

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

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- 3 JASON DOLLARHIDE, Co-Chair
- 4 SHARON VOGEL
- 5 JACK SAWYERS
- 6 JOHN STEELE
- 7 GARY COOPER
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- 18 TERI NUTTER
- 19 ROBERT SUPER
- 20 ROBERTA ROBERTS
- 21 CHRISTINA LEWIS
- 22 WAYNE SIMMS

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

2 MS. BRYAN: Good morning, everyone. Looks like
3 we're assembling around the table, and the audience is
4 getting settled.

5 I hope you all had a chance to enjoy Mother
6 Nature's beautiful show last night. It was amazing.
7 And as a result of that, the internet is down. The
8 hotel is working to restore it. So we'll get your
9 undivided attention this morning.

10 We would like to welcome you back to Day Two of
11 Session Seven of the Indian Housing Block Grand Formula
12 Negotiated Rulemaking Committee.

13 We would like to start our morning with a prayer,
14 opening prayer, and I've asked Sharon Vogel to give
15 that for us.

16 MS. VOGEL: (Opening prayer).

17 MS. BRYAN: This morning, I would like to just
18 acknowledge that there's tribal leaders in the room,
19 and that there will be tribal leaders in and out
20 throughout our process. And we know they have busy
21 schedules, and they travel far to come here.

22 So if you guys could just please stand, if you're

1 in the audience, so we can acknowledge you.

2 (Applause).

3 MS. BRYAN: We know that your time is valuable,
4 and we really appreciate you coming here to stand
5 behind us and with us and for us.

6 Jack?

7 MR. SAWYERS: With that in mind, I would like to
8 take the opportunity to introduce John Steele, the
9 President of Oglala Sioux.

10 I went to Pine Ridge last year. I saw the
11 conditions. I saw about five houses. Every one of
12 them had more than 15 people in a three-bedroom home.
13 I cried. Then I went home, told my tribe about it, and
14 they said, "That's really too bad, but I've got a piece
15 of carpet that needs to be taken care of in my house."
16 That's the kind of reception we get.

17 So I would like to, with your indulgence,
18 introduce President Steele. He's a politician. I told
19 him he could take 5 minutes, he said give me 10.

20 So with that in mind, President.

21 MR. STEELE: Thank you very much. It's an honor
22 for me to address you. The issue that you're talking

1 about, I see is according to the legislation to try and
2 appropriate monies to the different tribes, fairly, I
3 say.

4 I was President in the past. My name is John
5 Yellow Bird Steele. I'm from the Pine Ridge Indian
6 Reservation in South Dakota.

7 We have 3 million acres of land. And we have our
8 borders up. The state police cannot come onto my
9 reservation to do any kind of business. I will have
10 them arrested. Only tribal law applies to our 3
11 million acres. Yes, we have some fee patent lands on
12 reservation, but the state acknowledges that they are
13 under our jurisdiction. We have no other emergency
14 vehicles to attend to our people. We are the only ones
15 responsible for that.

16 And I'm trying to be very quick here. I've had
17 two visits from FEMA so far assessing house damages
18 from the storms. I've had great big sections of my
19 roads washed out. And just the other day, last Friday
20 about 4:00, President Obama signed a declaration of a
21 disaster area, specifically for Pine Ridge.

22 FEMA has been in there earlier this week. They're

1 coming back in tomorrow. We gave them room to have an
2 office right there on the reservation. And these are
3 only to fix the damaged homes from the storms. It's
4 not talking about our need for new homes. That's why
5 I'm here with you. That's why I need to get back to
6 meet with FEMA here next week.

7 This week, I had Kathy Ferguson, very high level
8 White House, at Pine Ridge, and I missed her visit.
9 She came down to look at our whole overall finance
10 system in the tribe, and she has proposed that we
11 gather all federal funding sources going to Pine Ridge,
12 to the tribe and to other entities, to offer us
13 technical assistance on how to best utilize all the
14 federal funds there and to set priorities, and I
15 welcome that.

16 Every area they are going to see is going to be a
17 priority with us. I put together a package of what I
18 call the state of the reservation or the state of the
19 people. And this has -- US Census comes out every so
20 few months with their data, and we are, once again, the
21 poorest per capita income in the United States.

22 As I said, President Obama designated us a promise

1 zone. What is that? That's not giving us anything,
2 but it's offering us a little advantage in grant
3 proposals and whatnot. But why did he do it? Because
4 we are one of the eight most destitute areas
5 economically in the whole United States.

6 And the people have problems with enough food.
7 The people have problems in getting -- we're rural, we
8 got distances to travel. The roads have been either
9 washed out with deep ruts in them, or silted in, if
10 they're lower roads. And so it's very hard to get the
11 people, everyday lives affected.

12 We live in overcrowding that is so bad. And we've
13 had a rash of suicides. I've had two in this last week
14 and another attempt while they were addressing one
15 completed suicide, and they had to leave to go see the
16 other one. But I attribute those to the overall
17 environment.

18 It's the lack of health care, and nobody's caring.
19 People talk about that. It's the educations levels
20 being the lowest in the United States, according to a
21 GAO report last fall. It's a fact of their living
22 conditions.

1 I had a little 12-year old complete suicide, and I
2 attributed that to her living conditions in a used
3 trailer home that a portion of it had to be plasticed
4 off because of the mold in there, and she has no space
5 to even sleep. I need homes.

6 Your job here is very concerning to me. Like I
7 say, I was President last time Mr. Iron Cloud was on
8 the Negotiated Rulemaking Committee, and we lost monies
9 and housing. I've got a map here right now that shows
10 the impacted areas if you go with the survey group that
11 you are now and how this is going to affect me in
12 housing, which is so vital in all aspects of the
13 peoples' lives.

14 We have a treaty with the United States
15 government, and I stand up and I jump up and down and
16 holler to get them to recognize their treaty
17 responsibilities. I find no federal official talking
18 treaty. They all get up and say trust, responsibility,
19 trust responsibility. I say, you're forgetting about
20 that legal treaty obligation.

21 And I remind them, back in 1980, the United States
22 Supreme Court says, in their words, the most ripe and

1 rank case in the history of the United States, the
2 illegal taking of the sacred Black Hills.

3 And so this loss of funds and housing, as you
4 know, also affects other federal departments. My roads
5 are washed out, silted in, rutted out. And this
6 affects transportation funds. And I'm going to lose
7 monies big time in transportation with your decision on
8 this Rulemaking Committee.

9 And I'm sorry I got involved so late in the game
10 on your Seventh Session. I understand that you have
11 well-intended, gotten experts, and did your best to try
12 and be fair. But in looking at this map, I don't think
13 that it is being fair to us large land based tribes.

14 And once again, I say, all of these
15 responsibilities, I don't have enough police officers.
16 I don't have enough clerks of courts or judges. And
17 we've got complete full responsibility in that area.
18 In the area of emergency vehicles, I have no other
19 jurisdictions emergency vehicles on reservation, just
20 the few that we have to try and get out to homes to
21 take care of an epidemic in cancer, dialysis, and
22 diabetes, just not giving them medical care, they don't

1 care.

2 It's a responsibility, ladies and gentlemen, that
3 is weighing so hard on us. And I know my time is
4 running out, but I implore you, and I know you're well
5 intended, tried to do a job here, but it's going to
6 hurt the overall Sioux tribe. And not only me, our
7 sister tribes, the other Sioux tribes, Rosebud,
8 Cheyenne River, Standing Rock, Spirit Lake. I can name
9 you all the tribes. And we've got a large portion of
10 our nation up in Canada also.

11 But this is going to impact us all so negatively,
12 your work. And I remember back -- I've been involved
13 quite a number of years, back in the 70s, we control
14 NCI, and I tell you right now, that we don't control it
15 now. And just last week, I sat down with Ms. Jackie
16 Johnson and told her that I need to meet with her on
17 her strategies and what she's addressing and how she's
18 addressing them. They're missing out on all of our
19 issues and how we want them addressed.

20 I am not asking for any kinds of favoritism. I
21 was asking for fairness. I also met with TIBC, the
22 tribal budgeting committee of BIA last week. And I

1 told Mr. Ron Allen, "Hey, you know Secretary Washburn
2 is doing one excellent job in standing up for our
3 rights."

4 And in this recognition of new federally
5 recognized tribes, we have some racist legislators,
6 some Senators, and what they are proposing is a
7 terminations of a lot of tribes. And back in the 70s,
8 I was telling you, we all met, and we promoted getting
9 newer tribes recognized and it getting Indian world
10 together, because that's where we saw that we could
11 possibly make an affect with bigger political clout in
12 Washington.

13 And we did get some political clout in Washington,
14 I'm telling you, with us together. But it seems like
15 these newer tribes in California, the villages up in
16 Alaska, don't recognize how history went and what we
17 tried in the past. And it seems like they are trying
18 to take the monies like the white man thinks, and it's
19 breaking up Indian world as I see it.

20 And I told Mr. Ron Allen, I just met with COLT a
21 couple of days again, and this was just last week, that
22 we are ambivalent on how are we going to stand in this,

1 because you do have some tribes supporting these racist
2 Senators in terminating these tribes that have been
3 federally recognized since 1976.

4 And I saw, we don't have too much to worry about,
5 because we've always been there. We've got large land
6 bases. We've got treaties. And it concerns you. When
7 you don't act with fairness, this really concerns us.
8 I don't want to go and support somebody to do
9 legislation to terminate tribes. But then I think
10 again of the people back home that I represent and how
11 can I get them a little better life.

12 And so we really don't know which direction we're
13 going to support, whether to terminate the tribes or
14 not. This was what I told Mr. Allen, because his tribe
15 was federally recognized in 1983. All we're asking for
16 is fairness.

17 And right now, before your Negotiated Rulemaking
18 Committee, we disagree with that entity that you have
19 selected to do the gathering of the population figures.
20 And we would like to propose that give us a little
21 time, and let us try and come up with it.

22 I would like to also tell you that you, I guess,

1 are concerned in this Negotiated Rulemaking Committee,
2 about allocating funds based upon race as an appearance
3 of how you're going to gather this population data.

4 I'd like to tell you that my relationship with the
5 United States government is by treaty. It is a
6 political relationship.

7 We are an independent sovereign entity. We have
8 complete jurisdiction. And this treaty, when they
9 killed off all the buffalo on the plains, they started
10 to give us rations, and we're continuing today to have
11 USA give us rations. They call it surplus commodities.
12 But they forgot about the hides of the buffalo that we
13 constructed our homes with, and we had no more of
14 those.

15 So we have only to look to HUD. And so this is
16 very important to me, as I say, in HUD, to try and help
17 our people with homes, but you also affect other
18 federal entities such as transportation and other
19 federal entities are looking to you to do the job
20 right, to be fair, and to see that everybody gets a
21 fair amount of what Congress has appropriated.

22 We politically work on Congress to get that

1 appropriation larger. But then it comes down to, like
2 yourself on the Negotiated Rulemaking Committee, to be
3 fair, and that's what we're looking for.

4 I will also tell you that your decision here at
5 this meeting, if it is something that I think is going
6 to be detrimental to my people and is not fair, I will
7 pursue it with the White House, where I have contacts
8 right now, with Ms. Munoz, who is head of all domestic
9 policy in the whole United States, non-Indian and
10 Indian, she's very, very, very, very high, and with our
11 political people.

12 I understand Senator Thune is very interested in
13 also your decision. I will sit down with him. He
14 wanted to meet me Wednesday, and I had declined the
15 Senator's visit with me Wednesday to come down to visit
16 with yourselves.

17 And so my time is up, I probably think. I thank
18 you for your attention. I could stand up here and tell
19 you more and more and more, not only on the history and
20 other effects. I'm filing an injunction against IHS as
21 we sit here today, because we got poor pitiful health
22 care out in Pine Ridge.

1 People don't care about those people that are
2 sick. And they are trying to take our third-party
3 billing money to pay off a settlement with the Unions.
4 I will not let them take the monies collected at our
5 facilities on third-party billings. But this happens
6 to us, and I don't like it, and it takes my time.

7 But I thank you for your attention and giving me
8 this time to address you. Thank you.

9 (Applause).

10 MS. BRYAN: Thank you, President Steele.

11 That just reminds us how important our work is
12 here and thanking HUD and the committee members for all
13 of the hard work that we've done to date and all of the
14 negotiating that we are able to do, and I know each of
15 us comes here with a good heart to do good work. It's
16 also a reminder of an example of one tribe among over
17 500 tribes, that each have unique and devastating
18 conditions where they live and how difficult this work
19 is because of those conditions.

20 So with that, let's get started on this difficult
21 work.

22 This morning, we would like to start off where we

1 left off last night. And I'm going to have Gary
2 introduce Todd again and describe what we're doing now,
3 so with the chair of the needs work group, data study
4 group.

5 MR. COOPER: I'm here.

6 MS. BRYAN: He's ready. He's on deck.

7 MR. COOPER: I was looking everywhere except for
8 where Todd was.

9 Continuing from where we left off yesterday, as
10 part of the report, Todd has done some data simulation
11 runs based on several different factors, so I'll just
12 go ahead and turn the meeting this morning back over to
13 Todd, so he can go through that, and I think there's
14 also probably some handouts that'll be coming around
15 here in a few moments.

16 MR. RICHARDSON: Okay. So I'm going to start off
17 with a quiz from what I presented yesterday, see who
18 was paying attention. How many nominated sources were
19 there? No, just kidding.

20 So the item I want to talk a bit about today, we
21 did a number of runs of the different various options
22 that the study group discussed, including the run that

1 would be the recommended Option 1, which was, as a
2 reminder, saying that, on the AIAN variable, the first
3 of the seven variables on the needs side, that a tribe
4 would get the greater of their Census 2010 count, their
5 ACS count, or their challenge count, and that challenge
6 data would be retained for 10 years once implementation
7 began.

8 So the other options that we're going to discuss
9 today are the options that were the non-consensus items
10 under non-consensus item number three from my
11 presentation yesterday and from the study group report.
12 And I'll go through each of those different options.

13 So the starting point -- I had a pointer here.
14 Hold on. So all of these options are going to use, for
15 person count, this same thing, which is the highest
16 count, either Census 2010, the American Community
17 Survey, and we're currently using the American
18 Community Survey from 2010, but that we would update
19 that as new ACS data came in, or tribal census
20 challenge data, and this is the data that has been aged
21 up to this point, up to 2016, but it would stop aging
22 at point of implementation, so you would get whatever

1 your frozen population count is. So that's Option 1's
2 person count.

3 And that also applies for Option 2A, Option 2B,
4 and Option 4, which we're going to discuss today in a
5 second.

6 By the way, you may find it odd that we have four
7 options, but we don't have an Option 3. So we had
8 discussed an Option 3 and then rejected it, because the
9 data weren't available. But in the process of
10 developing Option 2, I made a mistake, and we ran
11 Option 2A, which is not what the group asked for, and
12 then when I understood what the group wanted, we ran
13 Option 2B. But because we ran them both, we're giving
14 you them both. So that's sort of a little history
15 there on that.

16 So that's the same across the board here. So we
17 have two sets of runs here, one without volatility
18 control and one with volatility control. So volatility
19 control, as you may recall, was agreed to consensus
20 that whatever data is applied, that a tribe is
21 guaranteed that its needs allocation is at least 90
22 percent of what it would have been had no new data

1 source been introduced. So that is what the volatility
2 control is.

3 And for all of the options run with volatility
4 control, that applies for all of the options. We ran
5 it with both, though, because volatility control is a
6 step down process. Each year, you'll go down a little
7 bit, so we're basically showing you what is your year
8 one allocation with volatility control, and then the
9 other runs show after the volatility control would have
10 run out over ten years, where the end point is. So
11 those are the two sets of runs have.

12 Now, for the other option, this is where things
13 get a little bit more complicated. This is where the
14 different options are. And really, these options are
15 about what to do about the other six needs variables.
16 Now, these are the variables that represent 89 percent
17 of the funds on the needs side are allocated under the
18 six other needs variables.

19 So one of the proposals, one of the non-consensus
20 proposals, which we call Option 1 here, was to continue
21 to use the data that you're currently using, which is
22 the Census 2000 data or their census challenge data

1 aged using the Indian Health Service data. So that
2 would be Option 1.

3 Option 2A would, for those six variables,
4 introduce the American Community Survey data and apply
5 an adjustment that, if the Census 2010 person count for
6 Native Americans was greater than the ACS person count
7 for Native Americans, increase all of the needs
8 variables proportion to that ratio. So if your Census
9 2010 count was 10 percent above your ACS count, we
10 would increase all the needs variables by 10 percent.

11 Option 2B is essentially the same as Option 2A,
12 except for Option 2B, we do the increase that I just
13 described and also include if there was a tribal census
14 challenge. So if tribal census challenge or Census
15 2010 data are greater than the ACS data, the greater of
16 those is the ratio. So if the tribal census challenge
17 data had you at 20 percent more than what the ACS data
18 said, then you would have all of your needs variables
19 from the ACS increased by 20 percent.

20 Option 4 would not have any adjustments to the ACS
21 data and just be, here are the ACS data unadjusted for
22 the needs variables, and that's there.

1 Now, as a reminder, all of these, for the AIAN, we
2 would still continue to carry through this greater of
3 for just the AIAN count.

4 That's a lot. Any questions?

5 For other people who are on the study group or
6 technical experts, is there any clarification you'd
7 like to provide, just in case there's a point I've
8 missed here?

9 Okay. All right. Well, then let's move into the
10 key thing.

11 So I'm going to start with -- you should have two
12 handouts. Do folks have the two handouts? There's one
13 that says, at the top, IHBG Negotiated Rulemaking Data
14 Study Group Simulations, and there's another one that
15 says, Simulations with Volatility Control.

16 So let us start with the simulations without the
17 volatility control. Let's just start there.

18 Sharon?

19 MS. VOGEL: Could you explain the volatility
20 control over a period of five years?

21 MR. RICHARDSON: Yeah, so the way this works is if
22 year one, your grant allocation on the needs side

1 cannot go down by more than 10 percent in year one,
2 based on the introduction of the data. The next year,
3 you could have another 10 percent reduction.

4 Basically, instead of feeling the full effect of
5 the data introduction in the first year, it's stepped
6 down. So you it is a step down approach. So you will
7 eventually get to the end, if you will. Eventually,
8 you'll step down to the much lower amount from the full
9 change, but you don't feel it all the first year. It's
10 stepped down. That's the volatility control.

11 MS. VOGEL: Okay. So just so that I understand
12 this, so year one, we would lose 10 percent.

13 MR. RICHARDSON: Yep.

14 MS. VOGEL: Year two, we would lose another --

15 MR. RICHARDSON: If your tribe, say, lost 25
16 percent for this change, let's say it as
17 hypothetically, year one, you'll lose 10 percent, year
18 two, you'll lose 10 percent, year three, you'll lose 5
19 percent, and you'll have lost 25 percent.

20 MS. VOGEL: Okay. And then what happens in year
21 five then?

22 MR. RICHARDSON: And then you level off at that

1 point. So you don't keep going down after that. It's
2 just transitioning the data in.

3 MS. VOGEL: Okay. So it isn't just that year one
4 where you take that loss, and that's the only loss that
5 you take. You continue to take losses.

6 MR. RICHARDSON: You continue to take losses.
7 That's why I wanted to present both of these charts,
8 one which is without the volatility control, so you can
9 see what the -- sort of like if you're going to go down
10 17 percent, you'll go down 10 percent in the first year
11 and 7 percent in the second year. That's how this
12 works.

13 MS. VOGEL: Thank you.

14 MR. ADAMS: Todd, one of the things that -- Jason
15 Adams, Salish Kootenai. One of the things that I
16 wanted to ask that never occurred to me until looking
17 at this information was the issue of the reverse effect
18 on a gain.

19 MR. RICHARDSON: Yeah, that's a good question,
20 Jason.

21 MR. ADAMS: It's not broke out in the same manner.
22 It's gained all the first year, correct?

1 MR. RICHARDSON: So the gain in the first year, so
2 the tribes don't gain quite as much in the first year
3 under the volatility control, because the tribes that
4 are getting reduced, they still get that funding. So
5 the ones that are gaining don't gain quite as much, but
6 they can gain more than 10 percent.

7 There isn't a cap on the 10 percent, but
8 basically, there's a dollar amount. We can't exceed
9 this dollar amount. So everyone gets sort of a pro
10 rata reduction, if you will, on the top side to be able
11 to support the step down approach for the other tribes.

12 So you will see that, on the volatility control
13 approach, that there are tribes that get substantially
14 more than 10 percent increases. So that's that. Yeah?

15 MR. ADAMS: Quick follow up. Would it be easy to
16 invoke a volatility control on the other end, too, so
17 that it would be a step up?

18 MR. RICHARDSON: So you would say you can't get
19 more than a 10 percent increase. I think that would be
20 more complicated, but I will call on Peggy, who is
21 excited to tell us.

22 MR. ADAMS: Todd, I have all the confidence in

1 you, buddy.

2 MS. CUCITI: Remember that it's the people who are
3 getting the gains from the introduction of the new data
4 that are giving up a portion of their gain in order to
5 shift the money to the folks that were losing funds as
6 a result of the introduction of new data.

7 So it would be hard to kind of put a -- that's how
8 we redistribute the funds.

9 MR. RICHARDSON: So if we had the same sort of cap
10 on the top side, then there would be money left over is
11 what Peggy is saying, that we don't know where it goes.
12 That would be our challenge.

13 I mean, the way, I guess, we would apply that is
14 to take the money and do pro rata increase for
15 everybody, I suppose would be the way to handle that.
16 Haven't done that before.

17 MR. ADAMS: Again, rebuttal then, so that's
18 assuming then that the decreases outweigh the
19 increases, if there's money left over.

20 MR. RICHARDSON: Well, that's right. Well,
21 actually, we can tell, because those that are
22 increasing are increasing by more than 10 percent, we

1 know that there would be some left over, I think. But
2 your point is well taken.

3 Other questions?

4 Okay. So let me walk you through the charts. All
5 right. So we're going to start with the chart -- I'm
6 going to start with the chart before the volatility
7 control, just to show what the full effect of these
8 different options are, and then we'll go to the
9 volatility control and say what the first year effects
10 are.

11 All right. So first off, I do want to make one
12 apology about this chart. On Option 2B, we truncated
13 the full explanation of Option 2B, so look on this
14 chart, look on the front page for the full explanation
15 about Option 2B. What we have on this chart is a
16 little truncated.

17 But the way we've run these data is we show each
18 of the different regions. And what the base amount
19 here is essentially the funding formula as it currently
20 stands. All right? So this is we're currently using
21 Census 2000 aged data.

22 And that's what this allocation is based on for

1 the base amount. And that's the point of comparison
2 for all of these others. So this is the base amount
3 here, this is the Census 2000 aged data. And then we
4 want to show what the different impacts are.

5 Now, when we started negotiated rulemaking, we did
6 a run for you, and that run said, what happens if we
7 put in all ACS data? That was TA request one. Note,
8 it was Decennial Census for AIAN, Decennial Census 2010
9 for AIAN, and all ACS data for the other -- I obviously
10 am not running the data. So for the other six
11 variables, it's ACS data. For the AIAN, it's the
12 Decennial 2010 count.

13 So as you can see, this region in aggregate as a
14 result of introducing those data for all the tribes
15 that are in the Alaska region, it goes up 2.2 percent.

16 Now, Option 1, as you may recall, is essentially
17 the base allocation funding formula for all the needs
18 variables. So it's the Census 2000 aged data. The
19 only thing that changes for Option 1 is the count for
20 American Indian Alaskan Natives, and that count is what
21 the study group's recommendation is the best of. So
22 only one variable changes here, and that variable has

1 an 11 percent weight, so it's a minority of the money.

2 So not surprising, you can see with Option 1,
3 there's very little change from the current allocation
4 amounts to what the -- but you can see what the effect
5 -- what this is showing you is what is the effect of
6 just this one thing, of introducing the study group
7 recommendation for the population count best of, and
8 that shows you what this effect is. And you can see
9 that for every tribe on your list, too.

10 So before I move on, any questions about what TA
11 request one shows and what the Option 1 shows?

12 Okay. So Option 2A. Now, I'm going to do a
13 little math here to show Option 2A a little bit better
14 here. Here's a marker. Okay. So Option 2A. In
15 Option 2A, we say if you're a tribe, and your Census
16 2010 count is 100, and for the moment, let's not go
17 into the single/multi-race.

18 If you may recall, in this whole formula, we do
19 everything single race, and we do everything multi-race
20 -- I mean, AIAN plus another race, and then we pick the
21 better of, and then we do a pro rata reduction, so that
22 complicates things a little bit.

1 But in the simple form here, for this purpose, I'm
2 just going to talk about -- let's say Census 2010, the
3 count is 100, the ACS count is 50 -- I'm doing this for
4 easy math, by the way. Hopefully, that doesn't happen
5 too often. So this is population. All right? So our
6 needs variables, all right, we've got overcrowding and
7 without plumbing, we've got a whole bunch of other
8 ones, so this is one, two. So we've got these needs
9 variables. All right?

