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

Tuesday, January 26, 2016

11:31 a.m.

U.S. Department of Housing and Urban Development
451 7th Street, N.W.
Washington, D.C. 20410

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ATTENDEES:

CO-CHAIRS:

ANNETTE BRYAN, Puyallup Tribe of Indians, Tacoma,
Washington

JASON DOLLARHIDE, 2nd Chief, Peoria Tribe of
Indians of Oklahoma, Miami, Oklahoma

COMMITTEE MEMBERS:

JASON ADAMS, Executive Director, Salish-Kootenai
Housing Authority, Pablo, Montana

GARY COOPER, Executive Director, Cherokee Nation,
Tahlequah, Oklahoma

PETE DELGADO, Executive Director, Tohono O'odham
HA, Sells, Arizona

SAMI JO DIFUNTORUM, Executive Director, Siletz
Tribal Housing Department, Siletz, Oregon

EARL EVANS, Tribal Councilor, Haliwa-Saponi Tribe,
Hollister, North Carolina

KARIN LEE FOSTER (telephonically), Legal Counsel,
Yakama Nation Housing Authority, Toppenish, Washington

LAFE ALLEN HAUGEN, Executive Director, Northern
Cheyenne Tribal Housing Authority, Lame Deer, Montana

1 ATTENDEES (continued):

2 COMMITTEE MEMBERS (continued):

3 LEON JACOBS, Representative, Lumbee Tribe of North
4 Carolina, Pembroke, North Carolina

5 PATTERSON JOE, General Counsel, Navajo Housing
6 Authority, Window Rock, Arizona

7 GABE LAYMAN (for Carol Gore), Executive Vice
8 President and General Counsel, Cook-Inlet Housing
9 Authority, Anchorage, Alaska

10 SAM OKAKOK, Housing Director, Native Village of
11 Barrow, Barrow, Alaska

12 RAYMOND ROBLES, Executive Director, Cocopah Indian
13 Housing and Development, Someton, Arizona

14 S. JACK SAWYERS, Special Projects Coordinator,
15 Paiute Tribe of Utah, Cedar City, Utah

16 MARTY SHURAVLOFF, Executive Director, Kodiak
17 Island Housing Authority, Kodiak, Alaska

18 RUSSELL SOSSAMON, Executive Director, Choctaw
19 Housing Authority, Hugo, Oklahoma

20 THOMAS SPRINGER (for Heather Cloud), Ho-Chunk
21 Nation, Black River Falls, Wisconsin

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ATTENDEES:

COMMITTEE MEMBERS (continued):

MICHAEL THOM, Secretary/Treasurer, Karuk Tribe,
Happy Camp, California

JON TILLINGHAST, ESQUIRE (for Teri Nutter),
Tlingit-Haida Regional Housing Authority, Juneau,
Alaska

SHARON VOGEL, Executive Director, Cheyenne River
Housing Authority, Eagle Butte, South Dakota

HUD STAFF:

RANDY AKERS, Acting Deputy Assistant Secretary for
Native American Programs, U.S. Department of Housing
and Urban Development, Washington, D.C. 20410

JAD ATALLAH, Attorney/Advisor, U.S. Department of
Housing and Urban Development, Washington, D.C.

JEMINE BRYON, General Deputy Assistant Secretary,
for Public and Indian Housing

LOURDES CASTRO-RAMÍREZ, Principal Deputy Assistant
Secretary for Public and Indian Housing, U.S.
Department of Housing and Urban Development,
Washington, D.C.

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ATTENDEES:

HUD STAFF (continued):

HEIDI JOSEPH, Native American Program Specialist,
Office of Native American Programs, U.S. Department of
Housing and Urban Development, Washington, D.C.

TODD RICHARDSON, Associate Deputy Secretary,
Office of Policy Development and Research (PD&R), U.S.
Department of Housing and Urban Development,
Washington, D.C.

AARON SANTA ANNA, Assistant General Counsel for
Regulations, U.S. Department of Housing and Urban
Development, Washington, D.C.

FIRSTPIC, INC. STAFF:

SARA FIALA, Project Director, FirstPic, Inc.,
Washington, D.C.

PEGGY CUCITI, Ph.D., Research Associate, FirstPic,
Inc., Washington, D.C.

ALSO PRESENT:

MELLOR WILLIE, Government and Public Affairs
Advisor, Willie Consulting, Washington, D.C.

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P R O C E E D I N G S

(11:31 a.m.)

MR. DOLLARHIDE: You know, as co-chair, I want to -- you know, I know this is kind of an inconvenience what we've got going on here in this room right at the moment, but, you know, hopefully we'll get through these challenges so we get on with our meeting. I know we've got lots of important stuff that we need to do. You know, I have to make mention, too, to the HUD officials, if we need to stay open tonight past our 5:00, then, you know, that's what we need to do to make sure that we get stuff taken care of.

You know, we -- I would like to at least -- I know our lunch break is in an hour. I would like at least to get through the -- through the building logistics and the housekeeping items. If the -- if the IT is not worked out, then I would like to go ahead and call lunch until -- you know, until that time if everybody is -- approves of that.

But, you know, right now I'd like to open this up with a prayer. I've asked Sharon Vogel of Cheyenne River to open that up. So, Sharon?

1 MS. VOGEL: Good morning, and thank you, Jason.
2 Heavenly Father, we come before You, and I hope that we
3 come, you know, each of us bringing our own special
4 prayers for our people, and that we have an open mind,
5 and we listen, and really come to be serious about, you
6 know, the responsibilities that we have. I pray
7 blessings for our safe travels and blessings for those
8 people that have been impacted by this storm.

9 I ask for a blessing upon those that are mourning
10 and that may be suffering, and I ask that you grant us
11 safe travels to and from while we're in this snow-
12 packed city. All of this I ask in Jesus' Name. Amen.

13 (A chorus of "Amens.")

14 MR. DOLLARHIDE: Thank you, Sharon. We'll go
15 ahead and open this up with some welcoming remarks.

16 MS. CASTRO-RAMÍREZ: Good morning, everyone.

17 SPEAKERS: Good morning.

18 MS. CASTRO-RAMÍREZ: I think I'm going to move
19 over to the front just so that I'm not giving anyone my
20 back, so give me one second.

21 (Pause.)

22 MS. CASTRO-RAMÍREZ: Good morning again, and,

1 again, our apologies for some of the challenges that
2 we're all experiencing this morning as it relates to
3 the technological problems that we're having, and also
4 for this room that is a little limiting. But I think
5 as Mr. Sawyer said, this is probably the closest that
6 we all have been. We're one big family, and so we --

7 (Laughter.)

8 MS. CASTRO-RAMÍREZ: And so, we'll do the best. I
9 do want to mention that we are looking at a backup plan
10 and looking at the possibility of moving to a larger
11 room. And so, hopefully by the time you all return
12 from lunch, we'll have additional information.

13 But again, I want to on behalf of Secretary Castro
14 and on behalf of the entire HUD team, I'd like to
15 provide a warm welcome, and to thank all of you for
16 being here. I know that this was not easy. I know
17 that many of you had a number of challenges getting
18 here. On Sunday, Randy, Jemine, and I began to have
19 constant communication with the co-chairs and with all
20 of you to determine whether or not we should move
21 forward with the session.

22 I think when we arrived at knowing that 14 to 15

1 members -- you know, 14 to 15 of you were not impacted
2 by flight delays, we decided that that was a quorum,
3 and we decided that we would move forward with the
4 negotiated rulemaking meeting. And one of the reasons
5 why we also decided to move forward is because we all
6 know that you all had scheduled this time to be here,
7 and it's very difficult, right, to gain access to
8 facilities, to book hotels, flights. And so anyhow, I
9 appreciate very much your patience and everything that
10 you all endured to be here.

11 I do have a few remarks that I'd like to share as
12 we begin the formal negotiated rulemaking. First of
13 all, I'd like to again commend each of you for your
14 dedication to the negotiated rulemaking process and to
15 improving housing conditions for all Native people.

16 And if I didn't properly introduce myself, I'm
17 Lourdes CASTRO-RAMÍREZ, and I have the honor of serving
18 as the principal deputy assistant secretary, which
19 essentially means that I'm responsible for leading the
20 Office of Public and Indian Housing. And so, it's an
21 honor for me to be with all of you.

22 We all know that affordable housing and economic

1 development opportunities are core necessities in every
2 community. And guided by the principles of self-
3 determination and self-governance, our Office of Public
4 and Indian Housing has the unique responsibility of
5 supporting a range of affordable housing and community
6 development efforts in Native communities under the
7 Native American Housing Assistance and Self-
8 Determination Act.

9 In the past nine months, I have traveled to many
10 communities to meet with tribal leaders, to meet with
11 housing officials, community members, and youth to hear
12 firsthand about the challenges, the opportunities, and
13 the successes in providing decent and affordable
14 housing and developing tribal economies.

15 Since its inception 18 years ago, the Indian
16 Housing Block Grant Program has provided more than
17 \$11.4 billion to build -- to tribes to build, acquire,
18 rehab, and maintain housing units and community
19 facilities. Over the life of the program, IHBG
20 recipients have built or acquired almost 37,000
21 affordable housing units and substantially
22 rehabilitated more than 73,000 units.

1 Today I'm honored to be here with you as a member
2 of this formal -- formula Negotiated Rulemaking
3 Committee. As many of you know, Roger Boyd, who served
4 as the deputy assistant secretary for about 13 years,
5 retired a few months ago. And so, I do want to take a
6 moment to, again, recognize and thank Roger for the
7 tremendous contribution to moving our Native American
8 programs, and the tremendous contribution and service
9 to HUD.

10 But with us today and serving also as a committee
11 member, I'd like to formally introduce to all of you
12 our acting deputy assistant secretary, Randy Akers.
13 Thank you, Randy. You can clap.

14 (Applause.)

15 MS. CASTRO-RAMÍREZ: So Randy in his capacity as
16 the acting deputy assistant secretary will be serving
17 on the committee. And so, I thank you also, Randy, for
18 helping to troubleshoot and helping with the
19 coordination of today's meeting.

20 I'd like to take a moment also to reiterate HUD's
21 commitment to Native American communities and to our
22 partnership with each of you to strengthen and expand

1 opportunities in Indian Country.

2 The Fiscal Year 2016 omnibus provides \$717.5
3 million to address housing needs in Native American
4 communities. Earlier this month, many of you are aware
5 that HUD and the VA announced the award of just about
6 \$6 million in tribal HUD-VASH funding to provide
7 housing assistance in support of services to homeless
8 veterans. And so, I think the last the last time we
9 met we talked about the notice and this process, and
10 I'm really happy to report that we have implemented and
11 launched this new program.

12 We're also working on strengthening our
13 longstanding tribal consultation policy that will
14 direct all of HUD, not just the Office of Native
15 American Programs. This new tribal consultation policy
16 will enable the entire Agency to be able to be
17 committed and thoughtful in terms of how we consult and
18 how we engage with tribal governments.

19 Additionally, the Comprehensive Housing Needs
20 Study is near completion. Our colleagues in the Office
21 of Policy, Research, and Development are completing the
22 last few research components, and they anticipate the

1 release of the report in the fall of -- in the fall of
2 2016, which is, you know, a few months from now.

3 Finally, I'm excited to share with you that for
4 the first time we are planning a HUD-led effort this
5 summer to provide youth leadership camps across Indian
6 Country. I think many of you know that we are very
7 involved with the Administration's effort called
8 Generation Indigenous, which is essentially an
9 initiative that is focused on investing in youth. And
10 as a Federal department, we think it's really important
11 that we do our part to support, to empower, and to
12 provide the tools necessary for youth to be able to be
13 contributing members. So we are in the planning stages
14 of developing a summer program, and look forward to
15 working with each of you as we get closer to the
16 rollout.

17 And finally, as we begin today's session, I do
18 want to acknowledge that I know that there were some
19 concerns raised a few months ago about the process.
20 And we heard you all loud and clear about how important
21 it was for us to be able to come together in person to
22 have a substantive discussion and dialogue about HUD's

1 proposal, specifically as it relates to the three
2 adjustments that will be introduced later this
3 afternoon as part of the data source.

4 And so, I appreciate the feedback that we
5 received. The decision that was made for us to have
6 this convening was largely made because of the feedback
7 that we received from all of you, and also because we
8 wanted to ensure that you all are aware that we are
9 committed, you know, to this process. And I know that,
10 you know, you all have been working at this for the
11 last two years, maybe almost three years. And so, we
12 want to make sure we get this right.

13 So I thank you all for your honest and direct
14 feedback. I invite you, of course, you know, to
15 continue that throughout today and tomorrow. We are
16 looking at the possibility of having access on Thursday
17 should we need, you know, some additional time.

18 And the last, you know, few remarks are really,
19 you know, for the staff, the HUD staff, the co-chairs,
20 who have been working very closely with all of us to
21 try to figure out the agenda to, you know, as I
22 mentioned earlier, to navigate through some of the

1 challenges that we have with regard to the weather. So
2 on behalf of my office, I'd like to thank the co-
3 chairs. I'd like to also recognize everyone from the
4 HUD staff that is here.

5 And I also would like to recognize our contractor,
6 FirstPic. You all have been really amazing, and really
7 I think today, I just want us, you know, to be reminded
8 that as challenges come our way, we're going to -- I
9 hope we can remain somewhat flexible. We will do
10 everything possible to try to mitigate those problems,
11 whether they be technological problems or otherwise.
12 But I do sincerely thank each of you for your presence,
13 for being here today. And I look forward to the next
14 two days of, you know, negotiations.

15 So with that, I'd like to turn it over to our co-
16 chairs, Annette Bryan and Jason Dollarhide. Thank you.

17 (Applause.)

18 MS. BRYAN: Good morning, everyone. I'm glad to
19 see so many of us at the table today. I would like to
20 echo the sentiments of Lourdes and thank everyone for
21 your patience, and grateful that you're here. And we
22 have been working diligently over the weekend and over

1 the past week to come up with this meeting. I really
2 appreciate HUD giving us this meeting after the -- I
3 guess it was a curveball, some of us felt was thrown
4 our way. So hopefully we can work out what that is,
5 and get some work accomplished through this meeting.

6 And I want to thank each and every committee
7 member both on the phone and at the table who was able
8 to make it. I know there was some travel snafus for
9 many of you, and so I'm just really grateful today to
10 the Creator for bringing us all together again.

11 I did want to disclose just for the record that I
12 had made application to Northwest ONAP, and there's no
13 decision. I do not work for HUD. You know, that would
14 be great if I could say that I did, but I'm not. I'm
15 currently employed by the Puyallup Tribe of Indians.
16 I'm here representing the Puyallup Tribe of Indians by
17 resolution from the Tribal Council.

18 And so, I shared with some of you that are really
19 close to me that I did make application. I just wanted
20 to disclose that to all of you. If it is an issue or a
21 concern, I would welcome, you know, feedback. But I
22 want to be transparent about my intentions, and also

1 just to assure you that my position here at the table
2 is to represent the Puyallup Tribe and other tribes
3 across Indian Country. So thank you.

4 MR. DOLLARHIDE: Good morning. I think Annette
5 pretty much summed everything up. One thing I would
6 like to say is please keep in mind, I know we've got
7 less than ideal circumstances in this room, et cetera,
8 et cetera. But, you know, there's -- you know,
9 thinking our communities, thinking about the city,
10 there's lot of people that would love to be in this
11 room. It's warm, you know. They're alive, and they
12 don't need to worry about anything. We've got
13 security, so they won't be harmed. And, you know,
14 that's the folks that we're here trying to -- you know,
15 trying to help out within our communities.

16 So I know the hardships in this room seem
17 intolerable that, you know, folks should have things
18 together a little bit, you know. Let's just be
19 fortunate that we -- you know, we are where we are
20 instead of like some of our folks in the community
21 that, you know, that's outside and don't have no heat.
22 So please just keep in mind whenever we start getting

1 frustrated.

2 MS. FIALA: Good morning, everybody. Welcome to
3 snow D.C. I think I know most everyone in the room.
4 I'm Sara Fiala. I'm the project director of FirstPic.

5 I just wanted to run through just a couple of
6 housekeeping items, particularly about the security
7 that's in the building.

8 So as you are aware, this is a Federal building,
9 and we do have to follow the Federal security
10 guidelines. I've been asked to remind everyone to
11 please make sure you are wearing your name tag at all
12 times. That has to be visible, Lafe.

13 (Laughter.)

14 MS. FIALA: At all times in the building. And if
15 you leave this room, you also have to be escorted by
16 HUD staff. They are wearing badges with a bright red
17 HUD staff tag on them. So if you need to get walked to
18 the restroom or down outside, you do need to have an
19 escort. We do have caucus rooms available, and we have
20 escorts that will take you up to the caucus rooms and
21 bring you back down if needed as well.

22 When you break for lunch, again, you'll be

1 escorted down. You can leave the building. L'Enfant
2 Plaza has a bunch of restaurants, and we have some
3 restaurant guides. It's sort of like a food court, I
4 guess, so there's a lot of different places for lunch
5 just within a half --

6 FEMALE SPEAKER: We don't know if it's open.

7 MS. FIALA: We don't know if it's open, but
8 hopefully something --

9 (Laughter.)

10 MS. FIALA: I know Starbucks is open, so if
11 nothing else you can caffeinate yourselves. But they
12 have a lot of places that I believe at least a few of
13 them should be open. And when you return back in the
14 building, you have to come back in the same entrance,
15 the south lobby, which you came in. So they'll have
16 HUD staff there, and they escort you back up to the
17 meeting space.

18 You also should've received a property pass for
19 any tablets or any laptops. When you leave today,
20 please show that pass to the security guard. Tell them
21 you will be coming back into the building tomorrow.
22 They will keep you that pass. Please bring that pass

1 back with you tomorrow, show it to the guards. And
2 then when we leave for the day and adjourn to go home,
3 you can turn that property pass into any one of the HUD
4 staff members.

5 FEMALE SPEAKER: And also the badges.

6 MS. FIALA: And also your badges as well. If you
7 have -- I think that was -- there's coffee outside this
8 room and water as well.

9 FEMALE SPEAKER: Tea. And tea.

10 MS. FIALA: And tea, and restrooms are down to the
11 right, but, again, you'll have to get --

12 MR. RICHARDSON: I'm going to -- I'm going to
13 trump that. You do not need an escort to go to the
14 restroom. It's just around the corner here. I'll take
15 responsibility for you.

16 (Laughter.)

17 MR. RICHARDSON: It's just -- it's just like 10
18 feet that way, so you're on your own.

19 (Laughter.)

20 MALE SPEAKER: -- assistant secretary.

21 MS. FIALA: So I think that is all the
22 housekeeping I had for now. Again, we're trying to

1 work on seeing whether we can the projection back up.
2 We'll be working on that over our lunch with that room
3 back there. So thank you very much for coming, and as
4 always, if you have any questions, we have staff in
5 addition to the HUD staff all throughout the room and
6 then right outside. So thank you very much.

7 MS. BRYAN: Thank you, Sara, and thank you,
8 FirstPic. I know you guys have been diligently working
9 on all of the things behind the scenes, and we really
10 do appreciate your hard work, and we're going to figure
11 it out. As Indian people, we've gone through struggles
12 much greater than this. I know we'll make it through
13 this one.

14 I'm going to do a roll call. If you could just
15 say "here" or "present."

16 Jason Adams?

17 MR. ADAMS: Here.

18 MS. BRYAN: Randy Akers?

19 MR. AKERS: Here.

20 MS. BRYAN: Annette Bryan, present.

21 Lourdes CASTRO-RAMÍREZ?

22 MS. CASTRO-RAMÍREZ: Here.

1 MS. BRYAN: Heather Cloud?
2 MR. SPRINGER: Here.
3 MS. BRYAN: Gary Cooper? Thomas Springer for
4 Heather Cloud for the record.
5 Gary Gooper?
6 MR. COOPER: Present.
7 MS. BRYAN: Chester Delgado?
8 MR. DELGADO: Here.
9 MS. BRYAN: Sami Jo Difuntorum?
10 MS. DIFUNTORUM: Here.
11 MS. BRYAN: Jason Dollarhide?
12 MR. DOLLARHIDE: Here.
13 MS. BRYAN: Earl Evans?
14 MR. EVANS: Here.
15 MS. BRYAN: Deidre Flood?
16 (No response.)
17 MS. BRYAN: Karin Foster?
18 (No audible response.)
19 MS. BRYAN: For the record, she's present on the
20 phone.
21 Carol Gore?
22 MR. LAYMAN: Gabe Layman for Carol Gore.

1 MS. BRYAN: Lafe Haugen?
2 MR. HAUGEN: Here.
3 MS. BRYAN: Richard Hill?
4 (No response.)
5 MS. BRYAN: Leon Jacobs?
6 MR. JACOBS: Here.
7 MS. BRYAN: Teri Nutter?
8 (No response.)
9 MS. BRYAN: Samuel Okakok?
10 MR. OKAKOK: Here.
11 MS. BRYAN: Diana Phair?
12 (No response.)
13 MS. BRYAN: Raymond Robles?
14 MR. ROBLES: Here.
15 MS. BRYAN: Sheryl Van Sawyers?
16 MR. SAWYERS: Here.
17 MS. BRYAN: Marty Shuravloff?
18 MR. SHURAVLOFF: Here.
19 MS. BRYAN: Russell Sossamon?
20 MR. SOSSAMON: Here.
21 MS. BRYAN: Michael Thom?
22 MR. THOM: Here.

1 MS. BRYAN: Sharon Vogel?

2 MS. VOGEL: Here.

3 MS. BRYAN: Aniva Yasen?

4 MR. JOE: Patterson Joe for Aniva Yasen.

5 MS. BRYAN: Thank you. We have a quorum.

6 (Applause.)

7 MS. BRYAN: So we are thinking that at this point,
8 we would like to get an update on the technology and
9 maybe just break for lunch, or if regions wanted to
10 caucus. What say you?

11 FEMALE SPEAKER: We know what Leon wants.

12 (Laughter.)

13 MR. AKERS: Randy Akers, HUD. Those sound good.
14 Co-Chairs, also if you wanted to address the
15 facilitator on the matter at some point.

