

Formula Negotiated Rulemaking Committee
Meeting Minutes
April 29 – May 1, 2003
Denver, Colorado

FORMULA NEGOTIATED RULEMAKING COMMITTEE
MEETING MINUTES
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Denver, Colorado

These minutes are a record of discussions held during meetings of the full committee only, and do not reflect discussions held during caucuses or working group sessions.

The first meeting of the Formula Negotiated Rulemaking Committee was held on April 29 – May 1, 2003, at the Adams Mark Hotel in Denver Colorado.

Committee Members in Attendance

Governor Bill Anoatubby
Ms. Virginia Brings Yellow
Mr. Robert Carlile
Mr. Larry Coyle
Vice Chief Beasley Denson
Mr. Wayne Ducheneaux
Mr. Joel Frank
Mr. Robert Gauthier
Ms. Carol Gore
Mr. Ray Gorynski
Mr. Ron Hoffman
Mr. Terry Hudson
Mr. Marvin Jones
Dr. Blake Kazama
Mr. Bruce LaPointe
Mr. Michael Liu (Mr. Michael Gerber, alternate)
Ms. Judith Marasco
Mr. Johnny Naize
Mr. Michael Reed
Mr. Jack Sawyers
Mr. Marty Shuravloff
Mr. Russell Sossamon
Ms. Darlene Tooley
Chairman Eddie Tullis
Chairman Brian Wallace (Phil Bush, alternate)

Over the course of the three-day meeting, approximately 75 observers attended the public sessions. An attendee list is included (Attachment 1).

TUESDAY MORNING, APRIL 29, 2003

FULL COMMITTEE

Rodger Boyd opened the meeting, welcomed everyone and introduced the Colorado Intertribal Color Guard and Denver Singers Drum Group. Following the opening ceremony, Mr. Boyd expressed his appreciation mentioning the importance of honoring veterans and those who are serving the in military today as well as all who are in

attendance. He also stated his appreciation for the time the committee members have invested and will invest in the committee. HUD ONAP Deputy Assistant Secretary Rodger Boyd opened the meeting, welcomed everyone and introduced the Colorado Intertribal Color Guard and Denver Singers Drum Group. Following the opening ceremony, Mr. Boyd expressed his appreciation mentioning the importance of honoring veterans and those who are serving the in military today as well as all who are in attendance. He also stated his appreciation for the time the committee members have invested and will invest in the committee.

Mr. Boyd continued, stating that he was new in the process having been Deputy Assistant Secretary for about 6 months. DAS Boyd mentioned that he has met with some of the members of the committee and looks forward to working with all the members. He introduced some members of his staff that he had brought with him: Bob Kenison, Ariel Pereira, Deb Lalancette, and Jackie Kruszek. He pointed out that their job is to assist the committee as it goes through the process. He proposed a round of introductions of the committee members and then proposed that the members of the committee develop protocols and an agenda.

The members of the committee in attendance introduced themselves:

Mr. Michael Gerber, alternate for A/S Liu, is senior advisor to A/S Liu. Mr. Gerber stated that A/S Liu was in Washington, DC, testifying before congress this morning, but would be joining the committee tomorrow (Wednesday, morning). Mr. Gerber concluded by stating that it was A/S Liu's intention to play an active role in the committee.

Joel Frank, Seminole Tribe of Florida, stated that he was pleased to be a member of the committee.

Marvin Jones stated that he was serving on the committee on behalf of the Cherokee and Muscogee Tribes.

Ron Hoffman, Association of Village Council Presidents (AVCP) HA, stated that he was here representing 43 tribes and housing authorities. He stated that he was new to the negotiated rulemaking process.

Carol Gore, Cook Inlet HA.

Eddie Tullis, Poarch Band of Creek Indians, stated that he had also served on the first Neg-Reg committee.

Larry Coyle, Cowlitz Tribe, stated that he was one of three members serving on the committee on behalf of Northwest tribes.

Robert Carlile, Citizen Potawatomi Nation.

Beasley Denson, Vice Chief, Mississippi Band of Choctaw Indians.

Robert Gauthier, Executive Director, Salish-Kootenai Housing Authority.

Bruce LaPointe, Sault Ste. Marie Housing Authority

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Russell Sossamon, Choctaw nation, stated that he had served as the chair of the National American Indian Housing council (NAIHC).

