

12 MR. NICHOLS: Yes, there is three rooms.

13 MR. ADAMS: -- is half of us going to stay here,
14 and how is this going to work?

15 MR. NICHOLS: There is three rooms.

16 MS. BRYAN: That's a good question, Jason. I was
17 actually going to defer to the committee on how you all
18 did that before. But you're asking a logistics
19 question about where are we going to meet. So I'm
20 going to have Sara answer that, and then Rusty has a
21 comment.

22 MS. FIALA: We have --

1 MR. SOSSAMON: Just for clarification, my
2 understanding is we're going to break into a needs
3 workgroup and an FCAS workgroup. So just help me to
4 understand which one was definition of a small tribes
5 go in, or the one about the HEARTH Act, which one of
6 those workgroups would that fit in?

7 MS. BRYAN: This group motioned and approved to
8 move forward with the list going to both groups. So
9 that's how we're going to proceed. Sara?

10 MS. FIALA: We have three additional rooms
11 available in addition to this large ballroom. So my
12 suggestion would be to use the Maroon Peak room, which
13 is the one right outside of the doors. That is the
14 largest of the breakout rooms.

15 And I would also suggest perhaps utilizing this
16 room as well as one of the workgroup rooms because I
17 think those two rooms allow for the largest amount of
18 people to be able to fit into them.

19 In terms of a copy, distributing of the list,
20 we're doing that right now. So we'll need probably
21 about 5 more minutes before that list could be
22 distributed out.

1 MS. BRYAN: Thank you. Mr. Evans and then Mr.
2 Adams.

3 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
4 Tribe. Just point of order or clarification, however
5 you want to define it.

6 I didn't recall a label being put to those two
7 committees. I only recall that that proposal was that
8 -- or those two workgroups, that we have two working
9 groups. Did I miss that?

10 MR. SAWYERS: Yes, you did.

11 MR. EVANS: Okay. All right.

12 (Laughter.)

13 MR. EVANS: I'm sorry. My apologies.

14 MR. ADAMS: One issue I wanted to address in this
15 interim period here was a logistical issue. I had
16 asked the contractor FirstPic in regards to a process
17 that I use back at the office and has proven to be
18 pretty effective not even within our office, but within
19 our tribe. There's a product called Dropbox. I don't
20 know how many of you have ever heard of Dropbox?

21 It's basically a file cabinet out in the cloud,
22 and you take this document and you dump it in the

1 Dropbox, and whoever has access to that file would have
2 access immediately to it on their home computer or
3 device. It would be nice if I could -- I'm trying to
4 not have so much paper. If this could have been done
5 that way, we could have -- I could have access to it
6 immediately, you know, in Dropbox.

7 I don't know if anybody else operates that way or
8 would like to have access that way. But it would be
9 nice if we could consider that, and I don't know how we
10 do that. But that could be maybe the co-chairs can
11 work with the contractor on making that happen? So
12 just have less paper.

13 MS. BRYAN: We will be happy to follow up with the
14 technical folks and then get back to you on what
15 options are available to us.

16 So I'd say let's break it into FCAS and needs,
17 like you all said in the first place. Thank you for
18 indulging in this process.

19 My understanding is this biggest group has been
20 needs. Is that where most of the things in the past
21 have been? I'm seeing some heads nod. So let's do
22 needs in this room and FCAS in the room across the

1 hallway. What's the name of it?

2 MS. FIALA: Maroon Peak.

3 MS. BRYAN: Maroon Peak. Okay. FCAS in Maroon
4 Peak. Needs in this section.

5 And I'm not sure about protocol, but do we just
6 meet until 4:30 p.m. and come back -- or 4:00 p.m. and
7 report back to the group and then allow for public
8 comment at the end of this day? How does reporting
9 back go, and how long should we allow for that? Based
10 on past experience, if someone who around this table
11 could help with that, I'd appreciate it.

12 (Pause.)

13 MS. BRYAN: So my suggestion, based on nobody's
14 help, is to move forward into our groups. I think
15 there's a lot of issues and a lot of discussion. So
16 let's come back at 4:00 p.m.

17 Yes, Ms. Gore?

18 MS. GORE: Carol Gore. I just want to clarify. I
19 understand our task in the two committees is we're each
20 going to have the same list. We are within those
21 committees going to decide which issues will be part of
22 that committee's list, whether it's one or all, and

1 then discussing whether or not we will recommend the
2 formation of subgroups, and then that's what we report
3 back today. Is that our task today?

4 MS. BRYAN: Well, to clarify, the list is just a
5 guiding starting point. We will be adding to it. If
6 there are things that fall under FCAS on that list,
7 we're asking you to be aware of that because people
8 have asked you to. And if you're in -- not in that
9 workgroup, you'll know that your issue is at least on
10 their table.

11 So the charge I think today is to figure out, you
12 know, what -- who your chair is, how your committee is
13 going to function, what the main issues are, and the
14 subgroups you want, to get the work started. And I'll
15 defer to others on your experience because I'm really
16 not sure what to expect.

17 Mr. Evans?

18 MR. EVANS: Earl Evans, Haliwa-Saponi. So I just
19 wanted to ask a question of clarification based on what
20 you just said. So a part of the task is for that
21 committee to -- or for that working group to pick the
22 chairperson, as opposed to the chairperson being

1 assigned from the committee?

2 MS. BRYAN: Yes, sir. My understanding of the
3 protocols is that the committee, the workgroup meets
4 and then they will select a chair from that workgroup
5 at that time, as well as the procedures they are going
6 to follow to do the work in their workgroup. And they
7 need to -- oh, excuse me -- adopt a secretary, I
8 believe, according to the protocols. Is that right?

9 MR. NICHOLS: What resources will the workgroups
10 have available? I believe there's going to be a
11 record-keeper in each workgroup room. Is that correct?

12 MS. BRYAN: Yeah, we need at least one HUD
13 representative in each workgroup, per the protocols.

14 Any other questions or comments or guidance to
15 those of you veterans who could help us out for a
16 minute?

17 MR. NICHOLS: So at 4:00 p.m., the workgroups will
18 be reporting back to the committee, and they will be
19 reporting what at 4:00 p.m.?

20 I just want to make sure this is clear. At 4:00
21 p.m., the workgroups will be reporting back to the
22 committee, and they will be reporting dot-dot-dot.

1 What is the dot-dot-dot? Mr. Sawyers?

2 MR. SAWYERS: I think you've scheduled public
3 comments. So it would probably be after the public
4 comments. So we come back at 4:00 p.m. for public
5 comment and then report after that. Is that right?

6 MR. NICHOLS: The public comment is at 4:00 p.m.?
7 Let me just double check. It says 4:30 p.m. She had
8 said the workgroups will report back here at 4:00 p.m.
9 I'm just asking, for the benefit of the people on the
10 committee if it's clear what the report-out will be at
11 4:00 p.m.?

12 If everyone's comfortable, there's no point in
13 belaboring it, but I was just clarifying at 4:00 p.m.,
14 the committee will come back -- or some workgroups will
15 come back to the committee and report. So what is --

16 MS. BRYAN: Ms. Foster and then Mr. Reed.

17 MS. FOSTER: Karin Foster, Yakama Nation Housing
18 Authority. I like the way that Carol described it.

19 I don't know if there was a response to that yet,
20 but I think she said that each group would take a look
21 at this list, see which issues fell within their
22 purview, and then start trying to identify sub-

1 workgroups. Maybe there will be other issues that come
2 up.

3 Understanding that today is not going to be, you
4 know, the day where we're going to have a definitive
5 list of everything, but just start to develop
6 subgroups. And obviously, and elect a chair.

7 MR. NICHOLS: Okay. Good. Thank you. Is that
8 clear to everyone?

9 MS. BRYAN: Thank you for that. Mr. Reed?

10 MR. REED: I was -- I was just going to go along
11 with what they just said. So that was it. Thank you.

12 MS. BRYAN: Lafe?

13 MR. HAUGEN: I was just going to go along with
14 that.

15 MS. BRYAN: Hey, I think we're ready. Let's
16 break. Back at 4:00 p.m.

17 (Break.)

18 MS. BRYAN: Let you all get situated, and while
19 you do that, can I have the volunteers from each
20 committee that are going to report out prepare
21 yourselves and have someone volunteer to go first?

22 (Pause.)

1 MS. BRYAN: So, for logistics, I'm going to call
2 the meeting back to order. We'll cross over to my
3 left. So could you please raise your hand if you're a
4 chair of the committee that you agreed to, the rooms
5 you just came out of?

6 So Jason Adams, chairman for the FCAS group. Sami
7 Jo Difuntorum, chairwoman for the needs group. Thank
8 you.

9 Would one of you like to volunteer to go first, or
10 shall I call on you?

11 MS. DIFUNTORUM: I will volunteer to go first.
12 Thank you. Sami Jo Difuntorum, Confederated Tribes of
13 Siletz Indians.

14 The needs group went through the list and decided
15 issues were either clearly going to stay with the needs
16 group or they didn't really fit within the needs.
17 Where we had ended was there were several issues that
18 we had stricken through that probably aren't FCAS, but
19 we didn't have enough time to come back to them. There
20 are some that we want to revisit that were not totally
21 part of these.

