

NAHASDA Negotiated
Rulemaking Session
August 19, 2010
St. Paul, Minnesota

1 (Whereupon, the Negotiated Rulemaking
2 Session commenced at 9:26 a.m.)

3
4 MR. COYLE: Thank you, everybody.
5 First off, Rodger, could you be so kind as to explain
6 the procedure we'll go through from now on on the neg
7 reg process?

8 MR. BOYD: Thank you. We discussed
9 briefly -- I think Dan gave us a general idea of the
10 process, the timeline that it's going to take, but for
11 the immediate future, I know the question came to me
12 this morning and the review process, we figured the
13 documents that we're looking at today or the document
14 we're looking at today was just to get a general sense
15 from the respective working groups if there was
16 anything left out, making sure, maybe, some of the Ts
17 are crossed and the Is are dotted. But also the
18 question came to me if, in fact, you go home and
19 you're looking at past minutes and reviewing other
20 things, that you may have a question or you may have a
21 comment, so to help organize this, we would encourage
22 those of you that are in those respective working
23 groups to have any comments, forward those comments to
24 the chairperson of that working group first so we can
25 channel it, then, on to Dan in the Washington office.

1 We thought that that would help the process in a, if I
2 can say, organizational way, knowing that this
3 committee is quite organized. And then what we will
4 do is, once we put everything together, we could
5 possibly send it out for everybody to take a look
6 before we submit it to the department for clearance
7 and we would be glad to do that if that's the desire
8 of the committee, and then we will submit it to the
9 department for clearance, and then, of course, it goes
10 to OMB and then I think, based on our comments
11 yesterday, you'll know what the process is from there
12 on out.

13 MR. COYLE: Did anybody have any
14 questions on the end of this procedure? More or less,
15 we kind of decided to use the chairmen of the work
16 groups as the clearing house for any problems that
17 they might have in their particular phase of it. That
18 way, we won't be cross-referencing bad information and
19 all that. I guess we just go right back into our
20 session now. We've got one announcement. Robert,
21 we've got some information on the ball games tonight.

22 MR. DURANT: Well, thank you guys for
23 asking me to do this. I want to say that the highest
24 percentage of any American ethnic group in United
25 States to serve in the armed forces is Native

1 Americans. I think we all know that. Well, tonight,
2 at 7:00 or shortly before, at the Twins game, they'll
3 be honoring -- or the Twins will be honoring one of
4 our veterans in our group for his gallantry and his
5 multiple, multiple honors and medals that he earned in
6 Vietnam, so it's a real great honor. So if you have a
7 chance to watch that, that would be great. I just
8 wanted to mention that. And his name is Peter
9 Thompson. Thank you.

10 MR. COYLE: Thank you, Robert. I guess
11 the best way to start in would be to get the input
12 from HUD on the first few pages and then we go through
13 the different sections by the chairmen of the work
14 groups as -- yes, Carol.

15 MS. GORE: I don't want to ruin the
16 good karma we've had all along, but we did not begin
17 our day with a prayer and I would like to begin that
18 way and volunteer Dr. Kazama for that. Thank you very
19 much.

20 MR. KAZAMA: Let's pray. Father, we
21 just want to thank you and give you praise for all the
22 work that was accomplished, but more than that,
23 Father, as you get into our lives and as you work with
24 us and walk with us in the step of the day, that one
25 of the benefits that we come away with is friendship,

1 the ability to share our lives with each other here
2 around the table and in this room, Father, and just to
3 be able to understand and get new friends from all
4 over the country. What an honor, Father, that you've
5 brought us to this place to not only do good work, but
6 also to glean new friendships. And so, Father, we
7 just want to take this time to say thank you. Thank
8 you for being with us each step of the way. We hope
9 and pray, Father, that all that we do will further
10 your work, will improve the lives of the people we
11 represent, will be a tremendous blessing maybe for
12 generations to come, that we made an effort, we made a
13 difference because of the things that you have
14 established for us. And so, Father, be with us for
15 the rest of this time today, bless us to have safe
16 journeys home, Father, back to our families and
17 friends at workplaces and be refreshed and renewed in
18 terms of the things we do because there's purpose
19 behind it. Thank you again, Father, for a tremendous
20 opportunity that we've all had to do your work and to
21 come together in this place. We pray in your precious
22 name. Amen.

23 MR. COYLE: Thank you, Blake. Do you
24 have somebody that could explain the first few pages
25 of the grant that we have?

1 MR. BROWN: Good morning. So the first
2 few pages are basically just standard introduction to
3 the proposed rule. The purpose is just to give a
4 reader who's not been involved a basic understanding
5 of what this action is about; that is, a proposed rule
6 and what the background is. They are actually fairly
7 strict rules that the Federal Register has about
8 what's allowed to be in the summary. And these
9 initial sections, these are all standard, but the
10 purpose is basically to give the reader an
11 understanding of why HUD is issuing this document.

12 MR. COYLE: By the way, you forgot to
13 give your name, address and street number, and are you
14 available to the recorder?

15 MR. BROWN: I'll just give my name.
16 This is Dan Brown from HUD office of general counsel,
17 regulations division.

18 MR. COYLE: Thank you, Dan.

19 MR. BROWN: So I would just add that --
20 so the background is basically what I was just saying.
21 The proposed rule is just a very initial introduction
22 for the reader so they know how the remainder of the
23 preamble is organized, and then the substance of the
24 discussion in the preamble starts on page 4 at the
25 top.

1 MR. COYLE: Does anybody have any
2 questions on the introduction on this? I might say
3 that, Dan, I think you did an excellent job on this.
4 I understand you were more or less the lead person on
5 this and worked your -- if no more questions on the
6 first part, then, you want to go to subpart (a)? The
7 chairman of that section that would be Carol.

8 MS. GORE: We put together just a very
9 simple list of the regulations that related to our
10 work as a work group. So while Gabe is getting those
11 on the screen for you over here on the left screen, I
12 did want to ask the committee's indulgence to -- for
13 Dan to give an overview of what is the purpose of a
14 preamble and the idea that it's in two parts to
15 simplify the reading, not just for the committee here
16 and audience and for your tribal members that might
17 have questions about it when you get home. So I would
18 like to turn the microphone over to Dan first to just
19 talk generally about what is a preamble and what's the
20 purpose and why should we be looking at the preamble
21 and being mindful of what words are in that preamble.
22 Thanks, Dan.

23 MR. BROWN: Sure. Okay. Yeah. So the
24 rule is, generally speaking, organized in two parts.
25 The part that will become codified in the code of

1 Federal Register, I believe we find in the text that
2 begins on page 26. It begins with the words,
3 "Accordingly, for the reasons described in the
4 preamble, HUD proposes to amend 24 CFR 1000 as
5 follows." So that's the actual operative language.
6 Up to that, the preceding pages are there primarily
7 for the purpose of enabling members of the public who
8 have a right to participate in the rulemaking process
9 to be able to understand what's being proposed and to
10 submit comments if they wish. So, essentially, the
11 preamble goes through section by section and explains
12 what's being proposed and basically why we're doing
13 that and the section of the statute that we're
14 proposing to interpret and, when appropriate or
15 necessary, gives an explanation of why the committee
16 is exercising its discretion to interpret a provision
17 in a particular way. That is to say that, if a
18 statutory provision could be interpreted and could be
19 implemented or interpreted in various way, why the
20 committee thought it was wise to implement in the
21 particular way it chose. Sometimes that's just so
22 plain and obvious that it's not necessarily necessary
23 to explain it; other times, it is. And, again, the
24 purpose is just so that members of the public who are
25 reading this document have a meaningful chance to

1 participate in the process of establishing binding
2 legal requirements. And this is all under the
3 Administrative Procedure Act, I should add. So that's
4 the primary purpose of it. And I also wanted to add
5 that, secondarily, it's also often the case that, say
6 several years in the future, once there's a final rule
7 and once it's codified, people will -- if, in a
8 particular case, there's ambiguity about how the
9 regulatory text that's been codified applies to a
10 particular set of facts, if there's ambiguity, then
11 people will often go back to the preamble notes for
12 both the final rule and proposed rule to understand
13 what was essentially the legislative intent here of
14 HUD or, in this case, the committee. So that is not
15 so much a legal purpose under the Administrative
16 Procedure Act, but it's a second function to
17 understand the preamble plays in the future. So it's
18 important to make sure that the preamble objectively
19 lays out what the intent of the committee was.

