

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

4

5 Friday, June 13, 2014

6 8:33 a.m.

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19 Hilton Scottsdale

20 Salon 4

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- 3 JASON DOLLARHIDE, Co-Chair
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1 P R O C E E D I N G S

2 MR. DOLLARHIDE: Good morning, everybody. We will
3 go ahead and reconvene this meeting of the Negotiated
4 Rulemaking Committee on Friday morning, June 13th.

5 I have asked Ronald with the San Carlos Housing
6 Authority to start our day out with a prayer.

7 MR. BONI: Let's all pray.

8 Father, we thank you today. Thank you for this
9 day that you have given us again, woken us up.

10 Father, we thank you for your blessings that you
11 have bestowed upon each and every one of us gathered
12 here today. Go with us today as we come together
13 again, Lord, in unison. God, we pray that you will
14 give us the knowledge, understanding, the wisdom needed
15 that we may do the job done today.

16 God, we ask that you keep your hand upon each and
17 every committee member here, every person that is
18 represented here, God. Father, we pray that you keep
19 your hand upon our families at home. Many have come
20 many, many miles to travel here, God.

21 Father, we thank you for all that you are going to
22 do, everything that has been done so far. Father, we

1 ask that everything done even today be for your honor,
2 for your glory.

3 Father, and we praise you and we thank you. Asked
4 all in Christ's name, amen.

5 MS. BRYAN: Good morning, everyone. So where we
6 left off yesterday was we had a one-page proposal
7 concept and went into caucuses. So let's -- unless
8 there is any other announcements for the good of the
9 order -- I do have an announcement. I have a flight
10 that I need to catch. So I'll be here the morning but
11 won't be able to close with you this afternoon. My
12 apologies in advance.

13 But let's hit the ground running. We have up the
14 proposal concept, and we all went into caucuses. So
15 I'm going to open that up. Jack?

16 MR. SAWYERS: I'd like to make an old man's speech
17 for a minute. My tribal chairman says why is Jack
18 Sawyers still working? And I have to reflect on that.

19 I hope I don't screw things up for our committee, but
20 let me tell you why I'm still working.

21 I had a business. I sold the business, and I
22 wouldn't live well, but I wouldn't starve if I quit

1 today. That's not why I'm working.

2 I'm working because I have a friend who's name is
3 Paul Iron Cloud. You may know him. Paul is looking at
4 -- if we today changed our method of measuring, Paul
5 would lose \$700,000. Paul has an immediate need of
6 2,000 homes today, and he can put them together in the
7 next 10 years. But during that 10 years, he's going to
8 lose \$7 million from his budget. Seven million dollars
9 would almost take care of those 2,000 houses.

10 I'm saying that, folks, before we start looking --
11 and the problem is, is not that that's only Paul. Then
12 he also has other issues. If he loses that money,
13 there's roads and a whole bunch of things. But I don't
14 want to get -- I just want to do housing.

15 I'm just saying that the folks up there, some of
16 them, there's 15 people in a house, 3 generations.
17 See, the trouble is they don't have homeless people.
18 They just have overcrowdedness. And that's the only
19 source they have.

20 They don't have a city where we -- like some of us
21 do that those folks can find other places. The only
22 place they have is on the reservation. And if they

1 can't be housed, they don't have a house for them,
2 they're going to live with their relatives or whatever.
3 That's the tradition.

4 Now what I'm saying is I don't expect everybody to
5 say "poor Paul" because a lot of -- everybody has
6 needs. I'm not saying that. But take in
7 consideration, and it doesn't affect me like it does --
8 like it does some of the big land-based tribes.

9 But take in consideration, that's the only --
10 that's their only resources. What they have on there
11 is their only resources. And you know, I have, I hope,
12 a lot of friends around this table, and I really
13 appreciate the respect that we're giving one another.

14 But you know, we've been criticized a little bit
15 for UNAHA, and some -- we have in UNAHA, we have some
16 winners and some losers like everybody else. But think
17 about -- as you vote for this, think about people who
18 really need it that have no other choices.

19 We'd like to see a study. We think that there's
20 probably better ways than just going into ACS. We
21 appreciate those folks yesterday, Rusty and Carol and
22 some of the folks that want to make it a little easier.

1 But the fact is whatever we do, Paul Iron Cloud's
2 folks have no other choices. Think about 15 people in
3 a three-bedroom house. What kind of education are
4 those kids going to get? What kind of -- what kind of
5 social things are they going to have in that crowd?
6 And there's campers out by the house that people sleep
7 in at 40 below zero.

8 What I'm saying is the reason I'm working -- I'll
9 be 81 years old at our August meeting, and I don't know
10 why the hell I'm still here. But I'll tell you this
11 much. I think it's -- I think it's because I really
12 care. I think everybody needs a house.

13 Nothing can happen in our life without a house,
14 without shelter and food. All our social services and
15 all of those other things are important, but you are
16 the key to the most important part of anybody's life.
17 That's a heck of a responsibility.

18 I don't want to go on. I don't want to screw
19 things up, but I do appreciate, and you have to listen
20 to me because I'm old.

21 Thank you.

22 MS. BRYAN: Thank you for your words, Jack.

1 I think, you know, that is why we're here. This
2 housing is a labor of love. It's a passion. And it's
3 a really good segue and fits right into this
4 conversation about the concept of looking at the
5 numbers and how much they impact the tribes here and
6 why we're having this conversation about what we can do
7 to mitigate some of that.

8 Michael Reed?

9 MR. REED: Good morning. Michael Reed, Cocopah
10 Indian Housing and Development.

11 And Jack, you know, you did a great job of
12 describing, I guess, our world that we work in. And
13 thank you for that.

14 Our caucus met last night to discuss this concept
15 proposal, and I think I can speak for the group in that
16 we think this is a very good approach or at least a
17 start to coming up with something that we all can work
18 with.

19 My personal opinion is that we need to really work
20 on this ACS. It is a tool, and it can be made a better
21 tool for us. And I think it's very important that we
22 spend the time to make it work.

1 In addition to that, there is going to be a number
2 of tribes -- if there is consensus with this 90 percent
3 approach, there's going to be a number of tribes that
4 are going to have to give up some of that money you're
5 talking about, Jack. And my tribe is one of them, and
6 we're a small tribe.

7 But overall, we feel that maybe if we take this
8 type of approach where we can limit the impact, maybe
9 it's time to take that step. On the other side, we're
10 going to have some friends that are going to, according
11 to the ACS, receive some of those dollars.

12 And we kind of felt that the best way to approach
13 that maybe would have -- have the needs committee, by
14 providing them some kind of direction, take a look at
15 how much money that's going to be on the other side,
16 the people that are receiving it. And to make it equal
17 and fair maybe, we ought to look at those dollars to do
18 what we need to do to come up with a method or a
19 tweaking of this tool, of ACS, to work.

20 And being from a small tribe, and I've always
21 talked about this. This is my third session. Maybe
22 there's enough dollars to divert those funds to some of

1 the small tribes that don't have FCAS. All they get is
2 the \$50,000. That way, no one really walks away ahead
3 of the game, and if those tribes that are willing to go
4 along with this, you know, that may work.

5 Thank you.

6 MS. BRYAN: Thank you, Michael. Jason Dollarhide?

7 MR. DOLLARHIDE: Good morning. I am also in
8 support of the concept. My only -- my big concern, and
9 I've expressed my concern to several folks. When it
10 comes to this committee, this study group, I have, one,
11 my concern is funding of that study group and where
12 that money is going to come from. That's a big issue
13 of mine.

14 Mainly because, you know, as some folks in the
15 room, and you know, I was one of the ones that took an
16 11 percent hit with the ACS. You know, I'm not too
17 happy about that, but you know, if that money goes
18 elsewhere to somebody, then you know, so be it.

19 What I am concerned about with this study, and I
20 heard it yesterday in the needs, is that everybody is
21 already jockeying for position to be on this study
22 group. And it reminds me so much of the single race,

1 the multi-race group. You had the winners over here,
2 and you had your losers over here. And nothing got
3 done, and here we are again.

4 And this is going to happen again, in my opinion,
5 because I've already heard people jockeying, wanting
6 this and wanting that and wanting to get on it. And
7 it's the winners and the losers, you know, they're the
8 ones that want to be there.

9 And which is fine. You know, I don't have a dog
10 in the fight really. I've a little bitty maybe
11 Chihuahua maybe sized dog in the fight. But you know,
12 that just -- that really concerns me because, here, I'm
13 taking an 11 percent hit with ACS, and you know, if HUD
14 doesn't come up with the funding, you know, we're going
15 to have to look at more funding, additional sources.

16 And in my opinion, one of the logical places to
17 pull that money out of because, you know, this is a
18 tribal issue. Jack said yesterday it's a two-way
19 street between HUD and the tribes, and you know, my
20 opinion differs a little bit about that because, you
21 know, HUD has already got a dataset that they can go
22 with, and that's ACS. We're the ones that want to

1 change it, good, bad, or indifferent.

2 You know, I know there's lots of issues with it,
3 and it's not perfect. But you know, obviously, we've
4 beat the alternate sources around and around and around
5 in a circle, and you know, we still haven't come up
6 with anything yet.

7 So, you know, I look at the alternate data sources
8 -- I mean, the alternate funding sources, and you know,
9 my -- the first thing that pops into my head is the
10 set-aside out of our block grant to fund this for the
11 tribes. So now I'm going to take another hit for this
12 committee to come together and get nothing
13 accomplished, in my opinion.

14 It doesn't mean that I won't support it. Those
15 are my concerns of that committee because I can see
16 that happening as I sit here now.

17 So, you know, I do like where we're going. It
18 felt good to get something accomplished yesterday in
19 our group. I know that Jason and them, from my
20 understanding from talking to the folks in the FCAS
21 group, were just kind of sailing through, no issues.
22 Just getting it right done.

1 But those are just a few of my thoughts and a few
2 of my concerns. Like I said, I will -- you know, I
3 will support this concept. I think it's a great start.

4 You know, I will -- you know, I'll just -- I'll come
5 out and state it for the record. I am an ACS guy. I
6 am.

7 Even though I am taking 11 percent hit, I think
8 that, you know, one thing that I keep hearing in our
9 room is, you know, we don't understand. We don't
10 understand. The only thing we know is that we're going
11 back to our folks and telling them we're losing money
12 because we have ACS now.

13 But the -- the weights and everything involved
14 with the ACS is kind of skewed for everybody. Nobody
15 really knows that information, and I don't either. So,
16 you know, I think that, you know, from my viewpoint,
17 you know, I was -- you know, whenever -- when I went
18 into tribal politics, my grandmother -- of course, my
19 grandmother raised me. But I'll always remember one
20 thing she said is that, you know, you may not agree
21 with what everybody is saying or what they want to try
22 to achieve, but if you get outvoted, then you support

1 that position 100 percent, and you make sure that it
2 succeeds in whichever direction that it goes because
3 that's your duty.

4 And you know, so I really -- I think about that a
5 lot, and you know, the one thing -- that's one thing
6 that has stuck in my mind. So I will support this. I
7 will see where it goes, but you know, I do have
8 reservations and I do have concerns.

9 But you know, like I said, I do think that, you
10 know, the needs group made some -- after great lengthy
11 discussion, made some headway within the group, and I'm
12 very happy to see that.

13 Thank you.

14 MS. BRYAN: Thank you, Jason. Aneva?

15 MS. YAZZIE: Thank you, Madam Chair and Co-Chair.

16 I'm going to speak from the other end of the
17 spectrum, and that is the need is greatly there for
18 every tribe, to the tune of a minimum of \$34,000 on the
19 Navajo. And so, and I see that.

20 I'm a single parent, and housing is just so
21 fundamental to me, to just survival in our lives. And
22 so, that's where my passion comes from in the housing

1 world.

2 So I really appreciate the sentiment expressed by
3 Michael. We did have our caucus last evening. And to
4 the extent that some of the questions I think perhaps
5 there could be some elaboration on the 10 percent, and
6 I think with regard to small tribes and even though in
7 our group, the needs workgroup, we had Ben Winter did
8 an excellent job of facilitating. Thank you, Ben.

9 But I think to describe that because it's a zero-
10 sum scenario, my understanding yesterday was that, that
11 that would all eventually be equalized at about no less
12 than 10 percent per tribe. But I think for some of the
13 small tribes, if there are some large gains, I think we
14 need to look at that probably a little bit more or just
15 to have some clarity as to what that would mean.