22 So that's where we ended. We didn't get to the

1 point of categorizing and forming subgroups yet, sub-
2 workgroups. I'm guessing that's our next item of
3 business, and that's where we ended it.

4 Thank you.

5 MS. BRYAN: Thank you so much, and thank you for
6 all your hard work.

7 Mr. Adams?

8 MR. ADAMS: Yes, Jason Adams, Salish Kootenai
9 Housing Authority. The FCAS group had met, the
10 workgroup, and after the election process, we went into
11 discussion on procedure for the workgroup. And we
12 determined that we were going to use Robert's Rules of
13 Order as far as just how we conduct our business for
14 motions and all of that process. So that was approved.

15 And then we delved into our list, the list of 52
16 items. And what we decided before we started
17 categorizing the list was that we were going to have
18 three options. We were going to have a need option,
19 FCAS option, and other. It turned out that other
20 turned out to be quite large.

21 And so, we wanted to bring that issue back to the
22 committee and ask that the committee consider possibly

1 creating another workgroup that is all of these other
2 items. And I don't know if that's something that we
3 want to collaborate on our lists with this evening and
4 see what -- you know, if we agree or mostly agree on
5 that list of what should be that wasn't part of needs
6 that would be FCAS or other and get that work going
7 sometime here in the near future and can get that
8 committee off and running.

9 And there were a lot of these that as we went
10 through, we said that could be in both, two or possibly
11 three of the areas. And so, I don't know if you want
12 me to share our list or how we want to share these
13 lists with the full committee.

14 I think we -- is that our list? No. We are going
15 to have that available here eventually, but one of the
16 items that we did get to as we went through the list
17 was the question on definitions. And so, after we
18 finished going through the list and categorizing them
19 into need, other, or FCAS, we came back and took a look
20 at the, first of all, the statutory definitions and if
21 they applied into what areas.

22 And then we took a look at the definitions in the

1 regulation on the formula itself. I think there was
2 about 12 or so definitions there. And we categorized
3 those into whether they're an FCAS definition or a need
4 definition.

5 And if they were anything other than FCAS, we
6 didn't worry about them. We just put them off the
7 table because those definitions are subject to
8 negotiation, and so we wanted to make sure that we had
9 those on the table for the committee to consider and
10 work towards.

11 And then once we got through with that, we kind of
12 discussed our process for tomorrow. One of the things
13 we're going to tackle first thing in the morning once
14 we go back into our workgroup is the items that we
15 could add to the list, opening up the floor to the
16 folks in the room.

17 One of the things that was mentioned is the NAIHC
18 matrix work that was done that led to the
19 reauthorization of NAHASDA. There was items that were
20 brought up in that process that were formula-specific.

21 And so, we wanted -- I don't think those were
22 included. Maybe they were, I don't know, included on

1 our list of 52.

2 So that's the work of the FCAS workgroup so far.

3 Thank you.

4 MS. BRYAN: Thank you. It has been requested to
5 take both the groups' work and make a list. What ended
6 up in needs, what ended up in FCAS -- I think Sara is
7 going to help us with that -- and then the other, so
8 that we can see if there's common places and see what
9 other groups we need to create.

10 So if the committee is okay with that, we can take
11 each committee's work and have our technical folks
12 maybe working on taking the two lists right now and
13 putting them into a matrix?

14 MS. FIALA: It will be about 5 minutes.

15 MS. BRYAN: In about 5 minutes, that will be
16 ready.

17 (Pause.)

18 MR. DOLLARHIDE: While we're waiting on her to get
19 that compiled, the question is, would -- would
20 everybody agree, disagree to work over the allotted
21 5:00 p.m. time that is on the agenda? So I would open
22 that up for discussion, if we want to just keep going?

1 The reason I bring that up is, personally,
2 tomorrow night, you know, tomorrow working late is
3 going to be hard for some folks because they're going
4 to be headed home after 5:00 p.m. So, you know, the
5 first couple of nights that we're in town, obviously,
6 in my opinion, we work as late as we want.

7 That last night, that last day of the agenda, you
8 know, if we can try to get out of here at the time that
9 is stated on the agenda so that folks can, if they do
10 decide to get out of town that evening, that they're
11 able to do that.

12 MR. ADAMS: I just want to say that I will leave
13 that decision and discussion to other folks today
14 because I took heat for that last night, and I'm not
15 going to take heat today.

16 (Laughter.)

17 MS. BRYAN: Let's raise it this way. Oh, Sandra?

18 MS. HENRIQUEZ: I just had to check with Mike
19 Andrews. I want to offer up, depending on how you
20 work, the entire committee, the court stenographer can
21 stay until 8:00 p.m. If you're in workgroups, then
22 that's a different -- then you can go as long as you

1 want.

2 MS. BRYAN: Thank you. I think that where we're
3 at right now is in our workgroups, and if we meet
4 tonight, we'll likely be in our workgroups. If I'm
5 right, it seems like that's where we're at.

6 And might I ask is there anyone who is opposed to
7 working late this evening?

8 (No response.)

9 MS. BRYAN: So we have consensus on working late.
10 Thank you.

11 Yes, ma'am?

12 MS. HENRIQUEZ: In a group or as a committee?
13 Workgroups or the whole?

14 MS. BRYAN: I think wherever it takes us, but it
15 looks like we're going to be in workgroups if it's to
16 the late hours.

17 MS. HENRIQUEZ: Okay. Thank you.

18 MS. BRYAN: Yes, Ms. Foster?

19 MS. FOSTER: I was just wondering about, you know,
20 whether we want to establish some point, you know, to
21 where we need to get, what we need to have before
22 tomorrow morning so that we can have some idea of how

1 late we have to work? I'm not opposed to it, but I
2 mean, are we talking about -- you know, we could say
3 we're going to work until a certain time of the
4 evening, or we can just say everybody be ready with
5 such and such a point.

6 MS. BRYAN: That's a good question, and we are
7 open to suggestions about what it is that the
8 committees will do in the rooms that you're doing those
9 in and what the product will be in the morning.

10 If there are no suggestions, I propose we work
11 until 8:00 p.m., put a limit on it time wise. But
12 those of you in the rooms of the working groups and who
13 have been in working groups before know what you're
14 looking for. So if you could offer suggestions about
15 what the morning will be and what the product is we're
16 looking for tonight, I would appreciate it.

17 MR. ADAMS: I'm just wondering if we're going to
18 set that as a plan, then are we going to break for
19 dinner here any time soon and take an hour break for
20 dinner and then come back for 2 hours? Or we're just
21 going to work straight through and nose to the
22 grindstone?

1 MR. DOLLARHIDE: I'll leave for dinner, Jason.

2 (Laughter.)

3 MR. DOLLARHIDE: Yeah, I probably won't be back.

4 But I'll just put that out there. I would prefer to
5 not leave and then continue our work until that time,
6 if everybody's agreeable to that. Like Annette said,
7 we are open to discussions from some of the folks that
8 have been through this before.

9 MR. ADAMS: Just again for the record, this is not
10 my idea.

11 MR. DOLLARHIDE: Go ahead, Carol.

12 MS. GORE: If I could just add some historical
13 context? I don't think the workgroups ever agreed on a
14 time, an ending time. They, frankly, worked until they
15 found an appropriate spot to break their work, and the
16 committee then had the ability to decide how late they
17 were going to work or not.

18 I think that worked out really well. I don't know
19 that we'll have a work product in the morning, but I
20 hope we'll all start with an opening prayer before we
21 reconvene in our workgroups, and that's the only thing
22 I would request.

1 Thank you.

2 MS. BRYAN: Thank you. Heather?

3 MS. CLOUD: Heather Cloud, Ho-Chunk Nation. I
4 have a question.

5 So if we're breaking out in our workgroups, is it
6 up to the workgroup to decide how long they're going to
7 work, and then we're just excused for the evening and
8 then come back tomorrow? So the workgroup -- okay.
9 All right.

10 MS. BRYAN: Yes, that's right. So what we're
11 going to do today is we're going to get the list and
12 compare the two sides. We do want to honor the 4:30
13 p.m. time slot for public comment.

14 Other than that, I think we'll probably compare
15 notes, maybe take a break. I guess the workgroups, you
16 know, see where we're at. I guess the workgroups can
17 decide if they want to take a different break or what,
18 but from there, we're dismissed from this meeting.

19 Yes, Leon?

20 MR. JACOBS: Leon Jacobs. I'd recommend that the
21 needs group give us a report very quickly. We had one
22 from our group.

1 (Laughter.)

2 MS. DIFUNTORUM: Hey, Leon.

3 MR. JACOBS: Okay, Sami.

4 MS. DIFUNTORUM: I did provide a report, but I
5 will gladly repeat it if we're kind of having a little
6 bit of dead air here.

7 Basically, we met and we had a couple of different
8 processes. We weren't as organized as Jason and didn't
9 agree on a specific process up front. So we did a
10 little bit of trial and error to figure out how we were
11 going to sort through the issues.

