
NAHASDA REAUTHORIZATION ACT OF 2008

NEGOTIATED RULEMAKING SESSION
VOLUME III of III

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

2 (Proceedings convened at 8:13 a.m.)

3 MR. JACOBS: Good morning. It's time to start.

4 I know that a lot of you left this room yesterday after a
5 lot of work, hard work, and a lot of accomplishments as
6 well. So to get started, I'm going to ask Committee
7 Member Ray DePerry to give us the opening prayer.

8 (Opening prayer.)

9 MR. JACOBS: As Ray says in prayer, this is the
10 third day. And I never thought that we would be moving as
11 forward as we have when we left the last meeting. But I
12 think there's a lot of progress that has been made over
13 the last two days, and I'm sure with this final day more
14 progress will be made.

15 I want to start by just reminding you of a couple
16 of things, one on the protocol. All of the members, if
17 you haven't gotten your letters in to HUD for the
18 alternates, please, please do so, because that is
19 important, as far as HUD is concerned, in making sure that
20 payments can be made and -- and so forth.

21 And, secondly, to vote on the issue -- and we
22 don't have the paperwork here -- would be a violation of
23 the protocol. So I want to make sure that we get those
24 letters in.

25 Are there any other items that anyone would like

1 to mention before we go into the reporting from each of
2 the working groups? If not, we're ready to start. Carol,
3 are you ready to go?

4 MS. GORE: We're ready. Thank you.

5 MR. JACOBS: All right.

6 MS. GORE: Good morning.

7 MR. JACOBS: Excuse me one minute. Alvin has
8 joined us, and let's welcome him. It's good to have you
9 here. Okay.

10 MR. MOYLE: I acknowledge that. Yes, Alvin
11 Moyle, Fallon Paiute-Shoshone Tribe, Fallon, Nevada. And
12 thank you very much, Leon.

13 MS. GORE: Thank you. Good morning, everybody.
14 I was thinking this morning about all the people that we
15 have to thank for actually getting something done, and the
16 list is pretty long. But I -- I just want to say
17 generally that the work group members have been very
18 engaged and they're very sincere in their work.

19 We've appreciated the HUD folks that we called in
20 yesterday to help us with our conversation, and we also
21 appreciate the hard work of the Drafting Committee who
22 takes the work out of the committee. So I just want to
23 say -- begin the conversation by saying thank you to
24 everyone.

25 We have two issues to offer for consensus this

1 morning. You might remember issue number 14 and issue 51
2 were really rated as 2's initially. The committee
3 decided -- or the work group decided to lift them to 3's
4 because we have some conversation.

5 Before I turn -- turn this over to, I think,
6 Gabe, I would like to say that the guiding principles of
7 this work group were not to create regulations
8 unnecessarily if they thought the statute was clear. And
9 so we had some conversation initially to make sure that we
10 weren't unnecessarily creating language in an attempt to
11 clarify things that were already there.

12 I think you'll see some evidence of that guiding
13 principle in both issue number 14 and issue 51. Issue 14
14 deals with federal supply source procurement; i.e., GSA.
15 And issue 1 is de minimus procurement. So with that,
16 Gabe, if you're ready, I'll turn it over. Thank you.

17 MR. LAYMAN: Good morning, everyone; Mr. Chair,
18 Members of the Committee. Let me start off by saying I'm
19 strongly considering transferring to Work Group F so that
20 I have some time to drink coffee in the morning before I
21 get going.

22 With that said, I'll move into item 51, which is
23 the de minimus procurement exception -- exemption, excuse
24 me. And this reads: Procurement of goods and services at
25 a value which is less than \$5,000 is exempt from all

1 applicable NAHASDA competitive procurement requirements.
2 When doing so, Indian preference shall be utilized to the
3 greatest extent feasible, as determined by the recipient.

4 Now, when you look at this language, I think
5 what's important to recognize here is that the Indian
6 preference requirement is a statutory requirement. This
7 is a requirement in the Indian Self-Determination and
8 Education Assistance Act that flows to Indian Housing
9 Block Grant funds by virtue of NAHASDA.

10 So essentially what this is -- this language is
11 doing is not adding any kind of compliance requirement.
12 It's simply clarifying that Indian preference does apply
13 because of these statutory requirements, but to the
14 greatest extent feasible which is determined by the
15 recipient.

16 And that was the language that the working group,
17 after a good amount of deliberation, came up with. If we
18 could scroll back up, I'd like to point out the statute
19 real quick. On the left-hand side, the statutes -- scroll
20 back up. Oh, I'm sorry. I just saw it moving. You're
21 all right. You're all right. Go back down.

22 This section (g), the de minimus exemption for
23 procurement of goods and services, this is the provision
24 that the regulatory language was intended to address. So
25 with that said, if there are any questions, I'd be happy

1 to address them.

2 MR. JACOBS: Blake.

3 MR. KAZAMA: My question is simply that "shall be
4 utilized to the greatest extent feasible." Does that say
5 that I have to go out and -- and determine the bid
6 process, or wherever I purchase my pens and pencils, that
7 they can demonstrate to me that they're a native
8 organization? And how do I do that?

9 MR. LAYMAN: That's an excellent question. If
10 Jad's here this morning, I'll be happy to turn this over
11 to him. But let me kind of briefly premise this by
12 saying, in a nutshell, yes. The Indian preference
13 requirement is a statutory requirement that is imposed by
14 Congress and it applies to de minimus procurement, but the
15 language that qualifies that is "to the greatest extent
16 feasible."

17 And because of this language, a tribe could very
18 easily determine that it's just not feasible to go out and
19 try to apply Indian preference to your purchase of
20 pencils, pens, et cetera. So I'll see if Jad has anything
21 to add to that.

22 MS. GORE: May I also, Jad, before you start, say
23 this is a reason the work group pulled this and made it a
24 3. We had a thorough hour-and-a-half debate over this
25 very issue. So it's the absolute right question for the

1 Negotiated Rulemaking Committee. Thank you.

2 MR. ATALLAH: Jad Atallah with HUD -- attorney
3 with HUD. When this issue first initially came up and the
4 statute was amended, we were looking to develop a -- I
5 guess a program guidance or a PIH notice, and we looked at
6 this specific issue. We were sort of trying to determine
7 how Indian preference would work with this de minimus
8 procurement exemption.

9 We don't like it, but we had a really tough time
10 reconciling -- or had a tough time figuring out how to
11 justify not having an Indian preference requirement with
12 this language. There are parts of the NAHASDA 2008
13 Reauthorization Amendments that specifically say
14 "notwithstanding any other provision of law" when making
15 the point that Indian preference does not apply, and
16 that's specifically under the tribal preference provision.

17 That same "notwithstanding any other provision of
18 law" language was not included in this statutory
19 amendment. In order to resolve these issues, what we did
20 was we published a PIH notice temporarily to provide some
21 guidance to all the recipients, and we addressed Indian
22 preference in it.

23 And we said that because the de minimus exemption
24 is so low in most cases, or HUD has determined that it's
25 likely that complying with Indian preference will not be

1 feasible, but that's something for the recipient to
2 determine. That's sort of our way to say that because
3 when you procure goods for such a -- and services for such
4 a low value, under \$5,000, chances are it's not going to
5 be feasible for you to comply with Indian preference. But
6 the purpose of the language in this draft regulation, that
7 says "as determined by the recipient," is to put that
8 determination in the hands of the recipient.

9 And I think our goal is to not make this
10 burdensome, but we're just sort of trying to get around a
11 statutory requirement that we were having a really tough
12 time getting around. So I think what the language that we
13 proposed yesterday in the work group and I think what this
14 language does is to put that determination in the hands of
15 the recipient. And you can make the determination that
16 Indian preference, when you're buying pencils and papers,
17 whatever you're buying, is not feasible and then go ahead
18 with the de minimus purchase without going through
19 competitor -- Indian preference procurement.

20 MR. JACOBS: Judith.

21 MR. HUMPHREY: There's several of the individuals
22 on the committee who are concerned with how they -- the
23 term "notwithstanding any other provision of law" requires
24 even a mention of Indian preference, because Indian
25 preference is a procurement law. And in our

1 understanding, if it says "notwithstanding any other
2 provision of law," it's not withstanding Indian preference
3 as well.

4 If you read here, it says: Notwithstanding any
5 other provision of law, a recipient shall, et cetera. And
6 so if it's not withstanding any other provision of law,
7 our position is, and we tell our clients, that regardless
8 of what the regulation says, they do not have to comply,
9 especially because regulations are treated as law, and I
10 don't have to comply with that either.

11 So I'm really concerned about the inclusion of
12 that preference, as are several of the other members --
13 several members on the committee.

14 MR. JACOBS: Okay. Marvin and then Karin.

15 MR. JONES: Marvin Jones. I'll defer my comments
16 because they may not be directly germane to the last
17 comment, if HUD or somebody is going to comment in
18 response to that. So let me defer.

19 MR. JACOBS: Okay. Karin.

20 MS. FOSTER: The statute does say
21 "notwithstanding any other provision of law," and I don't
22 quite see a way around that. I think it's pretty clear,
23 so I would have the same concerns that Tim does. But even
24 beyond that, we are -- regulation is drafted as saying
25 we're exempt from all applicable NAHASDA competitive

1 procurement requirements, and the statute actually says
2 applicable -- you know, that we're exempt from all
3 otherwise applicable competitive procurement rules. And
4 so it goes beyond an exemption from NAHASDA competitive
5 procurement. It includes any competitive procurement rule
6 by statute. So I guess I would have the same concerns as
7 Tim expressed.

8 MR. JACOBS: Okay.

9 MS. GORE: I was just going to say, just to
10 clarify why the second sentence is there, the work group
11 struggled with whether or not there was a need to add that
12 second sentence, whether or not there was a need to
13 inform, which was the purpose of adding that second
14 sentence. And so I just wanted to add that for the
15 benefit of the conversation and hope that helps. Thanks.

16 MR. JACOBS: Marvin.

17 MR. JONES: Marvin Jones. I have a different
18 opinion than what has been expressed. I believe Indian
19 preference does apply if you read the whole -- the law and
20 not just the first clause. Because if you read the whole
21 provision, it -- it does say that in the first clause,
22 then it talks about competitive procurement.

23 "Competitive" means getting two bids or two
24 quotes. The way that I read this, you can apply Indian
25 preference to a sole source, and that's not a competitive

1 process; therefore, the law would apply in those
2 particular cases in regard to Indian preference. You need
3 to use Indians, but you don't have to get two bids or two
4 quotes, et cetera, from Indians.

5 MR. JACOBS: Okay.

6 MR. LAYMAN: Thank you, Mr. Chair. If I could
7 address Ed's initial -- I'm sorry, Tim's initial concerns
8 here.

9 If you read this sentence, it says:

10 Notwithstanding any other provision of law, a recipient
11 shall not be required to act in accordance with any
12 otherwise applicable competitive procurement rule or
13 procedure.

14 And the question is whether section 7(b) of the
15 Indian Self-Determination and Education Assistance Act,
16 which is a statute, is a competitive procurement rule or
17 procedure.

18 And because that's vague, the impression I walked
19 away from Work Group A's discussion yesterday with was
20 that the general consensus is that a statute -- that's a
21 law; that's not a competitive procurement rule or
22 procedure. So hopefully that can help that thought
23 process.

24 MR. KAZAMA: Mr. Chair, I guess I would move that
25 we strike the second sentence.

1 MR. JACOBS: I'm sorry. I missed that.

2 MR. KAZAMA: I guess I can't move. I asked for
3 consensus to remove the second sentence which begins "when
4 doing so," because I agree with what Karin had just said.
5 I -- I see that as binding or restricting; not at all what
6 I'm reading in (g). Nowhere in the statute do I see
7 Indian preference. Just the opposite.

8 MR. JACOBS: Okay.

9 MR. BOYD: Thank you, Mr. Chairman. What we
10 would like to do also and recommend is to strike "NAHASDA"
11 out of the -- out of the first sentence.

12 MR. JACOBS: Okay. What is the pleasure of the
13 committee? Marvin.

14 MR. JONES: For -- for now I want to object
15 because, again, I think Indian preference applies.
16 Hopefully we can -- maybe can bring it up later today or
17 maybe next time and maybe I'll not.

18 MS. MARASCO: Marvin, I understand your feeling
19 about Indian preference, and I have the same feeling. But
20 if we struck the second sentence, it would work for
21 everybody. Those of us who want it to apply, it could. I
22 just don't see any downside to striking the second
23 sentence.

24 MR. JACOBS: Karin.

25 MS. FOSTER: Thank you. Karin Foster, Yakama

1 Nation Housing Authority. I'd just like to note that the
2 statute actually says that a recipient shall not be
3 required to act in accordance with other applicable
4 competitive procurement. It doesn't actually say that all
5 procurements are exempt, which really would mean that if a
6 particular tribe or tribal housing authority, housing
7 entity, wanted to, you know, include any type of
8 competitive procurement rules on de minimus under its
9 policies, it could do so.

10 MR. JACOBS: Carol.

11 MS. GORE: So I have another recommendation. If
12 we go back to the guiding principles of the work group, if
13 no conforming regulation is needed, we don't need to adopt
14 any language at all; we just let the statute ride.

15 MR. JACOBS: Jason.

16 MR. ADAMS: Thank you, Mr. Chairman. Jason
17 Adams. My question is to process. I guess I didn't
18 realize that we were at a stage where we were actually
19 going to start at the table negotiating these issues. I
20 thought this was a report-out period and that the language
21 was going to go to the Drafting Committees to -- to haggle
22 these issues.

23 And then if we are in the process of negotiating,
24 then I thought the rules kick in that there's time limits
25 and -- and all of that; the rest of our protocol that we

1 talked about should be in order also.

2 Because I thought, again, this was a report-out
3 period and that was it, not actually haggling over
4 language yet.

5 MR. JACOBS: Okay. One more comment, and then
6 we'll move forward with the report. Marvin, did you
7 have --

8 MR. JONES: No.

9 MR. JACOBS: Okay. All right.

10 MS. GORE: May I just ask the committee then?
11 The work group asked us to bring these two items forward
12 for a consensus because they've already been through the
13 Drafting Committee. We followed that process. I have
14 been, as part of our reporting, forwarding those items
15 that the work group was ready to send for consensus.

16 I'm perfectly happy to wait for a proper time,
17 but I'd like to know what that proper time is. And are we
18 simply going to set aside time on the agenda? I'm just
19 asking for clarification. I'm not in disagreement with
20 you, Jason. Thank you.

21 MR. JACOBS: Okay. As I understand it, we were
22 doing the report this morning. When we finish the report
23 from the four groups, then we'll spend some time on the
24 agenda for the rest of the day and -- and the next meeting
25 and so forth. Is that sufficient? Okay. Carol, do you

1 want to continue with the report?

2 MS. GORE: Sure. The committee is -- there are
3 two other issues that the committee is discussing at this
4 point; one is negotiated rulemaking. We have asked the
5 group that forwarded the comments yesterday to provide us
6 with specific language. They have committed to do so. We
7 do not have that language. I anticipate that would not
8 happen until Seattle.

9 The second issue that we've been discussing in
10 depth is program income. So those of you that have an
11 interest in program income, please come visit our work
12 group this morning. We had about a three-hour debate on
13 that.

14 If we get through those two items and items 14
15 and 51, we have only one remaining item within our work
16 group, and that's item number 15 related to travel
17 preference and employment and contracting. I do not
18 expect we will get to that issue today. That completes my
19 report. Thank you.