16 MS. BRYAN: Okay. We did have a logistical item
17 that was -- the facilitator, because this meeting was
18 put together for us by HUD, and it wasn't a planned
19 meeting. It was cost prohibitive and other things were
20 prohibitive for having our original facilitator out.
21 So Ariel Pereira from HUD, which some of you might
22 recognize the name, was going to facilitate. He is

1 snowed in and unable to make it in today because his
2 roads are not plowed.

3 And so, HUD had asked Sara Fiala from FirstPic if
4 she would be willing to help Jason and I with
5 facilitating the meetings. So we wanted to let the
6 committee know that. We did put it under action items
7 for the full committee because you'll need to vote on
8 it, and I'm not sure if we're voting at this time. But
9 that's going to be on the action item list to have Sara
10 help us facilitate.

11 And I just have a logistical question about the
12 court reporter. So when we go on the record and we
13 start voting, the requirements for recording of this
14 meeting, anyone has -- if you can speak to that, I
15 would appreciate it so that we know how to proceed
16 without -- until we get the recording started.

17 FEMALE SPEAKER: -- the situation is.

18 COURT REPORTER: We are currently recording.

19 FEMALE SPEAKER: We are currently recording.

20 COURT REPORTER: Yes.

21 MS. BRYAN: So we are recording. So if we can
22 vote on the facilitator, that would be something we can

1 just get out of the way and we can have her helping.
2 So can I get a -- I'm going to call for the vote on the
3 facilitator for Sara Fiala to help us with the meeting
4 for today and tomorrow, unless Ariel makes it in.

5 (Members vote.)

6 MS. BRYAN: Lafe, behave. Okay. I don't believe
7 I'm seeing any thumbs down. Thank you. We have a
8 consensus first thing in the morning. Good job, guys.

9 Were there any objections by the phone? Any
10 objections by phone?

11 (No response.)

12 MS. BRYAN: Thank you.

13 MR. AKERS: Randy Akers, HUD. I'd like to ask the
14 co-chairs, I know we're going to be breaking here for
15 lunch pretty shortly. Would it possible for us -- do
16 you think feasible and appropriate for us to as a
17 committee try to take care of the committee review and
18 approval of the proposed agenda, and also the committee
19 review and approval of the minutes from the August
20 meeting? If we could address that before we break for
21 lunch, or what are your thoughts?

22 MS. BRYAN: I think so. I'm not sure if enough

1 people have looked at the minutes from the last meeting
2 to approve them. Do we have those available, or do
3 folks have the minutes available that we're ready to
4 approve those? Okay, let's do it.

5 So we're looking at the agenda. In front of you,
6 you should have a draft copy proposed agenda, January
7 26 through 27, 2016, and we're looking for approval.

8 MR. ADAMS: Just a question on the agenda. If we
9 cut time, we're going to bump everything up. Is that
10 the assumption? I mean, we've got two hours on the
11 exact time, so if we take 15 minutes, everything just
12 bumps up?

13 MS. BRYAN: It should, and hopefully we can make
14 up for lost time. Our original agenda, as you can
15 imagine, started at 8:00 a.m. this morning, so we've
16 already lost three hours. So maybe it'll catch up us
17 or bump time up, yes. We're going to be really
18 flexible with this one.

19 Move for consensus.

20 MALE SPEAKER: So moved.

21 MS. BRYAN: All right, good job. We have an
22 approved agenda. Thank you, Committee.

1 Next, we're going to look at the minutes from
2 August 2015 for those of you that have them in front of
3 you. Do we need any discussion or correction?

4 (No response.)

5 MS. BRYAN: I think we have them. We'll get them
6 passed out, and just give us a few minutes to look over
7 them very quickly.

8 (Pause.)

9 MR. JACOBS: Madam Chair?

10 MS. BRYAN: Yes?

11 MR. JACOBS: Call for the question.

12 MS. BRYAN: Leon is calling for the question.

13 Lafe?

14 MR. HAUGEN: Lafe Haugen, Northern Cheyenne.

15 MR. DOLLARHIDE: Just a second, Lafe.

16 MR. HAUGEN: With regards -- with regards to the
17 comments, we wanted to note in the public commenting
18 part that the Pine Ridge Reservation tribal leader was
19 President John Yellow Bird Steele. We'd like his name
20 inserted into the minutes. Thank you.

21 MS. BRYAN: Noted, thank you. Back to the call
22 for the question, with amendment.

1 (Members vote.)

2 MS. BRYAN: We have another consensus. Good job,
3 Committee. These minutes for Session 7, August 11th,
4 2015, and I believe Session 7, August 12th, 2015 are
5 approved. Thank you.

6 So at this time, it's 12:00 on the dot, 12:01.
7 Jason, you have a comment?

8 MR. ADAMS: I was just going to say keep going.

9 MS. BRYAN: We do have momentum, and we do have 30
10 minutes on the agenda, which is really flexible. We
11 have discussed -- I think for the procedural overview,
12 which is next on the agenda, Aaron, if you're ready, I
13 believe we can go ahead without a Power Point
14 presentation.

15 MR. SANTA ANNA: Correct.

16 MS. BRYAN: Okay. So he's prepared, and I think
17 that's a good suggestion, Jason. Thank you.

18 MALE SPEAKER: Sorry, guys.

19 MR. SANTA ANNA: Good morning, everyone. Let me
20 add -- first of all, add my welcome and appreciation
21 for everybody being able to, with all the challenges to
22 get here. I'm going to just take a quick moment to

1 talk about, you know, where we stand procedurally.

2 As everybody knows, we finished our meeting in
3 August and came out of -- can everybody hear me?

4 FEMALE SPEAKER: No.

5 MR. SANTA ANNA: We finished our meeting in
6 August, and coming out of it with a consensus on
7 everything except data source. In the interim between
8 that point and in November, HUD was working to be able
9 to come up with some ideas and proposals. And we
10 rolled out the proposals last month in December through
11 a number of conference calls and video -- I guess video
12 conferencing that Todd did relative -- as for comments
13 on the proposed preamble and on the proposal that we
14 laid out. I appreciate those individuals who took time
15 to be able to provide us comment, and we'll be talking
16 more about that tomorrow in terms of, you know, how
17 much of that we've incorporated into the -- into the
18 preamble.

19 I did want to be able to highlight a couple
20 points. One is that the rule itself is in a procedure
21 in a place where it's no different from where it was
22 when we were in August. That is, the rule has not gone

1 through departmental clearance, and it has not gone to
2 OMB for formal review. We need to be able to make sure
3 that every rule that we do, OMB has to be able to look
4 at it before we send it on to -- for publication. And
5 the rule has not been shared with OMB.

6 I raise that because there were a couple of
7 commenters who suggested that we had moved forward with
8 that, and we have not done that. So the rule is still
9 in the development stages, and I'm hopeful that as we
10 go through today and tomorrow, we'll be able to work
11 out those final sections of the rule that need to be
12 finalized; that is, the data and the preamble that
13 discusses data source.

14 Along those lines, the scope of today's meeting,
15 as you know from the *Federal Register* modification,
16 which announced the meeting, is going to be limited to
17 discussion and vote on the adjustments to the data
18 sources and the approval of the preamble language. We
19 want to be able to really focus in on those items
20 because those are the types of -- those are the issues
21 that we've heard most from you in terms of all the
22 feedback, not only orally in phone calls that we had,

1 but also in the -- in some of the written comments. So
2 we will be talking a little bit more about that --
3 talking a lot about that in the next day or so.

4 Does anybody have any questions about where we
5 stand? I know I'll be able to talk to you more
6 tomorrow about, you know, the preamble. I'll be able
7 to talk to you more tomorrow about next steps. But I
8 do want to assure you that, you know, the rule is still
9 in development, and that we haven't shared it outside
10 the building, and we haven't even shared it inside the
11 building. So thank you so much.

12 (Applause.)

13 MS. BRYAN: All right. Jason and I made a small
14 executive decision over here that we're going to go
15 ahead and call on Todd. And the reason for that is we
16 have time on the agenda, and the Power Point
17 presentation that we can't get up here is right in
18 front of you all.

19 MR. AKERS: Randy Akers, HUD.

20 MALE SPEAKER: We've got Randy Akers.

21 MS. BRYAN: Oh, I'm sorry. I'm trying to get
22 stuff done.

1 (Laughter.)

2 MR. AKERS: Co-Chairs, would it be all right if
3 the proposed agenda has it where I would speak on
4 behalf of HUD to put forward a proposal for the
5 committee's consideration?

6 MS. BRYAN: Please.

7 MR. AKERS: Thank you.

8 MS. BRYAN: You need two hours?

9 MR. AKERS: Two hours, and that's just to say
10 "hi."

11 (Laughter.)

12 MR. AKERS: So good morning, everyone. Again, I'm
13 Randy Akers. I'm with the Office of Native American
14 Programs for HUD, and I'm happy to see you all here.
15 Sound check. I guess, Jim, can you hear me okay back
16 there?

17 MALE SPEAKER: Very well.

18 MR. AKERS: All right, very good. Thank you. I
19 also note, too, I think the air conditioning is
20 starting to kick in, which is good. So we'll make some
21 progress here.

22 Again, with the co-chairs' permission, on behalf

1 of HUD, the first thing I -- actually before I get into
2 other issues, I would like to take an opportunity to
3 acknowledge and thank Jemine Bryon, the general deputy
4 assistant secretary for PIH, for her leadership and
5 contributions.

6 (Applause.)

7 MR. AKERS: As a committee member, Jemine has
8 worked super hard, as have we all, but she's done a
9 super job. I thank you very much, Jemine, for all of
10 the things that you've done to make this meeting
11 happen, and for us to continue on a bright path that we
12 are embarking on. So thank you, Jemine.

13 MS. BRYON: Thank you.

14 MR. AKERS: At this time -- I've got to put these
15 glasses on. At this time, I would like to put forward
16 HUD's proposal on formula adjustments for the
17 committee's fall consideration. Our proposal consists
18 of three components that we will discuss in detail. I
19 would like to add that we -- HUD feels that these
20 adjustments -- these three adjustments improve the
21 formula and allows for the equitable distribution of
22 funds to all recipients.

1 The proposal is found in the proposed language
2 that I believe has been passed out, and that is
3 designated as Regulation 24, Code of Federal
4 Regulations, Section 1000.330. It has three components
5 to it, and we would like to discuss each of those
6 components separately and in depth for the community --
7 for the committee's consideration and action.

8 Please take a moment, if you will, to look at the
9 -- at the handout, at that language that's being
10 proposed. And once you've had an opportunity to look
11 at that, then actually what I would like to do now is
12 to turn this over -- the podium to our technical
13 expert, Todd Richardson, and Todd will -- I would ask
14 for Todd to explain our proposal in detail, and then
15 time permitting, we would ask that the committee fully
16 examine it and have opportunity to discuss and take
17 action as is appropriate regarding the proposal.

18 So with that, I'd like to turn it over to Todd
19 Richardson. Todd?

20 MR. RICHARDSON: I'm going to sit down I think to
21 try to look at my paper and talk at the same time. And
22 I think it's easier for folks to see me here than to be

1 over at the podium. Can folks hear me all right?
2 Folks on the phone, I hope you can hear as well. I'll
3 move closer to the phone here.

4 So for folks who have the Power Point, if you
5 would turn to page 2, so after -- so if you could get
6 the Power Point out that says after the title -- these
7 are notes -- "Explain Data Adjustments, IHBG Negotiated
8 Rulemaking." So we're going to do this a little old
9 school. We're going to work off paper, and the big
10 advantage for that, of course, is you can take notes
11 and ask -- sort of put them on the side of it here's a
12 difficult question I'd like to ask. So page 2 on this
13 agenda.

14 So I wanted to first go through the proposal, how
15 it works mechanically and how we want to discuss it
16 today. So mechanically there are three things that
17 we're proposing as adjustments to the Census 2010 and
18 American Community Survey data. And those adjustments
19 would operate in a way that we would first -- and I'll
20 go into much greater detail on each of these as we
21 proceed, but I wanted to sort of get everybody familiar
22 with what the adjustments are. And the goal behind

1 these adjustments for HUD was to identify how we can
2 make these data, which we think are good data,
3 stronger, more accurate data.

4 So the first -- the first step was to adjust for
5 an undercount in the Census 2010 population that we
6 identified through some research the census had done.
7 The second is to age that -- those data on the American
8 Indian/Alaskan Native population count for -- from
9 Census 2010 to whatever the current population
10 estimates are using Census population estimates instead
11 of the Indian Health Service data that we currently
12 use. The third step would be to reweight the most
13 current ACS data to reflect these adjusted decennial
14 population counts. So those are the three steps.

15 For this agenda -- so I'm on the page with the
16 agenda here -- I'm going to do an overview that goes
17 through those steps a few more times to explain how
18 they work and what their effects are. And then after
19 we have the lunch, the plan would be to go then a great
20 deal through each one of them one at a time. But we're
21 proposing to do the order how we present those a little
22 different than how we think about it logically. We

1 would first talk about the aging of the data, and we're
2 open to changing this approach. I'm happy to change
3 the presentation to whatever the group prefers.

4 We wanted to first talk about the aging because
5 the study group and this group had had some discussion
6 about the Indian Health Service data and also the
7 Decennial Population Census estimate data. And so, we
8 had a lot of sort of prior discussions about those
9 aging variables. And I wanted to put that on the table
10 first because we've already had conversations about
11 that, and I would refresh your memory a little bit
12 about what those conversations were.

13 Then the second thing on the agenda would be to
14 discuss the other kind of adjustment to the Census --
15 Decennial Census data. And then the third thing on the
16 adjustment would be to discuss how we would reweight
17 the ACS data to reflect a small area of population that
18 the ACS does differently than the current 2000 Census.
19 We want to return to the approach that the 2000 Census
20 used.

21 So before I move on to the next section, are folks
22 okay with that approach, or should I be thinking about

1 the afternoon being a different approach?

2 (No response.)

3 MR. RICHARDSON: Okay. Seeing no objection there,
4 all right. So slide three, overview of HUD's process.

5 Many of you already were able to participate in a
6 phone call that we did -- a couple different phone
7 calls we did a few weeks ago where I went through our
8 process, but I'm going to repeat that today a little
9 bit for folks who weren't available to do that.

10 So how do we get to proposing these adjustments?
11 Now, coming out of the last meeting, the August
12 meeting, we had not reached consensus on what the data
13 source should be, and the study group had identified a
14 number of issues about the ACS and census data that had
15 had communicated that we would use if there wasn't
16 consensus. And we had committed to meeting with the
17 Census Bureau to talk about those issues, which we did
18 do.

19 So we sat down with Census staff to discuss some
20 concerns about potential undercounts in the Decennial
21 Census data, and about where we're seeing these sort of
22 significant differences in population counts between

1 the Decennial and the American Community Survey. In
2 those conversations, the Census Bureau highlighted the
3 study they had done after the 2010 Census called the
4 CCM study. It's basically an audit of their work. And
5 that study noted that there was -- they identified
6 there was an undercount of Native Americans in
7 reservation and trust lands. And that is the first
8 part of one of the adjustments we were proposing, which
9 was to address that issue.

10 And the second was they highlighted for us the
11 change that they had made in how they weighted small
12 area geography data in the American Community Survey.
13 And so, that second point, they noted that it was
14 different than how they did the 2000 Census, and they
15 did it for a very specific reason, which I'll go into
16 later. But that highlighted the need for us to look at
17 it for our purposes that the reason they were doing
18 those adjustments did not work well for our purposes,
19 which is to allocate these funds to a lot of areas that
20 have fairly small populations and small geographies.
21 So that led to the weighting adjustment we've been
22 discussing.

1 And as we were working through this process, we
2 realized that this group had not voted on a potential
3 change to the aging of the Decennial Census data, which
4 would also be needed as part of this proposed use --
5 these data sources. And so, we thought it was
6 important to bring forward the findings from the study
7 group on potentially a better data source for doing
8 aging. So those were the sources of those three
9 changes.

10 We have done some discussions with -- I have done
11 a number of discussions with statistical folks at other
12 agencies, Census Bureau, the Office of Management and
13 Budget, and so I've mentioned Office of Management and
14 Budget. I just chatted with their statistical people
15 -- this is not a formal review -- talking through with
16 them these approaches, as well as some folks from other
17 agencies, a number of the health agencies, Department
18 of Labor, and to talk through this.

19 And basically what I was asking them was do you
20 agree that there's an issue here we need to address,
21 and is this an appropriate way to address these issues,
22 and is there a better way to address these issues. And

1 so -- and I'm continuing to talk with them. But for --
2 at this time, if there's an agreement, there's an issue
3 we need to address, these are reasonable ways to
4 address those issues, and we haven't identified a
5 better way to address it. So we're moving forward with
6 this proposal based on that process.

7 All right. So let me -- next slide, slide four
8 for those on the phone, the three adjustments. All
9 right. So we have two data sources we're working with.
10 There's the Decennial Census. Census 2010 is the
11 current decennial that's available. And we have
12 American Community Survey data, which provides -- so
13 the Decennial Census provides us the count of American
14 Indian and Alaska Natives persons. The American
15 Community Survey provides the data for other six needs
16 variables.

17 So we'll take this in a logical flow. The
18 adjustments we're proposing, as I noted earlier, is we
19 first want to correct the Decennial Census American
20 Indian and Alaskan Native undercount problem in
21 reservation/trust lands areas. So we have identified
22 from this research that there was a 4.88 percent

1 undercount in reservation/trust lands for Native
2 Americans, and only in those areas and not other tribal
3 areas. And so, this would first correct that count for
4 all reservation/trust land areas to increase them all
5 by -- make their 2010 count of Native American
6 population multiplied by -- increase it by 4.88
7 percent.

8 The second thing we would do here is we would --
9 we would take that base number now, and we would age it
10 with the Census population estimates. So as you all
11 know, we currently age the data with the Indian Health
12 Service birth and death data. This would age the data
13 with the Decennial -- with the Census Bureau's
14 population estimates. Like the IHS, these data are at
15 the county level, so the adjustments would be based on
16 county level estimated population change for Native
17 Americans. And I'll go into some more detail later
18 about why we're proposing this change.

19 And then the third -- the third item was to take
20 these new data, this new count of American Indian and
21 Alaska Native population count, and compare it to the
22 American Community Survey's counted population. Now,

1 the American Community Survey is a sample survey, so
2 because it's a sample survey, in small areas you can
3 have a fairly significant variance for standard -- for
4 error -- because of error in the estimates where you
5 could have a higher or lower count of Native American
6 population than we saw with the Decennial Census. The
7 Decennial Census is 100 percent count. It should be
8 the most accurate estimate of the population in 2010
9 for every place in America after we make these
10 correction I've already discussed.

11 The American Community Survey is a much more
12 detailed survey, but it is a sample survey so it has
13 this error estimate. So we're trying to adjust for
14 that in these small areas by making the population
15 weights for the American Community Survey data line up
16 with the data for the Decennial Census. And so, that
17 means that we would then reweight on a ratio basically.

18 It could be 1.02, or it could be .98 for what the
19 counts are for the ACS data for the other six
20 variables. And those other six variables are the
21 variables that carry most of the money, deliver most of
22 the money. So this adjustment affects all of the

1 variables in the same way. So those are the three
2 adjustments.

3 All right. So are there any questions about that
4 before I move into an example that's on slide seven?

5 (No response.)

6 MR. RICHARDSON: Oh, slide five.

7 FEMALE SPEAKER: Five.

8 MR. RICHARDSON: What slide am I on? I'm in five.

9 I'm jumping ahead of myself. Slide five. Sorry.

10 Slide five, I have an example here. So this example
11 shows -- this is -- this is made up data, okay? That's
12 a fictional tribe that has -- it's on a
13 reservation/trust land area with a thousand Native
14 Americans from the Decennial Census -- from the
15 Decennial Census count in 2010. There's another
16 fictional tribe that has a thousand Native Americans,
17 but it's not reservation or trust land areas.

18 So for the tribe that has reservation/trust land
19 area, it would have an adjustment upwards of 4.88
20 percent. So that would increase its base AIAN to
21 1,049, while the other non-reservation/trust land area
22 would remain at a thousand.

1 We would then adjust for any population growth in
2 that area between 2010 and 2014 based on the county
3 level population growth in that area for Native
4 Americans. Now, on all of these, by the way, we're
5 doing the same thing for the AIAN alone counts and the
6 AIAN combination counts.

7 So nationally between 2010 and 2014, the average
8 county that has an Indian Housing Block Grant service
9 area has around 5.1 percent population growth between
10 2010 and 2014. So for this example, I use that 5.1
11 percent. So now we've increased the population count
12 for this area for the AIAN count to 1,103 for the
13 reservation and trust land area, 1,051 for other areas.

14 Then we look at the American Community Survey data
15 for what should be the same number. It should be that
16 if the American Community Survey count of Native
17 Americans was consistent with the Decennial Census, we
18 would expect it to be 1,103, but in this example it's
19 not. It's 900. So in this example, we then would
20 adjust -- we would create an adjustment factor, which
21 is the ratio of 1,103 to 900, which would be 1.23, and
22 for the other example, 1.17. We would then multiply

1 each of the ACS needs variables times that adjustment
2 ratio.

3 So is everybody still with me?

4 (No response.)

5 MR. RICHARDSON: That's great. Thank you. All
6 right. So the next slide. Have we passed out the data
7 runs to everyone? Has everyone received the data runs?
8 Do you have a copy with the data runs?

9 FEMALE SPEAKER: We have copies. I don't know if
10 they've been passed out.

11 FEMALE SPEAKER: I gave them to somebody
12 downstairs to pass out.

13 FEMALE SPEAKER: Do you have data runs? What does
14 it look like?

15 FEMALE SPEAKER: It looks like this.

16 MR. RICHARDSON: It has on the front page, it's
17 got --

18 FEMALE SPEAKER: Lots of tables.

19 MR. RICHARDSON: -- lots of tables. Did anyone
20 receive these? Do we have copies --

21 FEMALE SPEAKER: We have them, so they're --

22 FEMALE SPEAKER: Lauren just went to go -- Lauren

1 just went to go get them.