12 What we finally decided on is it was either
13 clearly a needs issue or it was not, and if it was not,
14 we marked through it. Some we figured would go to
15 FCAS, and some we figured would go to an other group.
16 I liked your idea of perhaps creating a third workgroup
17 for other. Maybe it was your idea? I think somebody's
18 idea.

19 Well, there was an idea, and I thought it was a
20 good one because there are some issues that don't
21 clearly fit into either category, and that was
22 basically what we spent our time doing, going through

1 each item on the list, deciding which ones would fit
2 clearly into needs and which ones would not.

3 And really, that took quite a lot of time. That
4 was where we ended our conversation. We had just
5 finished going through the list. So we don't have next
6 steps penciled out, and I definitely don't think we
7 will have a work product available tomorrow morning,
8 even if we work until midnight, which I'm not planning
9 on doing.

10 So, I mean, I'm not speaking on behalf of the
11 workgroup because we didn't discuss next steps. But
12 what makes sense to me is that we would go back through
13 the revised list and figure out which sub-workgroups we
14 need to form from that and go from there.

15 MR. JACOBS: Leon Jacobs. Since both groups seem
16 to feel that there is the need for the third group,
17 could we go ahead and debate this and come up with a
18 consensus on this while we're waiting?

19 MS. BRYAN: I don't see why not. My only, I
20 guess, caution is that we haven't seen what's in the
21 other group, but probably some of the same things. And
22 do you guys have a group -- well, we have a group

1 called the other group, and is that what it will be
2 called, other issues or the third-wheel group?

3 But yeah, it's a good conversation that I think we
4 could just have.

5 MR. ADAMS: I could share -- I have some notes
6 before. They're up on the board, just to maybe give
7 some ideas on what our group had categorized as other
8 off of the list of 52. We had tribal sovereignty and
9 self-determination as an other issue. We had
10 infrastructure for remote areas. We had maximum
11 funding amount.

12 We had Section 302(c)(1) as another issue. That
13 was the capacity issue. We had the Housing Self-
14 Determination Act, shelter housing as other. We had
15 allocation on a competitive basis, set-aside. We had
16 help, a need to help -- need to build capacity, excuse
17 me, in other. Need to develop private capital markets.

18 Impact of housing, for example, local governments
19 as an other issue. We had implementing all or part of
20 the HEARTH Act into NAHASDA as an other issue, and then
21 we wanted some clarification on that issue because
22 there are two HEARTH Acts. And so, we are assuming

1 that this is in reference to the one HEARTH Act that
2 deals with homelessness.

3 That's an assumption. Is that -- did you guys
4 have the same discussion on that issue? I heard parts
5 of it when I walked in.

6 MS. DIFUNTORUM: We did have a very lengthy
7 discussion on that. Like I believe twice. So there
8 are two HEARTH Acts, and I think there were different
9 perspectives on which one they were talking -- I think
10 they were talking about both, actually. So did you
11 want to clarify that?

12 MR. ADAMS: Is that something then that we should
13 talk about as a committee now to get better understand
14 and see where that falls maybe?

15 And then just to finish our list, the last one
16 that we had categorized just as other was leveraging
17 Federal funds and NAHASDA funds. Oh, sorry. We had
18 financing opportunities and leveraging, both of those
19 as other.

20 MS. BRYAN: Yes, Earl?

21 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
22 Tribe. Thank you, Madam Chair, for recognizing me.

1 If I'm in order, I move that we create another
2 workgroup called the special topics workgroup.

3 MS. BRYAN: We have a proposal. Any discussion on
4 that proposal?

5 And this purpose of this workgroup is to put all
6 of the items that do not fit under needs or FCAS into a
7 third group?

8 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
9 Tribe. Yes, ma'am, Madam Chair. That is my intent by
10 making that proposal.

11 MS. BRYAN: Thank you. Any more discussion or
12 clarification questions on this proposal?

13 (No response.)

14 MS. BRYAN: Hearing no discussion, I'll call for
15 the question. Is anybody objecting to creating a third
16 group called special topics workgroup?

17 (No response.)

18 MS. BRYAN: Seeing no objection, we have
19 consensus. Thank you.

20 MR. DOLLARHIDE: Yes, sir. Mr. Evans?

21 MR. EVANS: Thank you, Mr. Chairman.

22 Earl Evans, Haliwa-Saponi Indian Tribe. Also I

1 guess this would be the fourth workgroup because we
2 also have the drafting workgroup that's in the
3 protocols. Am I correct on that?

4 Then my question on the drafting workgroup would
5 be do we want to assign a committee member to chair
6 that workgroup as well is a question that I have while
7 we're waiting on the information.

8 MR. DOLLARHIDE: According to the protocols, the
9 drafting group will determine the chairman of that
10 group when -- they make that determine when they meet.

11 I will defer to somebody else, but that's what I read.

12 MS. BRYAN: And as a reminder, if you're
13 interested in the drafting group, there is a sign-up
14 sheet in the back. I see there's a lot of names on it.

15 So that's very good news.

16 We're leaving that open until the end of the day.

17 So we might just point out that if you're on that
18 drafting group, at some point tomorrow you might want
19 to meet and then establish who your chairs are.

20 Yeah, and I'm being reminded that list is just a
21 starting point. It's by no means means it's closed to
22 others or that they can't either withdraw or add their

1 names later. Yes?

2 MR. HAUGEN: Yes. You said special projects?

3 Special topics? Okay, just making sure because Jack
4 wanted to start another working group, special needs?

5 (Laughter.)

6 MR. SAWYERS: I'm not even touching that.

7 MR. ADAMS: Madam Chair?

8 MS. BRYAN: Yes, sir?

9 MR. ADAMS: I just was reminded as part of our
10 notes from our workgroup is that we actually ended up
11 categorizing these things into seven different areas.
12 We had -- we had needs. We had FCAS. We had other,
13 and then we had combinations in two of each or all
14 three. So it gets quite complicated, but there's not
15 many in those other four categories other than the main
16 three.

17 MS. BRYAN: I did see that list, and thank you all
18 for your hard work. So propose that we honor the 4:30
19 p.m. that's coming up for the public comment period,
20 and we'll need more time to put these lists together,
21 given that the lists aren't broken into three clear
22 areas for one group.

1 Any other comments or issues or process about the
2 morning? My thinking, just from sitting here for 6
3 hours, is that we'll start the morning, open up with a
4 prayer, and break into our workgroups. Is that how
5 we're going to -- okay, thank you.

6 MR. ADAMS: While we're waiting, can we do the
7 public comment time now?

8 MR. NICHOLS: Are we ready? Did you ask are we
9 ready for public comment?

10 MR. ADAMS: Yeah, I was just saying if we could do
11 that now and then come back to the lists maybe that
12 would save some time.

13 MS. BRYAN: Yes, thank you.

14 MR. NICHOLS: Okay. Thank you.

15 So now is the time in our meeting where we open
16 the floor to the members of the public for any comments
17 or questions for the committee. Do we have any folks
18 in the audience who would like to address the
19 committee?

20 And when you speak, sir, if I could ask you to
21 please for the record state your name and spell it for
22 the court reporter who's recording the proceedings, if

1 you would, please?

2 MR. BEGAY: Thank you. Good afternoon, committee
3 members, 24 or more of highly experienced individuals
4 that are assembled by virtue of United States
5 Government law and the guidelines. So, with that, you
6 have quite a bit of credentials that you have to carry
7 forward.

8 As I listened to you as you started, I was
9 wondering if you were going to get on the right track
10 in terms of what has been exercised ever since the
11 program started under United States HUD provision of
12 Government. By virtue of all that power or delegation
13 of power on the right from the elected official United
14 States Government, as well as Indian or Native American
15 governments.

16 In our case, Navajo, we have a treaty with the
17 United States Government ratified by United States
18 Senate. The year has been long and a hard struggle.
19 In the treaty, it spells out some things that you're
20 talking about -- protection of Indian people, their
21 resources, their welfare, and also education and also
22 utilizing the manpower in these United States.

1 I can say this to you because during World War II,
2 32 Navajo young men entered the United States military
3 service, and they were asked or called upon to work up
4 a code in Navajo language to be used in the combat
5 zone. And that code has never been broken by any
6 party, to which I am very proud to stand before you and
7 speak to you in this fashion because if it wasn't for
8 them brave young men, maybe all of us would be speaking
9 Japanese here.

10 So it has quite a history, and through past
11 experience as elected official from time to time with
12 the Navajo government, I could address you in this
13 fashion. So, folks, you have a large responsibility
14 that you cannot just say arbitrarily to your needs or
15 your neighbor's needs to get your way because these
16 United States has been in business for some years. And
17 yet they have yet to get it right.

18 By that I mean that security is always at stake.
19 Just the time we think that we've got things moving the
20 right direction, there is always violence that we hear
21 about, and that should not be. As Indian people, we
22 said what's happening to United States citizens? I

1 think we just let anybody come in.

2 So those are some of the things that we all have
3 to face. But this particular case before you is a tool
4 by consensus that was formulated, agreed upon, and
5 used. And some expression is that without these
6 principles, we'll take it apart and start all over.