10 Let's say the needs variables are 10, 20, 30, etc.
11 So the needs variables from the ACS are this. So if
12 the ACS count is less than the Census 2010 count, we
13 take this needs variable for the ACS, say it's 10, and
14 we multiply it times the ratio of 100 over 50, which is
15 basically 2, so then we get to 20.

16 So that's the new variable that's created here
17 that we're going to use in the formula, because it
18 looks like -- and we don't know which one is right --
19 it looks like there's a difference between the ACS and
20 Census 2010. We don't know which one is correct, so
21 we're going to go with the best of, pick the one that
22 is going to be most favorable to the tribe, and we're

1 going to increase all of the ACS variables, because
2 it's the ACS that's low.

3 Now, if this were reversed, if Census 2010 was 50
4 and ACS was 100, then we would make no change to this,
5 because ACS is the higher number, and it would just be
6 10. Does that make sense? So there's no downward
7 adjustment. There is just an upward adjustment if
8 there's a difference. And so this is 2A.

9 2B is essentially to say, if you've got a
10 challenge, and the challenge was 200, we would then do
11 200 over 50, which is 4, and you would get 40. So the
12 challenge would inflate it even more.

13 Any questions about that? Comments? Anybody has
14 a clearer explanation?

15 Okay. So this is 2A and then putting them all
16 together is 2B. So that's the difference between 2A
17 and 2B. And you can see if you're a tribe that
18 challenged your population and that population has been
19 aged from that challenge point up to this point, you
20 can see that there's a pretty big difference between
21 your 2A allocation and your 2B allocation. And that's
22 because of this calculation here.

1 Finally, Option 4, which we have up here, does not
2 do any of this. Option 4 is very simple. You have
3 your AIAN, which is the best of, and then for all of
4 the other variables, it's just the ACS number. We make
5 no adjustment. All right. So that's the explanation
6 on this one.

7 And then volatility control, which is the other
8 sheet, it basically is the same policy except you can't
9 get a greater loss than 10 percent based of the needs
10 variables.

11 Are there questions or comments on that? Sharon?

12 MS. VOGEL: So this was based on the variables
13 that we currently have, and of course, things would
14 change if the variables change, right?

15 MR. RICHARDSON: Yeah, so if there's new ACS --
16 oh, I'm sorry, you're saying if the variables were to
17 change, if we were to introduce a different variable,
18 say poverty or something like that, some other
19 variable, then yes, everything is different if there's
20 a different variable, because that changes everything,
21 or the weighting changes, that changes everything.

22 MS. VOGEL: Okay. Thank you.

1 MR. RICHARDSON: So that's all I was going to --
2 I'm sorry, I have one more thing to explain.

3 On the chart, can we scroll over a little bit? So
4 if we go here -- and I'm sorry, I'm blocking people's
5 view, I'm sure. All right.

6 In an effort to try to -- I think that probably
7 what's most helpful for everyone is to look at this
8 stuff that I just explained, all the stuff that is in
9 white here.

10 I think it's useful to explain the information on
11 the white area is probably the most useful for folks to
12 think about, because that compares against what you're
13 currently receiving. But I made sort of the thought
14 of, well, maybe somebody might want to know, well, how
15 does this all compare to if we just introduced all ACS,
16 what would be the effect of these kind of other sort of
17 different ways of looking at it, and that's what's in
18 the yellow over here.

19 I don't think that's probably very helpful for
20 people in retrospect, but it's been provided. So if
21 you think that's helpful, and you want me to explain
22 it, I'm happy to, but I think it might confuse the

1 issue a little bit.

2 Yeah, Sami Jo.

3 MS. DIFUNTORUM: Good morning. Sami Jo

4 Difuntorum. So can we go back to my question from the
5 end of the day yesterday about how the greater of
6 scenario would work in a formula overlap?

7 We have an 11 tribe overlap, and for those of you
8 that don't really have that, what it means is all 11
9 tribes share formula data. It basically all goes into
10 a pool, and the data source is part of how it's
11 determined -- well, that's how it's divvied up. But we
12 basically share the data, so whether we use tribal
13 enrollment, ACS, whatever, it will impact 11 tribes,
14 and I don't know how you can do a greater of when it's
15 all shared and divided.

16 So I'm kind of struggling to understand that piece
17 for overlaps.

18 MS. CUCITI: It depends, of course, on which
19 option. But on the person count, where we're upping it
20 to the best of, that all will happen before you
21 aggregate. So if any one tribe gets their count
22 increased due to a tribal challenge, then all the other

1 tribes in the overlap get to share their increase.

2 The answer is a little bit more complicated if
3 we're ratioing up the -- actually, did I just misspeak?
4 It gets a little bit more complicated if you're
5 ratioing up the needs variables. You all benefit from
6 the ratioing up based on the Census to ACS counts,
7 depending on how we do it. You don't necessarily get
8 the benefit of a tribal challenge in the person count,
9 if it's not yours, but it may not ever come into play.

10 There were only eight tribes with a person count
11 based on tribal challenge that are in overlaps. So it
12 might not come into play.

13 MS. DIFUNTORUM: Follow up question. So the way
14 that the regulations currently read, all 11 tribes, we
15 meet every year, and we negotiate which data source
16 we're going to use of the AIAN count. So that would no
17 longer be the case?

18 MS. VOGEL: No. What you're negotiating is the
19 basis for sharing the cumulative count for your area.
20 You would still continue to do that. It's just the
21 cumulative counts may change as a result of these
22 choices.

1 MS. DIFUNTORUM: All right. Best of is split at
2 the smallest added and then --

3 MS. VOGEL: Yes. Thank you. I don't know if
4 anybody could see.

5 MR. RICHARDSON: Yeah, I'm sorry, I didn't write
6 that very large.

7 MS. BRYAN: And we have questions. Their names
8 are up here. It's Jack and then Sharon.

9 MR. RICHARDSON: Great. Jack?

10 MR. SAWYERS: Todd, we've spent a year, the study
11 group has spent a year, and I've kept pretty good
12 contact with my friend, Jason. And I still do now know
13 why the land-based tribes lose the most money.

14 It isn't because their people are moving from the
15 reservation. In fact, just the opposite is occurring.
16 Why do the land-based tribes get hit the hardest?

17 MR. RICHARDSON: So appropriations, as you know,
18 has been relatively flat. Population growth across all
19 Native American areas has been growing. So if your
20 tribe is not growing as fast as the other tribes in the
21 tribal areas, then you're going to actually have a
22 reduction in funding.

1 So you could still have population growth and see
2 a reduction in funding with the new data, because
3 across all of tribes, there's been a substantial
4 increase in population.

5 MR. SAWYERS: So you're suggesting the tribes get
6 more productive?

7 (Laughter).

8 MR. RICHARDSON: I mean, that's one possible
9 answer.

10 (Laughter).

11 MR. RICHARDSON: I'm not sure that was a helpful
12 answer to the question. I mean, clearly, that is the
13 trend is going is that the share -- on the needs
14 variables that are part of this formula, for each one
15 of them, there's a different share on each one that
16 favors one area of the country over another. And in
17 aggregate, it would seem that some of the land based
18 tribes, their share on those needs variables isn't as
19 much as it was in 2000 or in 1990 relative to the areas
20 that are eligible for receiving assistance.

21 MR. SAWYERS: But the fact still remains that that
22 happens not only in our region, but in other regions.

1 If I looked at what's before me, I couldn't see any
2 large land based tribe that wasn't hurt by ACS. Maybe
3 I'm wrong, but as I looked at it, I couldn't see any.

4 MR. RICHARDSON: So that does seem to be the
5 trend, yeah.

6 MS. BRYAN: Sharon?

7 MS. VOGEL: Thank you. Sharon Vogel, Cheyenne
8 River.

9 Todd, this is my first time sitting at the table.
10 And from session one, I knew that variables was an
11 important part of any formula. However, here we are at
12 the last session, and whether it's the collective
13 wisdom of the group, or manipulation, or whatever it
14 is, I never had a chance to learn about the variables.

15 So my question to you is, what drives the formula?
16 After you analyze the data, are the variables important
17 to the formula? I mean, if there's changes in the
18 population, isn't it also fair to change the variables
19 in all fairness to the people that we serve?

20 I guess I just don't understand how we can skip
21 that over and just focus on just this part of a
22 formula. And I'm trying to understand that.

1 MR. RICHARDSON: Well, I mean, I could explain
2 each of the variables here. I think it's for the full
3 committee to discuss whether or not to discuss other
4 variable options, but I can certainly explain the
5 variables and any variables other people would like to
6 understand here.

7 Would you like just sort of me to go through each
8 of the variables and their weighting?

9 MS. VOGEL: Well, I guess I'm just looking to try
10 to understand how we can say that we negotiated the
11 formula, and we're ready to cast votes when we haven't
12 looked at the variables. I just don't understand that
13 part of it. Is that the way that it always happens?
14 Did I come into this just totally naïve that the
15 variables were not ever going to be discussed? Because
16 to me, they're just such a critical part of this, to
17 where now you see this big shift of loss, but if there
18 was the balance of the variables, then how would that
19 play out?

20 Are the variables not important anymore? I guess
21 I'm just thinking out loud. I don't mean to put you in
22 a spot that asks you to solve anything that you can't

1 solve, but I'm just trying to understand. Thank you.

2 MR. RICHARDSON: Have to defer for the members to
3 talk about. The study group's charge was to look at
4 alternative data sources and within the framework of
5 the current variables in the formula, and that's what
6 we did.

7 So if the committee wanted to charge us with the
8 different task, that's for you to discuss, I think.

9 MS. BRYAN: Jason?

10 MR. ADAMS: Yeah, Jason Adams, Salish Kootenai. I
11 just got two points.

12 First, being the issue that Jack raised in regards
13 to the ACS and how it seems to do disservice to large
14 land based tribes. I just want to add to that, in my
15 involvement with the study group the last year, I had
16 hoped to find an answer, especially be able to go back
17 to the tribes in our region and have a legitimate
18 explanation.

19 Todd, your explanation of growth in other areas
20 larger than tribes, I've heard that before. And the
21 concern I have with that explanation is that it seems
22 that that growth -- and again, using a data source that

1 doesn't verify or have tribal membership tagged to it
2 does a disservice to large land based tribes, because
3 those tribes that we are involved with, especially in
4 our region, the growth is in our tribal membership.
5 It's not AIAN growth, it's tribal enrolled people that
6 are growing their population.

7 And so it seems like we miss an opportunity
8 through this negotiated rulemaking to bring that as a
9 factor into the formula. Again, as Sharon is talking
10 about, variables, that's one of those issues.

11 The last point on that issue seems to be that
12 there is an issue with also not just large land based
13 by rural tribes. And I attribute part of that to the
14 efforts and the work of census and through the ACS that
15 when you're doing a survey, it's easy to go out in an
16 urban area and do your survey, because you randomly
17 select so many houses, you go out and you do your job,
18 and you can knock that work out within a few hours or a
19 couple of days at the longest.

20 When you're out in rural America in a tribal
21 Indian reservation where there's no streets, no roads,
22 no addresses -- you know, the address to Joe's house is

1 three dead dogs down this certain lane, that work is
2 hard. That work is taxing. And that work probably
3 doesn't get done to the level that it should get done
4 to justify that funding is on the line for that tribe.

5 And so that's the explanation that I've given to
6 our members in our region to say, that's probably
7 what's happening, because at least in our tribe, who is
8 a little more urban, I guess, than some of the other
9 tribes in our region, I have yet to find, and I meet
10 with our tribal leadership and department heads on a
11 monthly basis, and we have yet to be contacted by
12 Census and for them to say, we're coming, we're in your
13 area, we're doing the American Community Survey.

14 And so if our tribe isn't hearing from them, I
15 guarantee you Mr. Steele isn't hearing from them and
16 some of the other tribes that are in rural America.
17 And so that really seems to be the heart of the issue
18 for me.

19 The second issue I wanted to make is on the
20 variables issue. I have to agree with Sharon. It
21 seems like it's taboo to talk about variables. And I'm
22 concerned with that issue, because we should be talking

1 about variables. The one thing that I learned through
2 this study group -- and well, I didn't learn it through
3 that, I was well aware that it was an issue -- is that
4 the American Community Survey, the variables that we
5 currently operate under were created because in the
6 original Negotiated Rulemaking Committee, you can look
7 at the records, they looked at a data source first, and
8 they went with Census. And then they went with the
9 variables that the data source gave them.

10 Today what's happening is that we are trying to
11 take those same variables and back those into a new
12 survey that doesn't ask the same question, doesn't ask
13 the same question in the same way. And so we're trying
14 to compare apples and oranges.

15 All of these points I'm making are outlined in the
16 issues in the book from the technical experts that are
17 shortcomings of ACS. And so I'm just reiterating these
18 points, hoping that we can understand that as a
19 Negotiated Rulemaking Committee and come to some
20 understanding that we need to just not bury our head in
21 the sand and look past these things.

22 We should have an honest discussion on variables,

1 because the variables that are now available to us with
2 whatever data source we have are different, and they
3 will produce different data. And so if we go with ACS,
4 I hope that, by the way the process works here, if we
5 don't come to some agreement, HUD's going to do what
6 HUD's going to do.

7 I'm speaking to HUD here today hoping that they
8 consider these things, and in the future negotiated
9 rulemakings, that we look at the variable issues first,
10 because that should be what we're here to look at. As
11 tribes and as leaders, we should not look at the number
12 and see how we're affected first and then make our
13 decision on which way we're going to go.

14 That's been my experience with this process over
15 the years, and we should find the variables that meet
16 the greatest need for those that need this program and
17 these dollars the most. Thank you.

18 MS. BRYAN: Thank you. Aneva?

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

20 And just to take off from what Jason commented on,
21 my participation on the needs data study has been that.
22 And part of our charge really was to understand,

1 perhaps, why the variations were current.

2 And when you actually analyze the data, there is a
3 distinct pattern of large and rural based tribes. And
4 trying to understand that and provide some explanation
5 to our leadership is just not there, unfortunately.

6 And while the assumption is that there is more
7 population in other areas, I mean, I think we're
8 growing probably at the same rate. So that's just an
9 assumption. It's not been verified that, indeed, one
10 tribe is increasing its membership over another tribe.
11 And we're productive on Navajo, I would imagine, 110
12 communities on Navajo. So we do see that.

13 So I also agree that there needs to be more in-
14 depth evaluation. And I know that our time was
15 constrained on the needs work group. Nonetheless,
16 though, I still could not come away from a full
17 explanation as to why those patterns were occurring.

18 And so it is something I think this needs more
19 evaluation and needs more attention in terms of drill
20 down. And it may be in the variables that need to be
21 looked at, because they do have a direct effect in the
22 formula as it's run.

1 So I think just making assumptions from just
2 reading data is not sufficient for us to really say
3 that this is the route to take with ACS. I still have
4 questions on the use of ACS relative to both
5 simulations that were run and what we're reading from
6 the data.

7 So we do have some hesitation in looking at ACS at
8 this point in time. Thank you.

9 MS. BRYAN: Thank you. Earl?

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

12 First of all, Todd, thanks so much for explaining
13 this for us, and looks like a lot of in-depth work went
14 into the data study.

15 And with all due respect to prior commenters, I
16 think that when we talk about ACS and the census and
17 why certain tribes lose -- that's not so much a HUD
18 issue as it is a census issue. And I think that, if I
19 remember what President Steele said when he spoke, I
20 don't think I misunderstood him, I thought he said they
21 speak with Census on a monthly basis.

22 And so it may be beneficial to some of the large

1 land based tribes to work with him and whatever
2 contacts he has there to improve whatever is going on
3 or whatever Census is missing out on in those areas and
4 utilize a contact you have and an ally in that region
5 through President Steele.

6 But I think that we're probably getting a little
7 bit off topic to discuss changing variables now,
8 because right now, I think what we're seeing is sort of
9 a presentation of what the data study group did. And
10 if we're not through that yet, I think it would kind of
11 be premature of us to talk a changing variables and
12 other options if we first yet have not gone through and
13 made sure we have a comprehensive understanding of what
14 the study group found and what their results were.

15 And I wonder if we're getting just a little bit
16 off topic to now start talking about all the other
17 things we want to change, when we've not yet received
18 all of the information concerning the data work group
19 and their findings.

20 MS. BRYAN: Thank you. Carol?

21 MS. GORE: I may also be off topic, so I apologize
22 in advance.

1 I've been thinking a lot about the public comment
2 and also the comments from the committee members here.
3 And I think as people, sadly, we can all agree that we
4 have some commonality in the heartbreaking stories that
5 we're hearing between poverty, overcrowding, drugs,
6 alcohol. I think we could also all agree that housing
7 matters in the solution of all of those things for
8 everyone.

9 I think our real issue is a lack of funding.
10 We've had flat funding almost since the beginning of
11 NAHASDA. And that lack of funding has left us as
12 people divided to fight over scraps, to tinker with
13 mechanics, when if we raised our united voices for more
14 money, that's really the right fight for us. It's
15 really not a fight to ask for money to do a better
16 count.

17 ACS is certainly imperfect, but it's free, and we
18 have the opportunity to work together to make it better
19 while at the same time unifying our voices. I've heard
20 some very powerful tribal leader voices today. We need
21 you. We need you to get -- let's assume, the high
22 price that's in the study is an accurate one. I don't

1 know if it is or not. None of us do. The difference
2 of adding \$140 million to our pot of the IHBG would
3 really help. It would help more than being distracted
4 by creating a new data source, and it would help more
5 by putting money where our people really need it.
6 That's where my emotional decision-making goes, because
7 if we get distracted by all the mechanics, we lose.

8 And so I guess I'm asking the committee to really
9 consider the public comment. And I appreciate you
10 listening to my comments today. Thank you very much.

11 MS. BRYAN: Thank you.

12 (Applause).

13 MS. BRYAN: Jack?

14 MR. SAWYERS: As much as I love you, I disagree
15 with you some. You're right. Both of you are right
16 that we're arguing over scraps. There's no question.
17 But when you look at an organization that's hurting
18 really bad, and they're losing \$700,000 a year, then
19 we've got to do something about it.

20 And Todd, I think you'll -- in our first
21 negotiation, the reason we had the variables we did,
22 because they were measurable, and they were across

1 country and they were measurable, right? That's one of
2 the reasons we put all the variables together, because
3 we could measure them and that they were consistent.
4 Is that right?

5 MR. RICHARDSON: That's right.

6 MR. SAWYERS: And so consequently, I'm just saying
7 that things have changed. And I think that we made a
8 mistake in our needs group by waiting for the study
9 instead of looking at the variables first.

10 And so I don't disagree with you at all, but I do
11 disagree that with the little bit of money we have, it
12 is, to me, almost criminal to put any kind of program
13 together that hurts the most needy people.

14 And I'm not saying we don't all have needs.
15 That's not my point. But I think you'll all agree that
16 the poorest tribes are hurt the most. And there's got
17 to be something we can do about our scraps, and we need
18 to do a little better job of measuring that ACS will do
19 for us.

20 I wish that I could express myself as well as you
21 do, Carol, but I'm old, and I forget. But I'm just
22 saying that I do agree with you. But I still think

1 that the variables should be looked at again tomorrow,
2 today, and let's see what we can do. Thank you.

3 MS. BRYAN: Thank you. Pete?

4 MR. DELGADO: Pete Delgado, Tohono O'odham Nation.

5 Being a new member on the committee, my first time
6 serving on this, it's enlightened me as to this
7 process. I still don't really understand the process
8 completely.

9 One of the things that we found out, just to use
10 us as an illustrative example, when these first numbers
11 came out two years ago, we were looking at a 15 percent
12 cut. That cut translates to approximately \$880,000,
13 \$900,000. We're a large land based tribe in Southern
14 Arizona, 30,000 plus members.

15 And now, I see the -- and I commend the hard work
16 of the study group and everything they did. And I take
17 a look at the options, and I have to have Jason's words
18 ringing in my ears, because I take a look at this, and
19 Option 2B gives us an 18 percent increase, almost 19
20 percent, if I'm reading this right. I'm not a
21 statistician. I went to law school, so I really don't
22 know anything.

1 But how do we have a swing from two years ago
2 telling our tribal leaders, we're looking at losing \$1
3 million approximately to now I have to let them know,
4 if we vote one way, we're going to get an increase of
5 up to \$1.1 million? That's a \$2 million swing.

6 And so again, it goes to the whole reliability and
7 credibility to my standpoint of the ACS and what it
8 means. I think, by listening to the presentation, I
9 think the reason for the swing is probably because we
10 did a census challenge, which would result in that.

11 One of the things that's happened -- and I applaud
12 Carol for her comments, we have a very close
13 relationship with the tribes here in Arizona. We've
14 lobbied hard over the years with our brothers and
15 sisters to the north, the Navajo Nation. When I
16 informed them of that 10 percent proposal that would
17 cap the amount of the funding that any tribe could get,
18 it saddens me that there were comments made at our
19 local level that well, what does that mean? And
20 someone responded, well, that means there's more funds
21 left for the rest of us to divvy up.

22 And that kind of attitude is one that we've been

1 reduced to as tribes, and fighting over scraps, there's
2 been so many times. We cannot do that.

3 And so when we do our lobbying, when we go forward
4 to Congress, our ask is for more funding for all tribes
5 for that IHBG, for the funds that go in there. We have
6 to have a unified approach to increase the amount of
7 funding rather than looking for ways to cut one of our
8 brother and sister tribes so that the rest of us can
9 benefit from that. And at least, that's how we stand.

10 And so as we make decisions on what option, I
11 mean, obviously the selfish standpoint would be to just
12 say, okay, Option 2B, that's what we're going to vote
13 for, because that's how we benefit. But that's not
14 what we're here for. That's not what any of us are on
15 this. We're trying to find the best solution which has
16 the least impact for any tribe as we can with the data
17 systems that we have in place here.

18 So that's all I have to say. Thank you.

19 MR. DOLLARHIDE: Rusty?

20 MR. SOSSAMON: Thank you. I have a question.

21 Does the ACS, is it possible to extrapolate the current
22 variables, need variables, from the ACS?

1 MR. RICHARDSON: Is it possible to get the current
2 needs variables from the ACS?

3 MR. SOSSAMON: Yes.

4 MR. RICHARDSON: Yes.

5 MR. SOSSAMON: Okay. I believe Carol chaired the
6 needs work group. Okay. Was there opportunity to
7 bring up the variables in that work group?

8 MS. GORE: Yes.

9 MR. SOSSAMON: Okay. Mr. Chairman, according to
10 our protocols, could any member at any time during any
11 of these meetings bring forward any of the variables?

12 MR. DOLLARHIDE: Yes.

13 MR. SOSSAMON: And make proposals? Okay. As far
14 as some of the assumptions that other tribes are
15 growing, what I've heard is, "I know my tribe is
16 growing, but some other tribe growing is an
17 assumption."

18 Well, wait a minute. If every tribe feels the
19 same way, that means all the tribes are growing. Okay?
20 And as far as the rural versus urban areas, I mean, we
21 see where the shifts in funds will go, and I believe
22 the greatest is in the Great Lakes region, and I

1 believe that's due to a shift from rural to urban
2 areas.

3 Why do we see a shift to urban areas? It's real
4 simple, jobs. You can either stay where you're at and
5 starve to death, or you can move to where the jobs are
6 so you can survive. I mean, and it's not just
7 happening in Indian Country, it's happening everywhere
8 across the United States.

9 So, I mean, those shifts happen. Now, when we
10 talk about utilizing and just being able to verify to a
11 tribe within our tribal jurisdiction to verify to our
12 enrollment numbers, what about all those other tribes
13 that live in our area? What about all those other
14 tribes that live in these urban areas? How do you
15 capture that? How do you even know where they're at?

16 And you can't force other tribes, unless that's
17 what you want to do is force other tribes to report
18 where are your other members at. And to me, if they're
19 not forced to do it under some other hypothetical
20 survey that's distracted us from looking at variables,
21 then if you don't force the tribes to tell where all of
22 their members are in other formula areas, then that

1 won't be fair. And I don't think it's right to try to
2 force tribes to do something like that.

3 So yes, is there any perfect data set? No. Is
4 there a perfect instrument to gather the data? No.
5 And there never will be something that will be
6 absolutely, 100 percent infallibly accurate. Okay?

7 So we have spent the majority of the time that
8 we've had available focused on this proposed idea of a
9 new data set. Why? Because folks lose money if we
10 shift to one that's more current.

11 And I guarantee you, if you shift to another one,
12 there will be folks who lose money on it, and you can
13 look at and pick it apart and find all the areas in it
14 that's it's not fair. Then what do you do, go to
15 another one and another one?

16 And yes, I understand large land based tribes,
17 they're like, "We're losing this money." And I
18 understand they can't afford to lose \$1 because of the
19 severity of the situation. I understand that. I don't
20 know of any tribe that can afford to lose any money.

