

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

4

5 Wednesday, July 30, 2014

6 8:32 a.m.

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19 Sheraton Downtown Denver

20 Majestic Ballroom

21 1550 Court Place

22 Denver, Colorado 80202

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

2 MS. BRYAN: Good morning, everyone. Go ahead and  
3 get seated.

4 Welcome to day two of Session 5 of negotiated  
5 rulemakings, formula negotiated rulemaking.

6 This morning, we would like to open up with a  
7 prayer, and we've asked Michael Thom to give that to us  
8 -- for us.

9 MR. THOM: Good morning, everyone. I'd like to  
10 first thank everyone for showing up at a decent time to  
11 do this important work together.

12 Heavenly father, thank you for bringing us all  
13 together. Thank you for deliberations each day and  
14 each night as we work through our endeavors to conquer  
15 this housing problem that we have in our nation.

16 Bring our tribes together so that we come to a  
17 common conclusion and look over us each day.

18 Thank you. Amen.

19 MS. BRYAN: Thank you, Michael.

20 So, yesterday, we broke into our workgroups and  
21 spent most of the day working in workgroups. This  
22 morning, I believe the FCAS was on Number 9, NAHASDA

1 funded units. And the needs workgroup will be having a  
2 presentation of formula overlapping areas. So that's  
3 where we're going to break out to.

4 I know a lot of groups were working into the  
5 night, working on a study project with the needs  
6 workgroup. So thank you, those of you who did that,  
7 and I'm sure there was some other language drafting  
8 going on in different rooms.

9 So, today, what we're going to do is break into  
10 workgroups, and we'll be in workgroups all day again.  
11 For the public, we'll have public comment around 5:15  
12 this afternoon. And that is our day for today.

13 So any questions or additions to summary of day  
14 one and day two?

15 (No response.)

16 MS. BRYAN: Okay. Would we like to have a report  
17 out to the full committee on the workgroups last night,  
18 or we'd like to wait until later this afternoon? This  
19 afternoon. Thank you.

20 Any other? There was a request for caucus  
21 yesterday afternoon. I would like to know if there is  
22 still a request for caucus this morning. Who brought

1 it up? It was Jack. But are we going to caucus this  
2 morning?

3 MR. SAWYERS: I think we should wait until just  
4 after lunch.

5 MS. BRYAN: Okay.

6 MR. SAWYERS: That'd be the first thing we do  
7 right after lunch.

8 MS. BRYAN: We'll keep that in mind. Right after  
9 lunch, if we're ready for that at that time, the  
10 regions will caucus and catch up with each other on  
11 what we've been learning and doing in our workgroups.

12 So, with that, I would like us to break into  
13 workgroups, and thank you for showing up on time.  
14 Thank you for all your hard work. I look forward to  
15 another productive workday. And we'll meet back here.

16 I think to break into caucus, we'll just do that  
17 through our workgroups. And is there a caucus workroom  
18 schedule or matrix or chart? I know that our  
19 workgroups tend to break at different times for lunch.

20 So let's just everybody be mindful and communicate  
21 with each other.

22 Carol?

1 MS. GORE: Just a quick question. The room for  
2 the needs workgroup is a little awkward for a  
3 presentation. We're struggling hearing each other. So  
4 I'm wondering if we could stay in this room for the  
5 presentation this morning? So I'm asking Gary if he  
6 thinks that's a good idea.

7 Thank you.

8 MR. COOPER: And I think that would be ideal. My  
9 first thought is that we put off the presentation for  
10 the current time and go ahead and break into our  
11 workgroups to finish what we had discussed last night,  
12 if that is acceptable to anyone -- everyone? And just  
13 see where we're at as far as our workgroup goes.

14 Because I'm not 100 percent sure if the  
15 presentation is ready. But it may be. I'll do some  
16 checking just as soon as we take a break. I thought it  
17 might be good to start our day with what we had  
18 discussed last night.

19 MR. DOLLARHIDE: Jason Dollarhide, Peoria Tribe.

20 That's fine, Gary. I just want to make sure that  
21 the presentation doesn't get -- doesn't get put off,  
22 that we do have that presentation on the overlapping

1 areas.

2 MR. COOPER: Okay. They are ready to do the  
3 presentation. So, with that, our workgroup can meet in  
4 here for the presentation, and then we'll break back  
5 off. So anyone who's interested in a presentation on  
6 formula overlapping areas is free to stay in the room  
7 here. We would welcome them.

8 MS. BRYAN: Great. Thank you.

9 So let's go ahead and break into workgroups, and  
10 we'll be in here for formula overlapping areas and then  
11 moving into the Columbine, and the FCAS will be in the  
12 -- I believe the Vail Room.

13 See you back at 5:00 p.m.

14 (Recessed at 8:38 a.m.)