Bill Anoatubby, Chickasaw Nation.

Michael Reed, Cocopah Indian Housing & Development.

Ray Gorynski, Samish Indian nation, stated that it was a pleasure to be part of the committee.

Judith Marasco, Yurok Indian Housing Authority.

Darlene Tooley, Northern circle HA, stated that she was serving on the committee on behalf of a number of tribes in her region.

Terry Hudson, Northern Pueblos Housing Authority, stated that he was new to the rulemaking process.

Jack Sawyers, Utah Paiute, stated that he brings greetings from his Chairman, and added that he hoped to serve on the committee representing all Indian tribes.

Wayne Ducheneaux, Cheyenne River Housing Authority, stated that he was serving on the committee on behalf of United Native American Housing Association (UNAHA).

Virginia Brings Yellow, Quinault Tribe.

Blake Kazama, Tlingit-Haida Regional Housing Authority, stated that he also serves as President of the Alaska Association of Housing Authorities.

Marty Shuravloff, Kodiak Island Housing authority.

Johnny Naize, Navajo Nation.

Mr. Naize then gave the invocation.

Mr. Boyd took the floor and provided background on the Neg-Reg. He reminded the group that the IHBG regulations included a requirement to revisit the formula within 5 years of implementation. He added that the task of the committee is to recommend changes to the formula. He went on to say that we have all learned a great deal from the legislation. At this time, we are tasked again to come together. He commented that although we have heard a lot of stories about the original process, and he acknowledged that we have learned a lot, and he hoped the group would now be able to move forward. He then introduced Peter Swanson and Julie Falkner who have been contracted to help facilitate this meeting. Mr. Boyd closed by stating his goals for the meeting were to: organize the committee, set protocols, and develop the agenda. He asked if there were any comments. There were none.

Mr. Swanson provided some background on his and Julie's work with Negotiated Rulemaking in general and then spoke briefly on how committees typically move forward. He stated that he wanted to address three things: organization, protocols, and

scope. Regarding organization, he suggested that the tribal caucus might want to elect co-chairs who would serve to expedite the communication between tribal and federal leadership. Next, he talked about protocols. He added that this committee was free to do what it wants to do, but stated that he wanted to mention a few things that have worked in the past. He mentioned, for example, developing a set protocols that work for everyone, and that typically become the ‘rulebook’ for how the committee works as a whole. In this regard, he mentioned that there were copies of the protocols from the first Neg-Reg committee available that could be used as a template or jumping off point. He added that developing the protocols is typically one of the first things that groups such as this come to consensus on. Lastly, Mr. Swanson spoke about determining the scope of what you want to accomplish as a committee, what the product will look like, and how to accomplish goals. He then asked for comments.

A committee member¹ commented that the ideas presented were good, but added that they should appoint a leader during this first meeting.

CM asked if the facilitators available for caucus as well as general sessions. Mr. Swanson responded that the facilitators are available for tribal caucus as well as the full committee, and that they were prepared to help the committee members in whatever way requested.

CM asked about the timetable for the committee. Mr. Boyd responded that HUD would like to finish the committee work by the end of fiscal year (September 30) so that the rules could be published by the end of the calendar year.

Mr. Swanson pointed out that he heard a committee member suggest that the tribal committee members break for a caucus. There was agreement amongst the members. Mr. Boyd asked if the tribal caucus would like the help of the facilitators and also asked how much time they would like to have. The tribal members requested the help of the facilitators and then decided to meet in caucus for one hour, break for lunch, and return as a full committee after lunch. Mr. Mike Gerber (as alternate for A/S Liu) mentioned that staff is available to help the committee. He also stated that staff would keep the federal delegation informed as to when the tribal members wanted to go back into full committee.

Dr. Kazama mentioned that he had brought samples of protocols and charter and that if anyone else had brought along such documents, they should bring them forward.

CM mentioned that this was a tribal caucus, not necessarily the time when they would be developing protocols or charter. Mr. Swanson commented that if there are sample, staff would make copies available to everyone. A CM suggested that the protocols should

¹ In some cases, the commenter was not identified by name. In those cases, committee members will be identified as CM.

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come first. Mr. Swanson reiterated that staff would be available to make copies of anything requested.

