

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

4

5 Thursday, September 19, 2013

6 8:50 a.m.

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20 Grand Hyatt Denver

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- 1 PARTICIPANTS
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- 3 ANNETTE BRYAN, Committee Co-Chair
- 4 JASON DOLLARHIDE, Committee Co-Chair
- 5 JASON ADAMS
- 6 EDWARD BEGAY
- 7 RODGER BOYD
- 8 HEATHER CLOUD
- 9 GARY COOPER
- 10 PETE DELGADO
- 11 SAMI JO DIFUNTORUM
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- 13 SARA FIALA
- 14 DEIRDRE FLOOD
- 15 KARIN FOSTER
- 16 CAROL GORE
- 17 LAFE ALLEN HAUGEN
- 18 DAVID HEISTERKAMP
- 19 SANDRA HENRIQUEZ
- 20 RICHARD HILL
- 21 ROBBIE HOBGOOD
- 22 LEON JACOBS

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1 P R O C E E D I N G S

2 MR. DOLLARHIDE: Third time is perhaps the charm.  
3 We're going to go ahead and get started for the day,  
4 folks.

5 (Pause.)

6 MR. DOLLARHIDE: I want to thank everybody for  
7 being here this morning. It looks like and sounds like  
8 we're all very vibrant. So we should be able to get a  
9 lot of things done today, very talkative. So it's a  
10 good thing.

11 I'd like to start by opening this up with a  
12 prayer, and I've asked Mr. Edward Begay to give us that  
13 blessing.

14 MR. BEGAY: (Speaking Native language.) Good  
15 morning. It's a beautiful morning. I see that we all  
16 got some rest so we could be ready for a new day of  
17 work. And before we do, let us all bow in prayer.

18 (Speaking Native language.)

19 Merciful and kind, gracious, heavenly Father, we  
20 approach your throne of grace this morning. We pray  
21 for wisdom. We pray for your patience and love. And  
22 also, Lord, we pray for traveling mercies for all the

1 committee members, pray for their families, pray for  
2 those that have need of every things. Lord, be  
3 gracious unto them.

4 And we pray for our soldiers in the warfronts.  
5 Lord, watch over them and bring them back to us safely.

6 Guide us, O Lord, everlasting, for we are your  
7 creatures, and we are all in your image. Therefore,  
8 Lord, let us be kind to one another and forgive us our  
9 shortcomings and bless us this day.

10 In Jesus' name, amen.

11 MS. BRYAN: Good morning, everyone. I would like  
12 to just do some housekeeping. We have the protocols  
13 document ready to be signed. So I'm going to ask if we  
14 can circulate that document. So if you see it come in  
15 front of you, go ahead and sign it and pass it on.

16 And then I have to apologize ahead of time. I'll  
17 be leaving at 3:30 p.m. today to catch my flight, 3:30  
18 p.m. or 4:00 p.m. And so, I'll just tell you that if  
19 you don't see me later.

20 (Pause.)

21 MS. BRYAN: So we have some great ideas and  
22 suggestions and direction for today's work for the

1 workgroups, the products that we'd like you to bring  
2 back today. In a little bit, we will break and come  
3 back at 2:45 p.m. for our afternoon session.

4 We did want to ask if folks just spend a few  
5 minutes -- we don't want to spend an hour or too much  
6 time. But if folks who have been here before, for the  
7 benefit of not only Jason and myself, but other new  
8 members who are around the table who might have seen  
9 some confusion yesterday, talk about the role of the  
10 co-chairs and the role of the workgroups and what  
11 you've done in the past that you think was successful.

12 We just feel like that few minutes of time will be  
13 beneficial to all of us. So we'll open up the floor,  
14 please.

15 MR. DOLLARHIDE: Carol?

16 MS. GORE. Good morning. Carol Gore, and my  
17 comrade Jason Adams is going to help me out if my  
18 recollection is fuzzy.

19 I really want to thank Annette and Jason for their  
20 hard work yesterday. I think they did a great job.  
21 We, in essence, threw them into the fire and said  
22 figure it out.

1           So Jason and I had a conversation this morning and  
2           thought maybe it would be helpful to share a little bit  
3           more about our previous experiences. And my  
4           observations yesterday were that we were sort of  
5           walking between Robert's Rules and really unanimous  
6           consent and the protocols.

7           So from my perspective, the co-chairs represent  
8           the tribal representatives here. They are our  
9           leadership for this meeting, and we ask them to guard  
10          the protocols and the charter. I see that as their  
11          role.

12          I also don't think it's necessary for a proposal  
13          to have a second to see the light of day. In practice,  
14          what happens, at least how it's worked before, is folks  
15          have been able to advance proposals. We've been able  
16          to have pretty robust conversations about them, and  
17          really, anyone at the table can call for a consensus.

18          If they call for a consensus and a member feels  
19          they're not ready to vote, they can say I'm not ready  
20          to vote yet. I have more questions. And so, it's  
21          really more about making sure that we have adequate  
22          discussion, and then as we as committee members here

1 can advance our ideas in an open way.

2 And I think that's really been the conversation  
3 and not just this meeting, but the last meeting. So,  
4 in practice, that's how we handled things.

5 On the workgroup side, at least my experience is  
6 the workgroups might choose to work differently. They  
7 may not work through unanimous consent, but they have a  
8 duty to bring the opinions that came out of that  
9 workgroup to this committee. The only decisionmaking  
10 body is this committee.

11 Decisions are not made within the workgroups.  
12 They are simply the place to advance ideas and maybe  
13 even come up with appropriate language to propose. But  
14 the open and free exchange of ideas in those workgroups  
15 is critical to get something that's worthy of committee  
16 consideration.

17 So those are sort of the summary of my  
18 experiences, and there are others here that have been  
19 through negotiated rulemaking before. Karin, you were  
20 here. Marty, Jason, Rusty. I think it would be --  
21 this is intended to be helpful to the committee members  
22 who have not been here before, not necessarily to

1 suggest that we must do it the same way.

2 So I hope that was helpful. Thank you.

3 MR. DOLLARHIDE: Yes, Mr. Adams?

4 MR. ADAMS: Jason Adams, Salish Kootenai. Well, I  
5 really don't have much to add to that. Carol did a  
6 very fine job, and Jack did a very fine job of raising  
7 her. So --

8 (Laughter.)

9 MR. ADAMS: I just wanted to say that, yes, there  
10 was a little bit of confusion I saw yesterday, and so I  
11 think it's appropriate to have this discussion and just  
12 make sure that we're headed in the right direction. I  
13 don't think it's necessarily right or wrong, as Carol  
14 said. It's just, you know, how to streamline this  
15 process and get everybody working on the same page.

16 So I appreciate the discussion. You know, one  
17 thing I did notice that changed was, you know, we're  
18 not giving the thumbs up anymore. In the past, in all  
19 the meetings we've had, I think that's been our manner  
20 to vote, consensus is thumbs up or thumbs down.

21 In reading the protocols, it does say an  
22 expression of -- how does it say it, "expressed

1 objection." And I guess that's the thumbs down to me.

2 So I would still hope that we would do that. When  
3 somebody calls for a consensus, thumbs up/thumbs down  
4 kind of a vote.

5 But other than that, I think, you know, just  
6 having this discussion, making sure that we call for  
7 consensus, friendly amendments when somebody does  
8 propose something, that's the conduct we've had in the  
9 past, and it has worked.

10 That's all I have. Thank you.

11 MS. BRYAN: Thank you. Any other feedback?

12 (No response.)

13 MS. BRYAN: Okay. We do have some ideas of our  
14 own. So we will share those with you.

15 I have been asking for expressed objection or lack  
16 of expressed objection per the protocol language. Can  
17 I just see by thumbs up/thumbs down, do you want to go  
18 with thumbs up? I mean, is there -- is that a request?

19 Because I think if that's easier for you guys to  
20 see how people are doing things, we can ask for that.  
21 It's really we're flexible, and we're just going to  
22 pick a way to do it this morning, and we're going to

1 stick with it.

2 And it's not Robert's Rules. There will be no  
3 first. There will be no second. We'll try to be  
4 dutiful in calling for the question or if -- you know,  
5 if you all see things, it's like time to call the  
6 question, feel free to raise your hand and call the  
7 question and help us out.

8 Is there anybody opposed to using thumbs up/thumbs  
9 down?

10 (No response.)

11 MS. BRYAN: Okay. So I think in the future when  
12 we call for a vote, we'll go ahead and do thumbs  
13 up/thumbs down as that's what we're used to. That's  
14 what we've done in the past, and that worked. And it  
15 seems like a reasonable method for voting.

16 Okay. In terms of the workgroups, we -- yes, oh,  
17 Earl?

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

20 Since we're doing -- discuss the voting, the only  
21 other thing that I think I would express just for the  
22 record is if we could just make sure that after we vote

1 on a proposal, we could just have the statement made  
2 something to the effect of a consensus has been  
3 determined or a consensus is declared, just so that we  
4 have that accurate in the minutes that that would  
5 reflect a consensus.

6 MS. BRYAN: Thank you.

7 Okay. So we had formed three workgroups  
8 yesterday. Actually, we have a drafting group as well  
9 But the active workgroups for today, what we would  
10 like to do is request, and you guys make up your own  
11 decision on how you do things in the workgroup. But if  
12 people are bouncing around from one workgroup to the  
13 other, I think it would be advantageous if you use the  
14 same method of decisionmaking in the workgroups.