7 But looks like if that's the case, you have to
8 spend some years to do so. With HUD, people have been
9 keeping track of what is stated in the law, in the
10 guidelines, and interpretation. That's where we write
11 the rules that are put in place.

12 So there's a lot of factors in place. So I say to
13 you if it's not broken, why fix it? And it worked well
14 for us so far. I think that's the theme that we all
15 have to pay attention to, especially in this time of
16 United States Government says we are underfunded,
17 therefore, we will take some money away from your
18 programs, which is very sad because that's not what
19 they said in the United States treaty that we signed
20 for.

21 That's the right thing I'd like to say this
22 afternoon, and I am very pleased and happy that you

1 open your meetings with a prayer and close with prayer.

2 I think that's the only way that we can find peace
3 with ourselves and the people.

4 Thank you.

5 (Applause.)

6 MR. BEGAY: My mother says you didn't mention your
7 name. My name is Edward T. Begay. I am a voting
8 member of Church Rock Chapter in New Mexico Tribe, and
9 my last name is B-e-g-a-y, Begay.

10 Thank you.

11 (Applause.)

12 MR. NICHOLS: Thank you, Mr. Begay.

13 Who would like to comment next?

14 (No response.)

15 MR. NICHOLS: I think the public comments are
16 completed. So what would you like to do next, Mr. Co-
17 Chair?

18 MR. DOLLARHIDE: Thank you for those great words,
19 Mr. Begay.

20 It appears that we have the data compiled. So we
21 will open this up to discussion and -- excuse me. We
22 will open this up to discussion.

1 Mr. Evans?

2 MR. EVANS: Thank you, Mr. Chairman.

3 Earl Evans, Haliwa-Saponi Indian Tribe. My first
4 suggestion would be for the things that we're in
5 agreement on, if we could highlight those in a
6 different color so that we could -- I think the things
7 that we agree on in terms of categorizations, we should
8 just leave those and not worry about talking about them
9 and only discuss the things that we -- that our two
10 groups did not agree to categorize the same way.

11 That would be my recommendation, Mr. Chairman.

12 MR. DOLLARHIDE: Is everybody in agreement with
13 that?

14 (Pause.)

15 MR. NICHOLS: The question for the group is would
16 you like printed copies of this document before it's
17 changed, or do you want to wait until after we make
18 changes here, or both?

19 MR. DOLLARHIDE: It would be my recommendation
20 afterwards.

21 MR. NICHOLS: Okay.

22 MR. DOLLARHIDE: Yes, sir. Mr. Adams?

1 MR. ADAMS: Again, just as I see this now in front
2 of us, I don't know where we're going to go with the
3 discussion on this because, based on this matrix, I
4 think they're falling into the appropriate places. So
5 the workgroups can take them on if their box is
6 checked.

7 In some cases, we checked all three, and so all
8 three -- all three workgroups should spend some time on
9 those issues because they each have a different
10 perspective on the issue. I don't think there's going
11 to be any removal or -- I think. That's just my take.

12 MS. FOSTER: Karin Foster, Yakama Nation Housing
13 Authority. Jason, do you think that if there are items
14 we put in the other category that the needs group wants
15 to take up, that maybe those would go over into the
16 needs? Would they still go into the other as well?

17 That's the only thing I could think of that, you
18 know, might make a difference. That and the fact -- I
19 don't see anything that isn't covered somewhere. But
20 there might be something no one claimed, I suppose.

21 MS. BRYAN: Heather?

22 MS. CLOUD: Heather Cloud, Ho-Chunk Nation. I

1 think in the same respect, the needs group marked other
2 if it was not definitely part of the needs. So if FCAS
3 group has identified that as something that they're
4 willing to take on, then that would be part of their
5 topics that they're going to discuss.

6 (Pause.)

7 MS. YAZZIE: Madam Chair, Aneva Yazzie, Navajo.
8 We also found some -- excuse me -- items that were
9 listed or factors that were listed that were
10 duplicative, as we found out. So perhaps we could
11 start eliminating that, too, maybe shortening the list
12 somewhat.

13 MR. DOLLARHIDE: Yes.

14 MS. BRYAN: We agree. So I think -- I want to
15 thank you guys for putting the matrix together. That's
16 very helpful to see it upfront, and if I could have --
17 Steve, I don't want to spend too much time on the list
18 because the work is going to get done in the groups, as
19 we've already discussed.

20 But maybe, you know, we could have our facilitator
21 just run through the list, make sure that it's captured
22 somewhere, that we agree it's in the right spot, and

1 just move on with this.

2 Yeah, and unless there's not agreement, then we
3 may need discussion. But, or something got missed,
4 which it doesn't look like it did. But yes, Jason?

5 MR. ADAMS: I'll just begin, I guess. It will be
6 a good drill now that it's color coded. Under the
7 tribal sovereignty and self-determination, the one
8 group had it as needs. We categorized it as other.

9 I guess I'm just wondering how does that tie to
10 the needs portion of the formula, if somebody could
11 maybe answer that?

12 MS. CLOUD: Heather Cloud, Ho-Chunk Nation. I
13 just want to thank Mr. Begay for what he said, and
14 along those lines, that was my reasoning for bringing
15 this to the needs is that in many of the treaties that
16 the Government signed with the tribes, it said that
17 they would provide housing. In a lot of the treaties,
18 also it talked about health and education.

19 So housing is more or less a needs, and then the
20 income part, that was never part of the original
21 language in the treaties. So if we're looking at the
22 full document of the formula and examining every piece

1 of it, I feel as though that that would be an
2 appropriate piece of the needs portion of the formula.

3 MR. NICHOLS: So are we going through each one
4 that is in disagreement, Mr. Evans?

5 MS. BRYAN: Earl?

6 MR. EVANS: Sorry. I didn't know if you needed an
7 answer.

8 MR. NICHOLS: No, that's my fault.

9 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
10 Tribe. I would -- actually, since we have the things
11 that the two working groups agreed on now highlighted,
12 I would like to request consensus on the highlighted
13 items. I think that those things will be assigned to
14 those working groups to contemplate based upon the fact
15 that those working groups already agree that those
16 particular issues belong in those places.

17 Then that will only leave those -- those things
18 that we didn't agree on for us to now go through and
19 figure out where it makes the most sense for them to
20 go. Of course, assume that is if everyone agrees
21 that's the direction we should move in.

22 MS. BRYAN: Jason Dollarhide?

1 MR. DOLLARHIDE: I don't necessarily have a
2 problem with that, Earl. Either way, whether we do
3 that now or whether we do that after we go through the
4 list on the ones that haven't -- I don't want to say
5 necessarily disagreed upon because I don't think that's
6 -- I don't think that's the right word. But the
7 differences of opinion on where they should go.

8 So as far as my opinion is that's going to happen
9 anyway. Whether that happens now or whether that
10 happens after the list has been discussed on the ones
11 that we have varying opinions on.

12 Annette?

13 MS. BRYAN: Thank you. I'll defer my chairmanship
14 to Jason.

15 I was just going to suggest that we have the list,
16 and maybe the working groups can go over the list and
17 either agree that what's on there is what they're going
18 to work on or not, and then bring it back to the
19 committee after they review it, just to keep things
20 moving this evening. I think we could sit here all
21 evening and talk about this matrix that we haven't
22 really had time to thoroughly review.

1 Just a suggestion. If going through it is
2 helpful, then I defer to the committee.

3 Thank you.

4 MR. DOLLARHIDE: Karin and then Aneva.

5 MS. FOSTER: Karin Foster, Yakama Nation Housing
6 Authority. I think that kind of where we started
7 through with where Jason started could be helpful,
8 particularly when we get to areas where we overlap,
9 where we're both claiming the issue. I mean, I don't
10 think it would take too much time just to go through.

11 I agree -- I agree with Earl about the areas that
12 we have highlighted as being in agreement on. We
13 shouldn't have to go through each of those, you know,
14 in a discussion. I mean, that would save some time,
15 but there might be some where we've claimed the issue
16 in both, and maybe they overlap, you know? And we'd
17 probably both agree to work on both of them.

18 But that way, we're coordinated and that we know
19 that we need to come to each other, you know, and work
20 together on those. I just think it would be helpful
21 just to go through quickly.

22 MS. BRYAN: Thank you. Aneva?

1 MS. YAZZIE: Thank you, Madam Chair.

2 I thought we were also going to conversely show
3 and color code those areas where the needs committee
4 put under other that FCAS committee clearly identified
5 was their function. So unless that was done and we
6 don't see that color coded, as Ms. Cloud had
7 recommended. Madam Chair.

8 MS. BRYAN: Thank you. So I'm not sure if it got
9 color coded where the FCAS committee put something
10 under other? Is that your question? Go ahead. I'm
11 sorry.

12 MS. YAZZIE: I'm sorry. I'm sorry I'm not clear.

13 In the needs committee, we just limited it to what
14 we thought was definitely, definitely needs, and
15 anything that would be FCAS or other, we put under
16 other. We didn't classify.

17 Now, conversely, though, FCAS committee clearly
18 identified what they thought was under FCAS. And so,
19 where we have other and they have marked FCAS, we can
20 highlight that in color coding, we would just submit to
21 that, just for clear distinctions. Madam Chair.