2 MR. RICHARDSON: Okay. Well, I'm going to talk
3 about them for a second here.

4 MR. JACOBS: Can you -- before you go into that --

5 MR. RICHARDSON: Yeah.

6 MR. JACOBS: -- can you go back and tell us how
7 you came up with the 4.88 percent?

8 MR. RICHARDSON: So I will -- actually this
9 afternoon I'm going to go into a lot of detail about
10 that --

11 MR. JACOBS: Oh.

12 MR. RICHARDSON: -- when we actually talk about --
13 so we're going to go back and talk about each one of
14 these in detail, where it really comes from and
15 detailed background on it. So, yeah, I'm absolutely
16 going to talk about that. I have a -- if you want to
17 read it over lunchtime, I have the full report.

18 FEMALE SPEAKER: You don't really want to.

19 MR. RICHARDSON: But we will talk about that this
20 afternoon on the 4.88 percent. So let me talk a little
21 bit briefly about what we did, right? So we had two
22 technical assistance requests that were essentially the

1 same request. They said, okay, thank you, HUD, for
2 providing us with a comparison of the 2006 to 2010 data
3 with these adjustments compared to the previous sort of
4 base allocation run you've been comparing against all
5 along. But what we'd like to see is we'd like to see
6 what does this look like with the most current ACS data
7 that you have available, and what does this look
8 compared to our Fiscal Year 2015 allocations. This
9 seemed like a really good idea.

10 And we worked -- we worked to put that together.
11 We had a few hiccups pulling that together, but we do
12 -- we do have that, and that's what we've shared with
13 you. So I'm going to actually -- before you see those
14 runs, I'm actually going to go through these next
15 couple of slides to explain what you're about to see in
16 these runs. Hopefully you all received these by email
17 already, so if you've already downloaded it, you have
18 the Excel spreadsheet that looks like the previous
19 Excel spreadsheets we did. It has all the data and all
20 the background information.

21 But if we go to slide seven --

22 MALE SPEAKER: Was it put on the website also?

1 MR. RICHARDSON: It is on the website as well.

2 It's on the Neg Reg website, yeah.

3 FEMALE SPEAKER: TA Request 43?

4 MR. RICHARDSON: TA Request 43 for those of you
5 who have access to the website, that would be the place
6 to look. And that has the Excel sheets very similar to
7 the Excel sheets we had previously provided using the
8 ACS 2006 to 2010 data, and had the ACS 2008 to 2012
9 data.

10 So the table -- I'm sorry -- page 7 of the -- of
11 the handout here. So this table takes quite a bit of
12 time to explain, so hopefully it's not too long.

13 This tables shows -- so I'm going to sort of break
14 this table down and then go back to it, all right?
15 There's a -- there's a top half to this table and a
16 lower half to this table. So the purpose of this table
17 is to say how many tribes are affected by these
18 changes. How many tribes see an increase in funding.
19 How many tribes see a decrease in funding. How many
20 tribes see a big increase versus a big decreasing in
21 funding associated with these different changes that
22 we're proposing.

1 And I've broken this down into two groups of
2 tribes. The first group at the top are all tribes that
3 receive more than a minimum grant. I've removed the
4 tribes that received a minimum grant from this
5 calculation because their effect is zero, and I think
6 it was important to sort of say, okay, let's just look
7 at the tribes where this formula is really affecting
8 their allocations.

9 Now, remember the minimum grant is a little over
10 \$50,000, so there's a lot of tribes that received
11 between \$50 and \$250,000. But I thought it was also
12 important to convey the effect on some of the larger
13 tribes, and many of them are represented here. So I
14 looked at sort of looking at a smaller group of tribes,
15 just the tribes with grants over \$250,000, and seeing
16 how much change there is in allocations for the larger
17 tribes, certainly the size and effect. So that's the
18 starting point.

19 The second thing -- the second point here is that
20 there's a -- the median that you would expect is going
21 to be around zero percent because this program is a --
22 is a zero sum game. Sometimes you're going to -- we're

1 not increasing the appropriation. So some tribes are
2 going to get more or less as a result of these changes,
3 so it's not surprising that a tribe right in the middle
4 of the effect is going to have the zero percent.
5 That's by design here about how we're presenting these
6 data.

7 Now, when you see this word "first quartile," that
8 means that's the tribe that has the -- so we said
9 tribes below the first quartile. And so, 25 percent of
10 tribes as a result of just introducing the 2012 Census
11 -- 2010 data with making no other adjustments to the
12 data, you see that 25 percent of tribes will have a
13 loss of 10 percent or more.

14 And if you look at this other number, 10th
15 percentile, there are 10 percent of tribes that get a
16 loss of 25 percent or more. This flips over on the
17 same -- looking at -- as you expect, there are 10
18 percent of tribes that get increases of 23 percent or
19 more, and there are -- and there are 25 percent of
20 tribes that get increases of eight percent or more.

21 So it's important because I'm going to go through
22 this. Does that make sense? Any questions or a need

1 for further clarification on that? I have in very
2 small type here because I don't want it to distract,
3 but it is actually interesting, is that there is
4 minimums and maximums. This is like what is the most
5 that any tribe gains, and what is the most that any
6 tribe loses as a result of this, and I know they're
7 very tiny. I didn't want to hide it, but I didn't want
8 to focus on it a lot. When tribes have that big of a
9 change, it's something that -- there's something else
10 going on beyond sort of what we're talking about here,
11 and we need to look into those further. But for most
12 tribes, this is the distribution we're looking at. So
13 at the top -- so that's the top.

14 And at the bottom for the larger tribes, as
15 expected, the amount of change is less, but it's not
16 insignificant. We certainly have tribes that are
17 losing more than 10 percent of their funding, and
18 sometimes there are quite a number of tribes as a
19 result of simply introducing the ACS 2012 and Census
20 2010 data with no adjustments.

21 So the second column shows what does -- if we --
22 if we were to do the undercount adjustments that I've

1 described and reweight the ACS data as I described,
2 what's the effect. And you can see it looks fairly
3 similar, the distribution about how many tribes gain
4 and lose overall, right? So this includes all -- so
5 these are going across -- the first three columns are
6 basically looking at all of the -- all of the -- of
7 these changes all together. And then the last two I'll
8 get to in a second here.

9 And then the third column is what happens when we
10 throw in the aging variable, and how does that -- so
11 the aging of the data to 2014 and how many tribes are
12 affected one direction or another. But that's a little
13 bit deceptive. It looks like these adjustments don't
14 have a very big effect when you look at those numbers.

15 That's deceptive.

16 These adjustments do have a significant effect. A
17 number of folks raised this as an issue when we were
18 talking about these original adjustments, and it wasn't
19 -- it wasn't meant to say that they don't have a big
20 effect, and I want to talk about that.

21 So the fourth column here says how many tribes are
22 -- so basically it subtracts out the effect of just

1 introducing the ACS 2012 and Census 2010 data. If we
2 were take that out of the equation, how many tribes are
3 -- have an effect on their grant that's due to this
4 adjustment for undercount in ACS reweighting. How many
5 of them actually have increases or decreases as a
6 result of that?

7 And you can see that 25 percent of tribes would
8 have a reduction of their grant of three percent or
9 more because of this -- the undercount adjustment and
10 the reweighting, and 10 percent of tribes would have a
11 reduction of 12 percent or more. Similarly, 25 percent
12 of tribes would have an increase of four percent or
13 more, and 10 percent of 13 percent or more.

14 And the last column says, well, what's the effect
15 of the aging -- adding the aging, taking all these
16 other into effect. What is just the lone effect of the
17 aging effect from 2010 to 2014? And you can see that
18 has a smaller effect, but it does cause some tribes --
19 25 percent of tribes will see a reduction of two
20 percent or more. Twenty-five percent of tribes see an
21 increase of one percent or more.

22 And you can see how these numbers play out for the

1 larger tribes. I'll give folks a chance to look at
2 that.

3 MR. ADAMS: One thing that doesn't appear to show
4 up on here -- Jason Adams, Salish-Kootenai. The one
5 thing that doesn't appear to show up on here that has
6 some pretty significant effect, too, is volatility. Is
7 there a reason why that wasn't on here?

8 MR. RICHARDSON: That's a great -- that's a good
9 point. No, the volatility control is not -- is not on
10 here, and that's something we could do as an analysis.
11 It is one more component. In the tables that we've
12 provided to you, you do see the effects of the
13 volatility control for all of these allocations, so
14 that's in there, too.

15 And that means a lot because we hold tribes from
16 having any one-year -- having a reduction of more than
17 10 percent in that first year. That does play through
18 to all the other tribes and how that affects them. So
19 it does have a real effect here, so that's a very good
20 point.

21 MR. HAUGEN: It has more affect than these do.

22 MR. RICHARDSON: It can -- yes, absolutely. In

1 many ways, the volatility control -- the thing to
2 remember about the volatility control is what we're
3 showing you is the first year. In the second year,
4 there's another 10 percent, you know, and then another
5 10 percent, so it actually does play through over time.

6 So this is kind of like at the end of the volatility,
7 what does it look like. That's what I'm showing you
8 here. Other questions?

9 (No response.)

10 MR. RICHARDSON: There's some advantage to doing
11 this before lunchtime.

12 Okay. So the next table -- the next chart on page
13 -- on slide eight here, this is for information because
14 it's new information, and I think it's actually helpful
15 information. This has nothing to do with HUD's
16 adjustments, but it does have to do with the data we
17 have just given you about moving from the 2006 to 2010
18 data, to the 2008 to the 2012 ACS data.

19 And I thought it was important to convey that the
20 adjustments we're making are not removing all of the
21 volatility that occurs when we -- when we move from
22 year to year with the ACS data. And that's what this

1 chart shows. It's basically showing that the ACS data
2 for the needs variables continues to have some -- even
3 if -- we are sort of controlling the American Indian
4 and Alaska Native variables, so it grows at a steady
5 pace or it climbs at a steady pace according to what we
6 know from the Decennial Census of population estimates.

7 But the other needs variables, folks fill out
8 their survey, and if you have a big reduction in the
9 number of folks that are showing a severe cost burden
10 between censuses, that shows up, or if you have a big
11 change in the number of people who report they're
12 without kitchen and plumbing or overcrowding, that
13 shows up in this data, and we're not making the
14 adjustments for that.

15 And that shows up in this data, so you might've
16 seen, wow, I had a -- my tribe under the old numbers
17 you gave me had an increase of four percent, and under
18 these new numbers you've given me, it has an increase
19 of just one percent. Well, part of the reason for that
20 is because we change the underlying data source of the
21 ACS from 2006 to 2010, to 2008 to 2012. And as all of
22 you know, and we've all personally experienced, these

1 data still include with them the great recession, and a
2 lot was going on in our communities during that time
3 period which was causing a lot of things happening in
4 the data. There may have been other issues about data
5 collection for these different rounds of data.

6 Anyway, there are some changes, and we've provided
7 you the detailed data in that spreadsheet. You can go
8 all the way -- draw all the way down to the geographic
9 areas that we're pulling these data, and you can
10 compare the spreadsheet we gave before on 2006 to 2010
11 with the spreadsheet for 2008 to 2012 on these data
12 elements. And I think that's important to do and
13 something you should look at.

14 All right. So that was the pre-lunch
15 presentation. Are there other questions? Peggy, do
16 you want to say something?

17 DR. CUCITI: Just a reminder that when -- if you
18 choose to look at the actual data on the needs
19 variables, you need to -- if you are a tribe that is
20 part of an overlap, you need to look at the geographic
21 lines that are with your overlap. If you are not part
22 of a formula area overlap, you look at the geographic

1 areas that are listed by tribe.

2 MR. RICHARDSON: And much thanks to Peggy for
3 pulling this table together. She did all the hard
4 work.

5 MR. DOLLARHIDE: We have a question over here,
6 Todd.

7 MS. DIFUNTORUM: Thank you. Sami Jo Difuntorum.
8 First, I want to thank Principal Deputy Assistant
9 Secretary CASTRO-RAMÍREZ and Deputy Assistant Secretary
10 Randy Akers for having this meeting and honoring the
11 process, and bringing us back to the table for all of
12 us to discuss.

13 My question is, reading through this Census
14 measurement report, I didn't see anything that
15 indicates what the threshold is for being considered
16 statistically significant. There was a 4.88 percent
17 undercount and a 3.85 percent overcount.

18 MR. RICHARDSON: Yeah, I'll get to that.

19 MS. DIFUNTORUM: Okay. Okay, well, there's a
20 second part -- the second part.

21 MR. RICHARDSON: Oh, okay. No, go for it.

22 MS. DIFUNTORUM: The second part will be an after

1 lunch question.

2 MR. RICHARDSON: Oh, okay. First off, thank you
3 for reading the report.

4 (Laughter.)

5 MR. RICHARDSON: It's not an easy read. But
6 they're using the 90 percent confidence interval for
7 this, so with 90 percent confidence, this is
8 statistically significant. And so, they clearly made
9 the decision to use that level of significance when
10 they started their work, and that's what they've been
11 using to determine statistical significance.

12 For those who are statisticians, you have choices
13 about what your -- what level of confidence you're
14 willing to accept in terms of the quality of the data,
15 and that affects whether you determine it to be
16 statistically significant. And often for many surveys,
17 it's 95 percent, but here I've chosen to use 90 percent
18 for this and for the other one.

19 FEMALE SPEAKER: I have a question about --

20 FEMALE SPEAKER: I'll go ahead with --

21 MR. RICHARDSON: Oh, I'm sorry. On the difference
22 between the -- so if you will -- so the confidence

1 interval for the 4.88 percent, so why it's more
2 statistically significant than zero is about one
3 percent to nine percent. So they have 90 percent
4 confidence that the overcount in reservation and trust
5 land areas for Native Americans is somewhere between
6 one and nine percent. That's how statisticians do with
7 the sample survey.

8 For the overcount that's for off tribal areas,
9 that overcount is not -- it basically ranges from a --
10 actually what would be an undercount of one percent to
11 an overcount of, I think, about six or seven percent.
12 I did the math, but I don't have it on me, but that's
13 the range. But because zero is within that range, is
14 in there, it's not statistically significant there.

15 Other questions?

16 (No response.)

17 MR. RICHARDSON: Okay. We will be talking about
18 the undercount I hope all evening, but --

19 (Laughter.)

20 MR. RICHARDSON: So any other questions before we
21 -- I don't know. Are we breaking for lunch? Do I turn
22 this over to the co-chairs here? I'll turn this over

1 to the co-chairs.

2 MR. DOLLARHIDE: Thank you, Todd. We are at a
3 point in the agenda where we will break for lunch.
4 Looking at the agenda, it gives us one hour. Is that
5 acceptable for this committee?

6 (No response.)

7 MR. DOLLARHIDE: So we will go ahead and call
8 lunch. It is -- no, sorry -- 12:45, so we'll be back
9 here at 1:45. Is that correct?

10 MALE SPEAKER: May we leave our stuff here?

11 MS. BRYAN: Yes. Okay. Yes, leave your stuff
12 here. If we're moving to another location, we'll walk
13 everybody here to get your stuff, and then take it
14 wherever we're going. And also, we have to exit back
15 out of the southeast lobby because these doors are
16 locked because the building is technically closed. So
17 we'll escort you out of the lobby. You'll walk --
18 we'll walk around with you, because we all want to get
19 lunch, too, into the plaza. After you eat lunch, come
20 back through -- come back around to the southeast lobby
21 to get back in.

22 Over in the plaza there are food places right as

1 you get in, right sort of after you come up from the
2 Metro, but there are also more further down the plaza.
3 So I don't know what's open, but there are more places
4 down the hallway, so feel free to roam around.

5 MR. AKERS: And, Jason, also for the HUD staff, I
6 know some of the staff do need to accompany the
7 committee members and guests. But actually for the
8 management and Council, if we could stay here for just
9 a quick touching base so that we can figure out how to
10 proceed this afternoon.

11 The air conditioning is working better I think,
12 but it's still a little bit -- a little bit crowded in
13 here. So we'll have to look at our logistics to see
14 what we can do to improve the overall working space and
15 conditions. So with that, we can break.

16 (Off the record at 12:48 p.m.)

17 (On the record at 1:58 p.m.)

18 MR. DOLLARHIDE: -- if we could get seated. Thank
19 you. Like I said, we'll go ahead and get started. I
20 believe we are at the agenda to start with the aging
21 data adjustment. Is that we're starting off with,
22 Todd?

1 MR. RICHARDSON: (Off audio.)

2 MR. DOLLARHIDE: All right, thank you. We've got
3 a question down here?

4 MR. THOM: Mr. Chairman, I would like to know if I
5 could have -- I need to open the minutes that we just
6 approved because I made a correction. On August 12th
7 on the last page on public comments, there's -- it says
8 it's an ex-teacher. The speaker is Ms. Potama, a
9 current tribal member, but it should be Shirley
10 McAllister.

11 MS. BRYAN: Okay.

12 MR. THOM: So I'd like to know if we can make that
13 change.

14 MS. BRYAN: Can you repeat that?

15 MR. THOM: Repeat it?

16 MALE SPEAKER: Shirley McAllister.

17 MR. THOM: On the next speaker, then it has Ms.
18 Potama, tribal member, but it should be Shirley
19 McAllister.

20 (Pause.)

21 FEMALE SPEAKER: While they're taking care of
22 that, there is Wi-Fi access. The password is up on the

1 board, but I don't know how many people it'll support.

2 First come first served.

3 MR. EVANS: Earl Evans. I just want to let you
4 know also we were able to pick up the Wi-Fi from the
5 auditorium from the cafeteria downstairs.

6 FEMALE SPEAKER: It may be in there twice.

7 MR. DOLLARHIDE: And for the -- for the record, we
8 did get an email from Teri Nutter naming Jon
9 Tillinghast as her alternate. And I'll get that --
10 I'll get that to you, Randy.

11 MR. RICHARDSON: Ready?

12 MR. DOLLARHIDE: I think so.

13 MR. RICHARDSON: All right. So when we left off,
14 we're going to start with the -- so now we're going to
15 go through the process of talking about each of these
16 adjustments back here separately. So the -- we're
17 going to start -- go to slide 10 in your handout. And
18 so, slide 10 is labeled "Adjustment 2: Aging the
19 Decennial Census Data."

20 So the data accuracy problem we're -- so I'm going
21 to -- for each of these adjustments I'm going to sort
22 of open with what's the data accuracy problem we're

1 trying to solve for, and then what is our proposed
2 solution for that. So in this case, this is the same
3 problem we had when we first created the formula back
4 in the 1990s, that Decennial Census data only collect
5 -- oh, sorry.

6 FEMALE SPEAKER: Sorry.

7 MR. RICHARDSON: We're going to hold for a second
8 here while we get the phone back up.

9 (Pause.)

10 MR. RICHARDSON: Okay. So the Decennial Census
11 data is only collected every 10 years. If we want to
12 count for population change in between censuses for the
13 American Indian and Alaska Native, they're variable,
14 and we'll get to ACS data. Then we need to actually
15 adjust those data if we're using Decennial Census data
16 for population growth. We're using the Decennial
17 Census data for the American Indian/Alaska Native
18 population counts because it's based on 100 percent
19 data, and that's more accurate data than sample data
20 because it does not have the sampling error that sample
21 data has.

22 So the way we've been solving this problem for the

1 last 20 or so years is we've been using the Indian
2 Health Service data to adjust for births and deaths at
3 the county level, and then applying that to the data we
4 had from the 2000 Decennial Census. The proposal we're
5 -- we're proposing a change to the data source from the
6 Indian Health Service data to population estimates that
7 are calculated by the Census Bureau for each county,
8 and then calculate those -- that information by race.
9 They do it for both American Indian and Alaska Native
10 alone, as well as American Indian and Alaska Native
11 with one or more other race self-identifying.

12 So with that, now we're going to move to slide 11,
13 and I want to talk a little bit about what the study
14 group identified with the Indian Health Service data.
15 So as you all know, we had the study group that spent a
16 lot of time looking at lots of different data sources.

17 This is one of those cases where we had two data
18 sources designed to do the same exact thing, which is
19 to measure change in population from year to year. And
20 the study group looked at both the Indian Health
21 Service birth and death data, as well as the Census
22 Bureau's population estimate program.

1 There were a number of concerns raised by the
2 study group on the Indian Health Service data. One
3 item, which probably was they was using the 2000 Census
4 as a base and not 2010 Census, so it starts a longer
5 time period before it does its adjustments. It had
6 some underreporting concerns in tribal areas. One big
7 concern was it didn't address the migration of American
8 Indian/Alaska Native persons, that it didn't
9 distinguish between American Indian alone and American
10 Indian alone or in combination, and it did not provide
11 the data at the formula area level. So those were all
12 of the issues we identified with the Indian Health
13 Service data.

14 And the Census population estimates have some of
15 the same problems. So the Census population -- so
16 moving to slide 12 here. The Census population
17 estimates, like the IHS data, are only available at the
18 county level, so we only get these at the county level.

19 And it probably also has underreporting issues for
20 tribal areas.

21 But it had three big improvements over the IHS,
22 which is what leads to the recommendation for the

1 proposal to change to this data source for the -- for
2 the aging of the Decennial Census. First, it uses
3 Census 2010 as its base. Sorry. My slide is wrong.
4 It should be instead of Census 2000, it uses -- it not
5 only uses birth and death data as does the IHS, but it
6 also adjusts for migration in and out of the county.
7 And finally, it does provide separate estimates for
8 American Indian and Alaska Native alone and alone with
9 multi-race. But these are a number of dimensions to
10 the Census population estimates that we think make it a
11 more accurate source of data for us to do the aging of
12 the Decennial Census data.

13 So moving on to slide 13, so to recap, pros and
14 cons. One pro that I haven't mentioned yet is that
15 this actually aligns with the American Community
16 Survey. The American Community Survey uses these
17 Census population estimates for its weighting at the
18 county level that I've already discussed, and adjusting
19 the county level counts by race, and ethnicity, and
20 ages to get them to match the population estimate
21 counts. It is publicly available, easy to incorporate
22 into the formula. And all the information -- and the

1 information about how it's developed is pretty
2 transparent. Its cons: it is county level, and it
3 probably does have some underreporting for tribal areas
4 based on how it's developed. So those are the sort of
5 the pros and cons there.

6 Folks should be welcomed to stop me. Just raise a
7 hand, and stop, and ask questions as we go on here.

8 So slide 14 gives a sense of the 2010 to 2014
9 population growth for the 613 counties that incorporate
10 all or a part of the IHBG formula area. So 25 percent
11 of counties have a population growth of Native American
12 alone that's less than 1.3 percent, so some counties
13 have population growth of less than 1.3 percent.