20 MS. GORE: Thanks, Dan. I think the
21 only other comment I would make to add to that is the
22 preamble also sets out the minority and majority
23 opinions for issues that have non-consensus, and
24 that's particularly important for those two sides to
25 make sure that the words represent their understanding

1 of their position. I want to begin by thanking Ed
2 Fagen and Dan Brown. You've been loyal to our work
3 group and you've been immensely helpful in our work,
4 and Deb, as well. When we needed you, you were there,
5 so thank you for that. Our simple checklist, as we
6 went through -- first of all, we looked at the matrix
7 to identify all of those items that were under the
8 guidelines of work group A. There were 11 items that
9 have no regulatory language and are therefore not
10 represented in the preamble because the work group
11 recommended and the committee agreed by consensus that
12 there would be no clarifying regulatory language
13 because the statute was perfectly clear. So 11 of our
14 items, as you'll see starting with issue No. 3, there
15 is no regulation and therefore no reference in the
16 preamble. So I just want to highlight what our notes
17 mean. So our simple checklist in our work group, we
18 used the matrix first of all, and you'll see all the
19 issues that relate to work group A. There were few
20 issues that had both work group A and work group F.
21 Work group F did a great job of dealing with the
22 issues and work group A really had no part in them, so
23 I have not included those items that also reference
24 work group F. In our work group, we went back and we
25 looked at not just the issue, but then we went back to

1 the preamble and looked at the narrative and the
2 accompanying regulations and read them through to make
3 sure that our recollection of the work of this
4 committee was properly represented in the preamble.
5 So our technical phrase "looks good," with an
6 exclamation point means that looks good to us and we
7 hope it looks good to the committee. We have only --
8 unless you want me to go item by item, which I'm happy
9 to do, but I think we've already done that as a work
10 group, so if you trust us, there are only two notes
11 that I would like to bring in. Maybe if we could
12 scroll down a little bit so I could see. Let me take
13 the simple one first. Issue 34, if you look at the
14 matrix, the matrix references regulation 1000.18.
15 It's been -- it has a different number, 1000.21;
16 otherwise, it looks good to us. I just want to
17 highlight that the matrix now has an incorrect
18 reference to that regulation. Issue No. 32, let me
19 talk about that just a little bit. I will admit that
20 there is a bit of confusion on everyone's part, but I
21 -- issue No. 32 -- and let me just point out in the
22 preamble, if you will bear with me, because I think
23 this is of no consequence, but because we should be
24 communicating properly with everyone, I want to alert
25 you to this. On page 30 and 31 -- I'm sorry. Yeah,

1 It's a confusing issue. That's my layman's
2 explanation. If you want anything more than that,
3 I'll ask a couple of the HUD attorneys. But we're not
4 recommending any change. We're just simply asking you
5 to note that, in the final preamble and the final
6 regulation, it may be deleted. And that's my report
7 unless there are questions from the committee.

8 MR. COYLE: Thank you, Carol. And I
9 want to commend you and your group for such a good
10 job. I think we've done some exceptional work here
11 and that's one of them. The next section would be B,
12 and that's Dr. Kazama.

13 MR. KAZAMA: I guess I, too --

14 MS. STEVENS: Sabrina Stevens from
15 (inaudible) Housing. On page 4, line 6, there's a
16 grammatical.

17 MS. GORE: I see that. Thank you. We
18 missed that. Dan, did you catch it? Thank you.

19 MR. COYLE: Blake.

20 MR. KAZAMA: I guess I want to begin,
21 as Carol did, by really thanking the HUD staff. I
22 think they were very supportive. They are excellent
23 resource people and, really, they help our jobs so
24 much in getting to different laws and regulations that
25 pertain to what we're talking about. And I really

1 want to commend them, just their willingness to be at
2 the table working with us and helping us sort through
3 things. That was exceptional. I also want to use a
4 term by a well-respected individual at this committee
5 who used the term trust me, just trust me. As we
6 reviewed the work in work group B, for the most part,
7 you know, we did the same kind of process that work
8 group A did. We used the matrix, we did the preamble,
9 we put on the board the things that we discussed
10 around the table, and, you know, the work group things
11 changed when they came here at the committee level.
12 But we wanted to at least get to that place where we
13 talked about certain areas, and it's good to do that
14 because we saw some parts that were missing, and we
15 want to bring that up. There were basically seven
16 areas that we saw needing changes or wanting to insert
17 things, and I'm going to have Dave speak to that, if
18 he could. Do you have a mic there? It begins,
19 anyway, on page 8. And what we'll do is basically
20 follow the preamble document and we'll give you the
21 page number and cite what we see in terms of the
22 changes or areas that might have been omitted or --
23 but there's seven areas. The rest of it, we went
24 along with and looks good. And the changes that are
25 not substantive changes. They were either left out or

1 we want to just insert something. So go ahead, Dave.

2 MR. HEISTERCAMP: Okay. Thank you. We
3 can start on page 9 of the document, and we'll just
4 hand our edits to you, but if there's questions on the
5 different sections that go along, this is just what we
6 were seeing just in order of the pages we pulled up.
7 On page -- starting on page 9, line 9, we should add
8 the S to NAHASDA so we're citing the correct act
9 there. More substantive to that, if we go down to
10 page 14 -- I don't know if this is easier to do it to
11 try to put stuff up on the screen, Dan, or write stuff
12 down. We will be providing some suggested language.
13 Line 14 on that same page, where it describes the
14 changes that were made to 110 (c) and (b) and (b),
15 which are the income eligibility for families who may
16 have started as low income or inherited a low-income
17 unit and are no longer low income. It was part of the
18 discussion, so we thought it should be reflected in
19 the preamble. We would suggest adding on line 14
20 after the comma, 1000.46 comma, to add "would not be
21 subject to the requirements of redesignated 110(b),
22 but would be subject to the limitations on benefits"
23 and the rest of the language in there. And we can
24 either do this on the screen or we can hand the
25 language to Dan later on, but this just makes it clear

1 that the way the regulation is put together, if you're
2 coming in under 146 or 147, that you skip down to
3 110(d) and use the recipient's occupancy policies to
4 decide how you're going to handle those situations.
5 So we recommend putting the language in there. The
6 next change is on page 11 at the end of line 7, where
7 we're talking about binding commitments and how they
8 work. We would recommend that the "a" at the end of
9 line 7 be changed to a "the" to be consistent. So it
10 would read "binding commitment must be a written use
11 restriction agreement that is placed on the property
12 and that has a duration equal to the property's useful
13 life" instead of "a property's useful life." The next
14 piece we identified would be to add some language on
15 page 20 between the consensus and non-consensus items
16 to note that our work group, and by consensus of the
17 committee, recommended that the model programs under
18 subtitle B be handled by PIH notice and that it was
19 discussed by the committee and it was consented to by
20 the committee. It's a little different. There won't
21 be any regulations for those items, but the work group
22 wanted to capture that those sections of the statute
23 had been discussed and there was consensus on dealing
24 with them through PIH notices. And I think Deb
25 Lalancette has some proposed language that we can give

1 you to insert there, but it would basically go on page
2 20 before the non-consensus items.

3 MR. KAZAMA: That's like right after
4 19, line 19.

5 MR. HEISTERCAMP: Right, in that
6 section in there. And we noticed a couple places, but
7 we'll bring it up so we have a nice round seven. On
8 page 33, the additional language that we added under
9 1000.42 didn't get colored any particular color, so we
10 would recommend it be colored red even though the
11 Federal Register is not going to be published in
12 color. On page --

13 MR. KAZAMA: That's line 9 through
14 15 --

15 MR. HEISTERCAMP: I'm sorry.

16 MR. KAZAMA: -- in red.

17 MR. HEISTERCAMP: The regulation that
18 was added there didn't show up in red line on this
19 particular copy.

20 MR. KAZAMA: 9 through 15.

21 MR. HEISTERCAMP: Right. On page 39 in
22 between lines 6 and 7, the committee did draft and get
23 consensus on a new regulation 1000.58, so that
24 language would have to be inserted there, the
25 consensus language, for 1000.58 and a corresponding

1 section appear in the preamble describing that new
2 regulation. On page 53 at line 11, where we have the
3 new regulation describing 1000.239, describing reserve
4 accounts, there was an additional sentence that was
5 approved by consensus of the committee that would fit
6 on line 11 after 1000.58(c). It should read -- an
7 additional sentence there should read "Interest earned
8 on reserves is not program income and shall not be
9 included in calculating the maximum amount of
10 reserves." And that was the language that the
11 committee approved and then the rest as you see here.
12 On page 56 at line 11, very early on in the process,
13 the committee got consensus on a new 1000.410.

14 MR. KAZAMA: Dan, do you have that --
15 what you have is an older version. Do you have the
16 language that --

17 MR. BROWN: I don't think I do.

18 MR. KAZAMA: That's what I was
19 wondering.

20 MR. HEISTERCAMP: We'll come over and
21 make sure you all --

22 MR. KAZAMA: Yeah, because the
23 committee did approve a later version. This is an
24 older version, so that's what happened.