Ms. Falkner then asked the tribal members if they wanted either or both of the facilitators present during the caucus. Dr. Kazama said yes, and another CM added that the facilitators would be helpful at least at the beginning to get the group started. Mr. Swanson added that the caucus was a confidential meeting and part of their role was to serve the members in this capacity.

It was decided that the tribal caucus would be held in the Majestic Ballroom. The HUD delegation was then asked to leave. It was decided that the tribal caucus would meet until noon, break for lunch, and then continue in the afternoon until 4:00 pm. At that time, the full committee would reconvene for an open forum.

TUESDAY AFTERNOON, APRIL 29, 2003
OPEN FORUM

Mr. Sossamon opened the session by stating that the tribal caucus decided to move out of caucus and into a public forum to give committee members and tribal leaders a chance to make remarks and address issues and comments. He mentioned that one hour is scheduled and then the tribal committee members will take a break and go back into tribal caucus. He then opened the floor for questions and comments.

Kara Miller, Smith River Rancheria, commented that they have 896 tribal members and that their \$17,000 allocation isn't enough to accomplish anything. She stated that the formula is not working for them, and that help is needed to straighten this out. She added that the logging and fishing have gone down, that tribal members need homes, and that they really need help to get this program working for their people.

Frances Benally, Fort Bidwell, introduced herself as the Chair of the tribe, and commented that there were approximately 270 tribal members in southeastern California. She pointed out that they were isolated, and had no jobs in the area. She stated that the amount of money going to small tribes is an important issue.

Ken Foster, Yakama HA, introduced himself as the chairman of the HA. He added that he had recently come back to that position, having held it for roughly 20 years previously. He added that he has been involved in NAIHC, and has a long history with the program. He commented that NAHASDA was a stopgap and shared a recommendation that he had written (see Attachment 8). Mr. Foster mentioned several issues, including conveyance of old units, and that since HUD is basically out of the housing business, the IHAs now need to determine what best to do with the grant funds. However, he expressed concern that many people are dependent upon the 1937 Act housing and that for the small tribes in particular, losing the older units will be devastating. He closed by commenting that it is likely that we will run out of funding before we run out of need.

Steve Ginnis, Interior Regional HA (Fairbanks, Alaska), stated that his HA is comprised of 24 villages and approximately 14,000 tribal members. He stated that the cost of construction is very high and that logistics are very difficult. He added that the process is important to the tribes, as well as some of the mandates of NAHASDA. He commented that there are opportunities to discuss other issues, such as environmental reviews, and he hoped that there would be opportunities through the Neg-Reg to discuss regional issues.

Commenter from South Dakota, expressed concern for his tribe and HA regarding the process, which led to the initial development of the regulations. He added that for the first five years, they used funds, but this year, they will actually be able to build homes. He added that this was mostly due to infrastructure issues. He also stated that there was a real dilemma regarding maintenance. He reiterated that they have a need for about 3,000 homes. Under 1937 Act, they are able to build a number of mutual help (MH) units every year, but under NAHASDA, they can't do that, they can't get private financing and must fight for what little they can get through rural development grants, for example. He stated that he would like to see a different approach to the funding. He added that they would be losing 200 houses next year. In regard to another issue, he mentioned that there are 44,000 tribal members, but that the census reports that there are 13,000 members. He hoped that this issue would be addressed. He concluded by reiterating that there is a need to operate and maintain the existing houses.

Mr. Sossamon asked if there were any further public comments.

Ms. Tooley stated that the focus on homeownership has moved forward, but a large segment of the population that qualifies for subsidized housing is excluded. She added that meeting these needs is a big concern. She mentioned her interest in implementing programs that supported 'rent up to ownership,' but that she doesn't have the resources.

Mr. Gauthier commented that two components of NAHASDA have worked against us. One is limiting the Brooks Amendment that states that you can't charge more than 30% of income for rent, but that at the same time, you can't provide a subsidy. Therefore, you can only put people in homes who can qualify for the 30% limit. He added that he has met with the Banking committee but that they won't budge. Mr. Gauthier reiterated that the 30% must be waived or HAs will not be able to build for the poorest people under NAHASDA. Second, he mentioned that HAs with CAS have increased costs, but NAHASDA funding has remained flat. He commented that there are some success stories, but for the poorest Indian areas, their solutions are not working. He stated that there needs to be a way to get more funding for the tribes that need more rental assistance. Mr. Gauthier concluded by stating that the committee should focus its best efforts to work collectively to make decision-makers aware of this.