15 (Reconvened at 5:05 p.m.)

16 MS. BRYAN: Welcome back. It is 5:05 p.m. We'll  
17 call the meeting back to order.

18 We'd like to start with thanking everybody for all  
19 the hard work and accomplishments that we have today.  
20 Had some meaty discussions. And we'll go ahead start  
21 with the FCAS workgroup, Jason Adams.

22 MR. ADAMS: I guess that's me. Good afternoon,



1 everyone. Jason Adams, Salish Kootenai Housing  
2 Authority.

3 In regards to the FCAS workgroup and the work for  
4 today, I don't want to take up too much time, but I'll  
5 give you a review of what we -- what we've  
6 accomplished.

7 One of the things I ended yesterday's report on  
8 was a TA request for a document that would be produced,  
9 and I want to acknowledge the staff from last night  
10 because they got right on the request and by this  
11 morning had us a draft. And so, that was really the  
12 first thing that our workgroup was able to do was take  
13 a look at this document.

14 And it kind of puts everything in order for us,  
15 and I think they did this so I wouldn't misspeak so  
16 much on where we're at. So it's a good document. It  
17 helps us to -- to keep track of our process and where  
18 we're at.

19 First of all, we did get the document done. We  
20 reviewed it and revised it. There were some things  
21 that we had actually forgot that we accomplished  
22 previously on some of our tasks, and so we did those

1 issues and went through those issues again.

2 Then we went back through the document after just  
3 reviewing it for correctness and historical  
4 correctness, going back through it and then revising it  
5 or going to it as a tool to where our progress is at.  
6 I'm kind of tongue twisted there. Sorry.

7 First of all, you know, as I've reported  
8 previously, we are ready for language -- and it's on  
9 the Web page -- for the demolition and rebuilding of  
10 units. So that language is still out there.

11 Second item on our list was the FCAS factors, and  
12 we are still -- and that's the Indian Housing Cost  
13 Operation Study that was done in 2008. And we're going  
14 to get that presentation done at the beginning of our  
15 next meeting to take a look at that.

16 And the -- as I reported again, the 515 data that  
17 we're going to wait for probably won't be done, but now  
18 I'm hearing, and maybe there's going to be a discussion  
19 on this from the needs, is that our work for this  
20 negotiated rulemaking won't be done in August. It will  
21 extend for the time of the study group. So that will  
22 help this issue with our FCAS workgroup.

1 Mutual Help, conveyance of units. We did have a  
2 pretty extensive discussion on that issue again, and we  
3 passed it on to a subgroup that's working on that, and  
4 they're getting some traction on that issue. And  
5 they're going to be prepared to come back to the FCAS  
6 workgroup at our next meeting in Scottsdale with some  
7 language on that issue.

8 Of course, you know that issue is a huge issue  
9 right now for everybody, and so we want to make sure  
10 that we bring something back that we've fully vetted.

11 Item 4A on our list is the 306 regarding Section 8  
12 units. I mentioned that previously. So whenever we're  
13 ready to negotiate that, that's an issue we'll bring to  
14 the table as a technical correction to the regulation.

15 4B, conversions. We actually started off this  
16 morning with a discussion on that issue. We had our  
17 drafting committee working on some language. We  
18 revisited that issue this morning and actually finished  
19 language, and so that will be posted on the FCAS  
20 workgroup page as a proposed language for that issue.

21 So, again, whenever we're ready to negotiate at  
22 the committee here, that language will be presented to

1 you. But it's out there. You can take a look at it  
2 now.

3 As I reported previously, the FCAS money, those  
4 that are receiving FCAS with no need or very little  
5 need was an issue that we've taken a look at. And we  
6 studied it, and we're saying that there's really  
7 nothing that we can propose, come to any kind of  
8 agreements on limiting those folks that are in that  
9 situation.

10 The big hurdle is the statutory language that sets  
11 that floor on the '96 hold harmless language, we're  
12 calling "hold harmless." It says that you don't  
13 receive any less than what you received in '96.

14 We've spent a majority of the day on Item Number  
15 6, which is our time limitation on grantee  
16 expenditures. We actually had our drafting committee  
17 and sub-workgroup working on this issue this morning.  
18 They came back to us this afternoon, and we had a good  
19 discussion on the parameters of this issue because that  
20 was one of the things the sub-workgroup was working on.

21 And then we also got presented to us some  
22 language, proposed language that came from them. Jack,

1 it was theirs. And so, that was talked about right up  
2 until we finished our business here just a few minutes  
3 ago. We are still discussing that draft language.  
4 Some of the parameter issues we're dealing with in  
5 there are really what's holding it up.