25 MR. HEISTERCAMP: The final item on

1 page 56 at line 11, early on in the process in
2 Scottsdale, the committee approved some language for a
3 new regulation 1000.410, which basically deals with
4 putting the -- putting into the regulations the
5 guarantee limit for Title 6 loans of 95 percent. And
6 that language has been identified in the document that
7 we've provided to Dan, so we can insert that language
8 there. Dr. Kazama, I think that's all we had.

9 MR. KAZAMA: Yep. Mr. Chairman, work
10 group B.

11 MR. COYLE: Once again, Blake, I thank
12 you and your committee and Dave also. Jason, you're
13 next.

14 MR. ADAMS: Yes, sir. Good morning,
15 everyone. Our work group C met and also some of the
16 folks that were involved with the continuing work of
17 the IHP/APR work group. We had a few things to
18 correct and add. One of the things that -- first off,
19 in my notes and we didn't talk about it in our work
20 group, but I was just noticing something from
21 yesterday. We had -- in page 3 of the preamble, it
22 talks about staying away from subpart (d). And,
23 actually, yesterday we did take action to breach that
24 and enter into subpart (d) and made some actual
25 regulation changes in subpart (d). So on top of the

1 page there somewhere between license 4, 5, 6, 7,
2 somewhere in there, I think we should add a discussion
3 that, you know, we were supposed to stay away from it
4 but we did actually -- the committee approved us to go
5 into subpart (d) for those three regulations. Then,
6 on page 5, we were going to add some language there on
7 the definition of outcomes. On line 8, we're going to
8 add a statement there because it -- this only makes
9 reference to the APR and so we're -- it is included as
10 an IHP item, but we're going to have some language
11 included there. Page 5, line 8, somewhere in 8 or 9,
12 we're going to get you some language for that. Our
13 work group did have -- on pages 13 and 14, we had some
14 disagreement that -- and, well, we had some initial
15 disagreement. I think we came to consensus on the
16 items listed on page 13 starting at line 17, 236 and
17 238, administrative and planning expense. The earlier
18 version of the preamble was a lot different than what
19 appeared in this, and so we, as a work group, went
20 through this this morning and made sure that we were
21 in agreement with what this language now says, and I
22 think we're okay with it as it appears now. One of
23 the things that came out of our work group was this
24 idea that we want to have the opportunity to go back
25 and check our notes because I made mention that, you

1 know, the file that I have at home from the work of
2 the previous five meetings is a stack about that high
3 and I didn't bring it with me to this meeting, so I
4 wanted a chance to go through my notes back home and
5 make sure everything that we're saying in here is what
6 I thought we said in our sessions. So we had that
7 discussion. I think we're okay with all the language
8 on that section. We did have, then, intermingled in
9 this, because this section here that we're in, subpart
10 (c), it does make mention in here on page 12 and page
11 13, there's sections there that talk about 1000.302,
12 .328, and .332, which are subpart (d) sections. So
13 I'm just kind of wondering if that shouldn't be
14 brought forward on page 15 and discussed in its own
15 subpart (d) section just to be consistent with the
16 form, because, you know, we say in the charter we're
17 not going to go there, but we did. So I just think it
18 ought to have its own section to be consistent. Then,
19 on the non-consensus item section beginning on page
20 20, we have some language that we've given to Dan to
21 include the discussion yesterday on the non-consensus
22 that was reached on new sections 1000.221 and .513,
23 and so we have some language we'll be including there
24 on that discussion from yesterday. And then the last
25 item I think that we had was on page 51, line 12. We

1 just pointed out a typo there. It starts 1000.235.
2 That should be .236. And so that was the extent of
3 our comments in the work group, comments to the
4 document. Thank you.

5 MR. COYLE: Thank you, Jason. Are
6 there any questions or any comments on this? Thank
7 you once again to your group, Jason. Excellent job.
8 God, we're good; until now. I understand you've been
9 given, secretary, a bit over there for the whole week.
10 Now she's come to me and complained several times, so
11 please be good today.

12 MADAM SECRETARY: I met his wife
13 yesterday and had the honor of talking to her for a
14 few minutes and, right away, I knew she was a saint.
15 And then when I asked her how long that they had been
16 married and she said 20 years, I said you will get
17 your reward, no doubt.

18 MR. HAUGEN: Good morning. Thank you.
19 Thank you for those kind words. Let me start out by
20 thanking Carol in particular. As a member of this
21 committee, this was my first negotiated rulemaking
22 committee I was able to be a part of and she helped me
23 a lot, and I want to thank her particularly. Also, I
24 want to thank the vets of this committee, Jason and
25 Blake and Larry and others, who have helped me to kind

1 of understand where we were going and what the outcome
2 was going to be; particularly for throwing me into the
3 lion's den in the subpart work group F. I tell you
4 what: That's what I get for going to get snacks at
5 the wrong time. I go out to get some snacks as usual
6 and I come back, I'm the chairman of this group.
7 Little bit scary. Let me tell you something: I
8 learned how to delegate pretty fast. As far as work
9 group F, I want to thank John, Ed, and Earl. They
10 really were the lifesavers and the driving force
11 behind this group and particularly when we met in
12 Denver, Westminster. I walked in the room and there's
13 our guys sitting there, three or four tribal members,
14 I look across the room and there's 15 HUD folks
15 sitting there. I knew we were in for a battle when I
16 seen that. Nonetheless, talks went pretty good and I
17 want to thank Jad in particular from HUD; very good to
18 work with. Some of the items were pretty contentious,
19 but at the end of the day, we shook hands and walked
20 away smiling, so I think that's what this is all
21 about. I shared with the group, my own philosophy is
22 you can't win them all, and we probably had the most
23 non-consensus items of all the groups, which is
24 something that we chose to deal with. So we reviewed
25 what we had this morning and we agreed with most of

1 the items. There were a few grammatical errors that
2 we decided -- that we thought needed to be changed,
3 and we also reviewed most of the non-consensus items
4 and agreed that most of the wording was correct. But
5 with that, I want to turn the remaining time over to
6 John and Ed to kind of wrap up the items we dealt with
7 in work group F.

8 JOHN: Thank you, Lafe. We found
9 actually only three areas where we thought the
10 preamble made a change. And I want to add my
11 compliments to Dan Brown's work. He had to keep up
12 with a lot of people doing a lot of different things
13 and he did a wonderful job. The first is we notice
14 that a technical change that did receive consensus by
15 this committee didn't make it into the preamble, and
16 I'll show what it was if -- is it possible, without
17 too much of a hassle, to put an existing regulation on
18 the board? In this case, it's 1000.512. If it is, I
19 can just talk the regulation through, but if it's
20 handy, it's 1000.512. I'm looking from the
21 regulation, not from the -- not from the preamble,
22 because the problem is it's not in the preamble.
23 Rather than wasting time, let me just read. .512(b)
24 talks about what have to go into performance reports,
25 and (b)(1) and (b)(2) both refer to items concerning

1 objectives of the recipient. In the IHP language,
2 they got rid of all the language about goals and
3 objectives and replaced it with planned activities,
4 and so we had a low-hanging fruit amendment to amend
5 1000.512(b) to substitute the word "planned
6 activities" for "objectives" in both (b)(1) and
7 (b)(2). Okay. You scroll down a little bit and you
8 can see -- there you go. You can see in both (b)(1)
9 and (b)(2), they use the word objectives. The
10 amendment was to strike the word "objectives" in
11 (b)(1) and (b)(2) and insert "planned activities."
12 And if you go to your matrix, you'll see at item 78
13 that consensus was reached to change those words, but
14 they didn't make it, so what we propose is that, if
15 you now go to page 59 of your preamble, that you'll
16 see there is an amendment to .512 down there beginning
17 on line 16. We would just add, where right now there
18 are a bunch of ellipses, a proposed amendment to
19 (b)(1) and (b)(2) that just changes "objective" to
20 "planned activities." That's the first change that we
21 noticed. The second change that we noticed is, if
22 you'll remember my chart and from the big discussion
23 that we had, that we now have a consolidated
24 enforcement section, but we did not reach consensus on
25 either subsection (a) or subsection (b). And so,

1 really, the first subsection of this new consolidated
2 section of what was originally labeled as (c) now has
3 to be bumped up to (a) because it's the first section
4 that you guys reached consensus on. So if you'll go
5 to page 62 of your preamble, we're proposing a couple
6 of things. We're proposing to introduce this section
7 -- that will be (a); right? Yeah. On line 4, page
8 62, in lieu of what it says, we would propose that it
9 say in 1000.532, "the section is repealed and replaced
10 as follows or to read as follows." That takes care of
11 the fact that we're not just -- that all the paragraph
12 references in here are wrong. And then you have to
13 make a whole bunch of cross-reference changes. And
14 I'll just go over them real quick, because this is the
15 last thing I've got. Line 10(c) becomes (a). This is
16 on page 62. On page 63, on line 3, that (d) becomes
17 (b). Further down that same line, line 3, (c) becomes
18 (a). If you go down to line 11, (c) becomes (a) and
19 (d) becomes (b). If you go down to line 15, paragraph
20 (c)(3) becomes paragraph (a)(3). If you go down to
21 line 16, (d) as in dog becomes (b) as in boy. Line 19
22 , (f) becomes -- I missed a cross-reference. Go back
23 to line 11; (e) becomes (d). And then, line 11, the
24 very first letter is an (e). That becomes a (d). And
25 then 19, (f) becomes -- I'm sorry. 11 becomes -- the

1 (e) becomes (c). I apologize. The (e) becomes (c).
2 And line 19, (f) becomes (d) and subsection (c)
3 becomes subsection (a), and then that's it. Those are
4 the -- oh, we also have to tell you that we did have,
5 as you know, some fairly contentious non-consensus
6 items. We reached agreement with HUD on language on
7 three of the four, so I won't go into those, but
8 there's an issue outstanding on the fourth set of
9 non-consensus language, and I'm going to turn it over
10 to Ed to let him talk about that.