16 And I understood it yesterday, but for those that
17 were in the FCAS group, which were the questions being
18 posed from the caucus last evening, I think for the
19 benefit, I'd like to have that kind of described from
20 Mr. Winter, if that's possible, Madam Chair.

21 But you know, ultimately, though, regardless of
22 "winners" or "losers," you know, I really like the

1 guiding principles identified here in this concept in
2 that I think it really speaks to us trying to be as
3 most fair and equitable, recognizing that we want to
4 help each other, too, at the same time.

5 And so, I think, you know, there is never going to
6 be a perfect solution, as alluded to earlier. But I
7 think to the extent that we can optimize or minimize
8 those impacts for each of us, I think we can live with
9 that. But we need to give this an opportunity for all
10 of us to come together in the study group, whomever is
11 on the study group. It could be the full committee.

12 But there does need to be some discussion on
13 funding, and I think there's ways to do that if we all
14 work together. And I think if we come at this in a
15 positive focus, I think we can get there. At least we
16 need to try.

17 So, Madam Chair, those are my comments. Thank
18 you.

19 MS. BRYAN: Thank you, Aneva. I'm hearing you'll
20 want to yield some time to Mr. Winter. So we'll do
21 that after Russell. If you want to add him to the
22 queue, you can yield your time to him when it's your

1 turn again.

2 Carol?

3 MS. GORE: Through the chairs to the committee, I
4 speak in favor of the proposal, and I'd like to
5 elaborate why we support that proposal.

6 First of all, Alaska, like every region, has a
7 bucket of winners and losers. I don't think there is a
8 single region that doesn't have that same experience,
9 at least when you look at a change in data source.

10 We expect that would happen with a change with any
11 data source. So I want to be clear that I'm not
12 speaking to any particular data source.

13 In our discussion, we also talked about the
14 opportunity we have and the responsibility we have at
15 the table to mitigate what we see as dangerous threats
16 to our funding in the future. We're up for
17 reauthorization. That's not going so hot.

18 We also have a change in leadership at HUD. We
19 have a pending change in administration. Those are
20 serious threats to us. We've been flat funded for
21 years, and those threats are real, and we have no
22 control over them. This proposal gives us an

1 opportunity to have input into our funding future.

2 There are two items that we particularly like
3 about this proposal, and that is the phase -- two-step
4 phased-in approach, which is the delay in the
5 implementation and providing tribes with no more than a
6 10 percent cut in a year. So I speak in favor of it
7 for those reasons.

8 Thank you very much.

9 MS. BRYAN: Thank you, Carol. Jack?

10 MR. SAWYERS: I don't want to start a great debate
11 here. I agree with you, Jason, that we study those
12 things. But I don't want to go home and talk to my
13 friend Paul and say, "Paul, I didn't try. I didn't
14 spend some time. And we have limited time, and I shut
15 it off because we didn't have time."

16 I'm saying I don't know. I don't know if we can
17 do anything about it or not, but I'm sure willing to
18 work or have someone else work to look at all of the
19 issues we possibly can and answer Jason's question is
20 why? Why is this doing this the way it's doing it?

21 And I'm just saying that the other thing is I
22 think I want to understand it a little better. I want

1 to understand not only why, but how this affects us and
2 where we are in 10 years and so on. I just -- I just
3 think we need to put some time into it.

4 And I'm not -- I'm not debating. Actually, I'm a
5 winner. But -- if you could call it that. I mean,
6 what I'm saying is, is I don't lose money on this
7 proposition, but my friend Paul does. And I just want
8 him to know that we worked as hard as we can, spent
9 some time, some effort, some money, and hopefully, HUD
10 will do part of it. We're going to have to do some
11 stuff ourselves.

12 But jiminy Christmas, let's not say, well, we
13 don't have time because that's not true. Our future
14 depends on -- at least our next 5, 10 years, 7 years or
15 whatever it is until we come back again, depends on the
16 decisions we make here. So I'm not talking for this or
17 against it. I'm only saying, please, let's not hurry
18 over it. Let's take the time.

19 MS. BRYAN: Thank you, Jack. Russell?

20 MR. SOSSAMON: Thank you, Madam Chair.

21 I support this concept, first of all, because of
22 the reducing the impact of changing data sources.

1 Because when I listen to the different people talk
2 about it, I believe this is consistent with the intent
3 of the needs formula, but it also takes into
4 consideration that impact of it.

5 And I put myself in many of the tribes' positions
6 that take a significant reduction, and that draconian
7 of a reduction has that real impact on people back
8 home. People that we love and care about may be laid
9 off. Others will not have adequate housing. And so,
10 this tries to balance that, and it doesn't stop the
11 flow of limited resources to where the data tells us
12 the greatest need is at. It just shifts it more
13 incrementally and gives more time to adjust.

14 And that's what I would want if I'm in that
15 position. My tribe receives a modest increase, but I
16 know there's other tribes in our region that receive
17 significant increases. And I'm willing to forgo some
18 of that, and over time, if that's what the data shows,
19 then it'll eventually come back to where the data
20 indicates it needs to go.

21 So we're all in it together, and what I've seen
22 is, with the introduction of ACS and the potential

1 impact of ACS, we have withdrawn to our corners and
2 developed our own agendas and are using whatever means
3 or whatever we can find to mitigate that impact. And
4 in my estimation, what it's done is divided us and
5 reduced us to fighting one another over crumbs, in my
6 opinion, and over the long term is going to harm all of
7 us.

8 Because the key, to me, is unity and focusing on
9 increasing the overall pie, not increasing my slice at
10 the expense of someone else's slice. And that's where
11 we're at, and that's what this is intended to mitigate.

12 Michael mentioned the smaller tribes. Where is
13 the money going to come from? In my estimation, it is
14 increasing the entire pie because the minimal funding
15 is a percentage of the overall appropriation. As that
16 increases, theirs increases off the top because of the
17 function of how it's funded as a percentage.

18 So that's where that money comes from. Hopefully,
19 this is one way to mitigate the impact of a dataset so
20 we cannot be expending time and energy and political
21 capital fighting one another over it, but actually
22 through a study like this come together to try to

1 improve the accuracy of whatever dataset is eventually
2 selected.

3 So that's, to me, what the real purpose and,
4 hopefully, the real outcome of supporting this concept
5 and getting it into language that we can agree on.
6 Because at this point, we don't know which dataset is
7 actually going to come out. And it may change again in
8 the future, and we're right back where we started.

9 But again, we've seen examples in the past of when
10 tribes come together, the victories that we can have.
11 But we've also seen when we are divided, the defeat
12 that we suffer. And I want us to learn from that
13 history so that we don't repeat it, the defeat part of
14 it.

15 So I appreciate the committee's consideration, and
16 hopefully, through the workgroup we can craft language
17 that can be supported by consensus.

18 MS. BRYAN: Thank you, Rusty. Aneva Yazzie has
19 yielded time to Ben Winter.

20 MR. WINTER: Can you hear me now? Okay. This is
21 going to be practice to see if I ever become a
22 professor. I doubt it because I like policy too much.

1 All right. So if I heard the request correctly,
2 you wanted me to kind of go over how a hold harmless
3 kind of works, right? Is that correct?

4 So I want to go first, generally speaking, how --
5 and by the way, I don't like the word "hold harmless."

6 I like the word "volatility control" because anytime
7 you have a new data -- new data introduced into a
8 formula, it creates volatile things in the outcomes.

9 A lot of people win. A lot of people lose. It's
10 a zero-sum game. So that's called volatility. So what
11 we're trying to do here is to create a control for that
12 volatility.

13 So I'm going to kind of talk very high level first
14 and then get into the weeds just because there is --
15 this can get pretty weedy from what was discussed in
16 the workgroup.

17 MS. BRYAN: How long will you need? Because time
18 yielded is a few minute thing. I'm not sure what -- I
19 need to check in with the group and see what we're
20 doing here. I'm sorry. Thirty seconds?

21 MR. WINTER: Four minutes?

22 MS. BRYAN: A few minutes? Okay, thank you.

1 MR. WINTER: Yeah. Is that okay?

2 MS. BRYAN: Yes.

3 MR. WINTER: All right. So this is the total
4 number of tribes. You have 100 tribes in the formula.
5 You have 10 tribes that lost more than 10 percent of
6 their funding with the introduction of new dataset.
7 I'm calling this NDS, new dataset, because we don't
8 know what's there. Okay?

9 And now you have let's say 20 tribes that lost 0
10 to 10 percent of their funding from NDS, new dataset.
11 Okay? Then you have, what is this, 70 tribes that
12 gained some amount, right? They gained at least -- you
13 know, they gained some amount of funding.

14 Now the idea of a hold harmless is if you want to
15 -- you're really concerned about these guys here
16 because these guys at the bottom are the ones that have
17 the biggest shock. And so, what you do is you
18 calculate the total amount that was gained here, not
19 the percentage. So all these guys, all these 70
20 tribes, they gained \$1,000. Okay?

21 And so, then you take the percentage of each tribe
22 of their gain. So tribe 1, let's say tribe 1, they

1 account for 10 percent of this \$1,000 gain. Let's say
2 it's \$100. Is that 10 percent? Yeah. So tribe 1
3 gained \$100, which is equal to 10 percent of \$1,000 of
4 the total gain.

5 And tribe 2 gained, you know, 1 percent, tribe 3,
6 1 percent, and so on and so on and so on. So the idea
7 is to compensate these guys, tribe 1 gives up 10
8 percent of their gain. Not 10 percent of their grant,
9 of their gain, and that funding goes to compensate the
10 big losers.

11 And it's spread out among all of the winners, and
12 so these guys are not affected. They don't give any
13 more funding because if they were to give funding, then
14 they would get hit even more. They might go below that
15 10 percent. So these guys, there's no donations from
16 these guys. You only have donations from all of the
17 winners.

18 So you might have a guy or woman, you might have
19 somebody that only gained 1 percent, right? But let's
20 say if they only gained 1 percent of their funding,
21 that gain is probably like 0.1 percent of this total
22 amount that was gained. So they're only contributing a

1 very, very, very tiny amount. It might be like
2 literally \$5. Like literally, it might be \$5. It
3 might be \$100, but very, very trivial amounts here at
4 the bottom.

5 But the big gainers are the ones, they give up
6 their proportional share of the total amount that was
7 gained. So that's just how the hold harmless works.
8 That's what you wanted me to go over? Okay.

9 There is also a lot of complexities. I think the
10 workgroup needs to work this out. One thing in
11 particular is this is only on the needs portion of your
12 grant. So stop me if I'm wrong, needs group, but so
13 you have -- you know, your total grant is you are
14 allocated funding from needs, and you're allocated
15 funding from FCAS, and then that's your total grant.
16 So this volatility control only addresses the funding
17 allocated by the needs portion. It does not account
18 for this.

19 And so, so it's not 10 percent of your total
20 grant. It's 10 percent of the total grant allocated
21 through needs.

22 The other issue is this is really only about the

1 change, the change that occurred from the introduction
2 of a new dataset. So, in any given year, there's lots
3 of things that happen in this formula. There's lots of
4 like formula areas change. There is all things that
5 are coming into the formula.

6 So this, we have a method that we would be able to
7 isolate what the change was from that new dataset and
8 then kind of apply that volatility index over a period
9 of time.

10 And that's it.

11 MS. BRYAN: Thank you. Ten seconds over. You owe
12 me. Thank you very much.

13 Earl?

14 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
15 Tribe. Thank you, Madam Co-Chair.

16 Well, I'm glad that was easy. The proposal that's
17 on the screen, there's a couple of concerns. I'm not
18 saying that I don't support it or that I'm not in favor
19 of it, but I do have some concerns.

20 My first concern is the -- has to do with the lack
21 of mention in the study concerning taking a look at
22 ACS. I believe that one of the goals of the study

1 should still be to also take a look at ACS and figure
2 out how that might be modified to suit what tribes need
3 in terms of using that data.

4 And I know some might say that's included when you
5 say "all relevant data sources," but I personally would
6 feel a lot better if that were explicitly spelled out
7 on that 1 through 5 list that one of the primary
8 objectives of that study be to take a look at ACS and
9 how that might be used, modified, or tweaked to be able
10 to be more user friendly and compare that to how the
11 ACS is normally.

12 Because a lot of people say ACS is bad, but how
13 many are saying that it's bad just because they are
14 losing money? How many really know what factors
15 concerning ACS have changed that's causing that shift?

16 I know I don't. But I think that study should look at
17 those things and tell us what tweaks might be made
18 either to ACS directly or in terms of taking a look at
19 the formula and what needs to be tweaked specifically
20 in the formula weighting factors and the components to
21 make ACS potentially a usable dataset.