20 MR. JACOBS: Thank you, Carol. Okay. Working
21 Group B.

22 MR. KAZAMA: Yes, Mr. Chairman. What we --
23 Working Group B was very diligent yesterday. We went
24 through a lot. We put things in hard copy. The
25 committee -- the work members had the time -- took time

1 last night to review it. We need time to again meet this
2 morning to see if everything that we've received is
3 copesetic, that we can then move it forward to this
4 committee. So we need about -- at least -- I would say
5 about -- no more than an hour to -- to discuss where we're
6 at. Do I see nods? Is that true? Probably even less
7 than an hour, I would think, to try to get things -- but I
8 do want -- because of the process that we've been engaged
9 in, I want to go back to the committee to make sure that
10 everyone's okay with the first reading of regulation, and
11 then we can bring it to this table. But we need about an
12 hour to do that, Mr. Chairman.

13 MR. JACOBS: All right. That completes your
14 report then?

15 MR. KAZAMA: Yes, that's correct.

16 MR. JACOBS: Okay. Group C.

17 MR. ADAMS: Yes, Chairman. Good morning. We had
18 worked through the items listed. We had seven items
19 listed that Work Group C was working on. We were able to
20 get through all seven of those items yesterday and also
21 had a discussion that was brought from this -- from the
22 committee back to the work group on the Indian Housing
23 Plan and the APR form and the draft notice.

24 The first item we covered was item 6 in the -- in
25 the -- in the packet of information. We did come up with

1 some draft language agreed to in -- in draft form from the
2 work group. We sent that language on to the Drafting
3 Committee.

4 On local cooperative agreements and exemption
5 from taxation -- items 7, 8, 9 and 10 -- we talked about
6 those issues at length and looked over the statute
7 language, the changes in the statute that happened twice
8 in the last ten years, got some history on -- on these
9 issues, got some perspective on how public housing deals
10 with these issues, and tried to move from -- from there
11 on -- on some proposed language, again, to the Drafting
12 Committee.

13 And so we are -- we sent those items on to the
14 Drafting Committee. We discussed the housing and
15 community development section on number 11. We discussed
16 the issues contained in the amendments of the statute,
17 again came up with some proposed language and sent that on
18 to the Drafting Committee.

19 Under tribal program year, item number 22, we
20 have several sections of the regulation that was affected
21 by the tribal program year change. And section 201 of the
22 regulation, we -- we had no proposed changes to that. We
23 read through that, discussed that reference there to
24 fiscal year, thought that it was appropriate to remain as
25 fiscal year, so there's no change there.

1 With item 1000.110(d), we have to work closely
2 with Work Group B. As I understand, they were proposing
3 some language there on the issues contained in that area.
4 So we're going to work with them on the 20 percent
5 administrative cap.

6 Section 1000.238, we looked at that in reference
7 to tribal program year, and there was already proposed
8 language to that area. And so we -- we -- as far as
9 tribal program year, there's no proposed changes in that
10 section.

11 And the last item we looked at was 1000.552(b),
12 and we have some proposed language that is going to the
13 Drafting Committee for that.

14 We did have another item that was brought to the
15 floor, as far as a committee issue, that we felt -- one of
16 our work group members brought up the issue of investment
17 and how that ties back and if there's an effect there on
18 tribal program year.

19 And so we thought that that was an issue to be
20 brought back to the committee and ask the committee how
21 the committee wanted us to -- to address that issue,
22 whether it was germane to one of the items already on the
23 list, or whether it was -- should be considered a new
24 item. And so we're -- I don't know when the appropriate
25 time will be to discuss that issue, but that's an issue

1 that was raised in the work group.

2 We did notice on the list, the listing that was
3 presented yesterday, that item number 20 was not shaded,
4 and it -- and it needs to be. It was dealt with already
5 in previous discussions; the items there are taken care
6 of.

7 We finished yesterday in having a lively
8 discussion on the Indian Housing Plan and the APR format
9 as proposed with the changes and the draft notice that HUD
10 had given us on -- on Tuesday. So we're not quite sure
11 where that discussion is going to end or whether, you
12 know, that will be, again, a discussion back at this table
13 as to -- to how that plays out.

14 But we ended our afternoon yesterday at
15 5:00 o'clock on that item. And so, again, we're -- that
16 ended our day. We are now just awaiting language on all
17 of those seven items coming back from the -- from the
18 Drafting Committee. That's my report.

19 MR. JACOBS: All right. Thank you. Group F.

20 MR. HAUGEN: Good morning, everyone. Lafe
21 Haugen, Northern Cheyenne. Work Group F. We talked a lot
22 about some items regarding 74, 75, 76, 77, and 79, but we
23 spent most of our day working on items with 79. And we
24 were good enough to break out 79 into, actually, five
25 parts -- 79A, 79B, 79C, 79D, and 79E -- with the focal

1 point being on 79A, again, 79B and 79E. And with that,
2 let me turn it over to John Tillinghast. Is John here?

3 MR. TILLINGHAST: I managed to turn the mike on.
4 Does it sound like the mike is on? It is now. Okay.
5 John Tillinghast. Kiana, could you bring up the revised
6 matrix? Oh, you can't hear me?

7 MS. FAUCETTE: Yeah.

8 MR. TILLINGHAST: Could you bring up the revised
9 matrix and turn to item 79. Item 79, when it was created,
10 had several -- actually, in some cases totally unrelated
11 issues within it. And in order to deal with it more
12 efficiently, we broke it into five sub-issues, and we
13 decided to take a quick look at that.

14 There we go. Item 79A deals with a requirement
15 that TDHEs be subject to the Single Audit Act. 79B deals
16 with commenting on HUD audits and reviews. 79C deals with
17 the issue of protecting expenditures that have already
18 been made on affordable housing activities from capture by
19 HUD. 79D raises probably our biggest issue of: What does
20 HUD have to do before they take the recipient's money
21 away?

22 And 79E has two parts. It has a technical part
23 that raises the question of what regulations apply to
24 annual performance report and what regulations apply to
25 onsite inspections. And then it has a meatier component

1 which we have not gotten to yet, which is: What's the
2 appropriate level of HUD onsite inspections of -- of
3 recipients?

4 So we were -- that's -- that's it on the -- on
5 the matrix. We are able to forward three items -- well,
6 actually, four items for consensus by the committee, if
7 it's their wish.

8 The first is if you could turn to the statute, on
9 the left column where you've got the statute, to section
10 405(a) of NAHASDA. And what it merely says is that TDHEs
11 are subject to the Single Audit Act. The statute that it
12 references, chapter 75 of title 31, is the Single Audit
13 Act.

14 That caused us to make two changes to the
15 regulations. The first was to section 544. And what we
16 did there is that -- 544 already refers to the statutory
17 obligation. That would probably -- maybe on the
18 right-hand screen, if we could bring up our proposal on
19 544.

20 The current regulation, which already talks about
21 the Single Audit Act requirement, sets a threshold for
22 having to do it at \$300,000. That was true in 1997 when
23 it was written. In 2003 it was raised to \$500,000. We
24 thought we could change it by just saying, well, it's
25 \$500,000. But two years from now, it might be raised

1 again.

2 The monetary limit for having to do one is set in
3 a specific subpart of the Single Audit Act statute. So
4 what we decided to do is simply to say the threshold for
5 having to do it is whatever that particular statutory
6 section says at the time that you're doing the audit, and
7 try to guide the reader to it as clearly as we could. And
8 that's why you've got all of these statutory references in
9 there.

10 They're all referring to the Single Audit Act and
11 to the particular provision of the Single Audit Act where
12 you can find the then current monetary threshold.

13 Okay. A related change was made to 548. And
14 when I make the two changes -- I guess it's up -- I'll
15 give it back, just for a moment, to Lafe and let him ask
16 for consensus because that's not my job.

17 548 is related, so I'll discuss them together,
18 but you can deal with them separately. Right now the
19 regulations provide that your Single Audit Act audit
20 report is supposed to be submitted when you submit your
21 annual performance report. The problem is for most tribes
22 that's not the same time. Mr. Chairman?

23 MR. JACOBS: Yeah. I want to make sure that this
24 is just a report. We're not asking for a consensus here
25 in this session this morning, okay. So the report is

1 good. But is there anything else that you want to --
2 okay.

3 MR. TILLINGHAST: Okay. Thank you for the
4 clarification, Mr. Chairman. 548, as I say, unfortunately
5 for most tribes, the due date for your annual performance
6 report and the due date for your Single Audit Act audit
7 are different. And so you often find yourself having to
8 submit a performance report, but you have no audit to go
9 with it because you're not going to have that done for six
10 more months.

11 And so the work group proposed simplifying it,
12 making it easier on tribes, to say: Look, give us, HUD,
13 your Single Audit Act audit report when you file it with
14 the audit clearinghouse. And that deadline is set in the
15 OMB circular. So that ought to make it administratively
16 easier on tribes.

17 Another thing that will make things, we think,
18 administratively easier on tribes was our change to 79B,
19 which you could find -- bear with me just for a second so
20 I can find the right language.

21 If you pull up our proposal on 528 -- again, 79B
22 deals with the statutory change that makes reference to a
23 recipient's right to comment on a HUD audit report. 528
24 is what we need to look at. We'll wait until it shows up.

25 Right now here's -- the deal is HUD has 30 days

1 after they complete their review to do their report. You
2 then have 30 days to comment. The tribes felt that 30
3 days was often too short, particularly if it's a meaty
4 report with some findings in it, and that they wanted an
5 assurance that they could get more time.

6 One option would be to simply trust HUD
7 informally to grant you an extension. We said, no, we'd
8 really prefer something in writing. And HUD was actually
9 very accommodating on this change. And so we changed the
10 rules to say: When you get the HUD report, you have
11 automatically 60 days rather than the current 30. You get
12 an automatic additional 30-day extension as a matter of
13 right. And then if you need more time, you can get
14 another extension by mutual agreement with HUD.

15 That's what the tribes got. All HUD asked for in
16 return was an additional 30 days on their part to prepare
17 the report. Which in light of what they had given up to
18 us, it seemed like it would be rather churlish to, on the
19 other hand, not give HUD any additional time either. So
20 that's 528.

21 The last change was to section 520. And to
22 explain that one, if I could, Mr. Chairman, I'm going to
23 turn it over to Ed Goodwin, and he'll walk through that,
24 and then I'll come back with a comment on timing.

25 MR. GOODWIN: Thank you, John. The -- to explain

1 the minor change that's proposed to 1000.520, we need to
2 look at 79E on the matrix. 79E deals with the amended
3 language in section 405(b) which sets out a number of
4 changes involving HUD's monitoring of recipients.

5 One of the things that we noticed in the work
6 group, when we were looking through the regulations, it
7 was not clear from the language of the regulations which
8 regulations dealt with the HUD monitoring, the onsite
9 monitoring and other related monitoring, and which dealt
10 with simply HUD's review of the annual performance report.

11 And so in order to deal with the meatier issues
12 that we haven't even started yet, we thought we needed to
13 set the table so we understood which regulations we needed
14 to address in order to implement these amendments and
15 which were on the side and which didn't need to be
16 addressed.

17 We looked at 520. The language currently
18 existing in section 520 simply talks about: What are the
19 purposes of HUD's review? And it could be read that HUD's
20 review either just of the APR or HUD's onsite
21 monitoring-type reviews.

22 We discussed it and agreed with HUD that 520 and
23 the preceding regulations dealt simply with HUD's review
24 of the APR. And so what we did with 520, the changes
25 we've made here, or proposed changes that we made here,

1 simply clarify that 520 deals with HUD's review of the
2 Annual Performance Report.

3 And if that's approved, then we can move on to
4 the sections of the regulations that actually deal with
5 HUD's onsite monitoring. So we're clarifying that 520
6 doesn't deal with the onsite monitoring by this proposed
7 change. Mr. Chairman.

8 MR. HAUGEN: That concludes our report from Work
9 Group F.

10 MR. TILLINGHAST: Actually, Mr. Chairman, the one
11 other item, which was the issue --

12 MR. HAUGEN: Oh, I'm sorry.

13 MR. TILLINGHAST: -- of timing, how much more
14 time we needed. Because it was our understanding that one
15 of the things we were supposed to report back on was how
16 much time do we think we need to finish up our work.

17 And our work group is working very cooperatively
18 and very diligently. It's surprising the amount of
19 progress we feel we'll be able to make. Our goal is to
20 completely finish our -- everything on our agenda by the
21 end of the first Seattle meeting.

22 We say "goal" rather than "deadline" because one
23 thing that is, of course, out of our control is how much
24 work group time as opposed to full committee time you'll
25 be able to give us over the next four days. So,

1 Mr. Chairman, with that I'll turn it back to my chair.
2 Lafe.

3 MR. HAUGEN: Thank you, John, for the
4 clarification. It was noted that our -- our report, but
5 also, to kind of piggyback on Carol's comments this
6 morning, we'll figure out today what the agenda is going
7 to look like and what we're doing.

8 And, also, we only had seven HUD staff in our
9 work group. Could we have a little more today, Rodger?
10 Okay. Rodger's going to do that. Thank you.

11 MR. JACOBS: Okay. Thank you for the reports.
12 And we heard from one group that they need at least an
13 hour. So I think we should go ahead and go into the
14 groups until noon. Is that sufficient with everyone? And
15 then we'll move back in here at 1:30. Okay. Marvin.

16 MR. JONES: Before -- Marvin Jones. Before we
17 can do that, could I ask a couple of questions in regard
18 to the report?

19 MR. JACOBS: Certainly.

20 MR. JONES: I really appreciate the -- that you
21 did -- the report about how much more time you think we
22 might need. Could we also get clarification from the
23 other groups as to, you know, can they get all theirs done
24 by the time frame that was mentioned for the Seattle
25 meeting possibly as a goal?

1 MR. JACOBS: Okay. Are you ready to discuss that
2 now, or do you want to do it at 1:30? Okay, Carol.

3 MS. GORE: I think I already gave in my report my
4 expectation that we would be done in Seattle. That's my
5 expectation. Again, it depends, as John said, on how much
6 time this Negotiated Rulemaking Committee takes on each of
7 those issues. But we're very close.

8 MR. JACOBS: Okay. All right. Blake.

9 MR. KAZAMA: Yeah, I think we'll be done by
10 today -- at the close of today, if there's not a whole lot
11 of interruptions and things. We're a hard-working group,
12 so . . .

13 MR. JACOBS: All right. Jason.

14 MR. ADAMS: I think our work group feels the same
15 way. We've got all the language out there. We just have
16 the one discussion yet to be had on the IHP/APR, how
17 that's going to be handled. And so that will -- that will
18 be probably our morning session. If you give us three
19 hours, we'll probably cover that three hours with that
20 discussion.

21 So I guess, Mr. Chairman, if the work group asked
22 for an hour, why aren't we just going to take an hour and
23 then come back? Because three hours is a -- is a lot of
24 time. And I'm not saying it won't be productive. But if
25 you give it to us, we'll use it. But will it be used

1 efficiently?

2 MR. JACOBS: Okay. What is the pleasure?

3 MR. KAZAMA: Mr. Chair, I was the one that
4 suggested the one hour. We could go until noon because
5 we'll just continue with our issues and keep going. The
6 hour was pertaining to what was discussed yesterday, and
7 we wanted to clarify things and bring it back. That's why
8 we needed that one-hour time. But I'm sure the group
9 would much rather just keep going until noon and then come
10 back at 1:30.

11 MR. JONES: And one other thing, if Jason will
12 permit me to add a comment on our work group. It's in
13 regard to the investment income. I wanted to say that one
14 of the things that we talked about was that possibly
15 should go with the program income work group too. And so
16 I just wanted to put that out there and keep it in front
17 of everybody.

18 MR. JACOBS: Yeah, I think that's a good point.
19 I've heard some comments in the reports that there's some
20 collaboration and so forth among the groups. So,
21 hopefully, you know, each chair will bring in the other on
22 those areas, certainly.

23 Okay. Well, have a good meeting, and we'll see
24 you here at 1:30.

25 (Proceedings recessed from 9:02 a.m. to 1:44 p.m.)