11 MR. GOODMAN: This is Ed Goodman. The
12 language in the preamble that we're looking at deals
13 with the line of control system -- line of credit
14 control system LOCCS edits that Jad and I discussed
15 yesterday. It begins on page 22 of the draft
16 preamble. Jad and I just made some additional changes
17 to the non-consensus discussion. As Carol and Dan
18 explained at the beginning of the meeting today, the
19 purpose of the non-consensus item section is just so
20 that each side that had a disagreement could explain
21 their position, and we had drafted some quickly
22 yesterday afternoon and just had a little bit more
23 time to think about it and made a few more changes.
24 On the left-hand screen, you'll actually see the
25 strike-out underlined changes, and I'll just briefly

1 go through them. On page 22, starting with line 14,
2 we had had the actual proposed language from the
3 tribes that there had been no consensus on and we
4 realized that none of the other sections included the
5 proposed language, so we just propose striking that
6 from the preamble and just begin with the language at
7 line 21. On page 22, we've changed that slightly
8 because the sentence had begun with a reference to the
9 language in the previous paragraph, which is now
10 deleted, so we just had to change the reference to the
11 fact that the tribes had made a proposal, summarize
12 what that proposal is, and then state that HUD
13 participants did not agree to consensus on that item.
14 And then, in the following paragraph, which is on page
15 23, it is essentially the paragraph that contains
16 HUD's position: We added two sentences, and I'll just
17 describe one of them in a little more detail than the
18 other. These are both clarifications from HUD by Jad.
19 One of the things that we discussed yesterday with the
20 LOCCS edit was that, with a LOCCS edit, it would
21 prevent -- with a LOCCS edit in place, it would
22 prevent tribes from drawing down funds from their IHBG
23 grant if a LOCCS edit was in place, and I had included
24 language from the HUD memo that stated that that LOCCS
25 edit would prevent drawdown of language if -- prevent

1 drawdown of funds if required documentation had not
2 been submitted and if there were documented concerns
3 from HUD that not been resolved. Jad clarified for me
4 and then, this morning, we clarified it further that,
5 if there are HUD concerns, potential non-compliance
6 issues, that in and of itself will not -- even though
7 it will create a LOCCS edit, that will not in and of
8 itself create a -- prevent you drawing down your
9 funds. You'll just need to submit additional
10 documentation regarding the non-compliance, but you
11 don't have to resolve the non-compliance or documented
12 concern as a condition of continuing to receive a
13 drawdown of your funds. So we just put in language to
14 clarify that. And then we added language at the end
15 of that paragraph. Jad wanted to talk -- explain
16 HUD's position regarding the case law that was cited
17 in the memo, so there's a sentence that explains HUD's
18 position on the case law. And those are the three
19 changes so that section on the LOCCS edit.

20 MR. HAUGEN: Okay. That concludes all
21 of the changes for subpart F. Again, I just want to
22 thank assistant secretary and Rodger for their good
23 work on this committee. I appreciate all their
24 insight and guidance that they gave to our work group.
25 But, you know, looking at some of these non-consensus

1 items, I had a different way in dealing with these. I
2 was looking at Jad and I outweigh him by about a
3 hundred pounds, so I wanted to wrestle him, and next
4 thing you know, he wanted to Jell-o wrestle, and I
5 don't do that. But I just wanted to make note that I
6 am not scared of Jad and I will take him on.

7 MR. COYLE: Thank you, Lafe. Ladies
8 and gentlemen, guess what we just did? And madam
9 secretary, I think you got a keeper sitting next to
10 you there. Dan did a good job. And the whole HUD
11 staff are exceptional. I want to commend all of you
12 and thank you for all the good work we've all done.
13 And even you, Marty. Marty has been so quiet here the
14 last couple of days. Do you have any good words for
15 us?

16 MR. SHURARLOFF: Well, just to echo
17 what you're saying, you know, working with the HUD
18 staff. I know going back to past negotiated
19 rulemakings, it's come a long way from where it used
20 to be, and it's been a real pleasure to work with all
21 you folks, so thank you.

22 MR. COYLE: It was a pleasure. And I
23 think Leon will agree with me that this is one of the
24 best groups of people I've ever worked with in my
25 life, and I've worked with some raunchy ones, though.

1 My grandfather said once, if you don't have a smile on
2 your face, you can't talk. So I kind of look back at
3 that and appreciate joking a little bit and keeping
4 everything in a light-hearted, livable life. So thank
5 you, everybody ,for volunteering me. Yeah, I would
6 like to just start to my right. Mr. Jack, could you
7 give us some wisdom to your elder being?

8 MR. SAWYERS: It's been my experience
9 -- that's not true. I really want to just say that,
10 if I've offended anybody, like I said before, you
11 probably deserved it. But I do want to tell you that
12 I appreciate working with you folks. This is my third
13 go-around and probably the smoothest one we've had.
14 Of course, we weren't talking about money, so that
15 does make a difference. However, I do want you to
16 know, secretary, assistant secretary, how much we
17 appreciate you and your staff. We worked with several
18 different HUD groups, and I might say this is a fine
19 one, even though some of them are leftovers, right,
20 Deb? But, anyway, we do truly appreciate working with
21 you folks, Judith, and we -- I would just like to say
22 thank you very much for the respect you've shown each
23 other for the last few weeks, months, whatever that
24 turned out to be. Thank you.

25 MS. STEVENS: Sabrina Stevens. I just

1 wanted to say that I had a really great learning
2 experience these last few days and I haven't been here
3 for the whole thing, but thank you so much because
4 everyone's just been so helpful, and I really
5 appreciate that.

6 MR. JONES: Marvin Jones. Because
7 we're getting out earlier, I think I'm going to try
8 make it down to the local museum to see the Dead Sea
9 Scrolls, 2000-year fragments; not that I expect any of
10 our work to ever be in a museum. But I do hope some
11 of our self-determination language will not end up in
12 a dead sea and we'll create a sea change as with
13 previously described times during our sessions.

14 MR. McGEISEY: Tom McGeisey. And I
15 want to say to everyone that I appreciate the learning
16 experience and the opportunity to work with you. I
17 really appreciate those who are behind the scenes from
18 both sides, the HUD staff and those lawyers who
19 assisted. I think that there was a lot of effort put
20 forth by people that may not even have had a chance to
21 speak here. I think that the crowd itself, the
22 audience, had an opportunity to participate in the
23 work groups, and we here on the committee really
24 appreciate that. The work group leaders who chaired,
25 I really think that they put a lot of good effort and

1 I really, from my novice experience on a committee,
2 saw a great deal of expertise put forward. And Lafe,
3 I admire you for hanging in there, your job. And
4 Madam Secretary and Rodger, I really appreciate your
5 staff. I really saw a lot of good work. I hope it
6 trickles down to the OMAP offices and we can get
7 things done there.

8 MS. MARASCO: Judith Marasco. I'd just
9 like to thank everybody for allowing me to
10 participate. I don't know why some of us keep coming
11 back, but it's almost like an addiction. Anyway, I
12 thank everybody for their hard work.