22 MS. BRYAN: Right. That makes perfectly good

1 sense. So if the needs committee moved it over, FCAS
2 committee claimed it, give it to FCAS.

3 Was there another hand? So I'm hearing that it's
4 very useful to go through the list where we did not
5 agree or where we had questions for clarification so
6 that as the workgroups go, perhaps you claim two
7 issues, and there may be opportunities in both groups.

8 So Jason and then Aneva.

9 MR. ADAMS: Yeah, I just wanted to say that I
10 didn't start this process to question why so that we
11 would make changes. It's just to understand what the
12 perspective was on the issue.

13 I still think that it falls in on two or three of
14 them that we all spend time on them within our
15 workgroups and keep the issue moving forward. I mean,
16 more conversation is better than none.

17 MS. BRYAN: Thank you for that clarification.
18 Aneva?

19 MS. YAZZIE: Thank you. And to the scribe, I
20 guess, to give it a different color, if we could, so
21 there's a distinction between need and FCAS items.
22 You're making it the same color.

1 The other thing is I would agree with Jason in
2 terms of those where two marks were given under other.

3 I don't mind the discussion. Madam Chair.

4 MS. BRYAN: Thank you. So, facilitator, did you
5 get all that? Will you walk us through the list?

6 MR. NICHOLS: I'm trying to follow.

7 MS. BRYAN: Okay. So what color -- do you have a
8 color coded --

9 MR. NICHOLS: Which item do we want to discuss?
10 That would be my question.

11 MS. BRYAN: To the color coder, which items are we
12 in agreement on?

13 MS. FIALA: The shaded items.

14 MS. BRYAN: Shaded pink. So we can skip the
15 shaded pink and move on to the ones that are in
16 different colors than that.

17 MR. NICHOLS: So, for example, this one right
18 here?

19 MS. BRYAN: Yes, sir.

20 MR. NICHOLS: These we want to discuss, clarify
21 the different perspectives on that?

22 MS. BRYAN: Yes, sir.

1 MR. NICHOLS: Okay, thanks. Thank you. Mr.
2 Jacobs?

3 MR. JACOBS: They're numbered. So we should call
4 the number out.

5 MR. NICHOLS: Very good.

6 MS. BRYAN: Yes, Ms. Phair?

7 MS. PHAIR: Can we just filter it out, too? Make
8 it easier to see it. On the columns, can't we just
9 filter?

10 MS. BRYAN: So the question to the technical team
11 is could we filter out the things that we don't need to
12 look at?

13 MS. PHAIR: Yes. Just the stuff that we need to
14 versus seeing everything on the table.

15 MS. BRYAN: That's a question for the gal that's
16 making the matrix. Is there a way to doctor that?
17 Okay.

18 MS. FIALA: We did not filter it, but we sorted
19 it. Does that work for you?

20 MR. NICHOLS: So it's sorted, not filtered?
21 Shaken, not stirred, which is probably what you really
22 wish was happening.

1 MS. BRYAN: Not all of us wish that.

2 (Laughter.)

3 MR. NICHOLS: Okay. So Number 3 would be where we
4 would start. Correct? Are you going to recognize the
5 speakers, or would you like me to?

6 MS. BRYAN: For consistency, I'll do my best to
7 continue to recognize speakers.

8 MR. NICHOLS: Okay.

9 MS. BRYAN: Michael?

10 MR. THOM: Michael Thom, Karuk Tribe. I believe
11 that Ms. Cloud already gave her definition of Number 3
12 after he asked her. So that one is sort of complete.

13 MS. BRYAN: Thank you for that. Let's start on
14 Number 4.

15 MR. NICHOLS: Okay. Number 4? If we could hear
16 the perspectives on who saw that as need?

17 MS. BRYAN: So we all claim that, revise and
18 refine and look at the definitions. So is each group
19 going to look into the definitions and claim the ones
20 that they like, or do we need to discuss it here at the
21 table?

22 Sami?

1 MS. DIFUNTORUM: Thank you. Sami Jo Difuntorum.

2 I think that's one of them that clearly falls into
3 all three. I think the definitions depend on which
4 part of the formula you're looking at, and they're all
5 encapsulated under one definitions title. So I think
6 it's appropriate to leave in both.

7 MR. NICHOLS: And I believe, as Mr. Adams said
8 earlier, if it's in the needs and the FCAS category,
9 that's fine. Correct? Both groups may have a good
10 purpose in looking into those further, exploring those
11 further.

12 Next one, are we ready to move on to the next one?

13 MS. BRYAN: Ms. Foster?

14 MS. FOSTER: Karin Foster. I'm just going to add
15 that we did in our group, actually, go through those
16 definitions and pull out the ones we thought were FCAS.

17 So maybe the two groups could just coordinate, you
18 know, on which definitions fall where later on.

19 MR. NICHOLS: How about infrastructure, which was
20 seen as need and other? Number 5.

21 MS. BRYAN: Aneva?

22 MS. YAZZIE: Thank you, Madam Chair.

1 This actually came out in our caucus with one
2 member in the region, and the clarity was -- is that
3 you have some tribes that are large land based. And
4 when you look at infrastructure and infrastructure
5 being a cost-based component of development, that we
6 felt that there should be some provision in the formula
7 with respect to remote areas. That's the background
8 with respect to that, Madam Chair.

9 MR. NICHOLS: Anything else on that one?

10 (No response.)

11 MR. NICHOLS: Number 6, formula for NAHASDA units,
12 which is categorized as other and FCAS and other. So
13 is there a need to discuss that one?

14 MR. DOLLARHIDE: Mr. Evans?

15 MR. EVANS: Earl Evans, Haliwa-Saponi. Thank you,
16 Mr. Chairman, for recognizing me.

17 I guess I have more of a procedural question. As
18 we go through these and we discuss them, are we saying
19 that, you know, we've done -- we're on the fourth one
20 now of the items that we didn't agree on, based on the
21 different workgroup meetings.

22 So are we saying that we're agreeing if something

1 is listed in all three different workgroups, we still
2 leave all three workgroups work on it? Is that what
3 we're saying as we're moving along?

4 Or I guess I'm trying to figure out after we talk
5 about them, then move to the next one, what is the
6 decision as far as that one, infrastructure for remote
7 areas. Are we saying this will be addressed by special
8 topics and by needs, or I'm just trying to figure out
9 if that's what we're saying when we move on to the
10 next? Are we agreeing to?

11 MS. BRYAN: Yeah, I heard the committee say that
12 some of them are appropriate in more than one group.
13 But I would like a follow-up clarification. If there
14 is -- it's duplicated and doesn't need to be, I think
15 this process could eliminate if the workgroup said it
16 doesn't need to be.

17 Yes, Ms. Foster?

18 MS. FOSTER: I'd like to make a proposal. For
19 those that appeared in other and in either FCAS or
20 need, that we consider those to be in either FCAS or
21 need and out of the other category. Does that make
22 sense?

1 For example, when we're looking at NAHASDA --
2 where were we? On NAHASDA assisted units. The needs
3 group put it in other because they don't consider it a
4 needs issue, but the FCAS group claimed it. So I would
5 -- my proposal would be that, you know, it be taken out
6 of the other category. If it's claimed by FCAS or if
7 it's claimed by needs, that it just appear in those
8 categories so that the other category then becomes
9 smaller.

10 MS. BRYAN: That's a good suggestion. So I think
11 that's where we were trying to go with that. Thank
12 you, Karin.

13 MS. FOSTER: Can we just say yea or nay on that so
14 that we know what to tell the folks up here in terms of
15 what's still on the table?

16 MS. BRYAN: Yeah, Ms. Cloud?

17 MS. CLOUD: I would tend to agree. And if there's
18 things like the definitions or that are in multiple
19 groups, like data challenge, when it comes back to the
20 committee, at that time that everybody would be able to
21 voice their opinion if there's something that like the
22 FCAS or the needs group didn't address that somebody

1 wanted it to be in both groups.

2 MS. FOSTER: My proposal really only just went to
3 the items that were just in other and one or the other
4 groups. If there -- if both are -- if both FCAS and
5 needs claim an issue, then I think that identifies an
6 issue that the two groups need to deal with and need to
7 coordinate on. But I'm just talking about the other
8 and then one of the two main categories.

9 MS. BRYAN: Thank you. Carol?

10 MS. GORE: Yes, Carol Gore. I'd like to speak in
11 favor, but maybe from a different perspective.

12 And that is many at the table and in the audience
13 are making decisions about which committee to spend
14 their time, and it would be very difficult if you take
15 NAHASDA assisted units as an example, and it's in two
16 committees. It will be difficult if there's one
17 representative to figure out which committee they
18 should be in if that's an important topic for them.

19 So I'm speaking in favor of Karin's suggestion
20 because I think it will be more efficient, and the
21 committees can still engage in conversations. But if
22 we are sort of putting someone in charge of that

1 committee or that topic, it also lends strength to the
2 other committee because it clearly has specific tasks
3 once we get through, rather than just sharing the task
4 with another committee, which is kind of how it's
5 feeling to me.