1 MR. COYLE: Okay. Let's get this started before
2 Marvin gets back. We're going to make a little switch
3 today. We had a couple of complaints from the F group,
4 that they had to wait and hear all the other comments from
5 the other boys, so we're going to start out with the F
6 people, literally.

7 And in that, what I'd like to see is that
8 we run through the items that are completed and ready for
9 consensus. And then we'll come around back -- that
10 shouldn't take too long. And then we'll come back and
11 start working on the ones that are going to take a little
12 discussion. Is that okay with everybody?

13 MS. GORE: Could you just clarify? Are we just
14 listing them, or are we actually going to call for
15 consensus on those items that are ready?

16 MR. COYLE: We'll call for consensus if they're
17 ready to go, if they're ready to be presented to this
18 group right now. F said they have three, I believe, that
19 are ready. Four. Five. Yes, Jason.

20 MR. ADAMS: My question is -- I'm just trying to
21 understand what you said. This is then a negotiation. If
22 they have something they're going to call for consensus
23 on, that is our chance for the committee to negotiate it.

24 MR. COYLE: Yes.

25 MR. ADAMS: And are the time limits then imposed

1 and the protocols going to be utilized?

2 MR. COYLE: If they're ready to go. Are any of
3 those in the 1 or 2 category? Okay. So it will be a
4 time -- timed session.

5 MR. ADAMS: It's my understanding, Mr. Chairman,
6 that the time for low-hanging fruit has sunset. Now we're
7 on to negotiations, correct? Is that the understanding of
8 the committee?

9 MR. COYLE: Does any group have any low-hanging
10 items?

11 MR. ADAMS: Mr. Chairman, there was that one
12 issue that Jad, I believe, brought up yesterday morning
13 that was supposed to be added as number 98 that was going
14 to be considered low-hanging fruit. I don't know if
15 that's been assigned to anyone and addressed.

16 MR. COYLE: I checked and asked on that this
17 morning, and they will be ready to present that in
18 Seattle. So we'll just add it as number 98, and it'll be
19 on the board when we get to Seattle. Is that okay with
20 everybody? Yes, Marvin.

21 MR. JONES: So we are negotiating now?

22 MR. COYLE: I would say we're as close to ready
23 as we'll ever be. Unless -- do you classify those that
24 you presented as ready for negotiation?

25 MR. ADAMS: It was my understanding now that

1 everything from here forward was going to be -- at least
2 my understanding is that we were going to be negotiating,
3 and the time limits would be imposed.

4 MR. COYLE: Is everybody in that understanding
5 and agreeable? Yes, Marvin.

6 MR. JONES: And the first time we're going to see
7 a bunch of this stuff, but we're going to be negotiating
8 this pretty soon, right?

9 MR. COYLE: Yes.

10 MR. JONES: In case we don't have anything in
11 front of us. And am I understanding the protocols
12 correctly that if something comes forward and somebody
13 objects that can't be brought back up?

14 MR. COYLE: It would go back to the committee,
15 wouldn't it, by protocol? What's the consensus here if it
16 has to be worked on some more?

17 MR. JONES: Yeah, if we had an objection. Or am
18 I mis -- mis -- not --

19 MR. ADAMS: Mr. Chairman, if I could. I guess my
20 recollection is if somebody puts something on the table
21 for consensus and you object to that, you have to give an
22 alternative.

23 MR. COYLE: Yes. That's protocol, yeah.

24 MR. ADAMS: I mean, I don't think it's dead.
25 It's just that you have to express what your objection is

1 to it and -- you know, affixed to it.

2 THE FACILITATOR: Excuse me. Let me -- I think
3 also, Jason, to answer that question, if something has
4 reached consensus within a work group as put forward here
5 and doesn't reach consensus, the work group -- the issues
6 that -- of concern that were raised, that can be remanded
7 back to the work group as well.

8 So it doesn't -- it wouldn't mean that you can't
9 talk about it anymore. One of your options is to say we'd
10 like to remand that back to the work group and have them
11 take in the concerns and positions.

12 MR. JONES: For -- and for further clarification
13 then, if the amount of time assigned to it has exceeded
14 and there's no consensus, does that mean that then the
15 issue is dead or -- you know, again, I'm still trying to
16 remember back to exactly what the protocols -- because I
17 don't want something coming up and inadvertently, you
18 know, can't approve it or I can't not object right now
19 or -- or I want to object right now, and I don't want it
20 to, you know, inadvertently not be able to be discussed
21 further.

22 MS. WICKER: My concern is that I don't have a
23 copy of what they're going to present. And I feel like I
24 need a copy of that to review just in case I may have an
25 objection and could, therefore, offer a solution or

1 another option. So I would appreciate having copies of
2 whatever is going to be presented at least in a good time
3 frame prior to it being brought for consensus.

4 MR. COYLE: And that's why I originally asked if
5 there was consensus items that could be brought up right
6 now verbally. Subpart A -- or Jason's group had a
7 printout. Did you get enough for everybody on these
8 printouts, Jason?

9 MR. ADAMS: Excuse me. I'm sorry. I was on a
10 sidebar here.

11 MR. COYLE: Your printouts that you gave us this
12 morning --

13 MR. ADAMS: Oh, that was requested by our work
14 group. One of the members of our work group requested
15 that this document be produced and distributed. It's C53,
16 and that was given in our work group and then to everyone,
17 I understand. It's a -- it's a -- everybody -- everything
18 that we've agreed to or consented to so far.

19 I apologize if that did not get around. I
20 understood that that was going to be the process, that
21 copies were going to be made for everyone.

22 MS. GORE: Can we back up for a minute? I'm
23 looking at the agenda, and it seems to say the same thing
24 it said this morning. And this morning we were simply
25 giving reports, which is what the agenda says for 1:30. I

1 did have a conversation when our work group ended this
2 morning, and I thought we were going to consider whether
3 or not to keep the work groups working and then come back
4 at the end of the day.

5 And I just -- before -- before we jump into this
6 conversation, not that it's not meaningful, I'd like to
7 know how we're going to spend the rest of our time
8 together today. That would help me. Thank you.

9 MR. COYLE: Carol, does your work group still
10 have a lot of work to do?

11 MS. GORE: Yes, and we have great momentum. I
12 think we could actually come to some agreement on a very
13 difficult issue today if we had some momentum. But,
14 again, that's at the pleasure of this committee. I'm not
15 trying to stop the progress.

16 MR. COYLE: I think the main problem is we've got
17 probably two groups that are ready to go in here, and
18 we've got, what, one -- do we have more out there -- two
19 groups that still have work to do? Yes, sir.

20 MR. SAWYERS: That's always going to be the case.
21 I think that what I suggest is that we, first of all, take
22 those items that we have consensus on, try to work through
23 those. If we have more time, we can go back to our groups
24 after.

25 And it's my understanding that if you got two

1 hours on a subject and you don't get consensus in an hour,
2 you still have another hour to take that back to the group
3 and try to take care of it. If you spend your two hours
4 on that -- that -- and we don't get consensus, it goes --
5 it goes to the Secretary.

6 And I think if we don't do that, we run out of
7 time. And if we don't pretty soon get to these items that
8 are -- we think are relatively easy -- even though they're
9 not low-hanging fruit, they're -- they just need a couple
10 of steps in the ladder to get some of these. And I think
11 that that's the way that -- that I suggest we proceed.

12 MR. COYLE: I agree with you, Jack. I think if
13 we got some items that we can come out and run them by
14 right now for consensus and these items won't get thrown
15 into a corner someplace, and we can get them out of the
16 way, shaded, and ready to go for the next meeting, those
17 items. Is that --

18 MS. FOSTER: Thank you. Karin Foster, Yakama
19 Nation. I think Susan Wicker's request is reasonable.
20 However, I think that maybe one way to mediate between the
21 two might be to say we can begin and set things out for
22 consensus. But if a member wants to have an opportunity
23 to actually review a product in writing before we get into
24 full swing, because she -- or, you know, I may very well
25 be in the same place as Susan, that I want to be able to

1 review it, you know, I don't -- I can't quite formulate my
2 objection yet -- then I think we should be able to do
3 that.

4 I mean, if we want to move forward and then if a
5 member wants more time on that item and defer it until
6 after printout has been provided, you know, maybe that's
7 one way to get progress on the easier ones and still
8 provide an opportunity for participation on the harder
9 ones.

10 Otherwise I would say I think we should all have
11 an opportunity to see in writing whatever any of the
12 committees want to propose. But, you know, I'm -- I'm
13 willing to be flexible on that.

14 MR. COYLE: I still maintain that the other
15 people have material ready to go on the board and present.
16 And we've got the whole body here. We've got consensus
17 items. Let's get those out of the way. Does anybody
18 object to that?

19 MS. JONES: I just wanted to see if I could ask a
20 question.

21 MR. COYLE: Yes.

22 MS. JONES: Of all the work groups, how many feel
23 like you're completely finished and there's no need to
24 meet because you're ready to put items forward? Are any
25 of the groups in that position? So Group B.

1 MR. KAZAMA: We have one that we'll take care of
2 in Seattle, but on the list we pretty much have it all
3 done, correct.

4 MR. COYLE: Jason.

5 MR. ADAMS: As far as Work Group C, we have
6 proposed language for the seven items off of the matrix,
7 but there is one item that we're still going through.

8 We are actually taking the time to go through a
9 section of the statute that was -- we didn't anticipate
10 having to go through, but we are now because we should, of
11 an amendment, a whole section that was amended.

12 MS. JONES: I mean, I know we've all worked
13 really hard over the past couple of days. But I think
14 Susan does bring up, actually, a good point. Most of the
15 committee members have not had time to review any of the
16 language that's been written today.

17 So, I mean, again, I'll defer to whatever the
18 committee wants to do. But it might be, in all fairness,
19 better to actually sort of package -- like allow the work
20 groups that still have work to do to go ahead and continue
21 to meet today and by the end of the day try to package
22 those drafts and get copies out to folks, whether it's
23 before we leave today or some time between the end of this
24 meeting and Seattle, so people have time to review it.

25 I just want to make sure that everyone feels

1 comfortable so when we get to the point where we're
2 negotiating everybody has had enough time to review,
3 formulate an opinion, and decide what they want to do. I
4 just think it makes the process a little smoother.

5 But, again, if -- if -- I know we've all sort of
6 worked really hard, and I know that we've got great
7 momentum right now. And so if the committee feels like it
8 wants to go ahead and try to sort of tackle some of the
9 issues that we think are easier to get through before
10 leaving today, before adjourning, you know, I think we
11 understand. But that's my thought.

12 MR. TILLINGHAST: Mr. Chairman -- again, is this
13 mike on or is it not on?

14 UNIDENTIFIED SPEAKER: It's on. It's just turned
15 down.

16 MR. TILLINGHAST: The mike is on, okay. With
17 respect to Work Group F -- two questions were asked, do we
18 have matters ready to present and are we done.

19 We do have five matters that are -- are
20 completely finished. They're ready to be presented for
21 consensus. We don't believe that any of them are
22 controversial. It would stun me if any of them take more
23 than five or ten minutes.

24 All but one were thoroughly described to you and
25 put on the board this morning, so the committee has had

1 several hours to consider the presentations that were made
2 this morning. I hope the presentation this morning was a
3 value to the committee.

4 Frankly, our concern is that if you put off
5 talking about or reaching a consensus on items that you've
6 been briefed on once, then if we bring them up in Seattle,
7 you'll have forgotten what, in my case, I said this
8 morning and say, Well, gee, why do they want to do that?
9 And I'll have to give the speech over again, which is fine
10 because I get paid by the hour.

11 But it's a waste of the committee's time to hear
12 the same thing twice. And to me, that's an inefficiency.
13 So we would -- our preference would be -- our preference
14 would be to present our items now. Despite the fact that
15 they were thoroughly described this morning, if somebody
16 still needs more time to think them over, that -- that's
17 fine.

18 But the other reason is this afternoon -- we have
19 four more items, but in each case we've assigned each
20 other interim work to do before Seattle before we're ready
21 to talk about them again, so that if we go into work
22 groups, we have nothing to do. Our time will be
23 essentially wasted this afternoon.

24 MR. COYLE: Marvin.

25 MR. JONES: Be that as it may, I think you're

1 going to find objection and that we ought to have
2 information, ought to be able to review it. If it can't
3 survive three weeks, you know, maybe it isn't -- isn't
4 clear enough to last for the number of years it's got to
5 be implemented.

6 So I would -- I think that -- I've heard
7 expression that people want the time to review it. And I
8 think that Seattle would be a good time to -- for us not
9 to have any excuses to have it, read it, be able to engage
10 in negotiation at that time. So . . .

11 MR. COYLE: All right. What's the consensus of
12 this body? Let's have a proposal out. My proposal -- go
13 ahead, Jason.

14 MR. ADAMS: I just want to mention that from Work
15 Group C's perspective, the language that we are going to
16 propose today on the board we do have in hard copy to
17 present to the committee also. And, you know, we do have
18 a two-hour time limit per issue. And if folks want to,
19 you know, get into the issue, realize that they want more
20 time -- that was my hope, is that we would then break and
21 reserve the remaining balance of that time for issue and
22 move on to get those questions answered. But we do have
23 hard copy for the language that we'll be proposing.

24 MR. COYLE: Go ahead, Jack.

25 MR. SAWYERS: Again, I think we should go ahead.

1 I agree with Jason. I find if you keep putting things off
2 and reviewing and hollering and going through each one of
3 these and saying what we're going to do -- I've been
4 through two of these now. The latter days are pretty
5 short.

6 So I'm saying let's get rid of those. And if it
7 appears we're going to have a problem, then let's defer it
8 back to the committee. And some of these may slide right
9 through. If they don't, we still have the remainder of
10 the time. By the way, we need a timekeeper.

11 MR. COYLE: Go ahead, Karin.

12 MS. FOSTER: From what I've heard from the
13 committee so far, it sounds like each of the committees
14 has a written product that could be distributed out to the
15 rest of the committee members now. And I think that it
16 would be helpful to the process for that to be done, for
17 everybody to have a copy in writing of every other work
18 groups' proposals.

19 And then if there are things, as Jack says, that
20 we can get through quickly, then we'll know what those are
21 and everyone will be more comfortable with what's going to
22 be worked on this afternoon. I mean, I agree with making
23 progress. But I don't think it's stalling when -- for
24 example, I have no idea what your proposals are. I've
25 never seen them before.

1 I mean, I know generally what your subject is, of
2 course. I know what you needed to do. But I'd like a
3 chance to see it, just as I'm sure Susan would, before we
4 actually are under the time clock. Maybe we could get
5 copies and have, I don't know, even 30 minutes to take a
6 look at them, I mean, just to be able to tell what's a big
7 issue and what's not.

8 MR. COYLE: Susan.

9 MS. WICKER: I would agree with Karin. Because
10 that's what my earlier objection was. Because (inaudible)
11 was ready to put something on the screen here for us to
12 have consensus on. I've got to turn around and back and
13 forth to look at what's on the board in here. I want it
14 in writing so I can look at it and read it prior to saying
15 I agree or disagree. So that was my objection -- my
16 reason for the objection earlier.

17 MS. GORE: I just want to report from Work Group
18 A. We did bring to -- what we thought were low-hanging
19 fruit to this committee this morning for consensus, and we
20 were told this is the time for the work group. We do not
21 have hard copies, nor did we revisit those two items, one
22 of which received a significant amount of conversation and
23 some consensus from -- from HUD. And I have not had the
24 opportunity to revisit with the work group because we
25 believed our time would be spent in the work group.

1 So we've been focusing on one very big issue for
2 the entire day and would have nothing to bring to this
3 Negotiated Rulemaking Committee. We have nothing in hard
4 copy, even though it might be simple, and I think that is
5 a good idea. Thank you.