15 So I would ask the committee chair people to get  
16 together and see if that works for you guys. I know  
17 the protocols say that workgroups establish their own  
18 method of doing business, but for those of us who --  
19 there is only one of me. So I may attend all three  
20 workgroups. It would just be easier if we're all using  
21 one method.

22 The other thing we would like to do is have some -

1 - have you develop your subgroups today. We've heard  
2 from the people we met with this morning, the HUD  
3 staff, that that's a reasonable expectation on day one.

4 You may even get in, depending on how big or small the  
5 issues are, further than that. But if we could at a  
6 minimum have each workgroup develop subgroups along  
7 with defining what your target goal is for that group.

8 What is your group trying to accomplish?

9 So you can report that back at the end of the day,  
10 as well as suggest -- we would like to suggest, and  
11 this is each workgroup, again, does it with their own  
12 process. But if you go by the regulation, it might be  
13 an easier way to do it. Those of you who have been  
14 here before will be in the workgroups, and you'll know  
15 what's the best, most efficient way to streamline this  
16 work, but possibly perhaps going through the regulatory  
17 language, seeing what -- if something is I think we  
18 heard it yesterday, if it's not broke, why are you  
19 going to try to fix it?

20 So looking at it, seeing if it's something that  
21 needs to be changed or not, and then moving on from  
22 there. Just as a suggestion.

1           And then we would like each workgroup also to come  
2 up with what your expectations and needs are from HUD  
3 staff. So at the end of the day, we want you to come  
4 up with what you need from HUD -- technical assistance.

5           I don't know if data runs may come out of today or  
6 however that works. But then HUD can be working on  
7 those things between this meeting and the next.

8           Is there any questions? Sharon?

9           MS. VOGEL: Yes, I would like the floor for Mr.  
10 Heisterkamp, please.

11           MR. HEISTERKAMP: With the committee's indulgence,  
12 since we were talking about the roles of the various  
13 groups and how things have worked in the past, there is  
14 a number of tribal support staff here, too, that has  
15 been integral to this process. And many of them have  
16 signed up again to be on the drafting workgroup.

17           As you know, in the protocols, we've set some  
18 slightly different parameters than we've had in the  
19 past for the drafting workgroup, and maybe for the  
20 benefit of everybody to understand how some of us  
21 perceive that group working to support, I'd just put a  
22 few things out.

1           Generally, the drafting workgroup is really the  
2 technicians on the language, but I think it's more  
3 appropriate and more efficient if the workgroups  
4 themselves develop the language. It shouldn't be a  
5 process where you bring a concept to the loosely  
6 organized group and say somebody write a regulation  
7 that looks like this. So I would request that the  
8 workgroups try and get the language together in the  
9 workgroups.

10           There are going to be members of the drafting  
11 committee from the tribal legal and other support  
12 staffs in every workgroup and every subgroup. So you  
13 will have that assistance if you need that, but it  
14 shouldn't be thought that generally the drafting group  
15 doesn't have a set time to meet. Unless the committee  
16 asks it to discuss something, it's not going to be able  
17 to review every idea every day.

18           Remember, these are just people that are  
19 participating in all of these meetings. So if you do,  
20 if the committee does want the drafting group to  
21 consider something, please consider giving some time  
22 during the regular workday so those people can break

1 from the sub-workgroups, meet. It usually doesn't take  
2 very long. This is not a group that's going to make  
3 any decisions, that's going to make any proposals on  
4 its own. It really is the back-up technicians.

5 But don't meet for 12 hours a day and expect to  
6 have something at 7:00 the next morning out of that  
7 group because we've all been through the same. Just a  
8 consideration. So we're going to try and get the work  
9 done as members of the various workgroups. Generally,  
10 we'll distribute ourselves among the workgroups and the  
11 sub-workgroups and get the language drafted there.

12 Okay?

13 There's no -- there's been some confusion in the  
14 past. Sometimes people want to send something off to  
15 the drafting group, get language back, and then have a  
16 back and forth. That has proved not to be a very  
17 efficient way for operation.

18 So the people I have discussed it with, we're  
19 going to try and do our job inside the group. There  
20 may be some other times we want to meet and talk about  
21 the preamble. And again, remember, this is an ad hoc  
22 group. Just because your name is on that list or not

1 on the list, everybody gets to participate whenever  
2 they want, the more the better.

3 So just to finish out that role where that  
4 workgroup fits in the committee's work.

5 MS. BRYAN: Great. Thank you, David. Thank you,  
6 Sharon.

7 I would just also go back to the protocol. If --  
8 I would hope that you are able to get the language done  
9 in the workgroups, but it looks like if someone is in a  
10 workgroup that doesn't have a legal counsel, that they  
11 can refer it to the drafting group for that support.

12 MR. HEISTERKAMP: I would suggest -- I'm sorry. I  
13 would suggest that in the rare instance you find  
14 yourself without tribal legal support in one of the  
15 groups, that you at least try to get some words down on  
16 paper if there's something that needs to be changed.  
17 But generally, the groups know best how they want  
18 things to read.

19 If there's something, you know, terribly out of  
20 whack or could be done better, I'm sure that the  
21 members of the drafting group will try to help with  
22 that. But please don't just bring an idea or a verbal

1 comment to the group because we won't be able to know  
2 what the workgroup did or what they exactly want.

3 So even if you don't -- in the rare instance you  
4 don't have a tribal attorney available to help you with  
5 that, please try and get something on paper before you  
6 bring it to the drafting workgroup so we know what the  
7 will of the workgroup is.

8 MS. BRYAN: Noted. Thank you.

9 Are there other questions or comments before we  
10 start our work?

11 MR. DOLLARHIDE: Mr. Evans.

12 MS. BRYAN: Oh, excuse me. Mr. Evans and then Ms.  
13 Henriquez.

14 MR. EVANS: Thank you, Madam Chair.

15 Earl Evans, Haliwa-Saponi Indian Tribe. One other  
16 suggestion that kind of goes along with what you  
17 stated, Madam Chair, if I'm in order to make such a  
18 recommendation, is one of the things that we also had  
19 in reference to the drafting committee the last time  
20 around was we had a lead tribal drafter and a lead HUD  
21 drafter. And I would like to request, if possible,  
22 that at some point in time the drafting committee get

1 together and determine those individuals because it  
2 might make it easier for those individuals to  
3 coordinate whatever it is, whatever the expectations  
4 are that the drafting committee has for them if they  
5 know that they have that responsibility on the front  
6 end, as opposed to them having it on the back end.

7 Because I think at the end of the day, the last  
8 round we had, we kind of relied on those folks to kind  
9 of do the final look-see to make sure everything said  
10 what it was supposed to say and every "i" was dotted  
11 and every "t" was crossed. And I think if we go ahead  
12 and have those from the beginning, you know, we could  
13 kind of have that additional cross-checking going on.

14 Just a suggestion, Madam Chair.

15 MS. BRYAN: Thank you. Ms. Henriquez?

16 MS. HENRIQUEZ: Good morning. Thank you.

17 I just wanted to offer on behalf of HUD, there may  
18 be other information, other reports, sets of data that  
19 members of the committee might want. For example,  
20 we're going to pass out the American Community Survey  
21 that was talked about yesterday so that you can see  
22 exactly what this multiple-page questionnaire might

1 help you think in your committee work about other  
2 things that you might want to check, other  
3 conversations you might want to have, other data and  
4 datasets you might want to do beyond just formula runs.

5 And so, if you would make us aware of what you  
6 want, we will collect that information, put it  
7 together, and disseminate it to every member of the  
8 committee, not just the people or the groups of people  
9 that ask for it. So we've all got the same foundation  
10 of information moving forward.

11 And if the committee comes at the end of today or  
12 the workgroups with lists of stuff that you'd like to  
13 start us compiling, we can do that as well, and we'll  
14 start our work that way.

15 MS. BRYAN: Thank you, Sandra. Mr. Cooper and  
16 then Ms. Gore.

17 MR. COOPER: And just since Sandra brought it up  
18 and offered some assistance, yesterday we had some  
19 discussion about the HEARTH Act and different  
20 variations. I was wondering if maybe at some point in  
21 time, maybe some of the HUD staff could maybe prepare,  
22 you know, a white paper or just some type of summary

1 maybe on that. That might be helpful to the committee  
2 members.

3 Because I know that that did come up yesterday,  
4 and there was discussion about there is two separate  
5 acts and just some stuff like that. I think that would  
6 probably come in -- would be helpful sometime during  
7 our conversation.

8 MS. BRYAN: Great suggestion. Ms. Gore?

9 MS. GORE: Thank you. Carol Gore.

10 So I recognize the value of the time we have in  
11 our workgroups and also in the committee, but one of  
12 the other values is a regional caucus, and Alaska is  
13 asking for a caucus immediately following lunch today.

14 At the will of the committee, we wanted to have at  
15 least 30 minutes.

16 And I don't know how that has to divide the work,  
17 but many people are getting on planes to try to get  
18 back home. So we're trying to capture our members  
19 while we're here and share ideas and share outcomes  
20 from the workgroups. So Alaska is requesting a caucus  
21 to start at 1:15 p.m., a minimum of 30 minutes, and I  
22 don't know if others share that desire.