6 So I thank you for allowing me to make those
7 comments.

8 MS. BRYAN: Mr. Delgado?

9 MR. DELGADO: Pete Delgado, Tohono O'odham Nation.

10 I agree with Karin's suggestion. A question I have
11 for clarification, I left my glasses at home. Are
12 there any one that are other "other" and are not
13 claimed by either FCAS or needs? I can't see from
14 here.

15 MS. BRYAN: Yeah, I think that if there are other
16 "other," they end up in the other category. So I
17 really like the proposal. Now I'm not biased. We have
18 a proposal on the table.

19 Are there any objections to the proposal if FCAS
20 claimed it or needs claimed it and it's also in other,
21 we will take it out of the other category and give it
22 to the group that claimed it. Are there any objections

1 to that proposal?

2 (No response.)

3 MS. BRYAN: Okay. Hearing none, we have
4 consensus. Please move forward.

5 MR. NICHOLS: Christine, is that clear enough?

6 MS. VELEZ: I believe so. If it's FCAS --

7 MS. BRYAN: So if FCAS -- just for clarification
8 for the folks up front. If FCAS claims something that
9 is also in the other group, we'll take it out of the
10 other group. If the need group claimed something that
11 is also in the other group, take it out of the other
12 group.

13 Thank you.

14 (Pause.)

15 MS. BRYAN: And so, what I might suggest is that
16 the categories that you're cleaning up right now up
17 front will also become shaded in pink and remove them
18 from our list so to make it smaller. Okay.

19 (Pause.)

20 MS. BRYAN: Jason?

21 MR. ADAMS: I was doing some things over here.
22 Was the purpose of this to then eliminate the other

1 workgroup? Because that essentially is what's going to
2 happen, I think.

3 MS. BRYAN: No. No, no, no, no.

4 MR. ADAMS: Everything else that's left is in
5 bold.

6 MS. BRYAN: That means that each group claimed it,
7 and there is no other. But if either -- if both groups
8 put something in an other category, there needs to be a
9 workgroup for the special topics that weren't claimed
10 by FCAS and were not claimed by need.

11 MR. ADAMS: Well, what I'm saying is there is none
12 of those.

13 MS. BRYAN: Well, we're good then. I mean, we're
14 dutiful.

15 (Pause.)

16 MS. BRYAN: So while they're tweaking this matrix,
17 Jason and I would like some guidance on the protocols
18 for shutting down the meeting. When we get done with
19 this, we would like to have the workgroups go and do
20 their work.

21 So do we end today's meeting and then break into
22 the workgroups, and the workgroups then define their

1 own schedule for the evening? Feedback?

2 I see heads shaking. You guys are mighty quiet
3 today.

4 MR. DOLLARHIDE: Carol?

5 MS. GORE: Just the process question for the
6 workgroups, the two workgroups used different processes
7 to come up with their list. So, as an example, the
8 needs workgroup, the other column also includes what
9 they felt would fall under FCAS. So really our
10 comparison here is a bit apples and oranges.

11 So I just want to be clear that the workgroups
12 still have the opportunity to, one, populate the list,
13 reorganize and maybe redefine what is now in their
14 category and whether or not it might fall truly into
15 another bucket. So I'd rather not think that we don't
16 have that third committee if we might need it, but I
17 think we're just starting to understand what our
18 accountability is under those workgroups.

19 So I just wanted to make a comment to make sure
20 that we don't -- originally, all of the committee
21 agreed that is exactly ranked properly because it may
22 not be once we get back in our workgroups.

1 MS. BRYAN: Earl and then Jason.

2 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
3 Tribe. I think we still have a need for that special
4 topics committee because we do have some that both
5 working groups placed in the other category. So I
6 think we'll still have plenty of topics for that other
7 working group to deal with.

8 MR. DOLLARHIDE: Yeah, I would agree with Carol.
9 I think, you know, my vision when we started -- we
10 started this was not really this isn't everything
11 that's going to be discussed. You know, these will
12 have -- add limbs and they will grow. Where they go is
13 the committee's decision.

14 You know, our protocol says that we can have up to
15 six workgroups, if that's what we so desire. And then
16 also, you know, the subgroups off of the workgroups,
17 you know, could possibly pick up some of these as
18 needed also.

19 So, you know, I think there's lots of room to grow
20 off of the list, but I still believe that it's a good
21 place to start because it does give us some type of
22 direction.

1 MS. BRYAN: Thank you. Are we at a place where we
2 can look at the list?

3 MS. VELEZ: Yes.

4 MS. BRYAN: Okay. So, Steve, if you want to start
5 off where you left off, please?

6 MR. NICHOLS: Just start -- where did I leave off?
7 I think it's gone. I think we're looking at just to
8 clarify what is the list showing us now, Christine?

9 MS. VELEZ: This is where there was where both
10 groups either claimed it or the FCAS working group said
11 it went into more than two categories.

12 MR. NICHOLS: So either both groups claimed it or
13 the FCAS group put it in two or more categories?

14 MS. VELEZ: More than two categories.

15 MR. NICHOLS: More than two categories, so all
16 three?

17 MS. VELEZ: Two or more, yes.

18 MR. NICHOLS: Two or more? So, for example,
19 revise and refine, look at definitions. The needs
20 group claimed it. The FCAS group put it in three
21 categories. So is that one we want to look at?

22 MS. BRYAN: Yeah, and we already agreed that that

1 would be left in all categories and that the groups
2 would coordinate with each other.

3 MR. NICHOLS: Okay. So the purpose of the
4 discussion is to just review that and explain it or --
5 pardon me?

6 MR. ADAMS: She put all groups. That's the
7 decision.

8 MS. BRYAN: So just defining it. So, for example
9 --

10 MR. NICHOLS: So the decision, fill in the
11 decision column. Is there a goal here? Or we're just
12 discussing it?

13 MS. BRYAN: We could do that, yeah.

14 MR. NICHOLS: Okay. So that one --

15 MS. BRYAN: Just these few items.

16 MR. NICHOLS: So Number 10, data challenge
17 procedures, discussion on that one?

18 MS. BRYAN: Karin and then Jack.

19 MS. FOSTER: Karin Foster. I think that's an area
20 where there's overlap, and so that would be an area
21 where the working groups would have to work together on
22 some of the regulatory changes they were proposing.

1 MR. SAWYERS: I think that perhaps each group
2 should, on the one that we have on both, just take a
3 minute and tell us why they chose it the way they did.

4 In other words, the FCAS chose it and needs chose it.

5 And maybe if we find out why they did that and we take
6 a minute to take each one of those issues, maybe we
7 could eliminate some of those, perhaps not.

8 MR. NICHOLS: Okay. Does that sound reasonable to
9 everyone? So then data challenge procedures, needs
10 group, can you say why you chose that one?

11 (Pause.)

12 MS. BRYAN: Yes, and we'll have the needs group.
13 Sami, if you can report for your group, and then the
14 FCAS group, Jason, if you could report for your group?

15 Maybe they're the same, and maybe there are
16 differences, and we can clarify for each other as we
17 work through our groups.

18 MS. DIFUNTORUM: I believe the data challenges
19 happen in both parts of the formula. That's why we
20 claimed it there. It was a data challenge. There's
21 parts of data you can challenge under the needs
22 portion. I'm not speaking for Jason's group, but

1 there's also components that you can challenge under
2 FCAS. So that's why it's in the needs group.

3 MR. ADAMS: Ditto.

4 MS. BRYAN: Thank you. Any more questions? Earl?

5 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
6 Tribe. I think there's two ways we can handle that
7 one, and one way is we could have FCAS and needs come
8 up with a proposal. I guess it will be similar to
9 Congress because then it will come to the committee,
10 then we reconcile the differences.

11 Or another -- another way we might handle it is
12 since it is something that involves both, that could be
13 something we just hold off for the committee in the
14 whole, for the entire committee to discuss at the table
15 as opposed to assigning it to a workgroup, since that's
16 something that affects both sides.

17 So I think those are our two potential ways that
18 we might be able to deal with the data challenge
19 procedures. I don't know which one everyone likes
20 best, or if someone has a third.

21 MS. BRYAN: Yes. Sami Jo?

22 MS. DIFUNTORUM: Thank you. Sami Jo.

1 I like that. I think what also makes sense is
2 because you can challenge under both, why not put that
3 under other and let the third workgroup tackle the ones
4 that kind of cross over separate definitions?

5 MR. NICHOLS: Would that be a proposal?

6 MS. DIFUNTORUM: Sami Jo Difuntorum. Yes, that
7 would be a proposal.

8 MR. NICHOLS: Madam Chairperson, do you want to --

9 MS. BRYAN: There is a proposal on the table. I
10 apologize. I did not hear what it was. Any
11 discussion? Do we need the proposal repeated? Because
12 normally I will repeat it for you.

13 I'm sorry. Sami, could you repeat it, please?

14 MS. DIFUNTORUM: Hi. Sami Jo Difuntorum. Under
15 data challenge procedures, because it fits in both FCAS
16 and needs, but we're actually talking about one
17 procedure, it should go in other. So the ones that are
18 in both categories that are a common procedure would go
19 into the other, and that workgroup would tackle those.