14 Another 25 percent of the counties are at the other end
15 of the spectrum. They have population growth well in
16 excess of 10 percent. The median county that has an
17 IHBG formula area in it had a population growth of
18 about five percent between 2010 and 2014.

19 And as a reminder, so on slide 15, I suggest that
20 you look back again at slide seven, so if folks can
21 look back at slide seven. If you look at the very last
22 column on slide seven, you can get a sense of how much

1 the aging affected individual grants. And by having
2 the aging, you have about 25 percent of tribes that
3 have a reduction in grants of about two percent or more
4 because of the aging. And an equal number, or about --
5 and about 25 percent of tribes had an increase in their
6 allocations of one percent or more because of the aging
7 variable, aging in 2010 to 2014. Yes?

8 MR. DELGADO: So is the aging -- so I'm just
9 trying to understand why there's such a huge
10 fluctuation for some tribes in the data run that you
11 sent us right before Thanksgiving. I'm talking about
12 the one that was provided to us on November 24th versus
13 what we've got today. And I don't understand how there
14 can be that big of a change. I mean, we're talking
15 almost a 10 percent change for certain tribes. So what
16 is the reason for that?

17 MR. RICHARDSON: For the most part, that big
18 change is not because of the aging variable. There
19 would've been a few tribes that were affected by the
20 aging variable, but the big reason for change between
21 the data we provided before and these data are because
22 we moved from using ACS 2006 to 2010 data to ACS 2008

1 to 2012 data.

2 And for some tribes, there was a pretty big change
3 in the percent of households with their -- with the
4 different types of housing needs of those six needs
5 variables. So some tribes had a big increase, and some
6 of those fields, like, for example, sometimes had an
7 increase in severe cost burden. Others had a big
8 decrease in severe cost burden among their -- among the
9 households there.

10 That wasn't associated with the change in the ACS
11 population counts. It was associated with strictly a
12 change in the number of households that were counted as
13 having one of the needs variables, like households less
14 than 30 percent meeting income or overcrowding. So
15 that's the bigger -- that seems to be the bigger driver
16 here is that the ACS data changed a bit, and just in
17 two years.

18 So what happened is 40 percent of -- so they're
19 still using 60 percent of the sample that were used in
20 the 2006 to 2010 data, but they have 40 percent new
21 sample members in the 2008 to 2012 data that were not
22 in the 2006 to 2010 data. So we do have new folks that

1 have responded to surveys at a later time, right? So
2 we now have the addition of folks that responded to the
3 surveys in 2011 and 2012, and we lost the people who
4 had responded to the surveys in 2006 and 2007 -- in
5 2006 and 2007.

6 So it's complicated, but things changed in the
7 communities. And that may be a factor, or because it's
8 a sample survey, some of it could be due to random
9 error in the data.

10 DR. CUCITI: I could complicate things even more,
11 but the other thing you need to remember is that in
12 doing this, we shifted the base for comparison.

13 FEMALE SPEAKER: Speak up, please.

14 DR. CUCITI: The stuff you --

15 MS. BRYAN: Speak up.

16 DR. CUCITI: The stuff you were seeing before was
17 based on Fiscal Year 2014 as a base. This newest run
18 compares the new data with Fiscal Year 2015. We
19 allocated more funds in Fiscal Year 2015 than we were
20 using in the Fiscal Year 2014 base. And one of the
21 things we tried to tell you about the formula over the
22 years is that the needs side of the formula gets

1 magnified the more money that's being allocated because
2 FCAS comes first. So whatever changes happened on the
3 needs variables were kind of amped up in the comparison
4 because the 2015 final was distributing more funding.

5 MR. RICHARDSON: So actually after the session
6 today, Peggy and I can stay and talk about individual
7 numbers so you can -- so we can walk through the
8 different numbers for individual tribes if that would
9 be helpful to folks. Yeah?

10 MR. TILLINGHAST: Todd, what information does the
11 population estimate use to estimate county migration?

12 MR. RICHARDSON: Mostly they use IRS tax records,
13 so they're looking -- they use the IRS data on
14 dependents, on IRS -- on the tax records to show where
15 each person over -- looking over multiple years. So I
16 have -- happen to have the methodology for the Census
17 estimates, but that's sort of -- the short answer is
18 mostly they're using IRS records, but they also use
19 Medicare records for those over 65.

20 MR. LAYMAN: So, Todd, can you speak just briefly
21 -- and this is Gabe Layman, Cook Inlet Housing -- speak
22 just briefly about how the use of administrative data

1 potentially creates error or variations in the data.
2 How does the use of that administrative data affect the
3 reliability of the overall figures?

4 MR. RICHARDSON: On the pop estimate side. So
5 there's a recognition that not everyone completes IRS
6 tax forms. Not everyone submits tax forms, so they
7 can't, okay? And certainly not everyone has Medicare.
8 So what the Census Bureau does is they create what is
9 called the change variable. They say, we know that not
10 everybody in this place is submitting this form, so
11 what we're doing is we're going to estimate of those
12 that do -- that we do have data for, how many of them.
13 So if 10 percent moved in a particular age bracket,
14 they're going to assume that everybody in that age
15 bracket has the same level of movement.

16 So we think if you have -- if you've got data on
17 80 of the 100 people that are between 15 and 65 or
18 whatever age bracket they're doing, and you see that 10
19 of the ones you know moved, then you assume that it's
20 10 percent of everybody. So that's how they're trying
21 to adjust for that.

22 Certainly administrative data is imperfect, and

1 it's particularly imperfect for communities that are
2 not well served by other programs where we have
3 administrative data, so that can lead to the
4 underreporting we talked about. And it's a problem for
5 both the Indian Health Service data and the Census
6 data.

7 Now, one thing that they do do here, which is
8 interesting in the Census, is how do they figure out
9 what race folks are, especially for the migration data.

10 It's a good question. So the way the Census Bureau
11 handles that is they have these files where they
12 connect folks who responded to the Decennial Census to
13 say what their race is, to the files they have from the
14 IRS on whether they're moving or not to be able to
15 calculate how many of the folks that are moving are a
16 particular race.

17 Does that -- did you want to -- you know --
18 familiar with it. Do you want to -- do you have other
19 things that I --

20 MR. LAYMAN: No. I wasn't trying to make a
21 statement.

22 MR. RICHARDSON: Oh, okay.

1 MR. LAYMAN: It was an honest to goodness
2 question, Todd.

3 MR. RICHARDSON: Okay. All right. So those are
4 the -- so that's the extent of my comments on the aging
5 adjustment. Are there other questions about the aging
6 or discussion on aging? I can turn it over to the co-
7 chairs if they want to have a discussion on the aging.

8 MS. BRYAN: So does the committee -- would the
9 committee like to discuss aging? Yes, Jason.

10 MR. ADAMS: Jason Adams, Salish-Kootenai. I guess
11 my comment is in regards to where we're at on the
12 agenda. I took this as a data source adjustment
13 overview by Todd, so we're going to go through the
14 adjustments presentation, and then come back and have
15 our negotiating time after this presentation? Is that
16 where we're at?

17 MR. RICHARDSON: So the overview presentation was
18 what I did this morning. This is the individual --
19 this is the aging conversation.

20 FEMALE SPEAKER: So you're prepared to do --

21 MS. BRYAN: Thank you. Yes, we are on post lunch
22 aging data adjustment. Are you -- is that -- and we're

1 done with that presentation and questions done there?

2 MR. RICHARDSON: Yep, I just did that. Yeah.

3 MS. BRYAN: The idea was for this is to break
4 these up into separate discussions for separate votes.

5 So at this point, we're in discussion mode, which
6 leads up to a vote on this aging data adjustment.

7 That's where we're at on the agenda.

8 MR. ADAMS: Thank you.

9 MS. BRYAN: You're welcome. So this morning, if
10 I'm correct, we have this handout on the top with
11 November 19th, 2015. It was handed out by Randy Akers.

12 And I believe if you're prepared to make your
13 proposal, we can start the discussion, Randy, or if
14 folks need to caucus, they would want to call for that
15 now. And we can start the two-hour clock when we start
16 our discussion, where we're at. Yes, Sharon?

17 MS. VOGEL: Sharon Vogel, Cheyenne River. I guess
18 I have more of a clarification if we're still in the
19 overview, and it's a question for Todd. Todd, for
20 those areas that have the nine percent undercount, at
21 what point in time do they catch up to where they get
22 that credit for being undercounted more than your

1 adjustment factor, or at what point in time does that
2 come into play?

3 MR. ADAMS: So the only information we have about
4 the undercount comes from the survey that has the 4.88
5 percent. We won't know until the 2020 Decennial
6 Census, which hopefully is conducted in a way so that
7 we don't have an undercount, will we be able to fully
8 catch it. But we think the 4.88 percent is under
9 stating the actual population counts absent a tribal
10 challenge, which is still allowed under these
11 regulations. You could still receive a tribal
12 challenge.

13 MS. BRYAN: Okay. Any other questions? Gabe,
14 please?

15 MR. LAYMAN: Gabe Layman, Cook Inlet Housing,
16 junior varsity team.

17 (Laughter.)

18 MR. LAYMAN: So this, I suppose, is a comment that
19 is more overarching, just looking at the -- most of the
20 pop estimates program to age Decennial Census data or
21 the AIAN population document. And it's really -- you
22 know, there's interconnectivity between the three

1 different adjustments being made, and there were also
2 some questions raised after the release yesterday of
3 the new data that had nothing to do with any of the
4 three adjustments.

5 So, for example, the tribe that I'm here to
6 represent in Carol's stead experienced a very dramatic
7 shift in the ACS data, like a number of tribes did.
8 And we can, having a day's notice, do our best to try
9 to dig into the -- try to determine what's responsible
10 for that change. But with 24 hours' notice, that's
11 hard for anyone to do, for HUD, for FirstPic, for
12 tribes themselves.

13 So we really want to take this opportunity to go
14 on record to say we do have some concerns about the
15 data run. We are uncomfortable with having received it
16 so late in the game, understanding that HUD and
17 FirstPic worked very hard to get that data to us.
18 Unfortunately because of timing issues, it's just a lot
19 of information to digest, and the tribes in particular
20 had little to no opportunity to do a deep dive into
21 that data to figure out if there are other factors or
22 potential errors that are causing a portion of those

1 changes that we see through prior data runs.

2 So, you know, we won't hold up the process here in
3 voting on each of these individual data adjustment
4 proposals. However, we do want to go on record
5 expressing a fairly significant concern about the fact
6 that we haven't had time collectively, all of us at
7 this table, to delve into that data run and figure out
8 if there are factors at play that merit that
9 assessment. Thank you.

10 MR. SHURAVLOFF: Marty Shuravloff, Kodiak Island
11 Housing Authority. I guess it's a question or maybe a
12 recommendation. The way we have this laid out is we're
13 going to take these one item at a time for approval or
14 disapproval. I guess my question is, could we, not
15 that we cannot -- not that we have to not take them one
16 at a time, but before we ask for the vote, could we go
17 through all three of the proposals so we're not
18 requesting tribal caucuses after each one of the
19 proposals? If we hear all three, maybe we can address
20 it all in one tribal caucus and be done at the end of
21 that time.

22 MS. BRYAN: Sami Jo?

1 MS. DIFUNTORUM: Thank you. Sam Jo Difuntorum.
2 Can you hear me? Sami Jo Difuntorum, Confederated
3 Tribes of Siletz. So my question is kind of a process
4 question again. In the event that we're negotiating
5 and we do not reach consensus on any of the proposals,
6 what does HUD intend to do? What is it that will be
7 implemented lacking consensus?

8 MS. CASTRO-RAMÍREZ: So we've -- as you know, this
9 morning Randy provided HUD's proposal, and our proposal
10 is, of course, you know, the use of ACS -- in addition
11 to the use of ACS, the adjustments that are on the
12 agenda today for this session. You know, I think it's
13 important for us to allow for this process to continue,
14 and in the course of, you know, the discussion, if
15 there is additional information or feedback that we
16 need to revisit, we will do that.

17 But I do think it's important for us to continue
18 with this process. We've introduced our proposal. We
19 have three proposed adjustments, and I think it's
20 important to have that discussion. It may contribute
21 to additional sort of knowledge phase in terms of
22 shaping or adjusting the proposals that we've put

1 forth.

2 MS. DIFUNTORUM: Thank you. Sami Jo Difuntorum.
3 Thank you for that. Let me clarify and make me sure
4 that I understood what I heard. If we don't reach
5 consensus, for example, on HUD proposal A, HUD will
6 still implement that, or is there something else that
7 you're going to implement if we're not all in
8 agreement?

9 My understanding from what I just heard was that
10 you're open to hearing new information, but if we don't
11 reach consensus on the particular proposal, we don't
12 implement the proposal as we're seeing it. Is that
13 correct?

14 MS. CASTRO-RAMÍREZ: So just for clarification, so
15 we have -- I think it's -- just in terms of summary,
16 right, in terms of process, where we're at, at our last
17 negotiating rulemaking meeting during the summer, we
18 agreed that the inability for the committee to reach
19 consensus would result in HUD making a final decision
20 in terms of the use of the data source. So that
21 decision has been made. They are --

22 In addition to the data source, we are introducing

1 three adjustments. Those adjustments are what's on the
2 agenda today. If we are unable to reach consensus, we
3 -- at this point, based on the proposal that's on the
4 table, we would move forward with proposed rulemaking
5 with the proposed adjustments. However, I do want,
6 again, to clarify that it is important for us to go
7 through this process and to have the discussion, and to
8 have you all ask questions, flag for us issues or items
9 that we think are important that we be aware, because
10 it may have an impact in the -- in our thinking about
11 these proposals.

12 So I don't want to, you know, necessarily say,
13 yes, we're moving forward with these adjustments as
14 they are because then, you know, what's the purpose of
15 having this negotiated rulemaking. I think it's
16 critically important that we -- that have dialogue, ask
17 questions, engage in this discussion, and, you know,
18 determine whether or not that will impact HUD's final
19 proposal.

20 And I also in terms of process want to clarify
21 that essentially what we would -- so the next step
22 after today's session is for us to move forward with a

1 proposed rulemaking, which would enable us to publish
2 the proposed rule, and, you know, continue receiving
3 comments and feedback from the public and from everyone
4 here.

5 FEMALE SPEAKER: Jason Adams?

6 MR. ADAMS: Jason Adams, Salish-Kootenai. I guess
7 my question here is in regards to a point of order, you
8 know, related to my earlier question. If we are under
9 action for full committee, at what point does the time
10 clock start per our protocols, because we have a
11 presentation and questions under that heading, if
12 that's under that two-hour time limit. If not, when is
13 that going to start? If we're just having a discussion
14 here without a proposal on the table, when are we going
15 to start dealing with the proposal put forth?

16 MR. DOLLARHIDE: I'd like to put forth a
17 recommendation to this committee that we go ahead and
18 listen to all three, not only the aging, but also the
19 other two parts of the proposal, the AIAN data
20 adjustment, and then also ACS data adjustment, so that
21 we can, like Marty had made comment, so that way when
22 we do want to caucus, you know, we'll be able to caucus

1 on all three of those -- all three of those points.

2 You know, the one thing that concerns me that if
3 we continue -- if we do it the way the agenda states,
4 from my understanding and the way that I look at it
5 from a committee member, if we have a vote on the aging
6 data adjustment and it does not come to consensus, I
7 don't understand why we would proceed to step two or
8 step three, because my understanding is all three of
9 them have to go together in order to make this process
10 happen. Is that correct, Todd?

11 But that is going to be -- that is my proposal to
12 this committee is to have -- to do all three proposals
13 as one, and then if we feel like we need to caucus,
14 that's what we do. And then we come back to the -- we
15 come to the vote, because as far as I'm concerned right
16 now, you know, we are still under the presentation
17 questions pertaining to this. We haven't really gotten
18 into the discussion part of it to make our start,
19 Jason. That's my opinion.

20 MR. RICHARDSON: So each of the adjustments could
21 individually stand by themselves without the others.
22 But the way this is designed, the most critical piece

1 to it is that they're tied to the last ACS, which is
2 the weighting adjustment piece.

3 MR. ADAMS: Jason Adams, Salish-Kootenai again. I
4 don't to belabor the point, but I guess that's why I
5 initially asked the question where we're at on the
6 agenda, because previous history in regards to the
7 Negotiated Rulemaking Committee is we start with the
8 time clock, then we have the proposal, and then the
9 presentation of why -- the ins and outs of the
10 proposal.

11 We kind of stepped into this backwards this
12 afternoon because I still thought we were under the
13 adjustment overview, just getting the overview of why
14 we're doing these things and why they're presented.
15 Then we were going to get into the nuts and bolts on
16 them, and during the proposal phase then have an
17 opportunity to give a thumbs up or down.

18 That's how the agenda laid -- is laid out. That's
19 what we agreed to when we approved the agenda this
20 morning. Now, if we're going to deviate from that, I
21 think that's -- I don't have a problem with that, but
22 I'm just saying we approved this agenda, and yet we

1 haven't even opened up the floor for the proposal. And
2 we're kind of talking in circles, and we don't have a
3 lot of time to talk in circles. So thanks.

4 MR. AKERS: Co-Chairs -- Randy Akers, HUD -- if I
5 understand it is that there's -- a suggestion is being
6 made that rather than doing each of these components
7 and then voting on them separately, rather than doing
8 that, we should have a presentation that would go over
9 all of them. And then a proposal would be made that
10 the committee could then either caucus on or vote on at
11 that point. If that's -- if that's how you would like
12 to proceed, HUD would like to go that way as well.

13 MR. DOLLARHIDE: I do like that, but I don't want
14 to ignore Jason's statement that he made a few minutes
15 ago. And I do agree because the way that I understood
16 it and the way that it was presented this morning, my
17 understanding was when Randy got up this morning at
18 11:00, he put the proposal on the table when he read
19 this regulation, 1000.330. That's the way that I
20 understood it that whenever he got up before this
21 committee, he stated that he would like to present a
22 proposal to this committee.

1 He made that -- he read this, then my
2 understanding was then the meeting was handed over to
3 Todd to start the overview of the particular proposal.
4 That's the way that -- that's the way that I
5 understand that. So if we're doing -- what I'm just
6 asking, Jason, is process.

7 You know, like you said, we did approve this
8 agenda, you know, and we approved this agenda as going
9 into three different parts: the aging, AIAN, and then
10 the third one. So, you know, that's -- to me, that's
11 -- the proposal has already been made, and it was made
12 at 11:00 this morning. Then it went to, like I said,
13 to Todd.

14 Now, if we're out of order, you know -- I just --
15 I'm like you. I want to -- I want to continue because
16 we don't -- we're very limited in our time to get this
17 process going.

18 MALE SPEAKER: Can I respond?

19 FEMALE SPEAKER: Gabe? Jason, then Gabe.

20 MR. DOLLARHIDE: Jason, then Gabe.

21 MR. ADAMS: Well, thank you for that clarification
22 then. I guess, again, I'm not arguing the point.

1 MR. AKERS: Sure, we're not arguing.

2 MR. ADAMS: I'm just trying to catch up on where
3 we're at. And by our protocols, if what you just
4 stated happened, then when Randy made his proposal,
5 then the clock for two hours on this issue should've
6 started per our proposals. That's it.

7 MR. LAYMAN: Gabe Layman, Cook Inlet Housing.
8 What stands out to us about the issues we're facing
9 today is that our tribes have a lot of questions about
10 each of these -- what will ultimately be proposals, how
11 they work. Our goal and desire is not to chew up two
12 hours of negotiating time by using it as a Q&A session
13 for tribes to ask HUD and FirstPic all of the details
14 about how does it work, and why this, and why that, but
15 rather to get all that detailed background information
16 that will then inform how tribes negotiate and make
17 decisions about these proposals.

18 So we simply ask that we go through each of these
19 proposals in greater detail, we have a more significant
20 opportunity for question and answer, and hopefully then
21 get individual proposals for each of the proposed
22 adjustments, and initiate negotiations thereafter if

1 that's acceptable to the rest of the committee.

2 MS. BRYAN: So at this point, how long would -- if
3 we were to -- I'm going to propose an agenda
4 modification just to stay on point. Otherwise, as
5 Jason Adams stated, we did approve this agenda, which
6 we initially started discussion on the first issue, and
7 that's the way we all agreed to do it.

8 If we're going to change it, I would propose and
9 call for a thumbs up from committee members. If you
10 want to hear all of the scenarios first in the
11 presentation and then dive into each one for two hours
12 each, I would make a recommendation that make a
13 modification to the agenda at this point just to stay
14 on target.

15 FEMALE SPEAKER: We can't hear you.

16 MS. BRYAN: So my recommendation is that we modify
17 the agenda to hear an overview from Todd on -- or HUD
18 -- from HUD on aging data adjustment, AIAN data
19 adjustment, and then the ACS data adjustment. And then
20 after that, we would go into each issue for
21 negotiation.

22 Do I have approval to modify the agenda?

1 (Members vote.)

2 MS. BRYAN: Okay. We have consensus to modify the
3 agenda. Thank you. So with that, I'm going to ask
4 Todd from HUD to go over briefly an overview on each of
5 the -- yes -- each of the issues. And then during our
6 two-hour discussion, if we need that much time, we can
7 ask more detailed, specific questions relative to the
8 language.

9 MR. RICHARDSON: Okay. So I've -- I think to pick
10 up -- pick up where we had left. So I've gone through
11 sort of the information that I prepared to talk about
12 on the aging. So I thought I'd move on at this point
13 to a presentation on adjusting for the undercount in
14 Census 2010. And that's slide 17.

15 As with the other -- as with the aging adjustment,
16 the data accuracy problem we're looking to address,
17 there was a report by the Census Bureau May 22nd, 2012,
18 that reported on the results from something they called
19 a Census Coverage Measurement Program. And this
20 program, they go out and they sample a set of areas,
21 and they basically redo the Decennial Census in those
22 areas to see were there folks that were missed in the

1 -- in the enumeration, were there folks that actually
2 responded more than once.

3 So it could happen that you're at home for
4 college, and you fill out a Census form, and then you
5 go to college and you fill out another Census form. So
6 the Census wants to know about over -- counting people
7 twice as well. So they go to this system to identify
8 to the extent that they might, or if they've enumerated
9 someone in the wrong location. So that's another area
10 they look at is, is this person being counted in area A
11 when they should've been counted in area B.