22 And the second thing is a more defined scope of

1 work. I think if we had a more defined scope of work,
2 and folks in our region seem to agree with that notion,
3 that we would have a better product because we have
4 specific and more detailed expectations about that
5 study, whereas this statement, I understand it's a
6 proposal, it still leaves it kind of open and broad.

7 So we might want to include some parameters about
8 -- about the study and maybe even put an even tighter
9 timeframe on when that comes back. So those are some
10 things that I've been contemplating and our region has
11 been contemplating. And addressing those things would
12 make us more comfortable with that proposal.

13 MS. BRYAN: Thank you, Earl. Gary Cooper?

14 MR. COOPER: Gary Cooper, Cherokee Nation.

15 And I agree with Rusty. You know, this proposal,
16 should it pass, I think it does one of the best things
17 that we can do, is to help to reduce the impact that
18 the tribes that stand to see a reduction take place,
19 that they actually see that.

20 And I do agree with Earl that, you know, any study
21 that's done has got to include ACS. I think it needs
22 to be outlined in here as a data source. I think it

1 should be at the top of that list because right now
2 it's the only data source in my mind that I can think
3 of that's out there. And I'm sure that there are
4 others, but I agree. I think that it probably needs to
5 be outlined in there.

6 And AJ brought up a good point on the study group.
7 You know, who should be on the study group? And I
8 think that it should be members from this committee.
9 That's what we have been tasked with.

10 I don't think that it necessarily needs to be the
11 whole committee, but maybe at least I think just about
12 every region is represented, if not every region is
13 represented on this committee. Maybe one member from
14 this committee and HUD from each region is that study
15 group.

16 And they go forth and do this, and do it in the
17 quickest time that they can do it. I think it can
18 probably be done in less than 12 months. But maybe
19 not.

20 And then just one of the other things that I want
21 to throw out there is -- and it's not for me to say or
22 for anyone else to say, but I know that there is a lot

1 of other agencies that use this, the parts of the
2 formula that we -- that HUD uses for housing for what
3 they do. And I'm not so sure that HUD, i.e., us,
4 should be the one that should foot the entire bill for
5 any study that's done. Maybe they could help fund a
6 portion of that.

7 And that's just my thoughts and comments, and I'll
8 leave it at that. Thank you.

9 MS. BRYAN: Thank you, Gary. Jason Adams?

10 MR. ADAMS: Thank you, Madam Co-Chair and rest of
11 the committee. Good morning.

12 I wanted to just express my thoughts here again on
13 this issue, and I guess I'm taking a little more
14 optimistic of approach on this issue as far as what I'm
15 seeing presented and the discussions I hear happening
16 in the needs workgroup. In regards to the study that
17 would come from this work, as I've said before, I just
18 want to understand the mechanics and how this thing
19 would work, ACS and any other dataset that's out there.

20 Because, again, going back in history, as far as
21 the first NegReg, one of the first things I understand
22 from the NegReg they were tasked with was to look at a

1 dataset, a source of data that would give them the
2 information they need. And there was an evaluation
3 done, and there was agreement that census had that
4 data.

5 And then from that selection of a dataset, then
6 they started looking at the variables that were
7 available through the dataset, and that's where we get
8 what we have today in the formula, the variables that
9 exist today that fluctuate and give us the data for
10 home overcrowding, plumbing, and all those things
11 because that was available through the long form of the
12 census.

13 With this change and migration away from that, you
14 know, again, I don't quite understand how this new
15 process of a survey, now it's called a survey, is
16 bringing that data to us. And so, that's one thing I
17 want to be involved in this process, however we decide
18 to form this study group, to just understand those
19 issues.

20 And I agree. If we have to have ACS listed on
21 this concept document, I have no problem with that
22 because, again, I want to understand ACS. I want to

1 study that with whatever else is out there.

2 I think that, again, as I stated before that the
3 first NegReg said, okay, let's use census now, but in
4 the future, we want to study whatever else is out there
5 and reconsider these kind of things. And so, I hope
6 that's kind of the charge, and I think that's what
7 Congress meant in the statutory language that's there.

8 And of course, that didn't get funded.

9 In our area, we come from a situation and I come
10 from a situation where we have a lot of tribes in our
11 region, if not all tribes in our region are treaty-
12 based tribes, and we have a situation where over the
13 years, as we read our treaties, as our treaties age, we
14 take a look at those commitments, those -- and I'm
15 recently doing some reading on some of the notes and
16 minutes of the treaty negotiations that happened with
17 our tribe specifically, and it's really interesting to
18 see that a lot of the discussion was based on trust and
19 gaining trust and trying to understand each other and
20 break down the barriers of communication that existed.

21 And I think that's again what our tribal leaders
22 in our area want today. They want to build trust.

1 They want to understand. And more today than ever, our
2 tribes are educated. Our tribes are coming to the
3 table and wanting to understand the mechanics of every
4 decision that's being made.

5 And I just don't feel like we've had enough time
6 to -- and that's, again, a reason why I'm hoping this
7 study moves forward is we open up the opportunity, and
8 you know, however we formulate this proposal, as far as
9 who sits at the table, that we again have the
10 opportunity for folks to come at their own -- or listen
11 in, if it's conference calls, at their own expense. To
12 just listen in and have the opportunity to be educated.

13 I've been reluctant to say to this point that, you
14 know, for my housing authority, it's hard for me to sit
15 -- and again, I haven't said this. But with ACS, when
16 the first data was run and I took a look at those
17 numbers, you know, it was pretty obviously in our
18 region, some people were looking at me like they were
19 wondering what I was going to do. Because for Salish
20 Kootenai, we're the biggest gainers in our region.

21 And yet I've sat here and been transparent with
22 you folks, and I, like Jack, have good friends in our

1 region that I want to be able to look them in the eye
2 and say I fully understand this and I fully understand
3 what's happening with the mechanics of a dataset, and I
4 can tell you why you're losing money if you are losing
5 money and why I'm gaining money.

6 Today, I can't do that. And I respect those
7 people. I've been traveled quite extensively within
8 our region and throughout the country, and I've seen
9 some of the poverty situations that we have on some of
10 our reservations. And I want to be able to help those
11 folks as much as I can and not take money from them.

12 Again, I think it's we have a lot of great minds
13 around this table. We've had that luxury from the
14 first negotiated rulemaking. We've had good people
15 here with good hearts that have come to this table and
16 understood who we serve and why we're here. And in
17 honor of them and in honor of you, I think we can do
18 this.

19 I think we can put this study together within a
20 short amount of time. I can't say how long. But I
21 think with the commitment of everyone around this
22 table, I'm taking a pretty optimistic approach to this

1 and hope that we'll get support behind this and be able
2 to kick this off. And however the logistics play out
3 on who gets to sit on the committee, I would hope it's
4 all of us, as somebody has already said.

5 But again, I think we have enough education,
6 enough expertise around this table to really do this
7 some justice and help ourselves and help the tribes we
8 represent to educate ourselves and evaluate what's out
9 there.

10 So, with that, I thank you again, Co-Chairs, for
11 this opportunity to express my concerns and my optimism
12 this morning. Thank you.

13 MR. DOLLARHIDE: Thank you, Jason. AJ?

14 MS. YAZZIE: Thank you, Mr. Co-Chair.

15 To your question, Mr. Co-Chair, earlier with
16 regard to how we would fund this, a thought came to my
17 mind, and maybe this is a question I'd like to pose to
18 HUD. I don't know if there are any technical, T&TA
19 dollars still in the balance that HUD may look at in
20 terms of the financing of the study group, even into
21 the next fiscal cycle or however long the study group
22 would remain.

1 So a question for HUD, Mr. Co-Chair.

2 MR. DOLLARHIDE: Thank you. Pete, do you want to
3 let Sandra answer that? Sandra?

4 MS. HENRIQUEZ: Thank you. Good morning,
5 everyone.

6 There are several things in play about funding.
7 One, as you probably do know, in the fiscal year '14,
8 that's all we've had to work with. '15 has not yet
9 been appropriated. The language on TA for Indian
10 Country was based on a competitive basis. So that
11 competition has been run, and those dollars have been
12 obligated, although not fully expended based on the
13 work that -- on the requirements from tribes for that
14 technical assistance.

15 Don't know what the 2015 language will look like,
16 if it will still have the same competition language in
17 it or not. So that's number one.

18 Number two, it is not no year money, which means
19 it has a life that goes through the fiscal year and
20 ends September 30, and we have to be mindful of that.
21 So there's no carryover. For example, if we didn't
22 expend -- let's say we didn't have the August steering

1 committee negotiated rulemaking. That money, let's say
2 about \$300,000 is what it runs for each session, that
3 money then ends on September 30th whether it's been
4 expended or not.

5 When it's not been expended, it goes back to
6 Treasury. We are not able to carry it over until the
7 next year. Regardless of need, regardless of purpose
8 and how we might want to use it, it has its life and it
9 ends.

10 As I had said to folks in the workgroup yesterday,
11 the way in which HUD spends its money is tied to
12 Federal law in the form of appropriations law. So when
13 a budget comes out and is passed by Congress, it has
14 the force of law. And all the parameters and the
15 description about how money gets spent and in what
16 buckets and in what time is all prescribed in that
17 appropriations statute.

18 The 2015 appropriations language is being worked
19 on now. They will -- the Senate has got numbers. The
20 House has numbers. And they will go to conference and
21 try and figure out the differences and come to a
22 meeting of the minds.

1 It is difficult at best to get language in
2 appropriations at the time of conference, not
3 impossible, just difficult. Again, so we are -- so
4 trying to figure out if there is any mechanism short of
5 those, we do not know if there are others to be able to
6 figure out any financing that we're going to be allowed
7 to do at this point outside of negotiated rulemaking
8 and the provision for this committee.

9 One other caveat, and that is because we do not
10 yet have a 2015 budget and I don't know if we'll have
11 one by October 1st, we will be in probably a continuing
12 resolution position, which then talks about how we can
13 spend money. You can't spend more than the amount on
14 the day 12 months before. And so, until we have an
15 appropriation, that will dictate when we can spend
16 money for continuation of negotiated rulemaking
17 sessions after October 1.

18 And I might as well just put everything in the
19 kitchen sink. You all know that this is mid-term
20 election, and so it could very likely be, if history
21 continues to repeat itself, that there may not be a
22 budget until after the swearing in of the next

1 congressional session in January of 2015, which means
2 we'd go the entire first quarter and then some of the
3 Federal fiscal year before we got an appropriation
4 retroactive back to October 1.

5 All of those things are in the swirl at this
6 point, and so I can't sit here and make a commitment of
7 Federal dollars on this process yet until we sort
8 through some of these issues that are before us in
9 terms of appropriations issues.

10 MS. BRYAN: Thank you. Pete?

11 MR. DELGADO: Thank you.

12 And I think we've come a long way since Wednesday
13 morning. Wednesday morning I walked in and I got here
14 right when they called my name, I was running in the
15 door. And I wasn't aware of the UNAHA proposal at that
16 time. Wednesday morning I know that Madam Secretary
17 was plane booked back to D.C. that evening.

18 And we -- you know, it's been a long 2 days in the
19 group, and sometimes the discussions seemed like they
20 stalled and they went in circles, but I'd have to say
21 that I appreciate sitting there learning from all of
22 you with the expertise in housing the different

1 viewpoints.

2 For me, housing is new. On August, it'll be 3
3 years that I've been in housing. Tohono O'odham
4 Nation, a large, land-based nation, we had when I came
5 in \$22 million in our LOCCS account. On July 1st, when
6 we start a new budget year, we're going to be down to
7 \$2 million.

8 We implemented a business model, went from 160
9 employees to -- when I started. Now this fiscal year,
10 we'll be starting with 70 employees. We had to learn
11 to adapt, and Jack talks about that \$7 million loss
12 over 10 years. We're a tribe that's going to lose \$7
13 million if we don't adopt this proposal. It's 25
14 percent of my budget.

15 It's hard for me to go back to my tribal leaders
16 and to my staff especially, who've worked hard over the
17 last 3 years to turn our association around, and tell
18 them that we're going to lose 25 percent of the budget
19 after you worked your tails off for the last 3 years.

20 And I understand that this isn't performance
21 based. But that being said, we realize this is a zero-
22 sum game. I think Rusty made some great points. I

1 come -- from my background prior to this was political,
2 served for my chairman. So I understand. I've seen
3 these fights over monies and how the division of Indian
4 nations when it comes to health dollars, transportation
5 dollars, and the zero-sum game.

6 We need to be unified seeking additional dollars
7 for the needs that exist throughout so that we're not
8 divided and we're not at a position we are.