20 MR. NICHOLS: So that would be the proposal, to
21 put that in other.

22 MS. BRYAN: Thank you. Now I have a process

1 question. The workgroups' work does not have to be
2 defined here by consensus. So for every time a
3 proposal is made while we talk about this list, do we
4 need to agree on it?

5 So I just am going back to our charter and our
6 protocols, and we said decisions will be made by
7 consensus. But the work of the workgroup is defined by
8 the workgroup. So I don't know if we want to get stuck
9 telling workgroups what they're going to work on by
10 consensus before they work.

11 I'm sorry to confuse things, but I'm just thinking
12 out loud here. Karin and then Earl.

13 MS. FOSTER: I'm not sure -- Karin Foster. I'm
14 not sure I would agree with moving all of the areas of
15 overlap into an other category because each of the
16 different -- each of the respective workgroups seem to
17 feel that they needed to deal with that issue as part
18 of their FCAS or part of needs.

19 So I guess I'm leaning more toward, as Annette
20 says, letting the workgroups just deal with those. I
21 would think that as in the definitions category and
22 data challenge procedures, if a part of it had to do

1 more with need, that's what you'd be working with. You
2 wouldn't be working so much, for example, with
3 challenging FCAS counts.

4 But we just want to make sure that if we're
5 working on the same regulation that we coordinate a
6 little bit. How that happens, I guess we'll see, you
7 know? I would leave it just to the working groups.

8 MS. BRYAN: Sami Jo, is that okay? You have a
9 proposal on the table, and I just wanted to remind
10 everybody we don't necessarily need to vote on these.

11 MS. DIFUNTORUM: Yeah, I'm fine with that.

12 MS. BRYAN: Thank you. Earl, did you have your
13 hand up?

14 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
15 Tribe. In terms of Sami Jo's proposal, my
16 understanding was she was proposing it just for this
17 data challenge procedures and not for any other areas
18 where there's -- I thought it was just for this, this
19 one particular item. Like because, for example, the
20 next one, use of TDC factor, that's something that we
21 already know does not apply on both sides.

22 So -- so I think it's just a matter of going

1 through here and categorizing them. Once we categorize
2 generally where the committee wants to place it, then
3 those committees, those workgroups will come back with
4 a recommendation, even if their recommendation is,
5 well, our recommendation is to defer it to thus and so
6 workgroup. And maybe we could -- maybe that makes
7 sense. I don't know, but that's kind of what I thought
8 Sami Jo's proposal would be doing would just simply be
9 just for this one item of data challenge.

10 MS. BRYAN: I was just looking for guidance on
11 voting -- on voting here, and the method that we agreed
12 on in our charter and protocols, these are workgroup
13 items. So I'm not sure that we need to vote on them.
14 I don't know that we should.

15 And I like Karin's idea that the groups can talk
16 to each other if you have overlapping areas that we're
17 going to do these five definitions and you're going to
18 do these five and nobody is doing these two. So let's
19 switch it over to the other or whatever. But it will
20 be fluid, the process.

21 Other -- yes?

22 MR. EVANS: Earl Evans, Haliwa-Saponi. Others may

1 agree, but I don't know. I kind of like the idea of
2 assigning it to someone and then being responsible for
3 bringing something back, even if they bring back, like
4 I said, well, we don't feel like we should address and
5 have a discussion if we feel like it's better in FCAS.

6 I'd kind of like somebody being held responsible for
7 it.

8 MS. BRYAN: Jason?

9 MR. DOLLARHIDE: In my opinion, with it being
10 marked with the needs and the FCAS, both committees,
11 both workgroups are responsible for that particular
12 item. That's my understanding. So both -- both
13 workgroups will discuss that. If they need to come
14 together to discuss it as workgroups, then that's fine.

15 But if there's an X by it, in my opinion, that
16 workgroup is responsible for that, and if that X is on
17 both committees, then both of them are responsible.

18 MS. BRYAN: Other discussion? Yes, Michael?

19 MR. THOM: Michael Thom, Karuk Tribe. And I think
20 that's right because what you want to do here is you're
21 establishing your working groups, and both the needs
22 and FCAS, you've got to find out that definition in

1 that group. Once they find it out in that working
2 group, they might not put that issue in and it goes to
3 the other group.

4 And that's the way you need to work to find out
5 where it's going to work out the best.

6 MS. BRYAN: Thank you. Other discussion. Sharon?

7 MS. VOGEL: Well, we established the special
8 projects workgroup, but we don't have any work for
9 them, or I don't -- right now I don't see where, you
10 know, we've identified something. So that's confusing
11 to me. It seems like we were going to identify those
12 areas or those issues that were clearly special topics,
13 and I just don't see that process happening.

14 So do we go back now and say we don't need that
15 special projects workgroup?

16 MS. BRYAN: Karin?

17 MS. FOSTER: Aren't there any that were other in
18 both categories? I believe that they showed up at the
19 end, and I think we did have some, Sharon, that just
20 fell only in other and weren't claimed by either needs
21 or FCAS. Those would be in the other group, I believe,
22 the special topics group.

1 MS. BRYAN: Aneva and then Earl and then Jason.

2 Sorry, Jason.

3 MS. YAZZIE: Okay. Thank you, Madam Chair.

4 Just from my understanding of the discussions,
5 there was a proposal to ask for a special creation --
6 of the creation for a special topics if the analysis
7 determined that there was a need for it. That's how I
8 understood it, and thus far, I think we only have one,
9 I think, which was highlighted a while ago.

10 But with respect to both workgroups identifying
11 certain factors that they felt based on their
12 discussion they were compelled to identify it, and some
13 have been verified and validated by the FCAS workgroup
14 in that they also saw that potentially being under the
15 need category, the need workgroup. So I would agree
16 that, for example, the data challenges. I think
17 there's going to be different variables and different
18 factors that can be used on the FCAS component as well
19 as the needs component.

20 And so, data challenges would be a little bit
21 different for both components. So that would apply.
22 So, therefore, I think they're still relevant and

1 applicable in terms of potential challenges of
2 procedures that could be created relative to that
3 workgroup's function.

4 And I do agree with Jason Dollarhide that if it's
5 identified in one or the other, there have to have been
6 some reasoning with respect to them. Therefore, I
7 think those in-depth discussions that take place with
8 respect to each workgroup to give the specific
9 parameters and identify and report back, that got to
10 the committee, Madam Chair.

11 MS. BRYAN: Thank you. I think we have Earl and
12 then Jason Adams.

13 MR. EVANS: My issue is already being handled. I
14 just want to suggest that maybe we go through and label
15 those that we've already highlighted in pink so that we
16 can see who they've already been assigned to.

17 MS. BRYAN: Thank you. Jason?

18 MR. ADAMS: I don't recall what I was going to
19 say. I'm sorry. I'll pass.

20 MS. BRYAN: David has a way of doing that to you.
21 Carol, and then was there a hand over here?

22 MR. DOLLARHIDE: No.

1 MS. BRYAN: Carol?

2 MS. GORE: Carol Gore, Cook Inlet. I just have a
3 suggest. I don't know about anybody else, but I'm a
4 little weary of watching the words go up and down and
5 in a variety of colors. I want to go back to why we
6 reconvened in the committee, and we shared two lists.
7 They were done independent of the other, and now we
8 know what the merging of the list is like.

9 And I think it would be appropriate to send the
10 list in whatever state we wish to send it back to those
11 workgroups so that we can further refine and maybe make
12 some recommendations from those workgroups back to the
13 committee. If we identify perhaps things that are even
14 in our particular workgroup that might move to other,
15 and we can then explain the logic behind it.

16 We've had a lot of conversation. It's been really
17 helpful to me, but now I better understand how people
18 are thinking about the different workgroups. So I
19 would recommend that we send this list back to those
20 workgroups tonight and let them begin their work, and
21 if you wish to have a small report in the morning about
22 that progress, that might be appropriate.

1 So that's my suggestion. I really am beginning to
2 -- thank you.

3 MR. DOLLARHIDE: Annette?

4 MS. BRYAN: Thank you. I'll put my chairship over
5 to Jason.

6 I would like to agree with Carol Gore, and I
7 believe the co-chair suggested this earlier, and I
8 think that it's a very good idea. And I'd like the
9 working groups to really look at these lists and
10 continue to go do the work that we're doing because I'm
11 not sure if what we're doing is productive.

12 Thank you.

13 MR. NICHOLS: So is that a proposal that we want
14 to resolve, Co-Chairs?

15 MS. BRYAN: Earl?

16 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
17 Tribe. But now for the items that we're going back, so
18 are we agreeing that for those items that are
19 highlighted in pink, will those stay in the committees
20 that the workgroups have already agreed along a certain
21 area? Are we then agreeing that those things are
22 assigned to those working groups to work on, and we're

1 only talking about those things that we haven't
2 assigned to a working group, or are we talking about
3 the entire list all over again?

4 I guess I'm trying to have a firm understanding of
5 what the assignment is.

6 MS. BRYAN: I would like to say that if the group
7 claimed it, the group is working on it. And I am not
8 sure in terms of giving an assignment how the co-
9 chairs, are we giving the assignments? Carol?