12 This is a sample survey, so they're not looking at
13 every area, and they did intentionally exclude rural
14 Alaska in this analysis. So the rural Alaska's
15 Decennial Census was conducted differently than the
16 rest of the Decennial Census because they had
17 difficulty reaching rural Alaska, and it wasn't -- so
18 it was not included as part of this analysis either.
19 So that remains an unknown about overall undercount in
20 rural Alaska.

21 And then with this report, they take a look at
22 particular racial and ethnic groups. They look at

1 particular areas to see where did they see an
2 undercount. And while most parts of the -- in this
3 report if you go through this report, you can see that
4 for the most part, in most areas they've looked at, for
5 most groups they've looked at, the undercount is not
6 very significant from the 2010 Census, showing that
7 they did a pretty good job with the 2010 Census. But
8 for reservation areas and for Native American counts in
9 reservation areas, they reported an overall undercount
10 of 4.88 percent.

11 So the proposal we're -- that we're making is that
12 while we don't know whether -- which area had an
13 undercount of 4.88 percent, or 10 percent, or one
14 percent, among those areas that were reservation and
15 trust lands, we do know that overall on reservation and
16 trust land areas, somewhere around 4.88 percent,
17 there's an undercount in aggregate.

18 We discussed earlier that this is sample data, so
19 there's a confidence interval around these results, so
20 they're not even sure that there's a 4.88 percent.
21 With all sample survey data, we used the point
22 estimate. In this case, we're recommending using that

1 point estimate of 4.88 percent.

2 So if you look on slide 18, the chart that's in
3 this report, I circled the particular area that says
4 4.88 percent with a standard error of 2.37. That
5 standard error essentially means, as I noted earlier,
6 that they have 90 percent confidence that the true
7 undercount is somewhere between roughly one and nine
8 percent, and that the point estimate is 4.88 percent,
9 and we're recommending using that point estimate of
10 4.88 percent in making this adjustment.

11 Slide 19. Now, by itself, this point adjustment
12 is just on the one variable we get from the Decennial
13 Census, which is the count of American Indian and
14 Alaska Native persons. That has an 11 percent weight
15 in the formula. So by itself, this adjustment isn't a
16 large impact on how much folks are likely to get.

17 But what we're using for, in addition to adjusting
18 that one variable, is that we're looking to reweight
19 the ACS data for small area populations using the 2010
20 Census. And in that scenario, it would also impact the
21 ACS variables that are responsible for 89 percent of
22 the funding that's allocated on the needs side of the

1 formula. And so, as we've been discussing, there is a
2 linkage between these two things, so that the next
3 conversation will be on that weighting adjustment.

4 So are there questions about the undercount before
5 I move onto the weighting? Do people want to talk
6 about that or ask questions?

7 MS. DIFUNTORUM: Thank you. Sami Jo Difuntorum.
8 Just to make sure I correctly understand this, the
9 proposal is a 4.88 percent upward adjustment for
10 undercounted areas with a 3.86 percent for overcounts
11 is not going to be adjusted because it doesn't fall
12 within the range of statistically significant, or .9
13 and .1 percent?

14 MR. RICHARDSON: That's correct.

15 MS. DIFUNTORUM: Okay. Thank you.

16 MR. LAYMAN: Gabe Layman, Cook Inlet Housing. A
17 couple of questions. So the first is about how the
18 4.88 percent adjustment is applied. Some tribes, we
19 understand, you know, being -- we've got a different
20 situation. But we understand some tribes have both
21 reservation and trust lands, and then other types of
22 lands, maybe land held in fee simple.

1 So the first question is, is that 4.88 percent
2 adjustment applied only to reservation and trust lands
3 for tribes that have them or to all lands for tribes
4 that have them?

5 MR. RICHARDSON: That's a great question. So it's
6 applied, and, Peggy, you can kick me if I get this
7 wrong. It's applied to -- so we apply it at the sub-
8 geography level that we have from the Census data. And
9 the Census tells us which lands that they -- so this is
10 using the Census definition of "reservation" and "trust
11 land." Those areas that are in the Census Bureau file
12 as reservation and trust land, those are the only areas
13 that we're adjusting up where -- what?

14 DR. CUCITI: Federal.

15 MR. RICHARDSON: It's Federal only, not state, so
16 no state reservations here. Federal reservation and
17 trust land.

18 MR. LAYMAN: So the second question for you --
19 again, this is Gabe Layman, Cook Inlet Housing. So
20 we're trying to get a handle on exactly what that 4.88
21 percent undercount figure represents. So is it such
22 that if you took the total number of American Indian

1 individuals located on reservation and trust lands,
2 that number is deemed by Census to be undercounted by
3 roughly five percent, or is it essentially the average
4 undercount reservation by reservation, right? Do you
5 understand the question? Am I asking that articulately
6 enough?

7 MR. RICHARDSON: The way that the Census has sort
8 of done the estimate, it's like across all reservations
9 and trust lands. They've estimated that there's an
10 undercount of 4.88 percent, and we don't know where it
11 is on particular reservation and trust lands. So we
12 have applied it under the assumption that all
13 reservation and trust lands have that same undercount,
14 which, of course, is not correct.

15 But it is adjusting for the fact that reservation
16 and trust lands, compared to other areas, does have an
17 estimate that shows this number. And I don't know if
18 that really answers your question, but that's how I'm
19 looking at it.

20 MR. LAYMAN: So one last question. Thanks to the
21 other committee members for indulging me here. So
22 really the heart of what we're trying to get at is, for

1 example, to take our friends on the Navajo reservation,
2 which has a very substantial population, and there are
3 obviously other reservations with smaller populations.
4 And, of course, these are just examples. But, say,
5 hypothetically there is a perfect count on the Navajo
6 reservation and an imperfect on other reservations.
7 Essentially, the way that this is being applied, it
8 just assumes that every single reservation, every
9 single trust land geography is adjusted by 5.88
10 percent, irrespective of --

11 FEMALE SPEAKER: Four.

12 MR. LAYMAN: I'm sorry, 4.88 percent, irrespective
13 of what those actual figures are. So my follow-up
14 questions to that if that's accurate would be, is there
15 any way to drill down? You heard Sharon ask a very
16 good question previously, which was what about tribes
17 with larger and more significant undercounts. And, of
18 course, the converse is true. There are some that will
19 be getting adjustment where there is no undercount. Is
20 there a way in the future to reconcile that?

21 MR. RICHARDSON: Well, at this point today, no.
22 The solution to that is going to be the 2020 Census.

1 When the 2020 Census is undertaken, hopefully we don't
2 have the undercount problem on the 2020 Census. The
3 other option, which is allowed in these regs, is that
4 folks can challenge the data.

5 Now, if we're overcounting as a result of this,
6 then I doubt that we'll challenge that, but if we're
7 undercounting the results, it might get challenged.
8 But, yeah, to the extent that -- I don't have any other
9 source of data that I know of that could make
10 adjustments.

11 MR. SHURAVLOFF: Marty Shuravloff, Kodiak Island
12 Housing. Just a question again. Todd, you mentioned
13 that rural Alaska counts hadn't been made. I guess the
14 first question is, are they going to attempt to count
15 the tribes in rural Alaska? And being that there's
16 this adjustment for the tribes, and rural Alaska hasn't
17 been included in this -- these counts.

18 Is there an assumption then that there's an
19 overcount in rural Alaska, because, in essence, this
20 one's got to come from somewhere, so I suspect we'll
21 see a certain amount of -- we'll hear from a large
22 portion of these other tribes.

1 MR. RICHARDSON: So on rural Alaska, I think the
2 issue here is that it's unknown what the -- whether
3 there's an undercount, or overcount in rural Alaska.
4 The way -- the very first Census questionnaire was
5 completed -- Decennial Census was completed in rural
6 Alaska because they started the Decennial Census a
7 month earlier in rural Alaska to be able to be there
8 when folks were home. And I don't remember exactly the
9 details. I'm not an expert on rural Alaska.

10 But as a result, they didn't do this Census
11 coverage measurement report, and it has to be done at
12 the same time. The Census coverage measurement report
13 is done at the same time as the regular Decennial
14 Census because they're trying to check against it.
15 It's sort of like an audit to check and see -- if
16 they're counting people properly, well, they got to do
17 it at the same time. So they didn't do it at that
18 time.

19 So I think the answer is we don't know. And what
20 the -- what the -- whether there's an undercount or
21 overcount for rural Alaska. And so, we didn't do
22 anything because we didn't have any information one way

1 or the other when we made this proposal.

2 MS. FIALA: Jason Adams also. Jason Adams.

3 MR. ADAMS: Thank you, Todd. I guess the comment
4 I wanted to make on this, and I brought it up
5 previously, is I want to look at this and ask why it's
6 not looked at it in its complete context for Native
7 American, Alaskan -- American Indian and Alaskan
8 Native.

9 In looking at it as a whole, when you look at the
10 numbers in total on each line, there's an overcount for
11 the overall. There is a significantly -- statistically
12 significant undercount on the reservation. There is a
13 significant overcount, but not statistically
14 significant, overcount on off reservation, and then the
15 balance of the United States there's an overcount. And
16 so, when you look at it in that context, three of those
17 or two of those are overcounts, and one is
18 significantly an undercount. That's what we want to
19 adjust for.

20 When you take out the overall number in the
21 balance of the U.S. because I'm assuming that's why
22 we're looking at these other two figures as far as on

1 reservation and off reservation, those are primarily
2 folks that would be included in this program, I'm
3 assuming.

4 I'm just wondering why is there not a look at this
5 number in total, because the two numbers are pretty
6 significant when you add them together, because you
7 have undercount of 4.88 and an overcount of 3.86. They
8 almost cancel each other out. But what that tells me
9 is the disparity between the two is larger than just
10 the 4.88 correction HUD is proposing here. Why can't
11 it be looked at in the context of the total, undercount
12 and overcount together?

13 MR. RICHARDSON: So, again, a good question. And
14 the -- when we do statistics, we're trying to hang our
15 hat on some sense of what do we see as being the most
16 likely scenario. And we do that by saying, you know,
17 when we went into this, we thought that it was
18 statistically significant with this level of confidence
19 that this is what we would take action on.

20 In the Census Bureau's case, they made a decision
21 about what the level of significance would be, and for
22 them saying, hey, we need to do better than we do in

1 the next Census. For us, we're taking that same logic
2 to say we see that we use these data to allocate
3 funding, and we're going to make a proposal that rests
4 on that information the Census agrees is actually
5 statistically significant. And so, we made that
6 decision to rest our hat on the same logic of
7 statistical significance. And while seeing this other
8 number, it isn't statistically significant, so we chose
9 not to include it as part of proposal.

10 MS. FIALA: Earl Evans, and then Sam.

11 MR. EVANS: Thank you. Earl Evans, Haliwa-Saponi
12 Indian Tribe. A question that I have is in looking at
13 the population counts that you provided, it covers on
14 reservation and off reservation, and it does not fit
15 together that simile -- that simply. I'm sorry.

16 Have you taken a look at any other sub-
17 geographical components that may exist within those
18 designations to determine whether or not there's
19 statistically significant undercounts? For example, on
20 the off-reservation population, have you taken a look
21 at rural versus urban, for example, and those kinds of
22 things, those other sub-geographical locations,

1 separate and apart to see if there are any
2 statistically significant undercounts in those sub-
3 geographies rather than just simply reservation and
4 trust lands versus off reservation and trust lands?

5 MR. RICHARDSON: That's a good question, and we
6 have not. It's something we could ask the Census
7 Bureau if they think that the data has enough power to
8 distinguish rural versus urban. And I don't know the
9 answer to that question.

10 MS. FIALA: Sam? Sam is next.

11 MR. OKAKOK: Sam Okakok, Community Village of
12 Barrow. I have more of a comment on this. In Barrow,
13 being as rural as you can get in Alaska, we had to have
14 our North Slope Borough up there do their own Census
15 count after the Census people went up there. 2010
16 Census, we showed about 4,100. When we did our own, we
17 knew we had more people than that, and we did our count
18 up there, and we had over 5,000.

19 And so, that was a vast unanimous consent since
20 it's been up there in 2010, and the same thing with our
21 tribal goals. We're having to update annually, you
22 know, FRF forms. And so, when we do it in the housing

1 one, we're constantly adding on to that and correcting
2 because -- using previous lowered numbers. So we are
3 having to update ours every year to do that.

4 So it's on both our tribal counts and our actual
5 population in my community there, we have vast
6 undercount on both sides. So, you know, by that, we
7 already know that we're really undercounted there in
8 rural Alaska. And, you know, I would easily gauge that
9 it would be on the upper side of the undercounts there.

10 And with this proposal of the 4.88 percent, we're
11 not going to see that appreciation on our side because
12 Alaska is not included in that. But we would get hit
13 with that, and it's like a double whammy, you know.
14 We're already knocked down, and now we're getting
15 kicked with this, and so it doesn't feel good on our
16 side. So we know that there are a lot of undercounts
17 going on in rural Alaska.

18 MR. EVANS: Earl Evans, Haliwa-Saponi Tribe.
19 Todd, can you remind me again what you stated was the
20 range for the -- for the undercounts that determine
21 statistical significance? I can't remember that range
22 of numbers.

1 MR. RICHARDSON: So in this case, the -- we have
2 90 percent -- the Census Bureau has 90 percent
3 confidence that there's an undercount in reservations
4 and trust land areas between one and nine percent.
5 That's the range. And 4.88 percent -- they're
6 basically --

7 MR. EVANS: I understand that, but what I'm asking
8 is, in other words, what above zero makes sense?

9 MR. RICHARDSON: The one.

10 MR. EVANS: The one.

11 MR. RICHARDSON: Yeah.

12 MR. EVANS: Okay.

13 MS. BRYAN: Thank you. We had a request for those
14 holding a microphone, if you get a question, repeat the
15 question so the rest of us can hear it. And also, I
16 propose we go on to issue three. We're ready for that,
17 adjustment three.

18 MR. RICHARDSON: I'm sorry. I couldn't hear.

19 MS. BRYAN: Issue three.

20 MR. RICHARDSON: Issue three? Sure, we can move
21 on to adjustment three. Okay. So moving on to slide
22 21, "Reweighting the ACS." So here's the data accuracy

1 problem we're looking to solve. The American Community
2 Survey, like the long form of the Decennial Census, was
3 a sample survey. But unlike the long form in the
4 Decennial Census, it is -- it weights the data that it
5 collects. So you go out and you randomly select
6 households to be surveyed, and then each of those
7 households is weighted out to mean they're equivalent
8 to six other households, or 10 other households, or 50
9 other households, depending on what the weighting
10 scheme is. And then that gets you a total count of
11 households that have a particular need in a particular
12 area.

13 In the -- I mean, in the 2000 Census -- Decennial
14 Census, the long form data were weighted at relatively
15 smaller geographies, so they might have weighted out a
16 tribal area, or at a Census tract, or at a place
17 boundary so that the population -- a hundred percent
18 population counts were close or nearly identical to the
19 -- for the sample data as for the hundred percent data.

20 In the ACS, they only do that sort of matchup at the
21 county level, or in incorporated places where they're
22 doing population estimates.

1 So for -- so the proposal we're making for
2 reweighting the ACS is to use the -- essentially the
3 same approach that was used in Census 2000 that would
4 reweight the data at a smaller area of geography based
5 on the American Indian and Alaska Native count from the
6 Decennial Census.

7 The Decennial Census count is a hundred percent
8 count. It doesn't have the sampling error. So what
9 we're trying to do is we're trying to adjust for
10 problems in the sampling error with population counts.

11 So that's the reason we're reweighting the ACS.

12 If you look at slide 22, slide 22 does a
13 comparison. Now, ACS 2008 to 2012, the midyear is
14 2010. Because it's -- the midyear is 2010, the
15 population count for ACS 2008 to 2012 should match the
16 Census 2010 population count for an area. So what we
17 want to do is we want to compare the population counts
18 that we get from the ACS to the population counts we
19 get from the 2010 Census to see how different they are
20 from one another.

21 So in Census 2000, so the first column here
22 compares how -- asked the question how many areas had a

1 population count from their long form data in Census
2 2000 that were less than their hundred percent data,
3 and how many had more -- a greater count. And you can
4 see in this first column for Census 2000 data, it said
5 25 percent of areas had a lower -- of areas that are
6 tribal areas had a lower count -- with 100 more Native
7 Americans, had a lower count of Native Americans in the
8 Census long form data than it has in the short form
9 data. And 25 percent of areas had counts of three
10 percent or more.

11 When you compare that to what we see with the ACS
12 data, we can see that there's a much larger variance
13 between the ACS data population counts than the 2010
14 Census population counts. So in 25 percent of areas --
15 tribal areas with a hundred or more Native Americans,
16 they have a 15 percent lower count from the ACS than
17 they do for the Decennial Census. And this is without
18 making any adjustments for undercount. And 25 percent
19 of areas have a count that's 11 percent higher than the
20 Decennial Census 2010 numbers.

21 If you look at large areas with 1,000 or more
22 Native Americans, which is the bottom set of tribes

1 that are listed here with these same sort of estimates,
2 you can see that there's 25 percent of tribes that have
3 more than a thousand Native Americans that have a count
4 that's 13 percent less than what the Decennial Census
5 count was.

6 So what this is saying is that the ACS data have a
7 much wider variance in their count of population than
8 the Decennial Census did on their long form data. And
9 so, we're trying -- so the proposal we have would
10 adjust for that so that the population counts for the
11 ACS would match the population counts that -- from the
12 Decennial Census. And then we would use the ratio that
13 we're doing between the ACS population count and the
14 Decennial Census population count to adjust all the
15 other ACS variables.

16 So if we're getting an ACS population count that
17 is 20 percent less than the Decennial Census population
18 count, all of the needs variables are increased 20
19 percent. If, on the other hand, we saw that the ACS
20 population count was 20 percent greater than the
21 Decennial Census count, all of the ACS variables would
22 be reduced by 20 percent for that area.

1 So I give you another example on slide 23. So I
2 have this example county. It's got six areas in it,
3 all right? And at the very top left-hand corner, you
4 see each of these areas has a certain population count.

5 At the top you see 3,000, 2,000, 1,000, and then
6 2,000, 1,000, and 1,000. The ACS goes out and draws a
7 one in 10 households randomly, then they reweight that
8 data. And for the first area, they come up with 2,900
9 people there instead of 3,000; the second area, 1,900
10 people instead of 2,000; the third area, 1,200 instead
11 of a thousand, and so forth.

12 What we're proposing to do is to say, okay, we're
13 confident that the Decennial Census data is the more
14 accurate data, so we're going to reweight the ACS data
15 so that it matches up with this more accurate Decennial
16 Census data to be able to get -- and you see the final
17 chart on the right -- back to the counts from the
18 Decennial Census for the ACS.

19 But what's really important is that this is then
20 used to reweight all of the ACS needs variables. It's
21 not just about the count of Native Americans. It's
22 about reweighting all of the data, because the

1 underlying data that the Census uses for weighting the
2 ACS are these -- are the pop estimates.

3 MS. FIALA: Todd, you have a question.

4 MR. RICHARDSON: Yeah?

5 MS. FIALA: Earl?

6 MR. EVANS: Thank you. Earl Evans, Haliwa-Saponi
7 Indian Tribe. I have a question about under the
8 scenario you just described, is there any reason why it
9 would not work to, rather than making the adjustments
10 based on ratio, the 20 percent differences that you
11 mentioned, wouldn't you just factor in whatever would
12 be the most beneficial to the tribe in those
13 circumstances, whatever is the best of the two?

14 MR. RICHARDSON: In the negotiated rulemaking
15 sessions that we had in August, one of the proposals
16 that was put on the table was that we actually use the
17 best sub number. When we say you get an ACS population
18 count of 150, you have a Decennial Census count of 120,
19 we'll use the 150. Or if it's the reverse, 150 for
20 Decennial Census and 120 for ACS, we'll use the 150
21 from the Decennial Census. We use the best of, and
22 that was one of the proposals that was put on the table

1 out of the study group. And that was -- we didn't
2 reach consensus on that.

3 But why HUD is not recommending that approach is
4 that this issue with the sampling error is much larger
5 for the smaller tribes, and not such a -- and isn't as
6 big an issue for the larger tribes because the large
7 tribes have more people that are counting. The
8 sampling error is smaller. So if you essentially say
9 every year we'll take the higher number, eventually the
10 smaller tribes will all get a very high number
11 eventually by random chance. And that will mean that
12 the allocations to smaller tribal areas will absorb
13 more of the funding, and all of the larger areas will
14 see continuing reductions in funding over time because
15 of the sampling error, not because of actually higher
16 populations in smaller areas.

17 And that's why HUD is not recommending the "larger
18 of" approach here in terms of the proposal. We're
19 proposing, if we think the data is more accurate in
20 either direction, we're proposing to use the data we
21 think is most accurate, even if it means some going
22 down.

1 MS. FIALA: Earl again.

2 MR. EVANS: Thank you. Earl Evans, Haliwa-Saponi
3 Indian Tribe. Just in follow up, you're saying that
4 you're going to use what HUD determines to be most
5 accurate. So I guess the part that's confusing me is
6 if it's going -- how you're determining what's most
7 accurate. Rather than doing best of, you're going to
8 be picking which one you like better, and the one
9 that's oldest is the one you like better?

10 MR. RICHARDSON: Well, let me speak to that.

11 MR. EVANS: Okay. Thank you.

12 MR. RICHARDSON: So the Decennial Census is a
13 hundred percent counts. So as 100 percent count,
14 everyone is supposed to fill out a form so we don't
15 have sampling error. We do have, you know, problems
16 with the fact that folks might not fill out the form,
17 and we have an undercount, as we've already discussed.

18 But we don't have a problem with sampling error, but
19 there's random chance that this number is actually 10
20 percent higher or 10 percent lower. It should be the
21 actual number.

22 So in statistics and in survey worlds, a hundred

1 percent survey is going to be far superior if done well
2 over a sample survey in terms of what the estimate is.
3 And so, we have two pieces of data. We have one that
4 is from a hundred percent count, and one that is from a
5 sample count. Well, if that's the case and we have
6 confidence that the hundred percent count was done
7 reasonably well, at least as well as the sample survey
8 was done, we're going to take the hundred percent
9 count.