1 Thank you.

2 MS. BRYAN: Thank you. I'll recognize that  
3 caucus. I will -- then the agenda will read we'll  
4 break into our workgroups, go to lunch, and then  
5 immediately following lunch go into your caucus.

6 So each caucus will meet at 1:15 p.m. to 1:45 p.m.

7 And then the schedule shows us continuing in our  
8 workgroups and coming back here at 2:45 p.m. So that  
9 will be the agenda for this day.

10 Any other questions or comments?

11 (No response.)

12 MS. BRYAN: Okay. We're ready to work. So thank  
13 you all for your helpful words this morning, and I wish  
14 you all good energy when you go and do the hard work  
15 that we're about to go do.

16 You're dismissed.

17 MS. FIALA: Do you want to have room assignments?

18 MS. BRYAN: I'm sorry. I knew I would forget  
19 that. May I please have a -- for room purposes, we  
20 have rooms available to us that have different seating.

21 May I see a show of hands for people in each  
22 workgroup? So if I call the workgroup and you think

1 you might be in, knowing that you can change, that that  
2 may change. But who plans on attending the needs  
3 workgroup today? Can I see a show of hands, please?

4 (Show of hands.)

5 MS. BRYAN: Thank you. FCAS workgroup, show of  
6 hands.

7 (Show of hands.)

8 MS. BRYAN: Thank you. Other topics workgroup?

9 (No response.)

10 (Laughter.)

11 MALE SPEAKER: I'll go.

12 (Laughter.)

13 MS. BRYAN: So we'll just -- we'll have a room  
14 available should those -- I think the other topics are  
15 going to flesh themselves out as we work through the  
16 two major workgroups. So we'll have a room available  
17 if people should have that need.

18 Thank you. Now Sara will announce which rooms are  
19 which. Lafe, are you going to be in the other topic  
20 workgroup?

21 MR. HAUGEN: No, I was going to say if he's the  
22 only guy, can we just use a closet instead of a room?

1 (Laughter.)

2 MS. FIALA: The needs group is going to be in  
3 Maroon Peak, where the FCAS group was yesterday.  
4 Maroon Peak is right across the hallway.

5 And then the FCAS group will be up in Mount  
6 Wilson, which is on the third floor. Just take the  
7 escalators up. And then the other group of one will be  
8 Mount Harvard, which is also upstairs on the third  
9 floor.

10 MS. BRYAN: Now we are dismissed. Thank you.

11 (Break.)

12 MR. DOLLARHIDE: We're going to go ahead and call  
13 the meeting to order at 3:11 p.m. So if everybody  
14 could be seated, please? Thank you.

15 MR. NICHOLS: Okay. Welcome back, everybody. I  
16 hope you had productive time in your workgroups and  
17 caucuses.

18 And the first order of business that we'd like to  
19 conduct as we enter the home stretch here of the  
20 meeting is we want to make sure that the committee has  
21 co-chairs in place for the next meeting. So the  
22 protocols call for selection of the co-chairs for the

1 next meeting at the conclusion of this meeting. So  
2 we'd like to do that first.

3 So I would open it up for discussion or  
4 nominations. Yes, Mr. Jacobs?

5 MR. JACOBS: Leon Jacobs, Lumbee Tribe. I  
6 recommend that we keep the two that we have.

7 MR. NICHOLS: Okay. So the proposal that's made  
8 is that we keep the two co-chairs that we have today.  
9 Is there any discussion on that before we call the  
10 question?

11 (No response.)

12 MR. NICHOLS: Okay. Then let's call the question,  
13 and by the agreement of the committee, we'll do the  
14 thumbs up or thumbs down.

15 (Voting.)

16 MR. NICHOLS: And I see unanimous consensus on  
17 that. So that question is settled by unanimous  
18 agreement that the co-chairs we have today will  
19 continue for future meetings. Thank you very much for  
20 that.

21 And the next item that we -- housekeeping item  
22 that we wanted to cover briefly with you is there have

1 been a lot of requests for the ACS data, the American  
2 Community Survey data. HUD is still in the midst of  
3 processing that data and analyzing it, compiling it.  
4 So the committee chairs have requested that each  
5 committee member receive that data from HUD as soon as  
6 it is available, and HUD has agreed to that.

7 It will probably be in the December timeframe, but  
8 we wanted you to know that that data will be  
9 forthcoming to you in that timeframe.

10 So, with that, I will turn it over to the co-  
11 chairs to continue the rest of the business of the  
12 committee. Thank you.

13 MS. BRYAN: Thank you, Steve.

14 And also just not to have a huge discussion about  
15 this, but the ACS has been handed out to each of us. I  
16 would really appreciate it if you could email Jason and  
17 myself about right now they're collecting variables  
18 that are in the 2000 census. So it's going to be  
19 apples to apples.

20 If there's variables in this survey that you would  
21 like to see, please let us know, and that can be part  
22 of our request. We do have some time. I think we

1 should be looking at all the variables, but Jason and I  
2 will be following up with Jackie at HUD and really try  
3 to get data that's meaningful to you guys to inform the  
4 work that you're doing in your workgroups. So that's  
5 good order of business.

6 The next order of business is document control,  
7 and I was going to have Sara walk through how we're  
8 going to get documents to you all. And I think within  
9 the workgroups when you report out, you'll let us know  
10 what your procedure is in-house for getting information  
11 either from your subgroup back to your workgroup and  
12 ready to prepare to the full committee.

13 We do have numbering systems. There's a document  
14 that's been drafted -- Are we prepared to hand that  
15 out? -- for data request forms.

16 Jason and I have thought long and hard and we put  
17 our best judgment together, and our proposal to this  
18 committee is that we go through the co-chairs for data  
19 requests. The reason for that is efficiency so that if  
20 one committee is asking for five datasets that the  
21 other committee is asking for, we're not duplicating  
22 our efforts.

1           Or if five members have the same question, each  
2 member can just go and ask, which is fine. You can ask  
3 your co-chair. And if that's okay with the chairs of  
4 the committee or the co-chairs of the workgroup  
5 committees, we would like to ask that the requests are  
6 approved by the workgroup chair people. And that's the  
7 document you see in front of you.

8           Yes, Ms. Gore?

9           MS. GORE: Just a couple of questions about that  
10 process. So understanding that our two co-chairs  
11 already have full-time jobs, I'm wondering about  
12 turnaround time. If we're making our requests through  
13 the co-chairs, your commitment to the committee -- did  
14 I understand that right?

15           MS. BRYAN: Through the workgroup chair people.  
16 So that's even a bigger question for you, Carol, as the  
17 co-chair of your workgroup.

18           MS. GORE: Well, I'm a co-co-chair. So I'm not  
19 sure that fits.

20           (Laughter.)

21           MS. GORE: So I guess my next question is, hmm. I  
22 understand the intent. I'm just not sure that we will

1 always catch duplication since there are two co-chairs,  
2 and they would have to be working together. So I guess  
3 what I would also suggest is that HUD provide support  
4 to those co-chairs in the case they identify  
5 duplications so that, you know, the recipients or the  
6 requesters of those reports would know that their needs  
7 are getting met, but it was a duplicate request.

8 That's all I'm suggesting, that there be a second  
9 back-up to that. Thank you.

10 MS. BRYAN: Thank you. I see Sharon and Earl.

11 MS. VOGEL: Could I have a clarification on the  
12 requesting data? Now did I understand that it was  
13 going to be -- if you requested data, it was going to  
14 be the entire dataset for every recipient and not just  
15 yours. Correct?

16 MS. BRYAN: I think that's what a dataset is. Is  
17 that right, HUD? They're shaking their heads yes,  
18 Sharon.

19 MS. VOGEL: Okay.

20 MS. BRYAN: Earl?

21 MR. EVANS: Earl Evans, Haliwa-Saponi Indian  
22 Tribe. The only issue, I guess I have more of a

1 question or a request for clarification. You said that  
2 these requests, when they're turned into the co-chairs,  
3 had to be approved by the co-chairs. And I think  
4 somewhere we already said that any committee member can  
5 request information, and I think that goes against the  
6 established protocols, unless I'm mistaken, for a co-  
7 chair to have to approve a request submitted by a  
8 committee member.

9         So I don't know if when you said "approved" that  
10 you meant that the committee chair can deny the  
11 request, or did you mean it's simply for purposes of  
12 facilitation? Because if it's the latter rather than  
13 the former, then my suggestion would be to allow the  
14 facilitators to be the recipients of the request and  
15 simply determine whether there is duplication.

16         And where there is, maybe they could verify with  
17 HUD that these two things, these three requests or  
18 whatever are asking for the same thing and kind of come  
19 up with one response to those three requests, if that  
20 makes any sense.

21         That's my suggestion, Madam Chair.

22         MS. BRYAN: I'm going to let Sandra speak because

1 I think she's going to say what I think I was going to  
2 say.

3 MS. HENRIQUEZ: The -- thank you. The contract  
4 for facilitation does not include that role. That  
5 would be an additional cost, and it would be adding to  
6 a contract that would really mess up our procurement.  
7 So that probably should be off the table. Sorry.

8 MS. BRYAN: Jason?

9 MR. ADAMS: It's not -- Jason Adams, Salish  
10 Kootenai. It's not that I don't disagree with what  
11 you're attempting to do here, but I do agree with Earl  
12 that this is in conflict with our approved protocols  
13 now.