21 So do we want to tinker around the edges, or do we
22 want to do something different? And if it's about

1 losing money, freeze it all, then nobody loses any
2 money. And then let's all get together and go advocate
3 for more money.

4 MS. GORE: Rusty, could I just clarify, I did not
5 chair the needs work group.

6 MR. SOSSAMON: Okay.

7 MS. GORE: I chaired it the first meeting, and
8 then I think Gary chaired it. So I jumped in too
9 quickly. I apologize for that. I should have let Gary
10 answer that. Sorry.

11 MR. SOSSAMON: I didn't mean to demote you, Gary,
12 or promote you, Carol.

13 (Laughter).

14 MR. SOSSAMON: But anyway, those are my thoughts
15 at this point on it. Thank you.

16 MS. BRYAN: Thank you. Rodger?

17 MR. BOYD: Thank you. We are at a meeting now
18 that's second to the last meeting. And HUD's position
19 early on, as we were looking at the different data
20 sets, was that the variables do count. And that was
21 our position at that point.

22 And we really stressed, especially in the needs

1 working group, that we really test the variables as
2 they existed at that time. And unfortunately, there
3 was a lot of opposition, apparently, to even looking at
4 the variables at that time to test it.

5 And so as we moved into setting up the study
6 group, as mentioned, we had to test it against the
7 variables that existed. And I understand that maybe in
8 the -- and correct me if I'm wrong, but as I
9 understand, in the study group, it was brought up that
10 we really should maybe look at variables at the time,
11 but I understand that it was not totally accepted at
12 that point.

13 So our point is that we're really running late in
14 this process now, even though we really strongly
15 recommended that we take a look at the variables. So I
16 think it certainly is a question, since this is the
17 last meeting, what are the committee's wishes? Do we
18 have this time, or do we use the existing variables and
19 try to correct as much as possible and take this up at
20 a later date, meaning another negotiated rulemaking
21 conference? Thank you.

22 MS. BRYAN: Thank you. Sharon?

1 MS. VOGEL: Thank you, Mr. Boyd. I'm really
2 relieved to know that my point has been validated that
3 we need to discuss the variables, and I hope that we
4 continue to have discussion.

5 But before coming here, I really thought about how
6 am I going to use my time wisely. And I just want to
7 share with you some thoughts.

8 I think a big test that we face in life on a
9 regular basis is that of a test of morals, having
10 opportunities to do the right thing. Here at this
11 table, we have this kind of opportunity to do the right
12 thing at a national scale. We are looked to as the
13 voice of Native communities. We have a moral
14 obligation to protect those that are poor.

15 At what point did protecting our annual allocation
16 at all costs, at the expense of homeless families,
17 homeless children, suicidal teens, broken down
18 alcoholics, handicapped persons, become a moral
19 obligation? Instead, it appears as population shifts
20 and the money shifts, we shift our morals.

21 Are we passionate about our responsibilities,
22 opportunities, and morals? I would hope that we are

1 passionate about uniting to become a collective voice
2 for poor Native families. How difficult is it to
3 listen and recognize fact over manipulation?

4 Interesting how, when you're a child, you learn to
5 listen to your elders. They speak to us to show us and
6 remind us to do the right things. They taught us how
7 to be moral, to think of others, servant leadership and
8 how we are here to do the right thing.

9 I am thankful that moral decisions can be made and
10 that our work here at this table will be remembered as
11 collective Native wisdom. It will be disappointing to
12 look back at each of our votes to identify who voted
13 with morals and who voted with greed.

14 Doing the right thing has power. It has power.
15 It has the power to change Congress. And if we do the
16 right thing and we model the right thing, we have
17 power.

18 Management is also doing things right. Leadership
19 is doing things right. How many of you are ready to
20 vote independently based on morals, based on what is
21 right for poor Native families in all states?

22 Around this table, we have role models of being

1 servant leaders, serving the people through leadership.
2 Leadership has leaders who are willing to stand alone
3 based on moral obligation, leaders who are willing to
4 give up extra funding gained under a faulty ACS
5 formula, because it is not moral to put greed above
6 need.

7 Poverty, what does poverty have to do with the
8 NAHASDA formula? Greed, what does greed have to do
9 with the NAHASDA formula?

10 One young Lakota man's definition of poverty was,
11 "Poverty is the result of someone else's greed." Who's
12 greed? Certainly not greed from Native people.
13 Certainly not greed or stubbornness of government
14 officials. How does greed cause poverty? Why should
15 poor families remain poor while others indulge on an
16 overabundance of resources? What is the fairness in
17 this practice?

18 As you know, I come from a region that has treaty
19 tribes. We have large land based tribes. We have
20 small, rural tribal communities with no infrastructure
21 except for our housing projects. We don't have enough
22 housing, and it's to provide safe, sanitary, and

1 affordable housing to our families. And we have
2 poverty, so much poverty that it is frightening. For
3 those of you who do not have the depth of poverty that
4 we have, count your blessings.

5 Some of you think that, oh, they want our money.
6 That is not true. We want a fair allocation formula
7 that will allow us to address the housing needs of our
8 poor families. Do you think there is pride in being
9 poor? There is no pride. What there is is worry and
10 stress and a desire to find poverty reduction
11 strategies.

12 We all know that when you have adequate funding
13 that is based upon need that, over a period of time,
14 the need decreases and your funding level is adjusted.
15 Poor families are not asking to be at the front of the
16 line every day, year after year. They know that, when
17 their needs are met, that it is time to move on and let
18 someone else stand in their place.

19 Shouldn't the allocation formula work with the
20 same guiding principles, the neediest are funded to
21 meet their need, and as their need decreases, so does
22 their funding? Funding should not be based on a

1 historical allocation.

2 When I first began learning about housing
3 development projects, it became very clear that there
4 is major discrepancies in the interpretation of
5 successful housing development.

6 To many of us, a successful project is the
7 construction of new units. There is a tremendous
8 success considering you start with a piece of prairie
9 land and create a residential housing subdivision.

10 To others, success means to have a strip mall
11 adjacent to a residential subdivision that is owned or
12 operated by a subsidiary of either the TDHE, an LC
13 corporation, or another tribal entity.

14 For those of us who continue to be challenged in
15 stretching our development dollars for basic
16 residential construction, we may never reach the
17 economic development bonus for decades, because our
18 needs are so great. So does that mean we are failures,
19 even though we utilize our dollars wisely and 100
20 percent of our funds are directed to new construction
21 to build homes for eligible families? Is success based
22 upon housing eligible families or how many supplemental

1 economic development projects are funded with NAHASDA
2 funds?

3 Who decides when a TDHE is successful? Should
4 this impact the funding level? Are we true to the
5 original intent of NAHASDA?

6 I just want to thank you for listening. I've
7 wanted to come in a good way, and I wanted to be
8 honest, but I also could not forget that we have
9 poverty. Thank you.

10 MS. BRYAN: Thank you. Jason?

11 MR. DOLLARHIDE: Thank you. Jason Dollarhide,
12 Peoria Tribe, Miami Oklahoma.

13 I think a few things. Talking about population,
14 Rusty brought up a good point. With my housing
15 authority, we get about \$1.4 million a year, and I'm
16 definitely not a pro-ACS, because we are taking a big
17 hit, a 10 percent hit with ACS. So at one point, 4
18 million, I mean, that's a pretty good hit with a little
19 over \$100,000.

20 So when I look at and I hear the stories of the
21 great poverty that's out there, in my area, we have
22 that, too, alcoholism, suicides. It's no solidified to

1 just one area of the country, one community. It
2 affects all of our communities.

3 Like I said, we're very fortunate at our housing
4 authority to help lots of people, not only our tribe,
5 but several tribes that sit around this table are our
6 tenants. A lot of tribes, I hear that they're only
7 able to service their own people, nobody else. So
8 we're fortunate that we can service the Sioux people,
9 we can service the Cherokees, we can service the
10 Choctaws, we can service the Salish Kootenais.

11 And so when I look at that, I look at yes, the
12 reservations, and yes, and Indian countries, they are
13 growing, but if I see migration coming into my housing
14 authority from tribes that sit around this table, then
15 it's got to be happening in other places also.

16 When I hear of the despair on the reservations
17 that have 85 percent unemployment rate throughout their
18 reservations, in my mind, I've got to go somewhere else
19 or we've got to look at our tribal leaders to come
20 together, to band together to bring economic
21 development within our communities. We have to set
22 aside the ego of being tribal leaders to help our

1 folks.

2 You speak of morals. You speak of the young boy
3 that says, "I'm poor, because other people are greedy."
4 We see that, too, in our housing authority. We see the
5 folks out there that's come up with, it's everybody
6 else but us to take accountability on ourselves to
7 bring ourselves out of that greediness or that poverty,
8 whether that be move to another area where the work is
9 -- we see it all the time at home also, talking to
10 folks that move to one place or another, whether it be
11 tourist towns, whatever, etc., etc., because that's
12 where the work is.

13 And it goes back, in my opinion, to socio-economic
14 issues that that child that said that it's because of
15 somebody else is that this is why we're in this
16 position that we are. And in my opinion -- and when I
17 talk to some of those young folks at home, when you try
18 to break that circle of poverty, that's where you start
19 with is those children, and in my opinion, and what my
20 grandmother always told me, because that's who raised
21 me, was that nobody gives you anything, and you have to
22 work for what you want, whether that be at home or

1 whether that be somewhere else.

2 And so that's what I try to instill into the young
3 folks that's within our programs and within our housing
4 authority that yes, it is okay to be poor, because at
5 one time or another, most of us was poor, most of us
6 grew up in HUD housing, just like I did, grew up in low
7 rent, grew up in the Mutual Help program.

8 But you have to make that decision to want to
9 bring yourself out of that, just as I did, just as I
10 wanted to get away from the alcoholism that plagued my
11 home, just as I wanted to get away from all of the
12 physical, the mental abuse, I did that, because that
13 was a decision that I made as an individual.

14 When I was very young, I said, "I'm not going to
15 be like my family." And I wasn't. I got out of that.
16 So we have to break that circle and get those young
17 children to be able to look more than what they have
18 individually.

19 You say morally vote to essentially take this pot
20 of money over to this pot of money. Morally, how can I
21 take away from my children here that I know need that,
22 that have that need, and give it over to here? To me,

1 that is hard for me to fathom when I know that I've got
2 my need sitting over here on this side with my
3 children, just as these folks over here have their need
4 with their children, and just like all of us, as tribal
5 nations, have our need for everybody, for our children,
6 for our elderly.

7 So when I hear that, it almost offends me, because
8 how can I morally take money away from my folks that
9 have the desperate need also, that live in the
10 vehicles, that have nowhere to live, that live in
11 alcoholism and live in despair, but yet bring it over
12 here?

13 Just like Rusty said, if we want to do that, then
14 let's freeze the funding for everybody and let's unite
15 as one voice to get more funding instead of always
16 trying to fight with each other to get each other's
17 funding, because that's essentially, with a zero sum
18 game in DC and a zero sum game within NAHASDA, within
19 our block grant. When somebody gains, somebody always
20 loses, and that's beating a dead horse, because we all
21 know that that is the truth. That's how it works, and
22 that's how it will continue to work.

1 There is nothing that's perfect out there. Do I
2 like ACS? No, I don't, because it takes about \$140,000
3 away from my folks. Do I like the tribal survey? No,
4 I don't. I don't because, though it is good for a lot
5 of the reservations, because folks are conglomerated
6 into one place, so therefore -- whereas in my
7 community, in my area, my geographical area, I have
8 tribal members that's scattered all over. I've got
9 400, 500 tribal members that's within my area, and the
10 rest of them are up in the Northwest.

11 So there presents a problem for us. Do I weigh
12 losing \$100,000 through the block grant, hoping that it
13 gets better, or do I lose an unknown amount of money
14 over here for a tribal survey that I know for a fact
15 that HUD's not going to -- they're not going to fund
16 it. Why would they fund it? They already have a
17 source to get all of that data from.

18 Sharon, you talk about variables, different things
19 that go on. I look at it as, as we've said, there's
20 nothing that is perfect. ACS is far from perfect. I
21 think that we, as a committee, as a tribe, I think that
22 we lost a huge, huge opportunity to work within the ACS

1 to try to get those variables, to try to get those
2 issues put into ACS.

3 I believe that they was willing to work with us,
4 but instead, in my opinion, we was so worried about
5 money shifting from one to the other that we lost sight
6 of what we should have been doing in the first place,
7 and that is working with what we had to make it better.

8 I may be wrong. The tribal survey may be the best
9 thing since bubble gum, and it may be for some folks.
10 I don't think that it is for me in Oklahoma. I think
11 the cost of it is a huge factor. I think it's very
12 easily skewed in each tribe's favor, however they want
13 to skew those numbers, because it's not a third-party
14 survey, administered by the tribes.

15 So to me, there is a lot of unknowns attributed to
16 that. There's a lot of unknowns to the ACS, but at
17 least we've got a good sense of where it goes to work
18 with it to make it better.

19 I hate to see any of us lose money. Like I said,
20 I'm one of those tribes that do lose money. And I hope
21 the tribe that gets my money puts it to good use to
22 help their people, because essentially, at the end of

1 the day, that's what we're here to do, is to make our
2 dollar stretch as far as we can so that we can help
3 those folks and help those young children be able to
4 get out of poverty, however that may be, whether it be
5 move away from home when they're able to, which I hate
6 to see that also.

7 I hate to see young children move away from their
8 culture, move away from their families, because as
9 Indian people, we are very community-driven. We love
10 our children, we love children. We always want them
11 around us on one hand, but on the other hand, we also
12 want to see them strive to do better than we did.
13 Thank you.

14 MS. BRYAN: Thank you. I'm going to call on
15 Heather and Lafe, and then it's time for a break.

16 MS. CLOUD: I think it's still morning, so I want
17 to say good morning, everybody. Just want to say thank
18 you to everybody that had words to share, thank you to
19 the tribal leaders, all of the housing authorities,
20 everybody that came out here have a vested interest.

21 I know that there is a lot of tribes that are
22 covered by NAHASDA, and I think if we were able to have

1 all of our tribal leaders here, they would all be
2 saying the same thing.

3 I know, as a firmly elected official of the Ho-
4 Chunk Nation, I can sympathize with all of your
5 concerns, all of your stories, all of the tragedies
6 that go on within your communities, because at home, we
7 have those same issues, we have the same concerns,
8 we're fighting the same battles.

9 Just recently, I had taken my kids, and we went on
10 the Pow Wow Trail, and we hit a few pow wows and
11 visited many reservations. And you can see the same
12 signs on the same territories. Meth, it's in all of
13 our communities, heroin, suicide. We all need housing.
14 We all need health care. We all need our broken
15 families to be back together.

16 It's not just Indian Country, it's everywhere.
17 It's everywhere. No matter where you go, you hear the
18 same story, the same families that are dealing with all
19 of the hurt and the negative side effects that those
20 things bring to our people.

21 With that being said, I can sympathize, and my
22 prayers are with you on everything that you go through,

1 because we pray for our family, and our children, and
2 our relatives the same way.

3 I kind of have a lot of thoughts about what has
4 been being said here this morning, and I was trying to
5 take notes to address on some of the things that were
6 being talked about.

7 I would have to agree that we did miss an
8 opportunity to talk about variables. I think there was
9 a focus on the shift of the money and how that money
10 was going to be shifted. And there was, for lack of
11 better words, table pounding to find another way to
12 allocate the funds other than what was proposed and
13 what's already in place.

14 I would have to say thank you to HUD for trying to
15 come up with solutions and provide us with technical
16 assistance and services and people to ask all of the
17 questions to who would be able to answer on how this
18 formula actually works. I have learned a tremendous
19 amount at this negotiated rule table. And for me, it's
20 an honor to be able to sit here amongst all of you kind
21 people and learn about Indian housing.

22 We passed, by consensus, to have a study group to

1 examine the data. And from what I recollect is that
2 the variables, that we couldn't really discuss the
3 variables, because we didn't know which each data set
4 provided and how it would provide.

5 So without actually determining which data set we
6 were going to use, because we didn't have any idea on
7 how we would try to advocate or what those number runs
8 were going to be, we couldn't even begin to address
9 talking about variables.

10 So I believe there was an opportunity there had we
11 picked a data set, but we didn't pick a data set,
12 because we were concerned about trying to find another
13 way then, things that were available to us.

14 So we have this study group, and I believe one of
15 the charges of that study group was to find a way, find
16 one and make a recommendation to this committee that we
17 would be able to implement by the year 2018. Is that
18 correct? Because I remember that being in there.

19 Okay. So as we looked at the different data sets,
20 and they eliminated different ones and things that they
21 provided and didn't provide, there was a couple of
22 recommendations by the study group, and ACS was one of

1 them.

2 There are a lot of things that is not going to
3 cover every single community everywhere. There's going
4 to be no perfect survey. But one thing that I do trust
5 about ACS is that it's going to be done in the same
6 manner across all of Indian Country.

7 I would have to echo Jason's concern that if we
8 were to have tribally administered surveys, tribes
9 would be able to manipulate data or provide data in a
10 manner that is not the same as the next person. Me and
11 Deidre probably wouldn't do our survey the same. We
12 wouldn't be taking the same sample sets, the
13 populations, asking the same questions. And how are we
14 supposed to do apples to apples and leave Rodger and
15 Jemine with that task to figure that out? They'd
16 probably be pulling their hair out.

17 So I can appreciate that ACS is in place, and that
18 is something that can be done for everybody. It's
19 already in place. It's already been funded. They have
20 a system. It has methodology. There's questions that
21 are asked, and that could be applied to the formula.

22 One of my main concerns -- well, not one of them,

1 but I have several concerns with the tribal survey.

2 One is the cost. In the study group meetings,
3 there was a wide range of cost that was expressed. I
4 heard a figure from \$5 million to over \$100 million.
5 Okay. So there's no way for anybody to even know how
6 much this is even going to cost. We don't even know
7 what we're looking at.

8 I'm not sure where the funding is going to come
9 from, but I can take a pretty good guess that it's
10 probably going to come out of our funding that we're
11 trying to divide up here. I mean, I think the main
12 message I've gotten from HUD is we can't commit to any
13 funds. I think at every meeting, at some point,
14 they've said that they can't commit to any funds. So I
15 don't know where they would, at any point, commit to
16 being able to provide the funding for a tribal survey.

17 So there's the results, and then there's the cost,
18 and how it's going to be administered. And then even
19 this tribal survey, how we're talking about it, it's
20 all a really good idea is what it is. If you read the
21 report, it's all hypothetical. It's a theory. It's
22 not anything that's tangible right now.

1 And we're already past the middle of 2015. From
2 what I understand, that if we were to get data that's
3 even every five year increments on one of the reports
4 that I heard yesterday, I think from the 515 that those
5 could be an issue. So then if we're almost at the end
6 of 2015, how are we supposed to be able to get this
7 tribal survey done across Indian Country, be able to
8 plug it in the formula, and implement it by 2018? I
9 don't think that meets the charge of what the study
10 group was tasked with.

11 Again, there is going to be tribes that are going
12 to come out a little more ahead, and tribes are going
13 to come out a little lower. You only have so much
14 money to go around. And it's sad that it has to be
15 that way, but we all knew that when we came here. We
16 all knew that. We all had that same understanding.
17 And so we've all been selected to advocate and give the
18 best representation for our region.

19 And I guess, if I'm going to be judged on how I
20 vote, and if somebody is going to say that that's going
21 to determine my morals, or my upbringing, or how I am,
22 or who I am as a person, the only thing that I can say

1 is that I'll pray for you, because that isn't how I was
2 raised.

3 I have relatives at home that I have to take care
4 of, too. I have a region that I'm taking care of.
5 We're all here to talk for our region in our behalf.
6 So if you choose to judge me, that's quite all right.
7 I don't have any bad feelings towards anybody here. I
8 just want to thank you for your kind attention.

9 MS. BRYAN: Thank you. Lafe, and then we're going
10 to give the committee members and the audience a break.

11 MR. HAUGEN: All right. Everybody wake up. Lafe
12 Haugen, Northern Cheyenne. I'm going to lead us into
13 break.

14 Heard a lot of good comments today and gained a
15 whole new respect for a whole lot of people.

16 Rusty, thank you for your good comments.

17 But more importantly, I wanted to look at who I
18 consider the leader of our region, and that's Jason
19 Adams.

20 When this information first came out, he said he
21 would stand with us, and by golly, he did. His tribe
22 looks to be increased by \$300,000 to \$400,000. And so

1 I really gained a whole new level of respect for Jason
2 in looking at him as a man that's going to keep his
3 word, and I appreciate Jason for that.

4 But more importantly, I think that we're all here
5 for the same reason. We're here to do what's best for
6 our tribes.

7 But let me tell you something, Rodger, you have a
8 tough task in front of you.

9 We're strapped for money, the whole country is,
10 but if NAHASDA receives some more funding, that would
11 probably alleviate a lot of the things that we're doing
12 here.

13 So I want to give a shout out to everybody who was
14 a part of these study groups and did the good work,
15 because Heather's right, no matter which study group or
16 which study we come out with, nobody's going to be
17 happy. So I like Rusty's comment, "Let's freeze it."

18 But I couldn't help but think, as we started to
19 get kind of deep into this, what Sara shared with me
20 the first time I met her, she said, "Remember one
21 thing, Lafe, love, not war." Right?

22 (Laughter).

1 MR. HAUGEN: Maybe she didn't say that, but it
2 sounded good.

3 (Laughter).

4 MR. HAUGEN: So I just wanted to share that, get a
5 little laughter in this room. Everybody is kind of
6 solemn and quiet.

7 But with that, Madam Chairman, I just want to
8 yield a couple of minutes to the Vice Chairwoman from
9 Fort Peck Reservation.

10 MS. IRON CLOUD: Thank you, Madam Chairman. Is
11 this the one over here? I appreciate it. Thank you so
12 much. Thank you, Mr. Chairman, as well.

13 I just want to tell you two stories, and these are
14 true.

15 The first one has to do with Christmas stories.
16 I've always taught my children there is a Santa, and I
17 still believe it, and I know it, because I carry Santa
18 in my heart. He goes everywhere I go.

19 Of all my children, I've had, five sons and five
20 daughters. Went to university, went there nine years,
21 almost became an attorney, but my children were more
22 important than any attorney-ship I could get, so my

1 daughter, she became an attorney.

2 When I finally did graduate, my husband was
3 working, and I was part time working, on a Christmas
4 evening, the people next to us, in our language, you
5 say oonshika, it means just pitiful, and we thought we
6 were bad. At that time, I had all my children. My son
7 had already gone to England on his mission for our
8 church. So I had 9 little ones on my own, but I raised
9 5 of my sister's children, so I have 14 children.

10 So they knew that they were each going to get at
11 least two or three gifts, each one of them, that's all
12 they were going to get that year, and that was fine.
13 So at the end of that evening, I said, "Can you come
14 and bring your best present to me?" So they're all
15 excited, they went and got their best present, and they
16 put it beside Mama.

17 I said, "Now, go out in the country there, right
18 where the thing is, and find a big box where all the
19 boxes are held." So they brought the hugest box, and
20 they set it by me.

21 I said, "So put the best present you have in the
22 box." And they were wondering why we were going to do

1 that. And they did, they put that best present there.

2 I said, "Now, you look at the people next to us.

3 They have 10 little children, we have 14, but their mom

4 has a operation, dad has to stay home and watch them.

5 They're living on aid from the state of Minnesota."

6 I said, "You go over there, and you give them that

7 box. You give it to them, because you know that they

8 are worse off than you." Oh, it hurt my children. It

9 hurt them. They took that box, and they put it over

10 there.

11 I said, "Ring the doorbell, let it go, and then

12 put it down, and run home." And they did. They're

13 peeking out the thing to see those people come out.

14 To this very day, my son, who served in Iraq, he

15 come back, and he said, "Ma, this very day I found out

16 what generosity was because of that day." And he

17 always thanked me. But it hurt me to do that, because

18 I knew my children had the best toys in the world in

19 that box to them, but they gave their very best. And

20 that's what we need to do.

21 We need to give our very best to our neighbors.

22 We need to do that, because God will bless us, and I

1 know that. When we heard those prayers yesterday and
2 today, that's what it's about, because God will bless
3 you. I've seen in.

4 And then the very next story I wanted to share
5 with you, which is a true story, when I lived in
6 Chicago, Illinois for four years working for Allstate
7 Insurance, I loved it there. People said, "Don't go
8 there. The black people there are going to hurt you.
9 They're going to damage you somehow." They are just
10 people. I just loved them.

11 And all the people we served in Allstate, every
12 one of them was African American, every single one of
13 them. And they loved me. And I just treated them
14 really good, and they're my people, those are my
15 people, my babies always say.

16 The story I wanted to share with you was I went on
17 PBS channel, and I shared with them, I said, "When you
18 talk about your native people, you can only talk about
19 your own people, because that's where you live, that's
20 who you love, that's a part of you."