6 Part of the big discussion this afternoon was, and  
7 I don't know if everybody has heard, but the House  
8 committee passed a bill just this morning, and it --  
9 Congressman Pearce's language is what passed that  
10 committee, going to the full House here soon. And that  
11 has some language in there that's kind of addressing  
12 this issue. And so, if that language lasts, that's  
13 going to be kind of -- kind of, again, some of the  
14 boilerplate we're working off of.

15 The last issue I'm going to report on that issue  
16 is we did have a TA request in on for LOCCS balances,  
17 and that process had to go through a FOIA request.  
18 That request was granted and was fulfilled this  
19 afternoon, and we received that data and was able to  
20 bring that in.

21 It was very timely. It came right in on our  
22 discussion on this issue, and we were able to look at

1 that FOIA request data, and it lists all of the folks  
2 that with their LOCCS balances and also what their 2014  
3 grant will be. And so, we have -- it was good, timely  
4 data, especially with the -- the Pearce language that's  
5 out there and seeing how that has potential effect and  
6 who potentially will be affected.

7 We did finish our discussion this morning on the  
8 other issues, the statutory 306. We're again waiting  
9 for BIA and IHS data. The HUD processes, we've  
10 completed that work on the HUD notices and guidances  
11 that are out there. We went through all of those.

12 NAHASDA assisted units. We are still going to  
13 come back, you know, later on and talk to that issue  
14 again. So that's still on our agenda.

15 And we did have an Item Number 10 that we forgot  
16 about from previous meetings that we did finish some --  
17 some reviewing the issue that was on our list for data  
18 challenge procedures, and we've studied that issue, and  
19 we didn't have anything to present. We will not have  
20 anything to present to the full committee.

21 So that is the product of the workgroup to date.  
22 I guess an agenda item, I don't know when we're going

1 to talk about it here this afternoon -- after the  
2 reports maybe -- is what happens tomorrow. I would  
3 like to know what happens tomorrow.

4 That's it for the FCAS. Thank you.

5 MS. BRYAN: Thank you, Jason. Are there any  
6 questions for Jason?

7 (No response.)

8 MS. BRYAN: We will be having a discussion about  
9 the agenda just to see what we want to do. We've had a  
10 request to -- from the needs side and potentially from  
11 your side to go into workgroups tomorrow. So we'll  
12 hash out the agenda before we leave here tonight.

13 Next, we have an update from the needs workgroup.  
14 So, Gary Cooper?

15 MR. COOPER: Thank you. We started off our day  
16 this morning with a presentation for formula overlap  
17 areas. So there was a presentation presented to us.  
18 There was some handouts, and I'm pretty sure that those  
19 handouts will be posted later on.

20 It was a very informative discussion that went  
21 through and discussed quite a few things, and there was  
22 a several-page handbook that went with it. So those

1 will be available to anyone who wasn't at the  
2 presentation who would like one.

3 We also went into discussion on a couple of  
4 issues. Of course, not as many as the other group got  
5 to, it sounds like, but some pretty important issues.  
6 And both of the things that we discussed centered  
7 around the proposal concept that was passed by this  
8 committee last time. Of course, one part was to look  
9 at forming a study group to examine data sources that  
10 are available.

11 So we were able to -- we had a subgroup of our  
12 group work last night. They worked for -- they worked  
13 from about 7:00 p.m. to about 8:30 p.m., going through  
14 a document and then presenting that document to the  
15 full workgroup this morning.

16 And it took us through most of the day, but we  
17 were able to come to an agreement on this document.  
18 And it's entitled -- and I don't know if we have it  
19 ready to pass out or not, but we will get that out to  
20 everyone. And it's Study Group Guiding Principles.

21 And it really goes through a number of different  
22 things regarding participation, who our committee



1 members basically are for the study group members. Of  
2 course, what we would recommend, and that was the  
3 reason why Jack asked for caucuses, regional caucuses  
4 this afternoon, was that each region selects a  
5 committee member from that region to serve on this  
6 workgroup, and then HUD also has a representative on  
7 this workgroup. So there would be seven individuals.  
8 Anyone who wants to can participate.

9 This workgroup has quite a few things to  
10 accomplish. They have a performance due, you know,  
11 based on -- based on the concept that was passed last  
12 night. So this kind of outlines how they get to that  
13 point. You know, the first meeting will happen, and I  
14 guess several of the meetings will happen  
15 telephonically, either through conference calls or  
16 whatever the case is.

17 Of course, you don't have to be a workgroup member  
18 to be involved, to participate in the conversation.  
19 It's just you have to be a workgroup member in order to  
20 vote and then to provide information back to the  
21 committee. And that was one of the things that we also  
22 wanted to do is since this is a study group, how would

1 that information get moved back to here?