14 And so, the other thing I think could happen is  
15 why can't in following the protocol, when somebody  
16 submits this, if HUD is receiving these, then HUD can  
17 determine that it isn't the same as this one so that  
18 it's not duplicated. And it seems like that they could  
19 be the gatekeeper on this, just to determine that two  
20 requests are the same.

21 MS. BRYAN: And is it in the charter, if maybe not  
22 the protocols somewhere?

1 MR. ADAMS No, it's in the protocols under  
2 Safeguards for Committee Members, (e) HUD Assistance to  
3 Committee Members.

4 MR. NICHOLS: Section 6(e).

5 MS. BRYAN: Thank you. Because I do remember that  
6 we did talk about this, and we wanted all committee  
7 members to have, you know, the information that they  
8 needed. So our only, you know, proposal was to keep  
9 the information streamlined.

10 My understanding from HUD is when they get a data  
11 request, they really forward it on. So if five people  
12 ask for the same thing, they're not monitoring it.  
13 They're just forwarding and processing it.

14 Heather and then Karin and then Sharon.

15 MR. DOLLARHIDE: Can I -- let me --

16 MS. CLOUD: Heather Cloud, Ho-Chunk Nation. Would  
17 you -- would it be okay if on this bar, you just took  
18 off the second box where it's the date request is  
19 submitted to workgroup chairperson or workgroup  
20 chairperson name/signature? Because you're just  
21 submitting it to HUD, and I think if HUD already ran  
22 information, they would still have that information,

1 right? It's not like that they'd have to keep running  
2 it?

3 MS. FOSTER: Karin Foster. My comment, actually,  
4 is related to what Heather just said, and that is if  
5 you get -- if HUD gets five requests and they're  
6 identical, then it's no harder -- I mean, they're doing  
7 the same work to answer each request.

8 So if they get requests that they think are very  
9 similar, I guess that's something else, but they  
10 shouldn't be able to reject one over the other in that  
11 case. But if they're exact, then it shouldn't be an  
12 issue.

13 I also do think that it is important for every  
14 committee member to be able to submit a request. That  
15 was one of the issues I was concerned about. But I  
16 didn't hear you say that the workgroup chairperson  
17 would be approving, and maybe I just didn't hear the  
18 language you used. I thought you said "submitted  
19 through," which sounded to me to be an administrative  
20 thing.

21 But I don't have, you know, a view one way or the  
22 other. As long as nobody else has the ability to

1 approve a request before it clears.

2 MR. DOLLARHIDE: Yes, you are correct in saying  
3 that. There really isn't -- there is not an approval  
4 process. We're looking more from a, I guess for lack  
5 of better word, redundancy process so that we're not  
6 getting several same requests.

7 I understand that Jason and Carol and Sami Jo do  
8 have a full-time job, and you know, I do respect that.

9 I do believe that, you know, we all are very busy  
10 around the table. I also understand that that is a  
11 little extra, and also I wouldn't expect same-day  
12 turnaround on those requests from those individuals.

13 So --

14 FEMALE SPEAKER: I think "approval" is the wrong  
15 word.

16 MR. DOLLARHIDE: Well, yes, "approval" was the  
17 wrong word, Earl. You know, those requests just go  
18 through those folks. So that's kind of -- that's what  
19 I was trying to say.

20 MS. BRYAN: Sharon?

21 MS. VOGEL: Sharon Vogel, Cheyenne River. If  
22 these are going to be posted on the Web site, then that

1 would be very helpful because then I could go and look,  
2 you know, on Friday and see what's all been requested  
3 that week. And then I would know that I'm going to be  
4 receiving that already. So I think that would also be  
5 another mechanism to help you to control the requests.

6 Thank you.

7 MS. BRYAN: Thank you, Sharon. We'll have a Web  
8 site demonstration for everybody to look at before we  
9 leave here today so that you'll see how to get that  
10 data, and that's a very good point. We should all be  
11 checking it regularly.

12 Jason?

13 MR. ADAMS: Well, I just wanted to add to that  
14 same point that there is -- you already brought it up  
15 briefly about document control. There is going to be  
16 documents that somebody is taking a look at and putting  
17 a control on. And so, in previous NegRegs, if one of  
18 these was submitted, if I remember correctly, that  
19 somebody had asked for something, HUD could respond and  
20 just say this is document such-and-such already and put  
21 it right on the document, give it back. Say this  
22 already exists.

1           That's what's been done previously. So I really  
2 think you're making an issue here that really doesn't  
3 have to be. And yeah, I do have a full-time day job,  
4 and if you want me to do this, I'll submit my contract.

5           (Laughter.)

6           MS. BRYAN: So what I'd like to offer is I do  
7 appreciate the feedback. It's really, really useful,  
8 and our ideas, like I say, we're new. We haven't been  
9 around the table before. We thought it was a really  
10 good idea, but the alternative is to take off Box  
11 Number 2, and that would be the proposal document that  
12 we use.

13           Other comments? Heather?

14           MS. CLOUD: I'm not really sure if we need to have  
15 your workgroup because what if the request that  
16 committee member is submitting not related to a  
17 workgroup? I know we have the other and drafting. I  
18 mean, if you're looking for information.

19           I'll go with what the group says, but I don't know  
20 if we really need your workgroup on there.

21           MS. BRYAN: So I have a question for the group.  
22 Was that on the last form? This is a draft that we

1 used the last form for a template. So was that on the  
2 last form? Sara believes that the workgroup was on the  
3 last form. Do you guys recall? Jason?

4 MR. ADAMS: They showed one the other day.

5 MALE SPEAKER: Yes, it was.

6 MS. BRYAN: It was. So we're just using what's  
7 been used in the past. I'm with you, Heather. I'm  
8 flexible.

9 Karin?

10 MS. FOSTER: Karin Foster. I agree with Heather.

11 I think that, you know, we won't always be in exactly  
12 the same workgroups either. I mean, there may be times  
13 when we want to go over to the other group, and there  
14 may be questions that we have that are related to  
15 issues that are coming before the full committee and  
16 aren't necessarily one workgroup or the other.

17 So I don't know that they need to be identified  
18 that way. I can see the utility of including the  
19 workgroup if we're actually submitting it through the  
20 workgroup chairperson. But if we're not, then I don't  
21 see the utility for including it.

22 MS. BRYAN: Thank you. Excellent comments.

1           So can we strike "your workgroup"? Any other  
2           comments before we move on?

3           (No response.)

4           MS. BRYAN: Okay. This document has been amended.  
5           It is in draft form. We will have the original  
6           printed. Just a point of order for you folks to help  
7           me out here. Is this something that we need to  
8           approve?

9           I see heads shaking up and down. So since we'll  
10          just -- this is the document we're going to use, and  
11          we're going to move forward from that topic. And thank  
12          you for your good input.

13          MS. HENRIQUEZ: Excuse me. Point of  
14          clarification.

15          MS. BRYAN: Yes, ma'am?

16          MS. HENRIQUEZ: I want to make sure I got this  
17          straight so we don't screw up. So this form, this  
18          amended form is going to get filled out as a data  
19          request or information or a report request or whatever  
20          you're looking for. It will get posted on the Web site  
21          -- before that. I'm ahead of myself.

22          To whom does it get filled out and then goes to

1 whom or where? To HUD. All right. So we're going to  
2 want to now maybe identify the HUD person point of  
3 contact, and maybe we should amend the form to put it  
4 right on there as well, both by name, phone number, a  
5 mailing address, and an email, so that there's no  
6 mistake.

7 Because if we're going to be in charge, we want to  
8 make sure that we are responsible to all of you for  
9 making sure it's in and out. All right? So let us --  
10 let's -- I'm just going to go talk to someone for a  
11 minute, and I don't even know who this is. But then  
12 we'll get the information put on the form.

13 Okay. Thank you.

14 MS. BRYAN: Very, very good ideas. So while she's  
15 doing that, I'm going to make an announcement about  
16 other things that I'm told that HUD can provide to us.

17 So we will be having as part of our process and our  
18 regular working committee process regular conference  
19 calls. That's a given and part of what's already been  
20 established.

21 What HUD has offered, in the absence of a budget,  
22 is that we can have live meetings. They've offered

1 Skype if we're technically able to do that. They could  
2 provide note takers. They could provide conference  
3 calls that we can all dial into where they would have  
4 note takers available.

5 And these are just for the workgroups and the sub-  
6 workgroups because under the open meeting rules, if we  
7 have a full committee meeting, which isn't unheard of,  
8 if we all want to pay for it ourselves, HUD could  
9 provide technical assistance for that. But we have to  
10 publish it in the Federal Register.

11 So for now they're offering for the workgroups and  
12 subgroups note takers and also regional office space.  
13 So if a group, a subgroup is able to get together, they  
14 could provide -- in Denver or Seattle or some other  
15 area, they could provide office space, note takers,  
16 technical assistance, and also conference lines if  
17 people want to call in. It would be at your own  
18 expense at this time until they get a budget.

19 Are there any questions for HUD about these  
20 offers? Karin?

21 MS. FOSTER: Then would the information that  
22 included call-ins or being able to get on mailing lists

1 or whatever all needed to be done, would that all be  
2 available to everyone on the IHBG site so that the  
3 public can participate?