6 MR. COYLE: Okay. It kind of crosses my
7 understanding that you can -- Jason, can your group keep
8 busy this afternoon getting ready for the next meeting?

9 MR. ADAMS: Sure. We have other items that we
10 could be doing, but --

11 MR. COYLE: Hard copy?

12 MR. ADAMS: We have a hard copy right now we
13 could produce and put out there. I mean, I just want to
14 reiterate what Jack said. I mean, we've only got -- we
15 set aside two hours for every issue. And if we don't
16 start tapping into that two hours per issue and getting
17 the easy ones out of the way, we're going to be crunching
18 time again.

19 I sat through one of these previous and had the
20 same issues come up, where we were literally watching the
21 clock tick away. So I don't want to be in that position
22 again.

23 MR. COYLE: Dr. Kazama.

24 MR. KAZAMA: Group B has hard copies of all the
25 issues except for 91. So we -- we went through it. We're

1 ready to pass that out to everyone -- or as soon as we get
2 a copy. But we do have hard copies of all our issues.

3 MR. TILLINGHAST: Working Group F informed me at
4 the table they'll have hard copies of all of our proposals
5 in ten minutes.

6 MR. COYLE: Carol, you're the only one that
7 really is not prepared, right?

8 MS. GORE: I wouldn't say we're not prepared. I
9 would say we're prepared to enter into negotiation if this
10 committee wishes to do so. But the two items that I
11 brought this morning -- one is off the table because we
12 have not re-discussed that issue. I think it will be very
13 simple. We're prepared to do the wish of this committee.
14 I just wanted you to know the status of our work group.
15 Thank you.

16 MR. COYLE: So you could possibly present one for
17 consensus, the one that you just stated?

18 MS. GORE: We have one. It would probably take
19 five to ten minutes. I really truly think it would. But
20 the first one would not because, with all respect to this
21 committee, it has not gone back to the work group for
22 action and recommendation. Thank you.

23 MR. COYLE: I'm hearing that we've got some
24 low-hanging items that we could discuss right now. Would
25 you want to put them on the time clock, or just like we

1 did previous, get consensus on them, we think they're that
2 simple? Marvin.

3 MR. JONES: Again, you were earlier getting ready
4 to ask for a consensus, I think, to whether or not we were
5 going to enter into negotiations. And -- and if you do
6 that -- which it sounded like you were going to do that a
7 while ago -- there's going to be objections.

8 And so -- so I think -- well, I think we should
9 call for consensus to see if we want to enter into
10 negotiations right now.

11 MR. COYLE: I'm like you, Marvin. I'm amenable
12 to it. And is that a consensus, that we try to get some
13 of these out of the way without the clock? Are you okay
14 with that?

15 MS. FOSTER: I would like to have copies of
16 anything that's going to be proposed since everybody has
17 it in hard copy. I have Work Group C. I have Work Group
18 B. And I think that's a reasonable request. So with that
19 caveat, I'd be happy to begin negotiations. I would just
20 like to have more copies, and I think Susan would too and
21 others on the committee.

22 MR. COYLE: Yes. It seemed like we've got hard
23 copies except for you, Carol.

24 MS. GORE: They're in process. We were not
25 expecting this. But it's quick.

1 MR. COYLE: Yeah. And the main reason for
2 this -- I think most of you are aware -- is we've got two
3 or three groups that they're ready to go. And they could
4 sit around here the rest of the day and we'd waste a lot
5 of time. If we can pick up some good time, let's do it.
6 Yes, Marvin.

7 MR. JONES: Not everybody wants to enter into
8 negotiations today and want to wait for Seattle. I'm
9 confident that if you structure a consensus call, that
10 will be -- you know, people will want to wait -- some
11 people will want to wait until at least Seattle. And I
12 think we ought to afford that opportunity to -- to those
13 people.

14 As for do we have people that might have been so
15 efficient that they don't have anything to do, I'd be
16 happy to hear their opinions and thoughts on the IHP/APR
17 issue, you know.

18 MR. COYLE: Go ahead, Russ.

19 MR. SOSSAMON: Mr. Chairman, I'd just recommend
20 that perhaps we allow the groups to present what they've
21 accomplished so far and, as we review it, to get feedback
22 from the full committee.

23 If the full committee -- if the feedback is we
24 could act on this right now, then we'll determine that and
25 possibly act on it. But I think the feedback would be

1 valuable for the work groups to know what areas they need
2 to go back and focus on.

3 And once we get through that process, whatever
4 time is remaining, then we can adjourn back to our work
5 groups. That's how I'd recommend we approach it. That
6 way we're getting the valuable feedback that we need
7 without violating our protocol of the time limit. Because
8 if we start negotiating, protocol says the clock starts.
9 So this is a way to just maybe approach that.

10 MR. COYLE: Rodger, do you have a comment?

11 MR. BOYD: Well, I guess I'm getting a little
12 confused in this discussion. I thought that Marvin called
13 for a consensus to -- to decide whether we should even
14 negotiate on anything today. I thought that's -- I
15 thought that's what he did. And the chair -- I don't know
16 if you recognized -- I don't think you recognized that.
17 And so if he called -- as a member of this committee, if
18 he called for the consensus to do that, I think he should
19 be recognized on that -- on that call.

20 MR. COYLE: Marvin, can you repeat your consensus
21 call?

22 MR. JONES: I had understood that you were
23 getting ready to call for a consensus on whether to
24 continue the negotiations right now. And if you do call
25 for that, which I hope you do, people are going to -- I

1 think you're going to have an objection to that, and then
2 that pushes it then, because people want to have some time
3 to do the issues in Seattle.

4 MR. COYLE: Marv, I wasn't trying to call for --
5 push a consensus of any type. I primarily wanted to have
6 some action for the rest of the day. And if we can
7 alleviate the time element in any way, shape or form, I'm
8 all for it. And so that's why I asked for input from the
9 total body. Go ahead.

10 MR. JONES: So am I mistaken in that a while ago
11 you were getting ready to call for a consensus that we
12 enter into negotiation?

13 MR. COYLE: I'm getting ready to go home, but I
14 haven't stated that yet. And my main concern right here
15 now is to do some production, any type of production. And
16 we had a little argument about the production this
17 morning.

18 If we can get some consensus items on the table
19 here without -- and Rusty had a good point there. If we
20 feel we can go for consensus, let's go. Do you want to
21 hold off on the time element of negotiating and present
22 these items like a committee report?

23 MR. JONES: You know, just speaking for myself,
24 I'd -- you know, I think Rusty had a good idea, you know,
25 that, you know, we can either not call for -- you know,

1 not formally enter into negotiation unless everybody sees,
2 okay, there's an issue; everybody can look at it and say,
3 simple, yeah, let's do that. And -- and then -- you know,
4 that would be fine.

5 I personally -- I don't know how the others feel
6 that might want to have the documents in front of them to
7 review it. I feel -- you know . . .

8 MR. JACOBS: Mr. Chair, my thoughts on this is
9 the last two days we covered a number of issues that we
10 reached a consensus on. And I thought we were doing the
11 same thing this afternoon, to see if there are other
12 issues that the working groups have reached consensus.

13 And we could take them off the plate this
14 afternoon, and then that would tell us exactly what is
15 left to put together an agenda for the Seattle meeting.
16 That's my thoughts on that.

17 MS. FOSTER: I would like to ask for consensus on
18 me getting a copy of Work Group F, which is the only
19 document I don't have. If anybody else wants one, I guess
20 it's up to them. But I would really like a copy of
21 everything that's going to be presented. And I have two
22 of them; I don't have the other one.

23 MR. TILLINGHAST: Mr. Chairman, we've asked for
24 the copies of Work Group F's documents from the
25 appropriate folks over there. We have a range of time as

1 to whether they're going to be delivered in between 5 and
2 20 minutes.

3 MS. FOSTER: Thank you.

4 MR. TILLINGHAST: But you're going to get them.
5 You're welcome.

6 MR. COYLE: Go ahead, Jason.

7 MR. ADAMS: I would like to call for a consensus
8 then to -- to proceed this afternoon in -- in the vein of
9 Rusty's suggestion, that we present ideas and work
10 product. And if there is a feeling to call for a
11 consensus and everybody has a good feeling about an item
12 that we do that and then move on.

13 MR. COYLE: Do we have a consensus on it?

14 MR. SOSSAMON: Could I --

15 MR. COYLE: Rusty.

16 MR. SOSSAMON: Just a point of order,
17 Mr. Chairman. We had one call for consensus here first.

18 MR. COYLE: Excuse me.

19 MS. FOSTER: Withdrawn in light of what I heard
20 about copies being made.

21 MR. JONES: Before -- could I -- before you call
22 for that consensus, could I make a point, if that's okay?
23 It would be good maybe if we had all the documents and
24 could take maybe, I don't know, 15 or 30 minutes for
25 everybody to look through those documents and -- and then

1 they may -- everybody may look at those and -- go ahead.

2 MR. ADAMS: Can I reply? I guess -- I guess, if
3 I heard Rusty right, his idea was to present --
4 informationally present the issues. And then if there was
5 discussion or questions or further study that needed to
6 be, then that was relayed back to the committees to go do
7 that and answer questions. There wouldn't be a call for
8 consensus on those items.

9 Is that -- did I hear you right, Rusty? Is
10 that -- because that was my call for consensus, was based
11 on that idea.

12 MR. SOSSAMON: Yes, that's correct. And if there
13 was something that's so obvious that everyone agreed on,
14 then it would be up to the committee if they wanted to
15 have consensus on that item now. Or if they saw something
16 that it looks good but they're not ready to commit, but
17 they may want to revert to the Drafting Committee to have
18 documents for next time -- I mean, it's kind of wide open,
19 but let's do something. All right?

20 MR. COYLE: I agree with you, Rusty. Do we -- we
21 had a consensus call by Jason. Is everybody understanding
22 what he's talking about now? Yes, Carol.

23 MS. GORE: Well, I have -- I just want to clarify
24 this. We're either reporting or we're negotiating. And I
25 want to follow the protocol precisely because everyone

1 here agreed to that. So I just want to know if I'm -- if
2 I'm voting in favor of this consensus, I'm voting in favor
3 of reporting. I'm not looking for a way to avoid what we
4 all adopted in the protocol. I want to be very clear.

5 MR. COYLE: Carol --

6 MS. GORE: Is that -- Jason, is that your -- is
7 that your view of the -- your call for a consensus, that
8 this is reporting?

9 MR. ADAMS: Again, I -- what I saw was compromise
10 at the table as far as how we would proceed. And so I was
11 jumping on more with that compromise to say that -- let's
12 do something. Let's get something on the table, report
13 out. And if there was a call for a consensus on something
14 that was easy, then we'd take care of it at that time.
15 That was my thought. I thought there was a compromise.

16 MS. GORE: I just want to make sure that we're
17 not setting ourselves up to avoid the time clock that we
18 so painfully set in the protocol. I just want to make
19 sure of that. I'm not entirely comfortable, but I'll go
20 with the -- I'm with you. I want to do something. We've
21 been here, oh, let's see, 15 minutes. Thanks for the
22 clarification.

23 MR. COYLE: It's my thought that we're all
24 thinking on the same line in that we're in the same
25 category right now that we've been working for the last

1 three meetings; that we're bringing back committee
2 reports, and if there's a low-hanging fruit that we can
3 pluck off the tree and get a consensus on, we're going to
4 get it done right now. Is that all right?

5 MR. ADAMS: Again, that was my call for a
6 consensus. And I'm moving away from my position this
7 morning that said that we would stick to the two-hour
8 limit. Again, a compromise was made. I thought that we
9 could start presenting items in lieu.

10 MR. COYLE: I believe it's a -- Dr. Kazama.

11 MR. KAZAMA: I guess I -- the more we speak, the
12 more confusing it becomes, I think. But my concern is
13 this morning, for example, Carol said, I got two
14 low-hanging fruit there, and we didn't deal with the
15 issue. And I think it's still hanging there somewhere.

16 And here we are -- so let's -- let's take care of
17 the low-hanging fruit, let's get the reports going and
18 call it a day, okay? I mean -- I mean, if that's okay
19 with everyone.

20 MR. COYLE: Have we got a consensus on Jason's
21 consensus item? Any objections? Any objections?

22 MS. FOSTER: Clarification. Is that then to --
23 was his proposal the same as Blake's, to handle the
24 low-hanging fruit and then move into the reporting? Did I
25 understand that correctly?

1 MR. KAZAMA: The chair suggested it.

2 MR. COYLE: That's what we're working on, Karin,
3 is trying to clean up what we started Tuesday, was get rid
4 of the low-hanging fruit.

5 MS. FOSTER: I think --

6 MR. COYLE: If there's still some out there. If
7 we can't do it, pass it back to the committee.

8 MS. FOSTER: If that's what Jason is suggesting,
9 that we handle these two items from Carol as low-hanging
10 fruit and then move into the reporting, that's fine. But
11 I would like copies, that's all.

12 MR. COYLE: Jason, are you ready?

13 MR. ADAMS: Am I ready for what? Have we closed
14 my call for consensus?

15 MR. COYLE: We've got the consensus. Are you
16 ready to make your report?

17 MR. ADAMS: If it's up to Group C to go first, we
18 sure will.

19 MR. COYLE: Do you have your hard copies out yet?

20 MR. TILLINGHAST: The hard copies aren't out yet.
21 But, Mr. Chairman, all five of ours are low-hanging fruit.

22 MR. COYLE: Okay. Let's hold off on yours until
23 you get the hard copies out there. Which as soon as you
24 get them out there, we'll go to them, but -- go ahead,
25 Susan.

1 MS. WICKER: I think you just called that there
2 was a consensus on what Blake said. Marvin had his hand
3 up to ask a question, and you never acknowledged him.
4 Now, I don't have a problem with what Blake said as long
5 as it's low-hanging fruit. Because what is being passed
6 out and what we have negotiated on -- we'll be negotiating
7 on is ranked number 3's.

8 As long as it's low-hanging, I have no problem.
9 But I still would like to see some -- the stuff that he
10 was referring to earlier. And referring to John, I want
11 to see something in writing. And that was my first
12 request, to see something in writing. And if I'd have got
13 a yes on that then, we wouldn't be discussing it for 20
14 minutes.

15 MR. COYLE: And I believe Jason stated it, Rusty
16 stated it, and Dr. Kazama stated it. That we're going to
17 work the same as we've done in the past; no time, no
18 negotiation. If we needed more work on them, we turn it
19 down and go back to committee. Now, is that right? Is
20 that a consensus? One more consensus. Marv, you had
21 stated a question or --

22 MR. ADAMS: Mr. Chairman, did we get consensus?

23 MR. COYLE: Yes, we did.

24 MR. ADAMS: Okay.

25 MR. JONES: No, not at this time. I might

1 though. It depends on how the process goes.

2 MR. COYLE: Okay. Yes, Jack.

3 MR. SAWYERS: I've heard a lot from you, Marvin,
4 but I haven't heard why. I mean, if you're agreeing to
5 make an objection, you need to say why, and then you
6 present a better idea. And so far I've heard I won't go
7 for this because some of us haven't read this, or we
8 haven't done this or that.

9 That's -- Susan is right. We need to have a hard
10 copy, no question. But you can stay ahead of the folks.
11 You don't need to study that from now until then. I
12 just -- I just think we're playing games here. And I'm --
13 you know, I'm a little upset about this.

14 I think that we want to get on with it, and we
15 want to get on it in the right way. And I'm trying to --
16 I think we really need to respect each other a little more
17 than we have.

18 MR. COYLE: Thank you, Jack.

19 MR. SOSSAMON: Mr. Chairman and fellow committee
20 members, basically, what I would like to do is present
21 what we've accomplished so far, where we're at. Some
22 things we're not -- we know we're not even finished with,
23 other things we've got something drafted for discussion.
24 We're seeking feedback from this group to know: Is it
25 ready to send to the Drafting Committee to give you your

1 hard copy that at some point we can enter into negotiation
2 for or is it not? All right.