Elena Bassett, Deputy Director of Yakama HA, commented that the issue of conveyance and conveyance eligibility were important. She stated that she has been going through conveyance issues, and that they have reported conveyance and that there were

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discrepancies. Ms. Bassett added that they were on the verge of having to repay funds. Moreover, they were denied on a census challenge and their funding has been decreased. She expressed concern that with every conveyance, funding is decreased. She feared that the housing program would come to an end. Ms. Bassett also stated that small, medium, and large tribes were competing against each other. She concluded that there also needs to be better intergovernmental relationships; for example, obtaining status reports from BIA is not timely.

Mr. Foster commented that they had some questions about the legal authority of conveyances.

Mr. Boyd responded by stating that HUD has brought along staff to address some of these issues. Mr. Kenison comments that he doesn't believe that there were residual rights for HUD, e.g., mortgage or foreclosure. In addition, the fact that Congress has deemed that relationships are dead adds an air of finality. Mr. Foster stated that the tribes feel harassed. Mr. Kenison commented on CAS by stating that the subsidy will be made as long as the homes are being maintained by the HA. Homes are considered CAS until they are conveyed. Mr. Foster queried if HUD could hold the HA accountable, to which Mr. Kenison replied only so far as until the units are conveyed.

Mr. Sossamon asked Mr. Boyd if he would like to address the group at this time.

Mr. Boyd opened by stating that he learned patience when he was working with his own tribe. He remarked that he spent a pleasant afternoon, but hoped that the tribal members had been productive. Mr. Boyd mentioned that A/S Liu would be available in the morning and hoped that the tribal members would take that into consideration in terms of discussions planned for the morning.

Mr. Sossamon asked if there were any further comments.

Phil Bush, Modoc-Lassen IHA, questioned HUD regarding minimum funding and if the small tribes could anticipate continuing to receive the funding. Mr. Boyd responded that the latest information is that the interim rule will be released this week or next.

Mr. Sossamon then asked Mr. Boyd if he knew of any issues that A/S Liu would be particularly interested in looking at. Mr. Gerber responded that A/S Liu would be interested in discussing anything that the committee brings up. He added that it appeared as though the tribal caucus had been very successful today and that he would obtain as much feedback as he can. Mr. Gerber also suggested that it might be worthwhile to identify a few issues that the committee is interested in, so that the committee can make the best use of time tomorrow.

Ms. Tooley asked HUD if this committee's work is governed by the Federal Advisory Committee Act (FACA) and the Negotiated rulemaking Act or are the use of criteria outlined in those documents options for the committee in this process. Mr. Boyd

responded that HUD staff (Ariel Pereira) was prepared to give a presentation tomorrow on a number of these process issues. Ms. Tooley requested that the presentation be delivered at this time. Mr. Pereira noted that the committee is governed by the Negotiated Rulemaking Act, which could be used for protocol and definition of consensus. He added that FACA does not apply, however, HUD has adopted a lot of the FACA requirements, such as public announcement of meetings in the Federal Register. He added that not applying FACA is in the interest of streamlining the process and speeding up the process, for example, he pointed out that FACA requires OMB approval.

Dr. Kazama asked if the scope for the committee was based on the Federal Register announcement. Mr. Pereira responded that the scope for the negotiation was set out in the regulations and that is changes to the formula. He added that from HUD's perspective, this would be the limit for these negotiations.

Mr. Sossamon asked if there were further comments.

Mr. Gauthier commented that there had been some discussions previously at HUD to limit the scope of this workgroup. He queried when discussions would be scheduled to address items that may not require negotiated rulemaking. HUD staff (Ed Fagan) responded that this Neg-Reg is limited to formula, but that HUD is talking about a long-term committee to address other consultations issues. He added that perhaps the group could bring this up with A/S Liu tomorrow. Mr. Fagan reiterated that the Federal Register Notice is the basis and that committees could run concurrently. There was additional discussion on this point. It was reiterated that the work of this committee is related to formula, although this may effect other regulations. In addition, this committee is limited to recommendations regarding regulations, not statute. There was a comment that it would make sense for this committee to be rolled over and to continue working on other issues. Mr. Pereira stated that HUD could study with the Office of General Counsel (OGC), but at this point he didn't think it would be possible, based on the Federal Register Notice and that the Negotiated Rulemaking Act specifies very carefully that the scope of work must be stated in the Federal Register.