21 The gentleman that I went on PBS channel right
22 there with, he said, "I think we have a better idea

1 what natives are if you're not living with them, if you
2 don't live with them, if you don't see them."

3 And I shared with him, I said, "I don't know how
4 you live in your home. I'm not in your home. I don't
5 see how you pray with your children. I don't see how
6 you love your wife, how you love your children, what
7 teachings you teach them." I said, "But I know this,
8 what I do in my home. I know exactly what I do in my
9 home."

10 And as a Vice Chairman of my tribe, I knew the
11 people's needs of my own place, like our Chairman over
12 here speaking about our tribes for his own needs.
13 Those are the things that we see. We need to know that
14 no outsider can ever get the same perspective as our
15 own tribes. That's why we need to have this
16 administered by our own tribes.

17 And what I heard today is our people aren't honest
18 or we're going to skew it or we're going to change it
19 somehow. When you have that honesty and you know
20 you're working for your people, there is no place in
21 our own vocabulary even for that. We are an honest
22 people. We are a people that would die for one

1 another.

2 Truly, as a tribal leader, I love my people. I
3 love them. It's not because they put me in this seat.
4 It's because I was raised from that day. My boy, my
5 daughter, my other son, when they went overseas, they
6 didn't want to live in New York. They didn't want to
7 live in Washington DC, where one of them was based.
8 They didn't want to live in Texas. They didn't want to
9 live in Germany.

10 They wanted to come home to the reservation. Five
11 million acres we have on our reservation. We have
12 wonderful people that that's where they wanted to live.
13 Of the 14,000 people, 5,000 of them have decided to go
14 to the cities.

15 So when they write to me and they say, "We want to
16 vote for you," that's fine.

17 But I says, "Once you're out there, and you've
18 learned everything you can to get in on the non-Indian
19 life, come back and teach our people how, because some
20 of us will never leave."

21 I have left. I have come home, because that's my
22 home. That's who I am. And my mind is broadened more

1 because of that. But that don't mean I want to live in
2 Chicago. I serve in DC. I don't want to live in DC.
3 That is not me.

4 I don't want to live where the people aren't our
5 own relatives. I want to live where my blood is, where
6 my children's blood is. I'm grateful for that. We
7 need to think about that at this table.

8 And yesterday, when I spoke, I never thanked every
9 one of you what all you go through, for every prayer
10 that you have said on our behalf. I don't know what
11 you go through. I don't know how it is to sit right
12 here like this. But I've spoken at many times, I've
13 spoken at many places, and I carry the heart of my
14 people with me. Until my heart hits the ground, our
15 people will live. Thank you very much.

16 MS. BRYAN: Thank you. So it is about 10:45. We
17 really need a break. So I'm going to break this
18 conversation, the discussion piece of this agenda. And
19 we will return, please, promptly at 11:00 a.m.

20 (Recessed at 10:44 a.m.)

21 (Reconvened at 11:07 a.m.)

22 MS. BRYAN: Thank you for your attention. I am

1 going to usurp some authority as the Co-Chair of this
2 committee and call point of order.

3 I would like to get back to the agenda. The data
4 study group has worked very hard, and they are trying
5 to give us a presentation. We don't have any proposals
6 that have been made yet, so I would state that, if you
7 have something germane to this conversation or a
8 question for the presentation, please feel free to ask
9 it, but we're going to let them finish with their
10 presentation.

11 And when proposals are made, then we can start
12 discussing what those are. Thank you.

13 Gary?

14 MR. COOPER: Thank you, Madam Co-Chair. Gary
15 Cooper, again.

16 Todd was, I believe, in the process of wrapping up
17 his presentation. And I think if he has anything else
18 to present -- he's here.

19 Do we have anything, Todd? Or I think we pretty
20 much covered it all and was just to the point of
21 answering questions.

22 MR. RICHARDSON: Yeah.

1 MR. COOPER: And then we kind of got off topic.
2 So if there are no other questions, then I think we can
3 get back to what we was originally here for.

4 MS. BRYAN: Thank you. I know one of the
5 Committee members had a question about variables, but
6 he's now not sitting here, so it's been way past the
7 15-minute break.

8 So at this point in the agenda, we have heard from
9 the data study group. We have had a presentation on
10 all the materials and the way that they came about, the
11 purpose of their work, and the decisions that were made
12 based on what they were trying to achieve.

13 So at this time in our agenda, we are looking for
14 the full committee to consider the recommendations from
15 the data study group, and I'll let Gary introduce that.

16 MR. COOPER: Okay. Thank you, Madam Chair. Gary
17 Cooper, again.

18 The data study group, as you heard yesterday, and
19 as you see in the report, we worked really hard, I
20 think, to do what we was charged to do. And part of
21 what we was charged to do was, as a result of what this
22 committee had already agreed to by consensus and what

1 was approved and what would become regulation 1000.330
2 and 1000. -- I believe it's 331, which is the
3 volatility control factor.

4 So we were charged with looking at a data source
5 that could be implemented by 2018, to look at all data
6 sources that were available, and I believe that we did
7 that. As you heard yesterday, we sought public
8 comments, asked for a number of data sources, and we
9 looked at all that was available to us, everything that
10 the public presented to us, and this report is what we
11 came back with.

12 The data study group was able to reach consensus
13 on a couple of items, and if I could, I would like to
14 bring those forward now.

15 The first one is a recommendation, and that can be
16 found in the executive summary. It's actually on page
17 4 of the report that's in front of you.

18 Recommendation number one, and of course, this is
19 our recommendation, and if we can agree on some
20 language here, then I think, as has been the practice
21 in the past, that we would then put that forward to the
22 drafting committee, and the drafting committee would

1 work on drafting the actual regulatory language for
2 that.

3 So recommendation number one would be American
4 Indian and Alaska Native, AIAN persons variable, the
5 AIAN population will be the greater of the most
6 recently available ACS, decennial census, or challenge
7 data.

8 There are a couple of things that we would want to
9 consider or that the work group would offer as
10 consideration. If this is adopted, what we were able
11 to reach consensus on is that the data would no longer
12 be aged. The core data would be the better of ACS,
13 tribal challenge, or decennial census, not aged and
14 also, the challenge life cycle.

15 What the committee decided or was able to put
16 forward as a recommendation, and I would ask the
17 committee if there's any changes, that we could
18 certainly look at, and I would certainly entertain any
19 friendly amendments to that, any challenge, pre-
20 implementation of the new rule will have its 10-year
21 start date on the date of implementation, which is
22 fiscal year 2018, including any aging of the challenge

1 up to this time, with an expiration of FY 2028.

2 The one thing that we may want to consider that
3 Todd was able to find out for us is that there are some
4 current challenges in place that date all the way back
5 to 1998. Is that correct, Todd? I think the oldest
6 ones are between '98 and '01 or '03.

7 MR. RICHARDSON: I mean, there are challenges from
8 '98.

9 MR. COOPER: Okay. So there are some very old
10 challenges, so we would need to consider that. And
11 that's just something that I want to throw out there is
12 to let you know that there are some old challenges that
13 go all the way back to 1998. So if we did use the 10-
14 year beginning in FY 2018, that those challenges would
15 start a life cycle.

16 That is what I'm proposing, and I would, of
17 course, entertain any friendly amendments that anyone
18 may offer.

19 MS. BRYAN: Thank you. We have a proposal on the
20 table, and at this time, I would like to turn it over
21 to the facilitator so that Jason and I can participate
22 in the discussion. Thank you.

1 Is there a question first, before we start on the
2 proposal? Jason?

3 MR. ADAMS: Yeah, Jason Adams, Salish Kootenai.

4 Thank you for the point of order earlier, because
5 that was going to be when I put my card up earlier,
6 that was going to be the first thing I was going to ask
7 about is exactly where we are in conducting our
8 business here, because it seems like we kind of
9 spiraled out of control.

10 But another issue on point of order is yesterday,
11 when I started my presentation on the work group
12 product and what we had for you as a whole, first thing
13 that popped up was the two-hour time clock. So I'm
14 just wondering if the committee is going to implement
15 that two-hour time clock on all of what the study group
16 is going to present here today, I'm not suggesting that
17 in any means, or if we're going to ignore the time
18 clock in its entirety through this and spend the next
19 day and a half hashing through these issues.

20 I'm just bringing that up as a point of order in
21 regards to our protocol.

22 MS. BRYAN: Thank you very much, Jason. That also

1 was discussed during the break, and the time clock will
2 start with this introduction of this proposal. Thank
3 you.

4 MR. ADAMS: Just a follow up then. Will it be by
5 recommendation or the whole discussion from the study
6 group? I think we need to clarify that now.

7 MS. BRYAN: It's per proposal as stated in the
8 charter and protocols.

9 MS. PODZIBA: Okay. So the floor then is open for
10 discussion of the proposal.

11 Earl?

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

14 Question. Just wanted to be sure I understand
15 correctly. Then based on the presentation that Todd
16 provided, looking at Option 1, that reflects the
17 recommendation, or that data run is reflective of
18 recommendation number one concerning the AIAN persons
19 variable, is that correct?

20 MR. RICHARDSON: So that's correct. So it's
21 useful to look at Option 1, because that's the singular
22 impact of this recommendation if no other data were

1 changed. So if we continued to use 2000 Census aged
2 data for the other needs variables, the singular impact
3 of the recommendation of the study group is presented
4 in Option 1.

5 Now, obviously, if the group doesn't reach
6 consensus on the other needs variables, then it would
7 be left for HUD to figure out what to do. But for this
8 conversation about the recommendation of the study
9 group, understanding the impact, it's useful to look at
10 Option 1, because that's the singular impact there.

11 MS. PODZIBA: Jason, is your card up from before?
12 Gary?

13 MR. COOPER: Gary Cooper, again.

14 And just as a follow up, Todd, the AIAN population
15 accounts for is it 11 percent of the formula?

16 MR. RICHARDSON: That's right. It's 11 percent of
17 the weight of the formula.

18 MR. COOPER: If that helps you out, Earl.

19 MS. PODZIBA: Sami Jo?

20 MS. DIFUNTORUM: Clarification. Are we looking at
21 the blue column, the change relative to the current
22 base, or we looking at the yellow column with change --

1 MR. RICHARDSON: Blue column.

2 MS. DIFUNTORUM: Blue. Thank you.

3 MR. RICHARDSON: And I don't think there is much
4 difference between these, but if you look at the
5 volatility control, that's the first year. If you look
6 at the non-volatility -- but I think they're pretty
7 much the same, because I'm not sure that this has any
8 effect on any tribe of moving it more than 10 percent.
9 I can't imagine it does.

10 So they're pretty much the same. But it is column
11 -- I would look at the blue area, Option 1, that's the
12 singular effect of this recommendation.

13 MS. PODZIBA: Karin?

14 MS. FOSTER: Thank you. I just want to make sure
15 I understand, Todd. I heard you say this, in the, but
16 I want to make sure I understand.

17 Option 1 gives the choice of those three, as you
18 say, the ACS, or decennial census, or challenge, and
19 we'd choose the highest for each tribe. Does it also
20 include in it an assumption that the other variables
21 would remain under decennial census?

22 MR. RICHARDSON: So that's basically Option 1 has

1 all the other variables still using the 2000 Census
2 aged data.

3 MS. FOSTER: Okay.

4 MR. RICHARDSON: So it's basically just saying,
5 what's the effect of this change?

6 All of the other variables, if they were to be
7 changed to the ACS, would have a much bigger effect.
8 That's what you would see under Option 4, for example.
9 So if you were to say -- so Option 1 shows you the
10 singular effect of this recommendation of the study
11 group.

12 The study group did not reach consensus on what to
13 do with the other six variables. So if this group
14 doesn't come to consensus on what to do with the other
15 six variables, that's going to be in HUD's hands. One
16 thing HUD has said is the ACS, and that would then be
17 the combination of the study group's recommendation,
18 and going to ACS is Option 4.

19 MS. PODZIBA: Okay. But is it the case that the
20 proposal on the table simply addresses one variable?

21 MR. RICHARDSON: This proposal just addresses one
22 variable, and the effect of that one variable, you can

1 see on the Option 1.

2 MS. PODZIBA: So this proposal is silent on the
3 other six variables?

4 MR. RICHARDSON: It is silent on the other six
5 variables. So this proposal is completely silent on
6 the other six variables. No decision has been made on
7 it. So it is difficult to evaluate this. But I'm
8 trying to say that if you're trying to say, the effect
9 of this one variable change is shown in Option 1.

10 MS. FOSTER: Karin Foster, Yakama Nation Housing
11 Authority. Sorry. But is that true of the other
12 options except for Option 4, that they all leave the
13 variables open except for Option 4?

14 MR. RICHARDSON: So the other options are the
15 other options that we discussed for what to do with the
16 other six variables. So Option 2A says, use the ACS,
17 but adjust it. Option 2B, use the ACS, but adjust it
18 in a different way. Option 4, use the ACS, but don't
19 adjust it for the other six variables.

20 MS. FOSTER: Okay.

21 MR. RICHARDSON: But for this particular
22 recommendation of the study group, it is just about the

1 AIAN variable, which has an 11 percent weight. And you
2 can see that change alone has a relatively small effect
3 on most tribes, because the Native American variable
4 first has a fairly low weight, 11 percent, and that's
5 the main reason you see just a small effect there.

6 MS. FOSTER: Okay. Thank you.

7 MR. RICHARDSON: So the big question is the other
8 six variables.

9 MS. FOSTER: Thank you. That helps.

10 MS. PODZIBA: Jason?

11 MR. DOLLARHIDE: Jason Dollarhide, Peoria Tribe.

12 Just to help some of the folks in the audience, we
13 are, as far as our spreadsheet that we're looking at,
14 we are looking at the one with the volatility control,
15 correct? That's what we're looking at now, correct,
16 when we're introducing --

17 MR. RICHARDSON: Yes. If you look at the
18 volatility control, that would be the first year
19 effect, and for most tribes, the volatility -- it's
20 fine. Yes. Look at the volatility control.

21 MS. PODZIBA: Karin?

22 MS. FOSTER: Sorry. I'm looking real quick.

1 But just to clarify then, that's the set with the
2 volatility control, but it's the blue, not the yellow,
3 right? Okay. Thank you.

4 MS. PODZIBA: Option 1, it has volatility control
5 in parenthesis. It's the blue Option 1.

6 Earl?

7 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
8 Tribe.

9 So with the understanding that we're looking at
10 the spreadsheet that has the simulation with the
11 volatility control on Option 1, I now have a process
12 question.

13 My process question is this. Are we going to
14 debate whether or not to adopt the recommendation
15 first, or are we going to debate whether or not to send
16 it to drafting for language and then debate adoption?

17 MS. PODZIBA: That's a good question.

18 Gary?

19 MR. COOPER: If I'm not mistaken, and someone can
20 correct me if I'm wrong, but I believe what we had done
21 in the past was to adopt a recommendation then the
22 drafting committee takes it, drafts it into appropriate

1 language, and then brings it back to us for final
2 approval.

3 Does that sound right, Madam Chair? It's been a
4 little while since we were here last time.

5 MS. BRYAN: I've seen language put up in
6 regulatory format and then just in sentence format, so
7 I think we've adopted or by consensus proposals that
8 have not been in regulatory format around the table.

9 MR. COOPER: And I'm good either way. I would
10 entertain a friendly amendment. If we want to work on
11 putting it into regulatory language now, I'm fine with
12 that.

13 But this was the language that the committee
14 approved, and that's why I'm bringing this particular
15 recommendation forward is for that particular reason is
16 that's what the committee or the study group reached
17 consensus on. It wasn't any type of regulatory
18 language or anything else, but it was simply this
19 recommendation.

20 MS. PODZIBA: Carol?

21 MS. GORE: I think just to speak to the process
22 question, the study group did not want to assume that

1 the Negotiated Rulemaking Committee would adopt the
2 recommendations that came out of the report. So
3 candidly, we ran out the clock just getting to where we
4 are with the study. We did not consider regulatory
5 language.

6 Having said that, we have a single consensus item,
7 and I know that John Tillinghast was on almost every
8 study group call, he's taken the liberty of drafting
9 some language for this particular consensus item, I
10 think it's our only consensus item, if the committee
11 wishes to look at that.

12 Are there three recommendations? Sorry. I
13 misspoke.

14 But I do actually also want to make a comment
15 about this particular recommendation. I think the
16 study group felt like they wanted to bring a
17 recommendation that did no harm, and this better of
18 language was intended to allow the committee an option
19 that gives everyone their best shot.

20 So that was really the thinking behind this
21 recommendation. It wasn't made with any formula runs
22 in mind. We had nothing in front of us when we had

1 this discussion.

2 So I just wanted to be clear about how we got to
3 this recommendation as a study group. Thank you.

4 MS. PODZIBA: Heather?

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

6 I guess I just have one question. All of these
7 options are one consensus item, so my question is, are
8 we looking at a specific option, or are we looking at
9 all of the options simultaneously?

10 MS. PODZIBA: My understanding is that this item
11 before you is the item that the study group reached
12 consensus on, and it only pertains to the single
13 variable of American Indian and Alaska Native persons
14 variable.

15 So this is a proposal that just gets to that
16 variable. I don't believe there are any consensus
17 proposals on how to handle the other six variables.

18 MS. CLOUD: Of this item, there are several
19 options. So I guess is the proposal on this one
20 option? Because the study group didn't determine which
21 option was the best of, and we are presenting all of
22 them. So that's where I'm not sure which one are we

1 exactly voting on, all of them, or is that what we're
2 debating, or we're debating Option 1? I'm unclear.

3 MS. PODZIBA: Gary?

4 MR. COOPER: This is on Option 1 only, which is
5 the AIAN persons variable, the population variable.

6 And Carol brought up a good point. Our study
7 group was open to members of the public. The public
8 openly participated. There were several folks, and
9 John Tillinghast was one of those folks, who I believe,
10 if he wasn't at every meeting, he was at most of them.
11 And even I think he attended all of our in-person
12 meetings. And so did other members of the public.

13 John took it upon himself to draft some language,
14 so if we want to look at regulatory language, I'd be
15 happy to do so, and we can put some up here. And
16 again, I would entertain any friendly amendments that
17 anyone may have on that, if we want to look at actual
18 regulatory language.

19 MS. PODZIBA: Carol?

20 MS. GORE: May I just recommend I think our
21 language is getting us confused? This is
22 recommendation number one from the study group. There

1 are, in your data runs, options. This has no
2 relationship with the options or making decisions about
3 those options, other than to suggest we reached
4 consensus on the first factor.

5 This is our recommendation. It relates only to
6 that first factor. It does not relate otherwise to
7 making a decision about the options that are in the
8 run. So if we could maybe concentrate on framing it by
9 this was our first recommendation. Thank you.

10 MS. PODZIBA: Jemine?

11 MS. BRYON: I just would like to ask that, if we
12 are going to review regulatory language, that we allow
13 the drafters to get together before presenting it. So
14 I don't think it would take a long time, but if you do
15 want to go that way, we'd need at least 10 minutes for
16 them to get together before they present it would be my
17 ask. Thank you.

18 MS. BRYAN: We have a request for 10 minutes for
19 the legal team to look at the language that's presented
20 before we discuss it as a committee. So I'm going to
21 take a break for 10 minutes and allow that.

22 Yes, Jason, before we break?

1 MR. ADAMS: I guess just a clarification here.
2 The study group is making these recommendations, and
3 they're in concept form at this point, because we
4 didn't have time, as Carol explained, to get into
5 language. So any language that's put up here is not
6 from the study group, is not what we are bringing
7 forward today.

8 I was hoping that we would have the opportunity to
9 talk through the concept and make sure we get approval
10 from the committee to move forward with a concept. If
11 we're going to bypass that and go right to language,
12 then I have a problem with that, because it's no longer
13 the study group's recommendation that we're working off
14 of.

15 MS. BRYAN: So we had a comment about process and
16 really discussing the proposal from the study group as
17 a full committee prior to legal looking at language.
18 So I will rescind the 10-minute break and resume the
19 discussion, as requested by the committee members.

20 MS. PODZIBA: From a process point of view then,
21 would we be trying to potentially, after discussion,
22 reach consensus on a recommendation to send this

1 recommendation to the drafting committee? Is that what
2 the goal would be?

3 SPEAKER: Yes.

4 MS. PODZIBA: Okay. So that's where we're at.
5 We're going to discuss the recommendation and then see
6 if it's the will of the committee to send it to the
7 drafting committee. Okay.

8 MS. BRYAN: Yes.

9 MS. PODZIBA: Jason? Sorry. Gary?

10 MR. COOPER: No, I'm good. I was trying to get
11 folks on the committee to give us some type of
12 inclination if everyone is okay with this
13 recommendation, if there are some questions that we can
14 answer about it, if anyone has any changes they want to
15 make to the recommendation, I'm perfectly fine with.
16 As I mentioned whenever we first started is that I
17 would put for the recommendation and then hopefully, if
18 we can reach consensus on it, send it to the drafting
19 committee. I'm good with that.

20 Unless anyone has anything else, I'd call for a
21 consensus.

22 MS. PODZIBA: Is that a call for the question?

1 MR. COOPER: I'll call for the question on the
2 proposal for recommendation number one to be approved
3 to go to -- the recommendation as is presented to be
4 approved and it go to the drafting committee to draft
5 regulatory language.

6 MS. PODZIBA: Okay. To the Co-Chairs, there's
7 been a call for the question. So I send it back to
8 you.

9 MS. BRYAN: Thank you, Susan.

10 Jason, your card is up.

11 MR. ADAMS: I thought we were going to handle that
12 first. Sorry. Jason Adams, Salish Kootenai.

13 I guess I was prepared to make my comments either
14 before this action or after, but I can make them now.

15 The one thing that concerned me, I was trying to,
16 in good faith, negotiate as part of this study group,
17 and the one thing that we were doing on the study group
18 was negotiating blind, because we did not have this
19 data run.

20 And one of the things that I'm hearing now clearly
21 from our region, you've seen the resolutions that have
22 been passed out, is that we are -- our region stands to

1 lose money on any scenario that includes ACS. And so
2 if we are ready to vote, I would vote no, and I'm
3 telling you why exactly now is because this proposal
4 include ACS data, and it's the better of with tribal
5 challenge and decennial census.

6 And now that we see the effect, even with the
7 volatility control, 23 of our tribes out of the 32 of
8 us lose money. And so in standing with the rest of the
9 tribes in our region and the resolutions that have been
10 passed by Tribal Councils in our region that refute the
11 use of ACS, I'd have to vote no.

12 MS. BRYAN: Okay. Thank you. Again, the cart's
13 before the horse. My apologies.

14 Call for the question. We have a call for the
15 question. Please vote.

16 MS. PODZIBA: Okay. There is no consensus.

17 SPEAKER: I'd like a count.

18 MS. PODZIBA: You want a count?

19 SPEAKER: Yes, please.

20 MS. PODZIBA: Okay. Could we see the vote again,
21 please? Fourteen yeses and 7 noes, 14 yes, 7 no.

22 We heard from Jason. Would others who voted no

1 care to share their reasons for dissent?

2 Sami Jo?

3 MS. DIFUNTORUM: Okay. The reason I voted no
4 doesn't really have to do with ACS specifically, but I
5 have a difficult time supporting the better of
6 language. It doesn't make sense to me, because we're
7 not comparing the same thing. It's not data that was
8 necessarily collected in the same manner, and it
9 doesn't make sense to me, so I really can't support it.
10 Thank you.

11 MS. PODZIBA: Okay. Yes?

12 MS. YAZZIE: Thank you. Aneva Yazzie, Navajo
13 Housing.

14 I think I expressed my comments earlier just in
15 the general discussion, and it is dealing with ACS and
16 not having that full understanding as to why variations
17 are occurring and having rhyme and reason to describe
18 why there are fluctuations in the runs that support
19 some of the effects of utilizing ACS. Thank you.

20 MS. PODZIBA: Okay. Anyone else want to share
21 their reason for dissent? Sam?

22 MR. OKAKOK: Thank you. I look at this language,

1 and it does say ACS decennial census or challenge data,
2 and it leaves out some of the recommendations that the
3 study group has come up with. And I think I'd like to
4 see some more information discussed in regards to the
5 other data sources, and those have been left out of
6 here.

7 And so with this limited here, I can't support
8 that either.

9 MS. PODZIBA: Okay. Thank you. Yes, Gary?

10 MR. COOPER: I just have a point of order. I
11 think I'm looking for -- don't we need an alternative
12 proposal from a dissenter?

13 MS. PODZIBA: Yes. Can any of the dissenters
14 offer alternative proposals?

15 Jack?

16 MR. SAWYERS: I don't know that we could do it at
17 this time. I voted against it. While it's kind to me,
18 it's not kind to many of the folks in my region, and I
19 cannot vote for anything that would hurt the poorest
20 tribes, and that's pretty well established, the poorest
21 tribes in the United States. And we're not trying to
22 figure out why and all of that. I'm just saying that,

1 in good conscience, I could not vote for anything that
2 would hurt the very poorest tribes in the United
3 States.