3 I do believe this committee has an option, if
4 they look at something and everyone goes, wow, we could do
5 this now -- do it. If you don't -- if you don't want to
6 do it, don't do it. But let's review where we're at now
7 and decide and get organized so we know where we're going
8 to go the rest of this afternoon and at the next meeting.
9 That's all I'm asking for. I'm not saying let's enter
10 into negotiations right now.

11 MR. COYLE: Chairman of the F Group, are you
12 ready to go?

13 MR. HAUGEN: Larry, we're still waiting on hard
14 copies as well. And we think it's appropriate that when
15 those hard copies are done and distributed -- coinciding
16 with what Jack was saying.

17 MR. COYLE: Marvin.

18 MR. JONES: I'm going to try to be as measured as
19 I possibly can in responding. But my name was just
20 mentioned a while ago, and I don't appreciate how it was
21 said without an opportunity to respond. For now -- I
22 think the best way to respond is to -- not to say anything
23 for right now. But I guarantee you, I'm going to say
24 something either today or in Seattle.

25 And, you know, I'm perfectly willing -- one way

1 that I won't say anything, Chair, if you remind us that
2 we -- we need to be cautious as to how -- how we speak.
3 And if you do that, I'll be -- I'll be happy and not
4 directly respond. Otherwise I'm going to -- I am going to
5 at some point.

6 MR. COYLE: Marvin, we want to keep you happy.
7 So you just stay there and smile, okay. If -- as soon as
8 we can get the hard copies for F, we'll start.

9 MR. KAZAMA: Yes, Mr. Chair. Again, I would
10 call -- there were two low-hanging fruit. You asked,
11 Should we take care of them? Let's not go to F yet.
12 Let's take care of the low-hanging fruit, wait for that to
13 be delivered.

14 MR. COYLE: That's just what I was going to come
15 back to, Doc. That's why I asked it. Are you ready to
16 start presenting your report, Dr. Kazama?

17 MR. KAZAMA: No. Low-hanging fruit.

18 MR. COYLE: Carol.

19 MS. GORE: I'm going to ask Susan. I have one
20 that has zero language and one that has one sentence. We
21 do not have hard copies. May I move forward? And if you
22 object, I'm perfectly happy to wait. They are in process,
23 but I don't have them in hand.

24 MS. WICKER: Carol, thank you. He stated
25 low-hanging. As long as it's low-hanging, I have no

1 problem with that.

2 MR. COYLE: Start your report, Carol.

3 MS. GORE: I'm being told the one with zero
4 language to recommend is in the Drafting Committee. So
5 with all due respect to our need to move forward, I will
6 retract and say I have one item with one sentence, and
7 that's issue number 14.

8 We're going to try to get that one sentence up on
9 the board. If I could just speak very simply to that.
10 Issue number 14 is simply an amendment that allows us
11 access to federal supply sources, specifically GSA.

12 So our thought -- our thought on issue number 14
13 was to simply provide a bookmark in the regulation. So
14 that is the intent of this language recommendation. It
15 does also advise the reader of the GSA USC code so they
16 would have that reference. This is not a reference to
17 anything in NAHASDA but simply to direct the reader where
18 to find the GSA code. So that is the simple
19 recommendation.

20 I'll read it out loud. It's titled Utilizing
21 Federal Supply Sources in Procurement. In accordance with
22 section -- and I believe that's a typo, it's 101(j) of
23 NAHASDA -- recipients may use federal supply sources made
24 available by the Government Services Administration
25 pursuant to -- my term there -- 40 U.S.C. section 501.

1 And we do not have the GSA, but we have no
2 control over that either. With that, I offer that for
3 questions. And if there are no questions, I would call
4 for a consensus. Yes, Rodger.

5 MR. BOYD: No question, but just a comment. I
6 think it's a small "j."

7 MS. GORE: Yes, that's correct. So it's small
8 "j," and it's 101. Thank you for that.

9 MR. COYLE: Any comments? Carol, are you calling
10 for consensus?

11 MS. GORE: Yes, I call for consensus. Thank you.

12 MR. COYLE: Okay. Number 14 -- item number 14,
13 do we have a consensus? Thumbs up. Everybody, thumbs up
14 or down. No objections. We have a consensus on number
15 14. Thank you.

16 (Applause.)

17 MR. COYLE: We appreciate that.

18 MS. GORE: My only further comment is we will
19 have one more low-hanging fruit to bring back. I expect
20 that not to be controversial. It will be a zero language,
21 I think, out of the work group, but I want their support
22 on that before I bring it back. Thank you.

23 MR. COYLE: Okay. Any of the other groups want
24 to report now on anything close to the low-hanging?

25 MR. TILLINGHAST: Mr. Chairman, Work Group F,

1 it's our view that all five of ours are low-hanging or
2 certainly low-hanging from the taller among us. We think
3 they're low-hanging. I suppose if somebody doesn't think
4 they're low-hanging, they can object. However, we'll also
5 be happy to wait, because we're now five or ten minutes
6 away from having the hard copy or, as we have with most
7 low-hanging stuff, put it on the board. It's the
8 committee's pleasure.

9 MR. COYLE: Let's wait until we have hard copies.
10 And are any -- anybody else have any that they can fly up?

11 MR. HAUGEN: Just a point of clarification. The
12 items that we worked on we thought were low-hanging. But
13 in addition to that, we have some high-hanging fruit that
14 we want in category 6. Just so you know.

15 MR. COYLE: We're taking nothing above 5 today.
16 Did Jason go out to get more ammunition? While we've got
17 this time waiting for these hard copies, Rodger, could you
18 explain our next session and hotel and everything.

19 MR. BOYD: Yes, Mr. Chairman. I'll have Mike
20 Agnes (phonetic) come up and give us the details on the
21 next location and dates for the meeting.

22 UNIDENTIFIED SPEAKER: The next NegReg session
23 will be in Seattle in June. We have the Hyatt Olive 8, is
24 the name of it, downtown Seattle, June 8 through the 12th.

25 MR. COYLE: Repeat the Hyatt.

1 UNIDENTIFIED SPEAKER: The Hyatt -- the Hyatt --
2 it's called the Hyatt Olive 8 or 8 Olive. Kind of an
3 unusual name. But we will be sending out your notice, as
4 you received last time, with the blocks of rooms to be
5 able to make your reservations.

6 THE FACILITATOR: (Inaudible.)

7 UNIDENTIFIED SPEAKER: I don't know. I'm not
8 familiar with Seattle. Perhaps some of my colleagues here
9 from the northwest. I don't know about the fresh fish,
10 but -- and then we're going to be going right back to
11 Seattle in July, and that's going to be at the Crowne
12 Plaza.

13 UNIDENTIFIED SPEAKER: Questions? Yes.

14 MS. WICKER: (Inaudible.)

15 UNIDENTIFIED SPEAKER: June 8 through the 12th.
16 Traveling on the Monday, and then the NegReg Tuesday,
17 Wednesday, Thursday. Three-day.

18 MR. COYLE: So it's at the Hyatt in June.

19 UNIDENTIFIED SPEAKER: Crowne Plaza in July.

20 MR. COYLE: And then the Crowne Plaza will be on
21 the 20th, starting the 19th of July.

22 UNIDENTIFIED SPEAKER: Correct.

23 UNIDENTIFIED SPEAKER: Okay. Ray.

24 MR. DePERRY: Mr. Chairman, will either of these
25 places cost me \$90 to get to by taxi?

1 MR. COYLE: Seattle does have a train from the
2 airport to downtown, and I strongly advise that. It's a
3 new train. I would strongly advise that.

4 MR. DePERRY: So that's a no, it won't take \$80
5 to get from --

6 MR. COYLE: No.

7 (Discussion off the record.)

8 MR. DePERRY: That's great. I think if that
9 little bit of information could be in the next packet that
10 comes out for many of us who -- that will certainly help
11 us in the planning of the distance and the cost and those
12 kinds of things. It will certainly help us out. The more
13 information you give us, the better.

14 UNIDENTIFIED SPEAKER: We'll be happy to put that
15 in.

16 MR. COYLE: I haven't made the trip in yet. But
17 I believe that it comes into the master station right
18 downtown, the master bus station. I'll double-check for
19 you on that. And that will only be about two blocks from
20 the hotel.

21 THE FACILITATOR: Okay. We're passing out Work
22 Group F's materials.

23 MR. COYLE: And if there's anybody here that
24 doesn't have a ride in the morning to the airport, there's
25 a couple of cars that will be going out there, so -- I

1 have one of them, and if anybody else has one. Rusty.

2 MR. SOSSAMON: I just need some clarification on
3 what it is that we're doing. I understood we had
4 consensus to go -- for each work group to present where
5 we're at, and then issue by issue determine: Do we want
6 to act on it, or do we want to give some feedback and
7 refer it to drafting or -- to report out so that we're all
8 caught up where everyone's at. Are we doing that or --
9 okay.

10 MR. COYLE: Yes. Carol, I believe, explained
11 that her other items weren't ready yet.

12 MR. SOSSAMON: So you're finished with your
13 report?

14 MS. GORE: That's correct, Rusty.

15 MR. COYLE: Now we're going to F. The hard copy
16 just came out. They claim that they have low-hanging
17 fruit, and we're going to pluck it off the tree.

18 MR. HAUGEN: Thank you, Mr. Chairman. What you
19 have before you is Work Group F. If you don't believe me,
20 just look at the title, Work Group F. As John noted
21 earlier, we have several issues that we thought were
22 low-hanging and have come up with the appropriate
23 language. And I believe at this time we will go through
24 those one at a time. And when we're done, I will ask the
25 committee for a consensus. So with that, I'm going to

1 turn it over to Mr. Tillinghast.

2 MR. TILLINGHAST: Mr. Chairman, thank you. We'll
3 take them -- well, we might as well take them in the order
4 in which they were passed out. This first section, which
5 is a proposed -- item 77 is what this disposes of.

6 NAHASDA was amended to require recipients to
7 themselves conduct an appropriate level of onsite
8 inspection. And we adopted a definition of appropriate
9 level of onsite inspection that, in essence, leaves it
10 with the tribes and the TDHE's to write their own policies
11 on what an appropriate level of onsite inspection is,
12 rather than trying to have one imposed in regulation that
13 had one size fits all.

14 It does have a standard, although it's a very
15 basic standard, that your inspection policy that you
16 should adopt has to be designed to determine compliance of
17 your housing, the applicable requirements, which can
18 include NAHASDA requirements, they can include your own
19 tribal requirements, whatever laws and policies might be
20 applicable to that policy.

21 Yeah, there is -- well, currently there is no --
22 there is a new regulation, because the phrase "appropriate
23 level of onsite inspection," as it applies to recipients,
24 is a concept that was not in NAHASDA until now. It's 77.

25 Okay. Questions before my chair makes a

1 consensus request?

2 MR. COYLE: Do we have any questions?

3 MS. WICKER: (Inaudible.)

4 MR. TILLINGHAST: Oh, the location of the
5 statute. Somebody asked about the location of the
6 statute. It is 403 -- section 403(b) of NAHASDA, which
7 says in the 2008 amendment that such monitoring of you
8 shall include an appropriate level of onsite inspection of
9 housing, and that's by the recipient. The words "an
10 appropriate level of" were the 2008 edition.

11 MR. COYLE: Marvin.

12 MR. JONES: It's item number 77. And am I
13 correct that this was originally a category 3 and that now
14 you're -- upon further review, you're saying that it's --

15 MR. TILLINGHAST: It's -- it's because of a
16 mistake, and the mistake is attributable to me. There is
17 another provision, which you'll find in item 79E which
18 talks about an appropriate level of inspection by HUD, and
19 that's what we thought was going to be controversial.

20 That was the "appropriate level" issue that I
21 thought was to be dealt with in 77, and that the rank of
22 the raters at NEIC thought that it was to be dealt with in
23 77. In fact, it's not. It's the recipient's monitoring,
24 not HUD's monitoring.

25 HUD's monitoring is going to be more

1 controversial and, in fact, we're going to be doing
2 interim work on that to see if there is any compromise to
3 be worked out.

4 MR. JONES: Thanks.

5 MR. HAUGEN: With no comments, Mr. Chair, I
6 request consensus of the committee.

7 MR. COYLE: Call for a consensus on this item.
8 Thumbs up. Any objections? Consensus on item 77.

9 MR. TILLINGHAST: Moving on to Regulation 520.
10 And I will tell you that this takes care of -- and bear
11 with me -- what we call the easy half of 79E. The easy
12 half of 79E is -- is -- what you see in front of you is
13 technical. The hard part of 79E is what is the
14 appropriate level of HUD inspection, which is what I just
15 discussed, which we're a long way from being able to come
16 back and have a recommendation to you on.

17 This technical regulation, which Ed Goodwin
18 explained this morning, was requested by HUD. Because
19 you'll see that the existing reg sets out some standards
20 for what recipients must meet. And HUD wanted to make
21 clear that these are standards that apply in their review
22 of the annual performance report. They are not standards
23 that are applied in their onsite visit. Those have their
24 own sets of standards.

25 So this was -- this reg was requested by HUD to

1 reflect what, in fact, their existing practice is.

2 MR. COYLE: Would you read what you've written
3 here to the body.

4 MR. TILLINGHAST: Could I read what?

5 MR. COYLE: Read the contents of what you --

6 MR. TILLINGHAST: Oh. The whole reg as amended;
7 is that what you're asking, Mr. Chairman?

8 MR. COYLE: Yes.

9 MR. TILLINGHAST: Okay. Title: What are the
10 purposes of HUD's review of the annual performance report?

11 HUD will review each recipient's annual
12 performance report when submitted to determine whether the
13 recipient:

14 (a) has carried out its eligible activities in a
15 timely manner, has carried out its eligible activities and
16 certifications in accordance with the requirements and the
17 primary objective of NAHASDA, and with other applicable
18 laws, and has a continuing capacity to carry out those
19 activities in a timely manner;

20 (b) has complied with the IHP of the grant
21 beneficiary; and

22 (c) whether the annual performance -- excuse
23 me -- whether the annual performance report of the
24 recipient is accurate.

25 Obviously, any language that's just there in type

1 is existing language. New language is underlined. The
2 old language is deleted. And I should add that at the
3 request of the Drafting Committee, we did make one change
4 to this provision to make it clear that HUD will review
5 your annual -- for -- your annual performance report once.
6 They won't review it three times.

7 There were complaints that, in fact, somebody had
8 undergone multiple reviews of their annual performance
9 report. And we all agreed that that wasn't something that
10 ought to be done. So that's why the first sentence reads
11 "will review each recipient's annual report when it's
12 submitted." Marvin.

13 MR. COYLE: Yes, Marvin.

14 MR. JONES: A question under the (a) part where
15 it talks about eligible activities in a timely manner. I
16 realize that's existing language, right?

17 MR. TILLINGHAST: Correct.

18 MR. JONES: Just an inquiry, since I think --
19 because of other changes in the law that technically we
20 don't have to spend any money at any period of time,
21 whether or not that is anything to be concerned about in
22 regard to this particular section.

23 MR. TILLINGHAST: It -- it -- we didn't consider
24 it, first of all, because it wasn't within our matrix. So
25 we, frankly, didn't give it any consideration. There are

1 still probably timelines set out in your IHP that if you
2 miss might be arguably untimely, or if somebody -- some
3 other work group is working on implementing the fact that
4 you can now carry over funds, for example, they may want
5 to themselves dig into this regulation and make a
6 conforming change as well. But we considered that sort of
7 none of our business.