9 I think one of the things from our standpoint that
10 I appreciate on this, and the reason I'll support this,
11 is the fact that this 2 years, additional years, gives
12 us time to plan. Gives us time. We know that, in our
13 case, we will end up taking a cut.

14 It allows me time for my staff to make those, to
15 put hiring freezes into place, to be able to at least
16 when that impact comes in the next 2 years, and the 10
17 percent I think floor on that or the 10 percent max
18 that we're going to get cut, we're still looking at
19 close, I think, \$200,000 in cuts. That's going to
20 probably end up going to obviously projects.

21 But some of that obviously is going to have to go
22 into operations when it comes to it. But it allows us

1 to plan.

2 It also challenges. As many of you at this table
3 already have done successfully, it requires us to think
4 outside the box and seek other sources of funding
5 beyond just relying on that.

6 And I can say from our standpoint, we just closed
7 our first Title VI loan for \$2 million. We just were
8 awarded on Friday LIHTC credits, the low-income tax
9 credits. It's a \$7 million project. That's, right
10 there, \$9 million in leveraging that we've gone out to
11 be aggressive to seek.

12 So I know when things go bad at housing and I ask
13 myself why did I enter into this world? I have a
14 senior staff member who's been in housing for 20 years,
15 and she always turns to me and says, "We will survive."

16 We're going to survive no matter what happens.

17 And I know that with these cuts, it's going to
18 force us to make those changes, but we will move on.
19 And so, I support this, and I thank you for your time
20 and the knowledge that you passed on to me as a new
21 executive director.

22 Thank you.

1 MS. BRYAN: Thank you. Michael?

2 MR. THOM: Thank you, Madam Chair.

3 I would just like to state one thing. I support
4 the concept, but I think the concept is there and it's
5 reality that ACS is a data source that needs to be
6 looked at. We need to be educated by us as tribes and
7 make it work for as tribes, not for them or anybody
8 else, but for the tribes.

9 I think it's important that the tribes stand
10 together and fight for that, not allow other things to
11 get involved. Our housing needs are there, and they're
12 going to stay there as long as we fight amongst each
13 other. So unity is very important to me as a tribal
14 leader.

15 Thank you.

16 MS. BRYAN: Thank you, Michael. David?

17 MR. GREENDEER: Good morning. (Speaking Native
18 language.)

19 I guess as a new individual here, I'm neither
20 wise. I've not learned -- as learned as everyone
21 around the table. I don't have as many years in Indian
22 housing, you know, as the majority of you. So I'd just

1 say I'm very grateful to sit around all of the people
2 here that really shows that you all care about, you
3 know, your nations. And so, I wanted to say thank you,
4 you know, for the work, the hard work that you do.

5 I started thinking, and you've listened to me, you
6 know, for the past few days, and you can kind of see
7 I'm kind of an analytical guy. This morning, I woke up
8 and I started thinking about the proposal.

9 You know, we had our caucus, and I've been looking
10 -- listening to all the politics behind the scenes.
11 And as a newbie, I can see it from a whole different
12 light. So I can see factions. I can see all of the
13 arguments going back and forth.

14 You know, at the end of the day, there was
15 something that stuck out to me, though, and what I see
16 in the proposal concept, there's a lot of things I
17 don't really agree with. But there is something that I
18 really do agree with, and I wanted to bring it to your
19 attention.

20 The question was in regards to a data source, and
21 I believe Michael just kind of touched on it. We would
22 like, as tribes, to have a look at the data source. I

1 wanted to explain why, when I see a data source, what
2 it means to me, and I wanted to utilize the reason --
3 earlier, I stated that I supported the ACS. But I
4 wanted to explain why.

5 The children that I've worked with, I used to
6 teach a long time ago prior to being CEO for our nation
7 and prior to being a legislator. I used to teach, and
8 a lot of these children didn't have homes. At the same
9 time, when I got into public office, I'm watching us
10 lose our language, and I'm seeing how the impact of not
11 having a good home is affecting our language.

12 I see that we're about to lose all of our language
13 speakers. We only have about 100-something left now,
14 you know, in our nation. And I think about the impact
15 of what a good home means. I think about the impact of
16 a good home for elders and what that meant and for to
17 see our children actually being able to sit there with
18 their parents, you know, in a nice place, and to see
19 that they learn how to pray.

20 Because at the end of the day, we're all put here
21 by Creator. And when you start thinking about our
22 creation stories and the reasons why we're here, you

1 know, we always hear of the lodge or something that was
2 created where we came from. Or this earth, Mother
3 Earth as our home.

4 And so, we all have that duty to our people
5 because that's why we're here, as stewards of all of
6 this stuff that that Creator put before us. And so,
7 when I started looking at the proposal concept, I said
8 recognition of actual tribal needs, I said, oh, I said
9 that's what they're trying to talk about here.

10 They're worried about making sure that we're
11 taking care of our people and carrying out what Creator
12 had wanted and what Mother Earth wants us to do. You
13 know, equity among tribes, that's what we're all here
14 for.

15 And so, I started reading through this, and I've
16 seen it from that perspective. So regardless of my
17 education or educational background or analytical
18 behavior, I had to sit there and think that this
19 concept, it should be supported from that perspective
20 to show unity amongst all of us so that way we can
21 continue to move forward.

22 We'll never have some -- we'll never have what we

1 need to see, but one thing that the new data will be
2 able to show us is changes in the home, and that's what
3 the ACS or other data sources might be able to show us.

4 Trends in the changes to educational behavior, trends
5 in changes and to the way that these new -- that our
6 people are getting and acquiring resources that they
7 may not have had already, and how that's actually going
8 to impact their performance at school, which actually
9 impacts overall education and social welfare.

10 And if we can track those changes like we've never
11 been able to do before, we may just have a chance to
12 save what little fabric of our culture that we all have
13 remaining. We might be able to at least have some
14 answers that we never had before.

15 And that's why I sat there, and I said, well,
16 let's study and look at all the data resources that are
17 available to us. So thank you.

18 MS. BRYAN: Thank you, David.

19 A good discussion this morning. I'm hearing --
20 what I'm hearing is that we're getting towards being on
21 the same page with this concept. I'm hearing wide
22 support around the table for this concept.

1 So if these details in the concept, I'm not
2 hearing any proposals for modification to it, unless I
3 missed that. So I'm going to take a couple more
4 comments, and then I think we're ready to see if we
5 want to move this forward.

6 Earl?

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

9 I do want to make a proposal for an amendment. I
10 would like to add a Number 6 to that 1 through 5 list
11 and add there, "An analysis of ACS and how it can be
12 used or modified to be used as a data source for the
13 IHBG."

14 MS. BRYAN: Thank you. Sam?

15 MR. OKAKOK: Thank you, Madam Chair. Sam Okakok,
16 with Native Village of Barrow.

17 I really do have some problems with the ACS, some
18 of the data, preliminary data and things like that. We
19 really do take a big hit. Just like Jason was
20 mentioning, he takes an 11 percent hit, well, we're
21 taking 26 percent hit.

22 And think about all the families that are going to

1 have to wait and wait and wait if we do take this hit
2 under ACS. We already have a 10 1/2 year wait list on
3 our new construction. Adding on top of our homeowner
4 vacancy rate in Barrow, according to the last census,
5 0.4 percent. So it's less than 0.5 percent vacancy
6 rate in our homeownership, and our homes are crowded.

7 The families that have to scrunch all together in
8 a room, three-, four-bedroom home, I listen to them. I
9 hear them. Many of them call me directly. So I know
10 some of the problems that they're talking about, and to
11 add more time is really, really difficult.

12 Some of the biggest vacancies we have are in
13 grant-funded homes. There is a 17 percent vacancy rate
14 there, but you have to be very -- there's
15 qualifications that you have to meet. Many of them
16 don't meet that, and some of them are very narrow. So
17 there's homes that are vacant, but no one can qualify.

18 So they sit there. We're going to have to find out
19 how we can get those.

20 But as we go through this, one of the things I had
21 gone through over the last couple years was some of the
22 data that HUD does have in regards to the definitions,

1 homeless and overcrowding. And some of those, they're
2 not favorable to tribes at all, especially if you have
3 multiple families in the homes.

4 One household, you got one form. But there's
5 multiple families, multiple generations in there. They
6 may all be counted as one household, but there's
7 multiple families in those households, and those are
8 not being counted. And so, that's one of my biggest
9 concerns is I believe that the ACS has a foundational,
10 fundamental flaw in it, in that it does not count those
11 families.

12 And we hear about the out-migration, and we have a
13 feeling that there's no out-migration. We know they're
14 still there while they're in the house. They're in the
15 other room. That's where the families are, and they're
16 not being counting as families.

17 And so, that is a fundamental flaw I believe that
18 ACS does have that is very unfavorable for tribes,
19 villages, that have multiple families in the homes.

20 And I believe with Jack also, trying to go back
21 home, looking people in the eye and telling them, you
22 know, you're going to have to wait, or what did you do?

1 Did we try everything we can to see what we can do
2 here? I would like to see some of those data sources,
3 datasets that are available.

4 I know we saw a PowerPoint presentation on some of
5 those, and we were handed some of those, but we don't
6 have the full report. I would like to see those and
7 see how we can implement or how we can count the
8 families that are not being counted.

9 And I believe that that would be one of the main
10 issues in regards to ACS is the overcrowding in there.

11 There's a flaw in there, and I would like to see some
12 others -- if the cost of doing any kind of changes to
13 ACS is real, it's like \$100 million is what we heard,
14 that's going to come right out of IHBG, I believe.
15 Something we can't afford.

16 We're already overcrowded, and we're not getting
17 the funds. And to have a study that's going to cost
18 that much to come off the top, that's -- that's
19 additional burden, and so I really have a problem with
20 this. I would like to see other datasets really taken
21 into consideration.

22 I appreciate the time. Thank you.

1 MS. BRYAN: Thank you, Sam.

2 Let me back up, and I'm going to apologize. I'm
3 out of order a little bit. Earl made a friendly
4 amendment to the proposal. So I would like to have the
5 author of the proposal approve the friendly amendment.

6 MS. DIFUNTORUM: Hi. Sami Jo Difuntorum.

7 I wouldn't say that I'm the author, but as chair
8 of the needs workgroup, if the question is do I agree,
9 yes, I do.

10 MS. BRYAN: Thank you. So that puts the proposal
11 on the table for a vote. So we do just continue
12 discussion before we vote.

13 I have a friendly amendment to my side. Aneva?

14 MS. YAZZIE: Thank you, Madam Co-Chair.

15 To my colleague's proposal, Earl, if I could offer
16 a friendly amendment? When I see this add-on and
17 reading it, it's more of a functional statement rather
18 than a guiding principle, the overarching. I wonder if
19 it's a better fit if we put it in the first sentence,
20 if you can scroll down a little bit so we can see the
21 first sentence?

22 And if I can read, the first sentence would be an

1 add-on. So it would read when I go to "not to exceed
2 12 months, of all relevant data sources that includes
3 an analysis of ACS and how it can be." I think that's
4 a better fit because it's a more functional statement
5 rather than the guiding principles delineated in 1
6 through 5.

7 Madam Co-Chair, I just want to pose that as a
8 friendly amendment to Earl's proposal, Madam Chair.

9 MS. BRYAN: Thank you, Aneva. Earl, we have a
10 friendly amendment to your friendly amendment before we
11 ask for approval from the author.

12 MR. EVANS: Thank you, Madam Co-Chair. Earl
13 Evans, Haliwa-Saponi Indian Tribe.

14 And I have a friendlier amendment.

15 (Laughter.)

16 MR. EVANS: After speaking with some of our
17 colleagues, instead of saying how it can be used, how
18 it might potentially be used. So -- might be used or
19 modified, yeah.

20 That works for me, Madam Chair, if it works for
21 others. Does that get to yours, too, Karin?

22 MS. FOSTER: No. Here it is.

1 MS. BRYAN: So I'm seeing agreement by the
2 friendly amendment proposers, and Karin, did you have a
3 tweak to propose?

4 MS. FOSTER: Yes, I do. Let's see. I would like
5 to see us look at all data sources and how they might
6 be used or modified to be used not only just how ACS
7 might be modified to be used.

8 So my suggestion would be, and I'll just say this
9 out. I don't know if you want to type it while I say
10 it. But, "All relevant data sources, including ACS,
11 and for each data source how it might be used or
12 modified to be used." So it would be "including ACS,
13 and for each data source how it might be used or
14 modified to be used."