4 MS. BRYAN: Yes, that's a very good question, and  
5 HUD did offer that, too. It's actually part of the  
6 regulation that they have to follow that they will  
7 publish -- make that information available to everyone,  
8 and we'll request that it goes up on the Web site that  
9 Sara is going to show us.

10 Other questions for HUD or about that  
11 announcement?

12 MR. DOLLARHIDE: Carol. Carol.

13 MS. BRYAN: Carol?

14 MS. GORE: Yes, I just have one question, and that  
15 is I really enjoyed having the workgroups open to the  
16 public, and so I'm just wondering how we will announce  
17 those meetings so that people can attend? That's my  
18 only question. So that we're as inclusive as we've  
19 tried to be here during our negotiated rulemaking  
20 meetings.

21 Thank you.

22 MR. DOLLARHIDE: Those announcements would be put

1 on the Web site. We would have to give HUD ample  
2 opportunity within -- under the open meetings law to  
3 make that announcement of those conference calls, et  
4 cetera, et cetera. And they would all be posted for  
5 everybody to see. Everybody would be welcome to call  
6 in, not only just the workgroup or the sub-workgroup,  
7 but all public also.

8 MS. BRYAN: Yes, Rusty?

9 MR. SOSSAMON: As a matter of notification, could  
10 there also be a direct email list that we could sign up  
11 for so that as it's posted on the site, we're notified  
12 by email as well?

13 MS. BRYAN: There is a request to have an email  
14 list set up so that when these meetings are put  
15 together that the whole group can be notified, and I'm  
16 getting a thumbs up. Good request.

17 Karin?

18 MS. FOSTER: Karin Foster. I just had a comment.  
19 I think this is great to have an opportunity to be  
20 able to continue our work, particularly in view of the  
21 uncertainties of funding. But I really do think that  
22 having people in the same room in the workgroups is a

1 better way to go, and I really don't want to see us go  
2 to a process where, you know, we feel like that's a  
3 substitute for being in the same room.

4 Because I don't think it is. I think it's a  
5 stopgap measure maybe, but I don't want it to be viewed  
6 as adequate.

7 MR. DOLLARHIDE: You know, it's for discussion  
8 only. You know, by no means are they requesting that  
9 we do that. It's just something that they will make  
10 available to us if it's so desired by this committee  
11 and the workgroups and the sub-workgroups if there is  
12 momentum built, you know, to keep that momentum going.

13 If that's what is so desired of the chairs of those  
14 committees, then HUD has graciously made that available  
15 to us. By no means do we have to accept it.

16 MS. BRYAN: Sandra, were we waiting on something  
17 from you?

18 MS. HENRIQUEZ: They're putting -- I think it's  
19 going up.

20 MS. BRYAN: Glenda is going to be our contact?

21 MS. HENRIQUEZ: Correct.

22 MS. BRYAN: And you can wave, Glenda?

1 MS. HENRIQUEZ: Oh, I'm sorry. Glenda? Do you  
2 want to stand up and wave?

3 MS. BRYAN: In the back corner. Thank you.

4 All right. So now we have -- we'd like to -- yes,  
5 Jason?

6 MR. ADAMS: Real quick. Jason Adams, Salish  
7 Kootenai. Before you move past this issue on this  
8 proposal for communicating or whatever we want to call  
9 it between now and our next meeting, I guess I'm a  
10 little concerned on trying to decide right now whether  
11 we do that or not because I want to bring that issue  
12 back to my workgroup and let them decide. And I don't  
13 have any time on the agenda to go back. So it's really  
14 a tough thing to try and say yes or no to.

15 We agreed amongst ourselves that we were going to  
16 -- we have an email address thing set up, and we're  
17 going to, you know, share some data that way just  
18 through email so everybody, you know, if they have  
19 issues or discussion that way. But I just think this  
20 came too late. Sorry.

21 MR. DOLLARHIDE: It was just an offer, Jason.  
22 It's not something that we need to make a decision on

1 today. All that HUD requested was that we give them  
2 ample time to make notice according to the open  
3 meetings law, and then they could make that happen for  
4 us at our -- you know, at our leisure.

5 I mean, if you want to discuss that with your  
6 workgroup in email, however that you want to do that,  
7 you know, and make that decision, then we can -- we  
8 can, you can relay that message to HUD, and they will  
9 get that process going to make not only the committee  
10 members, but also the public aware that you will have a  
11 conference call or something concerning your committee.

12 MS. BRYAN: Karin?

13 MS. FOSTER: Karin Foster. Can I just suggest  
14 that, you know, we are in such an uncertain time right  
15 now in terms of what the budget is going to look like  
16 that maybe more use of this offer would be something we  
17 could consider, you know, a little later on once we  
18 know where we are and how long is it going to be before  
19 we can really meet?

20 Maybe the committee could conference on that, and  
21 we could think about it a little bit. What is  
22 conducive to doing this way, what business can we

1 advance? I don't know. Maybe that sounds too  
2 complicated, but I'm just thinking right now my feeling  
3 is that I'd like to have more in-person business  
4 transaction, more in person, not, you know, remotely.

5 But if we're not going to be able to meet for 6  
6 months, then I might change my view.

7 MR. DOLLARHIDE: And that's fine. It was just an  
8 offer to throw out to the committee. It's nothing that  
9 we have to turn down or accept today. So we'll move on  
10 to the next housekeeping.

11 MS. HENRIQUEZ: Excuse me. Would it be helpful if  
12 we talked a little bit about what we know or how little  
13 we do know about the Federal budget landscape in this  
14 context, if that's the committee's pleasure? Or I can  
15 do it, say, with your closing remarks.

16 MS. BRYAN: Thank you, Sandra. I think if we do  
17 it at closing remarks, it might be a more efficient use  
18 of our time we have left. We did want to just quickly  
19 show you all where the information is that we've had  
20 thus far.

21 The protocols are on there, our charter, many of  
22 you probably already have checked into this Web site.

1 There's a member portal where we sign in. They are  
2 working on some -- we called it "cloud" earlier, but  
3 they're working on some ways to get information to us  
4 in real time. So that is coming, if it's available,  
5 and we'll tell you more about it later. If it -- you  
6 know, they're working on it.

7 So, Sara, if you want to just run us through it  
8 very quickly, and then we'll get on with our reports.  
9 Thank you.

10 MS. FIALA: Hi, everyone. I'll just go through  
11 this really quickly. I know I did a brief tutorial  
12 last session, but I think most of the questions have  
13 been about documents. So I'm just going to run through  
14 that portion.

15 For the general public who are not committee  
16 members, as soon as documents are finalized at the  
17 committee, we will begin to post them under this tab  
18 right here called Documents. So as you can see, I have  
19 not gotten a chance to post yet the documents that were  
20 finalized at this meeting, but you can see some of the  
21 documents that we had up on the last -- sorry. I don't  
22 know what that is. Sorry.

1           From the last meeting. So you can see the final  
2 agenda, the approved charter. Then the transcripts are  
3 up there from the last session as well.

4           For the members, you should all have your member  
5 log-ins now, and Gail said it, if you have any problems  
6 with that and you have not been to authenticate your  
7 account, just please feel free to call me, and I can  
8 walk you through and make sure that you are set up.

9           So some of the options that we've been working on  
10 to try and get information out to the committee  
11 members, we're going to be doing some changes and doing  
12 some internal discussion and figuring out a way to do  
13 quicker posting of materials to the Member section. So  
14 you can see we have some travel and logistics. We have  
15 member documents right now.

16           So for this meeting, we have some of these, and  
17 you can see we posted up the draft agenda. So we'll  
18 begin posting that information into the Member section  
19 that you'll need, and then also once they're finalized,  
20 again, they'll get transferred over to the general  
21 public section.

22           Some of the options that we do have for the

1 workgroups, and again, we can have some conversations  
2 about this. I know we're short on time. But something  
3 we can do are add more tabs down into this member  
4 document. So we could add another tab for, let's say,  
5 the needs workgroup. And as the co-chairs had  
6 information that they would like to post, we could post  
7 it up here. We could do the same for FCAS and the  
8 special projects group, et cetera, et cetera.

9 So I think we have a lot of flexibility. It's  
10 sort of just figuring out a game plan and the best way  
11 to get documents up there. I cannot promise real time,  
12 but we will do our best, and we'll look into that.

13 I know that document, version control was a very  
14 big concern in the past. So we heard -- we heard the  
15 concerns, and we're doing our best, and we will make  
16 sure to try to get everything as speedily to you as we  
17 can. We just want to make sure that we are getting the  
18 version control down to you.

19 Another thing is our contact information. So you  
20 can feel free to call me at any time. I'm the project  
21 director. So you can give me a call. That's our main  
22 number, and then the email address is somewhere here.

1 I don't know where it is. You can fill out the form,  
2 or you can also contact me, and I'll post the email  
3 address up on the other screen.

4 MS. VELEZ: If you click on email, it will pull it  
5 up if you have that there. Well, you don't have -- no,  
6 you don't have a --

7 MS. FIALA: So I'll post it up on the other  
8 screen, and I will make sure that it's up there on the  
9 mainline as well. But it's  
10 [ihbgrulemaking@firstpic.org](mailto:ihbgrulemaking@firstpic.org). And again, I'll post it  
11 up on the other screen so you have that as well.

12 But we'll make some changes. We'll make alerts.  
13 I think there was a request to have an email alert sent  
14 out once we posted new documents in the Member section.