10 And so, that's why the argument here is that the
11 hundred percent count data is better data to use as
12 base data than the sample number. So this is -- so
13 we're basing it on which data set that we think is the
14 most accurate based on the methodology used for
15 collecting the data.

16 MR. EVANS: But then why wouldn't you just use
17 Decennial?

18 MR. RICHARDSON: That's what we're using. We're
19 using Decennial Census data, the 2010 Decennial Census
20 data, for AIAN population count. But because
21 population does grow over time, we then age that --

22 MR. EVANS: By ACS, right?

1 MR. RICHARDSON: No, we age it with the population
2 estimate program, which actually is using
3 administrative data -- the IRS data, the Medicare data,
4 the birth and death data, the age data. And we're also
5 doing this undercount adjustment because we do know
6 that the Census did undercount the number of people
7 living in reservation and trust land. I'll let
8 Peggy --

9 DR. CUCITI: Let me take a slightly different stab
10 at this. The Census, the pulled Decennial Census, is
11 this count of every household, and, therefore,
12 theoretically every person. It may not be entirely
13 accurate, but it is not a sample which the ACS is.

14 So then we have the American Community Survey that
15 did the sample. The function in that in the formula is
16 not for the population count. It's for the needs
17 variables that have to do with low income and housing
18 conditions. If we had taken simply the best of
19 approach, Earl, all you would have been adjusting is
20 the population count, which counts for 11 percent of
21 the funds that go out per need.

22 The goal here was to try to correct the error that

1 arose from sampling in the American Community Survey.
2 And if we correct it, ideally we have more accurate
3 counts of the low-income population, the overcrowded
4 population, and the population with severe cost burden.
5 So it's to get that ratio that will allow those other
6 variables to be more accurate.

7 MR. RICHARDSON: That was much better.

8 FEMALE SPEAKER: Gabe?

9 MR. LAYMAN: Thank you. Gabe Layman, Cook Inlet
10 Housing. So a clarification, Todd. You said that
11 release of the most recently available ACS data set,
12 which is 2008 to 2012, that that data should match the
13 2010 Census figures. And I wonder if that's accurate
14 because if, for example, you have a population in
15 which, say, it's tribe X. Tribe X has a hundred people
16 in year one, hundred people in year two, a hundred
17 people in year three, and then starts to decline. Is
18 that accurate?

19 MR. RICHARDSON: So the way the Census does the
20 ACS, each year of the ACS is weighted to the population
21 estimates for that year and the vintage of whatever
22 year they're doing. So in this case, so the 2008 to

1 2012 data, the data that were collected in 2008 were
2 weighted to the population counts in 2008. The data
3 collected in 2009 were weighted to the population
4 counts in the county for 2009. In 2010, were weighted
5 to the population counts of the county in 2010, and so
6 forth. 2011 and 2012 got their population counts for
7 the pop estimate filed for the counties.

8 Now, the midpoint, of course, is 2010, so if there
9 was a -- if there was a growth in population that was
10 continuous, that was the same during that time period,
11 then 2010 should be an exact match, right? But that's
12 usually not true, right? Some places are kind of
13 growing slowly, then faster, et cetera.

14 So if it was growing slowly than faster in the
15 last two years, then it's -- the number in ACS would be
16 a little bit larger. If it was growing slower than it
17 would actually probably be a little bit lower, right?
18 So that is -- that's accurate. But it's also the
19 reason why we're proposing that when we do these
20 adjustments that we reweight the Decennial Census data
21 that we're going to use for doing the adjustment on the
22 ACS data using the pop estimate files to be able to

1 sort of capture population growth for the most current
2 year.

3 So in this case, we took the ACS 2008 to 2012
4 data, and we increased the population to 2014 because
5 that's the most current data that we have on pop
6 estimates. So, in fact, we've increased that 2010
7 estimate number actually to match whatever -- the 2014
8 population estimates. But you're right, it's not a
9 perfect match, but it's going to be pretty close for
10 most areas. And it should be very close as it was with
11 the 2010.

12 MR. LAYMAN: So am I hearing -- Gabe Layman, Cook
13 Inlet Housing again. Am I hearing, Todd, that the
14 reweighting is essentially updated annually? It's not
15 a constant comparison between the 2010 Decennial versus
16 2010 ACS. It's 2010 Decennial age using the pop
17 estimates program reweighted against the most recent
18 year's ACS. Is that accurate?

19 MR. RICHARDSON: That's exactly right, yeah. Yes,
20 that's correct.

21 MS. BRYAN: Sami Jo?

22 MS. DIFUNTORUM: Sami Jo Difuntorum, Confederated

1 Tribes of Siletz. Sami Jo --

2 (Laughter.)

3 MALE SPEAKER: We can hear you now.

4 MS. DIFUNTORUM: I think maybe I need you to re-
5 explain what I think I heard. What I'm struggling
6 with, I get the 4.88 percent undercount upward
7 adjustment. Got it. How that correlates to the
8 variable because the 4.88 percent of people, maybe they
9 aren't low income. Maybe their housing conditions
10 aren't bad. So I'm not really understanding the
11 blanket 4.88 percent adjustment --

12 DR. CUCITI: We're combining two things.

13 MS. DIFUNTORUM: Thank you.

14 MR. RICHARDSON: So let's go -- well, maybe we
15 want Peggy.

16 (Laughter.)

17 MR. RICHARDSON: I'll let Peggy do it, get a shot
18 at it.

19 DR. CUCITI: You're combining two different
20 adjustments there, Sami Jo. The first one was the
21 1.0488 to adjust the Census population for what we
22 think is the correct count in the reservation area.

1 The second thing we're doing is trying to come up with
2 an adjustment factor for -- to correct for the sampling
3 error on the ACS. And that is the ratio of the Census
4 count to the ACS count. And that adjustment could be
5 done whether we do the undercount adjustment or not.
6 We could just simply take the Census figure or the
7 Census figure aged and compare it to the ACS population
8 figure.

9 And the assumption is, is that if the ACS somehow
10 had too few people in the sample in a given small area,
11 that when we adjust it upwards, that there was no bias
12 in the mix of people that was in that ACS sample.
13 We're assuming that the group of people we got still
14 was representative of the income levels in the area,
15 and we just had too few of them. You know, if, in
16 fact, there was bias in the undercount, we'd still be
17 off.

18 MS. DIFUNTORUM: Got it. Thank you.

19 MR. RICHARDSON: And so, it's taking it one step
20 here as an example, and you actually have these in the
21 files you have. So severe cost burden. If we had just
22 done a ratio of your ACS 2008 to 2012 to the Decennial

1 Census adjusted for population growth, and we come up
2 and say, well, the Decennial Census is five percent
3 more than the ACS number, we're going to use a ratio of
4 1.05. And that 1.05 is going to be multiplied times
5 the 2008-2012 number for severe cost burden of a
6 thousand to get you a new severe cost burden number
7 1,050.

8 We do exactly the same thing for households less
9 than 30 percent of median income. If you have 500
10 households less than 30 percent of median income, we're
11 going to use the same ratio, 1.05, and then your new
12 adjusted households less than 30 count is 525.

13 MR. TILLINGHAST: Jon Tillinghast. Just to get it
14 clear in my own mind, so you are not grossing up the
15 numerator, which is the Census of your adjustment
16 factor, Census over ACS. That's your adjustment
17 factor, right?

18 MR. RICHARDSON: Yes, Census --

19 MR. TILLINGHAST: Census numerator, ACS
20 denominator.

21 MR. RICHARDSON: -- over ACS.

22 MR. TILLINGHAST: You are not going to gross up

1 that numerator by 4.88 percent.

2 DR. CUCITI: Yes, we will for reservation areas.

3 MR. TILLINGHAST: Oh, you are.

4 DR. CUCITI: But those are, in some sense,
5 independent choices.

6 MR. TILLINGHAST: You either could do that or you
7 could not do that because that gets back to Sami's
8 question of what does the 4.8 percent have to do with
9 overcrowding. That was her question.

10 MS. DIFUNTORUM: It doesn't translate --

11 MR. TILLINGHAST: Yeah, it doesn't translate to
12 the variables, or is that an open question?

13 MR. RICHARDSON: No, it's -- so the Census Bureau
14 weights all the data they collect, including the
15 overcrowding data, including the households less than
16 30 percent of median income data, on their population
17 estimates. That's how they do it for their weighting.

18 They're doing it at the county level. We're just --
19 we're doing it -- we're doing exactly the same thing
20 that they do in this circumstance, except we're going
21 to apply it down to the smaller area geographies.

22 So this has to do with what's your chance of being

1 selected for this survey, and then how is that weighted
2 to the true population. And so, we're trying to make
3 it so that we're -- if by chance they select 10 people
4 on the reservation one year and five on the reservation
5 the next year, but they got the weighting wrong on the
6 county level, your tribe by chance just had a 50
7 percent reduction in population count. What this does
8 is this reweights it, and actually probably the
9 adjoining area had a 50 percent increase. So you're
10 trying to get the reweighting to match the actual
11 population counts in the areas that actually count for
12 your formula.

13 MS. FIALA: Gabe and then -- oh.

14 MR. TILLINGHAST: Todd, I love you to death, but I
15 asked what time it was, and you kind of told me how a
16 watch works.

17 (Laughter.)

18 MR. TILLINGHAST: What I was asking was, are you
19 -- are you folks proposing to apply the undercount,
20 4.88 percent, to the numerator of the adjustment factor
21 for the variables, not the AIAN count, the variables.
22 I hate to sound like a lawyer, but --

1 MR. RICHARDSON: Actually for the lawyer -- for
2 the lawyer, let's go back to slide five that I handed
3 out earlier because slide five shows you how you get to
4 the adjustment. All right. So I'm going to walk you
5 back to slide five because this is very important,
6 right? This is at the heart of everything we're
7 talking about is slide five here.

8 So slide five is showing you how that 4.88 percent
9 is going to roll through in the suggestion factor. So
10 if you start off and you say, okay, let's look at the
11 reservation and trust land area because that's the area
12 where 4.88 percent applies. You're going to start with
13 -- the Census 2010, their enumeration, a hundred
14 percent count, is 1,000 Native American persons in this
15 area. But it's in a reservation and trust land area.
16 There's an undercount. We're going to adjust for an
17 undercount of 4.88 percent. That brings them to 1,049.

18 We then look and say today is 2014, not 2010.
19 There's been a -- in this county there's a population
20 growth of Native Americans of 5.1 percent. We're going
21 to increase that 1,049 by another 5.1 percent, and
22 that'll bring you to 1,103 Native American persons. We

1 then grabbed the most recent ACS, the 2008 to 2012 ACS,
2 and we look and it says that shows there's only 900
3 persons in this reservation or trust land area, but we
4 have greater confidence that there's actually 1,103
5 persons in this area because the ACS is a sample, and
6 the 1,103 is closer to the 100 percent base count
7 number.

8 So then we do the ratio of 1,103 over 900 to get
9 to 1.23. That 1.23 is then applied to severe cost
10 burden, to households less than 30 percent of median
11 income, to all of the other needs variables to get to
12 what the adjusted number is that's used for the
13 formula. Was that the watch?

14 (Laughter.)

15 MR. RICHARDSON: Closer?

16 MR. TILLINGHAST: I know what time it is now.

17 (Laughter.)

18 MR. RICHARDSON: Okay, great.

19 FEMALE SPEAKER: Gabe, and then Sami Jo.

20 MR. LAYMAN: Gabe Layman, Cook Inlet Housing. I
21 want to pose a question that's related to some feedback
22 we received in our region as we were meeting with folks

1 and trying to explain what these data adjustments are
2 and what they do.

3 We were seeing some concern about how this process
4 potentially affects tribes that use Title 6 loan
5 guarantees, which rely on stable grants over time,
6 right? So the question was, will this reweighting help
7 alleviate adjustments that are substantial at certain
8 points in time. And the feedback that I think we would
9 provide them is this, and correct me if I'm wrong,
10 Todd. It's that you might be more likely to see under
11 ACS, just straight ACS without reweighting, more
12 significant variations from year to year because of
13 sample sizes.

14 But under the current proposal, because it weights
15 back to 2010 Decennial -- I'm sorry -- the most recent
16 Decennial, would you not every 10 years potentially see
17 a more significant shift of data as the Census is
18 redone, that potentially then causes more significant
19 adjustment from tribe to tribe?

20 MR. RICHARDSON: Well, the goal behind aging the
21 Decennial Census is to avoid the problem that you
22 described, which would be when the new Decennial Census

1 gets entered, that we've got -- that the estimate of
2 populations are considerably different from when we --
3 when we shift to, say, the 2020 Census data. Hopefully
4 the 2020 population count is very similar to what we
5 calculated with the aging, and we get it right. Now,
6 will that be true? Probably not, but we don't know.

7 But I think -- but sort of going back to sort of
8 your main question -- your initial question about
9 stability in funding, one of the objectives of using
10 the Decennial Census population as a control total to
11 adjust was to reduce some of the year-to-year
12 fluctuation that we might get if we just use the ACS
13 drop in every year without having any kind of
14 adjustment on population totals, because especially in
15 smaller areas you can see sharp increases and decreases
16 each year in the population counts.

17 Now, as we can see with the introduction of the
18 2008 and 2012 data, even with this control on the
19 population estimates, we still are seeing some
20 fluctuation in the needs variables that we're not
21 adjusting for in any way. So there's still fluctuation
22 from year to year that's occurring, perhaps not as much

1 as would've occurred had we not done this adjustment,
2 but there's still some fluctuation. I understand that
3 the Title 6 loan issue is a real one, but this doesn't
4 completely correct -- solve the problem of annual
5 fluctuations.

6 MR. LAYMAN: So to clarify, I guess what I'm
7 asking is this. Is it correct to say that if you used
8 straight ACS data, then in any given year you're going
9 to be utilizing 80 percent of the same data because you
10 have a year dropout and a new year come in? And the
11 difference in the proposal that HUD is making is that
12 every 10 years you potentially have a more significant
13 shift, depending on whether the data used to age the
14 Decennial Census is or is not accurate. Is that
15 correct?

16 MR. RICHARDSON: Well, so one of the reasons we've
17 proposed to use the population Census estimates for
18 aging the data is because it's exactly the same data
19 that the Census uses to age -- uses for the ACS pop
20 estimates. So at the county level, the aging that
21 we're doing is matching what the Census is doing for
22 the ACS. So we're apples to apples there.

1 So if we had just used the ACS, and assuming the
2 ACS didn't have the sampling error problem that it has,
3 it should be very similar to what we're proposing to do
4 here because we're using the same -- we're proposing to
5 use the same method of aging the data as the Census for
6 aging the ACS.

7 MS. BRYAN: Sami Jo?

8 MS. DIFUNTORUM: Sami Jo Difuntorum. So to
9 clarify, if a tribe were to do its own Census and
10 successfully challenge, the 4.88 or the 1.05 adjustment
11 would not be applied to a successful tribal challenge,
12 correct?

13 (Laughter.)

14 MR. RICHARDSON: That's a tough question. No.
15 No, it wouldn't. This adjustment is just on the
16 Decennial Census data, so if you challenge, then it
17 doesn't apply.

18 MS. DIFUNTORUM: Thank you.

19 MS. BRYAN: Thank you. Very, very good questions.
20 A lot of information to take in, as was stated
21 earlier, on such short notice.

22 It's 3:35. I'm going to propose that we take a

1 break. Everybody just maybe want to get some fresh air
2 and maybe have some hallway talk or conversations or
3 use the facilities. And would 10 minutes be enough?

4 MR. ADAMS: No.

5 MS. BRYAN: No, Jason says. I will propose a 15-
6 minute break. It's 3:35. That puts us back at 3:50.

7 (Off the record at 3:35 p.m.)

8 (On the record at 4:04 p.m.)

9 MS. BRYAN: All right. We are at the point where
10 we are going to start a discussion for a proposal. I
11 heard some folks in the hallways talking about a
12 caucus, so I wonder if anyone was wanting or needing to
13 caucus.

14 (Hands raised.)

15 MS. BRYAN: Okay. I see two regions here. And
16 how long should -- would you like for your caucus?

17 MALE SPEAKER: The rest of the day, I guess.

18 (Laughter.)

19 MS. BRYAN: And then we can come back and vote on
20 the two items on the agenda.

21 MR. SAWYERS: I don't know. How long do we need?

22 MALE SPEAKER: Ninety days.

1 (Laughter.)

2 MS. BRYAN: Twenty, 30.

3 MR. SAWYERS: Nine minutes. Do we need that long?

4 MALE SPEAKER: Eight minutes.

5 MS. BRYAN: We're going to call for a caucus, and
6 please try to be back promptly at 4:25. It's 4:05 now.
7 Thank you.

8 MS. FIALA: The caucus rooms are up on the board.

9 MS. BRYAN: Caucus rooms are up on the board here.

10 MS. FIALA: Let's assign a HUD staff person per
11 room so you can get an escort. So Southwest, if you
12 would like to follow --

13 MS. BRYAN: Southwest with Jennifer --

14 (Off the record at 4:05 p.m.)

15 (On the record at 4:33 p.m.)

16 MS. BRYAN: All right. I see all the regions and
17 heads represented at the table, so we'll call the
18 meeting back to order. Sami Jo?

19 MS. DIFUNTORUM: We would like a tribal caucus.

20 MS. BRYAN: Okay, everyone, welcome back.
21 Northwest would like to call a regional -- I'm sorry --
22 a tribal caucus. I'm going to excuse them from the

1 room so we can just have a conversation amongst
2 ourselves before we get further into the discussion and
3 voting on the proposal, if everybody is in agreement.
4 If there are people that don't want to meet, then we
5 can live with that, but I think we'd like to at least
6 have a conversation amongst ourselves. So, Randy?

7 MR. AKERS: Randy Akers. Just a point -- a
8 question. How long? How long do you need?

9 MS. DIFUNTORUM: Fifteen, 20 minutes. Twenty
10 minutes, a short one. Yeah, it'll be quick.

11 MR. AKERS: Thank you.

12 (Off the record at 4:36 p.m.)

13 (On the record at 5:04 p.m.)

14 MS. BRYAN: Thank you all for your patience and
15 for going along with us while we took care of that
16 matter. We're going to open the meeting back up, and I
17 believe we'll start with the proposal.

18 MR. AKERS: Thank you, Co-Chairs. Randy Akers,
19 HUD. At this point, HUD would like to reaffirm the
20 proposal that we had initially introduced. And again,
21 that proposal is based on three different components,
22 the proposed formula adjustments for consideration.

1 Again, it's our position that these components, these
2 adjustments, are necessary and desirable in order to be
3 able to ensure an equitable and fair distribution of
4 Indian Housing Block Grant funds to all tribes.

5 So I would direct your attention, and I know it's
6 kind of hard actually, now that I'm thinking about it,
7 for some folks to be able to see that. What we've done
8 is projected up on this screen the proposed regulatory
9 language that we had handed out earlier. And so, if
10 you can see it on the wall, that would be good. If
11 not, I hope that you have the handout material there.

12 And what I would -- what I would want to do is I
13 would want to direct our attention -- we're on hold
14 here for one second.

15 MS. D'ANGELO: Randy, while we're on hold, if
16 people email me, I can send them the link to this so
17 they can view it on their laptops if they're in.

18 MR. AKERS: So, folks, if I heard Mindi correctly,
19 if you email Mindi, she can send you the link where you
20 can view what's being up on the screen here if you have
21 a laptop and you want to be able to do that.

22 MS. D'ANGELO: Is there a piece of paper so

1 somebody can write my email address?

2 MR. AKERS: So it's "M" as in "man," "D" as in
3 "dog," Angelo, A-N-G-E-L-O. So mdangelo@firstpic.org.

4 MALE SPEAKER: Randy, weren't hard copies passed
5 out this morning as well?

6 MALE SPEAKER: Yes.

7 FEMALE SPEAKER: Yeah.

8 MR. AKERS: They were, Dave, so it should be that
9 one page, yeah, the proposed regulatory language. So
10 just in order to kind of draw your attentions to the
11 language that is being proposed that would address the
12 three components that Todd Richardson and Peggy, that
13 you all had just tried giving us an overview and had
14 questions and answers, I would look at -- it looks to
15 me like paragraph (b)(i), and that would be line --

16 MALE SPEAKER: I think your line numbers are going
17 to be off.

18 MR. AKERS: Okay. So on your -- on your hard
19 copy, not necessarily on the one on the wall, the
20 undercount -- the undercount adjustment language looks
21 like it is started on line 14. And that's paragraph
22 (b)(i), that line 14 where it starts -- the sentence

1 starts, "Census data," and then it goes "adjusted for
2 any statistically significant undercount confirmed by
3 the U.S. Census Bureau." So that goes into line 15.
4 So that's the language that goes toward the undercount
5 -- the significance undercount and the adjustment.

6 The next two sentences on the hard copy is line 15
7 and 16, and that language goes toward the component of
8 aging. So it's the language that says "and updated
9 annually using the U.S. Census Bureau county-level
10 population estimates for Native Americans."

11 The third component, the third adjustment is in
12 the next couple of sentences, lines -- actually 19 and
13 20 on the hard copy, and that is the weighting. That's
14 the weighting adjustments. And the language on line
15 19, it goes, "Survey ACS, five-year estimates adjusted
16 by the ratio of the count of AIAN persons," and then to
17 line 20, "as provided by paragraph (b)(i) of this
18 section to the ACS count of AIAN persons." So that
19 language goes toward that third adjustment, and that's
20 the weighting.

21 So what we would ask is that with the co-chairs'
22 permission, we would ask that the committee now enter

1 into the discussion phase, and would ask that a vote be
2 done on at least starting with the first two
3 adjustments, and then seeing how it goes. If we have
4 time, we'd like to continue to discuss and vote on the
5 third. If not, we could, I think, move that over to
6 tomorrow morning. Again, it's at the will of the
7 committee.

8 MS. BRYAN: I guess as a process matter, the
9 number one was listed separately. I'm not sure. I
10 think we should vote on them separately because that's
11 how we have them on the agenda that's been approved and
12 also modified. Do you want to modify it again? We can
13 just focus on the number one issue and then go to the
14 next one.