There was a question regarding the timeline for the next committee. Mr. Boyd responded that he didn't know, but would look into it and come back with more information tomorrow. He added that it was likely that people serving on this committee could be nominated to serve on another committee.

Mr. Ducheneaux expressed concern about the length of time required to move the committee along. Mr. Boyd responded that the work to start the committee could begin next week. Upon further discussion, Mr. Boyd stated that he thought he could commit to beginning within the next two weeks. However, he reiterated that the parameters for this committee have been set, and it is HUD preference to concentrate on this scope and form another committee later on. CM expressed concern that forming this current committee took over two years and that it was common sense to simply use a process that has already begun. The commenter queried whether notice could be placed in the Federal

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Register that re-advertised the standing committee to address new issues and not take yet another year to move forward.

Mr. Boyd responded that he didn't know why it had taken so long to form the committee but did not see any reason why it would take that long to form another committee. He added that he wasn't sure if this committee could be rolled over. He did state that if this committee follows the timeline suggested and finishes its work by the end of the year, there could certainly be another committee in place at that time and the new committee could pick up and take off from where this committee ends.

Ms. Tooley stated that doesn't address how the regulations relate to the formula. For example, if this committee moves forward on reworking the formula and how the funding is allocated, how do we know how the work if the next committee will relate to this committee's work. She added that everything in the regulations relates to the formula.

Jim Wagenlander, Wagenlander and Heisterkamp, commented that many of the tribes believe that HUD has the legal authority to expand the scope of this committee, and that it would just mean publishing additional notices in the Federal Register. He stated that he would appreciate HUD explaining why that can't happen. He reiterated that the perception it is a policy decision not to do so.

CM asked if the Charter for this committee has been signed by the Secretary. Mr. Boyd responded that there was no official Charter yet. It as clarified that the Charter would be a point of discussion for the committee tomorrow. Mr. Gerber added that there is not legal requirement for a Charter. He recommended that the committee move forward with the Protocols, which would be signed by A/S Liu.

CM queried if there is a legal requirement for Protocols before the committee begins its work. Mr. Gerber responded that there is a legal requirement under the Negotiated Rulemaking Act. There was some additional discussion on the Charter and Protocols. Mr. Pereira commented that there is nothing in the Act that prohibits the committee from adopting a Charter, but it isn't required. He reiterated that the committee was free to adopt a Charter if it so chooses.

Ms. Tooley requested clarification on the Negotiated Rulemaking Act. She stated that the first section under 'Purpose' is to establish a framework for the Neg-Reg and that nothing should be intended to limit innovation and experimentation. She added that for her, Neg-Reg is about expanding scope. Mr. Pereira responded that it also establishes very specific notification requirements, but that the OGC would look at the language more closely to provide clarification.

Mr. Gauthier queried whether developing the language for the notification is subject to consultations. He commented that if we are going to discuss a program that we work on together, it would seem as though the language would be a very basic item to have dialogue on. He requested confirmation on the parameters of the scope being limited to

the formula. Mr. Fagan responded that the selection process for this committee was geared to the narrow scope, and was focused on nominees who were specifically interested in the formula.

Mr. Sossamon pointed out that the committee has gone past the time allotted but that it could continue if members so desired.

Mr. Tullis commented that there was a high level of interest on the part of the tribes to expand the scope and if there had been input from the tribes in this process, HUD would have realized that the scope needed to be broader. He expressed concern about HUD's approach and added that the any notice in the Federal Register could have brought the same people here. He stated that the tribal leaders want to broaden the scope, and that the tribes cannot afford to wait another one, two or five years to address the other problems.

There was a comment from outside the committee that many people believed that the limitation in the Federal Register would not limit the work of the committee and it would have the power to look at other issues. The commenter reiterated that the regulations are interlocked and any attempt to direct very narrowly probably will not work.

CM comment regarding TDC, which does not reflect the actual cost of construction and the cost of land. The commenter expressed concern that the requirements of NAHASDA, IHS, and program implementation often conflict. He went on to suggest that unspent funds should be made available to the tribes that have need. In addition, the administrative funds should be set aside from the formula.