4 And so basically, I don't have an alternative,
5 except I think that we got to do some more studies and
6 so on. I think that there's some resolutions for
7 solutions. I'm not sure that I agree necessarily. I'm
8 just saying that, in good conscience, how can I vote
9 for something that hurts that many people?

10 MS. PODZIBA: According to our ground rules, when
11 there is dissent, we do ask for an alternative
12 proposal. Is anyone in a position to be able to do
13 that?

14 MR. ADAMS: The alternative is to leave it as is.

15 MS. PODZIBA: Jack?

16 MR. SAWYERS: That's exactly what I was going to
17 say. Sometimes status quo is the best answer, and
18 right now that's the best answer that I have.

19 MS. PODZIBA: So there's an alternative proposal
20 to make no change to the current data set. Okay.
21 We're going to entertain that proposal. Is there a
22 discussion of the proposal? Yes. Or that's what you

1 said, no change means no proposal.

2 MR. ADAMS: Exactly.

3 MS. PODZIBA: Right. Okay.

4 MR. ADAMS: I mean, you can't vote on -- we'd be
5 here all day back and forth playing this game.

6 MS. PODZIBA: Okay.

7 MR. ADAMS: I mean, with chasing out tail, you
8 can't do that.

9 MS. PODZIBA: All right. So but we got to that
10 yesterday, right, where then that wasn't considered an
11 alternative proposal, because it was no change.

12 Does anyone on the committee have any other
13 thoughts?

14 Jason?

15 MR. DOLLARHIDE: It appears that we're at a
16 standstill. I think all of us knew that this point was
17 coming.

18 You have some folks on one side of the table
19 that's ACS, or not necessarily ACS, but better of the
20 two evils. Then you have some folks that support the
21 tribal survey.

22 I guess my question for the committee is, where do

1 we go from here? Because I mean, we could go through
2 all these recommendations, just as Jason had stated
3 earlier, with his position that anything that has to do
4 with ACS, that he cannot vote yes for that. And I'm
5 not trying to speak for Jason. I'm just saying what he
6 had just previously stated.

7 So from that standpoint, I guess my question for
8 the committee is, where do we go from here? Because
9 essentially, we're at a stall. ACS, tribal survey,
10 going to have some people up thumb, some down on both
11 issues.

12 And like I said, just like Mr. Adams said just a
13 few minutes ago, on the proposals, which he has every
14 right to vote those down with his region, that I don't
15 know where we're going to go from here.

16 MS. PODZIBA: Earl?

17 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
18 Tribe. I don't know about anyone else, but I'm of the
19 opinion that now we just go to the next stage of the
20 process, which I think is discussing the preamble,
21 because really, in terms of the recommendation from the
22 data committee, this was their consensus item, the rest

1 are non-consensus items.

2 And I can tell you that, in terms of myself, and
3 again, with all due respect to everyone here, I can't
4 discuss a hypothetical, nonexistent data source. I'm
5 still trying to wrap my brain around how a nonexistent
6 study comes past evaluation criteria for data sources
7 in order to get evaluated. And I mean, it kind of
8 seems to me like someone coming to me telling me
9 they'll sell me ocean front property in Tucson.

10 So in terms of discussing studies that don't
11 exist, with all the need that we've heard here from the
12 testimony today, it seems like completing our job here
13 now is what's most incumbent upon us.

14 Discussion over the next two days and the next
15 meeting, I don't believe, would result in a tribally
16 funded or a federally funded data study. It most
17 certainly, within the time constraints we have, won't
18 result in a source of data. And based on the vote that
19 we've just had, we're kind of left with going back to
20 status quo.

21 So it seems to me, going onto the preamble and
22 wrapping up the process seems to be what would be most

1 prudent and most responsibility right now, because I'm
2 hearing that the opposition tends to believe that all
3 the poor Indians live in the Plains, all the needy
4 tribes only live in the Plains. And I don't believe
5 that.

6 I mean, I've been to Alaska and attended
7 potlatches and had moose head soup there. I've been to
8 the Northwest and participated in ceremonies there, had
9 salmon. I've been to the California tribes and seen
10 some of their dances, their ceremonies, and the way
11 that they live. I've been to Oklahoma. I've been here
12 to Arizona. I've been out to Navajo and had mutton
13 stew. And even like Dennis Yazzie and the Night Breeze
14 Band, and follow them pretty regularly.

15 And what it tells is basically, I like to eat.

16 (Laughter).

17 MR. EVANS: But what I'm saying is, is that when I
18 look at this list, and I look down the tribes that are
19 on here, every time I pass by a tribal name, I'm seeing
20 faces of people I know. I'm recalling memories of
21 visits, conversations, circumstances that I've seen.

22 And I know that needy Indian people live all over

1 this country, not just in one region. And I know that
2 it's my duty, as a member of this committee, to not
3 just represent my tribe, not just represent my region,
4 but as the federal register notice says, represent the
5 interests of large, medium, and small tribes all across
6 the United States.

7 And so with that purpose in mind, and based on the
8 need that I've heard expressed here by the tribes who
9 have come and given testimony, I'm also an elected
10 official of my tribe, and I can't see spending time --
11 I've said from the first meeting, if someone has a
12 different data source that will be better, put it on
13 the table.

14 If someone has something that has been done by a
15 tribe to be used as a model, enter it in the data
16 study. Let it be evaluated. And if it comes out, and
17 it rises to the top as being the best that there is, I
18 would fight with it tooth and nail to the very bitter
19 end if that was evaluated and came out to be the best
20 thing. But it doesn't exist.

21 I asked, at the beginning of this session, if
22 anybody had any other variables, bring them. We can

1 talk about talking about variables, but as Rusty said
2 earlier, anybody can bring a proposal. And so far, no
3 one has brought better variables.

4 And again, this is just all due respect to
5 everyone here, and I don't mean to, in any way,
6 disrespect the work of the data committee. But we've
7 considered their recommendation, it didn't fly, and I
8 just think that it will be better use of our time go
9 ahead and complete the process, because it seems that,
10 based on the dissenting comment, that the data issue
11 seems to be settled.

12 MS. PODZIBA: Okay. So thank you for that. And
13 I'm aware of your process suggestion that we move to
14 the next agenda item and that there is no proposal on
15 the table.

16 If it's suitable, we'll hear from the rest of the
17 people who put their cards up and then perhaps move to
18 the next agenda item if no proposals are proposed.
19 Does that make sense to you? Okay.

20 Jason?

21 MR. ADAMS: I'm probably going to steal Gary's
22 thunder, but we do have two other items that are in the

1 packet that were recommendations to be made. So for
2 all intents and purposes, we're not done.

3 The other thing I want to state for the record is,
4 Mr. Evans, I agree or I appreciate your comments, but I
5 have to take exception when you point out the Plains
6 tribes.

7 I serve as Chairman of the UNAHA organization.
8 And your comments directed directly at us that we have
9 this claim that the poorest Indians live in our region,
10 I'd just like to make you well aware that resolutions
11 that are against ACS are not just from the Plains
12 tribes.

13 The fact, and I think the point that Jack has made
14 several times here today is that it's documented, it's
15 well documented, that the poorest counties in the
16 United States are in our region. So if you want facts
17 as to where the poorest people live, go and find those
18 facts. That's where it's at.

19 So it's not just that there's this conception that
20 we have the poorest people. It's documented we do.
21 And so the point being made that we are taking money
22 with the ACS from those poorest tribes. That's an

1 unequivocal true statement, because the poorest
2 counties reside on these reservations.

3 And so I take exception to be pointed out and our
4 region being pointed out for that reason. So I just
5 wanted to make that sense.

6 And the other issue want to address here is we
7 keep talking, and I've heard it several times being
8 brought up today, and we were talking against the
9 tribal survey, when we haven't even brought it to the
10 table yet, and that's an issue that is non-consensus
11 from our work group, study group, so I'm assuming it
12 won't be brought to the table.

13 And yet, I keep hearing from various folks pot
14 shots at this tribal survey. My comments on that, if
15 the floor is open to talk about it, seems to be, is
16 that that was an idea that was brought forward that,
17 because ACS and census' focus is not tribal specific.
18 Just think about that for a minute.

19 We have an organization and a federal entity that
20 provides data to us that its focus is all across the
21 country in gathering data for every community. It's
22 not tribal specific. So we have a chance with a tribal

1 survey to go after a product that is tribal specific.

2 And so if we can't agree on that principle idea,
3 then we don't have to have the discussion any further
4 than that. The idea behind a tribal survey starts with
5 that basic principle, that that would be something
6 either tribal driven or federally driven. And my
7 personal opinion, the right concept would be a
8 federally driven product that would be more tribal
9 specific, that would be something that tribes would
10 have some say in, tribes would have the ability to own
11 from of that data.

12 Right now, we rely on census that give us the
13 American Community Survey and a census that's done
14 every 10 years. They don't care. Their focus is not
15 tribal specific.

16 So it was our hope and the hopes of the folks that
17 brought that idea forward that there would be this idea
18 that we could be tribal specific with a data set.

19 Seventeen years ago, I keep hearing that from my
20 father from over here, my father figure, actually
21 grandfather figure. No.

22 (Laughter).

1 MR. ADAMS: Father Time.

2 (Laughter).

3 MR. ADAMS: Back when this whole process started
4 with NAHASDA, that there was acknowledgment, and you
5 can read the preamble language, that census was not a
6 perfect data set, and we've heard here today being said
7 there is no perfect data set.

8 But again, the attempt is that if we can attempt
9 to go after and ask for a data set to be negotiated,
10 because all of the fears that I've been hearing and we
11 talk about cost and how it would be structured, and all
12 of those things, that's in the weeds for our
13 discussion, because that would be determined by tribal
14 leadership at a negotiated rulemaking table. And they
15 would determine if that could be feasible, how much it
16 would cost, what all the pieces, and how that would be
17 put together.

18 I just think, again, that was beyond the focus of
19 the study group. That should be beyond the focus of
20 this group. But the idea is what we could get behind
21 as a Negotiated Rulemaking Committee, the idea that we
22 could develop a data set that would be tribal specific.

1 Part of the rules of the study group moving
2 forward, and one of the bullets in there that we were
3 supposed to consider is sovereignty, tribal
4 sovereignty. We have tribal leaders in this room today
5 that stand by that very principle. I'm a product of a
6 tribe that stands on its sovereignty at every turn.

7 And so from that perspective, that is really a
8 data set that could be pursued that would honor
9 sovereignty of tribes. We'd have say in its
10 implementation, we'd have say in its creation. That,
11 to me, is an exercise in our sovereignty.

12 So if we're going to have a discussion on tribal
13 survey, I wanted to have my two cents put in, because
14 again, it's not a consensus item, so I don't believe
15 those items are going to be brought to the floor today,
16 because they were non-consensus from our work group.
17 But it keeps getting attention, so I wanted to give my
18 two cents. Thank you.

19 MS. BRYAN: You bring up a good point, Jason, that
20 that's not what we're talking about. And I would like
21 to call point of order again to finish up if this
22 proposal is gone, then let's move on.

1 I see a lot of cards, and people want to talk, and
2 I respect that, but we are in the middle of hearing
3 some proposals from the data group, and I'd like to
4 finish that portion of our agenda.

5 MS. PODZIBA: So is it your preference that we ask
6 if any of the cards that were raised focus specifically
7 on this proposal and providing an alternative proposal?

8 Gary?

9 MR. COOPER: Jason covered what I had to cover in
10 that this is not the only recommendation we have to
11 bring forward. So if we can't get consensus on this,
12 and we can't move anywhere on it, then I say we move
13 onto our next recommendation.

14 MS. PODZIBA: Okay. So again, of the cards that
15 are up, are any of those alternative proposal, given
16 that this proposal did not achieve consensus?

17 Karin?

18 MS. FOSTER: The answer to that specific question
19 is no, but I do think that we should reserve the
20 question of whether we actually talk about non-
21 consensus items out of the study group, because I
22 didn't understand that to be decided that we wouldn't

1 be discussing any of those issues, and I think that
2 there could be some very worthwhile discussion of those
3 items.

4 But I do agree it is a good idea to move on with
5 the things that we do have on our list.

6 MS. PODZIBA: Sharon?

7 MS. GORE: The answer is also no. But I think
8 that it's important to realize that if we are going to
9 move on, and we have this time, then perhaps we should
10 talk about the other variables. If we can't agree to
11 this, that's fine, but we haven't said whether we agree
12 or disagree on the variables.

13 MS. PODZIBA: Jemine? Not on this. Okay.

14 MS. DIFUNTORUM: Hi. Sami Jo Difuntorum. This is
15 not an alternate proposal, but I just want to say I
16 appreciate what I believe was the spirit of cooperation
17 that this proposal was put forward, people trying to
18 find middle ground, I appreciate that.

19 I can't support it. I don't have an alternative.
20 But what I want to know is, because we don't have
21 consensus, what does that mean in terms of where we are
22 with data? We continue using the data that we're using

1 now? That was what I thought I heard, for the core
2 data.

3 MS. PODZIBA: I think that we would entertain the
4 next proposals and then move forward after that.

5 Heather?

6 MS. CLOUD: Yes. Heather Cloud with the Ho-Chunk
7 Nation.

8 Just a quick comment on what we just discussed. I
9 just wanted to point out that the low income, it is a
10 factor, and it is weighted, and it is part of the
11 formula. So it's not that it's not taken into
12 consideration.

13 There are other factors as far as population, and
14 there has been migration. So it has shifted from some
15 of the land base to urban areas, and that, I believe,
16 is why the numbers are changed.

17 When the study group had discussed the
18 recommendation and we voted upon it, at that time,
19 there was no data runs, and there was no data before
20 us. What we were looking for was a common ground to be
21 able to negotiate upon in good faith that would impact
22 everybody the least. So we were looking for a middle

1 ground.

2 And then actually I heard Jason speaking on a
3 feasibility study. That was a non-consensus item that
4 I had brought forward for that to be done, and
5 actually, I believe that it was Jason that was one of
6 the opposers. So that was brought forward as well.

7 I guess that's concerning this recommendation,
8 that's all I have to say at this time.

9 MS. PODZIBA: Okay. So this proposal did not
10 reach consensus. We have the vote on that. There are
11 no alternatives on the table.

12 So Gary, I think we're ready to move to the second
13 consensus item.

14 MR. COOPER: Okay. Again, from the data study
15 group, there is a recommendation that is titled in your
16 report, 1A.

17 You heard Todd discuss it yesterday. The
18 recommendation is for the committee to discuss whether
19 or not to exclude South, Central and Canadian AIAN from
20 the decennial census and the ACS.

21 If you'll remember Todd's conversation from
22 yesterday, actually that's expanded a little bit from

1 what we now know to include Spanish American, Mexican
2 American, and French Canadian.

3 Am I correct, Todd and Kevin? They're in deep
4 thought over there.

5 Included in the South, Central and Canadian is
6 Spanish American, Mexican American and French Canadian,
7 and that accounts for approximately -- it was
8 approximately 3 percent on the form lists, one of those
9 specific tribes as a write in, folks can write in what
10 tribe they're with, and about 3 percent have identified
11 that they're with a non-US based tribe.

12 MR. RICHARDSON: Non-US based tribe. That's
13 right.

14 MR. COOPER: And that's where this recommendation
15 comes from. And I put that forth to the committee for
16 discussion, and we'll entertain any friendly amendments
17 that anyone has.

18 MS. PODZIBA: Okay. Thank you, Gary.

19 Open the floor on this new recommendation that was
20 from the study group.

21 Karin?

22 MS. FOSTER: Yes, thank you. Karin Foster, Yakama

1 Nation Housing Authority.

2 I think when the study group met on Sunday, we
3 talked about a little different wording to this. Isn't
4 that something that maybe was in your presentation, was
5 somewhat different?

6 MR. RICHARDSON: Yeah, so when we met, two days
7 ago, I guess, we thought it was probably more useful to
8 talk about this, not about who to exclude but who to
9 include. And this is more -- and so this would be to
10 include tribes, individuals who identify with a US-
11 based tribe or don't identify at all would be who's
12 included.

13 And so that would result in we would then not
14 include folks that are identified with Canadian or
15 French American, Central American, Mexican American,
16 South American, Spanish American. And that, as Gary
17 said, that affects 3 percent of folks who have self-
18 identify as Native American.

19 MS. PODZIBA: Karin, was that friendly amendment
20 to the language here that you were proposing?

21 MR. RICHARDSON: I should note --

22 MS. FOSTER: I was question whether that was

1 actually the proposal, since the meeting we're
2 referring to on Monday, different language came out of
3 it.

4 And I do prefer the wording, the inclusive wording
5 rather than the exclusive. But I was going to just
6 speak in favor of the proposal, understanding they have
7 the same general meaning.

8 I mean, what we're talking about here is people
9 who do not identify -- I mean, they identify as being
10 of a group that is not eligible for any of our
11 programs. I mean, they could just as well be
12 identifying as Caucasian or any other classification
13 that would not be eligible to be served.

14 So if we have someone who's identifying as AIAN,
15 but their tribe is in South America, and if they came
16 to you and wanted to be served, they wouldn't be
17 eligible anyway, I think it only makes sense that
18 they'd be excluded from the AIAN count.

19 I guess I don't see how that could be otherwise,
20 but I'd be interested in what other people think if
21 somebody has a different view.

22 MS. PODZIBA: Jason?

1 MR. ADAMS: I just wanted to expand a little bit -
2 - Jason Adams, Salish Kootenai -- on what Karin's point
3 she's trying to make.

4 The one thing I want to say though is that this is
5 the recommendation language for the concept coming
6 forward from the study group. Again, we don't have
7 specific regulatory language on where this would fit in
8 yet. If the concept is approved, then we would get
9 that drafted up and come back. That's my recollection
10 of the process.

11 I just wanted to say that this issue, to me
12 anyway, is an issue that corrects a deficiency that has
13 gone on since the beginning of the program when this
14 small percentage of folks are in the AIAN count from
15 decennial census and potentially future into ACS, that
16 I think that this needs to be corrected.

17 This is definitely a violation of the program, and
18 tribes shouldn't be getting money for their service
19 area if there is AIAN folks identifying by these tribes
20 or relationships that aren't eligible for the program.
21 Thanks.

22 MS. PODZIBA: Carol?

1 MS. GORE: Thank you. I agree with Jason. But I
2 think how we frame this is really going to matter. It
3 matters, especially, for Alaska. So I'm advocating for
4 language that specifically designates who would be
5 excluded, because in Alaska, our federal recognition
6 came late. That's not our fault. We've identified
7 ethnically as Aleut. I'm Aleut. That's not the name
8 of a federally recognized tribe. So it's not a tidy
9 match when we are counted.

10 So I'm recommending that the language, when it is
11 developed, would be framed like this recommendation is
12 framed, that it would instead articulate who should not
13 be included. Thank you.

14 MS. PODZIBA: Earl?

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

17 I agree with Carol in that I think we should go
18 forward with this recommendation, but also keep in mind
19 that there needs to be some exceptions for tribes who
20 do have citizens that are enrolled that live and come
21 over across international borders, because I know we
22 have some of those here in Arizona, we have some of

1 those in New York.

2 And so how we craft that will not only impact the
3 base funding but also, I'm sure, it will have some
4 implications for data challenges. So whatever language
5 is developed for that and who's excluded needs to
6 consider those circumstances as well as how that's
7 handled in a data challenge. Thank you.

8 MS. PODZIBA: Karin?

9 MS. FOSTER: Yes. Karin Foster, Yakama Nation
10 Housing Authority.

11 I appreciate Carol's comments. And I guess I just
12 would like to be sure then that, if we are listing
13 which categories are excluded, that it be comprehensive
14 enough to cover all of the categories we were talking
15 about on Monday.

16 I don't know whether this language is just taken
17 from the census language. I remember it being stated
18 that there's also Spanish American, Mexican tribes. So
19 I think it should include everything that isn't United
20 States, including, of course, Alaska as part of the
21 States.

22 MS. PODZIBA: Gary?

1 MR. COOPER: Yeah, I want to echo what Karin just
2 said, and that would be my personal recommendation to
3 the drafting committee is that they actually get, and I
4 think Todd has that information, what ACS actually
5 uses, the actual definitions of those tribes to use.

6 Originally, there wasn't any other commenters, so
7 I was going to call for the question, but I will
8 actually defer first to the ones that have their cards
9 up for comments first before I do so.

10 MS. PODZIBA: Pete?

11 MR. DELGADO: I guess the clarification I need --
12 Pete Delgado, Tohona O'Odham Nation -- the
13 clarification I need is the definition of Mexican
14 American and how that's reported and who that excludes,

15 Because as was noted earlier, our tribe, we have
16 75 miles of border. And when our tribe was put
17 together in the 1920 and our enrollment base, we have
18 3,000 members who live in Mexico, and we provide
19 services to them. Now, they're Mexican citizens.
20 They're not Mexican American. There is a distinction.
21 But I can just use myself as an example. My mother is
22 Mexican. I consider myself Mexican American. My

1 father is Tohona O'Odham. I'm a tribal member.

2 So we could have tribal members in our tribe who
3 identify themselves as Mexican American, even though
4 they have that. So if I can get clarification of what
5 that means and how that effects specifically our tribe.

6 MR. RICHARDSON: So the way this is collected is
7 that when the you indicate you're Native American,
8 there's then another line that says, print name of
9 enrolled or principle tribe. And then the tribe you
10 write down is then classified by the Census Bureau.

11 Is this an American Indian tribe? Is this Alaskan
12 Native tribe. Is this a Canadian and French American
13 tribe? Is this a Central American tribe? Is this a
14 Mexican American Indian tribe? Is this a South
15 American Indian tribe? Is this a Spanish American
16 Indian tribe?

17 So if your members are identifying with your
18 tribe, which is an American Indian tribe, then they
19 would be included in the count of American Indian
20 tribes. If they're identifying another tribe that is
21 identified as a Mexican tribe, then they'd be counted
22 in with that.

1 MR. DELGADO: Thank you for the clarification.

2 MS. PODZIBA: Jemine?

3 MS. BRYON: I just have a question. Have there
4 been data runs to understand the impact on this for
5 tribes?

6 MR. RICHARDSON: So what we have done is we've
7 identified -- we've got these as counts for the
8 counties that have formula area. So I don't have these
9 by tribe, by tribe, but I can tell you that, for the
10 counties that are formula area counties, this does have
11 a different effect, depending on what statistic you're
12 in.

13 So for the formula area counties in Florida, 16
14 percent identify with a non-US based tribe, in
15 California, 10 percent, in Oregon, 7 percent. I
16 actually have this for every place, but I'm indicating
17 the areas that have significant Native American
18 populations.

19 On the flip side, it's very, very low, near a
20 zero, for South Dakota, North Dakota, Alaska, Oklahoma,
21 and New Mexico. I have all the states here, so if
22 there's a particular state you'd like to know, for

1 example, Arizona, it's 1.6 percent.

2 SPEAKER: Todd, for clarification, I'm sorry, is
3 that just formula areas or the whole state?

4 MR. RICHARDSON: It's the formula area counties
5 within the state.

6 SPEAKER: But it may include non-formula areas
7 within those counties.

8 MR. RICHARDSON: That's correct. This is the
9 problem with doing things quickly. You have to cut
10 corners. But this gives you a general sense of the
11 areas.

12 Any particular other states folks would like to
13 know about?

14 MS. PODZIBA: Sami Jo?

15 MS. DIFUNTORUM: Thank you. So I just want to
16 point out, similar to Mr. Delgado's comments, and this
17 is probably not exclusive to Siletz tribes, but we have
18 tribal members that marry non-tribal people. They
19 marry Hispanic people. They marry all kinds of people.

20 And I don't know in a self-identification process
21 how they identify them. Maybe they identify with one
22 culture over the other. Does it mean they're not

1 necessarily enrolled with the tribe? So I'm kind of
2 curious how this looks in specific geographies, and
3 particularly within what the percentage is on
4 reservation.

5 MR. RICHARDSON: I actually don't know the on
6 reservation versus off reservation, so I can't give you
7 an answer on that. I can guess a little bit that I
8 think that this is more common off reservation, be my
9 guess.

10 There is a very significant percentage of folks
11 who don't identify any tribe at all, so 20 percent of
12 folks don't identify any tribe. And so those are
13 classified as not specified. And we're not currently
14 talking about excluding that group. We're just talking
15 about the exclusion of the folks that have identified
16 with a non-US based tribe.

17 MS. DIFUNTORUM: So follow up. So they don't
18 identify any particular tribe, but they're still
19 counted as AIAN?

20 MR. RICHARDSON: That's correct. They have listed
21 on the census form that they are Native American. They
22 have just not indicated which tribe.