2 So we also put some language in there that would  
3 identify, you know, regular time intervals where they  
4 would be responsible for at least providing the full  
5 committee a status update. And by that, it would also  
6 provide the public a status update because it would  
7 then become part of, you know, our committee.

8 So I think that was really good. The first  
9 committee meeting should happen in 2 weeks, and then at  
10 least two face-to-face meetings in the course of a  
11 year's time. I anticipate that several of those will  
12 happen in conjunction with our meetings here. I'm  
13 thinking that probably the first one is probably going  
14 to take place in Scottsdale next month, whether it be  
15 in the evening or, you know, around one of the --  
16 around our next session.

17 I think those were the main issues. It basically  
18 outlines, you know, what the study group is to do, that  
19 they are -- HUD can't make a commitment other than  
20 their own staff to support the study group beyond the  
21 end of this fiscal year. So, you know, it does say  
22 that people -- and that was one of the reasons for

1 having the ability to do telephone meetings was that we  
2 could meet without having to travel somewhere.

3 Or if we did have to travel somewhere, maybe we  
4 held it in conjunction with another meeting that we  
5 were -- we were already -- or that those workgroup  
6 members would already be at.

7 It basically outlines the timeframe of when the  
8 group will report back to this committee, and it also  
9 outlines that once any product is produced, that should  
10 come to be summarized and put into an easy to  
11 understand PowerPoint presentation or report, something  
12 that can be easily distributed to tribes, to TDHEs --  
13 can be posted up on the co-talk Web site, on our Web  
14 site for the public to review. In addition to all the  
15 technical stuff, the formal report, that would also be  
16 something that would be helpful.

17 The study group will provide quarterly updates to  
18 this committee, the status reports, if you will. And  
19 within 11 months of the committee starting, a draft  
20 report will be provided to this committee because we  
21 all know that 12 months is the drop-dead date on this  
22 issue.

1           So we tried to outline those items in these  
2 guiding principles that really sets out a here is what  
3 needs to be done. Go forth and do it and here, you  
4 know, get it done in a reasonable amount of time. And  
5 get the report back to this committee so that this  
6 committee has time to review it before this committee  
7 is called back together to vote on the issue.

8           So that was one of the major things that we worked  
9 through. There were several other -- other issues.  
10 You know, the big part is, and I can't stress it  
11 enough, is whatever the study group does, whatever it  
12 looks at has to be done within 12 months, within a  
13 year. And that is from -- and that's why it's very  
14 important that this group has their first meeting no  
15 less than 2 weeks from now to get started on that  
16 process and then also provide reports back to us.

17           It may not take the full 12 months, but it might.

18           And it does say within 11 months, they have to provide  
19 the draft report back here because I'm sure that  
20 committee members would maybe have comments or at least  
21 would want to see something before they came back as a  
22 committee and then just be handed something that said,

1 "Here you go, can we get consensus on this issue?"

2 So that is what we spent most of the day on, and  
3 we will get those prepared and get everyone a copy of  
4 those that would like one.

5 The other thing is, is if I remember correctly,  
6 based on last month's meeting is this committee passed  
7 a proposal concept and asked our workgroup to go back  
8 and draft some language for that. We almost have that  
9 ready.

10 There was a couple of changes that some folks have  
11 recommended. So what we're going to ask is if we do go  
12 back into workgroups tomorrow, that our drafting  
13 committee will look at cleaning that up just a little  
14 bit or making the few minor changes so we can at least  
15 see what they look like for those members who had a  
16 concern or had a question.

17 And also the other reason for that is just in case  
18 we need to bring back to this committee both a majority  
19 paper and minority paper, that you have both forms, and  
20 we would like for the drafting committee to just work  
21 on a second form. So we can see if we can mine those  
22 two into something that we can -- that everyone can

1 agree to, or if it can't be agreed to, that we can  
2 bring back two separate items for this committee to  
3 look at and then try to decide.

4 So that's where we're at, and that's where we  
5 ended the day with. It doesn't sound like a whole lot  
6 because of the number of issues that we were able to  
7 do, but these are the biggest issues that our group  
8 has.

9 We are closer, I think, than we have been on  
10 getting something accomplished. It was the  
11 recommendation of several people in our workgroup that  
12 if at all possible, we would like to work in workgroups  
13 tomorrow because we think that we could accomplish  
14 maybe at least bring back the language for you. And if  
15 nothing else, maybe at least look at a couple of other  
16 items in maybe preparation for next month.

17 So that is where we're at. If anyone has any  
18 questions, I'll be happy to answer those. I do want to  
19 thank those folks who spent their evening last night  
20 working on this document. It was -- it was very  
21 helpful. And I especially want to thank FirstPic and  
22 the staff, Sara especially and Susan for making

1 themselves available to help us out.