15 So that's all something that we can work on, and we'll  
16 do our best to address all the concerns that you had  
17 and make sure we get it up as soon as possible.

18 Thanks.

19 MR. DOLLARHIDE: All right. Thank you, Sara.

20 Anybody have any questions for her?

21 (No response.)

22 MR. DOLLARHIDE: Seeing none, we'll just go ahead

1 and move on. We're really -- we're cutting close time  
2 here. We still have public comments that we need to  
3 get through also, if there is any. So we'll go ahead  
4 and start with the committee reports or the workgroup  
5 reports, should I say.

6 Whichever one -- Carol, Sami Jo, or Jason -- who  
7 wants to go first?

8 MS. DIFUNTORUM. Hi. I'm Sami Jo Difuntorum. It  
9 looks like I'm volunteering to go first. Thank you.

10 Okay. So this morning we met, and the needs  
11 workgroup, the first thing that we did was appointed a  
12 co-chair. It's a pretty large group. There is a lot  
13 of -- lot of information to handle and an awful lot of  
14 people. So Carol Gore has very graciously agreed to  
15 co-chair that workgroup with me, and I appreciate that  
16 a great deal.

17 The next order of business, we divided the group  
18 into two groups, and we took the list of items from the  
19 matrix yesterday, and as a group, we tried to develop  
20 subgroups, basically taking the items that were similar  
21 and seeing what made sense as far as developing sub-  
22 workgroups to the major workgroup. Sounds kind of

1 confusing.

2 But anyway, we got back together, and we agreed on  
3 two sub-workgroups. One will be weighting factors,  
4 data source -- well, data source factors and weights.  
5 Ah, it's on the screen. And then formula geography and  
6 mechanics. Since you can see it, I'm not going to go  
7 through each item in each group.

8 And that took up the majority, in fact, all of our  
9 morning. When we reconvened in the afternoon, we had  
10 two priorities. One was basically establishing an  
11 order of business and how -- how we're going to  
12 function as a group. So during lunch, Carol, Blake,  
13 and I spoke -- well, we had -- I took Earl Evans at his  
14 suggestion. We came up with some guidelines for the  
15 needs workgroup.

16 And so, the workgroup as a whole sat down and  
17 looked at them, and this is what we've decided to use.

18 And it talks about how we advance proposals from the  
19 group, minority opinions, majority opinions, and how  
20 all of that works in relation to the workgroup and the  
21 sub-workgroups and how proposals move forward.

22 The other item we talked about -- this is an

1 important one. This is our tech request. That was the  
2 other item we had passed. So we had our tech request  
3 for HUD, and some of it's already been covered, but I'm  
4 going to go ahead and repeat because it was put forward  
5 from the workgroup.

6 So at the next meeting, record-keepers for the  
7 subgroups, the two subgroups, in addition to the  
8 committee. Lots of microphones. Part of what kind of  
9 slowed us down was passing the two around to a pretty  
10 large group. I think we probably have, what, 50 people  
11 in our group, in our workgroup. It was pretty large.  
12 So we would like that.

13 Two meeting rooms. A table that's circular and  
14 better configured. We had so many people that we had  
15 some folks at the table, and then another row of chairs  
16 behind us. And we would really like for everybody to  
17 be at the table so that everyone feels they're equally  
18 engaged and have that opportunity to be part of the  
19 conversation.

20 Have better connectivity in the meeting room  
21 because we had some issues with people's Internet  
22 dropping.

1           2009 statutory amendments. Any guidances and PIH  
2 notices that affect the formula. And we would also  
3 like those posted at the Web site.

4           Contact information for all attendees. There was  
5 a request for FirstPic to set up a library system that  
6 shows all the data runs that are requested so that we  
7 have access to those and we all know. And I think that  
8 would take away from the issue of duplication if we're  
9 able to see those on the Web site.

10           And the last was a number and tracking system for  
11 proposals that come out of the workgroup and documents  
12 in general.

13           And so, the last thing that we talked about was  
14 next steps and where we're going when we meet again,  
15 and probably there will be some discussion and rehab of  
16 where we left off. But our primary goal when we get  
17 back together is divide into the two sub-workgroups and  
18 start with the task of prioritizing the list, hopefully  
19 going for what's called the low-hanging fruit, the  
20 things that are going to be the easiest to get complete  
21 agreement on so that we can advance those forward to  
22 the full committee. And the intent is to advance

1 proposals forward as we have agreement in our  
2 workgroup.

3 So it was an interesting experience, and I thank  
4 everybody that participated today.

5 MR. DOLLARHIDE: Thank you, Sami Jo. Jason?

6 MR. ADAMS: Didn't want to forget Coco.

7 Jason Adams, Salish Kootenai. As far as the FCAS  
8 workgroup, we began this morning where we had agreed to  
9 yesterday was a discussion on additional items for the  
10 matrix, and so we picked that issue up and began there.

11 And we had a listing from NAIHC, and there actually  
12 ended up being two listings from NAIHC, a listing whose  
13 issues that came from -- what is it, 2008, 2009. And  
14 then there was issues that were directly from the  
15 amendments that were being proposed to the statute in  
16 2010.

17 And so, we addressed those issues. Most of them  
18 were either covered or they were given to the other  
19 workgroup. And some of them were given to the needs  
20 workgroup. So we want to make sure we communicate  
21 that. We have our list up there. I think we're going  
22 to communicate this list to you. But the items that

1 came from that discussion will be on the list.

2 Then we -- we took a break after that and talked  
3 about our decisionmaking process. I think this was  
4 actually a very good discussion. But at some point, we  
5 broke and had a quick discussion to make sure that we  
6 formalized within our own group our own understanding  
7 of how we were going to make decisions.

8 We agreed yesterday that we would follow Robert's  
9 Rules of Order. And so, we agreed today, just further  
10 agreed that there would be a motion and second on all  
11 of the items that we're going to be making a decision  
12 on. And we did have a few of those today.

13 And then we agreed that in the future, if there  
14 was a strong minority opinion, that that would be  
15 pushed forward as well as the majority opinion, and  
16 those items would be brought to the committee.

17 Then we went back and we went through the matrix  
18 list with our inclusions, our additions, and we started  
19 to list those items, just essentially talk about them  
20 again and see if there was items there that we needed  
21 to have a further discussion on in the future as far as  
22 proposals and how they moved forward.

1           Some of these items -- we had, I think, 18 items  
2           that were given to us after the brainstorming  
3           yesterday. Some of them are going to be combined.  
4           Some of them were tabled kind of issues that really  
5           didn't require us to do much that will be covered in  
6           other work. And so, our list whittled down to eight  
7           items.

8           And so, that's really where we're at now is we've  
9           got eight items off of this list or eight areas, I  
10          guess I should say. Maybe that would be a better way  
11          to term it. Because some of these areas are going to  
12          be pretty large, but we're going to have the discussion  
13          in the one area. And so, we have really those eight  
14          areas that we're going to take a look at and get to  
15          work on.

16          We did finish up by talking a little bit about  
17          communication between now and when we meet again. One  
18          of the issues there was an email list, and we did hand  
19          out a sign-up sheet for everybody that wanted to be  
20          included on an email process for the FCAS workgroup.

21          And I would make that available to anybody else  
22          that's in the needs workgroup that they want to come

1 up, I think I gave that to Sara, and she has that. So  
2 if you're interested in being a part of the  
3 distribution of emails that's going to be a part of our  
4 workgroup, you can add your name to that list, and she  
5 can -- she can follow up with you on that, and you'll  
6 get all the information.

7 One of the big projects, and I saw it was on your  
8 list, too, that we were talking about that's going to  
9 take some time is going through all the PIH notices and  
10 guidances and even some of the HUD practices that we  
11 wanted to take a look at and see how they affect FCAS.

12 And so, that's going to be one of the big projects we  
13 work on between now and the next meeting.

14 I think that was it. I think I've covered mostly  
15 everything that we talked about. Again, I'm not going  
16 to read this to you. There's a lot of information  
17 there as far as what we discussed, the items that are  
18 going to be included, how we put things together.

19 So is there any questions, comments on this?  
20 Committee members or workgroup members, did I forget  
21 something? If not, that's my report, Mr. Chairman.

22 MR. DOLLARHIDE: Thank you. Is there any

1 questions of the workgroups?

2 (No response.)

3 MR. DOLLARHIDE: Seeing none, we've got about --  
4 about 7 minutes before -- before we need to move on to  
5 public comments. I think this, if Sandra is ready, to  
6 kind of give us just a brief update? I think we are  
7 fine to put this under the agenda for the next staff's  
8 -- oh, we got one question. Mr. Adams?

9 MR. ADAMS: I apologize. I was just -- if we have  
10 some time here on the agenda, I would like to add an  
11 issue that came up in our caucus. Do you want me to do  
12 that now?

13 MR. DOLLARHIDE: Yes.

14 MR. ADAMS: In our regional caucus, we talked  
15 about kind of what happened yesterday, you know, as the  
16 day wore on and folks were kind of slumping in their  
17 chairs --

18 MR. DOLLARHIDE: Jason?

19 MR. ADAMS: Yes? Sorry.

20 MR. DOLLARHIDE: I have discussed that with some  
21 of the HUD officials, and they need to -- they need to  
22 consult with their legal on the beverages, et cetera.