8 MR. COYLE: Go ahead, Marvin.

9 MR. JONES: So you're asking for the consensus on
10 the changed language then?

11 MR. HAUGEN: We propose consensus on 1000.520 and
12 the amendments to the regulation.

13 MR. COYLE: We have a call for consensus. Are
14 there any questions? Okay. Thumbs up. Any objections?
15 We have another consensus item. That's number 79, right?

16 MR. TILLINGHAST: The easy part of 79E. But
17 don't -- don't let that lull you into thinking we won't be
18 visiting 79E again, because we have the hard part of 79E
19 yet to come. Maybe you want to cross-hatch it rather than
20 shade it, or just shade half of it.

21 MR. COYLE: Okay. That was -- that was number
22 1000.520.

23 MR. HAUGEN: Mr. Chairman?

24 MR. COYLE: Okay. Everybody got that?

25 MR. HAUGEN: Mr. Chairman?

1 MR. COYLE: Yes.

2 MR. HAUGEN: Got one question. Does everyone
3 have the matrix that has 79 broken into five different
4 categories, A, B, C, D, E? Okay. Then that -- I knew
5 that there were probably --

6 MR. TILLINGHAST: Yeah, I was going to -- yeah.
7 We forwarded that on yesterday. It was on the board this
8 morning. Maybe if we could at least put that matrix page
9 for item 79 on the board so they can see that it has been
10 subdivided.

11 MR. JACOBS: Give us the last page -- matrix that
12 was given out. Everybody have that one?

13 MR. TILLINGHAST: Yeah. If you go to page 21 of
14 whatever -- the most current matrix that you have. And do
15 you see at the bottom -- do you see 79A, B and C, or do
16 you see 79? Oh, dear. Okay. Well, at any rate, it will
17 be up on the board in a minute.

18 MR. COYLE: Yes, Marvin.

19 MR. JONES: I just want to point out that that
20 might have -- might be a useful example of why we might
21 not want to rush into some things, if we had all of that
22 with us.

23 MR. TILLINGHAST: Yeah, it doesn't change the
24 substance of what we're doing at all.

25 MR. JONES: Yeah. It just provides us the

1 context and allows us to easily see what you're talking
2 about.

3 MR. HAUGEN: I apologize for that. I
4 specifically remembered that this was passed out. But
5 (inaudible).

6 MR. TILLINGHAST: Are we having trouble finding
7 it for the purpose of putting it on the -- there we go.
8 It's on the right-hand column. Now, I will tell you
9 that -- that the reason we broke it apart is that if you
10 look at your 79 -- okay. If you look at your item 79, it
11 has multiple items already in it.

12 It's just that the drafters of the matrix didn't
13 subdivide those items into A, B and C. So the individual
14 items are the same as -- are -- on yours. They're just
15 given subsection headings. So it really isn't even much
16 of a change in the matrix itself.

17 MR. COYLE: Okay. Well, everybody is well
18 informed that that was 1000.520.

19 MR. TILLINGHAST: That's correct.

20 MR. COYLE: Only.

21 MR. TILLINGHAST: Correct. The next item is 528
22 which will take care of item 79B. This is -- let's see.
23 Section -- just a second. Well, the 2008 -- 2000 and 2008
24 amendments to NAHASDA made reference to specifically
25 recognize the recipient's right to comment on HUD's audit

1 reports.

2 The tribal members of our work group felt that
3 the 30 days, which the regulations currently give tribes
4 to comment on audit reports, was too short. And so HUD
5 was agreeable to expand that 30-day comment period for
6 tribes to -- to 60 days and to then give tribes a right to
7 a 30-day additional extension. It's theirs as a matter of
8 right. They don't have to request it.

9 And then if circumstances warrant, they can
10 negotiate, if HUD is willing, even additional extensions
11 to that. So tribes should have ample time to deal with
12 even the most troublesome audit report. In return, HUD
13 asked for an additional 30 days to actually finish up
14 their report once they've conducted their onsite visit.

15 Since they had given us 90 plus additional days,
16 we thought that fair was fair. And that if HUD felt that
17 additional time would benefit them as well, they ought to
18 receive it. And, again, if you were to reach consensus on
19 that, this would dispose of item 79B.

20 MR. HAUGEN: And just for further clarification,
21 this is kind of geared towards the tribes that weren't
22 TDHEs -- excuse me, the housing authorities that weren't
23 TDHEs. And so that was the language that we agreed upon,
24 and that would probably suffice in that matter. Mainly
25 because there's some cases where tribal councils were also

1 boards don't meet for a month. So this is the language
2 that we agreed on in Work Group F.

3 MR. COYLE: Are there any comments?

4 MR. TILLINGHAST: Comments.

5 MR. HAUGEN: Call for a consensus on this.

6 MR. COYLE: Do we have a consensus on this item?
7 That would be 79B. 79B. That will be 1000.528.

8 MR. TILLINGHAST: Our last two -- I'm sorry,
9 Mr. Chairman.

10 MR. COYLE: Any objections? We have a consensus.

11 MR. TILLINGHAST: Our last two items, although
12 they will be taken separately, both relate to audit
13 requirements under NAHASDA. In the year 2000 NAHASDA was
14 amended to specifically require TDHE's to comply as non --
15 nonfederal entities with the Single Audit Act.

16 And we thought that that warranted two
17 regulations. The first, which is 544, currently
18 provides -- currently refers to a ceiling of \$300,000 in
19 grants as the -- as the flow-out, sort of the floor above
20 which you have to follow the Single Audit Act. You have
21 to prepare an audit report. That was true in 1996 when
22 NAHASDA was enacted. I'm sorry.

23 MR. JONES: (Inaudible.)

24 MR. TILLINGHAST: The issue is --

25 MS. PICKUP: (Inaudible.)

1 MR. TILLINGHAST: 79A is the issue that this
2 pertains to. Thank you, Marvin. The current regulation
3 says that you have to prepare an audit report if you -- if
4 your grant exceeds \$300,000. That was true in 1996. In
5 2003 it was changed to \$500,000.

6 We thought about bringing the regulation up to
7 date simply by providing \$500,000 except that in two years
8 it may go up to \$700,000. So what we decided to do
9 instead is -- the floor is set out in a very specific
10 provision of OMB Circular A-133 which applies to us by
11 virtue of NAHASDA.

12 And so what we did is guide the reader, as
13 specifically as we could, to that specific provision of
14 the OMB circular where the ceiling is located so they
15 could find out in any given year what that ceiling is.
16 Questions?

17 MR. COYLE: Any comments?

18 MR. HAUGEN: Request a committee consensus on
19 this.

20 MR. COYLE: Do we have a consensus on this item?

21 MS. PICKUP: What item number is he on?

22 MR. TILLINGHAST: As I mentioned, 79A.

23 MS. PICKUP: So we have done A, B.

24 MR. TILLINGHAST: We have done A. We have done
25 B. We have done half of 79E.

1 MS. PICKUP: E as in Edward?

2 MR. TILLINGHAST: E as in Edward. So we have
3 done A, B, and E, as in Edward, and 77.

4 MR. COYLE: Okay. You're going to have to go by
5 the statute numbers on these so we don't have any
6 confusion.

7 MR. TILLINGHAST: The statute number or the item
8 number? Well, I can do both. I'll do both.

9 MR. COYLE: To clear it up, on 79 we're going to
10 have to go ahead as a statute number so there's no
11 confusion on 79A, B or C.

12 MR. TILLINGHAST: All of 79 relates to Section
13 405 of NAHASDA.

14 MR. SOSSAMON: Okay. How do you -- based on what
15 we have? How do you divide it into A, B, C, and D?

16 MR. TILLINGHAST: How did we divide it into it?

17 MR. SOSSAMON: Yeah.

18 MS. PICKUP: We don't have that.

19 MR. SOSSAMON: How come I'm working on my page --
20 because I've got people I've got to report back to, and I
21 don't have nothin' to report back to them. I'm sure you
22 understand it, and I'm sure it's great and it's just what
23 we want. But what am I going to tell them, call John?

24 MR. HAUGEN: Or me.

25 MR. TILLINGHAST: This was -- this matrix was

1 finished yesterday afternoon. I don't know why it wasn't
2 there. But I clearly this morning showed that there were
3 five subdivisions to 79 now. I gave about a 15-minute
4 presentation.

5 MR. SOSSAMON: Right.

6 MR. TILLINGHAST: Now, we can get -- how long
7 would it take to get the new matrix printed out? I think
8 the committee members want the new matrix printed out.

9 MR. MARTINEZ: I think we should pause and get
10 the paperwork passed out to everybody so there isn't any
11 confusion.

12 MR. HAUGEN: I'm okay with that. What John's
13 asking is to print this new matrix.

14 UNIDENTIFIED SPEAKER: About a half hour.

15 MS. FOSTER: I was just wondering if maybe we
16 could scroll it so -- the matrix we have up here so that
17 we can see what 79A is, because -- if that's what we're
18 talking about, I'd like to be able to see it. Yeah, there
19 it is. Okay. Thank you.

20 MR. TILLINGHAST: What I would recommend is that
21 you write down, just for your own purposes now, which it
22 takes care of. And within a half an hour you'll have a
23 new matrix, and then you can transfer that note to your
24 new matrix. I would hate to go back over this.

25 MR. HAUGEN: And if anyone needs assistance, then

1 we can go back over it with them. Again, we apologize.
2 We assumed everyone had this new matrix.

3 MR. TILLINGHAST: Yeah, this comes as a surprise,
4 I think, to all of us.

5 MR. COYLE: Let's back up just a little bit. On
6 the first one we had 1000.520. That was 79 what?

7 MR. TILLINGHAST: Well, in the order that I --
8 okay. In the order that I'm taking them up today -- let's
9 start from page 1. 503 takes care of issue 77.

10 MR. COYLE: Yes.

11 MR. TILLINGHAST: Okay. Now, on the next page,
12 520 takes care of the easy part of 79E, as in elephant.

13 MR. COYLE: E as in elephant?

14 MR. TILLINGHAST: As in elephant, correct.

15 MS. PICKUP: That's only half of E.

16 MR. TILLINGHAST: Only half of E, that's correct.
17 Okay. Then the next page is 528, and that takes care of
18 79B, as in boy, completely.

19 MR. COYLE: 79B, as in boy, is 528.

20 MR. TILLINGHAST: Right. On the next page, 544
21 together -- 544 takes care of 79A, as in apple or
22 antelope. Apple -- "A" as in apple.

23 Also -- okay. Which is a good lead-in to the
24 last one that we've got, because it also takes care of
25 79A, as in apple/antelope. That's 548. And here's what

1 this involves.

2 MR. KAZAMA: Mr. Chair, we didn't have consensus
3 on 544.

4 MR. TILLINGHAST: We didn't?

5 MR. COYLE: Not yet, no.

6 MR. TILLINGHAST: Oh, I'm sorry. Okay.

7 MR. COYLE: We want to get these 79's cleared up
8 first.

9 MR. HAUGEN: I respectfully request consensus on
10 544 to be amended. Excuse me, on 79A, the amended
11 language on 544.

12 MR. COYLE: Okay. That 544, that will be 79A, as
13 in alpha. Consensus? Any objections? We have a
14 consensus.

15 MR. SOSSAMON: No, we don't. I'm not consenting
16 to nothin' else until I figure out where we're at.

17 MR. COYLE: We're just cleaning it up.

18 MR. SOSSAMON: I'm not clear on this yet.

19 MR. TILLINGHAST: Do you want me to go through it
20 again with you? We just went through --

21 MS. GORE: Mr. Chairman.

22 MR. COYLE: Yes, Carol.

23 MS. GORE: I think part of the confusion is if
24 you look at the issue worksheet and the second column from
25 the right, which says "potentially relevant regulations,"

1 it's not tying back to the regulation numbers that John's
2 speaking to. Perfect example, 544 and 548 are not listed
3 in this column. So that -- I think that's where the
4 confusion is coming from. I'm just trying to help.

5 MR. HAUGEN: You're right on the money, Carol.

6 MR. TILLINGHAST: Okay. I'm going to take just a
7 minute to go back through the ones that we've gone through
8 so far.

9 MR. COYLE: Go ahead, John.

10 MR. TILLINGHAST: Because a couple of people
11 didn't get the references the first time.

12 MR. ADAMS: Mr. Chairman, if I could, I
13 understand Carol's concern. But as I look on the version
14 on the screen, it cleans that up. It puts those new
15 sections up there. But my concern is, again, as I -- as I
16 saw the version on the screen, it has the document number.
17 That document number is the same as what I have in my hand
18 and it's changed.

19 So the document numbers that we're using are not
20 functioning in the capacity they're supposed to. That
21 document number is supposed to tell me that that's a new
22 document, that's a different document than what I have
23 here.

24 MR. COYLE: I was -- let's go down a straight
25 road, not a crooked one. And there is no reference to

1 .55 -- excuse me, 544.

2 MR. ADAMS: There is on the screen.

3 MR. COYLE: Yeah.

4 MR. ADAMS: Until we have that, I think Rusty's
5 right, we better --

6 MR. TILLINGHAST: Mr. Chairman, apparently, a
7 couple of people did not get the item reference for the
8 four items that we've gone through. And so, although it's
9 going to take another one minute of committee time, I
10 think I should go through them again because everybody
11 needs to have them. Is that -- do I have the chair's
12 permission to do that?

13 MR. COYLE: We've got one or two choices.
14 We've -- on the agenda, we're supposed to have the people
15 in the gallery.

16 MR. HAUGEN: Mr. Chairman, just one note. Got a
17 request from Irna (phonetic). If they can just copy the
18 79 that was broke down, the sheet, and run that up, would
19 that suffice rather than doing a whole new --

20 UNIDENTIFIED SPEAKER: Yeah, that would be all
21 right.

22 MR. COYLE: While we're waiting for that to be
23 done, why don't we get comments. Is that -- is that a
24 consensus? That would be the 3:00 o'clock item. At 3:15
25 the committee meets -- excuse me, at 4:00 o'clock we have

1 comments from the public. While we're waiting for this,
2 can we go ahead and upgrade to the comments from the
3 public? Would that be okay with everybody? Any --

4 MS. PICKUP: Why not take the break.

5 MR. COYLE: We've got refreshments outside. They
6 say that's more important. So why don't we come back. If
7 we don't have the documents ready, we'll want to get
8 comments from the public and the gallery. So be prepared.

9 (Proceedings recessed 3:13 to 3:34 p.m.)

10 MR. COYLE: Okay. Let's get online here so we
11 can get out of here. Could the chairman of F summarize
12 where we're at on this sheet that was passed out?

13 MR. HAUGEN: I will gladly do that, Co-Chair.
14 You have in front of you kind of an overview of the
15 breakout of 79. There was numerous parts that we had to
16 address in there with regards to regulation changes and so
17 forth. So right now we are on 79A. And it did go to --
18 ask for consensus for the regulation amendment at 544.
19 Does everyone have a copy of this? I'm going to take that
20 as a yes. And so, once again, Committee, I ask for a
21 consensus on 79A.

22 MR. TILLINGHAST: Just to clarify, 544, which is
23 what the current consensus call is pending on, pertains to
24 79A. The next and last item that we have, which is 548,
25 also pertains to 79A. But that -- we haven't discussed

1 that one yet. The consensus call only pertains to the
2 change to section 544 of the regulations.

3 MR. COYLE: Rusty, are you okay with this matrix
4 now? And we're going through from the top, a
5 summarization of all of it.

6 MR. SOSSAMON: Yes, me and everybody else that I
7 talked to that was in the same boat.

8 MR. COYLE: I ain't worried about them.

9 MR. HAUGEN: Respectfully call for consensus.

10 MR. COYLE: Okay. Consensus on 79A, 544. Any
11 objections? We have a consensus.

12 MR. TILLINGHAST: Okay. Lastly -- and this also
13 pertains to 79A because it also pertains to the audit
14 requirement, change to section 548 of the regulations.
15 The regulations currently require that you submit your
16 Single Audit Act report simultaneously with your
17 performance report. The problem is those two things, for
18 most tribes or at least with many tribes, is they do it at
19 different times.