15 MS. BRYAN: Okay. Thank you.

16 I'm seeing Aneva in agreement. Earl, did that
17 continue to capture your original friendly amendment?

18 MR. EVANS: Yes.

19 MS. BRYAN: Thank you. Karin?

20 MS. FOSTER: May we have a comma after ACS up
21 there?

22 Thank you.

1 MS. BRYAN: Thank you. I see Sandra's card up.

2 MS. HENRIQUEZ: Yes, thank you.

3 Should there not be a comma after "including ACS"?

4 Can I just say I would take the comma off at the end

5 of ACS and put the comma at the end of "each data

6 source, comma." Or both commas in both places.

7 Anyway, you all work it out. That's not my comment.

8 My comment really is to say --

9 (Laughter.)

10 MS. HENRIQUEZ: We could wordsmith this to death.

11 I just wanted to say that I really -- we really

12 appreciate the momentum and how far and how much work

13 has been done by both workgroups, and particularly the

14 needs workgroup and this steering committee. We will

15 continue, as we talked last night and again this

16 morning about this proposal concept, that we're going

17 to continue to examine how best we might think about

18 implementing particularly the what is it called, the --

19 MR. WINTER: Volatility control.

20 MS. HENRIQUEZ: -- volatility factor or index, the

21 90 percent issue, to make sure that we are then able to

22 -- then we program and do the will of the committee in

1 terms of both this concept and then when this concept
2 gets fleshed out further moving forward.

3 So that's all I wanted to put on the record.

4 MS. BRYAN: Thank you. Appreciate that. Sami Jo?

5 MS. DIFUNTORUM: Good morning, everyone. I just
6 want to add a comment, and it isn't so much on the
7 modification.

8 You know, this has been a really lengthy process,
9 having this conversation in the needs workgroup. There
10 are a lot of differing opinions, different levels of
11 understanding of the formula, data sources, and it has
12 taken a while to get to this point.

13 While I'm not a huge fan of the second part of the
14 proposal because, frankly, mathematically it didn't
15 make much sense to me yesterday, Ben is saying that
16 they can separate out the data to take challenges out
17 of it and just assess the impact based on data. I'm a
18 lot more comfortable with it. But I really just wanted
19 to say I appreciate the fact that people have come
20 forward with these proposals and are speaking in favor
21 of them.

22 Because unity really is important, and I

1 appreciate Michael Thom's comments on the record and
2 also Mr. Greendeer's this morning and Jason
3 Dollarhide's along those lines. Even if we aren't 100
4 percent in support of something, I think we have a
5 responsibility to try and support it to the extent that
6 we can so that we're all moving in the same direction.

7 And I feel that even though it's been really
8 lengthy, we really made some good progress with this.
9 I mean, Jack was agreeing. Rusty was agreeing. I
10 mean, that's not always something that you see when you
11 start talking --

12 (Laughter.)

13 MS. DIFUNTORUM: When you start talking about
14 parsing dollars, and you know, a lot of us are looking
15 at probably giving up dollars or maybe not gaining
16 dollars. And the fact that we're willing to have that
17 conversation and agree to that so that people aren't
18 negatively impacted is really encouraging to me.

19 So I just want to thank everybody for coming to
20 the table and having that conversation the last 2 days.

21 I think we're getting somewhere.

22 Thank you.

1 MS. BRYAN: Rusty?

2 MR. SOSSAMON: Thank you, Madam Chair.

3 Well, Sami, I'd like to say Jack and I always
4 agree. It's just sometimes we agree to disagree.

5 MS. BRYAN: Thank you. I'm feeling ready for a
6 vote. So, oh, Sam?

7 MR. OKAKOK: Thank you. I would like to offer a
8 friendly amendment or an addition, actually.

9 Looking at Number 1 down at the bottom,
10 recognition of actual tribal needs to include some of
11 the overcrowding issues that's inherent in that and
12 trying to figure out how to tie that in with some of
13 the data sources also in order to get a true count.

14 I believe that's where once the jab-jab-jab-punch
15 comes with the 90 percent, where it starts to become
16 more true, I think that'll be -- hopefully, that'll be
17 where many of the tribes will be able to have a true
18 count of their area. So I just want to include some of
19 these issues to make sure that they are in there. I'm
20 thinking just "semi-colon overcrowding issues."

21 Thank you.

22 MS. BRYAN: Thank you.

1 So we'll have approval by the author of the
2 friendly amendment, and then we've had three friendly
3 amendments. So according to what we agreed to
4 initially, we're ready for a vote, and we can re-
5 propose it and just start from, no, we vote this one
6 down and then keep talking about it. But let's stay on
7 task here, please.

8 Sami?

9 (Pause.)

10 MS. DIFUNTORUM: While I agree that overcrowding
11 is one of the areas we need to look at, I'm hesitant to
12 start maybe limiting the scope by trying to address
13 each one individually. So I would have to say maybe we
14 could put overcrowding somewhere besides recognition of
15 tribal needs. Because I'm going to feel inclined to
16 list every single tribal need that we can think of if
17 we start doing that, and it's not that I don't think
18 overcrowding is an issue. I do.

19 But I don't think it goes -- it goes with the
20 variables. Maybe some general language on variables
21 would be more appropriate. So that would be I don't
22 accept that, with the caveat that changing the language

1 to read something that recognizes variables.

2 MS. BRYAN: Okay. So what I'm going to have to
3 do, as your fearless leader, is call for a vote on
4 this. If we're not ready, we're not ready, and we'll
5 continue to amend it until we get it right. I think
6 we're getting really close, but can we go forward with
7 these three friendly amendments?

8 MR. SAWYERS: I think that Sam will agree that if
9 we -- all we're looking is the dataset now. So we're
10 not listing the variables. So, Sam, I think that
11 you'll agree that you want -- you want that in the
12 final process. But just in getting a dataset, we need
13 to just look at a general thing, and then we'll start
14 looking at the variables because that's a big deal.

15 And would you agree that we could take that off
16 and you'd feel -- I don't know if you'd feel great or
17 warm and fuzzy, but can you accept that?

18 MS. BRYAN: Sam? Thank you, Jack.

19 MR. OKAKOK: Yeah, what I was trying to do was
20 list it in addition with some of the data sources as
21 well as ACS because it is not really in there. And
22 it's not recognized, and that does make it very

1 difficult for me if it's not in the data source itself.

2 Of course, the variables and weights, you know,
3 that can be -- I guess it can just be set there. But
4 knowing that that portion of the population is not
5 being recognized, it is very, very difficult for me,
6 especially in the data sources. So --

7 MR. DOLLARHIDE: As a co-chair, Sam, I agree with
8 you, and I believe from my understanding of this
9 concept and I believe that everybody around this table
10 would agree, that overcrowding is an issue for
11 everybody. So I'm sure -- I can almost say -- I can't
12 speak for the group, but I can almost say it's positive
13 that I'm sure that will be looked at in great depth,
14 irregardless if it's in the proposal concept that we're
15 looking at now.

16 I could probably assume that everybody feels that
17 same way around the table that, you know, that's very
18 important for everybody also. Like Sami Jo, I would
19 have had an issue with it down on Number 1 because, for
20 me, it looks like recognition of actual tribal needs;
21 overcrowding, and that's the only issue that I'm
22 supposed to look at whenever we've got several other

1 variables and weights to also deal with, not only the
2 overcrowding issue.

3 MR. OKAKOK: Yeah, one of the things I'm coming
4 from when I speak on this is like the census itself,
5 it's supposed to have a true count, but it does not
6 have a true count. And a lot of the overcrowding
7 issues is just, they're not being counted, and being
8 transferred over to ACS, you know, with a sampling, it
9 may be even worse.

10 That's my major concern with that.

11 MR. DOLLARHIDE: Yes, sir. And I understand
12 fully. You know, I think that -- I think that I would
13 like to see a vote taken on this. I understand your
14 position also, Sam. I think whenever we actually get
15 in and start looking at those, the data sources
16 themselves is whenever we will -- when we will get into
17 those weights and factors such as overcrowding.

18 I think that, you know, as far as the ACS goes, I
19 agree with you, but I believe everybody else around the
20 table agrees also, and I'm pretty sure that it will not
21 be getting left out. And just like folks said, you
22 know, this is a great opportunity to get in there to

1 look at those data sources so that if we need to add or
2 delete, if possible, then, you know, this would be a
3 great opportunity to do that and to bring those -- all
4 of those issues to the forefront from all the committee
5 members, as well as all of our constituents back home.

6 MS. BRYAN: So also keeping in mind there's a lot
7 of cards in the queue here, this is a proposal concept.

8 My understanding that the needs workgroup wanted to
9 propose it to see if this group wanted them to use this
10 as a structure moving forward. So it's a concept.

11 If we're not ready to vote, we can just call on
12 everybody and keep talking all morning. That's fine,
13 too. So I'm going to call on Earl.

14 MR. SAWYERS: Are you calling for a vote? I am.

15 (Laughter.)

16 MR. EVANS: So was that an inference that I'm
17 going to keep talking all day?

18 MS. BRYAN: Yes, sir.

19 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
20 Tribe.

21 I just had a question. It says not to exceed 12
22 months. Is there any way this could be done by the

1 Denver meeting or, at the very least, done and
2 completed and reported at the Arizona meeting?

3 (Laughter.)

4 MR. EVANS: I'm just asking a question.

5 MS. HENRIQUEZ: I like the way you think, though.

6 MR. EVANS: So that's a no?

7 MS. BRYAN: Laughter is good medicine.

8 MR. EVANS: Okay. Well, I didn't -- I didn't
9 think Jack had very much to do between now and then.
10 So he could probably get it done.

11 MR. SAWYERS: I may not be here. You never know.

12 MS. BRYAN: Sandra, did your card go down? Thank
13 you.

14 Gary?

15 MR. COOPER: I agree with Jack that the
16 overcrowding is a variable that would have to be
17 considered as a variable part, but it's not necessarily
18 -- it doesn't necessarily fall into this.

19 If I remember correctly, and Ben might be able to
20 correct me if I'm wrong, but the ACS collected
21 information on was it around up to eight people plus in
22 a household, with birth dates and everything, and that

1 maybe one of the datasets that you all could collect
2 would be those individuals in the household that might
3 be over 18 so we could ascertain maybe overcrowding if
4 ACS was used or did come back as a data source.

5 That there may be some way to identify at least
6 maybe a little bit better than now overcrowding part of
7 it. But I don't know about that. That was just
8 something to throw out there. There may be another
9 data source that comes out of this study group that may
10 be able to better verify overcrowding.

11 And then I think the only other thing was, was the
12 title of this going to be Ben's volatility control
13 factor?

14 That's all I have. Thank you.

15 MS. BRYAN: No, Jack. Carol?

16 MS. GORE: Thank you.

17 I just want to build on your comment, Annette,
18 which is this is a concept, and the scope of the study,
19 the membership of the study has not yet been developed.

20 So I think the needs workgroup is looking for a go/no-
21 go from the committee to pursue this idea further.

22 So there is much more discussion to be had, Sam,

1 that would really collect some of the robust
2 conversations we had yesterday, including overcrowding.

3 I think that is an overall concern, and I know your
4 overcrowding issues better than many here.

5 So I just want to speak to the idea that your
6 issue would be considered, but this I don't think is
7 the proper format for that idea. So if you can wait
8 until if this gets approval, then we can get to a scope
9 of work, and that's when we would sort of consider what
10 other details should be part of that study group.

11 So I hope that's helpful, Sam.

12 Thank you.

13 MS. BRYAN: Thank you, Carol. Karin?

14 MS. FOSTER: I hear Sam's concerns, and I also
15 appreciate the fact that overcrowding is a variable.
16 But I do think that I've also heard Sam say that
17 achieving a true count should be something that's
18 included in that list. And I understand also that we
19 have already had a third amendment, which is the
20 overcrowding. I don't know quite procedurally how the
21 best way to handle this would be.

22 I would probably vote this down and then propose

1 that we add another element of achieving a true count.

2 I don't know if maybe Sam would modify his proposed
3 amendment or how that would work.

4 MS. BRYAN: I would say, given that, we should
5 take your proposal and just move forward and see if we
6 can get there from here. We're pretty close.

7 MS. FOSTER: I think it's a generic, and I think
8 that it captures that issue, and I don't necessarily
9 think it's up there, although it could be encompassed
10 in recognition of actual tribal needs. But achieving a
11 true count would be what I'd suggest we add.