10 MS. GORE: Just to clarify, I wasn't intending to
11 give any directive or assignment to the workgroups, but
12 just to say we have a list, take them back to the
13 workgroups that they have good leadership, and let them
14 proceed from there. They'll be reporting back, and if
15 the committee wants to refine that, I'm just trying to
16 let the workgroups get to their work so that we don't
17 spend our whole night massaging the list is all I was
18 trying to, but not make any directive or assignment.

19 MS. BRYAN: Are you guys comfortable with taking
20 this list back to your working groups and really
21 looking at what it is the workgroup is going to do and
22 bringing that back to the committee?

1 Sharon and then Jason.

2 MS. VOGEL: After they went through and identified
3 that there were topics for the special topics group,
4 does that mean that those that want to work on that are
5 going to be part of the report back?

6 MS. BRYAN: That is an excellent question. I
7 think that workgroup has been formed here officially
8 and does need to meet and start working on their
9 special topics. Hand over here, Sami?

10 MS. DIFUNTORUM: Hi. Sami Jo Difuntorum. This is
11 not on that topic, but I need to say my blood sugar is
12 kind of tanking a little bit. I need to take a break
13 and get something to eat. And a couple of people have
14 commented to me that we probably all need to take a
15 break because we're kind of going in circles.

16 So if you all don't mind, I think that would be a
17 really good thing to do for a few minutes. That is a
18 proposal, official proposal.

19 MS. BRYAN: I just want to say we were talking
20 about having our prayer, ending our meeting, but if you
21 want to take a break and then we come back and end the
22 meeting, we can do that, too.

1 Yeah, we're feeling that way, too. Jack?

2 MR. SAWYERS: Just following up, why don't we have
3 a prayer now and reconvene in our groups?

4 MS. BRYAN: Thank you. Do we need a consensus to
5 close the meeting at the end of the day, those of you
6 who've sat around this table before? Yes, Mr. Adams?

7 MR. ADAMS: I just had one comment. I should have
8 raised this issue earlier in the discussion. But we
9 did have I think there is eight different items that we
10 felt were duplicative, and so I wanted to just talk
11 about those before we adjourned and make a decision
12 whether they're different enough that they should stay
13 on the list or if they are, in fact, duplicates.

14 MS. BRYAN: I agree. So we need to call a 15-
15 minute break, and we'll come back and deal with those
16 eight issues, close with a prayer, and go on to our
17 working groups.

18 Thank you.

19 (Break.)

20 MR. DOLLARHIDE: If everybody could get seated,
21 please, we'd like to get started.

22 (Pause.)

1 MR. DOLLARHIDE: Thank you.

2 MR. ADAMS: Hi. Jason Adams, Salish Kootenai.
3 Again, as part of the -- the FCAS workgroup, we had
4 identified these eight items, I believe they're up
5 there, that we felt were duplicative. And so, we
6 wanted to have and bring that back to the committee to
7 discuss as far as --

8 MR. DOLLARHIDE: Jason?

9 MR. ADAMS: -- what issues we need to address.
10 Sorry.

11 MR. DOLLARHIDE: If we're going to carry on
12 conversations, could we do it out in the hallway,
13 please? We're ready to conduct business with the full
14 committee.

15 Thank you.

16 MR. ADAMS: Okay. So we have these two, and the
17 staff has done a great job here of separating them out
18 and showing them as which ones are the two in pairs.
19 And so, you see the first two, revise and refine and
20 look at definitions and then definitions of small
21 tribe, those two appear in some form to be a
22 duplication. If we're going to look at definitions, is

1 small tribes defined, or does it have to be -- can it
2 all be covered under definitions, or is it enough of an
3 issue to separate them?

4 MS. BRYAN: Thank you. So for the purpose of this
5 discussion, if you've put that issue up there and it's
6 duplicative and you know one means the other, please
7 offer to take it off so we can get through with this.
8 And I'm calling on Jason.

9 MR. DOLLARHIDE: I did not make this -- this
10 recommendation, but my personal opinion is that those
11 two issues could very possibly be different in the
12 respect that the definitions are going to encompass
13 lots of issues. The definition of a small tribe may
14 get lost in that shuffle.

15 So I have no issue with leaving, leaving the
16 definition of a small tribe on there. Mr. Reed, if he
17 could speak to that because I believe that was your
18 recommendation?

19 MR. REED: Yes, I'd like some definition, period.

20 MR. ADAMS: Okay. Then next item -- we'll move
21 right along if there's no other comment, discussion on
22 that -- is formula for NAHASDA units and NAHASDA

1 assisted units. Those appeared to be the same
2 discussion issue of, you know, somehow including into
3 NAHASDA NAHASDA funding units.

4 MR. DOLLARHIDE: Ms. Bryan?

5 MS. BRYAN: Annette Bryan, Puyallup Nation Housing
6 Authority. I put formula for NAHASDA units. I will
7 remove that, please. I believe it's the same as what's
8 already up there.

9 Thank you.

10 MR. ADAMS: Then the next pair is formula area
11 overlaps and overlapping formula areas.

12 MS. BRYAN: Sharon?

13 MS. VOGEL: We have formula area overlaps, and we
14 will remove it and go with the overlapping formula
15 areas.

16 MR. DOLLARHIDE: Sami, you had your hand up. Are
17 you okay with that?

18 MS. DIFUNTORUM: Yeah, I'm good with that.

19 MR. DOLLARHIDE: Okay.

20 MR. ADAMS: And the last pair is need to develop
21 capital markets and encouraging private financing
22 opportunities. Those appear to us to be very similar,

1 and so just throwing that on the table.

2 MS. BRYAN: Will the people who put those up there
3 speak to them, please?

4 MS. FOSTER: Karin Foster. I think that the
5 encouraging private financing opportunities probably
6 came from me, and so I am happy to withdraw that.

7 MR. ADAMS: And that is the extent of the ones we
8 felt were duplicative. So thank you.

9 MR. DOLLARHIDE: Okay. I'd like to thank
10 everybody for a good day. I think we've made pretty
11 substantial progress.

12 Ms. Yazzie?

13 MS. YAZZIE: Thank you, Mr. Co-Chair.

14 There was one more item. It was minimum funding
15 amount and then minimum funding issues that wasn't
16 listed as duplicate. So could we add that to the list?

17 Minimum funding amount. Perhaps they're
18 different? I don't know. Minimum funding amount was
19 one, and then minimum funding issues was listed on the
20 original listing. Madam -- oh, Mr. Co-Chair.

21 MR. DOLLARHIDE: She's pulling that up for us
22 right now.

1 MS. BRYAN: Do folks who put those up there recall
2 what that is, and are they the same enough that one
3 would remove, one or the other?

4 MR. REED: Sounds like something I would do. It
5 doesn't matter to me. Minimum funding issues is fine.

6 MS. BRYAN: Thank you.

7 MR. DOLLARHIDE: Mr. Jacobs and then Teri.

8 MR. JACOBS: Leon Jacobs. I was just going to say
9 that we had recommended these as need from our group.

10 MS. NUTTER: Thank you, Mr. Co-Chair.

11 Jason? I guess that we have another issue then is
12 the review of all regulations under Subpart (d) and any
13 statutory changes. And there's a follow-up with 2008
14 statutory amendments.

15 MR. ADAMS: Actually, our workgroup did have a
16 discussion on this, and we didn't feel that they were
17 duplicative because one deals with regulations and
18 statutory, and the other is statutory amendments. And
19 so, we felt that they were distinct enough to keep
20 separate. Did I say that right?

21 MS. BRYAN: Is that an acceptable explanation,
22 Teri? Okay, thank you.

1 Any other duplications that you all caught? Good
2 eyes out there.

3 MR. DOLLARHIDE: Any other discussions before we
4 close our meeting out with a prayer for the night?

5 (No response.)

6 MR. DOLLARHIDE: Okay. Just a little
7 clarification for everybody. After talking with a few
8 folks around the room, what our recommendation would be
9 was to close the meeting out with a prayer and call
10 this day officially over and start again in the
11 morning.

12 Mr. Adams, could you close us out, please?

13 MR. ADAMS: (Speaking Native language.) We thank
14 you, Lord, for this day. We thank you once again for
15 this time that we have to be here.

16 We thank you for this opportunity that we have
17 together and to work together for all the work that's
18 been done today. We thank you for your spirit of peace
19 here with us and cooperation as we deliberate these
20 tough issues. Thank you for your guidance.

21 We just ask today that you be with us here as we
22 go to our evening time and watch over our families back

1 home. We thank you for the protection that you provide
2 for them, our elders, our children, all those that who
3 are relying on us and requiring us to do good work
4 here. We just again thank you for this opportunity
5 that we have to be here to deliberate these tough
6 issues.

7 And I just thank you for all the many blessings
8 you give us, for all the people that came before us and
9 struggled and provided for a future that we could be
10 here today. Help us to look to our future and provide
11 for our children in a good way.

12 For all these things, I pray in Jesus' name, amen.

13 (Whereupon, at 5:57 p.m., the meeting was
14 adjourned.)

15

16

17

18

19

20

21

22