13 MR. DePERRE: Blake, my good friend and
14 colleague and my fellow board member, Lafe; I honestly
15 did not know what to expect when I was called to be a
16 part of this team. I'm reminded of the biblical
17 phrase, of course, that many are called and few are
18 chosen, and every night ask why me, Lord, why me?
19 This has been a learning experience. Like Lafe, this
20 is my first time to sit in here and be with you all as
21 we shape policy that affects our people back home.
22 And as we wind things down, it's almost kind of like a
23 summer camp coming to an end. It's had its moments,
24 good friendships have been cemented, and the friends
25 that we have come to camp with, that friendship has

1 even bonded all the more. As we wind down, I'm very
2 honored to have been a part of this rather select
3 group. In all of my years of working in Indian
4 Affairs and helping out our tribal communities, this
5 was one level that I was not all that familiar with,
6 and you all have enlightened me on this process that,
7 for those of us back in the trenches, we sometimes
8 just take for granted and we do not know the laborious
9 methods that we need to put into these kinds of
10 projects. So I want to extend my appreciation and
11 thanks to all of you who assisted me and helped me
12 grow and who have been teachers to me. I have to
13 compliment Rodger and his staff and his continued
14 dedication and effort to improving our lives here in
15 Indian country. I am honored to be a part of his
16 team. And to the madam secretary, these few months at
17 summer camp with you have certainly been rewarding.
18 It is not often that we get one of your stature from
19 the government to come and spend as much time with us
20 as you have, but not only in spending the time but to
21 contribute and to help us shape the policies and rules
22 which we will be functioning under. That says a lot
23 about not only you as an individual, but the
24 administration as a whole, so I'll share that when I
25 go back home as to the significance of you sitting at

1 the table with us, and I, we, are definitely honored
2 by that. And thank you very much, and I hope that we
3 will be able to do this again sometime. And to all of
4 the staff, those in the trenches and those individuals
5 sitting back there with their laptops and the
6 attorneys and such, thank you all very much for
7 contributing. I appreciate this. And, in closing,
8 one cannot forget the community members who are
9 sitting out there. Every session we've went to, we've
10 had local community people sitting out there, and they
11 are true beneficiaries of our efforts, and I hope we
12 did you well. I hope we served you well, and I'm
13 hoping that, because of these efforts, our lives and
14 our communities will be a bit more improved. Thank
15 you all and it's been a pleasure and safe journeys to
16 you.

17 MR. ADAMS: I just want to say a few
18 things. First of all, it's been an honor and
19 privilege to be able to be a part of this process once
20 again. It's been learning -- a huge learning
21 environment for me and an opportunity to learn not
22 only about the program and its regulations, but it's
23 about the people involved and seeing the commitment.
24 I want to start out by thanking those that were called
25 upon and offered prayers for us every day. I thought

1 that was an important piece that sometimes we as
2 Indian people take that for granted, but we offer
3 those prayers every morning and every day in our ways
4 and that's -- you know, one of the things that I
5 learned from my father growing up is, you know, we, as
6 Indian people, fought a lot amongst each other over
7 the years and centuries over a lot of things, but we
8 never fought about that. We never fought about who
9 our creator was, so I want to thank you for that, for
10 those especially who offered prayers for their words,
11 for encouragement to us as we move forward. Blake,
12 for your prayer this morning, it was very appropriate
13 in talking about relationships because that is what
14 it's about. I want to thank you for that. I want to
15 thank those who offered up gifts. You know, it seems
16 like at every stop along the way we got gifts. And I
17 got gifts here today from Robert and the tribes, you
18 know, as their role in opening this meeting and the
19 gifts that were provided. I thank you for that. I
20 appreciate that, and thank you for that gesture from
21 the people here of this land. The tribal -- you know,
22 there's a lot to be said about folks that come to
23 these meetings and they don't only come in here to sit
24 in and be a part of it, but they bring staff, they
25 bring their attorneys and they pay for that, and that

1 helps us all. And I'm very appreciative of that
2 because there's a lot of people at this table and the
3 crowd that are here for that sole purpose. They are
4 not here just to have some time away from the office,
5 but they are here on that tribe or that housing
6 authority's dime to help us. And so I thank you for
7 that, for those tribes and TDHEs that went that extra
8 mile. Leon and Larry, thank you for your guidance
9 through this process, for sticking it out with us. As
10 being our leaders, you've done a fine job, so thank
11 you for all of your work. Sandra, you and your
12 staff -- especially you, Sandra -- thank you for -- I
13 think it's appropriate that -- and I hope it's
14 appropriate that we can call you by the first name now
15 as a friend, and I thank you for that, and that just
16 proves your commitment to us. I think Ray has done a
17 fine job in expressing appreciation for your
18 willingness to sit at this table and not just be a
19 part of the committee but get into the work. So I
20 thank you for that. And last but of course not least
21 is Jan and the contractors that helped us through this
22 process. I just thank you for all of your hard work
23 and in helping us get to this point here where we're
24 at today in finishing up. I just want to thank you
25 all again for the honor and privilege and I hope you

1 all have safe travels home to your families. Thank
2 you.

3 MR. HAUGEN: Thank you, Jason. Fellow
4 Montanan, you did a good job. Jason, I'm really proud
5 of you because you led a lot of us, a lot of our
6 groups, and pointed us in the right direction in what
7 we needed to accomplish. I thank you for that.
8 Again, just want to thank everyone, the contractors,
9 as Jason noted. I thank everyone for being here. And
10 I'm deeply honored and humbled to be a part of this.
11 The one person I forgot to thank was our administrator
12 from our region, Randy Akers. I know he's here today.
13 Randy. You know, a lot of these issues that we've
14 talked about and, in all honesty, I wasn't aware of
15 those issues, the LOCCS edit and stuff, one of the
16 issues that we talked about yesterday because we never
17 -- my tribe has never experienced that. And I tell
18 you what, our region, our HUD region in Denver, is
19 premium. They work with us, and I can't thank them
20 enough. My tribe's success, my housing authority's
21 success can be attributed a lot to Randy and his
22 staff. Deb Kyle is here, and Deborah Lalancette, I
23 know she's at the other office, but she helps us a
24 lot, too, so I just want to thank them, can't forget
25 them. But other than that, again, thank you, Sandra

1 and Rodger and their staff. You know, I've been
2 thinking about it, and yes, Jad, I will take you on.
3 It is your birthday. Name the place and time, I'll be
4 there. Thank you.

5 MADAM SECRETARY: Bear with me for a
6 moment. I didn't know what to expect when we started
7 out in March, and I can honestly say that I'm going to
8 miss this. I didn't -- starting out in March, I
9 didn't think I would ever say that, but I'm going to
10 miss the process, but more importantly, I'm going to
11 miss all of you. I am both honored and humbled to
12 have participated with all of you in this process,
13 those of you at the table, your colleagues on both
14 sides of the room who provided support and counsel and
15 advice, and for all the people who came and sat
16 through it in the audience day after day, week after
17 week, month after month. It is a humbling process and
18 an experience that I will always remember. It will
19 always color my work and my advocacy for issues in
20 Indian country. It has had a profound, profound
21 effect on me, and I want to thank you all for that.

22 MR. BOYD: Thank you. This has been a
23 very long process, not only the meetings that we've
24 had over the past couple of months, but even prior to
25 the meeting and what we go through in getting

1 nominations from your respective tribal leaders. So
2 it's very interesting to see how this evolves and how
3 many people that we eventually select for this
4 committee. And I really want to commend all of you on
5 this committee because you were selected to represent
6 small tribes, medium-sized tribes, and large tribes,
7 and I think that the work that you've done really
8 echoes, I think, the commitment that you have and I
9 hope that we share with you in making lives much
10 better for our tribal members throughout the country.
11 And it really does please me to hear your compliments
12 about our staff, and I appreciate that because it also
13 tells me how well they are doing work with you and for
14 you and eventually for those people that do live in
15 the homes that we help to provide. So this is my
16 second neg reg. I still don't think I'm a pro about
17 it, but there's another one coming. So should I even
18 mention that? But, again, thank you very much for
19 your participation and your commitment to our
20 communities.

21 MS. FOSTER: I would just like to say
22 how much I've enjoyed this process and been honored by
23 the opportunity to participate, to get to know all of
24 you better, to work with you, and echo all the things
25 that have already been said by so many. I won't make

1 a long statement, but just to thank you. Thank you
2 for the opportunity to do this. It's been really
3 wonderful. I agree with the assistant secretary; I'm
4 going to miss it, too, and just thank you, everyone.

5 MS. BECENTI: Good morning. Marguarite
6 Becenti. I'm representing the Umatilla tribe in
7 Pendleton, Oregon. And as everybody else has said
8 before, I would just like to say thank you. I am
9 honored and humbled to be here. All of the folks that
10 are sitting at this table, it's amazing, especially
11 for Sandra. I don't know what kind of warning maybe
12 Rodger had given you, but I'm glad you stuck through.
13 I think this is a beautiful ending to the work that we
14 have done. As we are in Indian country, we are
15 storytellers, and this preamble, I think, is a good
16 story. Thank you for all your work, everybody in the
17 room. Thank you.