1 So that we could discuss that, but that has been  
2 brought up. And they were pretty adamant that it  
3 needed to be brought up with legal. It's going to be  
4 some emails that will have to be processed, I guess, to  
5 their legal team and stuff like that.

6 So that is something that we can get back with you  
7 on. I apologize. I didn't mean to cut you off. So,  
8 but --

9 MR. ADAMS: Just to finish, you know I did offer  
10 to sponsor afternoon break at one of the next meetings,  
11 if that would help? You know, a cookie or some chips  
12 or soda or something in the afternoon. Something to  
13 keep you from slumping in your chair like we saw  
14 yesterday, that would be good.

15 So that was the issue I wanted to raise. Thank  
16 you.

17 MR. DOLLARHIDE: Thank you, Jason. Sandra?

18 MS. HENRIQUEZ: Thank you. Let me just start by  
19 responding to what Jason said. If any of you might  
20 remember, a while ago there was a series of articles, I  
21 hesitate to use the word "scandal," but a series of  
22 articles regarding the General Services Administration,

1 GSA, and an offsite retreat that they had.

2 They had videos of people doing the electric  
3 slide. There were a number of things, followed by a  
4 request from Congress to every Federal agency to send  
5 to Mr. Issa of California for 5 years' worth of every  
6 conference, either sponsored by a Federal agency or in  
7 which more than X number of Federal employees from a  
8 particular agency attended, both cost, location,  
9 agenda, reason for someone's attendance. The list went  
10 on.

11 And so, it has become then the practice for all of  
12 us to scrub, if you will, our contracts for events.  
13 And so, that's why you don't see -- why you do see just  
14 the minimum, and getting coffee in the morning was even  
15 a big to-do.

16 So that's why we have to go back and talk to our  
17 legal folks, what that means, what can we do, et  
18 cetera, et cetera. You can't make this stuff up.

19 (Laughter.)

20 MS. HENRIQUEZ: So I just thought I'd -- I should  
21 offer you the reason why because it seems like such a  
22 simple thing, and that's the reason we're all sort of

1 in this chugging along.

2 Okay. So on to the other topic, which is what do  
3 we forecast as what's going to happen. I've been  
4 watching -- while you all have been in workgroups, I've  
5 been watching CNN and Fox News and MSNBC and making  
6 phone calls and emails, and Heidi Frechette has been  
7 doing the same thing as well to try and see who's got  
8 the best read of the tea leaves.

9 We have 12 days and counting until the end of the  
10 Federal fiscal year. So if something doesn't happen by  
11 midnight of September 30th, we don't have a budget and  
12 we then have to wait.

13 As you know, it's not just a simple budget issue.

14 There is the whole issue of is it a we think will be a  
15 75-day continuing resolution, which would then take us  
16 into mid December.

17 Somewhere along that line, there may or may not be  
18 a discussion about the debt ceiling as well. They  
19 think that that conversation may have to take place  
20 somewhere in mid to late October, given the payment  
21 schedule for interest payments by the Federal  
22 Government.

1           That's to say that's as much as we sort of know  
2 now. If the 75-day continuing resolution is passed  
3 before -- and signed by the President before midnight  
4 on September 30, it means that we can move forward with  
5 the same amount of money that we had in our 2013 budget  
6 for October, November, and the 15 days of December  
7 unless -- at exactly the same spend rate.

8           So we would not be able to start having another  
9 negotiated rulemaking session because it would cause us  
10 to spend more money in October or November under the  
11 Federal fiscal -- the new budget than we spent a year  
12 before in the F-12 months, the same month 12 months  
13 ago, unless there's something called an anomaly that's  
14 placed in the budget. An anomaly is either language or  
15 a dollar amount which then that becomes the new  
16 benchmark, if you will, for that period of the  
17 continuing resolution.

18           Heretofore, anomalies have not been allowed by the  
19 Office of Management and Budget on a short-term  
20 continuing resolution. It's only when we get into a  
21 yearlong continuing resolution that anomaly language  
22 and/or dollar amounts have been asked for from the

1 Federal agencies. They may not always go forward, but  
2 at least we can put them in and see if they live or  
3 die.

4 So the first 75 days, if we have a CR, it will be  
5 straight on what was in 2013. Oh, but it also may  
6 include another whack at the 8 percent sequester amount  
7 that would be available for the entire year, but  
8 prorated for the life of that short-term sequester.

9 All that to say that's why we did talk about to  
10 keep the momentum going, if there were other  
11 alternatives for workgroups to meet, to talk, to try  
12 and get some things moving, as opposed to coming to  
13 sort of a dead halt now, and then not knowing yet when  
14 we all might be around this table again, when and  
15 where.

16 We were trying to figure out if there's some  
17 method as to keep the work going, keep your juices  
18 flowing, have you consider the things that you  
19 rightfully want to talk about, which you could do in  
20 the workgroups and then come back to the larger  
21 committee. Just at least suggestions so that we don't  
22 lose the proverbial fire in our bellies to get this

1 work done.

2 So that's the long-winded way of saying I don't  
3 know. As we learn more, we can certainly send  
4 something out to try and tell you more. But you're  
5 reading the press the same way we are. You're looking  
6 at the same news reports the same way we are. There is  
7 nothing that we're learning that's sort of a close-hold  
8 secret that the public doesn't already know.

9 So we may not have new information. In fact, at  
10 times, you may information that's identical to ours,  
11 and you might get it faster than we get it being inside  
12 the beltway.

13 So sorry it's not good news. Hopefully, it will  
14 become better news. But I wouldn't count on it anytime  
15 soon.

16 Thank you.

17 MR. DOLLARHIDE: Mr. Evans?

18 MR. EVANS: Earl Evans, Haliwa-Saponi Indian  
19 Tribe. Thank you, Mr. Chairman, for recognizing me.

20 I wanted to, if I may, just a couple of things  
21 that I think we forgot earlier. Excuse me. Well, I'm  
22 sorry. Just one thing that I may have forgot earlier,

1 which is there was a suggestion sometime during one of  
2 the needs workgroup meetings we had where it was  
3 suggested that perhaps the workgroup chairs should meet  
4 along with the committee chairs at the end of the day  
5 after the -- before the committee adjourns from the  
6 meeting in order to kind of sum up everything that's  
7 occurred and plan for the next meeting.

8 So I wanted to make that for the record because I  
9 think we've forgotten that recommendation, and that's  
10 probably important in terms of planning processes.

11 And the other thing, since we were talking about  
12 the budget, the next meeting, whenever that does come,  
13 if -- since I didn't get anybody interested in Hawaii,  
14 I might make a different suggestion to see if I can get  
15 some support for Raleigh, North Carolina, that that's  
16 being considered. Because the last time negotiated  
17 rulemaking, I don't think we went anywhere in the  
18 Eastern region, in the Chicago region.

19 So I would like to make that request for the next  
20 meeting. And if not the next meeting, at least  
21 sometime during the next six meetings, we would like to  
22 see an Eastern region meeting, and I'm suggesting

1 Raleigh, North Carolina, if I may?

2 Thank you.

3 MR. DOLLARHIDE: Thank you, Mr. Evans. That's  
4 noted.

5 Any other comments before we take public comments?

6 (No response.)

7 MR. NICHOLS: Okay, thank you, Mr. Chairman.

8 And this is the portion of our agenda where we  
9 open the floor to the members of the public to address  
10 the committee. We have two microphones available for  
11 you, and I would like to invite those of you in the  
12 audience to express any comments or questions you have  
13 for the committee. Last call for public comments.

14 (No response.)

15 MR. NICHOLS: Okay. Looks like, Mr. Chairman, we  
16 have no comments from the public today. So I'll hand  
17 the baton back to you.

18 MR. DOLLARHIDE: Yes, Ms. Foster?

19 MS. FOSTER: Karin Foster. I just have a  
20 question. I know I'm out of order, and I apologize,  
21 but did we not have a third workgroup that was other?  
22 Were we going to hear from them about what they did?

1           If there isn't a report, I guess that's fine.  
2           Maybe there wasn't a whole lot that they could do.  
3           They didn't have a lot of issues, but I guess I just  
4           want to make sure that they're still on the board if  
5           they do exist as a committee and we do hear from them  
6           maybe next time.

7           MALE SPEAKER: He didn't come out of his room.

8           (Laughter.)

9           MR. DOLLARHIDE: Heather?

10          MS. CLOUD: They're sitting in the parking lot,  
11          and our guidelines were try to elevate them.

12          (Laughter.)

13          MR. DOLLARHIDE: My apologies on that third group.  
14          Do we have anybody? I know Ron Kowal said that he was  
15          going to make it in there. Okay, we've got --

16          MR. KLINGBEIL: Kevin Klingbeil, Big Water  
17          Consulting. Yeah, there were three of us in there. So  
18          as I mentioned to Jim, we spent most of our time  
19          putting a paltry email list.

20          (Laughter.)

21          MR. KLINGBEIL: But -- and T-shirts, of course.  
22          But the primary thing that we realized is, given that

1 most of the issues that end up in other are issues put  
2 forward by one person or somebody who has a particular  
3 interest in an issue, if they're not in that committee  
4 or in that working group, then we really don't have  
5 much we can do with that issue.