1 MS. DIFUNTORUM: Thank you.

2 MS. PODZIBA: Annette?

3 MS. BRYAN: Annette Bryan, Puyallup Tribe of
4 Indians.

5 I guess I have a question to HUD. If they're
6 self-identifying as non-US tribes that we have to
7 federally enroll in, and there's an enrollment process
8 for us, as individuals, to enroll in our tribe, so
9 we're going to self-identify when we answer the
10 question, and we answer the question that we're South
11 American Indian, why would they be counted?

12 I guess I have to agree with Karin. They're
13 telling us they're not eligible for the program,
14 because only Native Americans enrolled in federally
15 recognized tribes and the five state tribes are
16 eligible for NAHASDA.

17 MR. RICHARDSON: So the data that we're using in
18 the formula currently, currently just says, did you
19 self-identify as an American Indian or Alaska native?
20 So currently, it does not have this exclusion. And so
21 if we want to have that exclusion, I think it would
22 need to be explicit in the regulatory text to say that

1 we want to do that.

2 MS. BRYAN: Thank you. And for the record, I
3 agree that that's what we need to do, and I support
4 this recommendation.

5 MS. PODZIBA: Pete? All right. Gary?

6 MR. COOPER: And back to what Annette and both
7 Sami Jo said is that it's one of those things that
8 right now, for formula purposes, they're just looking
9 at the first part of that, did you check are you
10 American Indian, Alaska native. There's no looking at
11 a second part.

12 But ACS and census does collect that information.
13 It then has a line for you to specify what tribe or
14 principle tribe you are a member or enrolled in or you
15 identify with, if there is one, more than one, or
16 several, or whatever the case is.

17 Some fill it out. Most do. And of the ones that
18 do, there's at least 3 percent that we know of of the
19 total that's collected that identify with a non-US
20 based tribe, and that's what we are trying to correct
21 and what we have brought forward here today.

22 And those are the reasons why, is to get to that

1 second point, is because there's some folks that are
2 being counted for formula purposes that probably
3 shouldn't be, and that's one of our recommendations,
4 that's one of the things we found in part of the task
5 that this committee gave us to go back and look at data
6 sources. That's one of the things that we discovered,
7 and that's why we're bringing the recommendation
8 forward.

9 And if there are no other comments, I would call
10 for the question.

11 MS. PODZIBA: I think that Sharon had her card up,
12 so if it's okay to just give her a chance.

13 MR. COOPER: I am perfect with that.

14 MS. VOGEL: I just was going to offer a friendly
15 amendment to delete the decennial census and the ACS
16 and add from any and all data sets related to the
17 formula, because we aren't just reliant on those two
18 data sets, that we pull data from other areas. So it's
19 just a friendly amendment.

20 MS. PODZIBA: Gary, is that acceptable?

21 MR. COOPER: I don't believe that that's
22 acceptable, and the reason for that is because in what

1 this committee previously approved, as part of what we
2 were tasked to do and what would become Section
3 1000.330, it specifically states decennial census, and
4 then it goes onto to say, and I'm paraphrasing here, if
5 another data source cannot be used, then basically ACS
6 or whatever census US Census Bureau uses would become
7 the data source.

8 So I think that would need to remain consistent
9 with that. And that would be unless someone has
10 something else, I think that was the proposal put forth
11 by the study group, that was what we reached consensus
12 on, so I don't know that I could accept that.

13 MS. PODZIBA: Okay. All right. I think Gary then
14 called for the question.

15 MR. COOPER: Yes, ma'am. I called for the
16 question.

17 MS. PODZIBA: Turn it back to the Chairs for the
18 question.

19 MS. BRYAN: Thank you, Susan. We have a call for
20 the question on recommendation.

21 So I do have a concern about this recommendation.
22 The language that we're approving says to discuss

1 whether or not to exclude these tribes. So is the
2 recommendation to exclude South, Central, and Canadian
3 AIAN from the decennial census and the ACS, Gary?

4 MR. COOPER: Yes. And for the drafting committee
5 to expand on what is included in that broad and general
6 definition of South, Central, and Canadian AIAN that's
7 listed here, because I believe that we found out at the
8 last moment actually what they had determined to be
9 those. And that's a broad general definition, and I
10 think the drafting committee could get that more
11 specific.

12 MS. BRYAN: Thank you for the clarification.

13 So we have a call for the question to recommend to
14 exclude South, Central, and Canadian AIAN from the
15 decennial census and the ACS with the understanding the
16 drafting committee will clarify that.

17 Do we have a consensus?

18 MR. COOPER: And I do want to be sure to note,
19 too, that the committee put forth this, or the study
20 group put this forward for discussion on whether to or
21 whether not to exclude those specific folks. I don't
22 know that we ever decided, yes, you need to exclude,

1 no, you do not. It was our recommendation for this
2 committee to discuss the possibility of doing so.

3 So I just want to make that clear, just for
4 clarification.

5 MS. BRYAN: So I would offer a friendly --

6 MS. PODZIBA: Sorry. There's a request for a
7 clarification.

8 MS. BRYAN: Okay. Yeah, let's get this language
9 right before we vote on it, please.

10 MR. ADAMS: Madam Co-Chair, Jason Adams, Salish
11 Kootenai.

12 My recollection again in what we are doing here is
13 that we are considering the recommendation from the
14 committee as a concept that would be moved forward,
15 then our drafters would find the particular parts of
16 the regulations that would be affected.

17 The clock would be stopped after this vote, if
18 it's approved, and then we would bring back the
19 regulatory language on this specific issue and have the
20 discussion on the language and wordsmith the language
21 here within the next whatever time is left on this
22 item, is my recollection of how this was supposed to

1 happen.

2 So we are just approving the concept that was
3 brought forward, so there shouldn't be any
4 modifications to this, unless -- well, I don't think
5 anybody modified this yet.

6 Have they, Gary? I mean, I see some changes on
7 the screen, but I believe it was what we recommended,
8 and we're trying to make sure that we are inclusive,
9 that the language in the regulation would take all
10 these bits and pieces and slice this and dice this, how
11 we need it to be in the regulation and then approve
12 that later, hopefully, after lunch.

13 MS. BRYAN: Thank you. And I understand that
14 process. I just respectfully disagree. If we agree
15 with it as it's stated and we reach consensus, we'll be
16 reaching consensus to discuss whether or not to exclude
17 it. So that's why I proposed crossing out the
18 discussion piece so that the concept to exclude them
19 could be moved forward to the drafting committee.
20 Thank you.

21 Karin?

22 MS. FOSTER: A point of order. When this was

1 first introduced, I believe I said that I would like to
2 support it, and I intended to make it a proposal, if
3 that wasn't clear on the record, that I was intending
4 to make it a proposal, not that we discuss it, but that
5 we adopt the recommendation. Maybe that wasn't clear.

6 I thought we were dealing with a proposal that
7 would then, if it is approved as a proposal, would then
8 go to the drafting committee, but we wouldn't just be -
9 - we would be making that decision.

10 MS. BRYAN: Thank you, Karin.

11 MS. GORE: May I just be clear?

12 MS. BRYAN: Yes.

13 MS. GORE: That it would not be, in fact,
14 consensus until after we accept the regulatory
15 language. I just want to be clear.

16 So we're really going to ask for consensus twice,
17 which I'm okay with, once on the concept and second on
18 the regulatory language, because that will matter. All
19 right. Thank you.

20 MS. BRYAN: Thank you. Then can I ask that this
21 proposal is stated that way, so that it's not a
22 proposal on a recommendation to discuss, and you can

1 reword it so that we're voting on what to move forward
2 to the drafting committee?

3 MS. FOSTER: Yes, Madam Chair. Karin Foster,
4 Yakama Nation Housing Authority.

5 I'd like to rephrase the proposal that I made
6 earlier. I would propose that, in concept, the
7 committee adopt the recommendation of the study group
8 to discuss whether to exclude South, Central, and
9 Canadian AIAN from the decennial census and the ACS.
10 But there have also been concerns raised that once it
11 is drafted include the other populations that are non-
12 United States tribes, such as from Mexico, Spanish,
13 other areas like that, and that there be language that
14 recognizes the issues raised by Alaska and
15 identification there so that the language be drafted in
16 its exclusive sense rather than inclusive.

17 So I guess my proposal is that we adopt the
18 recommendation and concept and send it onto the
19 drafting committee to incorporate the discussion here.

20 MR. DOLLARHIDE: I think there's a point of order.
21 I think that Gary had called for question several
22 minutes ago on this particular language, if I'm not

1 mistaken, just as it has been written without any of
2 the strikeouts, the way that I understand that. Am I
3 missing something?

4 MR. COOPER: No, that's correct. And if I need
5 to, I can go back, and I don't have a problem with
6 changing it. But it's totally whatever this group
7 wants.

8 I would still call for the question. If we don't
9 reach consensus on it, then I will change the wording
10 around just a little bit and see if we can't get
11 somewhere.

12 MS. BRYAN: Okay. We're voting on what's in front
13 of you. There's been a call for the question. Please
14 vote.

15 MS. PODZIBA: Okay. There is dissent from HUD.
16 Could you explain your dissent?

17 MS. YAZZIE: Well, first of all, I had my card up,
18 because I was going to ask for a 10-minute break for us
19 to caucus before taking a vote. But in light of the
20 fact that we did take a vote, we are just not clear on
21 what this is, a recommendation for the committee to
22 discuss. So that's one.

1 And frankly, I need to understand the impact of
2 the numbers. So the 3 percent that is known to self-
3 identify themselves as being other an AI, an American
4 Indian, versus the 20 percent that don't identify
5 themselves, so we're having a little bit of an issue of
6 trying to understand why one would be excluded versus
7 the other.

8 So we would like to take a 10-minute break to
9 discuss it at HUD.

10 MR. COOPER: I would propose we just break for
11 lunch.

12 MS. BRYAN: So for point of order, we had a vote
13 on the table. It was voted down. And there's been a
14 10-minute break requested, so we will take a 10-minute
15 break.

16 Actually, it's lunchtime. So might folks be
17 interested in having a lunch break, and you can add the
18 10 minutes onto it or into it.

19 MS. YAZZIE: That would be great.

20 MS. BRYAN: There's been a call for a regional
21 caucus after lunch, so give one hour and 15 minutes for
22 lunch please, and how long for your regional caucus?

1 Fifteen minutes. So please come back in one hour and
2 one-half, hour and a half. Thank you.

3 (Recessed at 12:25 p.m.)

4 (Reconvened at 2:21 p.m.)

5 MS. BRYAN: Hopefully, you got to go outside and
6 get some melting going on. It's very, very hot out
7 today.

8 And we'll call our members back to the table, ask
9 the audience to take their seats, and we will begin
10 where we left off.

11 I will ask the clock to start, and I will ask the
12 facilitator to take over.

13 MS. PODZIBA: Okay. Thank you. When we broke, we
14 were in the middle of discussion of this
15 recommendation, and HUD had dissented. So I'm going to
16 turn to HUD.

17 MS. YAZZIE: Thank you. Thank you very much for
18 the opportunity. We are very pleased to say that we
19 are withdrawing -- HUD is withdrawing its dissent.
20 Okay.

21 MS. PODZIBA: Okay. So was there any other
22 dissent? Was HUD the only dissenters on this item?

1 Yes?

2 MS. YAZZIE: Again, we're voting on script for us
3 right now, correct?

4 MS. PODZIBA: Yes.

5 MS. YAZZIE: Where the language is a
6 recommendation to discuss whether or not to exclude.
7 So it's a discussion. Okay. Got it. Thank you.

8 MS. PODZIBA: Okay. So there is no dissent on
9 this item.

10 I give it back to the Chairs for the next step.

11 MS. BRYAN: I think, just to be clear, we should
12 call for a consensus, so that I can be sure that we all
13 remember where we left off. This proposal is a
14 recommendation for the committee to discussion whether
15 or not to exclude South, Central, and Canadian AIAN
16 from the decennial census and ACS. And we're at a
17 vote.

18 Yes?

19 MS. FOSTER: Karin Foster, Yakama Nation Housing
20 Authority.

21 I just have a question. This states specifically
22 South, Central, and Canadian AIAN, and I understand

1 there were a couple of other populations, I think it
2 was Mexican Indian tribes, Spanish Indian tribes. If I
3 could have some clarification on that from Todd. It
4 seems to me that the recommendation was intended to
5 capture more than just part of the universe.

6 So I guess I have a question and then a request,
7 whether the recommendation could be modified to include
8 the other populations that were listed.

9 MS. BRYAN: And I think the recommendation is just
10 to discuss this. We're voting on whether or not to
11 discuss this issue.

12 MS. FOSTER: Right. But I want to make sure that
13 the discussion also takes into consideration the other
14 populations and is not only just limited to these,
15 because there are apparently other categories in the
16 census itself that would, for the same reason, be
17 excluded, should the decision be made to exclude.

18 And I would like to ask, if I'm correct on that,
19 what populations those are, Todd, if you could help me
20 with that.

21 MR. RICHARDSON: Sure. So the census, when it
22 requests for you to identify who you're affiliated with

1 as a tribe, the Census Bureau then takes that
2 information, remember it's handwritten in, they then
3 code it for the tribes. They have a list of all the
4 tribes, and then they code it for those tribes.

5 And then those tribes are associated with some
6 larger groupings. So there's American Indian tribe and
7 Alaska Native tribe. This is really the US grouping.

8 And then they have Canadian and French American
9 Indian. Now, I know it's confusing when they say
10 American Indian on this grouping, and the reason
11 they're doing that is because they want to be confusing
12 it with Asian Indian. Right? And so they're saying,
13 these folks are from North American, these are North
14 American tribes, but they're not tribes in the US.
15 They're tribes in Canada. They're Canadian and French,
16 and of course French is because of Quebec.

17 You have Central American Indian tribes, but
18 really, these are tribes that are identified in Central
19 American, tribes that are identified in Mexico, so
20 Mexican American Indian, tribes that are identified in
21 South American, so South American Indian.

22 And then, of course, there's not specified. And

1 this group here, this whole group, is the 3 percent
2 number I've been talked about. This group is about 20
3 percent, and this group up here is the remainder. So
4 whatever. I can't do math. Seventy-seven, is that
5 what I heard? I'll take 77. All right. Thanks.

6 MS. FOSTER: So with the understanding that our
7 discussion would be to discuss the entire 3 percent, I
8 would appreciate having that understanding before we go
9 into discussion.

10 MR. SAWYERS: Did I miss something? I thought it
11 was voted down. Why are we discussing it?

12 MS. BRYAN: HUD withdrew their dissent.

13 MR. SAWYERS: Pardon me?

14 MS. BRYAN: HUD withdrew their dissent. So we're
15 just agreeing to discuss it. That's what the vote is
16 for.

17 MR. SAWYERS: In order to really discuss it, you
18 have to have a consensus. You've already voted it
19 down, right? So why are we kicking this around? If
20 you have a new proposal, let's talk about it, but this
21 one is dead. So why are we going through all of this
22 discussion and all of these kind of things?

1 There's no clarification. It's like any other
2 thing that you voted down. It's a dead issue. Now, if
3 you wanted to start something else, another issue, then
4 that probably is it, but this one is gone as far as I
5 can see.

6 MS. PODZIBA: Jack, is it possible to withdraw
7 dissent?

8 MR. SAWYERS: Yeah, but I don't know that anybody
9 said that.

10 MS. PODZIBA: No. HUD withdrew its dissent, so
11 then we were posing the question were they the only
12 dissenters, because if they were the only dissenters,
13 then there is consensus. So then Annette was saying
14 let's make sure there is a consensus on this.

15 MR. SAWYERS: Never mind.

16 (Laughter).

17 MR. SAWYERS: I didn't realize that there was a
18 change. But I thought my hearing was bad. I guess my
19 eyes are bad also.

20 MS. PODZIBA: So Annette, perhaps you can call the
21 question.

22 MS. BRYAN: Yeah, I wanted to call the question,

1 because we were in a large discussion before lunch,
2 everybody had lunch, we're back at the table. HUD did
3 dissent right before lunch, when we were trying to
4 reach consensus, so I just want to be clear that we
5 have consensus for this proposal to recommend us to
6 discuss whether or not to exclude these groups.

7 Okay. Thank you. We have a consensus to discuss
8 this. Thank you.

9 MR. DOLLARHIDE: Jason Dollarhide, Peoria Tribe.

10 I guess my question here, I'm a little confused,
11 my understanding, if I'm not mistaken, is that this
12 recommendation was going to be put before this
13 committee, but once we recommended that we discuss
14 this, that there was going to be some type of language
15 written up and then brought back to the committee for
16 discussion and to see whether we will draw consensus on
17 that, is that the way that I understood that, or am I
18 lost?

19 MS. BRYAN: Gary?

20 MR. COOPER: Gary Cooper.

21 Jason, that was kind of my original understanding,
22 but I think there was some confusion with that. So

1 actually, what I was getting ready to do now was just
2 to propose some language and throw it out there. And
3 if folks want to go with it, go with it. If someone
4 wants to make some changes to it, make some changes to
5 it, and be there.

6 But I think that there was some confusion. This
7 was just a recommendation to put forth to the committee
8 for the committee to discussion. That's what passed.
9 So now, it's time to discuss, and I was going to just
10 propose some language.

11 And I think probably the language to propose, and
12 then I would entertain any friendly amendments that
13 anyone wants to make, and that would be to exclude --
14 probably would start right there where it says,
15 "whether or not" and just start, to exclude from the
16 AIAN population count Canadian and French American
17 Indians, Central American Indians, Mexican American
18 Indians, South American Indian tribes from the
19 decennial and the ACS, I guess. I don't know. I'm
20 just throwing something out there to open up the
21 discussion.

22 So yeah, and we'll take out the South, Central,

1 and Canadian AIAN, and then just add what Todd has in
2 the 3 percent category only.

3 And then if the committee wants to discuss this or
4 vote on it or whatever, then I'm assuming that this
5 could go to the drafting committee for the regulatory
6 language part, should it get consensus.

7 MS. BRYAN: Annette Bryan, Payullup.

8 Can you just clarify, is this is still a
9 recommendation, or are you on a proposal?

10 MR. COOPER: No, we're on a proposal.

11 MS. BRYAN: So we need to take that language off
12 the front.

13 MR. COOPER: Yes.

14 MS. BRYAN: Okay. Thank you.

15 MR. COOPER: Yeah, yeah. Yeah, no, no. We was
16 getting to that. I was letting her get all the other
17 stuff in. Yeah, there we go.

18 MR. RICHARDSON: So can I offer some operational
19 issues associated with this?

20 MR. COOPER: You bet.

21 MR. RICHARDSON: So the information I gave to you
22 is from the 2010 decennial census. I have not done

1 this analysis with the ACS data, nor have we determined
2 whether we can do this with the 2000 Census data.

3 So at this point, this particular exclusion is
4 something that we can do for AIAN persons with the 2010
5 Census data. But we probably can do it with the ACS,
6 since they ask the same question, do the same
7 categorization.

8 I do not know if we can do it with the 2000 Census
9 data, and I'm not sure about the quality of the 2000
10 Census data.

11 So just that caveat I think that's useful for
12 people to know as you move forward on this.

13 And then the next point is, obviously, we know we
14 can do this for AIAN persons, but the other six
15 variables, we would have to do a special tabulation
16 request from the Census Bureau and ask them to generate
17 the data in a way for each of -- so basically, we would
18 have to say, for without kitchen and plumbing and
19 severe overcrowding, do not include in what you give to
20 us these households that have these characteristics.
21 So we would have to ask the Census Bureau to do that.

22 So we still have a lot of things that we have to

1 do operationally to implement this. So I just want
2 folks to be aware that we can certainly do this for
3 AIAN persons was 2010 Census and probably with the ACS,
4 but I don't know about the other data sources.

5 MS. YAZZIE: Thank you. As we came out of -- we
6 went into caucus, and I will have to say the majority -
7 - we have a unique situation perhaps from other tribes.
8 We have some tribal representatives that are here that
9 live along the borderline, and there are some mixed --
10 they're either married into the tribe or vice versa,
11 they're born in United States and then they're living
12 in the neighboring country of Mexico.

13 All in all, there were also some from New Mexico
14 that have some descent over in Canada, and so they're
15 living here now in United States.

16 So because of the mix, we thought that we didn't
17 have enough data, as Todd just mentioned a while ago.
18 If we had, I think, more information relative to
19 extracting that information from ACS and/or -- now you
20 mentioned you probably can get that from the 2010, I
21 think the outcome, though, was something that we could
22 not support the exclusion as a result from our region.

1 But just as a comment in that regard. And I guess
2 we'll not consider the proposal as it's written
3 nonetheless. Thank you.

4 MR. ADAMS: I guess I'm confused, because I
5 thought we had just taken action here a little bit ago
6 -- Jason Adams, Salish Kootenai -- to approve the
7 concept. Moving forward, I thought the next step was
8 actually drafting a language. We're not doing that
9 now, we're drafting this language, but this isn't
10 regulatory language? Okay. Just making sure I
11 understand where we're at.

12 MS. PODZIBA: It seems that the consensus was to
13 accept the recommendation to discuss, and now, we're
14 discussing.

15 MR. DELGADO: Pete Delgado, Tohono O'odham Nation.

16 I can't support this language in its current
17 state, Mexican American Indian the way it's included.
18 As I stated earlier, our tribe, prior to the Gadsden
19 Purchase, we were in Mexico.

20 So we still have a lot of members who are Mexican
21 citizens. They don't have that dual citizenship, but
22 they still receive services from IHS, because they're

1 enrolled. They go back to our base rolls from the 1928
2 base roll that was established. And those families are
3 considered part of our tribe.

4 So the phrase "Mexican American Indian," I have an
5 issue with that the way it's formulated there as far as
6 our tribe goes.

7 And again, I don't know how individuals or
8 individual tribal members identify themselves. So
9 within knowing the impacts that this would have or
10 could have on our tribes and other examples for other
11 tribes, I can't support this the way it's written
12 today.

13 MS. PODZIBA: Gary?

14 MR. COOPER: Pete, do you or AJ have a friendly
15 amendment you would like to offer?

16 MS. YAZZIE: Thank you. I guess the friendly
17 amendment would be, because of the unique issue that's
18 being experienced right now for tribes along the
19 borderline to Mexico maybe is to strike the Mexican
20 American Indian from the proposed language.

21 MR. COOPER: Would it be beneficial if we went
22 back to the original concept that said, South, Central,

1 and Canadian Americans, and anyone other -- because I
2 think what we're trying to get at is anyone other than
3 a tribe within the borders of the United States.

4 MR. RICHARDSON: For how the Census Bureau
5 categorizes the data, the largest single group in this
6 is folks who are associated with a tribe that's Mexican
7 tribe. So taking that out of here makes is effect a
8 very, very tiny number of folks.

9 MS. PODZIBA: Gary, there's a friendly amendment.
10 Was that acceptable to you?

11 MR. COOPER: I don't think that it is. I mean,
12 I'm willing to hear from any others. My only concern
13 is if we struck it, it would get us away from what the
14 original intent was, and that was to only include in
15 the count those that have identified that they are
16 specifically a tribal member of a tribe, not anything
17 else, but those that have identified as a tribe that
18 they listed that they are one of a federally -- you
19 know, one of the federally -- a tribe within the
20 borders of the US.

21 Not to say that where they live or that their
22 members of more than one tribe or anything else like

1 that, but I think what we were originally trying to get
2 at is are they a member of a federally recognized or
3 one of the state recognized tribes that we deal with.
4 I think that's what we're trying to get to in the end.

5 And I cannot support this, but if someone has
6 another friendly amendment to offer that would get us
7 closer to, I think, the original concept, I would be
8 willing to support with what Todd said as far as how
9 Census includes the data that it wouldn't get us to
10 where we're trying to get to.

11 MS. PODZIBA: Carol?

12 MS. GORE: Thank you. I have a couple of comments
13 to make.

14 First, the reason this came up with the study
15 group is because several of us remember this whole
16 conversation coming up before during formula
17 negotiations, but we never really got to the topic.
18 That's why it came to this group for discussion.

19 We also discussed at the study group that there
20 might be unintentional harm that would be done to some
21 of the border tribes, and so that's why we framed it as
22 discussion and not a recommendation. Our intent was

1 never to do harm but to make sure that those who might
2 be harmed by some language like this would have the
3 opportunity to express that on the table so that we
4 could embrace that.

5 From my perspective, this is only 3 percent of the
6 population. It's a matter of getting one of those
7 itchy things that keeps coming up maybe in a solution
8 box. We've talked about it.

9 If the committee were to take no action on this or
10 decide to decline it, as a study group member, I would
11 embrace that. And I certainly would not be in favor of
12 anything that harmed any tribe at the table here.

13 So it's not, materially, a significant issue. We
14 didn't know that when we talked about it. We didn't
15 really know that it was only 3 percent. When the study
16 group talked about it, it was a little bit in a blind.

17 So understanding is it significant, material or
18 not material, I think is important to the committee.
19 But also understanding who it's material to is also
20 important. It certainly matters to me. It's not an
21 Alaska issue, but I would certainly not want to support
22 something that did harm to other tribes at the table.