18 MS. PHAIR: Hi. My name is Diana
19 Phair. I'm representing an alternate for Chairman
20 Cagge. And I just want to thank everybody for giving
21 me the opportunity to sit in in his place. I'm not as
22 radical as Chairman Cagge, but if you see him, you can
23 tell him I was radical during this whole time. Put in
24 a good word for me. But I want to thank Sandra and
25 Rodger when we were up in Seattle last month, taking

1 time out of their schedule to come up and visit our
2 tribe and look at our project that's under
3 construction with our Recovery Act money we got. And
4 I just want to thank everybody here at the table and
5 have a safe journey home.

6 MR. TELLER: Good morning. Leonard
7 Teller. On behalf of my constituents and our staff
8 from the Navajo Nation, thank you for this opportunity
9 to meet and greet and make friends again with most of
10 you, and new ones, as well. I'm just sitting here
11 thinking how easy this was compared to some of the
12 previous ones. Now we don't have to go home to clean
13 our wounds, and those that have been here for the
14 previous ones know exactly what I'm talking about;
15 Jack and Larry and Leon, Marty. But if we don't talk
16 about money as nations, then we're quite all right.
17 We're very civil then. But if we start talking about
18 money, we're strange animals there. But it has been a
19 learning experience just to realize and see that we
20 can come together and see eye to eye on many issues.
21 The work only just begins here on how do we make this
22 program even more customer and user friendly, as well;
23 all benefitting our beneficiaries. Again, thank you,
24 Sandra, Rodger, all HUD staff, all staff and
25 individual's attorneys that are here who make this

1 work very enjoyable. Thank you again and safe journey
2 to everybody.

3 MR. SHURARLOFF: As I said earlier that
4 it was a real pleasure to work with the HUD staff and
5 all of your folks that were here, but as well as them,
6 everybody in the audience. You know, it really shows
7 that being here, there is a benefit because you get to
8 provide input. And for the people around the table,
9 it's been a pleasure to work with you again. I hope
10 to see you here again in a couple years, so thank you.

11 MS. GORE: What a journey it's been.
12 It's such a privilege to be here. I think of the work
13 I do as representing my family, and it's all about
14 family, and I see all of you today as that extended
15 family. I was very appreciative of the authentic
16 engagement, everyone, the sharing of resources. To
17 me, that felt like my community. And I think that's
18 what we're supposed to be, is that
19 government-to-government tribal self-determination.
20 All of those things were dealt with in this room with
21 respect. I most appreciated those that came from far
22 away and had no microphone in front of them but were
23 here to listen and learn and engage in the work.
24 There was a lot of hard work done here, and, you know,
25 the words on the paper really don't truly represent

1 all of the engagement. I was appreciative of the
2 humor that came no matter the disagreements, that we
3 were respectful in our disagreements. I did want to
4 us -- I did want to thank one person that no one has
5 mentioned here and that's Erna. I don't know if she's
6 still here. She's from NIHC, and she kept the matrix
7 up to date with all of our work, and it was such a
8 helpful tool to all of us. She also shares my mom's
9 first name, which is relatively unusual, so we bonded
10 the first time we met. But I wanted to leave you with
11 one phrase I've been using a lot lately, and that is:
12 Affordable housing is not about charity; it's about
13 community. And I think I saw everybody in this room
14 embrace that phrase, and it means a lot to me that
15 we're not sitting here thinking about low-income and
16 affordable housing. We're truly thinking about our
17 families, our elders, and our communities. I want to
18 thank all of you for allowing me to be here with you.
19 And if Rodger is right, as friends, I hope to see you
20 again in a couple of years. Thank you.

21 MR. KAZAMA: I guess being a part of
22 this, there's a personal element for me, and I want to
23 share this with you, good or bad. My contract, my
24 employment contract, is coming up and I was going to
25 end and retire. Meeting with you and working with you

1 renewed my spirit in what we were all about, and I
2 decided that's not going to happen. I'm going to
3 continue working. You know, I want to share two
4 stories, and the first one just happened yesterday. I
5 called the office and there are people in tears at my
6 office, and I said what's going on? I mean, here I am
7 half the way around the other side of the country.
8 They said we had a homeless family come in, they got a
9 house. And everyone, they took an extra hour off from
10 lunch to go home and get different things of their
11 possession to give to this homeless family. There was
12 people who filled up their gas tank with gas so they
13 could travel. They have a daughter who was one year
14 old who had not eaten in three days and she was crying
15 because her stomach hurt. I mean, that was a problem.
16 So that was one story. The second one is, we built a
17 beautiful home. It was a tax credit home, and I
18 remember a guy in a wheelchair wheeled himself up and
19 a little about three- or four-year-old son, and he
20 said to me, mister, can I show you my room? And I
21 said yeah. He was really proud of his room, and he
22 took me into his bedroom, had nothing in there because
23 they were living in their car at the time and now they
24 had a home. And the boy looked down at my feet and he
25 said, hey, mister, take your shoes off as he scolded

1 me, and I thought, you know what, that is really cool.
2 He has ownership of his room. There's a fighting
3 chance for that boy to be become something. He could
4 be our president, our next president. You know, we do
5 things here, but it impacts lives. We are on a
6 mission. There is suffering out there. I see it.
7 I've been fortunate to travel around Alaska, and, you
8 know, we fight hard for the state of Alaska because we
9 see so much. We see people who don't even have
10 plumbing, who carry water in a bucket, and you see
11 that in some of your regions, as well. And so, so
12 long as there is suffering and hurt out there, these
13 things make a lot of sense to me. And I know at times
14 I seem almost obstinate about different aspects of
15 what we're dealing with because I have those visions
16 in my head, those (inaudible). And I want to really
17 thank all of you for renewing something inside of me.
18 I thought, you know, like, sometimes I hear Larry and
19 Jack joke about age and I actually was thinking, you
20 know, I'm educated, I've gone through the schooling
21 processes and all those kinds of things, and I
22 thought, you know what, it's time for the younger
23 people to come up the line, but I still see a purpose
24 for Blake to be part of this. And so I want to
25 continue to do that. But I want to thank all of you

1 personally because you helped make that happen in my
2 life, so thank you.

3 MS. WICKER: That's a little hard to
4 follow, so I'm going to keep it a little short. Good
5 morning. This is Susan Wicker. I'm representing
6 Poarch Creek Indians in Alabama. It has also been an
7 honor and a pleasure to sit here and serve my region
8 and all the other tribes. I take with me new friends
9 and colleagues, and I want to thank everybody for
10 their hard work. So blessed be and safe travels.

11 MR. DURANT: Now, this has been one of
12 the best organizations I've ever participated in.
13 There was a couple months that I did miss, but I'm
14 really glad you all allowed me to continue. It wasn't
15 by my choice. I came in as a housing director and,
16 today, well, when I go home, I go back to my new job
17 as a council member in the tribal council. In
18 listening and learning -- and I'll be here for housing
19 as long as I'm going to be in tribal government. What
20 I had a great sense in feeling from everybody is that
21 there's a strong spirit of love for our people, and I
22 thank you all for that. We all come together well.
23 Thank you.

24 MR. ANGASAN: It's hard to say anything
25 different after all you really good speakers. But I

1 want to thank the Alaska members for putting up with
2 me as a newcomer, and also thank Ron Hoffman as -- I
3 don't know why he didn't join you guys again on the
4 committee, but it's been a really good experience for
5 me. I haven't worked for housing for about
6 three years, but I still remember it all, and I think
7 I'm really interested in getting back into housing
8 again at some point in my career. This is a really --
9 I think this is a really good summer, and I think we
10 did a lot of good work down here. And thank you all
11 for putting up with -- we always say that we must be
12 the smallest tribe in the world; like, we have 114
13 members in the service area. And I just thank you all
14 for putting up with me.

15 MR. JACOBS: Well, I guess it's my
16 time, huh? It's been an interesting six months. I
17 think I made a statement when I had the initial
18 introductions back in March that one of my former
19 colleagues when I moved to Chicago to open the last of
20 the six offices, he was head of public housing there
21 in Chicago, and we were having breakfast at McDonald's
22 one morning. And we had a McDonald's in our building
23 there in Chicago, and as we were talking, he said to
24 me, he said, Leon, we don't have any problems
25 whatsoever in public housing, none whatsoever, but we

1 have loads and loads of unique opportunities, and I
2 think I used that when we came together in the first
3 meeting. And then I almost gave up on that idea
4 because when we got into the meat of things and we
5 started to listen to the different problems, as they
6 called them, or the parking lot issues and everything
7 else, I was about to change my philosophy, that we do
8 have some problems, but you came around through
9 consensus, discussions, and so forth and you turned
10 those problems into unique opportunities. You found a
11 way to come up with language that was acceptable, not
12 only to HUD, but to the tribes, which is most
13 important, and I think you did a great, great job.
14 Now, there's one job that I'm not sure that you made a
15 good decision. That was appointing Larry and me as
16 the co-chairs, but we made it, didn't we?