2 We hoped to have been done by 8:15 p.m. because  
3 that's what time showed up on the agenda. But I think  
4 it was closer to 8:30 p.m., maybe just a few minutes  
5 after. So we appreciate the additional 15 minutes that  
6 they -- that they spent with us.

7 But anyway, I do want to say thank you to everyone  
8 who helped us out last night because we couldn't have  
9 got to where we was without, you know, working late  
10 yesterday evening. So thank you.

11 MS. BRYAN: Thank you, Gary, and thank you for all  
12 your work and the work of the group.

13 We are hearing some requests for more workgroup  
14 time. My question for the workgroup chairs is will you  
15 be bringing something back tomorrow that needs full  
16 committee negotiation, agreement? That's my question.

17 So then we can adjust the agenda accordingly.

18 We may have to play it by ear depending on how the  
19 day goes. But let's try to get something in terms of  
20 workgroups so we can open up, break into workgroups in  
21 the morning, and then do we need to come back to  
22 negotiate, or will you have any proposals that will

1 need to be approved?

2 MR. COOPER: Right now, it looks like that we may  
3 not have a proposal to approve. I think we will have  
4 some language to bring -- bring back to you in  
5 preparation for next month. I think that there was  
6 some discussion that if it did come back to the  
7 committee that someone may ask for it to be tabled in  
8 preparation so that we could spend more time on it.  
9 And that would be fine.

10 A final issue was it was my understanding that you  
11 all asked our group to get some language back to you.  
12 So that's what I was trying to do so everyone at the  
13 table could have that language in preparation for next  
14 month. So I don't know that we would have anything  
15 ready to get anywhere tomorrow, but we would,  
16 hopefully, be bringing something back.

17 MR. ADAMS: I guess from -- we had a brief  
18 discussion in the FCAS workgroup about this right  
19 before we closed, and a couple of things. I guess  
20 there was an assumption working, at least from my part,  
21 that our workgroup was going to bring a package with  
22 all of our work product done back to the committee.



1 And at some point in time, then one of the last  
2 meetings of this committee would be the timeframes and  
3 the amount of issues listed would be divvied up by the  
4 time allowed so that everything got equal footing.

5 I understand that could happen, still could  
6 happen. But I understand there's also the other  
7 perspective that if there's, for lack of a better term,  
8 some low-hanging fruit that we got through, we could  
9 show some success from this meeting, bring that to the  
10 table, too. So I guess from our workgroup, we're  
11 amenable to either situation.

12 The question I have, though, is that I hear now  
13 that with the study group kind of concept that was  
14 passed and the work that's going to happen for the next  
15 year, that our committee is not going to be essentially  
16 finished until this study group work is done and then  
17 some potential couple meetings to finish that work.  
18 And so, do we really have to negotiate on items in  
19 Scottsdale or even tomorrow afternoon, or do we have  
20 another year, basically, to work on some of these  
21 things to finish our package to bring it back to the  
22 table?

1 I guess I'm asking questions more than answering.

2 MS. BRYAN: Those are very good questions. Gary?

3 MR. COOPER: Yeah. I'm glad you brought that up,  
4 Jason, because I asked that very same question of HUD  
5 staff, and I asked if they could. I don't think that -  
6 - I didn't expect them to have an answer back to us,  
7 you know, today or tomorrow. But I was hoping by  
8 Scottsdale that they would have an answer back to us  
9 that would it be possible, if nothing else, if we could  
10 get some stuff accomplished other than whatever the  
11 study group brings back, that that could go ahead and  
12 be -- you know, go forth, if that makes sense?

13 They have agreed to, I think, at least visit with  
14 program staff and see if -- if that is a possibility.  
15 Without knowing one way or another if it is or not,  
16 they were going to look at that. So that, basically,  
17 everything's -- everything we're doing here doesn't  
18 have to be put off for a whole year.

19 If that helps out a little bit? So I think  
20 probably at some point in time, we may have an answer  
21 on that that might help us with that issue.

22 MS. BRYAN: Thank you. What I'm hearing is for

1 tomorrow, we have a lot of workgroup work that we can  
2 be doing, and that's how we should be utilizing our  
3 time. We have been hearing from you, Jason, that we're  
4 going to get a full package once all of the items are  
5 completed and ready to present and negotiate on.

6 We had a conversation today about how long each  
7 item is allocated in the charters and protocols and  
8 want to be mindful of that. So, at some point, we'll  
9 have to start working backwards.

10 But, yes, the study group is going to take 12  
11 months. There is a guiding principle document that has  
12 been approved. We did work backwards from the time.  
13 And thank you to Aaron from HUD for just reminding us  
14 of how the implementation of this regulation, the  
15 timing on it is going to be, and that's why the  
16 timelines are very strict and the protocols for the  
17 study group working backwards from it.