1 Hope that clarification is helpful.

2 MS. PODZIBA: Earl?

3 MR. EVANS: Earl Evans, Haliwa-Saponi.

4 I would like to propose an alternative, if I may.

5 A separate definition, something to the effect of
6 defining a foreign American Indian or Alaskan Native
7 and saying that this definition includes any AIAN
8 person whose tribe of origin is not located within the
9 external boundaries of the United States. Add that as
10 a definition to the regulations.

11 And then after that, create a new regulation that
12 says something to the effect of the data for foreign
13 AIAN populations or Census and ACS data for foreign
14 AIAN populations shall not be used for formula
15 purposes.

16 MR. COOPER: Well, I think I'm a little confused,
17 because what's the use of putting it in here, if it's
18 not going to be used for formula purposes?

19 Basically, what we've done is we've defined what a
20 foreign AIAN is, but then we say, well, it's not going
21 to be used for any formula purposes. So what's the use
22 of including it? And I think that would be my biggest

1 concern here.

2 And one of the things that I want to do is echo
3 what Carol said. This is my first time on this
4 Negotiated Rulemaking Committee. One of the first
5 things I heard whenever we met in the needs work group
6 is this is an issue that's kept coming up, the can's
7 been kicked down the road over and over, it was
8 something that needed to be discussed. That's the only
9 purposes of me throwing it out here.

10 It doesn't matter to me one way or another whether
11 or not we take it up. It is not an issue that I have.
12 It's an issue that I've heard time and time again has
13 been brought forth but has never been either time to
14 discuss or anything like that, and it was one of those
15 things that, whenever we was looking at data, we found
16 out that this is out there, and it probably at least
17 needs to be discussed, so that's what we're doing.

18 I'm just trying to throw something out there. I
19 would be fine with changing the wording in the AIAN
20 population count, shall not include foreign AIAN and
21 then define what AIAN is.

22 I could not accept the very last part of that,

1 because the way I'm reading it is that automatically
2 strikes out everything before that, says it will not be
3 used for formula purposes, so I'm not exactly sure why
4 we would need to include it in any type of formula
5 regulation.

6 And I may be missing something, and if I am,
7 someone can correct me.

8 MS. PODZIBA: Earl, do you want to start?

9 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
10 Tribe.

11 I heard objections to the language up top for
12 including something to that effect in the regulations,
13 so I was simply proposing an alternative, so by finding
14 a way to define the population we're trying to talk
15 about in the simplest of terms and then creating
16 something simple that would basically state that these
17 numbers won't count towards formula dollars, which I
18 thought was the intent of the item we're discussing.

19 So if I'm off base, my apologies. I was trying to
20 get in an alternative.

21 MS. PODZIBA: Gary?

22 MR. COOPER: Well, and maybe I'm reading that

1 incorrectly. I don't know.

2 So I think that your intent is to say that that
3 data is not utilized in the formula count.

4 MR. EVANS: Right.

5 MR. COOPER: Okay. That makes more sense to me
6 now. I'm sorry, Earl.

7 So would it be part of your friendly amendment
8 then to basically mark out all of the defining factors
9 and only utilize the term foreign AIAN and not define
10 what that is? Is that part of your friendly amendment,
11 so we need to strike the first part out and then define
12 what foreign AIAN is and then include the last part in
13 there, is that correct?

14 Could we see that with striking out? No. I think
15 it's just from Canadian.

16 MR. EVANS: If I may, maybe a suggestion would be
17 to just, as you define it, to just say that maybe
18 instead of having it addressed twice, maybe just one
19 sentence that describes it and then says it won't be
20 used for formula purposes, but just says that any AIAN
21 person whose tribe of origin is not located within the
22 external boundaries of the United States, their data

1 shall not be utilized for formula purposes, something
2 like that.

3 MR. COOPER: I can support that and accept it as a
4 friendly amendment, if we can get the verbiage you're
5 looking for in there.

6 MS. PODZIBA: Karin?

7 MS. FOSTER: What I was thinking of commenting on
8 was not what I was going to say, but since -- yes.

9 I guess I just have a question for Todd. Is tribe
10 of origin, is that going to work in identifying the
11 census usage? I think the census using principle tribe
12 or something like that.

13 MR. RICHARDSON: The question itself is print name
14 of enrolled or principle tribe.

15 MS. FOSTER: Enrolled or principle tribe, is that
16 what you said? So would it more consistent with the
17 census to say whose enrolled or principle tribe is not
18 located within the external boundaries?

19 MR. RICHARDSON: Yeah.

20 MS. FOSTER: That would be my only thought, just
21 so that it match up with the census, so that it can
22 actually be implemented.

1 MR. DELGADO: I think we're moving towards a
2 closer resolution of this that we can support. It's
3 just that specific language.

4 And just to clarify, I really appreciate what both
5 Carol and Gary said as far as the attempt here from a
6 cost/benefit analysis standpoint, we're talking about 3
7 percent, but we bear the full impact. And if anyone
8 has ever been to our nation, we live in an armed camp
9 every day. You cannot enter our reservation without
10 going through a border patrol checkpoint, and you can't
11 leave with it.

12 Prior to 9/11, we had free passage back and forth
13 between Mexico and the US, and we all know what
14 happened after 9/11 and with the immigration wave that
15 has come through, we beared the brunt of that, we still
16 bear the brunt of that. And we have more border patrol
17 there than we have tribal members at times on our
18 southern border.

19 So it's a very sensitive issue for us, as a Tohono
20 O'odham Nation, the issue that goes on, and that's the
21 reason why. There are members who consider themselves
22 Mexican American Indians, even though we're a fairly

1 recognized tribe.

2 So I appreciate the suggestion, the friendly
3 amendment by Earl. And I think we're moving towards a
4 point where we'd be able to accept that.

5 MS. PODZIBA: Looks like there's no further
6 discussion. Gary?

7 MR. COOPER: Just to clarify, Karin, did you have
8 a friendly amendment to make on the first part?

9 MS. FOSTER: Yes, thank you, Gary. Karin Foster,
10 Yakama Nation Housing Authority.

11 My friendly amendment would be to replace tribe of
12 origin with principle or enrolled tribe. And the
13 purpose for that would be to be able to inform the
14 census of what exactly it was we're talking about.

15 MR. COOPER: I will accept that. And with that, I
16 would call for the question, unless there's any other
17 discussion.

18 MS. PODZIBA: Well, Mr. Chairman, there is a call
19 for the question.

20 MR. DOLLARHIDE: Did somebody call for the
21 question?

22 (Laughter).

1 MS. PODZIBA: So the people who are typing are
2 just asking if it's reading correctly.

3 MR. DOLLARHIDE: If we have a call for the
4 question then, we need to get a up and down vote.

5 MS. PODZIBA: Okay. All right. There is dissent.
6 Carol and Rusty. Aneva, were you also -- you were
7 up? Okay. Carol or Rusty, do you want to explain your
8 reason for dissent and offer an alternative?

9 MR. SOSSAMON: Yes. Because my understanding,
10 this would eliminate that 20 that do not specify, f the
11 language was any AIAN person whose identified principle
12 or enrolled tribe is not located, but this takes in
13 that 20 percent that have not specified a tribe. For
14 whatever reason, you'd have to ask them.

15 So you're talking about a lot more than 3 percent
16 under this regulation.

17 MS. PODZIBA: Carol, do you want to say something,
18 and then I'll go to Karin?

19 MS. GORE: Yeah, if I could add one more
20 perspective. I'm a bit confused by the language, which
21 is why my card went up, but the question got called.

22 And maybe I'm just having a slow class moment.

1 The language says, "is not located within the external
2 boundaries." What does that mean? How you can be
3 within an external boundary? I don't know what that
4 means? Am I just being slow? But that's not clear.

5 Also, when you talk about -- origin to me made a
6 better connection to the geography. When you talk
7 about principle enrolled tribe, that doesn't connect
8 with the geography language for me. So I'm struggling
9 with the language.

10 And I also am sympathetic to what Rusty said,
11 although I hadn't picked up on that, but that would
12 also be a conflict for us.

13 MS. PODZIBA: Karin, do you have a fix?

14 MS. FOSTER: I don't know if I have a fix. I
15 appreciate what Rusty is saying. I don't think there
16 was an intention, certainly not from me, to agree to
17 something that would eliminate the 20 percent who don't
18 identify as any particular principle or enrolled tribe.

19 I mean, I think that it's reasonable to believe
20 that some of those people may still be enrolled but
21 just not list their tribe. I would be more focused on
22 those who do identify as something that is clearly not

1 eligible.

2 So if there were another proposal to add in
3 identified, who's identified principle or enrolled
4 tribe, I would be comfortable with that personally.

5 I don't know as far as Alaska's issue and within
6 the external boundaries. That, to me, means the
7 boundaries of the United States, the physical external
8 boundaries, and Alaska certainly is within that, as are
9 the lower 48 and Hawaii.

10 MS. PODZIBA: Okay. Does somebody want to offer
11 another proposal? Does someone want to offer this as a
12 changed proposal? We don't have a proposal on the
13 table right now. There was a proposal that did not
14 achieve consensus.

15 Yes?

16 MS. FOSTER: I would like to offer that as a
17 proposal.

18 MS. PODZIBA: Okay. So new proposal. Any AIAN
19 person whose identified principle or enrolled tribe is
20 not located within the external boundaries of the
21 United States, their data will not be used for the AIAN
22 population count from the decennial census or the ACS.

1 Okay. Discussion.

2 Gary?

3 MR. COOPER: I'm wondering if, to satisfy Carol's
4 concern if it wouldn't make more sense to just
5 eliminate the word external and use boundaries of the
6 United States.

7 MS. PODZIBA: Carol?

8 MS. GORE: Thank you, Gary. I actually had two
9 issues.

10 One is principle or enrolled tribe, and the reason
11 for that, and we've been pretty transparent about the
12 idea, we've self-identified as Athabascan, Inupiat,
13 Aleut. Those are not the names of federally recognized
14 tribes. So if you limit it here, I don't think Census
15 eliminates it, but if your language limits it, then
16 that is not a good thing for Alaska.

17 I mean, I would be willing to leave the boundary
18 language to the drafting committee to figure out. I
19 would be willing to do that, but I am unwilling to
20 accept principle or enrolled tribe as the limitation.
21 Thank you.

22 MS. PODZIBA: Annette, and then Karin.

1 MS. BRYAN: Carol is speaking a little bit to my
2 question, I guess, and that is that if you're going to
3 self-identify as a tribe that's not federally
4 recognized, or let me put it differently, not NAHASDA
5 eligible within the United States, you would still be
6 counted, right?

7 So I guess that concerns me a little bit. I don't
8 know what that number is, if there are tribes that
9 self-identify with -- tribes within the United States
10 that are not NAHASDA eligible, and those do exist.

11 MS. PODZIBA: Karin?

12 MS. FOSTER: Speaking to Carol's concern, any
13 person whose identified principle or enrolled tribe is
14 not located within the external boundaries, to me would
15 me that you've identified a tribe that is outside of
16 the United States and outside of Alaska, not that you
17 necessarily have to be identifying a tribe that -- your
18 examples, I think, would be of tribal affiliations of
19 some kind that are actually within the boundaries, so I
20 don't think they would be excluded by this.

21 The intent certainly wouldn't be to exclude them.
22 It would only be if there was an actual identification

1 that I am South American Indian, Central American,
2 those types of categories.

3 MS. PODZIBA: Earl?

4 MR. EVANS: Earl Evans, Haliwa-Saponi.

5 Would this work? Census or ACS data for any AIAN
6 population whose self-identified tribe of origin is not
7 located within the United States shall not be used for
8 formula purposes.

9 I don't know. I hope that'll address it. Because
10 then, if they don't self-identify, you're still using
11 the 20 percent not specified. This only gets,
12 hopefully, at just that 3 percent, since you're not
13 saying principle or enrolled, you're only saying self-
14 identified.

15 And, of course, assuming we're using the
16 definition of tribe that's already in the regulations.

17 MS. FOSTER: Is that a friendly amendment, since
18 this is my proposal, I think?

19 MS. PODZIBA: I think that's being proposed as a
20 friendly amendment, so it goes back to you, Karin. Is
21 that acceptable?

22 MS. FOSTER: I don't have a problem with using

1 tribe of origin. The only purposes really was to use
2 the language that the census using. It really wasn't
3 to focus on enrollment or for any other purposes. But
4 as long as that's understandable by the census, I don't
5 have any problem with changing that to tribe of origin,
6 if it helps people around the table.

7 MR. RICHARDSON: Well --

8 MS. FOSTER: Go ahead.

9 MR. RICHARDSON: Can I caveat that? I mean, that
10 is as long as everyone at the table understands that
11 what tribe of origin equals is the question on the
12 census form that says, "enrolled or principle tribe."
13 Because the question on the census form does not say,
14 "What is your tribe of origin?" It says, "What is your
15 principle or enrolled tribe." And that's the data we
16 have.

17 Sorry. I didn't mean to interrupt.

18 MS. PODZIBA: Earl?

19 MR. EVANS: I'm okay if you say self-identified
20 tribe. I think this says the same thing as tribe of
21 origin, so I'm okay with that, if you are.

22 MS. FOSTER: Self-identified principle or enrolled

1 tribe, self-identified tribe, what was the proposal?

2 MR. EVANS: Self-identified tribe. And the reason
3 I included self-identified tribe was at the hopes that
4 it further clarified that if they didn't self-identify
5 a tribe, it doesn't mean the 3 percent.

6 MS. PODZIBA: Karin, are you accepting that
7 friendly amendment?

8 MS. FOSTER: I accept the amendment of self-
9 identified. I don't understand the amendment that
10 excludes principle or enrolled. I guess I'd like a
11 little more understanding about that issue from those
12 around the table who are uncomfortable with that
13 language, because to me, since it matches the census
14 language, I'm sort of a straight line thinker, I'm not
15 sure I understand why it would be objected to.

16 So I don't accept that part of the amendment, but
17 would sure appreciate some clarification from those who
18 don't favor it.

19 MS. PODZIBA: Just so we keep on track, is the
20 highlighted version, the version that's on the table,
21 so you're keeping also the external boundaries as
22 opposed to is not located within the US?

1 MS. FOSTER: I will accept the amendment not
2 located within the United States.

3 MS. PODZIBA: Okay.

4 MS. FOSTER: That is fine with me.

5 MS. PODZIBA: Jason, you had your tent up.

6 MR. ADAMS: There was a couple of thoughts I had
7 as we were going through this.

8 Jason Adams, Salish Kootenai.

9 The first being that it seems like we're getting
10 bogged down on language that isn't even regulatory
11 language yet. And so I'm concerned that we're doing
12 that, because it seems like, to me, what really matters
13 is when we actually have the language that's going to
14 be in the regulation. The section of the regulation
15 that this will effect, is when we have to have it
16 right.

17 So I'm concerned that we're spending so much time
18 on this, when it's still going to go to our drafters.
19 The legal folks are going to have a look at this and
20 determine what legally should be there or not. I would
21 like to hear from them when we get to this nitpicky
22 kind of what word should suffice.

1 The other issue I have is that -- and Carol made
2 mention of tribes that aren't in existence anymore.
3 That is not an Alaska-specific issue. There are a lot
4 of tribes, one within our area, too, that when our
5 reservation established, there was three tribes that
6 were brought in to live on our reservation. One of
7 those doesn't appear, isn't part of our name, doesn't
8 appear on anything, but there's still tribal members
9 that identify themselves as that band of people.

10 And I know that happens in other states and across
11 the lower 48, too. My assumption, though, is, in that
12 situation, is if they check the AIAN box, no matter
13 what they put in the principle or enrolled tribe box,
14 they're still in the count, because they're not in the
15 20 percent, because they specified something, and it's
16 not an issue of being outside the external boundaries
17 of the US.

18 So I just wanted to make that point. Thank you.

19 MS. PODZIBA: Sami Jo.

20 MS. DIFUNTORUM: Thank you. Sami Jo Difuntorum.

21 Two things similar to Jason's points. I do think
22 this probably needs to go to the attorneys for drafting

1 at some point. We're spending a lot of time
2 wordsmithing something that's still going to have to be
3 written and voted on.

4 I would just say that, in the first part of the
5 definition that's highlighted, I would interpret that
6 to mean any person who self-identified principle or
7 enrolled tribe, I would interpret that to exclude the
8 20 percent that did not identify a tribe at all. And I
9 wouldn't agree to excluding the 20 percent.

10 Beyond that, I think it should go to the drafters.
11 Thank you.

12 MS. PODZIBA: So I just want to ask the question,
13 is this close enough to call the question to send it to
14 the drafting committee and then bring it back? No?

15 Carol?

16 MS. GORE: I can't find a way to support this
17 language without going back to where we first started,
18 which is are there specific groups we can exclude
19 without creating some unintended consequences.

20 I think we're all concerned about affecting that
21 20 percent, because we don't know who they are. Three
22 percent of 11 percent, which is half of our funding, is

1 not a whole lot of money. So I don't want to do
2 unintentional harm by framing this improperly.

3 Using the words "principle or enrolled tribe,"
4 even though that's a Census definition, we're talking
5 about a tribe that's not officially a federally
6 recognized tribe. So it doesn't seem like the right
7 language to fit.

8 I would prefer -- and if this is just instruction
9 to the drafting committee in order to get consensus
10 from us, I would prefer that they look at who should be
11 excluded without harming others. Thank you.

12 MS. PODZIBA: Earl?

13 MR. EVANS: Earl Evans, Haliwa-Saponi.

14 Principle or enrolled tribe is not always a
15 federally recognized tribe under the census. And also,
16 I like the facilitator's suggestion of voting to move
17 it to drafting to see if they can come up with some
18 language that would be suitable for folks, because we
19 have a good mix on drafting. If everyone would be
20 amenable to that, then I would move that if
21 appropriate, to do so.

22 MS. PODZIBA: So could we take that as a call for

1 the question on whether or not this concept should be
2 moved to the drafting committee and to ask the drafting
3 committee to drafts based on the discussion that you've
4 had?

5 MS. BRYAN: We have a call for the question to
6 move this to the drafting committee to come up with
7 language that we would then vote on.

8 So I'm asking for consensus to move this to the
9 drafting committee.

10 We've reached consensus. Thank you very much for
11 your hard work. Good job, guys.

12 (Applause).

13 MS. BRYAN: I have a request from Aneva for the
14 floor, and I wanted to finish this piece of business.
15 Before we move to the next business, I'd like to yield
16 the floor to Aneva.

17 MS. YAZZIE: Thank you, Madam Co-Chair and
18 honorable members of the Negotiated Rulemaking
19 Committee.

20 We have an ambassador from the Navajo Nation,
21 President's office, and so I have Honorable Peterson
22 Zah, who is bringing the message on behalf of our

1 President Begaye.

2 We had that spill that you saw on the news,
3 national news, and so they're attending to some of
4 those emergencies back home, and so his presence is
5 needed there.

6 In the interim, we do have, on his behalf, Dr.
7 Peterson Zah.

8 Madam Co-Chair.

9 MS. BRYAN: Okay. We will find him, and Gary will
10 be on deck for the next item.

11 Welcome. We'd like to welcome you. Aneva has
12 yielded five minutes on the floor for you to deliver
13 your message to the committee. Thank you for coming
14 today.

15 MR. ZAH: Thank you. I was just calling my
16 girlfriend to make sure that I'm okay.

17 (Laughter).

18 MR. ZAH: I wanted to thank each and every one of
19 you for the process that you're going through,
20 negotiating a solution to the problems at hand. That's
21 a hard undertaking, and it takes time, and it takes a
22 serious consideration on the differences of every

1 group, every community, every tribe.

2 So I know what you're going through. At my age, I
3 went through a lot of these during my life. But
4 respecting each other's view and differences and keep
5 on being persistent, I think therein lies the answer.
6 And so I don't envy you in many ways.

7 Today, I am representing Russell Begaye, the new
8 President of the Navajo Nation.

9 As many of you know, probably all of you, we are
10 having a tremendous problem on the Navajo. Because of
11 what happened in the Rocky Mountains, that whole San
12 Juan River and Animus River that borders the Navajo is
13 contaminated.

14 So it brings on a lot of concern to people,
15 farmers, people that live off farming with livestock,
16 organic fields, people who raise their own food, all of
17 those have been affected. And the thing that is
18 really, really troublesome to everyone is that this
19 affected not only the Navajo, but everyone who lives in
20 the region.

21 And today, President Begaye is hosting three
22 Senators, four or five other Congressional delegation,

1 Congressional people from various committees, and
2 they're all meeting this morning in Albuquerque, and
3 this afternoon, they're taking a tour. So the way
4 Russell is, he says, "Pete, get your butt down there to
5 Phoenix."

6 (Laughter).

7 MR. ZAH: And so here I am. I wanted to thank
8 what you did this morning to eliminate an option that
9 you decided on, because I always believed, during my
10 office as a President and a Chairman of the Navajo
11 Nation, that ACS really isn't the answer.

12 It's one of those things that was hastily put
13 together, and Indian tribes never really supported
14 that, maybe some have, but not to my knowledge, in
15 terms of fully blessing the concept on the count of the
16 Indian people.

17 I come from a large family that never went to
18 school. My mother never spoke English, and she
19 remained that way until we lost her about five years
20 ago. One day, I was talking to her about these kinds
21 of situations, and she says, "Are you really telling me
22 that nobody in the United States knows how to count?"

1 (Laughter).

2 MR. ZAH: And that's coming from a traditional
3 person that was led to believe that you know and I know
4 what you're doing. But in a case like this, the basis
5 of everything that we do is a credible accounting
6 system.

7 And Mr. Begaye gave me instruction and says, "Tell
8 them to find something that's credible." It may take
9 some time and some money, resources to do that.
10 Granted that United States may not want to do this and
11 may not be happy to even consider funding it, but we
12 need it. We need it badly, because we need some kind
13 of accounting system and data gathering sources that we
14 can all be happy with and rely on.

15 And so I just wanted to encourage you to keep on
16 searching, weigh those options, and which one of those
17 options best fits what we want as Indian people.

18 The issue is housing. The issue is housing. We,
19 at Navajo Housing Authority and the Navajo Nation, went
20 through research, we went through doing as much as we
21 can, so that we can produce a credible number based on
22 the need of the Indian people, Navajo people, living

1 out there.

2 And so we think that's something that people
3 generally should take the same approach. So that's one
4 issue, and we encourage you to keep on looking. In the
5 meantime, status quo should prevail, using the present
6 system that you now have.

7 The second issue that we were concerned about, and
8 members of the Council always say this, is that we're
9 stuck at 650 million. We think we're okay when we
10 maintain those numbers, but the inflation is getting
11 higher and higher. When you see something like that,
12 you know you're getting less and less houses for Indian
13 people.

14 There's a tremendous need out there. On the
15 Navajo, we have many, many veterans who don't have
16 homes. And they are in dire need. But yet, when it
17 comes to patriotism, nobody can outdo the American
18 Indian people. They risk their life, and they fought
19 for freedom. But as an American with all kinds of
20 resources, the richest nation on earth, we can't even
21 afford to give those individuals the adequate and
22 decent housing that they really need.

1 I think that's a major issue, and we'd like to
2 join hands with you in trying to make that a little
3 better than what we have.

4 I just wanted to relay this information from the
5 President and the Council from the Navajo Nation. They
6 gave me a new title when the new President got elected
7 and new Council came in, and it's called Ambassador.
8 And I don't know what really that means and what that
9 entails, but it sounds good, so I'll accept it.

10 (Laughter).

11 MR. ZAH: I'll accept it and work with the
12 governments of Indian Nation, the state governments,
13 the county governments, and even with the people in
14 Washington at the federal level.

15 And so that's the position that Navajo is taking
16 on these kinds of issues.

17 The last thing I wanted to leave with you is this.
18 Navajo people went through a lot. Way back in the
19 1800s, many of you know about the long walk, the trail
20 of tears. Those kinds of events touch on all of our
21 lives. And it was a painful one for all of us.

22 On the Navajo Nation after that, livestock

1 reduction came, where they did away with all of our
2 food. Again, we survived.

3 Recently, a disease called Hantavirus reached the
4 Navajo people, and they didn't know what caused all of
5 that. And young people, healthy, young people, were
6 dying left and right. Again, we overcame Hantavirus,
7 found the sources of what caused it.

8 And those kinds of things only happen when you put
9 people to work to the issue. In all these situations,
10 that's what happened to us. So today, we're doing the
11 same thing.

12 If there is any consolation, any positive thing to
13 today's problem in San Juan River, it's the non-Indians
14 that are joined in the fight. The other day, I went
15 over to some of those non-Indian communities, and they
16 were horrified about what the federal government is
17 doing to them. And I told them, "Welcome to the
18 party."

19 (Laughter).

20 MR. ZAH: "Welcome to the party."

21 (Applause).