17 MR. COYLE: We got a future.

18 MR. JACOBS: Yeah. We had dinner last
19 night and we talked about our future, so don't be
20 surprised if we don't show up at your reservation.
21 Larry and Leon, you know. But one of the things
22 that -- as you know, I go back a number of years, back
23 in -- the first introduction in Indian housing was
24 1978 when I became the tribal administrator for the
25 Washoe Tribe in Nevada and California, and we were

1 working there with Virginia Keizer, who was the
2 housing director, and the San Francisco office.
3 That's when there was only two offices nationwide, and
4 that was in Denver and San Francisco. The National
5 American Indian Housing Council was housed over in
6 Carson City. It had made the journey to Washington
7 and so forth, so I go back a long way. And one of the
8 things that I did hear yesterday that bothered me a
9 little and I want to mention this, it was always
10 termed when you go out to Indian country, we have HUD
11 houses here on the reservation, and I tried to change
12 that philosophy, that no, these are not HUD houses on
13 your reservation. These are your tribal housing on
14 your reservation. And yesterday, someone made the
15 reference to NAHASDA housing and my hair stood up a
16 little bit, and I wanted to say this: You don't have
17 NAHASDA houses on your reservation; you have tribal
18 housing. HUD happens to be the agency that the
19 Congress has chosen to administer the program to you,
20 but the funds come to you from the Congress and it's
21 your program, it's your housing, and we need to make
22 sure that we emphasize that every day. And in
23 addition to that, I think by ownership, it brings an
24 appreciation more, and that's one of the reasons that
25 I make this statement that it's not NAHASDA, it's not

1 HUD housing, this is your housing that's trying --
2 that you're trying to provide to your membership. And
3 I would like to close with we had Robert talk about
4 all the tribes here in the great state of Minnesota,
5 and there's one person's name that we haven't talked
6 about very much. But he was not only a great, great
7 leader here at the state level, but on the national
8 level, as well. And I'm sure that Robert will support
9 me on this, Roger Jourdain, who was the chairman of
10 the Red Lake Tribe for a number of years. And when I
11 opened the Chicago office, I became good friends with
12 him. And up until his death, he was a true friend.
13 He was working hard, not only for his own reservation
14 and the other tribes here in the state, but he was a
15 national leader in Indian country. And I wanted to
16 mention his name that all of you that knew him and
17 didn't -- you that didn't know him, he was a great,
18 great leader, and you should keep that name along with
19 the other Indian leaders in your thoughts; Roger
20 Jourdain. And, again, I would like to thank you,
21 madam secretary, Rodger, and all of your staff for
22 your leadership and participation. And I want to
23 thank all of you here. As a committee member and the
24 audience here, I think a couple people mentioned
25 you've been here at all of the meetings and your input

1 in the working groups and your comments individually
2 have meant a lot and your contribution will be noted
3 through this process. The committee hasn't done this
4 alone. Your assistance has been greatly appreciated.
5 And with that, Larry, I'll turn it over to you and,
6 hopefully, we'll have another opportunity in the
7 future to spend some time together. And if we don't,
8 God speed to you and your family and your tribes, and
9 thank you very much for the honor that you've bestowed
10 on me during this process. Thank you.

11 MR. COYLE: Thank you, Leon. Thank
12 you, everybody. Lafe, L&L are going to be your
13 agents. Dan, are you ready? Half hour from now; that
14 will give you time to get adjusted and everything.
15 Right here in the middle, it will be a closed session,
16 you can strip down to your working attire if you want,
17 and we will take all bets over here. Thank you,
18 everybody. At this time, I would like to ask anybody
19 in the audience if they want to make some comments.
20 And, also, I want to give special thanks to the
21 lawyers in the back room here. They are kind of
22 quiet, and that's unusual for lawyers, but I do want
23 to thank all the legal help that we had back there,
24 even if they do get paid for it. But I do want to
25 thank them. They did an excellent job. So, at this

1 time, is there anybody in the audience that would like
2 to -- would Ed stand up? We've got a pact going on.
3 Ed and myself are going to retire on the same day.

4 MR. ED: You go first.

5 MR. COYLE: Thanks, Ed. Ed is a quiet
6 one, but he does an excellent behind the scenes. You
7 might talk to Dan about agents.

8 MR. ED: I'll talk to the winner later.

9 MR. COYLE: There's a gentleman going
10 up to the mic right now.

11 BROOKS KRISTOVICH: Thank you, Larry.
12 I didn't come up yesterday, but I'm going to take the
13 opportunity now. It's kind of funny when you said you
14 two were thinking about retiring at the same time.
15 You're wearing the same shirt, so we thought maybe
16 that was happening soon. It was great to sit back
17 here this morning and just listen to all that you
18 shared, the stories, some of the fun things, but some
19 of the real sincere things. And Blake sharing those
20 stories about the families, I was sitting there and
21 still feeling a little bit emotional when I talk about
22 it now. That is why we're here. When we can do
23 something so important as develop a home or provide a
24 home to a family that has been homeless, and those
25 types of stories are sad because we know we do that,

1 but we also know not every one of our families are as
2 grateful. But even for those families, we still know
3 we're here for a reason. I talk to any staff the same
4 way as I hope you're sitting here for more than a
5 two-week bonus that you get for being here because our
6 families need us. The people we serve and the reasons
7 we're here need to be deep inside or else we become
8 callused and our families will know that we're not as
9 caring as we should be. And I stress that over and
10 over again to the point where I even say if you really
11 don't feel that way, maybe you need to be looking
12 somewhere else because our families deserve better,
13 they deserve more, that we would -- for somebody that
14 destroys a house and we have to go repair it, we can
15 have some type of feeling for that, but they still
16 need our services. We may terminate them. We don't
17 like to get to that point of termination, but try to
18 give them the opportunity to come back if life
19 changes, if they still need our services. And so, as
20 I said a few times before at the closing of these
21 other meetings, it's been quite a journey to be part
22 of this whole process. When I first stood up, I said
23 I never planned on being here, but I thank Marguarite
24 for asking me to participate along with her because
25 I've treasured each time we've gotten together. I got

1 frustrated each time we got together, but I also --
2 the results, knowing again why we're here, were so
3 important. The work sessions I sat in on, we didn't
4 always agree with HUD, but when it came to this table,
5 everything finally was brought together. I was really
6 glad to see the results that we ended up with
7 yesterday and today, and we'll see what we end up with
8 at the end after it's all finally reviewed and gone
9 through. I want to thank everybody again for being
10 here. For everybody back here, not everybody got up
11 with the mic, but for their participation in the
12 groups because it's been tough being away for a week,
13 a month, for the last six months. Some of you have
14 said you've signed up for this before. We wonder why
15 you've done it again and again and it's not an easy
16 task, but as long as it's for the right reason. This
17 group, we also know, didn't deal with money. I sat in
18 some of the preliminary talks when the formula stuff
19 was talked about, and every decision before I could
20 yes or not, I had to see how it affected my tribe,
21 which was -- even then, I made the comment you need to
22 get past that and look at the bigger picture of why
23 we're all here. And, at this meeting, I felt that
24 that was the reason we were all here. We were able to
25 put those things aside, not just look at how it

1 affects how we do stuff in our operation, but how it's
2 going to impact all of us. A lot of those that are
3 not even in the room are hoping that you come out of
4 here with something they can work with, and I think
5 you did that. So I appreciate, again, your time,
6 Sandra, Rodger. Sandra is getting all the thanks this
7 morning, but Rodger, thank you. Thank you for sitting
8 in all of these. And being as quiet as you are, it
9 may be when Sandra is not here, you step up a little
10 more, but we appreciate the work that you and your
11 staff do for us, Rodger. So I just want to make sure
12 that we say thank you to Rodger, too. Again, I'll end
13 with this: That, again, I thank you for the
14 commitment you've given all of us, those that are not
15 in the room, and then we don't lose sight of, deep
16 inside, why we are all here, because our families
17 still need us. Thank you.

18 MR. COYLE: Thank you, Brooks. Anybody
19 else in the audience, please. Might we even have a
20 HUD administrator from Chicago or Seattle or someplace
21 who might come up and give some voice, some words of
22 wisdom?

23 MR. SAWYERS: Don't ask Randy.

24 MR. JACOBS: All right. Kevin, you're
25 in your territory, so you need to come up.

1 MR. FITZGIBBONS: Well, obviously, I
2 want to thank all of the travel participants for
3 spending the time that they have over the last six
4 months. And, clearly, I think the comments we heard
5 around the table about the camaraderie and
6 particularly Ray's comments about the friendships that
7 have developed, and I think the ability to move
8 forward and to address the myriad of issues we still
9 face are more likely to happen now because of what's
10 happened in the last six months. So I think that's an
11 important thing to keep in mind. And I thank again
12 Robert for being such a good host here in Minnesota.
13 Thank you.