12 That would be a Number 6 or somewhere in that
13 list.

14 MS. BRYAN: Thank you, Carol. Karin? I mean
15 thank you, Karin. Carol? Those are my aunties' names,
16 by the way.

17 MS. GORE: Thank you.

18 I want to make sure that I make my comments to
19 Karin's proposed amendment to something that we don't
20 yet have on the table. I don't think there is anything
21 that gives us a true count, and so I have problems with
22 that language, and I would vote against it because I

1 don't think it's possible.

2 And so, I want to make sure that we have the
3 opportunity to consider this proposal and not already
4 be thinking about a second proposal. I understand this
5 is a procedural item, but I want to be authentic in the
6 conversation, the good discussion that's happening
7 today.

8 Thank you.

9 MS. BRYAN: So with Karin's additional friendly
10 amendment, we would go back to the author to see if we
11 leave that language up there.

12 MS. DIFUNTORUM: Karin, can you share with me the
13 difference between Number 1 and Number 6, because they
14 are similar -- recognition of actual tribal needs would
15 include? I don't know true count, exactly what that
16 means. But I would think recognition of tribal needs
17 would include counts of AIAN, which I think is what
18 you're getting at?

19 MS. FOSTER: I appreciate Carol's comment that
20 achieving a true count in that it would be an exact and
21 precise count is a very difficult thing to do in
22 particular because we probably don't have enough money

1 to mount a whole new census. So I do appreciate that,
2 and I don't mean to disrupt the proposal by that.

3 Yes, I would like to see the count be as accurate
4 as possible to reflect the actual eligible recipients
5 of IHBG funds in each area. That is true. But I was
6 listening to Sam's proposal and his concern that those
7 folks in those overcrowded houses actually be counted.

8 And as I said in making my proposal, that could be
9 seen as encompassed in Number 1. But you know, if
10 there were a way to say that, I would like to be able
11 to say it. And I'd like to hear what Sam's comments
12 may be because he has his card up.

13 MS. BRYAN: Thank you, Karin. Let's just go right
14 to Sam for the purpose of closing this -- following
15 through on this thread.

16 MR. OKAKOK: Yeah, I actually like Karin's wording
17 on there in getting to the true count. It may be
18 better served up to where the data sources are in the
19 first paragraph. I'm not exactly sure where, but to
20 achieve a true count from the data sources.

21 Would you -- do you have any idea where the best
22 place to put that would be, Karin?

1 (Pause.)

2 MR. OKAKOK: End of the first sentence up there
3 maybe? After IHBG.

4 Yeah, I believe in the first sentence, that's a
5 really long sentence. IHBG, I think after IHBG, and
6 "for the purposes of achieving a true count" or leave
7 out "purposes," but "achieving a true count."

8 (Pause.)

9 MR. OKAKOK: Karin?

10 MS. BRYAN: So I'm going to ask Sami to --

11 MR. OKAKOK: A true count or --

12 MS. BRYAN: Oh, are you done?

13 MR. OKAKOK: -- more accurate count may be a
14 better word for it. Yeah.

15 MS. BRYAN: Thank you.

16 So I'm going to leave it to Sami to confirm or
17 deny, and then we probably need to take a break pretty
18 soon.

19 MS. DIFUNTORUM: Okay. What I don't want to do
20 with this document is make it so incredibly detailed.
21 This is a concept document. This isn't the actual
22 regulation. And from my perspective, I think we need

1 to quit adding stuff to it and move on at some point
2 because we aren't going to capture every nuance.

3 We're talking about studying data sources. We're
4 not talking about all the variables and all these other
5 things. Modified to be used as a data source for the
6 IHBG for achieving a -- I don't know if I would agree
7 with "a more accurate count," maybe "an accurate
8 count." I think I would be agreeable to that.

9 Take out "more" and then -- I mean, not to limit
10 the discussion or anything, but if we could contemplate
11 moving on. Karin, are you agreeable to that?

12 MS. FOSTER: I think that might have been Sam's
13 proposal. But --

14 MR. OKAKOK: Yes, that's good. Thanks.

15 MS. BRYAN: Does that mean that's the only thing
16 we're looking to do is achieve an accurate count?
17 Because that's how the sentence reads now.

18 MS. DIFUNTORUM: I would respectfully ask that you
19 withdraw your amendment because I'm seeing around the
20 table that this is going to be voted down if that's
21 included. So I would just suggest that you withdraw
22 it.

1 MR. OKAKOK: I think the word "for" can be taken
2 off, "including, but not limited to" -- something to
3 that fashion.

4 (Pause.)

5 MR. OKAKOK: Including, but not limited to.

6 (Pause.)

7 MS. BRYAN: We would like to call for a break at
8 this time. I know there's a lot of cards up, but it's
9 been a long morning. So if you still want to put your
10 cards up when we get back, we'll call on you after the
11 break.

12 Fifteen minutes, please. Thank you, guys.

13 (Recessed at 10:18 a.m.)

14 (Reconvened at 10:39 a.m.)

15 MS. BRYAN: Thank you all. We'll resume our
16 session now.

17 We had a question on the table for acceptance of
18 the "including, but not limited to achieving an
19 accurate count" language by the needs chair. And so,
20 the request was to withdraw the proposal. So I'm going
21 to go back to Sam.

22 MR. OKAKOK: Thank you, Madam Chair.

1 Yes, on this friendly amendment there to the
2 highlighted words, I will withdraw that, but I would
3 also like to see everybody on the committee be in the
4 workgroup also. I think that would be a really good
5 thing to do is have everybody's input on this
6 workgroup.

7 MR. SAWYERS: That death threat helped, didn't it?

8 (Laughter.)

9 MR. OKAKOK: You're not just old. You're big.

10 (Laughter.)

11 MS. BRYAN: Thank you. Karin?

12 MS. FOSTER: I would just like to restate what Sam
13 just said about wanting the opportunity for full
14 participation of those -- all of those on the committee
15 who wish to participate on the study group. I think
16 that if the feeling of the committee is that this type
17 of concern can be raised in that process, then I'm
18 comfortable with removing that amendment also, provided
19 that we do have the opportunity to participate.

20 MS. BRYAN: Thank you.

21 I would like to call for a vote of the proposed
22 concept before you.

1 All in favor?

2 (Voting.)

3 MS. BRYAN: Thank you. We have a -- we have a
4 proposed concept that has been passed.

5 Last night, there was some work that was going to
6 get done with -- moving right along, last night, there
7 was some work. I just wanted to clarify with the
8 workgroup chairs that when you make progress and we go
9 into full committee, we wanted to do that at the end of
10 this process so that we won't be going into full
11 committee, like the agenda says today, but rather going
12 back into the workgroups, and when the workgroups have
13 everything completed, at least for FCAS, that we come
14 back and at the last session, that's where we do our
15 negotiating.

16 Is that clear? Right?

17 MR. ADAMS: Yeah, Madam Co-Chair. Jason Adams,
18 Salish Kootenai.

19 That is the idea is that in past practice, we've
20 had that kind of a process where we finish all of the
21 workgroup work, bring a package of items to the table,
22 and if that's the last meeting or previous to the last

1 meeting, then we divvy up the time remaining by item so
2 that everything gets equal time.

3 Start the clock, start negotiating. So that's
4 what we'd hope to accomplish.

5 Thank you.

6 MS. BRYAN: Thank you.

7 So, with that, I would like to ask if there's any
8 other comments, and then I think we're ready to break
9 into our workgroups.

10 (No response.)

11 MS. BRYAN: You guys did great work today. This
12 was a huge accomplishment and really proud of this
13 group and honored to be a part of it.

14 Thank you.

15 We'll come back at -- please come back at 4:00
16 p.m. to reconvene. Thank you.

17 (Recessed at 10:43 a.m.)

18 (Reconvened at 3:07 p.m.)

19 MR. DOLLARHIDE: Good afternoon. We'll go ahead
20 and call this meeting back to order. Appreciate
21 everybody making it back in here.

22 We have called this meeting -- I believe I will

1 let Carol open this meeting up with a few comments.

2 MS. GORE: Thank you, Jason.

3 Let me begin by saying sometimes it's just the
4 good luck of timing, and I think you will agree with me
5 when I'm done that we're very lucky to all be here in
6 person. We're also fortunate that today we passed a
7 consensus-based agreement to explore data sources for
8 our IHBG formula.

9 The reason that Jason has been asked to pull the
10 committee together sooner is because there are very
11 strong rumors from congressional staff. Those rumors
12 have been heard by HUD. They've been heard by a
13 variety of us sitting at this table that there is
14 active lobbying today. Consider the luck of the
15 timing. Today, that they're advocating potentially to
16 eliminate or legislate the data source for our IHBG
17 formula.

18 We don't know how strong that rumor is, but we
19 also know that the THUD bill under which our own IHBG
20 formula is considered for appropriations is up for
21 consideration on Tuesday. So the active lobbying is
22 rightly timed, and I'm here to encourage us to go on

1 the record with the agreement that we demonstrated this
2 morning.

3 I want to say a couple of things that while we've
4 reached agreement today, we don't implement this rule
5 for likely 2, maybe even 3 years. It's a very slow
6 process. So as a committee and as tribes, we count on
7 HUD to honor the agreement that we've all made together
8 with HUD at this table. But Congress doesn't know
9 that.

10 So I'm going to articulate an action that I'm
11 hoping you will consider, but I also want to disclose
12 that I think when we take action, it should be taken
13 within a tribal caucus because this is very sensitive
14 for HUD, and it's really our issue. And they cannot
15 really get engaged in this issue. So I just want to
16 tee that up for consideration.

17 We have drafted a letter, and it's been circulated
18 to a number of folks here, attorneys, to take a look
19 at. We'd like to put it up on the screen once we're in
20 tribal caucus, invite your comment. It simply notifies
21 Congress that we have reached agreement to examine data
22 sources and request that they allow the negotiated

1 rulemaking process to continue on a tribal basis and a
2 government-to-government basis.

3 It is intended to be a letter that we could all
4 sign, that we could all distribute, and I believe the
5 urgency is now. It's so timely that we're here in
6 person and that we're not having to do a telephone tree
7 because that's what we would all be doing.

8 So, with that, I would call for a tribal caucus,
9 and then we can proceed with a conversation, and I
10 appreciate your consideration in letting me go on the
11 record for the purpose of your early convening this
12 afternoon.

13 Thank you.

14 MR. DOLLARHIDE: And how much time would you need
15 for this caucus, Carol?

16 MS. GORE: Frankly, I don't expect this to be
17 controversial. I would say 15 minutes. I could be
18 proven wrong, but you know, we've done our best in the
19 last few minutes to distribute that letter, and there
20 might be some wordsmithing, which I think we would all
21 welcome. Nobody has any pride of authorship here.

22 But I'm assuming in 15 minutes, this is just

1 simply reiterating our agreement by consensus this
2 morning and letting Congress know so that they don't
3 take action that really stops the negotiation.

4 Thank you.

5 MR. DOLLARHIDE: Karin?

6 MS. FOSTER: Yeah, I assume there's somebody in
7 each region who has a copy of this letter?

8 MS. GORE: Yes. We're going to put it up
9 electronically on the screen so everyone can see it.
10 So we can all edit it. But once we get into caucus
11 because I'm trying to protect HUD from this discussion.

12 MS. FOSTER: Right. Thank you.

13 MS. GORE: Yes, thank you.

14 MR. DOLLARHIDE: So we have been asked for a 15-
15 minute caucus. So we will, I guess, make our way
16 there.

17 MR. ADAMS: It's a tribal caucus.

18 MR. DOLLARHIDE: Okay, yes. So we're going to do
19 it right here.

20 MR. ADAMS: Here, yes.

21 (Recessed at 3:13 p.m.)

22 (Reconvened at 3:40 p.m.)

1 MR. DOLLARHIDE: Make aware there's no action
2 that's being coming out of the tribal caucus. Being
3 respectful of the 4:30 p.m. public comment, to try to
4 get as close to that time as we can, we're going to go
5 ahead and take about a short 15-minute break and start
6 at our 4:00 p.m. time that we had agreed upon
7 originally at the beginning of the day.

8 (Recessed at 3:40 p.m.)

9 (Reconvened at 4:02 p.m.)

10 MR. DOLLARHIDE: I'd like to welcome everybody
11 back. I want to -- it is 4:00 p.m.

12 What we will do is we'll go ahead and get the
13 update from our workgroups. I believe, Diana, you're
14 going to be giving the FCAS. And then Sami Jo will be
15 giving the needs update. Correct?

16 So I guess we can start with you, Diana.

17 MS. PHAIR: I'll do my best to read these notes
18 that was by FirstPic, and I'll skim over them. But
19 I'll do my best I can.