15 MR. EVANS: Thank you. Earl Evans, Haliwa-Saponi
16 Indian Tribe. I have a process question. So I just
17 want to make sure I understand correctly what we're
18 about to do. So we're voting on the language in the
19 green first. Then after that we're going to discuss
20 and vote on the language in the yellow, and including
21 the concept. And then after we vote on that, we're
22 going to discuss and vote on the language in blue, and

1 that's how we're going to proceed. Am I understanding
2 that correctly?

3 MR. DOLLARHIDE: That is correct, and the reason
4 it was done like that, from my understanding, is that
5 way if there is discussion to be made, you got a two-
6 hour limit on each individual one. So you've got six
7 hours there to discuss instead of putting all three of
8 them together to give you a two-hour time limit to
9 discuss. We may not need the six hours, but that's why
10 it was done -- my understanding that's why it was done
11 that way, Earl.

12 MS. BRYAN: Lourdes, are you waiting? Lourdes was
13 next. Sorry.

14 MS. CASTRO-RAMÍREZ: He can go first.

15 MS. BRYAN: Okay.

16 MS. CASTRO-RAMÍREZ: And then I'll come back
17 because Jason answered -- actually he commented on what
18 I was going to mention, but I would like to come back.

19 MS. BRYAN: Okay.

20 MR. DELGADO: So this question is -- it's, I
21 guess, a process question that I have. So what is
22 HUD's default stand point if the committee does not

1 accept all three of these? Is this going to come in
2 anyway, or do you go back? Where do we go from here?
3 And the other question tied to that also, what if the
4 committee reaches consensus on one or two of them, but
5 not all three? Will HUD accept that, what the
6 committee has done, or is this an all or nothing at the
7 end of the day?

8 MS. CASTRO-RAMÍREZ: So my comment was in
9 reference to the process and the voting on each of
10 these items. The one suggestion that I would make is
11 the agenda called for two hours of discussion for each
12 of these three items separately. I think as a
13 committee we voted on modifying the agenda to allow for
14 presentation and questions of the three separate
15 adjustments, and used about two hours for that. And
16 so, I would just ask if we can move forward with the
17 consideration and vote of the first two items today so
18 that we will have sufficient time tomorrow to move into
19 the third item.

20 With regard to the question about what HUD intends
21 to do, I think this question was asked earlier by Sami
22 as well. And, you know, the response at this point is

1 we have -- we have a proposal. The proposal includes
2 three adjustments. We have been listening very
3 carefully to the comments and feedback, and I do think
4 it is important to now move into a discussion of each
5 of these items and a decision on how the committee
6 would like to proceed. It is premature for me to go
7 farther than that because I think it's important to
8 allow this process to continue.

9 MS. BRYAN: Jason?

10 MR. ADAMS: Jason Adams, Salish-Kootenai. I guess
11 maybe I missed something when I was looking at stuff
12 here trying to catch up. But if we're breaking this
13 into the highlighted pieces in three, there's then a
14 fourth item that needs to be voted on because
15 everything else in the language on 330 has changed, not
16 just what you've highlighted up there. And so, there's
17 other language that's being proposed here that isn't in
18 concert with existing regulation. And so, we have to
19 vote on those changes also to be in concert with the --
20 well, previous practice. So there's more than just
21 these three pieces here.

22 MS. FIALA: Jon and then Randy.

1 MR. TILLINGHAST: Jon Tillinghast. I think the
2 other changes in 330 mirror the changes to 330 the
3 committee has already voted on and adopted by consensus
4 at one of our earlier sessions. They're not new
5 material that are up here. To reopen those for debate
6 would constitute in my mind reconsideration of things
7 we had already agreed to, and that under the proposals
8 requires consensus to open something up for
9 reconsideration. So the only thing that really is on
10 -- before the committee now in my mind are the things
11 that are highlighted.

12 MR. AKERS: Randy Akers, HUD. Just thoughts. I
13 don't know if I would characterize it the same way as
14 Jon Tillinghast has. But I do think, though, that we
15 end up at the same place, that the other parts of the
16 rule that are up there that are not highlighted are
17 really outside the scope of negotiations for this
18 particular session. As far as data source, the 2010
19 Decennial Census and ACS, that determination has been
20 made, and so it's really outside this particular scope.

21 MR. ADAMS: There is language, and Jon was
22 correct, as far as July 31st, 2014, this committee

1 approved changes to 330. But this new language outside
2 of what's highlighted up there has also been changed.
3 So if I'm hearing that we can't approve those changes,
4 then what's being proposed here better just what's in
5 the highlight and compared to what's been approved as
6 of July 31st, that they can't negotiate outside of this
7 plan.

8 MS. BRYAN: Christine, can you pull up -- on the
9 website we should have the approved 330.

10 MS. CASTRO-RAMÍREZ: Give us a minute to verify.

11 (Pause.)

12 MS. CASTRO-RAMÍREZ: Is that what you're looking
13 at, Jason? We're going to have Jad explain.

14 MS. BRYAN: Pardon me?

15 MS. CASTRO-RAMÍREZ: Madam Co-Chair, Jad will be
16 explaining the question regarding the language under
17 330.

18 MR. ATALLAH: Jad Atallah with HUD's Office of
19 General Counsel. I just want to address that one
20 question dealing with the language that's up there for
21 consideration. The language that's up there right now
22 is not highlighted, and it's that the language that is

1 not highlighted that is up there, you are not formally
2 voting on it right now. What we're trying to vote on
3 is the language that is highlighted.

4 Any language up there that looks different to you
5 is because that is the language that we could not
6 arrive at a consensus on relating to the data source at
7 the last session, that this committee agreed that HUD
8 would make a decision on if the committee could not
9 reach a consensus on.

10 So the language you see up there referring to the
11 ACS, that's the data source language that implements
12 the decision to move for the same consensus for the
13 ACS. Thank you.

14 MS. BRYAN: Earl?

15 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
16 Tribe. I appreciate all of the explanations that were
17 given and answers to the questions. But I do have one
18 more question that is pertinent for me in understanding
19 how all of this impacts my tribe and other tribes all
20 across the United States. And that question is, and I
21 guess it's for HUD, is at what point in time during
22 negotiation does HUD anticipate that we will receive an

1 accurate data run that reflects all of the variables
2 that were discussed today, and so that we can
3 appropriately evaluate the proposal that's being made
4 that we're being asked to vote on as part of this
5 discussion? Then I may have a follow-up. Thank you.

6 MR. RICHARDSON: So the data run that we sent last
7 night about 10:00 p.m. reflects the most current data
8 we have for the adjustment. So it does include the
9 most current ACS data. We have special tabulation for
10 the ACS in 2008 and 2012 that includes the population
11 adjustment from 2010 and 2014, and it includes the
12 undercounts. So all three of those things are in that
13 run that we provided last night.

14 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
15 Tribe. I appreciate that. I just -- one of the things
16 that's already been stated on the record was the
17 limited amount of time that we've had the information
18 to review. However, I'm having a really difficult time
19 depending on this in terms of its degree of accuracy,
20 or, rather, the lack thereof, because if what was sent
21 last night is what I'm supposed to rely on, and if the
22 formula areas that are represented in the geography

1 breakdown is for the components, then just in the
2 Chicago area alone, out of approximately 293 different
3 formula areas you have components, 41 of them are
4 incorrect.

5 And looking through some of the other regions just
6 for some that I can spot out, I mean, there are tribes
7 -- there are tribes there in South Dakota that are
8 given formula components for Utah. There are tribes
9 that are in California that are given formula
10 components for Oklahoma.

11 So, again, my question would be at what point in
12 time during the negotiations do we get an accurate data
13 run that's truly reflective of the proposal that's
14 being proposal that's being presented before us for us
15 to consider for vote?

16 MR. RICHARDSON: Well, we're looking to see if
17 there's a mistake in the files we sent to you. But
18 when we do that, when we forward the conversations,
19 because we had thought we had sent you a complete and
20 correct file, so we'll go and check those things.

21 MR. ADAMS: I don't want -- Jason Adams, Salish-
22 Kootenai. I don't want to belabor the point any

1 longer, but I guess the concern I have is if we're
2 adding all this new language, and it's HUD's
3 determination that they're going to put this language
4 in there anyway, then why are we just voting on little
5 pieces of it? Why not throw it all on the table? If
6 we don't get to consensus, you're going to do what
7 you're going to do anyway.

8 Why try to pick out this piece and ask for us to
9 have consensus on these pieces when you have other
10 changes that you've already, well, you just stated for
11 the record that, you know, we didn't get consensus, so
12 we are putting this on the table. I'm just trying to
13 understand why we're taking these little pieces out
14 when you've already made changes to the language that
15 we didn't agree to.

16 MS. CASTRO-RAMÍREZ: So let me just clarify. So
17 as Jad mentioned, in August at our last negotiated
18 rulemaking session, there was no consensus on the use
19 of the data source. And there was agreement that a
20 non-consensus would result in HUD making a decision, so
21 that decision has been made.

22 The additional adjustments that have been put

1 forward by HUD and explained by Todd have been a result
2 of recognize and realizing that there are some errors
3 in the -- in the methodology and formula, and so -- or
4 the approach. And that's why these three components
5 are up for discussion and for a vote. We're not voting
6 on the data source. We're voting on adjustments.

7 Now, it is important for HUD to hear from
8 committee members both through discussion and
9 questions, but also through a vote, on whether or not
10 the -- it is important for us to take a vote on each of
11 them because it could lead HUD to de-couple these three
12 adjustments. We've not -- you know, at this point the
13 proposal stands as it is. It's a proposal with three
14 adjustments. However, in the discussion and voting
15 process, we are prepared to take back the feedback
16 based on the outcome of the voting on each of these
17 items.

18 So that's why I think it's important for us to
19 hear from the committee on how you all view each of the
20 adjustments that have been presented. And that's why
21 we also dedicated time, and, you know, that's why I
22 think it was important to have significant time to have

1 Todd and Peggy present each of the items because it is
2 important for us to hear from each of you on how you --
3 the impact of each of these items, you know, as it
4 relates to, you know, your community.

5 So it's not -- it's not a complete package, you
6 know. We would prefer that you vote on each of the
7 items.

8 MS. BRYAN: And I think just to move this along,
9 I'm going to clarify that there was a friendly
10 amendment to proposal number one to consider the green
11 and the yellow language, and that's what we're talking
12 about right now. Right now we're talking about that.
13 It's a full sentence, so the green and yellow together,
14 your friendly amendment. I'm just trying to stick to
15 the process.

16 We had a proposal for number one. Lourdes
17 proposed we add number two to it. Randy, do you have
18 that proposal to add number two to number one so we
19 know what we're talking about here because we are on
20 the clock. Just process.

21 MS. CASTRO-RAMÍREZ: So the green -- so, yes.

22 MS. BRYAN: We're combining the green and the

1 yellow. Okay. So I'll have you read that into the
2 record, and then we'll continue with our discussion.

3 MR. AKERS: Randy Akers, HUD. The language that
4 the co-chairs requested, it starts off on the screen,
5 the projected screen, it would be line nine. The
6 language is highlighted. The last word in that
7 sentence on line nine is "Adjusted for any
8 statistically significant undercount confirmed by the
9 U.S. Census Bureau, and updated annually using the U.S.
10 Census Bureau county-level population estimates for
11 Native Americans." That ends at the end of line 11,
12 number 11 on the screen version on the wall.

13 FEMALE SPEAKER: Gabe?

14 MR. LAYMAN: Thank you, Gabe Layman, Cook Inlet
15 Housing. First, let me just thank HUD and Todd in
16 particular for the work that you have done on this. I
17 think we all recognize that HUD had gone to significant
18 lengths to try to correct issues with the data source,
19 and we all are very appreciative of the work that
20 you've done.

21 Really as we consider this language, there are two
22 different things that we're looking at. First, whether

1 the adjustments that HUD has proposed in fact correct
2 the underlying issue that it's intended to adjust for.

3 And then second, whether there are any unintended
4 consequences of making those adjustments.

5 For this particular proposal, what is most
6 concerning to I think a number of folks at this table
7 is the latter issue, determining whether there are
8 unintended consequences. As I listen to Earl's
9 statements, if I hear Earl correctly, what he's saying
10 it's hard to determine really what's going on, if there
11 any other unintended consequences because there's been
12 very limited time in which to review the data run to
13 figure out what's moving around, and try to pinpoint
14 why those numbers are adjusting the way they are.

15 So for this proposal, speaking from the Alaska
16 perspective, our concern is perhaps less about what
17 this language is really intended to do and more about
18 determining whether there are unintended consequences
19 based upon the run provided. And for that reason, it's
20 really hard to provide either support or dissent at
21 this point simply because there's been so little time
22 to try to evaluate that data run and pinpoint where

1 data has moved and what the cause of that might be.

2 And I think Earl's example was very good.

3 MS. CASTRO-RAMÍREZ: I just have a question for
4 committee members. In light of what Earl shared
5 earlier about data -- the data run reflecting maybe
6 some errors, did other members also identify similar
7 problems with their data runs? I just want to get a
8 sense for whether or not we have a problem.

9 MR. DELGADO: I think that question is hard for us
10 at the table to be able to make that analysis or answer
11 that when, as Todd said, this got dropped on us at
12 10:00 last night. And so, we get here today, and we're
13 supposed to try to scramble to get it done. The time
14 to me is a major issue.

15 And so, my biggest concern is the inability to
16 adequately take a look at this, dig into it, and see
17 what impact it has. You have that first immediate
18 view, and like for us the impact is very -- it's
19 changed. And what concerned me and I know members of
20 the Southwest is these numbers have been a little
21 targeted. And I understand it's targeted, and it's
22 going to change. As we say, these numbers are not

1 going to be the same two years from now when they
2 actually go into effect in 2018.

3 But if we're trying to negotiate in good faith,
4 one of the things that I think is important is there
5 has to be a matter of time to be able to view, and
6 actually come to a decision, and answer that with the
7 time frame that we were given to review this.

8 MS. BRYAN: Is your card still up?

9 FEMALE SPEAKER: No.

10 MS. BRYAN: Oh, okay. Jon, you'll have time to --

11 FEMALE SPEAKER: Yes, he'll have time to ping.

12 DR. CUCITI: In terms of the run and its accuracy,
13 to your knowledge, all of what you see in terms of the
14 grant changes are accurate. And the tribe level detail
15 are accurate. There appears to have been a cut and
16 paste problem on the geographic line detail that caused
17 those oddball alignments of tribe to formula area. So
18 we will work on getting you that corrected data. But
19 the grant -- the run was correct. The simulation was
20 correct. The grant numbers should be corrected. And
21 apologies.

22 MS. CASTRO-RAMÍREZ: I've just got a question -- a

1 clarification question for Peggy. The statement that
2 you made regarding the cut and paste, is that just for
3 Chicago or is that for any of them?

4 DR. CUCITI: It could affect -- I don't think we
5 can say for certain that it would've affected only the
6 one region. It was probably correct up until a certain
7 point. It had to do with the sort and how it was
8 dropped in. So I wouldn't count on -- the data with
9 formula area is correct. It's just not against the
10 right tribe. So if you know your formula area, you've
11 got your data.

12 MS. BRYAN: Michael Thom?

13 MR. THOM: Michael Thom from Karuk Tribe. It's
14 hard for me to make a decision on an unknown error.
15 You haven't got in front of us, and she's saying that
16 it was cut and pasted and overlapping or whatever.
17 It's a formula she's saying is correct, but to me, if
18 it's not clear and precise, it's hard to make a
19 decision.

20 MS. BRYAN: Gabe?

21 MS. FIALA: Now it's Jack.

22 MS. BRYAN: Who? Jack?

1 MS. FIALA: It was Jack.

2 MR. SAWYERS: I think we all pretty well
3 understand where we are on the subject. I'd like to
4 call for the vote on those two items, number one and
5 two.

6 MS. BRYAN: We have a call for a vote on one and
7 two. Do we have consensus on the language presented in
8 front of us?

9 MR. DOLLARHIDE: Call for who's in favor?

10 MS. BRYAN: Who's in favor?

11 MALE SPEAKER: One and two?

12 (Members vote.)

13 MS. FIALA: Could you raise your hands a little
14 bit higher, please?

15 (Members vote.)

16 MS. BRYAN: Okay. Unless I'm missing something, I
17 think we have consensus. So we have consensus on one
18 and two. Thank you.

19 (Applause.)

20 MALE SPEAKER: You didn't ask for --

21 MS. BRYAN: All right, so do we have consensus?
22 Are there any no votes?

1 (No response.)

2 MS. BRYAN: So we do have consensus? When I say
3 that, I mean yes or no. If you have a no vote, can you
4 please offer an alternative? I mean, explain why and
5 then offer an alternative proposal.

6 MR. THOM: Michael Thom, Karuk Tribe. Like I said
7 earlier that when I'm going to make a decision that
8 affects a lot of tribes in this nation, it has to be
9 accurate numbers in there, and that's why I'm saying
10 no. And I would like to sit down and look over it --
11 look over the numbers longer to make an accurate
12 decision.

13 MS. FIALA: Jack and then Pete.

14 MS. BRYAN: We need an alternative presented.
15 That's the protocols. Michael, do you have -- do you
16 have alternative language?

17 MR. THOM: The alternative language, I said I
18 would like to see more accurate numbers, even if we
19 have to sit down and work them out together like
20 negotiations should be worked out together, not one-
21 sided the night before.

22 MS. FIALA: Did anyone else have alternative

1 language that voted no? Sam?

2 MR. OKAKOK: I'm cool.

3 MS. FIALA: Jon?

4 (Laughter.)

5 MS. FIALA: Next is Jon.

6 MR. OKAKOK: I'd just make a comment on Mike's
7 comment also that I think we need to sit down with more
8 accurate numbers. And being from a small tribe, we're
9 going to need to take a good look at numbers that
10 affect us. It's a huge impact, and not just a huge
11 impact. It's more to the negative side, and I need to
12 take a look at that. And I do agree with Mike's
13 comments. We need more time to look at the numbers.

14 FEMALE SPEAKER: So, I think it's Jon.

15 MR. TILLINGHAST: Jon Tillinghast. And I -- I
16 mean, I share everybody's concern about essentially
17 deciding in the dark on this. But in addition, a
18 couple of substantive points that if they were
19 addressed by amendments, it would cause me to
20 reconsider things.

21 One is that looking at it from a legal
22 perspective, you have to adopt regulations that have a

1 rational basis. Right now, in effect if not in intent,
2 you are presuming that in remote Alaska there is no
3 statistically significant undercount. You're making
4 that presumption by asking them to pay for undercounts
5 that have been demonstrated elsewhere, even though you
6 have no data.

7 I don't think that's rational. I think that's
8 arbitrary. I think that makes the draft regulations
9 subject to legal challenge. That could be avoided by,
10 I think, very rationally, assuming that there is an
11 undercount in rural Alaska based on, if nothing else,
12 the testimony that she got earlier today from Sam.

13 The other is because we have so much numeric
14 uncertainty on this, I'm really uncomfortable with
15 applying 4.88 percent, which I know is shorthand for,
16 say, the undercount, to all of the variables besides
17 just AIAN itself. My understanding is that ACS doesn't
18 do that. ACS doesn't gross up their variable counts by
19 4.88 percent because a Census study showed there was
20 that amount of money. I may be wrong, but my
21 understanding is you're trying to be close to ACS, but
22 ACS doesn't do that.

1 I would suggest as a second amendment confining
2 the 4.88 percent to -- just to the AIAN count. With
3 those two amendments treating rural Alaska rationally,
4 in my mind, and confining the 4.88 percent to where
5 it's justified and where it's more consistent with the
6 ACS, would, I think, probably take care of my concerns.

7 MS. FIALA: So, Jon, do you have language that you
8 could provide?

9 MR. TILLINGHAST: You've got to be kidding.

10 (Laughter.)

11 MR. TILLINGHAST: I would delegate that language
12 to the drafting committee.

13 (Laughter.)

14 MALE SPEAKER: You are the drafting committee.

15 MR. LAYMAN: Thank you. Gabe Layman, Cook Inlet
16 Housing. I have two quick comments. First, I'd say we
17 respect Michael's comments deeply. You know, we
18 appreciate that. FirstPic in particular is working
19 feverishly to get this information out to us to produce
20 a really high-quality product in a time frame with
21 which they had to produce the data runs pretty tight,
22 we understand. And, you know, it's clear that one

1 perhaps a typographical error that involved -- in
2 cutting and pasting was made.

3 I think the concern that some of us have is, you
4 know, there was one potentially harmless error that was
5 made. And we would simply appreciate the opportunity
6 to review the data run and confirm that there are no
7 other apparent errors that actually are substantive in
8 nature, and simply haven't had the opportunity to do
9 that at this point.

10 Second, I would concur with a portion of what Jon
11 has said in particular, which is when we look at this
12 4.88 percent adjustment, our read is that that 4.88
13 percent adjustment under the language that's
14 highlighted in yellow would apply only to the AIAN
15 population variable, not to the other six variables.
16 That would be taken out under the language that's
17 highlighted in blue below.

18 So with that in mind, I would say we don't have a
19 substantive objection to the yellow language with the
20 exception of our concern about the opportunity to fully
21 review and understand the data run and ensure its
22 accuracy.

1 MS. BRYAN: Lourdes? Did Patterson have his card
2 up?

3 FEMALE SPEAKER: Yes.

4 MR. DOLLARHIDE: Yes.

5 MS. BRYAN: Okay, Patterson and then Lourdes.

6 MR. JOE: Thank you. Patterson Joe, Navajo
7 Housing Authority. If the first and second proposals
8 were kept separate and we're allowed to vote on each
9 one separately, I think I would vote for at least one.
10 The second one is way too indefinite. I don't know
11 what the consequences are going to be, and right now to
12 sit here I probably wouldn't vote in favor, and because
13 of that, it would cause me to vote against voting.

14 MS. BRYAN: For process, are you offering an
15 alternative that we vote on adjusted for statistically
16 significant undercounts confirmed by the U.S. Census
17 Bureau and strike the rest? I'm just saying, you know,
18 our protocols say if you're going to vote something
19 down, that you are to offer an alternative proposal to
20 vote on, okay? So if you've got your thumb down, you
21 need to put something up on the board for us to
22 consider. Thank you. Lourdes?

1 MS. CASTRO-RAMÍREZ: So I would like to propose in
2 light of the conversation regarding the data and the
3 cut and paste mistake, it will take about 30 or 45
4 minutes for us to, I understand, Mindi, for us to
5 gather the information to pull together a new data run
6 and spreadsheet for each of you.