6 In other words, we don't fully understand, one,  
7 why they raised the issue unless there's some sort of  
8 various statement that supports it. And then if the  
9 three people that are in there don't necessarily agree  
10 or support that issue, then there's no one to carry it  
11 forward.

12 So one of the things that we would recommend is if  
13 things do get pushed to the other committee, that  
14 whoever that person is who put that issue forward needs  
15 to come and sort of be part of that and carry that  
16 forward separately within that working group as well.  
17 Because, you know, we were working hard getting that  
18 email list together and trying -- initially we were  
19 trying to decipher all these different issues and make  
20 heads or tails.

21 But you're trying to stay true to whatever it is  
22 that the person was thinking when they proposed it, and

1 you don't always know what that is. I mean, we'll have  
2 some nice T-shirts, but I think really at the end of  
3 the day, if things are going to get pushed to the  
4 other, you need to decide whether the issue is, in  
5 fact, going to stay alive within the committee because  
6 I think some of those issues are issues that sort of  
7 got swept out of the two primary committees to that  
8 one. And if not, then are we just going to let it go?

9 So that's -- that's our report, and I think  
10 unless, Ron, you've got more to add, I think we'll  
11 valiantly carry on our duties there. What is it,  
12 supporting other projects, special projects, or as  
13 Lafe, I think, put it, special needs workgroup.

14 Thank you.

15 MR. DOLLARHIDE: Mr. Adams?

16 MR. ADAMS: I hope I'm not -- Jason Adams, Salish  
17 Kootenai. I hope I'm not speaking out of order in  
18 regards our workgroup. But if we don't get any  
19 response at our next meeting for that workgroup, I  
20 would hope that maybe we could be looked at as  
21 reassuming those duties and adding them to our list  
22 because our areas of concern are pretty small right

1 now. So we could probably take that on if we had to.

2 I'm offering for that to come to us if need be.

3 MR. DOLLARHIDE: Appreciate that. Mr. Evans?

4 MR. EVANS: Thank you, Mr. Chairman. Earl Evans,  
5 Haliwa-Saponi Indian Tribe.

6 I want to know if the special projects workgroup  
7 broke out into very many sub-workgroups or not. But --

8 (Laughter.)

9 MR. EVANS: -- one of the things that I will say,  
10 though, is I still commend them for meeting and  
11 reporting back on the issues, and I think that the  
12 folks that we've appointed to chair these working  
13 groups and the folks that we've got chairing the  
14 committee so far have been doing an outstanding job.  
15 And I appreciate your time, your efforts, your  
16 commitment, and your service.

17 Thank you, Mr. Chairman.

18 MR. DOLLARHIDE: I concur with that.

19 We are on the closing remarks. For myself, I  
20 would like to say a few things, and then, you know, I  
21 will send it around the table to kind of open it up,  
22 you know, for closing remarks before we do close with a

1 prayer.

2 I want to say that, you know, it has been an  
3 experience sitting right here where I'm at. It's been  
4 interesting at times. It's been nervous at times.  
5 It's been frustrating at times. I do appreciate all  
6 the suggestions, all the advice that has been given to  
7 me by my fellow committee members.

8 I do take them seriously. I take this position  
9 very serious, I guess. You know, I guess as serious as  
10 what I can take it. And I appreciate everybody's  
11 patience with me as I grow in this position. And I'm  
12 sure that Annette would also convey those remarks.

13 I appreciate the participation by the audience,  
14 all the support staff. I appreciate without those  
15 folks sometimes our jobs would be much harder than what  
16 they are. So I do appreciate that from my standpoint.

17 I appreciate the HUD folks that have graciously  
18 taken their time to help us as a committee, and I want  
19 to personally wish everybody safe travels. If I don't  
20 see you before the holidays, I wish you happy holidays  
21 and Merry Christmas.

22 (Laughter.)

1 MR. DOLLARHIDE: Happy New Year. So thank you.

2 So I will open it up for the committee, if there  
3 is any remarks before we do close this with a prayer.  
4 Thanks.

5 MS. HENRIQUEZ: I just wanted to say, Jason,  
6 subject to funding availability.

7 MR. DOLLARHIDE: Mr. Cooper?

8 MR. COOPER: And Jason, I appreciate, and this is  
9 my first time here. This is my second meeting. It's  
10 been an experience, to say the least. But I do  
11 appreciate yours and Annette's leadership, and not just  
12 your all's, but also the committee -- the workgroups.

13 I mean, I think I don't know about you all, but I  
14 think that we've got a lot accomplished in the short  
15 time that we've been together and the short time that  
16 we have met. And whenever, you know, subject to  
17 funding availability and we can meet again at some  
18 point in the future, I think that at least we have -- I  
19 think we did get a lot done, and I don't think that we  
20 could have done that or that we could have gotten there  
21 without your all's help.

22 And I do want to say thank you all for that, and I

1 think that you all deserve a hand for all your hard  
2 work. And I appreciate all that you've done.

3 (Applause.)

4 MR. DOLLARHIDE: Is there any more comments from  
5 the committee? Heather?

6 MS. CLOUD: I just want to add on to what you  
7 said, and I just want to say Happy Easter, subject to  
8 funding availability.

9 (Laughter.)

10 MS. CLOUD: And if we get to meet before Easter, I  
11 would hope that we don't have any of those meetings in  
12 the Midwest. Thank you, and I had an enjoyable time  
13 working with all of you.

14 MR. DOLLARHIDE: Okay. Seeing no more, Sandra?

15 MS. HENRIQUEZ: I always enter negotiated  
16 rulemaking with some trepidation, and I always come  
17 away with feeling that that was silly for me to have  
18 those feelings up front. I do want to say thank you to  
19 every single committee member here and to your staffs  
20 and colleagues who came in support.

21 I want to say thank you to the members of the  
22 public who have dwindled some but have stuck it out

1 with us in this session, and I most especially want to  
2 thank the HUD staff that is here. These are the folks  
3 that you all work with day in and day out, and I think  
4 that they are a singularly spectacular group of  
5 individuals who take all of what you do to heart and  
6 very personally, really count on your success as being  
7 their own.

8 So on behalf of the Secretary and myself, thank  
9 you. While we can joke about subject to funding  
10 availability, we will do all we can to see how quickly  
11 we can all get back together around this table face-to-  
12 face and engage in the work that we're doing.

13 I do want to say that we will fulfill all of the  
14 data requests that we get. There's no blue smoke and  
15 mirrors. There's no guile. Our role simply is to  
16 provide you with the data that you ask for.

17 If you believe that somehow we've made a mistake,  
18 you should please call that to our attention. If there  
19 are other sources and reports of information that you  
20 want, we will do everything we can to make that  
21 available to all of you, as well as post it.

22 Our goal is to be as transparent as possible so

1 that this process, as difficult as it may be, because  
2 it's a difficult topic to tackle that when it involves  
3 money, we will do all we can to help facilitate that.  
4 That is our role. That's our agenda. That is our only  
5 agenda, contrary to what you may hear buzzing around  
6 from time to time.

7 And with that, I, too, wish you all safe travels.

8 It's been a pleasure. I've learned more, again, this  
9 time. Thank you for that.

10 And let's just move forward and get this process  
11 rolling, keep it on track, and have the best outcomes  
12 for all of the people all of us are here to represent  
13 and serve.

14 Thank you.

15 MR. DOLLARHIDE: Thank you. Any more comments?

16 (No response.)

17 MR. DOLLARHIDE: Seeing none, I would ask Blake to  
18 close us out.

19 DR. KAZAMA: Before I close in prayer, I just  
20 wanted to explain why I'm at this table. It's the  
21 chairs are more comfortable.

22 Actually, I'm an alternate for Teri Nutter, Copper

1 River Basin, and I think that's critical to announce  
2 and state because in past negotiated rulemakings, we've  
3 had alternates come and go at this table, and it  
4 created some confusion. So I just want to share that  
5 with you that I'm an alternate for Teri Nutter.

6 So could we stand, and I'll close in prayer.

7 Father, in the past few days, we've worked really  
8 hard. Thank you that we were able to accomplish so  
9 much. Thank you for your guiding hand.

10 But one thing we realize, Father, in the coming  
11 months to come, as we deliberate over this very  
12 critical issue, that there's yet a lot of work to be  
13 done. Father, give us the wisdom that you gave  
14 Solomon. Give us the patience that you gave Job. And  
15 Father, give us the love and forgiveness that you  
16 bestowed on Joseph towards his brothers.

17 Father, a lot of emotions go through each one of  
18 us as we deliberate, and sometimes we're frustrated  
19 with trying to negotiate our very critical issues. So  
20 give us the patience and the love for one another that  
21 at the end of the day, we know that the reason we  
22 argue, we negotiate hard is because we represent people

1 who could not be here to negotiate for themselves.

2 Many are suffering. Many are hurting. Many are  
3 without homes. Many have been waiting for a long time.

4 So, Father, please give us the heart. We know there  
5 is only so much money. Give us the wisdom in how to  
6 deliberate and do the right thing for our people.

7 And Father, I ask that each one of us have a safe  
8 trip home to be reunited with family, to again take on  
9 or continue where we left off, to continue to do the  
10 work, good work and, Father, to look to you for  
11 guidance in all that we do.

12 Thank you so much that we could visit with old  
13 friends and meet new people. We pray in your precious  
14 name, amen.

15 (Whereupon, at 4:19 p.m., the meeting was  
16 adjourned.)

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