20 You're given three months from the end of your
21 program year to submit your performance report. You're
22 given nine months from the end of your fiscal year to
23 submit your audit report to the audit clearinghouse. So
24 what that means for a lot of tribes is program and fiscal
25 year fall on the same date. They will submit their

1 performance report, but they can't give you the audit
2 report because they haven't done it yet and won't have to
3 do it for six more months.

4 To clear that up, we simply provided that you
5 will submit your Single Audit Act audit report to HUD at
6 the same time that you submit it, as you are required to
7 do to, to the federal audit clearinghouse, whatever that
8 time may be. So it just eases an administrative burden on
9 tribes.

10 I guess calling for questions would be the
11 appropriate next step.

12 MR. COYLE: Any questions? Everybody in
13 agreement on this?

14 MR. HAUGEN: Respectfully request consensus on
15 548.

16 MR. COYLE: Do we have a consensus? Any
17 objections? Thank you. One more. That's on the 548 item
18 only.

19 MR. TILLINGHAST: Thank you, Mr. Chairman. That
20 completes our presentation. And, again, my personal
21 apology to the committee for the confusion and the
22 inconvenience of you not having the subdivisions. So
23 thank you again.

24 MR. COYLE: Okay. I have one comment. We need
25 to put a number on the bottom of this passout that we just

1 had. There's none on it. Could we have a number, please.

2 MR. HAUGEN: Chairman, if I may. Now, the number
3 on the matrix that we have is C-78-05112010. Does
4 everybody have that number?

5 MR. COYLE: We have completed quite a few
6 consensus items this afternoon. We have some more time
7 yet. Group B, are you ready?

8 MR. KAZAMA: Mr. Chairman, I thought we were
9 going in some sort of sequential order here. You are
10 randomly selecting groups. I guess I -- in all
11 seriousness, is F then complete? And you have dealt with
12 all of your issues then?

13 MR. HAUGEN: Yes, we have. The next issues that
14 we have will be taken up in Seattle.

15 MR. KAZAMA: Just wondered.

16 MR. HAUGEN: He's tired, Blake. Give him a
17 break.

18 MR. COYLE: Keeping you on the ball around here,
19 Doc.

20 MR. KAZAMA: Okay. What we would like to do is
21 basically -- if you have before you C-95-05132010, Work
22 Group B as labeled. And, basically, we'll just go through
23 page by page in dealing with each of these regulations and
24 present it to the group just to report on it.

25 I guess, basically, the -- the task is to simply

1 report on what we were doing. So go ahead, David.

2 MR. HEISTERKAMP: Well, if it's the committee's
3 pleasure, if you're going to ask for consensus on this as
4 well, if there's questions.

5 MR. KAZAMA: Sure.

6 MR. HEISTERKAMP: Okay. If we could put -- on
7 the left-hand side of the screen, if we could get Section
8 202 of the statute up with subpart 9. Section 202 of the
9 statute with subpart 9.

10 MR. COYLE: Dave, what item is that?

11 MR. HEISTERKAMP: This is going to be issue
12 number 47. This is issue number 47. And regulations in
13 the 200 category are not exactly under subsection (b); in
14 fact, they're under subsection (c).

15 But this affected a section of the statute that
16 we're dealing with, and so we went ahead as the work group
17 and put together some suggested language to address it.
18 It is on the matrix as item number 47, changes to
19 affordable housing activities, and just subpart 9 of that
20 section -- subpart 9 of the section of the statute.

21 This is the addition of the ability to establish
22 reserve accounts in a given year. To establish reserve
23 accounts in a given year. And the proposed language would
24 read: May recipient establish and maintain a reserve
25 account for administration and planning?

1 The answer is: Yes. In addition to the amounts
2 established for planning and administrative expenses under
3 1000.236 and 1000.238, a recipient may establish and
4 maintain a separate reserve account only for the purpose
5 of accumulating amounts for administration and planning
6 relating to affordable housing activities. These amounts
7 may be invested in accordance with 1000.58.

8 Now, we've left ourselves a note because we know
9 Work Group A is busily at work on 1000.58, which is the
10 investment provisions, and if anything changed. So the
11 note that's in brackets is not part of the proposed
12 regulatory language. That's just to make sure if anything
13 happens with that regulation that there's a connection
14 back. So the language in brackets doesn't count.

15 The total amount of reserves that a recipient may
16 have available at any one time is calculated as follows:

17 (a) Determine the 5-year average of
18 administration and planning amounts expended in a tribal
19 program year.

20 (b) Establish 1/4 of that amount for the eligible
21 reserve.

22 And the portions of the statute that this relates
23 to are on the left-hand side.

24 MR. KAZAMA: Any questions?

25 MR. COYLE: Any question on this item? Jim.

1 MR. WAGENLANDER: An inquiry. Does the statute
2 allow for multiple reserve accounts to be established?

3 MR. KAZAMA: It's a single reserve account.

4 MR. WAGENLANDER: Did the work group consider any
5 way that multiple reserve accounts can be set up? Because
6 that was the intention when this was proposed to Congress.
7 It was to allow reserve accounts to be established for a
8 particular project. It allowed for different reserve
9 accounts within the program -- a particular program
10 itself. And is there any way that multiple reserve
11 accounts, in your opinion, could be established?

12 MR. HEISTERKAMP: And I'll let Deb respond to
13 this too if she wants to. The language we looked at in
14 the statute was that the reserve account established for
15 an Indian tribe was only for the purpose of accumulating
16 amounts for administration and planning relating to the
17 affordable housing activities under this section.

18 MR. WAGENLANDER: Why does it say "reserve
19 accounts," plural?

20 MR. HEISTERKAMP: That's the title of the
21 statute. But the statute itself -- the statute itself
22 talks about a single reserve account.

23 MR. COYLE: Dr. Kazama, do you want to withdraw?

24 MR. HEISTERKAMP: Deb, do you want to take a shot
25 at it too?

1 MR. KAZAMA: Mr. Chair, at this point I have not
2 asked for consensus.

3 MR. COYLE: Yes, Jack.

4 MR. SAWYERS: I'd like to recognize Jim
5 Wagenlander so that he can present.

6 MR. COYLE: Thanks, Jack.

7 MR. SAWYERS: Because that's protocol.

8 MR. WAGENLANDER: That's protocol. Thank you.
9 The section is entitled "reserve accounts," plural. This
10 doesn't mean that it can -- you can have multiple accounts
11 that meet these different limitations.

12 Obviously, the total amount in all reserve
13 accounts are limited by the statute. But it was the
14 intention, when reserve accounts were proposed to
15 Congress, that there was not one grand reserve account
16 that would be established by a program, but that over the
17 course of developing and administering projects, as well
18 as for their own administrative purposes, there could be
19 multiple reserve accounts established.

20 For example, if you're developing a project and a
21 lender requires that certain funds be set aside into a
22 reserve, which is common in many financing mechanisms,
23 then a reserve account would be established for that
24 particular project.

25 There was also a discussion about reserve

1 account -- a reserve account in the overall administration
2 of a program. And I understand it may be a bit awkward,
3 but it says "reserve accounts," and then it says "monies
4 can be deposited, including grant amounts, in a reserve
5 account."

6 I don't think that necessarily indicates that
7 there will be only one reserve account. And I'm afraid
8 if -- if this flexibility isn't provided, programs will be
9 stuck -- will still not be able to establish the multiple
10 reserve accounts that would make -- that were intended by
11 this provision.

12 MR. COYLE: Yes, Doc.

13 MR. KAZAMA: Yeah, Mr. Chairman.

14 MR. COYLE: Doctor, it looks like this is
15 starting to get argumentative.

16 MR. HEISTERKAMP: Let me try and save this one.
17 I just checked in. The only limit that the statute is
18 really concerned about is what the total limit is. If
19 it's in plural accounts, there's not going to be an
20 administrative problem with that. So if we want to, on
21 the fly here, change it to read -- change it to read --

22 MR. WAGENLANDER: On the third line: And
23 maintain, striking "a," separate reserve accounts, adding
24 "s." And changing -- thanks, Tim -- changing the title to
25 say "reserve accounts."

1 MR. KAZAMA: Again, my concern overall in this
2 entire process, Mr. Chair, Co-Chairs, I initially said --
3 a report is a report is a report. When we begin to
4 negotiate, when does it begin to be negotiation?

5 We clearly are now negotiating. And that was my
6 fear. So -- and we are changing certain definitions such
7 as low fruit -- you know, low-hanging fruit and other
8 kinds of things. And we need some sort of guideline on
9 how we're going to move forward with that.

10 Because if we're going to negotiate, a clock
11 should have been going, because that's clearly what we're
12 doing right now.

13 MR. COYLE: Yes, and that's my opinion too. And
14 we're trying to get rid of some of these low-hanging
15 fruits only. And this is an argumentative system
16 negotiated, so let's pass, put it back to the committee.
17 Okay?

18 MS. FOSTER: I'd like to ask a question. Karin
19 Foster. And I'm a member of this work group, which has
20 been great. But if Work Group A would consider if there
21 does need to be any change to this when we bring it back,
22 I'd appreciate it, since we're checking in with Work Group
23 A. So we want to make sure we do coordinate, and next
24 time we come back we won't have to have that.

25 MS. GORE: Yes. Work Group A has already been

1 informed, and we're pleased to tackle that. We also have
2 a handout for you, so . . .

3 MS. FOSTER: That's great.

4 MR. COYLE: Okay. Do you have other items,
5 Doctor, low-flying low-hanging fruit?

6 MR. HEISTERKAMP: If this wasn't low-hanging
7 fruit, then I think that concludes the report for Work
8 Group B today.

9 MR. COYLE: Thank you, David. Thank you, Doc.
10 It looks like we've picked all the fruit trees around
11 here. We have Group C now. Jason, do you want to attempt
12 a low one?

13 MR. ADAMS: I notice that we traded places with
14 F. Was that intentionally? We're scoring a grade of F
15 today.

16 Before I begin my report, Mr. Chairman, is it
17 correct to assume that we have like six or seven minutes
18 until 4:00 and then we're going to public comment? In
19 light of that issue, I want to hold off on the issues to
20 be addressed other than the one issue that I do not have
21 information for, but our committee requested some
22 information for the work group -- or for the committee.

23 We have been assigned item numbers 7, 8, 9 and
24 10. And in our -- in our work group sessions, we had some
25 proposed language. We had very lively discussions on

1 these two issues. I call them two issues. They're local
2 cooperation agreements and tax exemption -- exemption from
3 taxation.

4 And what -- what I reported this morning was that
5 we sent some language to the Drafting Committee. And that
6 was partially true. But what I'd like to have is if the
7 committee will -- will approve a review of these two
8 issues by the committee of attorneys. Because right now
9 what we have is -- is some attorneys in the room that are
10 looking at this issue and -- and some of the HUD
11 attorneys, I believe, have even been inquired on this
12 issue.

13 But our committee is requesting -- or our work
14 group is requesting that we can have a committee of
15 attorneys, if that could be approved by the full
16 committee, to review this issue. Because there is a
17 proposal, and I'm not ready to put that proposal to the
18 committee. But there is -- it's a pretty substantial
19 issue as far as what we can -- what we want the regulation
20 coming out of the amended statute to say.

21 It's very divisive -- well, not very divisive.
22 It's just very much an issue that could be subject to
23 litigation if we don't make sure we -- we do things right.

24 MR. COYLE: Do you feel it's too big of an item
25 to maybe get together with the lawyers between now and the

1 next session?

2 MR. ADAMS: That's what I'm asking for now. Is
3 if we can approve a committee now, between now and the
4 next meeting that we have that issue can be circulated
5 with the committee of attorneys that can review it and
6 review it. The issues are on -- again, on local
7 cooperation agreements and exemption from taxation.

8 MR. JACOBS: Is it possible that you could
9 identify the recommended members?

10 MR. ADAMS: Recommended members?

11 MR. JACOBS: Yeah.

12 MR. ADAMS: From the attorneys?

13 MR. JACOBS: (Inaudible.)

14 MR. ADAMS: I guess what we were going to
15 potentially look for -- I know you're wanting me quick
16 speaking. I get the hint. What we are looking for, I
17 guess, is as many attorneys that -- that wish to
18 participate and then belong to this committee. Because I
19 think the more eyes we have looking at this, the better.

20 Again, it's -- it's one of those issues that's --
21 that's an interpretation of the statute language that we
22 don't want to get tribes in trouble legally on, and that's
23 why we want as many attorneys looking at it as possible.

24 MR. COYLE: Karin.

25 MS. FOSTER: I think we have a pretty

1 comprehensive list of attorneys, for folks who are here
2 and any of the folks who haven't been able to attend so
3 regularly, in our Drafting Committee list. And I guess
4 I'd suggest that, you know, in addition to talking with
5 specific folks that you might think would like to
6 participate, the Drafting Committee list could be used to
7 carry on this conversation also.

8 MR. COYLE: Are you okay with that, Jason? Can
9 you get together with them?

10 MR. ADAMS: Yeah. We have a couple of attorneys
11 that were in our session that would be willing to move
12 that forward. We just didn't know how and wanted to get
13 approval from the full committee as to how to proceed so
14 that we're not doing anything -- it's a little outside of
15 common practice, and so we wanted to make everybody aware
16 and seek approval for what we --

17 MR. COYLE: Do we have a consensus on this item?
18 Everybody okay with it? No negatives? Yes, Carol.

19 MS. GORE: Just a comment. I'm not opposed to
20 this process. But, frankly, I think -- as a committee
21 member, I think that work groups should do the work they
22 think is necessary to bring the work product to the table;
23 as a courtesy, provide access and notice to the committee
24 members that they're forming an additional committee and
25 the reason to seek their participation.

1 But I hope we are not coming back to this
2 committee to ask for permission if our work group has
3 already identified the need to do that work. So I just
4 wanted to say, Jason, thank you for asking. But as a
5 committee member, speaking for myself, I don't -- I don't
6 feel a need for you to ask for that permission. I would
7 like to know about it, just as you've done. So thank you.

8 MR. ADAMS: Again, this is a little outside of
9 the work that the work group could accomplish, and so we
10 needed those legal minds to take a look at this, so . . .

11 MR. COYLE: Thank you for asking, Jason. We all
12 appreciate it.

13 MR. ADAMS: Was there a consensus on that?

14 MR. COYLE: Yes, you did.

15 MR. ADAMS: Okay. Thank you. That will end my
16 report then for today.

17 MR. COYLE: That was a short one. Thank you,
18 Jason. Are there any comments before we dismiss and get
19 comments from the gallery? Yes, Marvin.

20 MR. JONES: Procedural issue if it's appropriate.
21 I think what we're supposed to -- I think our co-chairs
22 are still temporary. And at each meeting we -- is that
23 correct? And, if so, I would like to make a nomination.

24 MR. COYLE: You're free to make a nomination.
25 I've been trying to get out of this anyway.

1 MR. JONES: Because they've worked so well
2 together --

3 MR. COYLE: That's not what I was listening for.

4 MR. JONES: Well, let me finish now. -- I would
5 like to nominate myself and Jack. No.

6 (Laughter.)

7 MR. COYLE: Is there a second? Is there a second
8 to that? We have a second.

9 MR. JONES: Oh, no.

10 MR. COYLE: Thumbs up.

11 MR. JONES: Oh, no.

12 MR. COYLE: Oh, boy, you've got it that time.

13 MR. JONES: No. I think we should continue with
14 our co-chairs that we have right now, and I'd like to make
15 that a consensus call.

16 MR. COYLE: Only under duress. Do we have a
17 consensus? Thank you. We appreciate it. But -- no, we
18 don't appreciate it. And so far we've had a good time.
19 Let's keep her up, okay. And I hope to see you all at the
20 Seattle and have a good trip home. Thank you.