22 MR. ZAH: We've been going through this all these

1 years, and when we told you about what uranium is doing
2 to our people, what they're doing to us, you didn't
3 take us seriously. You thought we were kidding, or you
4 thought we were not being truthful with you. What you
5 are experiencing right now with San Juan River, that
6 happened to us many, many times.

7 So welcome to the party, and now, we need to join
8 hands and help each other. And with you joining us,
9 we're getting stronger and stronger.

10 And so I just wanted to give you this message.

11 Thank you much.

12 (Applause).

13 MS. BRYAN: Thank you, Ambassador, and thank you
14 for traveling all this way to be here with us today.

15 Now, we will turn the floor back over to Gary.

16 MR. COOPER: Thank you, Madam Co-Chair. Gary
17 Cooper, again.

18 The last recommendation that the study group could
19 reach consensus on has to do with support data sources.
20 Of the three sources, which is TDC, tribal enrollment,
21 and the formula response form, we suggest using them as
22 they are presently used in the formula.

1 The second part of that, I don't know that that's
2 something we need to include, and we may want to
3 consider it. And with respect to the two data sources
4 suggest to potentially age the population data.

5 The population data, if I'm not mistaken, is what
6 we pretty much said stays status quo earlier today. So
7 one of the things to consider is whether or not there
8 is some other support data source like US Census
9 population estimates that might be useful in aging that
10 data.

11 But this, as it is written, is the recommendation
12 that we were able to reach consensus on from the study
13 group. So I would put this out there, and if someone
14 has any suggested friendly amendments, we could look
15 and entertain those.

16 So with that, let's start the clock.

17 MS. BRYAN: Thank you, Gary. Is this a proposal
18 for us? Proposal.

19 MR. COOPER: Yes, ma'am.

20 MS. BRYAN: So we'll turn it over to the
21 facilitator. Clock is started.

22 MS. PODZIBA: Okay. So open the floor for

1 discussion of this proposal that's been brought forward
2 as a consensus from the study group. Are there
3 questions or comments?

4 Annette?

5 MS. BRYAN: Annette Bryan.

6 I have a question from HUD's legal team about
7 status quo and would like if they could speak to the
8 regulation about if that's possible or not, and if not,
9 why not, please.

10 So let me clarify. So we're kind of kicking
11 around the word freeze or status quo or leaving things
12 the same or freezing the formula or not changing it.
13 That's what I mean.

14 MR. ATALLAH: Jad Atallah, with HUD's Office of
15 General Counsel.

16 I think that the question deals with the data
17 sources and status quo, meaning what does status quo
18 mean as it relates to the support data sources.

19 So as you know, the regulations currently
20 incorporate these multiple support data sources that
21 the data study group looked at and recommended to keep.
22 These different support data sources are used in

1 different capacities and different ways in the formula.

2 We can get very specific about how each one is
3 used, but I think status quo essentially means these
4 are good data sources that are currently used in the
5 formula, and you wouldn't recommend that we change
6 them.

7 I can be more specific.

8 MS. BRYAN: I guess my question is if we're
9 recommending to keep them the same, why do we need to
10 do that? If we're not recommending change, they stay
11 the same.

12 MR. ZAH: Yes, that's correct. So if the
13 recommendation is status quo, we make no changes to the
14 regulations as it relates to these.

15 MS. BRYAN: Which, if we didn't have this
16 recommendation, it would be the same end result?

17 MR. ZAH: Yes.

18 MS. BRYAN: Thank you.

19 MS. PODZIBA: Gary?

20 MR. COOPER: And Annette, I think to kind of help
21 confuse it just a little bit more, I think the original
22 intent was behind this that of the support data sources

1 we looked at, we were able to determine that these
2 three should continue to be used. That is our
3 recommendation.

4 Should the other support data sources, which we
5 could not reach consensus on, change, that's wholly up
6 to the committee. But from what we could determine is
7 that, based on the data sources we looked at, if I'm
8 mistaken, study group members, let me know, but of the
9 ones that we looked at, of everything we looked at, we
10 were able to come to a consensus that it was our study
11 group's recommendation that these three support data
12 sources are support data sources that we could continue
13 to use for the part they are used for.

14 That's not recommending that we change or don't
15 change anything else. It was just to put out there for
16 the committee to let them know that that is what we
17 found. If you're looking at changing other data
18 sources, that's fine, or if you want to change
19 something else, that's fine.

20 But that's what we put out there, and I think that
21 it was the study group's intent that, since we were
22 able to reach consensus on this, that we at least bring

1 it forward as a recommendation.

2 As far as any action we need to take on it, I
3 don't know that there is any, if that answers your
4 question, because it is status quo, unless we were
5 going to consider some other changes potentially at
6 some time for other support data sources, then that
7 might be something to keep in mind for those
8 discussions.

9 If there's nothing we need to do, I'm fine with
10 just leaving it like that and we not do anything with
11 it. I don't know that there is any regulatory language
12 that needs to be drafted.

13 But it is what it is, and it is what we found and
14 we were able to reach consensus on, and that's what we
15 were trying to do was bring what we found and the data
16 sources we examined back to this group as they asked.

17 MS. PODZIBA: Jemine? No? Okay. Any other
18 discussion?

19 Karin?

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

22 I guess, unless there is a proposal to do away

1 with the other support data, IHS population estimate,
2 and I don't see that here, then it would be, I would
3 agree, redundant to be considering passing this as any
4 sort of proposal.

5 MS. PODZIBA: Carol?

6 MS. GORE: I was going to say, to be clear, these
7 are currently being used in the formula, so the
8 committee doesn't really have to take any action. This
9 is just information.

10 The only reason it came to the committee is
11 because we looked at a couple of other support data
12 that we're not recommending. But if the committee
13 wishes to consider them, they certainly have the
14 authority to do so. That's the only reason this was
15 brought in front of the committee. Otherwise, if we're
16 in agreement on the recommendation to make no change to
17 support data, then we don't have to take any action.
18 Hope that's helpful.

19 MS. PODZIBA: Jason?

20 MR. ADAMS: I've got an issue that I want to bring
21 up after we're done with this discussion, so I just
22 want to put a placeholder here.

1 MS. PODZIBA: Sami Jo?

2 MS. DIFUNTORUM: Sami Jo Difuntorum.

3 I might be in the slow class today. The second
4 sentence there, can somebody explain to me what exactly
5 that means, "with respect to the two data sources
6 suggested to potentially age the population data,
7 reference proposal two, if necessary." Can somebody
8 clarify that for me?

9 MS. GORE: This is just in reference to the data
10 runs that were done. Those data runs were not
11 considered by the study group and have no
12 recommendation attached. We just want to clarify that,
13 if this were used, it would apply to proposal number
14 two. It may not apply to others.

15 So if you might recall, one of the data runs
16 specifically says, the data would no longer be aged.
17 So in that case, you wouldn't need to use them. But
18 this is available, if we're aging data, it's useful.
19 TDC is used in other areas. So is tribal enrollment.
20 I would guess they would be used no matter what,
21 whatever was introduced.

22 So it was intended to be clarifying. Maybe the

1 wrong place for that language.

2 MS. PODZIBA: Gary?

3 MR. COOPER: Yes, Gary Cooper, again.

4 And unless there is any other discussion we want
5 to have on this, I am happy to just withdraw this,
6 because there's no action that we need to take on it, I
7 don't believe. I just wanted to throw it out there for
8 discussion with everyone.

9 And I'm happy to withdrawing this now, unless
10 someone else has some questions or some discussion they
11 want to make on it. But I don't think that there is
12 any particular change we need to make. I'd leave it up
13 to the other committee members if there is some type of
14 action we need to take.

15 But I think since there's no change, I'm not sure
16 what action we would need to take, and I'd be happy to
17 withdraw it.

18 MS. BRYAN: Thank you, Gary.

19 It's entered into the record now, so that's
20 appropriate. I don't see any action we need to take on
21 it. So it's proposal as a proposal, it has been
22 officially withdrawn.

1 And thank you for bringing it up for discussion.

2 At this point, Jason has asked for the floor. I
3 may want to check in with you and see if you want to go
4 before or after the break. We're a half hour past the
5 break on our agenda. So I will call on you, and then
6 we'll try to squeeze a break in here.

7 MR. ADAMS: Jason Adams, Salish Kootenai.

8 As part of the study group and some of the effect
9 or the report out or the information that was found,
10 one of the items that I think is -- I've been sitting
11 here trying to figure out where to put this.

12 In previous negotiated rulemaking sessions, and I
13 believe even this one, we've had issues where we've put
14 issues up that we aren't addressing but should be at
15 some point in time in a parking lot kind of a place, so
16 that they can be looked at and further studied.

17 One of the issues I think that garners some
18 attention for the future is the issue that was shown to
19 us earlier on that 20 percent of the AIAN population
20 that doesn't identify itself with anything just other
21 than AIAN, doesn't take the next step.

22 I would just like to put that in the parking lot

1 and get more data from HUD or from Todd as to where
2 does that break down, what regions or what states,
3 similar to the information he gave us on the 3 percent
4 that we didn't move on. I would just like to
5 investigate that some more and find out what does that
6 mean.

7 No commitment to change the formula or affect
8 anybody's numbers, just gather data, because it was
9 raised as an issue, and I don't recall this Negotiated
10 Rulemaking Committee or previous Negotiated Rulemaking
11 Committees having a discussion on that issue and having
12 that as an issue that we approved or disapproved as
13 being a part of the formula.

14 It seems like we should investigate that. Twenty
15 percent, in that scenario, if my math is correct, under
16 current numbers, is about \$65 million. So I think it
17 garners some attention. Thank you.

18 MS. BRYAN: Thank you, Jason.

19 So at this time, we're overdue for a break, so I
20 would like to call for our 15-minute afternoon break,
21 and then we'll come back and looks like we have some
22 public comment left for the day, or caucuses, if you

1 need to. Thank you.

2 (Recessed at 3:36 p.m.)

3 (Reconvened at 4:27 p.m.)

4 MS. BRYAN: All right. We're going to reconvene
5 the committee.

6 And at this time, it's almost 4:30, so I thank you
7 for that offer to move on the agenda.

8 And at this time, we would like to open it up for
9 public comment. There is a microphone on either side
10 of the room. Please, when you come up, speak your name
11 clearly for the reporters and where you're from so that
12 they can capture your name and where you're from.
13 Thank you.

14 MR. JOHN: Good afternoon. My name is Chavez
15 John. I with the Navajo Nation. I'm the Division
16 Director for Division of Community Development.
17 (Speaking in foreign language). And that's how I
18 identify myself as a Navajo person.

19 I just wanted to thank all the committee members
20 for their hard work. And a lot of what you're doing
21 here will impact the lives of a lot of Indian people
22 out there, because it will determine how many homes

1 they're going to get per year, and that determines how
2 it's going to impact the lives of some of the people.

3 Now, we all know that there's a need for
4 infrastructure, we all know there's a need for housing,
5 there's a need for economy, there's also educational
6 need which impacts what you are discussing here.
7 There's also housing that instills family values.

8 And those are some of the things that are not
9 tangible, things that you can't see, is family values,
10 how you value your family, how you value your home is
11 something that it's not a given. That's something
12 that's earned through your family, your way of life.
13 And it promotes teaching, and the teaching starts from
14 the home, from the mother.

15 It also keep families united, strong. And it
16 enhances unity within family. When you have a strong
17 family, then you have strong communities. When you
18 have strong communities, you have strong nation. And
19 it just kind of has a domino effect on that.

20 The other one is, it also generates respect for
21 one another, respect for clan, respect for other
22 members. It also sustains culture and tradition,

1 something that we shouldn't forget about, culture and
2 tradition. That interprets into preserving your
3 language, and that all starts from the home.

4 In the Navajo tradition, we say that a home is
5 where education starts. A home is for protection. A
6 home is where you have food, nutrition. A home is
7 where you have love.

8 And we need not to forget that as you decide what
9 kind of fair allocation we will have, you will have for
10 Indian people in terms of housing, because whatever
11 amount you're allocated, that will determine the number
12 of homes, it will impact the number of families within
13 each nation.

14 So with that, I commend you. And just wanted to
15 say thank you for your effort. And may the great Lord
16 be with you. Thank you.

17 (Applause).

18 MS. BRYAN: Thank you.

19 MS. PATONMAH: (Speaking in foreign language). My
20 name is Patonmah. I'm a Karuk tribal member.

21 And housing is a very special thing to me. I'm a
22 mother of eight children. I have seven sons and one

1 daughter. And my husband was in the military. And I
2 was excited when my husband got out of the service,
3 because I thought, I got to go home.

4 Because when I was growing up, the best and most
5 special place for me to go was on the river with my
6 grandparents, Francis and Grace Davis. And their cabin
7 up on the hill didn't have running water, and it didn't
8 have electricity, but that's where I wanted to be.
9 That's where home felt like to me, was on the river.
10 And that was where I wanted to raise my children.

11 But when we got out of the military, and I put my
12 name on the housing list, my name never got to the top,
13 even though there was nine of us. And so, with that
14 being said, there's not enough housing, just like we've
15 heard from everybody else.

16 And so it's an honor for me to come to this
17 Negotiated Rulemaking Committee meeting. It's my first
18 time. And it's not an easy job, for I see that you all
19 are concerned about us, and you are lobbying for us.
20 But we just need to make sure that we continue on and
21 help our tribal members get the housing that they need,
22 whether they're low income, middle income.

1 We want to be home. We want to feel within our
2 traditions and keep those traditions alive. I would
3 give anything if my grandparents were still alive and I
4 could go up to that cabin that didn't have running
5 water or electricity, because my papa, he worked down
6 the river at a school district, and that's where he
7 retired, but the man could play the mean fiddle. We
8 had entertainment every night that we wanted it. He
9 played five or six instruments, and so did several of -
10 - my mom included, brothers and sisters.

11 We are educated at home. We are educated by our
12 family. That's where you learned first to take care of
13 each other and to love each other and protect each
14 other. (Speaking in foreign language). Thank you.

15 (Applause).

16 MS. BRYAN: Thank you.

17 MS. IYALL-VASQUEZ: Good afternoon. Katherine
18 Iyall-Vasquez, Cowlitz Indian Tribe, Councilwoman and
19 Housing Board Chairwoman.

20 So I have a number of things that I want to talk
21 about related to how these negotiations can affect our
22 tribe.

1 We're not a new tribe, but we're newly recognized
2 tribe. So up until March, we did not have a
3 reservation. So when you count how many residents we
4 have on our reservation, it's zero. We purchased land
5 and petitioned the BIA to put it into trust for us,
6 which it took years, and years, and years, and years,
7 and lots of money to get.

8 And so we never had any 1937 housing. We have no
9 FCAS inventory, so all we have is needs. So when you
10 talk about it's only 20 percent, for some tribes, it's
11 only 20 percent of their need. For us, it's 22 percent
12 of everything, because we don't have the other pots of
13 money.

14 We have close to 4,000 members, which is more than
15 double what it was when we gained our federal
16 acknowledgment. We got our initial determination in
17 2000. We took a trip to Washington, DC on Valentine's
18 Day 2000.

19 And then it was in court for a couple of years,
20 and then we got our final determination of federal
21 acknowledgment in 2002. And we battled with the BIA
22 until March of this year to have our initial

1 reservation.

2 So our situation is a little bit different than
3 many of the others. I know there are other landless
4 tribes. Up until March, we were a landless tribe. But
5 we still don't have any homes. We have to do some more
6 economic development before we can build any homes.

7 So I'd like you to consider a couple of things.
8 One, I think the fairest way to distribute the funds is
9 have a minimum and a maximum, and I recall last year
10 sometime, we agreed that a minimum would be a certain
11 amount.

12 But tribal enrollment, there's no question,
13 because the tribal enrollment has to be certified. So
14 it's not a census that's 15 years old. It's not a
15 survey that hasn't been developed. It's not a quasi-
16 census that isn't accurate, because it doesn't count
17 everybody. It's enrollment. It's how many people a
18 tribe has and is certified. So that's what I'd like to
19 say.

20 (Applause).

21 MS. BRYAN: Thank you.

22 MS. IRON CLOUD: This is my tribal flag. I'm

1 Patricia Iron Cloud, the Vice Chairman of the Fort Peck
2 Assiniboine and Sioux Tribes.

3 And I'd like to show you this tribe is one of two
4 tribes, the Assiniboine and Sioux, and they put two
5 warring tribes on the same land, piece of land. It was
6 way more than 5 million acres we have now. It was more
7 like 40 million acres.

8 And they kept whittling away, whittling away, and
9 whittling away. So now, all we have is 5 million
10 acres.

11 And we, as a tribe, we recognized the quarter
12 bloods, we recognize the eighth bloods. All my
13 children have married non-Natives, and I have all my
14 beautiful Norwegian grandchildren, Swedish
15 grandchildren. I have one Native daughter-in-law, and
16 she's half-white as well. But I love my babies. I
17 love them all.

18 I'm just going to sing a song for you. (Singing
19 in foreign language).

20 I'm grateful this day to be representative of my
21 tribe. How beautiful it is to stand in front of each
22 one of you. How wonderful. And you have to come, and

1 you sacrifice your time away from your families to be
2 here and love what you're doing. Because if you didn't
3 love what you're doing, you wouldn't even be sitting
4 here, any of you here.

5 I'm grateful that we could do this peacefully
6 today. What a blessing to do that. I'm sitting here
7 as truly a grandmother and a great grandmother and a
8 mother.

9 I just lost my sister from meth. She's been gone
10 little over a month now. Now, my other baby sister
11 will be leaving, and she'll go on her beautiful
12 journey. And that's what life is about here.

13 As soon as we're here, greet each other with a
14 smile. Love each other. That's what it's all about.
15 In the end, that's what it is all about. It's not how
16 big of a house you have, five bedroom house, one
17 bedroom house.

18 If you go on my blog, it's called Pat Iron Cloud's
19 Fort Peck Tribal Blog, you will see what I wrote today
20 about every one of you. I wrote, "All we're doing
21 today is spinning our wheels." And we are.

22 A few things that we have done, that's beautiful.

1 We need to do more. But I wrote on there is I will
2 help each one of you get a tee pee so that we can have
3 real affordable housing.

4 (Laughter).

5 MS. IRON CLOUD: So if you look at that, you will
6 see that, what a blessing each one of you are to me,
7 and I'm grateful that I could truly represent my tribe
8 during this reg neg meeting. Thank you so much.

9 (Applause).

10 MS. BRYAN: Thank you.

11 MR. CHARLIE: Good afternoon. Name is Mark
12 Charlie. I'm with the AVCP Regional Housing Authority
13 in Bethel, Alaska.

14 AVCP is a TDHC for 51 tribes out of 56 in the
15 region, and if they do Alaska, there's 229 federally
16 recognized tribes. The region is west of Anchorage, an
17 area the size of the state of Illinois, I've been told,
18 with about 25,000 people, 48 communities.

19 So we serve a large region only accessible by air,
20 no roads connecting the communities. Very expensive to
21 construct homes. We have a very small window of
22 opportunity to construct homes. Right now, we're

1 looking at \$380,000 to \$420,000 per unit, and these
2 aren't fancy homes, four walls, basic homes, 1,000,
3 1,200 square feet.

4 Most of the time, we don't have water and sewer,
5 so we have to move in families, and they got to use
6 honey buckets. If you don't know what a honey bucket
7 is, it's a 5-gallon container that's in a corner of a
8 house, and it's not filled with honey.

9 (Laughter).

10 MR. CHARLIE: So got to pack water. So it's very
11 expensive. And what we've done in our region, the
12 tribes have understood the need to work together, to be
13 unified, to be one, to pool their finances together.

14 So 51 of the tribes have joined TDHC to work
15 together, and that's the message I want to send to this
16 group and to the committee, that it's going to take
17 working together. The tribes in our region understand
18 that they have to help each other.

19 With the plan that we have, we go back to villages
20 every four years and build a house or it depends on how
21 much money we have. We used to build 40 units a year
22 when the houses started. Now, with same amount of

1 money, with the cost of doing business, we're down to
2 anywhere from 10 to 15 units a year. The cost of a
3 house has gone up from we used to budget \$180,000 a
4 year, and now, it's \$380,000, \$420,000.

5 But that's what it took, working together,
6 understanding, helping each other out. And the
7 committee, you have a lot to think about. But it's one
8 house at a time, one family at a time.

9 I wish I can provide a house for every person,
10 every family that needs a house in our region. But the
11 reality is, I can't, but I can help one family in one
12 village.

13 I love the job when it comes time to selecting a
14 family. One happy family, mom, dad, children. But at
15 the same time, I have 20 people that are not very
16 happy. They're pretty sad, they're pretty mad that
17 they didn't get a house. But that gives me resolve
18 that I got to keep working. I got to keep working with
19 my tribes to do whatever it takes to get funding and to
20 make it go further.

21 And I commend you. I urge you to keep working
22 together. I'm a licensed minister. And when you work

1 for the kingdom of God, I think yesterday I heard 7
2 billion people in the world now, and I want to save
3 every one of them, but it's going to take one soul at a
4 time. And that's what it's going to take in housing is
5 one house at a time.

6 We know what the problems are. We know the
7 situations our families are facing. We know those. I
8 don't think we need to talk about them. We need to
9 talk about solutions, how can we make sure that every
10 tribe, every family that needs a house gets a house.
11 Thank you so much.

12 (Applause).

13 MS. BRYAN: Thank you.

14 Jason?

15 MR. ADAMS: Yeah, Jason Adams, Salish Kootenai.

16 I did have one other issue that I wanted to just
17 address before the committee before we adjourn for
18 today.

19 And that issue is in regards to a technical
20 assistance request that I submitted last year, and I've
21 been emailing HUD and haven't had a response yet, and
22 it's technical assistance request number 34. And I

1 would just like to be on the record, ask HUD for an
2 answer to that, if it can be done, I would still like
3 to have that. So thank you.

4 MS. BRYAN: Thank you. Any other public comments?
5 We'll provide an opportunity at the end of the day
6 tomorrow for public comments as well.

7 Thank you all of those of you who spoke today for
8 the record.

9 Is the drafting committee prepared to present
10 language to finish up that part of our business?

11 So at this time of the day, it's 4:50, I might ask
12 the committee, do you have any other business to bring
13 up or discuss? And is the will of the committee to
14 keep working and finish this issue for the day,
15 depending on how long it's going to take them to get
16 their language back to us?

17 Gary?

18 MR. COOPER: Madam Co-Chair, I would propose,
19 unless they think it may just be a few minutes, that
20 maybe we let them work this evening on drafting the
21 language and take it up first thing in the morning.

22 That might be the most appropriate to make sure

1 that it can circulate to -- I know there is a handful
2 of attorneys. I was almost scared to go back in the
3 corner a while ago because of all -- no, I'm joking.

4 (Laughter).

5 MR. COOPER: But it might be appropriate so
6 everyone will have a chance to view and comment and
7 everything on it for maybe them to work in the evening
8 on it and we take it up first thing in the morning.

9 MS. BRYAN: Dose that sound right? Everybody good
10 with that? Okay.

11 So we're going to take this up in the morning and
12 give the drafting committee time to come up with some
13 masterfully put together language that we can look at.

14 I wanted to remind folks that the preamble
15 language is up on the website, and that's going to be
16 the business of our day tomorrow. That's what's on the
17 agenda. And so I encourage everybody, if you haven't
18 read it, to please read it.

19 Hard copies are also on the registration table for
20 you to look at. And committee members, please grab the
21 hard copies, as tomorrow, we'll be going through those
22 line by line.

1 Any other business or remarks for the end of this
2 day?

3 HUD?

4 MS. BRYON: Thank you. I was just checking with
5 the team on the TA request number 34 that you referred
6 and they're advising me that we did provide that in
7 session, so we're pulling it up now to show it to you
8 again.

9 MR. ADAMS: I've been waiting email wise, and then
10 I checked the website.

11 MS. BRYON: Yeah.

12 MR. ADAMS: And it's still blank on the website.

13 MS. BRYON: Okay.

14 MR. ADAMS: Okay. Thank you.

15 MS. BRYON: So we will get that for you tonight.

16 MR. ADAMS: Thank you for that.

17 MS. BRYAN: Thank you. So I'm going to close this
18 portion of the meeting, hearing no objections to that
19 idea, for Day Two of Session Seven.

20 I have asked Aca Begay to give us a closing prayer
21 today.

22 MR. BEGAY: For my prayer, I was asked to do a

1 prayer up in Lakota Country, and I said it in my
2 language. And the words I say tonight in my prayer is:

3 (Speaking in foreign language).

4 MR. BEGAY: So I said that, and I looked up,
5 everybody was still bowing their head, so that's just a
6 cue. So I had to look around, what everybody was
7 familiar with, Amen or something, I said, "Amen."

8 (Laughter).

9 MR. BEGAY: (Speaking in foreign language).

10 Thank you.

11 MS. BRYAN: Thank you very much.

12 We will reconvene at 8:30 in the morning.

13 Everybody have a good evening, and stay cool.

14 (Whereupon, at 5:00 p.m., the meeting was
15 adjourned.)

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