14 MR. COYLE: Okay. I think that was a
15 start. I think we've got four more over there, or
16 three. Madam secretary, you've got a higher voice
17 than I do.

18 MADAM SECRETARY: (Inaudible).

19 MR. SIMS: No, we really wanted Kevin
20 to talk for all of us as far as that goes, but kind of
21 intimidated us into saying something else. I'm Wayne
22 Sims. I'm an administrator in the Southern Plains
23 office, and I just wanted to say thank you to all the
24 folks that were a part of this program, a part of this
25 committee. You did great work here, no doubt about

1 it. And I just want to say, you know, being part of
2 this committee is a privilege, but also you earn your
3 privilege by the hard work you put in by coming here
4 and doing this. So remember that and take that back
5 with you because you put in a lot of hard work. I
6 haven't been here for all the programs, but I've been
7 here -- the times I've been here, I see a lot of good
8 work by individuals. I've been in this business a
9 long time myself, Larry; not in HUD. I've been in
10 this business for 33 years, and I appreciate every day
11 of that, I really do, because I was on your side for
12 many years and I enjoyed that part of the work. And
13 now I enjoy being part of HUD and doing the work that
14 we do on this side of it because we're here to support
15 you. That's what our job is. We try to do the best
16 work we can with that. So, again, I thank you for the
17 time, I thank you for the work you put in, for
18 everybody, for co-chairs, the committee, my bosses at
19 HUD, and all the work from the attorneys, that they've
20 done, and all the people in the background, the
21 contractors, and such as that. You folks do good work
22 and we really appreciate you from our standpoint there
23 at HUD and the regional offices. Thank you.

24 MR. COYLE: Thank you. Ken, I know you
25 can speak because I've heard you before.

1 MR. BOWRING: That's true, Larry, and
2 it usually gets me in trouble. Anyway, Ken Bowring,
3 Northwest OMAP. I really cannot add anything to the
4 eloquent comments that have already been made this
5 morning. I can only concur in those, and I would like
6 to specifically thank Sandy and Rodger for giving the
7 administrators the opportunity to attend and
8 participate in these negotiated rulemaking sessions.
9 I think that was a valuable education, at least from
10 our perspective. And I would like to thank everyone
11 for tolerating our attendance and participation.
12 Thank you.

13 MR. COYLE: Now the one and only Randy.

14 MR. AKERS: Well, those who know me
15 know I'm long-winded. I guess I am, but I'm not going
16 to be. I thank you all for being here, and I thank
17 you for walking a bright path this morning. It's a
18 good thing, and I'm just very proud of all of your
19 hard work. And I think all of our families will
20 benefit from this. I'm a member of the Comanche Tribe
21 from Oklahoma. I know that my folks will share in the
22 good work that you all do, so, again, I thank you.

23 MR. COYLE: Thank you, everybody. I
24 just hope -- yes, Carol.

25 MS. GORE: Donna, I think you should

1 come up. Donna Hartley. By the way, she is not the
2 administrator, but this is, in over 20 years, her
3 first ever opportunity to observe negotiated
4 rulemaking, and she's a great, fun friend to Alaska
5 and our housing efforts.

6 MS. HARTLEY: Thank you, Carol. I was
7 sitting there wondering if I was going to go under the
8 radar screen. It is an honor to be here. I'm here --
9 Bill Zacras (phonetic) was unable to be here as an
10 administrator and said, Donna, would you like to go to
11 the session? I said I would love to go to the
12 session. I got here and I was just sitting here kind
13 of gathering some thoughts, but it really is a
14 privilege to be here and a great opportunity. I
15 gained respect and more appreciation for the
16 negotiated rulemaking process and to see, you know,
17 how it works has been an honor. I mentioned just the
18 fortitude and the stick-to-itiveness and the
19 cooperation and how people just pushed through this.
20 And I'm just glad I got to be here and to see how it
21 works and to be able to go back and voice, you know,
22 the appreciation for that. So thank you.

23 MR. COYLE: Thank you. Are there any
24 lawyers in the back room here that would like to say a
25 couple words? Not too many, but a few.

1 MR. JAN SOO: Before the lawyers speak,
2 can I say a word? I just want to say I'm not a part
3 of the audience and I'm not a part of the committee,
4 but I just want to say it's been an honor and I really
5 am proud of the way this whole committee has come
6 together. You've kind of put me out of a job by this
7 last meeting. Early on, Aaron and I were working very
8 hard as facilitators as we were working through the
9 protocol and the charter and all that kind of stuff as
10 we were getting into the first meeting, but I think
11 you have made the process your own. And I hope you're
12 conscious of what that process is. You have been
13 following an interest-based negotiation with consensus
14 as a decision-making process, and you've done it
15 excellently. This is the smoothest that I've seen one
16 go, and you've been able to really do a wonderful job
17 on this. I really commend you and congratulate you.
18 I want to also say that, all through this negotiation,
19 I've heard comparison between this and a previous
20 negotiation or previous negotiations, and so this
21 learning process is something that can be applied to
22 other negotiations for negotiations. And with all the
23 creativity, intelligence, and experience in this room,
24 I really, really hope that you anticipate, plan, and
25 make -- come up with some great ideas for how to do

1 the formula when that comes up so that you will have a
2 better experience with it, and I know you can because
3 I've seen that creativity in this room, I've seen the
4 dedication in this room. I know you're going to come
5 up with a better idea, that the future doesn't have to
6 repeat itself -- I mean, the past doesn't have to
7 repeat itself, and you've got new conditions to do
8 this. So I'm going to be writing you a letter just
9 outlining so you don't forget the great things that
10 you did in terms of the process that you took and the
11 steps that you took to make this smoother and smoother
12 as the weeks went by, because you may forget those
13 things; I remember them because I've watched them.
14 And I think those are things that will help you as you
15 continue to improve and communicate and do great
16 things for your people. So thank you very much for
17 this privilege. It's been an honor.

18 MR. COYLE: And with no more to do --
19 Carol.

20 MS. GORE: I'm sorry. My mom taught me
21 very well to make sure I thank everyone, and I had a
22 major misstep this morning when I spoke and did not
23 acknowledge Earl in the back. I acknowledged Erna,
24 but I did not acknowledge Earl, and Earl has kept pace
25 with us on the matrix and, frankly, he helped us solve

1 a number of unfound where-are-they-we're-lost issues.
2 And I want to personally thank Earl for his hard work.
3 I know the other attorneys in the group relied on him
4 heavily, and I apologize for missing you the first
5 time around.

6 MR. COYLE: Thank you, Earl. Madam
7 Secretary, would you like to give a leaving prayer for
8 us for the travel home?

9 MR. JACOBS: And before she does that,
10 I would like to make -- there's a lot of problems
11 throughout the world in Indian country and so forth,
12 but there's one that really touched my heart today,
13 and I would like us to include this in the prayer, and
14 this is children's situation in Pakistan. In fact,
15 there was a report that there's over three million
16 children being exposed, because of the flooding, to
17 different types of diseases and so forth. And that's
18 a horrible situation, so let's keep them in our
19 prayers, if you could, please.

20 MADAM SECRETARY: Before I start, I
21 would simply like to say that (inaudible) talk about
22 doing that you can have one's faith, but if you don't
23 take action, your faith is meaningless.

24 (Whereupon, the prayer was said by
25 Sandra Henriquez out of the hearing of the reporter.)

1 MR. COYLE: Do we have a consensus at
2 this time? I would like to call for a consensus for
3 the 2008 -- NAHASDA 2008 negotiated rulemaking
4 session. Do we have a consensus? Thank you. I
5 believe we would like to have the committee members of
6 the work groups get together with HUD for just a
7 second.

8 (The Negotiated Rulemaking Session
9 concluded at 11:24 a.m.)

10
11 ***REPORTER'S NOTE: The original transcript is being
12 delivered to Kiana Faucette.

REPORTER'S CERTIFICATE

I, Jenelle K. Lundgren, Professional Reporter and Notary Public, hereby certify that the foregoing is a true and accurate transcript of the meeting of said parties on the date and place hereinbefore set forth;

I FURTHER CERTIFY that I am neither attorney nor counsel for, nor related to or employed by, any of the parties to the action in which this meeting was taken, and further that I am not a relative or employee of any committee member in this action, nor am I financially interested in this case;

WITNESS MY HAND AND SEAL this 31st day of August 2010.

Jenelle K. Lundgren, Court Reporter
My Commission Expires January 31, 2013

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