20 We got into session again for Item Number 6, which
21 was to put a time limitation on the grant expenditures.

22 This discussion was continued from yesterday

1 afternoon, and we had some updates from HUD on letting
2 us know that starting in 2012, Congress put a time
3 limitation on the availability of funds, not HUD.

4 Overall total time period for expending funds is
5 approximately 10 years. Previously, funds were
6 available until expended. There was a question that
7 was put on the table. Does the group want to put some
8 regulatory language in place?

9 Several FCAS workgroup members want the group to
10 take this opportunity to work together to address the
11 time limitation. One group member was from a bigger
12 tribe, thinks that their tribe needs 7 years to
13 complete a construction project. Other tribes tend to
14 need less time. So this was a big topic that went on
15 for several hours this afternoon.

16 The one FCAS workgroup member, there was part of
17 the group meeting was that maybe there was an ability
18 to set a direct appropriation aside for this particular
19 tribe because they're so large, and so that was
20 discussed at time, but then it would definitely need to
21 be a statutory amendment to NAHASDA to separate this
22 tribe.

1 Perhaps we should have the discussion at the full
2 Negotiated Rulemaking Committee. So that kind of went
3 on for a quite a bit this afternoon.

4 Then we got discussed into talking about the 2004
5 appropriation language, which was the \$650 million to
6 remain available until September 30, 2018. This means
7 that the money remains available to HUD to obligate
8 until the end of FY 2018. The language does include
9 that the grantee has 5 years from the expiration date
10 to expend the money.

11 In effect, the tribe would have until September
12 30, 2023, to expend the money. On October 1, 2023, the
13 money will be taken from LOCCS and returned to the
14 Treasury. The money is lost both to the tribe and to
15 HUD. Similar language has been in every appropriations
16 since 2012, and we can expect it to continue.

17 Appropriation language is strictly based on time.

18 In addition to this language, HUD has the authority to
19 terminate or adjust a grant based on performance if the
20 tribe doesn't spend money on eligible activities.

21 This workgroup, we could shorten the time limit
22 starting with 2012 appropriations, but not extend it.

1 There are several scenarios for how we capture funds or
2 distribute it. One is if we capture 2014 funds that
3 still have time left for appropriation, HUD could put
4 the money back into the formula. They would be
5 reallocated, and the grantee would have until 5 years
6 after September 30, 2018, to expend the money.

7 And number two, if it is after September 30, 2018,
8 HUD cannot reobligate the money, and it will be lost to
9 the program. The timeline isn't affected by when HUD
10 obligates the money. So this was discussed quite a
11 bit.

12 HUD explained how tribes know if when their
13 appropriation is time limited and what that time limit
14 is. The appropriation does not take into consideration
15 whether funds are invested or not. Funds will expire
16 even if they are invested. LOCCS are set up so it
17 automatically draws down the oldest money first.
18 Hopefully, this will prevent any tribe from having
19 unspent money that expires.

20 Currently, money that is recaptured as the result
21 of enforcement action gets rolled over into next year's
22 formula and distributed to all grantees. However,

1 expired money is lost to the program.

2 So the question was can this workgroup put
3 something together so that the money goes back to the
4 IHBG program rather than to the Treasury? However,
5 money would have to be recaptured within the 5-year
6 limit, or it would be lost. To be safe, recapture
7 money within 3 to 4 years.

8 So we struggled with this for quite a while, and I
9 think at the end of the discussion what we had asked is
10 for a TA -- TA request to determine the extent of
11 unexpended funds using LOCCS balances from January 1,
12 2014, or as close as possible, including a column
13 denoting the percentage the unexpected funds are of
14 tribes' allocation.

15 The request would identify whether a tribe is
16 approved as an investment tribe and, if possible, the
17 amount. And the working group will send the language
18 to the drafting committee with the Xs for the amount of
19 times and monetary amounts. It will revisit this issue
20 at the next Negotiated Rulemaking Committee.

21 So that is how we left that particular Item Number
22 6 was to base it off the TA request that we asked from

1 HUD.

2 And we briefly got into the second, Item Number 7,
3 which is the statutory Section 302(c) as pertaining to
4 the FCAS funding, not the overall funding. And we just
5 started talking about some factors for consideration.
6 A couple of the factors were currently under the IHBG
7 program, HUD does performance-based monitoring reports,
8 and they make about 50 monitoring trips each year.

9 They also do an annual risk assessment, but an
10 assessment of risk is not an assessment of performance.

11 This is because there are factors in the risk
12 assessment that are not under the control of the
13 grantee amount of money they receive.

14 Question of how to gauge administrative capacity
15 and whether they want to tie money to administrative
16 capacity, perhaps we do a one-time assessment of
17 administrative capacity, and tribe would get a bonus if
18 it passed. Another view from the group was that the
19 section focus on identifying tribes with challenges
20 rather than those that have administrative capacity,
21 and whether we should do something to help these
22 tribes.

1 The group discussed whether tribes with less
2 capacity should be rewarded. As stated above, the
3 other approach is to provide an incentive for tribes
4 that rise to the level of administrative capacity. And
5 we left at that and rejoined the group here at 3:00
6 p.m. So we're going to revisit this one next month in
7 Denver, and I think we have two more items after this
8 one to get to for the FCAS group.

9 MR. DOLLARHIDE: Thank you, Diana. Is there any
10 questions concerning the update out of FCAS?

11 Sami Jo?

12 MS. DIFUNTORUM: Hi. Sami Jo Difuntorum.

13 So it sounds like maybe the FCAS workgroup has
14 expanded beyond FCAS. Is that what I'm hearing? That
15 last part wasn't really related to current assisted
16 stock. It was more of an administrative capacity. Did
17 I understand that correctly?

18 MS. PHAIR: Yes, I think that's the one that we
19 struggled on at the end on where this one, why this one
20 remained here, and it overlapped into your guys' area.

21 And then the particular person that when this first
22 got put on there, we -- they weren't at the table

1 today. So that was kind of -- we were kind of going
2 back and forth and wanted to revisit your guys' group.

3 MR. DOLLARHIDE: Any other questions, comments for
4 FCAS?

5 (No response.)

6 MR. DOLLARHIDE: Seeing none, we'll move on to the
7 needs. Sami Jo?

8 MS. DIFUNTORUM: Good afternoon. Sami Jo
9 Difuntorum.

10 So when we left the session this morning and went
11 into the workgroup, we spent a bit of time talking
12 about the concept that was approved this morning and
13 what we're calling the volatility clause or section of
14 that and really trying to clarify how that would be
15 implemented and what the intent of the needs workgroup
16 was in terms of that.

17 I think there were a couple of different
18 perspectives on how that would actually be implemented
19 with the 90 percent I don't want to call it a hold
20 harmless. The volatility 90 percent, where you
21 wouldn't receive less than 90 percent of your needs
22 portion from the base year and the point that a new

1 dataset was implemented.

2 There was a lot of discussion about what the base
3 year was, what that meant. Was it 90-year or -- 90
4 years. It's been a long week. Ninety percent in
5 perpetuity. Some people felt that it maybe meant that,
6 and it didn't mean that. So there was some
7 clarification.

8 We broke for lunch. When we came back, pardon me,
9 the goal was to split into two groups. One was the
10 drafting group, and they would work on a regulation
11 around the concept and also with the hold harmless.
12 The HUD attorney had drafted quite a bit of language in
13 preparation for that. So we had a pretty good jumping
14 off point.

15 We're not close to having a rule yet, but we hope
16 to bring something back to the Denver meeting that will
17 be a proposed regulation to the workgroup and then to
18 the full committee.

19 On the study group, that was the other subgroup.
20 I wasn't actually in that workgroup. Ben Winter
21 facilitated the conversation, and I had stayed in there
22 for a few minutes. There wasn't a lot of people there.

1 I think we had Sam and David Greendeer from the
2 committee that were in that group, and maybe they can
3 provide a little bit more information.

4 But the point that I had went in and then left, it
5 was a similar conversation about implementation of the
6 90 percent and what that meant and what that would look
7 like. So that was it. That was quite a lot today.
8 I'm really proud of the work that we got done. I
9 wasn't sure we were going to get there during this
10 session. So I'm really pleased with that.

11 David, do you have anything, or Sam, that you want
12 to add about the study group from this afternoon?

13 MR. OKAKOK: Yeah, I think one of the items that
14 we were talking about was the composition of the group
15 itself and going through back and forth and trying to
16 get some of the inputs and find out exactly what we
17 wanted to -- wanted it to look like. And that would be
18 this committee and the public, and there was also
19 various forums.

20 I think Jack brought up some ideas about the
21 voting bloc of the committee, and so there was a lot of
22 discussion a little bit back and forth. But I thought

1 it was pretty good, and we got some people engaged in
2 it and more people involved.

3 MR. GREENDEER: I think the consensus when we left
4 here was that we all shared and exchanged names, emails
5 for who was on the committee, and that we would start
6 moving from identifying who will be part of this
7 committee, taking that discussion and then breaking out
8 the rest of the technical aspects of this and
9 forwarding on to the Denver meeting.

10 So --

11 MR. DOLLARHIDE: Any questions for Sami Jo or
12 David or Sam? Karin?

13 MS. FOSTER: Yes. Just in terms of who's going to
14 be on the committee, you're talking about the study
15 group? Yeah, I guess -- okay. No, I guess I'd just
16 like to reiterate what I said earlier that I think that
17 every member of the committee should be able to
18 participate on that group. And I think that, you know,
19 we are a large committee, but I think that the number
20 of people who will actually participate, you know, is
21 always smaller than the whole group.

22 So I think the study group should not be defined

1 to exclude anybody on the committee and, you know,
2 should not be defined as a small group.

3 MR. DOLLARHIDE: Thank you.

4 One concern I had, you know, obviously, and I've
5 expressed it this morning, express it again is the cost
6 of the -- the cost. I don't know if -- I don't think
7 really anything got settled. I believe there will
8 probably be a lot more discussion at the next meeting
9 concerning that.

10 I don't know if HUD will put their great minds
11 together between now and then and maybe have some
12 recommendations for the group on how we might be able
13 to proceed with that because definitely I think that --
14 you know, I think the consensus was that, you know,
15 that HUD also needed to be involved in that, that
16 conversation.

17 So I look forward to that discussion in Denver and
18 to see if there is something that HUD can help out or
19 if this is going to be tribally funded.

20 Sandra?

21 MS. HENRIQUEZ: So I will say that HUD will look
22 at its options for funding. As I expressed earlier

1 today, we've got issues around when the budget
2 appropriation happens. If the language is there that
3 lets us allow the use of the money, there's a bunch of
4 issues like that.

5 I would also like to suggest what might be helpful
6 that I'd like you all to think about is whether or not
7 the study group is a committee -- a study group is a
8 committee of the whole, so that the steering committee
9 members at a minimum are from the basis of the
10 committee plus others who might want to participate. I
11 know it could be unwieldy. But the thought for me
12 there is if that's the case, then some issues around
13 funding become easier for us if we have the budget for
14 the members of the steering committee.

15 We cannot fund members of the study committee
16 unless they are steering committee because they are
17 part of negotiated rulemaking, unless there is a
18 legislative change. Without the legislative change, we
19 know we could go forward if this Negotiated Rulemaking
20 Committee continues to operate on and may decide that
21 it needs to recess after its August meeting and then
22 reconvene once the dollars in the 2015 budget are

1 appropriated and allocated, and then we could go from
2 there and try and figure out what else to do.

3 But I would also ask that you all think about two
4 other options. One, if there are philanthropic
5 organizations who would support the work of the study
6 group, number one. And number two, that you might want
7 to think about self-assessment, charging each tribe
8 some proportionate amount of money, particularly to
9 provide technical assistance to yourselves and to
10 secure that under as a vendor who operates with you all
11 directly.

12 So just food for thought. Maybe there might be
13 something else. Jad's over my shoulder.

14 Can I just ask if he -- do you want to sit down?

15 MR. ATALLAH: Jad Atallah, with the Office of
16 General Counsel.

17 I just want to make one point since we're talking
18 about the study group and something for the committee
19 just to keep in mind. It's mainly about timing, and I
20 just want the committee to be aware that right now kind
21 of the set-up that we have and the thing that the
22 committee agreed to this morning anticipates some

1 changes in fiscal year 2018 that will require
2 regulatory changes in order to implement, mainly the 90
3 percent proposal that we addressed this morning.