18 So, with that, if you guys are amenable to this,  
19 I'd like to amend the work -- the agenda for tomorrow  
20 to come together at 8:30 a.m. We'll do a recap, any  
21 housekeeping items, and we'll break into our  
22 workgroups. We have rooms for those, and that's

1 doable.

2 Any objections?

3 (No response.)

4 MS. BRYAN: Okay. Thank you. I would like to now

5 --

6 MR. ADAMS: I'm sorry.

7 MS. BRYAN: Earl?

8 MR. ADAMS: What was the timeframe this afternoon

9 -- or for tomorrow afternoon? Was it workgroups  
10 through the day? I didn't catch that.

11 MS. BRYAN: Through the day. We'll have to come  
12 back together at 5:00 p.m. for public comment and then  
13 do our logistics and closing.

14 MR. ADAMS: Okay.

15 MS. BRYAN: So it'd be a full day of workgroup if  
16 no one has anything they need to present back.

17 MR. ADAMS: Okay. Thank you.

18 MS. BRYAN: Earl?

19 MR. EVANS: Thank you, Madam Chair. One thing  
20 that may come, and maybe I missed this in what Gary  
21 said. Maybe he said it, and it flew right past me.  
22 But we do have, at some point in time, have to approve

1 that guiding principles document for the study group.

2 Because if I remember correctly, the way that  
3 passed in the workgroup was that it go to the full  
4 committee for adoption. Was -- I think Heather made  
5 that motion, and I seconded it. Am I accurate in my  
6 recollection of that, was that we approved that to go  
7 forward to the committee?

8 MS. BRYAN: Jason?

9 MR. ADAMS: I was going to ask this question  
10 earlier when Gary was reporting, and I guess I'm a  
11 little confused on exactly what has to come back to the  
12 committee because the concept that was passed, I don't  
13 see anything in here that says any further information  
14 comes back to the full committee. It basically set up  
15 the study group to be a study group of the workgroup,  
16 the needs workgroup. That's all that was approved by  
17 this committee.

18 So I'm just kind of wondering where is that coming  
19 from?

20 MR. COOPER: And if I could? I mean, that was my  
21 understanding, and I could be wrong. The only thing  
22 that we were going to bring back was the statutory

1 language that goes with this concept -- the regulatory  
2 language, I'm sorry, that changes I think it's Section  
3 330 on --

4 MS. GORE: Volatility.

5 MR. COOPER: -- on the volatility factor and  
6 implementation of the dataset. That is the only -- I  
7 mean, that was what we were planning on bringing back  
8 to this committee.

9 It was my understanding that the actual study  
10 group was a group, subgroup or whatever of the  
11 workgroup. And I did want everyone to be aware that we  
12 do have it. If it is something that is needed, you  
13 know, I think that we can certainly bring it back.

14 But, I mean, this is what our group worked out as  
15 far as here is the guiding principles for this study  
16 group that is going to study data sources, and I did  
17 want the committee to be aware of that. I wasn't aware  
18 that it needed to bring -- that that needed to be  
19 approved by this committee since it was a product of  
20 the workgroup. That wasn't ready for anything.

21 But, yes, the only thing that we were planning on  
22 bringing back was the regulatory language that goes --

1 that encompasses that concept. The volatility factor,  
2 implementation of data source, all of that.

3 MR. ADAMS: Okay.

4 MS. BRYAN: Thank you, Gary. Earl and then  
5 Heather.

6 MR. EVANS: Thank you. But if I remember  
7 correctly -- and Heather, will you correct me if I'm  
8 wrong -- she made the statement that we approve this to  
9 go forward to the committee was what I thought she said  
10 about the guiding principles document, and then I  
11 seconded that.

12 So, so that's why I asked the question does anyone  
13 else recall that? Because that's what I thought her  
14 statement was when she made the statement or made the  
15 move for that document to be approved in the workgroup  
16 was that it go -- that it's approved to go forward to  
17 the committee.

18 So that's why I mention that, that based on that  
19 statement, I was under the impression that it was the  
20 intention in that to bring the guiding principles to  
21 the committee for the committee to vote on the guiding  
22 principles document for that study. And I may be

1 incorrect on that, but that's the way I recall it. So  
2 I just wanted to get clarification on that.

3 MS. CLOUD: My intention of bringing it to here  
4 was we were caucusing before we came back here so each  
5 region would be able to identify who that person from  
6 their region is. And that was the only purpose, so  
7 that we were all aware and that those individuals are  
8 aware of who each other are on that study group so they  
9 can exchange numbers. That was the intent.

10 MR. COOPER: And that was my understanding. And  
11 if I'm wrong, I'm sorry. If we need to bring something  
12 back, we certainly -- certainly can.