21 Now we have, I'm sure, some comments from the
22 gallery, especially some clappers in the back there. Come
23 on up one at a time and state your name plainly so the
24 recorder can record, and we'll go from there.

25 Oh, come on now. There's a gentleman that sat in

1 the first row over next to the door that we're trying to
2 get awake. Come on up here. At least give us a pep talk.
3 You know who I'm talking to. Come on, Bob.

4 UNIDENTIFIED SPEAKER: Well, just -- thank you
5 very much. This is my first opportunity this week to come
6 and witness the work you're involved with. And I'm quite
7 impressed, really, with the decorum and the
8 professionalism. It's clear that this -- the process is
9 improving each time.

10 I think the dialogue has been good. I think
11 that, you know, the spirit of -- of negotiated rulemaking
12 is alive and well, and I'm very encouraged by this. And I
13 think the message and the planners of NAHASDA would be
14 very pleased if they saw what's -- what's developing.

15 One thing that I -- I continue after 13 years to
16 be a little bit surprised at is that it doesn't seem like
17 the benefits and the opportunities of NAHASDA have reached
18 every tribe equally. And I think one of the things we
19 overlook -- and I mean everybody that had a part in it --
20 is NAHASDA assumes a certain level of administrative
21 capacity that a lot of small tribes and very poor tribes
22 are still developing. And I think we have to keep those
23 groups in mind as -- as these rules are developing.

24 So I'm happy to be here. Compliments, Rodger, to
25 you and your staff and facilitators. I think this is --

1 this is very encouraging. I think for the future of
2 Indian housing and -- you know, HUD's -- I wish the other
3 federal agencies were as progressive in listening and
4 working and trying to find solutions. Thank you.

5 MS. CHIMONI: Good afternoon. My name is Shelly
6 Chimoni, head councilwoman for Pueblo of Zuni. As you
7 recall our first meeting, I had the opportunity to address
8 all of you. Well, I said I was going to be back, and I am
9 back.

10 And I hope to continue to see the work in
11 progress as you move forward. And I know I wasn't here at
12 the last meeting. But just looking at the work that
13 you've done, I want to commend all of you on the committee
14 for hammering out what you've done so far today. And
15 you've done a good job. I see a lot of forethought in the
16 process itself, and I reflect on that because I was a part
17 of your discussions, and you allowed me time to speak as
18 well at the time when we first hammered out -- what was
19 it -- the purpose and trying to figure out what the agenda
20 was going to be like. And I just want to commend all of
21 you for that.

22 And as we move forward, I also want to commend
23 you for really taking the time to balance out what is
24 possible as far as flexibility within the statute versus
25 what's in the CFR and what is going to work for TDHE's

1 across Indian country. Certainly, we -- we can ask for
2 the entire pie, but I understand that there are certain
3 limitations that we also have to be mindful of.

4 And I also want to thank the attorneys for giving
5 us -- giving part of their thoughts to the process and
6 reminding everybody at the table what must be in there and
7 what we can't totally throw out. So I want to thank you
8 for that work.

9 And as we move forward, I wish all of you well as
10 you continue the work, and I look forward to continuing to
11 be a part of the process and just want to thank you on
12 behalf of Zuni Housing Authority as well as the council
13 and my councilman who has accompanied us here. And
14 certainly we will certainly move forward.

15 Certainly, I did make the commitment to continue
16 to keep that open communication with my fellow tribal
17 leaders in New Mexico. And that whatever summary notes
18 that do come out and I get that, I will be forwarding that
19 on to the other housing authorities in New Mexico. Thank
20 you very much.

21 MR. COYLE: Any more people want to come up
22 and -- the one that just came in the door, he wants to
23 talk.

24 I want to commend, once again, the attorneys for
25 all their professional help that we've had. They've done

1 an exceptional job. And all the people that's worked on
2 the committee, the background here that have voiced their
3 opinions and helped at the committee level, is really a
4 big help, and we really appreciate it. Thank you.

5 I and Leon would like to have -- and also Jan --
6 would like to have a list from the chairmen of the
7 different groups email us the items that they want and
8 will be working on in Seattle. And if you can, just an
9 outline so we can set up a schedule that we can all live
10 with. Okay? Yes, Karin.

11 MS. FOSTER: I see that we have a list of the
12 parking lot issues now. And I guess I'd like to ask that
13 maybe the subcommittees take a look at those and just --
14 and, you know, in anticipation, if we do have time to deal
15 with these issues, it would be nice if we could get
16 through some of these. We've done so much work.

17 I mean, I'm looking at this one on crime and, you
18 know, beyond the normal police services and that kind of
19 thing. That's a very important one for Yakama and maybe
20 for many others. So if we could just look at these at
21 least and kind of think how they fit in our process for
22 our subgroups, that would be helpful.

23 MR. JACOBS: Does everyone have a copy of this?
24 Oh, okay. They're giving them out now.

25 MS. FOSTER: Doesn't have to be now, but before

1 Seattle.

2 MR. COYLE: Marvin.

3 MR. JONES: Just something for thought. I've
4 been approached by more than one person -- about maybe
5 killing some more trees -- about a document that -- where
6 it's actually the regulations and the new ones where we
7 can write in. So it was the document that we're going to
8 use so that people can start to see how stuff fits
9 together and in its context.

10 So throwing that out there just in case others
11 might want that kind of document, and if we find it useful
12 at some point to perhaps create such a document.

13 MR. COYLE: Definitely. And, also, any -- you
14 people that have good ideas for future meetings, please
15 email me and Leon and Jan so we can work on -- so we can
16 get them up, ready to go.

17 And we will have a new matrix with it shaded.
18 We've hit some consensus items again. So we've got
19 another matrix coming up. Yes, Jason.

20 MR. ADAMS: I think I was out of the room
21 earlier. You talked about the next two meetings are going
22 to be in Seattle. Those are set. Is the August meeting
23 set yet? Did that get addressed? Did I miss that? Do we
24 know where we're going to in August and when? I think we
25 know when, right, the dates?

1 MR. COYLE: And it's at the Hyatt 8 Olive in
2 Seattle.

3 MR. ADAMS: Yeah, the next two are in Seattle.
4 I'm asking about the August.

5 MR. COYLE: The next one in July is going to be
6 at the Crowne Plaza in Seattle. Oh, August. So far it's
7 going to be Minneapolis, excuse me. And the date on that
8 one in August --

9 MR. ADAMS: Minneapolis or St. Paul?

10 THE FACILITATOR: We don't have a hotel yet, so
11 it will be Minneapolis or St. Paul.

12 MR. COYLE: Those will be coming out in notices
13 to you, email. That will be the week of the 16th of
14 August. Yes, sir.

15 UNIDENTIFIED SPEAKER: Mr. Chairman, may we
16 suggest alternative locations?

17 UNIDENTIFIED SPEAKER: Somewhere warm?

18 UNIDENTIFIED SPEAKER: Yes. We'd like to
19 suggest -- we heard three alternative suggestions from
20 different folks talking one-on-one today. We've heard New
21 York, North Carolina, or Myrtle Beach, South Carolina, as
22 suggestions. So I'd like to ask the chairmen if you -- if
23 possible, if you'd take those suggestions into
24 consideration for the August meeting.

25 MR. COYLE: Yes. That's handled by HUD and their

1 contractors. Rodger, do you have any comment on that? No
2 comment. We'll put it in the pot. Yes, Doctor.

3 MR. KAZAMA: Mr. Chair, two things. I know we're
4 winding down. One is there was a PIH notice just handed
5 out to everyone that deals with subpart B, the
6 demonstration project. And I especially want -- and our
7 committees did review this, and we like it. But I also
8 want to thank Deborah Lancette (phonetic) and her staff
9 for the hard work that she put into this in making this
10 possible for all of us to have. It was a big issue for
11 us, and she worked hard to get it out. And I want to
12 especially thank her for that.

13 Can I -- the second issue is that early on I
14 said -- I thought that maybe the preamble committee or --
15 should -- should be working alongside what we're doing.
16 We're accomplishing a lot of stuff. And I've got -- you
17 know, a report in Seattle would be real helpful, a draft
18 even, of where we're at in terms of how things have been
19 flowing.

20 The reason I -- you know, in the past -- in past
21 NegRegs -- the reason this is important to us is
22 between -- is because people forget. Words change and
23 things happen. And next thing you know, this committee
24 is -- is -- gets bad information or OMB changes things,
25 and we need things to compare with.

1 So I really, you know, from experience, would
2 like to see preamble work follow what we do as we are
3 doing it versus waiting to the end of the series of
4 meetings and then having preamble come in with -- or then
5 start writing up the preamble. Do you see where I'm
6 going?

7 MR. COYLE: Dr. Kazama, I -- my memory is pretty
8 good. And if I remember right, you kind of headed up the
9 last preamble, didn't you?

10 MR. KAZAMA: No.

11 MR. COYLE: And we do need preamble, and that's
12 why they're planning things. We got to get ready to go.
13 Yes, Marvin.

14 MR. JONES: The parking lot issues was just
15 handed out. And I want to make a note that on Monday I
16 asked that -- we had resolved the law enforcement issue
17 and -- and -- do I have -- do I need to call for a
18 consensus that I want to take it off?

19 But it's in here again on the top page, and it's
20 no longer an issue. We brought it up. The issue has been
21 resolved, and we would like it blacked out.

22 MR. COYLE: I would imagine --

23 MR. JONES: Torn off.

24 MR. COYLE: I would imagine that this parking lot
25 issue should be studied. And when we show up in Seattle,

1 we should have comments on which ones are relevant and
2 which ones are not relevant and wipe them out the very
3 first thing so we don't have to contend with them later.
4 Is that -- yes, Karin.

5 MS. FOSTER: I think -- Karin Foster, Yakama. I
6 think it would be helpful then to discuss how that -- not
7 right now -- but how that's been resolved for the benefit
8 of those who also may have had that same issue. I
9 understand that -- and, you know, before I leave the
10 microphone, I wanted to -- to echo the comments of
11 appreciation for Deborah Lancette (phonetic) on this PIH
12 notice. Because I was really impressed with the ability
13 to go through the notice, actually make, you know,
14 recommendations for changes from the committee, from the
15 work group, and all of those changes have been made in
16 this document. We negotiated. We talked about it. But
17 it was made just this afternoon.

18 So what we've got here is really a product not
19 just of the committee looking at something and saying, oh,
20 yeah, this looks okay. The committee went through it and
21 made some suggestions. And so I appreciate that, and I
22 wanted to note that.

23 MR. COYLE: Yes, Doc.

24 MR. KAZAMA: Mr. Chair, I guess I want to go back
25 and just emphasize again. First of all, is there a person

1 who is heading the preamble committee?

2 MR. COYLE: You.

3 MR. KAZAMA: No, I'm not. Usually it's someone
4 from HUD, by the way, because they take it to OMB.

5 MR. COYLE: (Inaudible.)

6 MR. KAZAMA: And, secondly, if I made it clear --
7 didn't make it clear, I'd like to see a report, even a
8 rough draft, in the Seattle meeting of where we are
9 currently, if that is allowable.

10 MR. COYLE: Rodger.

11 MR. BOYD: Thank you, Mr. Chairman. I won't
12 mention any names, but we will have a draft for your
13 review when you get to Seattle. At least it will be a
14 working document that we can start off on.

15 MR. KAZAMA: Yeah.

16 MR. COYLE: Yes, Marvin.

17 MR. JONES: And just in response to Karin about
18 the -- the particular parking lot issue. I think I want
19 to defer to -- to HUD for any comments, whether today or,
20 you know, Seattle, whenever it's an appropriate time, if
21 that's fine with you.

22 MR. BOYD: That will probably be Seattle.

23 MR. COYLE: We'll try to put that in the agenda
24 in Seattle so we can make a decision.

25 MR. HAUGEN: So, Rodger, that will be before

1 Myrtle Beach; is that correct? Just wanted to clarify
2 that.

3 MR. BOYD: No, I thought we were talking about
4 Long Island, but --

5 MR. HAUGEN: Same difference.

6 MR. COYLE: Yes, Jason.

7 MR. ADAMS: I just want to ask a process question
8 on parking lot issues. I'm, again, being optimistic that
9 we will be able to address some of these issues. I just
10 want to know if the -- if the full committee is willing to
11 entertain a process to -- to actually start reviewing some
12 of these issues and looking at the corresponding -- the
13 statute and the regulations that are affected by some of
14 these issues and honestly doing some work on some of
15 these.

16 What I'm looking at is -- is we've got Work Group
17 F that is looking like, at least in my view, finishing up
18 their work. Work Group C realistically could be done in
19 the first meeting in June. And so we have some people --
20 some work group time that might be available for -- I
21 would -- I would welcome the opportunity to address some
22 of these issues, because they -- I think it's -- you know,
23 if we have the time at a NegReg meeting to open it up and
24 then look at some of these issues, I think that would be a
25 good time to do that.

1 I just wanted to see the feeling of the committee
2 on pursuing this and making it an item to pursue and not
3 just -- like previous NegRegs, we stuck a list on the
4 wall, and that was it. But actually have a process to
5 address these issues now.

6 MR. JACOBS: Jason, I think the reason we're
7 asking that you send your list of items that we need to
8 put on the agenda for Seattle early is so that we can
9 address or see what -- how much time we will have possibly
10 to address some of these issues in the first meeting.
11 So -- does that sound reasonable to the committee?

12 MR. ADAMS: For the record, Marvin agreed with
13 me.

14 MR. COYLE: He's practicing up for the new
15 chairmanship.

16 MR. ADAMS: Right.

17 MR. JACOBS: Yes, Steve.

18 MR. ANGASAN: I was just looking at these, and I
19 was wondering, who changed them? I think I put up -- it's
20 on the second page, 6B. What I had written down was
21 travel expenses for youth sports activities. This is
22 covered under a PIH notice, and under that notice they are
23 not allowed. So I'd like to change that back to 6B, where
24 it says travel expenses for youth sports activities that
25 are not allowed under PIH notices, if that's okay.

1 MR. COYLE: Is that a consensus that we have a
2 recess until Seattle? Yes, Marty.

3 MR. SHURAVLOFF: Mr. Chairman, before we leave, I
4 just want to kind of make an announcement. On the 24th of
5 the month, we'll have a (inaudible) committee meeting in
6 Minneapolis. And this will be a pretty big focus of
7 discussion at this meeting. And I hope anybody that
8 can -- sitting on this committee could be there,
9 especially a representative or representatives from HUD.

10 We'll have a lot of people there that are not
11 able to make these meetings. And it's going to be a good
12 information get-together for them. Again, that was the
13 24th of May. Thank you. And -- and the whole convention
14 as well. Thank you.

15 MR. COYLE: Marty, that's my 39th birthday, so
16 I'm not going to go.

17 MR. JACOBS: Okay. Anything else before we
18 adjourn?

19 MR. HAUGEN: Again, just to reiterate what Earl
20 talked about, and it was under my first comments when we
21 came together, is I still feel it unfortunate that our
22 eastern folks aren't able to host a meeting in their
23 region. We're going to Seattle back-to-back. I know it's
24 to facilitate the northwest and also some of the people
25 from Alaska. But we have to take into consideration that

1 Susan's traveling across the United States.

2 So again, and with all due respect, I think we
3 need to end up in South Carolina, Myrtle Beach, or one of
4 those places as Earl noted. So I want the committee to
5 take that under advisement and consideration.

6 MR. JACOBS: Can we refer this to the consultants
7 and see what they're able come up with? Okay. Any other
8 items? All right. Have a safe, safe trip. Thank you
9 very much.

10 (Proceedings concluded at 4:24 p.m.)
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Margie R. Dauster

14 Registered Professional Reporter
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