4 So in terms of figuring out when this 1-year
5 period starts running for the study group and when the
6 study group comes back and gives the committee
7 recommendations, just keep the timing that's involved
8 in mind because we need to get a rule going probably in
9 2015 at the latest in order to allow for about a 2-year
10 rulemaking period to get a final rule in effect before
11 fiscal year 2018, where we'll need those regs in order
12 to implement what you guys wanted to do this morning.

13 So, so the sooner this could be done, the better.

14 I would suggest that the 1-year period starts running
15 pretty soon, rather than waiting several months before
16 you start having that 1-year period run because we have
17 to do some rulemaking in order to do what you guys want
18 to do this morning, and it has to be in place and in
19 effect before 20 -- well before 2018.

20 MS. HENRIQUEZ: Thank you, Jad.

21 MR. DOLLARHIDE: Earl Evans?

22 MR. EVANS: Thank you for recognizing me, Mr. Co-

1 Chairman.

2 Echoing some of the same sentiment as Jad, I still
3 propose that even if -- I would hate to see us put
4 everything else on hiatus waiting for this study. So I
5 partially agree with what he said, but I would add
6 this.

7 I think that we should still go ahead and proceed
8 as if we're going to -- we're going to keep what is. I
9 don't want us to wait on this study and say, you know,
10 we're not going to touch any other formula items until
11 this study is done. I think we should still keep
12 negotiating on other elements concerning Subpart D and
13 get all of those things done and get a rule on that.

14 And then when the study is done and after we've
15 been on hiatus, then we come back and just make some
16 more changes based on that study, if we need to. That
17 would be my recommendation. I don't think we should in
18 any way hold up or hinder ourselves from making changes
19 or modifications on what we already have while the
20 study is going on in process.

21 Thank you, Mr. Co-Chairman.

22 MR. DOLLARHIDE: Carol?

1 MS. GORE: I just want to respond to Earl. I
2 think there are plenty of items the needs workgroup can
3 talk about related to Subpart D on the needs side. But
4 one thing we cannot get into is the factors and weights
5 until we actually have a data source from which to work
6 because a number of committee members here expressed a
7 desire to have data runs before they actually make
8 decisions.

9 So I just want to be clear that there is work to
10 do, but we do have limitations without a data source.

11 Thank you.

12 MR. DOLLARHIDE: Any other comments? One comment
13 I would make, and this might be for Sami Jo. I know
14 that she's brought it up a few times is overlapping
15 formula areas.

16 I believe that previously we've kind of thrown
17 around the idea having that at the next meeting. Do
18 you still foresee that taking place?

19 MS. DIFUNTORUM: Thank you. Yes, we submitted a
20 TA request to have a presentation on overlapping
21 formula areas.

22 Because it is, in part, driven by data sources, it

1 is going to be difficult to probably negotiate some of
2 it. But I think we can at least have a conversation,
3 and everybody can have a mutual understanding of how
4 the overlap works and how funds are distributed within
5 an overlapping area, and we'll see where it goes from
6 there.

7 MR. DOLLARHIDE: All righty. Thank you.

8 We now come to the part on the agenda where it is
9 4:24 p.m., public comment. So it's supposed to take
10 place at 4:30 p.m. If we would like, we can go ahead
11 and talk about logistics for the next meeting and then
12 go into our public comments?

13 Okay. Sara?

14 MS. FIALA: Good afternoon, everybody. I'm just
15 going to go over some of the logistics for some
16 upcoming, the next two upcoming meetings, and a little
17 bit just of a recap for the Web sites.

18 So, as I think almost everybody knows, IHBG
19 rulemaking at FirstPic.org is the Web site for these
20 sessions and has a bunch of information on it. The
21 next session is July 29th through 31st in Denver. It's
22 at the Sheraton Downtown Denver.

1 And for those of you who would like to make hotel
2 reservations, if you go to the sessions information,
3 you can drop down to Session 5, and you'll see all the
4 information, logistics information for the hotel,
5 including how to make your hotel reservations.

6 This information is for the general public. For
7 the committee members, you were sent an email, which
8 was combined with this session's Scottsdale
9 information, on how to book your rooms. It did have a
10 personal confirmation number on there. The format is
11 the same. You were going to call the Sheraton, give
12 them your confirmation number, confirm your dates of
13 checking in and checking out, and give them a credit
14 card number.

15 If you have any problems with that, please feel
16 free to call me and let me know, and I will work with
17 the hotel directly. But they should be taking your
18 credit card information to confirm your reservation.

19 If, for some reason, you need that confirmation
20 code again, please let me know, and I'm happy to resend
21 it back out to you. Or if you'd just like me to resend
22 it back out no matter what, just let me know, and I can

1 send it to everyone.

2 You go down to Session 6, that information is
3 coming. I figured we could do this meeting and the
4 next meeting first. But as soon as I get back next
5 week, I will post up information on the August. That
6 is back in Scottsdale, but we are down the street at
7 the DoubleTree.

8 So if you just go, I don't even know, quarter of a
9 mile down the road, on the left-hand side is the
10 DoubleTree, and that's where the next meeting will be
11 held.

12 Just some other really quick recap, a lot of the
13 information. I know people are anxiously awaiting
14 responses to TA requests. Under "documents, TA
15 requests," you will a running list of all of the TA
16 that has been requested to date. Everything in this, I
17 don't know what color that is, red/orange is a
18 hyperlink.

19 So, for example, if you click on "request form,"
20 it's going to pull up the request form that Sharon had
21 submitted. And as well as if you click on the links,
22 you can see the actual request, and you can download

1 those as well.

2 There's also information if you go under
3 "workgroups," the products that were developed from
4 this workgroup -- oops -- will make it up there when we
5 get back on Monday. We'll be adding to this list of
6 documents. So if you're looking for a document that
7 was developed in either the FCAS or the needs
8 workgroup, those will be posted up as well.

9 If you just click on this "general documents" tab,
10 you will see that there is a Web site document library
11 that has the name of the -- open it really quick -- the
12 document number, the date that it was posted, an
13 explanation, and the hyperlink.

14 So if you just want a quick way of figuring out
15 what was posted recently, the document library is a
16 great resource. And that way, you don't have to click
17 on every single tab and figure out which was posted up
18 recently.

19 So I think also in terms of expense vouchers,
20 that's done through Keith Giarrusso. So I'm sure he'll
21 be looking for those, and I believe you have to submit
22 your voucher or your expenses for this trip before you

1 can book travel for the next trip? Yes.

2 So I'm sure he would ask me to -- a friendly
3 reminder to submit that information to him. But, as
4 always, if you have any questions, you can feel free to
5 contact me. My information is up on the site, and I
6 think most everybody has it here as well.

7 So thank you.

8 MR. DOLLARHIDE: Thank you, Sara.

9 We've come to the part in the agenda, it is 4:30
10 p.m. So we will go ahead and ask for public comments.

11 If there is any public comments, please come to the
12 mike.

13 (Pause.)

14 MR. KAZAMA: I just want to say to Sandra
15 Henriquez, Assistant Secretary, thank you so much for
16 your participation through this entire process. This,
17 I understand, might be your last time with this group.

18 You have been wonderful working with us. We've
19 come a long ways together over the years, and just the
20 way you've been just so forthright in dealing with this
21 group, and I can't just see you ride off into the
22 sunset like that.

1 I have to say thank you so much for your hard
2 work, for your staff, and bringing them to the table,
3 for your honesty, and I just wanted to tell you that I
4 really appreciate what you've done for us.

5 Thank you.

6 (Applause.)

7 MR. DOLLARHIDE: Any other comments?

8 MS. HENRIQUEZ: I do have one.

9 MR. DOLLARHIDE: Sandra?

10 MS. HENRIQUEZ: First, thank you for the kind
11 words, Blake. And thank you to all of you who have
12 both made comments to me, sent me letters, emails.
13 I've printed them all out, and I've stashed them in a
14 little folder that I will take home with me. I have a
15 box of HUD mementos, and they will be prominently
16 placed in that box.

17 I also want to thank you for the wonderful set of
18 presents I haven't yet seen and haven't gotten yet from
19 the reception on Wednesday evening. I've already
20 figured out where everything is going to go in my
21 house. So thank you very much. You're very, very
22 generous, and I will remember you all and take these

1 experiences with me.

2 This has been -- this particular session, I think
3 both the -- for me personally, the most frustrating and
4 yet the most rewarding. I think that after Wednesday
5 afternoon, I didn't think we would be where we are this
6 afternoon. And so, to everybody at the table and those
7 who have left us, who've gone home early, to your
8 advisers, to the members of the public that
9 participated in the workgroups, you've done a lot of
10 good work these last 3 days.

11 Thank you.

12 And Blake, you mentioned the HUD staff. You've
13 heard me say before, like all of you, they really
14 embraced me in a way that I didn't expect, in a way
15 that they did not have to do. They are incredible
16 public stewards.

17 More importantly, whether you want to admit it or
18 not, they are phenomenal champions for each of the 566
19 tribes in this land. They live it. They breathe it.
20 They walk the walk. They talk the talk. And it has
21 been my distinct honor and privilege to work with them
22 as well.

1 And with HUD staff, folks from PD&R like Ben and
2 Todd, it has just been a treasured time in my life.
3 And so, I will not be with you in Denver and moving
4 forward, not physically. But I'll keep tabs. I'll
5 want to hear, and you know, I hope someone will call me
6 and fill me in. Not that I can do anything about it,
7 but I'm sort of nosy like that, and I'd like to know
8 how you all are getting on.

9 Shared vision, shared goals and outcomes, all
10 about making it better for the people we all serve.
11 Thank you, and God bless each and every one of you.

12 Thank you.

13 MR. DOLLARHIDE: Thank you, Sandra.

14 Now I believe that it comes to the part in the
15 agenda for the selection of the co-chairs. As you
16 know, me and Annette have done it the last two
17 meetings. If it's the wishes of this committee, we'll
18 continue that. If it's not, then we can elect two
19 other folks, which wouldn't upset me either.

20 So I'll let the committee to make that decision
21 and go from there.

22 I apologize, Earl, I missed you a while ago. Earl

1 Evans needs to be recognized.

2 MR. EVANS: That's all right.

3 MR. DOLLARHIDE: He won't be telling me thank you
4 no more.

5 (Laughter.)

6 MR. EVANS: That's all right. Thank you, Mr. Co-
7 Chairman.

8 First thing is I echo Blake Kazama's sentiment. I
9 just want to thank the Assistant Secretary for all her
10 good work, her staff as well, because we know that
11 without them having your support, they couldn't do what
12 they do so well.

13 And I also want to go ahead and give an advance
14 thank you for what you're going to do your last week
15 with authorizing a move of the August meeting to Alaska
16 in August instead of Phoenix. So thank you so much for
17 that. Let me thank you.

18 (Laughter.)

19 MR. EVANS: So let me thank you for that because
20 that will certainly be a better climate for August.

21 But in terms of the co-chairmen, Mr. Co-Chairman,
22 if I'm in order, I move that we keep status quo in

1 terms of co-chairs.

2 (Voting.)

3 MR. DOLLARHIDE: That's no problem, Jack.

4 Seeing no objections, status quo will remain.

5 So I believe -- I believe that we are on -- if
6 there is no more wishes of this committee, any more
7 questions, concerns, comments?

8 (No response.)

9 MR. DOLLARHIDE: We will go ahead. I have asked
10 Blake to give our closing prayer, and we will dismiss
11 this meeting until Denver.

12 MR. KAZAMA: Father, throughout the sessions this
13 week, you have guided and directed our thoughts and our
14 hearts. It's interesting, Father, to hear of the
15 different reflections of individuals regarding the
16 people that we represent. Many of them are in
17 overcrowded situations.

18 Even as we meet today, we know that many suffer.
19 There are many who are still waiting for houses.

20 So I just, Father, want to encourage you to guide
21 and direct our paths. If it involves more finances,
22 Father, that we ask for that. And Father, but more

1 important that we never forget that the vision that we
2 have in our minds and in our hearts are the people in
3 poverty, the people that we are here to serve.

4 And Father, cause that to be an urgency for each
5 one of us to help, to help the youngest, our elders,
6 that their lives might be a better place, a better
7 lifestyle, a more rewarding way of life.

8 Thank you, Father, for just assembling us. I know
9 some of us have a long journey home. But it was good,
10 Father, that we came.

11 Thank you so much for enabling that to happen, for
12 enabling us to meet, and so, Father, until we meet
13 again, that you guide and direct our paths that we can
14 do so in Denver.

15 So I ask, Father, that you guide or you direct a
16 safe passage home for each one of us.

17 Prayed in your precious name, amen.

18 (Whereupon, at 4:38 p.m., the meeting was
19 adjourned.)

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