13 MS. BRYAN: I am having the minutes be pulled. I  
14 see Jason Adams in the queue.

15 MR. ADAMS: I guess that answered my question. I  
16 just -- again, the concept document that was passed  
17 doesn't have any of this requirement to come back. So  
18 I just want to put that out.

19 Thanks.

20 MS. BRYAN: Thank you. Yeah, let's go ahead and  
21 check the minutes and be really clear about this since  
22 it is coming up, and it was a question that Jason and I



1 both had when we sat down. Hey, do we need -- does  
2 this need to come back to full committee?

3 So let's get it answered so that we know what we  
4 agreed to at the last meeting. Gary?

5 MR. COOPER: And if I may while we're waiting for  
6 that to be pulled up, I don't really know. I think  
7 almost every region caucused. I don't know if every  
8 region is ready to say who their workgroup member is,  
9 but maybe that could be something that we work on while  
10 they're looking for that document?

11 I think that might be beneficial for everyone if  
12 they knew who was the work -- study group member for  
13 each region.

14 MS. BRYAN: That should only take a minute or two.  
15 I'm happy to indulge that request. Gary, would you  
16 like to start?

17 MR. COOPER: I can start. Southern Plains has  
18 conned -- no, has asked me to be --

19 (Laughter.)

20 MR. COOPER: -- to be the study group  
21 representative for the Southern Plains region.

22 MS. BRYAN: Great. The Northwest region has

1 chosen Karin Foster. She has agreed and willingly. So  
2 thank you, Karin. Alaska?

3 MS. NUTTER: Alaska has agreed to appoint Carol  
4 Gore to represent Region 9.

5 MS. BRYAN: Great. Southwest?

6 MR. THOM: Southwest has asked Deirdre Flood to be  
7 our representative.

8 MS. BRYAN: Great. Who's next? Jack?

9 MR. SAWYERS: Northern Plains is Jason Adams.

10 MS. BRYAN: Great. Next?

11 MR. JACOBS: Eastern area, the Honorable Heather  
12 Cloud.

13 MS. BRYAN: Is that six? We should have went in  
14 order. Okay. Thank you.

15 And HUD, your representative?

16 (Laughter.)

17 MS. BRYAN: Thanks, Jemine.

18 MS. BRYON: I am embarrassed to say that we did  
19 not caucus.

20 (Laughter.)

21 MS. BRYON: We worked through lunch, and you know,  
22 it just went to my brain cells. I am so sorry. May we

1 have until tomorrow morning to let you know that? My  
2 apology, everyone.

3 MS. BRYAN: Absolutely.

4 MS. BRYON: Sorry. You know, new person's  
5 mistake. Sorry. Give me a break.

6 MS. BRYAN: So while we're looking for the  
7 minutes, does anyone have the minutes handy? I have  
8 them.

9 MS. FIALA: We have the minutes, but we have the  
10 transcript of that as well, if you want.

11 MS. BRYAN: They were in the minutes. It was  
12 voted on. Because when I brought it up at the  
13 workgroup today, I was quickly corrected that, "The  
14 whole committee agreed on this, Annette." So I said,  
15 "Okay, I'll back down."

16 (Pause.)

17 MS. BRYAN: So that's not really clear about what  
18 -- who said they said what. So we may need to look at  
19 the transcript, which may take a little longer. But it  
20 doesn't say that we would come back in that.

21 If you guys would like, I can do public comment  
22 and give you a few minutes to scroll? Okay. So --

1 MR. EVANS: Madam Chair?

2 MS. BRYAN: Yes, Earl?

3 MR. EVANS: Thank you for recognizing me, Madam  
4 Chair. The statement that I'm referring to did not  
5 happen -- although there may be something during full  
6 committee where that may have been alluded to. But the  
7 statement that I'm referring to was what was done in  
8 the workgroup before we broke for caucus.

9 When the workgroup voted to approve the guiding  
10 principles for the study group, that's what I'm  
11 referring to. I remember Ms. Cloud making the  
12 statement that she thinks we should approve the  
13 document as presented for presentation to the  
14 committee. I seconded it.

15 So based on that statement is why I'm asking if I  
16 am correct in my recollection that that was what we  
17 voted to do in the workgroup was to send the guiding  
18 principles to the committee. So that's the statement  
19 that I'm referring to, to ask if anybody else recalls  
20 that other than me. Because if I am accurate in that  
21 recollection, then the workgroup did vote to send that  
22 forward to the committee. But if I am not correct,

1 then you're right. It would stay where it is.