7 I'd like to propose that maybe we stop the clock.
8 We allow for FirstPic to generate the data and make
9 that available to each of you, and that we resume
10 tomorrow with a vote on the language that was voted
11 down today. It sounds like several of the concerns
12 are, you know, are really with regard to the fact that
13 there is a need to ensure that there's accuracy in the
14 data that everyone is reviewing, and we acknowledge
15 that there was a mistake. And so, I think it is
16 important for us to be able to provide you all with
17 accurate information so that you all have some time to
18 review it tonight, and then we can come back and vote
19 on the item that was voted on -- that was -- this item
20 that we were unable to reach consensus.

21 MS. BRYAN: Thank you. I see Sam's card up.

22 (Laughter.)

1 MS. BRYAN: I think you like the idea of breaking
2 for the day. We have a proposal on the table to stop
3 the clock and break for the day, so I believe the
4 protocols say that the co-chairs can stop the clock and
5 take -- call for a break in the middle of a discussion.
6 And so, at this point in time, given the nature of the
7 break and the reason it's being called, did you want
8 to --

9 MR. SAWYERS: I just want to ask a question.

10 MS. BRYAN: Okay. So we're going to do that.
11 Jack has a question.

12 MR. SAWYERS: I'm just asking if the folks who
13 voted against this proposal, if they had 24 hours,
14 would that make any difference. There's no reason to
15 prolong it if we're set. If they're not, then it's
16 worth it. So I'm just saying with the folks who voted
17 against it, would another run -- would any of those
18 kind of things make any difference, because that stuff
19 is important.

20 MS. BRYAN: Thank you. Agree. Jason has a card
21 up over there.

22 MR. ADAMS: Jason Adams, Salish-Kootenai Tribe. I

1 guess what I would like to ask the committee is, is if
2 we could move ahead with the third -- I guess which
3 became the second part of this, that last adjustment
4 factor and vote on it, have a discussion on it at
5 least. Stop the clock on number two, start the next
6 one. And if there's issues that have to be addressed
7 tonight, if HUD is going to have to massage some
8 language or something, we'd have this evening to work
9 that out if possible. But we won't know that until we
10 go over that. So if we can at least start the
11 discussion.

12 MS. BRYAN: That's a very good suggestion,
13 especially in light of before we break for the day, we
14 can have the opportunity to address any additional
15 concerns. There was a question on -- I'll go back to
16 Jack's question for a minute and have the dissenters
17 speak on the question is, if you get a new data run,
18 will you be able to come to the table with perhaps a
19 different vote.

20 MR. TILLINGHAST: My concern is on the scope of
21 the use of 4.88 and on treatment of rural Alaska. I
22 probably won't be affected by whatever run you do

1 tomorrow.

2 MS. BRYAN: I appreciate that. Gary?

3 MR. COOPER: Can you at least bring us back an
4 alternative and ask for our protocols by tomorrow?

5 MR. TILLINGHAST: You mean actual written
6 language?

7 MR. COOPER: Yeah, something to consider.

8 MR. TILLINGHAST: Yeah, I can do that, have it by
9 tomorrow morning.

10 MS. BRYAN: Sami?

11 MS. DIFUNTORUM: Thank you. I wasn't under
12 censure, but my question was actually for Jon, and if
13 there was a methodology that would include rural
14 Alaska. I understand your concern, and I'm with you on
15 that.

16 MR. TILLINGHAST: Well, there are two options, and
17 I'd rather actually prefer -- I'm from Juneau, so
18 that's not rural Alaska. It's rural to a lot of folks,
19 but not Alaska. But Kodiak is rural and Barrow is
20 rural. The actual term is "remote," not "rural."
21 There are two ways of going about it. One is to hold
22 rural Alaska harmless by simply pulling them out from

1 the whole divvying up the 4.88. Do the calculations
2 first, and then divide it by 4.88 with everybody that's
3 left.

4 The other is to add rural Alaska to the 4.88 sub-
5 universe. And I'm perfectly willing to listen to folks
6 as to what the general center is. On that one, I think
7 that's a tougher question. I'd like to hear from rural
8 Alaska people, myself and --

9 MS. FIALA: Lourdes and then Sam.

10 MS. CASTRO-RAMÍREZ: I was actually going to ask
11 Todd if he could explain his question for all of us,
12 the impact to the rural communities in Alaska.

13 MR. RICHARDSON: So it's a valid point that we
14 don't have evidence from the Census -- follow-up survey
15 on the Decennial Census to say that we do not have data
16 for remote Alaska on whether they're undercounts or
17 overcounts.

18 In terms of characteristics, remote Alaska would
19 be quite similar probably to a lot of our reservation
20 and tribal areas that did have an undercount. Hard
21 areas that need a good count of housing units, hard to
22 reach folks who may not be home. So, you know, I think

1 it is definitely a valid point worth considering the
2 proposal here that we treat the remote Alaska area
3 class of villages that were not part of the CCM study
4 as we do for the reservation and trust land.

5 Now, there isn't the statistically significant
6 evidence that we have for the reservation and trust
7 lands, but there's no evidence one way or another. But
8 the characteristics of remote Alaskan villages suggest
9 that this is an idea that we could absolutely consider.

10 MS. FIALA: Sam next.

11 MR. OKAKOK: Thank you. I want to stand here and
12 just address this. I appreciate your comments there.
13 It really is a double-edged sword for rural Alaska on
14 this because we are not seeing the appreciation of the
15 4.88 percent being added to rural Alaska. Plus at the
16 same time we're going to be charged with that. And so,
17 we're getting hit on both sides of that, and that is
18 still kind of stunting us right now and the way this is
19 being handled, and why we're being excluded is kind of
20 hard to take in.

21 We look at the Census numbers. We hear any
22 numbers from anywhere from one to nine percent. We're

1 looking at actual numbers in Barrow more towards 23
2 percent, right along there. And I wish it was, you
3 know, much lower, but, you know, we are getting hit
4 very hard with this.

5 And so, I would appreciate some kind of language
6 that could take rural Alaska into consideration for
7 this, and including many of the high numbers of the
8 undercounts. Thank you.

9 MS. BRYAN: Thank you. Can we please, everybody
10 -- I think where we're at, stop the clock on discussion
11 one and two or round one. There's probably going to
12 be, I hear, a couple of TA requests going on so the
13 data will be accurate in regional areas on it. We'll
14 also do a request for the 4.88 and apply it to Alaska
15 and see what that is, remote Alaska because the rest of
16 us are going to vote on it when we get to that.

17 Now, where we're at on the agenda, Jason Adams had
18 a very good suggestion that we move to the next
19 proposal. So I'll hand it back to Randy and make the
20 proposal to the group.

21 MR. AKERS: Thank you. Randy Akers, HUD. HUD
22 proposes the language that's highlighted in blue on the

1 screen that's projected on the wall there. On that
2 projected screen document, it begins with line number
3 14, and this goes toward the weighting aspects that
4 Todd had given us an overview earlier.

5 This language reads, "Adjusted by the ratio of the
6 count of AIAN persons as provided by paragraph (b) (i)
7 of this section to the ACS count of AIAN persons."

8 MS. BRYAN: Thank you. I do have a question.
9 (b) (i) of this section is what we just tabled. Is that
10 correct?

11 MR. EVANS: Earl Evans, Haliwa-Saponi Indian
12 Tribe. I've got a question about something. I don't
13 know, I may not be accurate in what I think I heard.
14 But if my understanding is correct, then what's being
15 done at paragraph (a) of what HUD has proposed is
16 what's already in practice. And I think all the
17 feedback that I've heard is in regards to -- mostly in
18 regards to paragraph (b) and what comes after.

19 And if that's the case, if we split them up the
20 way someone else has suggested that we split them up,
21 one, two, and three. I can't recall who it was. But
22 my question is, if we split it up in one, two, and

1 three, and we vote on paragraph (a) of what was
2 proposed by HUD first, then would it be possible that
3 we may have consensus, because I think all of the
4 discussion about opposition is centered around
5 everything else there and not (a), which is already
6 occurring. But I could be wrong in that assumption.
7 That's what it seems to me.

8 MS. FIALA: Randy?

9 MR. AKERS: I'd like to yield over to Jad Atallah
10 to respond.

11 MR. ATALLAH: Jad Atallah, HUD's Office of General
12 Counsel. I don't know, Earl, if you mean -- if you
13 mean (a) up there relating to the language that's not
14 highlighted. Is that's what you're referring to?

15 MR. EVANS: 1000.338. I can't see what's up
16 there.

17 MR. ATALLAH: Okay. So the language up there
18 under (a) is language that was, I believe, already
19 approved by the committee two sessions back. And it
20 deals with the -- retaining the data source that we
21 currently have through 2018. Starting at (b), the
22 regulation starts dealing with what happens starting in

1 Fiscal Year 2018. So (a) is already committee
2 approved, and (a) already -- just deals with the data
3 source issue through 2018 that the committee agreed
4 would be the same -- the data source we currently use
5 that we've sort of frozen in time to 2018.

6 So I think our suggestion would be to focus mostly
7 on (b) (i) and (b) (ii) for purposes of this session.
8 This data is sort of resolved, and just deals with that
9 data and just deals with that data source issue through
10 2018.

11 MS. FIALA: Randy?

12 MR. AKERS: Randy Akers, HUD. Just in response to
13 the question regarding the procedure that Co-Chair
14 Bryan had raised, it is true that in looking at the
15 blue highlighted language that it does refer to
16 Paragraph (b) (i), and that we have stopped for the
17 moment discussion and action on the highlighted
18 language in (b) (i), and that we have stopped for the
19 moment discussion and action on the highlighted
20 language in (b) (i). I would ask the committee if you
21 all would be -- if you'd be open to the idea of
22 discussing the language highlighted in blue with just

1 an assumption, an assumption if that language that was
2 highlighted in (b) (i) were to be approved by the
3 committee, you know, how would it work. Just to better
4 understand, better understand the mechanics of how the
5 weighting language that's highlighted in blue could
6 work.

7 I think that there's value in that, and that that
8 might be a good use of our time today. But I'd just
9 offer that for the committee and see how the committee
10 would like to proceed.

11 MS. BRYAN: Thank you. Jason?

12 MR. ADAMS: Jason Adams, Salish-Kootenai. I guess
13 I would ask at this point then that we call for the
14 question on this piece here and vote, and see what
15 happens then. Thank you.

16 MS. BRYAN: We have a call for the question. Do
17 we have consensus on "adjusted by the ratio of the
18 count of AIAN persons" as provided by paragraph (b) (i)
19 of this section to the ACS count of the AIAN persons?

20 (Members vote.)

21 MS. BRYAN: Okay. Well, clearly we do not have
22 consensus. Would anybody like to explain why and offer

1 an alternative?

2 MR. ADAMS: Jason Adams, Salish-Kootenai. I guess
3 the issue that was raised for me with the proposal was
4 the inclusion of ACS, and so we cannot support that.
5 And so, the issue that comes back is then what's the
6 alternative. The alternative that I would propose is
7 to strike the (ii), that whole section, and then up in
8 (a) strike "until Fiscal Year 2018." And that would
9 solve the problem.

10 MS. BRYAN: We have a friendly -- or we have an
11 amendment. Does the proposer accept the amendment?

12 (Laughter.)

13 FEMALE SPEAKER: I took that word out.

14 MR. AKERS: Randy Akers, HUD. With all due
15 respect, no, I can't accept that proposed amendment,
16 and would ask that the language that originally was
17 highlighted, that it remain under consideration -- full
18 consideration and discussion and action by the
19 committee.

20 MS. BRYAN: So there is a proposal to have the
21 original proposal. We've already given it a non-
22 consensus vote. Anyone else with a non-consensus offer

1 and alternative? There were many of you.

2 MS. FIALA: Sharon?

3 MS. BRYAN: Sharon?

4 MS. VOGEL: This is Sharon Vogel. I don't
5 necessarily have an alternative because I support the
6 alternative that Jason gave. However, I think that you
7 will recall that when we had the previous negotiation
8 sessions and there was an attempt to bring up
9 variables, it was never discussed. So how in the world
10 do you expect us to vote on variables when you refuse
11 to discuss them during negotiations? Thank you.

12 MS. BRYAN: Lourdes, is your card up? Okay. I'm
13 going to double check my protocols. I think this might
14 be --

15 (Pause.)

16 MS. BRYAN: Okay. So this states that the chair
17 can decide to take a break on the matter if there is no
18 consensus. I would move that we table this vote so
19 that it doesn't die, so that we can keep it on the
20 table until tomorrow.

21 MALE SPEAKER: We can't hear you.

22 MALE SPEAKER: You need to speak up there.

1 FEMALE SPEAKER: Louder.

2 MS. BRYAN: I do have the authority to table the
3 matter for a limited time according to our --

4 MALE SPEAKER: After it's been voted down?

5 MS. BRYAN: But it has been voted down. So I
6 would like a five-minute break to check my protocols
7 because we did just vote this down. Are there any
8 other opposers would like to offer an alternative?

9 MS. FIALA: Sami Jo.

10 MS. DIFUNTORUM: Sami Jo Difuntorum. I would like
11 to propose that we come back to this after the (i) has
12 been revisited tomorrow because the language in (ii)
13 refers specifically back to that paragraph. So I don't
14 know how we can really vote on the language as
15 presented anyways.

16 So that's my proposal. We can come back to it
17 after -- the co-chair is asking to stand down -- she
18 decides what she wants.

19 MS. BRYAN: So we have a proposal to table this
20 until tomorrow because it does follow the previous two
21 sentences that we talked about earlier. Jason?

22 MR. ADAMS: I guess I just wanted to make a point

1 of order. Jason Adams, Salish-Kootenai. We had agreed
2 to -- initially this morning we had -- we were going to
3 take these individually. Then there was an amendment
4 made to put the first two together. We took an action,
5 and that one is still open for discussion.

6 This third piece stood on its own. A proposal was
7 made, and it was voted down. An alternative was given.

8 That was voted down. And so, at least in my opinion,
9 this issue is dead. There is nothing to reconsider
10 tomorrow. By the protocol, this talks about
11 reconsideration. I think there's a consensus of the
12 group to bring it back to the table tomorrow.

13 MR. DOLLARHIDE: Yes, that is correct.

14 MR. ADAMS: So if that's what you want to do
15 tomorrow, I'm fine if you ask to bring it back. We
16 can't table something -- that's my point.

17 MR. SAWYERS: I'm going to ask the same question I
18 asked before. If we had more time to look at this, had
19 overnight to study it, would we still vote against it?

20 And I think as far as I'm concerned, I would not
21 because I don't think ACS is -- I think it's a big
22 sample, but I don't think it's accurate. I think it --

1 And so, I wouldn't -- you can have all the time
2 you want, but I think we're just spinning our wheels
3 because we made it pretty clear in the last session
4 that ACS was something that we oppose, and keeping it
5 on the table is not going to help.

6 MS. BRYAN: Thank you. And according to the
7 protocols when we vote a matter down, we have not
8 achieved consensus by the committee. And with respect
9 to reconsidering, we can do that tomorrow. It can be
10 re-proposed again with a three-quarter vote of the
11 committee. So according to the protocols, this issue
12 has been voted down. We did not reach consensus.

13 So with that, we are, I believe, at the point in
14 the agenda where we're ready for our closing remarks.
15 No, actually we have to have a public comment period.
16 My apologies. So we'll have Lourdes explain how we're
17 going to do that, or maybe Sara.

18 MS. CASTRO-RAMÍREZ: Madam Chair, I was not
19 prepared to explain about the public comment.

20 MS. BRYAN: Oh, sorry.

21 MS. CASTRO-RAMÍREZ: I just wanted to share with
22 everyone that we are printing the data run, the updated

1 information. That should be ready here in the next 10
2 minutes or so. And just for clarification, tomorrow
3 morning we will resume with the first item that was --
4 where we did not reach consensus, but there was
5 agreement that based on the information that we were
6 going to be providing today, we would be able to go
7 back for approval. Is that correct? Okay. And so --

8 MS. BRYAN: So the first issue that we tabled.

9 MS. CASTRO-RAMÍREZ: So on the adjusted -- the
10 adjusted statistical significant undercount, and also
11 on the use of the county-level population estimates,
12 that item will be --

13 FEMALE SPEAKER: We have time on the clock, yeah.
14 Yeah.

15 MS. CASTRO-RAMÍREZ: Okay. And so, again, for
16 clarification, the second item has been voted down, but
17 for the protocols, HUD can propose --

18 FEMALE SPEAKER: Only if -- when three-quarters of
19 the committee agree to reconsider it, you can ask for
20 that.

21 MS. CASTRO-RAMÍREZ: Okay. Very good.

22 MS. FIALA: We're going to open up for our public

1 comments. So if you would like to speak on the record,
2 you're more than welcome to do so. Please stand up and
3 make your way towards the table so we can pass the
4 microphone back to you. And if you could please
5 identify yourself by name for the record. Thank you.

6 MR. JACOBS: Leon Jacobs, Lumbee Tribe. I would
7 like to recognize a tribal chief for the MOWA Choctaw
8 from Alabama if we could introduce him.

9 (Applause.)

10 MS. FIALA: Would you like to say a few words?

11 (No audible response.)

12 MS. FIALA: Okay.

13 MS. BRYAN: Thank you very much, and welcome. And
14 welcome to all of our representatives and tribal
15 members. We appreciate your time here. We will also
16 have open comment period after tomorrow's meeting, at
17 which time the public is welcome to come and provide
18 public comment.

19 It has been a long day. It has been a productive
20 day. I appreciate everybody's time and patience as we
21 move through this process. And with that, I'm going to
22 ask Mellor Willie to close us in prayer.

1 MALE SPEAKER: What about tomorrow? Are we going
2 to meet here --

3 MALE SPEAKER: Downstairs?

4 MALE SPEAKER: Downstairs?

5 MS. BRYAN: So logistics for tomorrow are we --

6 MALE SPEAKER: We'll know in the morning.

7 MS. BRYAN: Let us hand it to over HUD if they
8 know that.

9 FEMALE SPEAKER: That's a good question, where and
10 when.

11 MALE SPEAKER: Nine o'clock is a better time.

12 FEMALE SPEAKER: Yeah, it is.

13 FEMALE SPEAKER: I like 10:00.

14 MS. CASTRO-RAMÍREZ: So logistics for tomorrow, as
15 of now we have not received any notification that
16 government offices are closed. And so, let's -- you
17 know, let's hope and pray that that, you know, does not
18 change. Assuming that government offices are open
19 tomorrow, we should not have the challenges that we
20 have today with regard to the room, and the
21 technological challenges, and the setup.

22 So I would ask, though, because we have a number

1 of staff members that -- IT and facility staff members
2 that have to help with setting up the conference room,
3 I would ask that we begin at 9:00 in the morning just
4 to ensure that everyone -- that we have a sufficient
5 amount of time to be ready.

6 With regard to coming into the building, just the
7 same as today, you know. Please make sure that you
8 bring your identification. We'll go through security.

9 Staff will be ready and available to escort you. In
10 the event that there is a government closure, we will
11 either come back to this room, or move to a room on the
12 10th floor. We hope that that's not the case.

13 I would just propose, Madam Chair and Mr.
14 Chairman, that we begin the meeting tomorrow at 9:00 to
15 give us time to set up and be ready for day two.

16 FEMALE SPEAKER: Thank you. Are we in this room
17 tomorrow?

18 MALE SPEAKER: We don't know.

19 MS. CASTRO-RAMÍREZ: No, we don't know.

20 MS. FIALA: And with that, if you could just
21 please remember to bring your name badges back. You
22 are required to wear them in the building. So please

1 stick them in the bag or stick them in your book and
2 remember to bring them back with you tomorrow. You can
3 leave your table tents here. We will move them if
4 needed. But, please, if you have any other papers or
5 documents or -- please don't leave any personal items
6 here because I don't know. We'll have to move
7 everything to another room, and I don't know what that
8 security is like here. So thank you.

9 MS. BRYAN: Thank you very much. Now, we will ask
10 Mellor Willie to give us a closing prayer.

11 MR. WILLIE: If we could all bow our heads. Our
12 dear Heavenly Father, we're thankful that we can gather
13 here today as brothers and sisters in Indian housing.
14 We're thankful that we were able to get here in peace
15 and safety, and we're thankful for a productive day in
16 which we were able to have a healthy dialogue on the
17 issues important to our people. Heavenly Father, we're
18 thankful for the contribution and the mission of the
19 people who are here who put their people first, and we
20 all are gathered together with one vision, and that's
21 to help Indian people.

22 Heavenly Father, we ask a special blessing upon

1 these folks as they head to their lodging this evening,
2 that they may head there in peace and safety, and they
3 may gather back again here in peace and safety.
4 Heavenly Father, we also ask a blessing upon our
5 families who are -- who are home, that they are
6 constantly watched over. And as these folks sacrifice
7 their time to be here and away from their families,
8 that their families are protected and watched over.
9 Heavenly Father, we ask a blessing upon those who are
10 needy and sick, and those people who may be (inaudible)
11 this evening, that they are watched over.

12 Lord, we're very thankful for all Thy many
13 blessings. And we say these things in Thy Son, Jesus
14 Christ. Amen.

15 (A chorus of "Amens.")

16 MS. BRYAN: Thank you, Mellor. Thank you,
17 everyone.

18 FEMALE SPEAKER: Just a quick announcement.

19 MS. BRYAN: We have an announcement from FirstPic.

20 FEMALE SPEAKER: So we have confirmed that the
21 handouts that you have are correct. They only include
22 the dollar amounts. We are going to re-post the detail

1 sheets that have the cut and paste error in the formula
2 area. It did not affect any of the data, and we
3 confirmed that. So we're going to put that up as soon
4 as --

5 MS. FIALA: It did not affect any data that was
6 used in the run. What you saw against a tribe might
7 have been in error because it was showing the wrong
8 formula area. On the --

9 FEMALE SPEAKER: But it's being posted. We're
10 going to post it --

11 MS. FIALA: Re-post it.

12 FEMALE SPEAKER: -- as soon as we can, and the
13 file name will be corrected so that you can tell the
14 difference.

15 (Whereupon, at 6:26 p.m., the meeting was
16 adjourned.)

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