2 So does anybody -- anybody else in the workgroup  
3 recall that?

4 MALE SPEAKER: I think the motion made by Ms.  
5 Cloud simply said that it was to be presented. It did  
6 not say it was supposed to be -- did not say it was  
7 supposed to be presented for consensus. And the  
8 discussion we had last night is we wanted to have the  
9 committee aware of what was done so that there wouldn't  
10 be questions after the fact.

11 And so, I think it was properly motioned, and you  
12 properly seconded, Earl. You just didn't know what you  
13 were doing.

14 (Laughter.)

15 MR. EVANS: Maybe so.

16 MS. BRYAN: So let's continue looking at that  
17 because I want to make sure we're very clear on that.  
18 And if I might move to public comment while we just  
19 scroll through the language and see if we can find  
20 Heather's motion. The minutes were not helpful.

21 Yes, Mr. Boyd?

22 MS. BRYON: We caucused.

1 (Laughter.)

2 MS. BRYAN: Yes, Ms. Bryon?

3 MS. BRYON: And HUD's representative will be Ms.  
4 Glenda Green.

5 MS. BRYAN: Okay. Thank you. Thank you, Glenda,  
6 for willfully volunteering.

7 All right. Now I would like to open up for public  
8 comment, and then we'll continue this discussion. I  
9 just want our -- want to be able to look, have a minute  
10 to do research.

11 At the back of the room, for those of you in the  
12 public, we'll have two microphones up here. Please  
13 come up and introduce yourself by your name and where  
14 you're from. If we have any public comments, please  
15 step forward.

16 Don't all fight over the microphone now. There's  
17 two.

18 (No response.)

19 MS. BRYAN: As we stated yesterday, there will be  
20 time tomorrow at the end, the culmination of Session 5,  
21 for public comments. Seeing that we've had a long day  
22 and all of our public has been involved in our

1 workgroup sessions, I think we're not seeing any  
2 comments. So this will conclude the public comment  
3 portion of day two of Session 5.

4 Did we have any luck finding any language on the  
5 who said what? Okay. So not finding anything unless  
6 we can search the transcript. Is it online? Earl, if  
7 you want to see if you can find it, we'll bring it back  
8 in the morning.

9 (Laughter.)

10 MS. BRYAN: But the full committee in the record  
11 voted to move forward the study group and bring back  
12 recommendations to the full committee. The study group  
13 protocols call for 12 months. So, in 12 months, the  
14 study group will bring back their recommendations to  
15 the full committee. That's what our record shows.

16 Any other comments or questions for our  
17 workgroups?

18 (No response.)

19 MS. BRYAN: Okay. So, tomorrow morning, we're  
20 going to get together at 8:30 and open up our meeting,  
21 break into workgroups so we can get some more of this  
22 good work done. And I had asked Elena Bassett from the

1 Yakama Nation to give us a closing prayer.

2 MS. BASSETT: Thank you for the request to do the  
3 final prayer for today.

4 (Speaking Native language.)

5 Grandfather, we come here today at the end of this  
6 session. Grandfather, this morning waking up to see  
7 the sunrise, knowing that we were going to be coming  
8 together at this time.

9 I give thanks for all the members, committee,  
10 individuals, participants, that came here today. I  
11 give thanks for all the comments, suggestions that were  
12 made on behalf of the large Indian Country that we are  
13 representing here and now.

14 I give thanks that we come together,  
15 representative large tribes, medium tribes,  
16 particularly for the small tribes, for those people  
17 that are out there, very remote areas that do not have  
18 the financial ability to come here to travel such  
19 great, great distance for the expense that is involved.

20 That as committee members, as individuals here, we  
21 have to remember that we are not only thinking about  
22 ourselves, but all the other people that may be at a



1     disadvantage that are not here.

2             Grandfather, at this time, I ask that you take  
3     care of all of our families that are at home, all of  
4     the elders, the children, the babies. Take care of all  
5     of those that are on the streets. Take care of the  
6     babies.

7             Grandfather, I ask that as we continue for  
8     tomorrow that all the discussion items, all of those  
9     things that are very, very important as far as  
10    deadlines, regulations, languages, that we come  
11    together, that we know that we have this certain  
12    deadline that keeps getting repeated time after time,  
13    that we'll be able to come together with a good heart,  
14    good mind, good soul, spirit, that we'll be able to  
15    continue in a good way, knowing that we have to do  
16    this, that we have so many number of meetings in front  
17    of us.

18            So many number of workgroups, sub-workgroups that  
19    we can come together in a good way to be able to come  
20    to an agreement on a product, language, regulations  
21    that we can live with for the benefit of all the  
22    people, particularly with that funding that is so

1 critical for all of us when we get back home to report  
2 to the people.

3 Grandfather, these few words is what I say at this  
4 time, and I thank you.

5 (Speaking Native language.)

6 (Whereupon, at 5:49 p.m., the meeting was  
7 adjourned.)

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