CM question regarding the issue of small tribes funding and was this the number one issue for HUD starting up the committee. Mr. Boyd responded by stating that the committee was formed as specified by the regulations. There was a comment about the Small Tribes Task Force, which was part of the NAIHC meeting last year. Mr. Boyd commented that HUD took the work of the Task Force under advisement.

There was a request that HUD policymakers look at Sec. 564A and that there is nothing to stop HUD from proposing that the membership of this committee be proposed for the new committee and then put that out for comment. It was pointed out that the process would reduce the time frame by several months. In addition to speeding up the process, this would ensure that the work of this group doesn't get separated from the rest of the regulations. There was some additional discussion on clarification of Sec. 566A. Mr. Boyd pointed out that the presentation scheduled for tomorrow includes the Neg-Reg process.

Mr. Anotubby commented that he had participated on the first committee and that at times it did get tense, however, things moved along. He noted that he came here today knowing some of the issues, such as small tribe funding, but he also noted that his tribe is doing pretty well under NAHASDA. He stated that although NAHASDA is working for them, it is not to say that we shouldn't deal with the problems that exist. Mr. Anotubby

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added that the committee members did not know that HUD was planning on expanding work for another committee. He stated that he would like to know what HUD is planning. He also commented that this is a large expense for the tribes and HUD and that he would like to see the committee get to work as soon as possible. He concluded by thanking HUD for establishing the committee.

Mr. Sossamon requested that HUD look at these issues. He suggested that the tribal caucus reconvene at this time.

Before returning to Caucus, Mr. Gerber suggested that if there are tribal leaders selected, it might be advisable to meet with DAS Boyd and Mr. Gerber prior to the full session on Wednesday with A/S Liu. It was agreed to schedule a meeting at 7:30 am on Wednesday in the Columbine Room. The Committee will notify Mr. Gerber and DAS Boyd regarding the election of co-chairs.

[Note: The Committee went back into caucus during which time a charter was drafted, six tribal representatives selected, and two co-chairs were selected.]

WEDNESDAY MORNING, APRIL 30, 2003
FULL COMMITTEE

[Note: A/S Liu met with HUD staff at 8:15 am for a briefing. At 9:00 am the six tribal representatives (see Attachment 2) were invited in to meet with A/S Liu. At 9:45 am, the tribal representatives left and A/S Liu continued to meet with HUD staff.]

The full committee reconvened at 10 am.

Mr. Russell Sossomon (Committee co-chair) called the meeting to order. The invocation was given by Joel Frank (Committee co-chair).

Mr. Sossomon welcomed A/S Liu and recapped that the tribal representatives met with HUD staff earlier this morning. It was agreed that A/S Liu and HUD would make their statements and then have an open discussion. He then turned to floor over to A/S Liu.

A/S Liu greeted the Committee and stated that he was able to stay until approximately 4:30 pm today. A/S Liu praised the Committee's work that was accomplished on Tuesday and that resulted in the draft Charter. A/S provided the Committee with further clarification and background that will help on this document as well as move forward on what the game plan will be on the Neg Reg. As a general matter, A/S Liu stated that (HUD) believes that the process should address the issues stated in the public notices that set up the committee and refer to the regulations that relate to the formula allocation. He added that there would be other committees for other parts of NAHASDA that need to be addressed and that he doesn't think that it would be most constructive to create a blanket committee for all time. He supports focusing on the formula and other areas that are integrally linked to the formula, with a stated timeline, and with a commitment that for

other areas, HUD intends to institute other Neg-Reg committees with processes and due notice. He suggested that for clarification, it might be useful to allow HUD staff to talk about the clearance process.

The Committee agreed.

Mr. Bob Kenison addressed the Committee and responded to the lack of clarity yesterday about scope. He reiterated that the formula refers to Subpart D of the regulations and therefore, anything in Subpart D is up for discussion as well as other areas – either specifically linked or generally linked.

Mr. Ariel Pereira gave his presentation on the regulation process (see Attachment 3).

A/S Liu expressed HUD's desire to gain agreement on subpart D and agree that this is the fundamental goal of this committee's work, and in addition, to discuss timeframes, and language that would indicate HUD's intention to set up additional committees.

Mr. Russell Sossamon asked for comments.

Mr. Gauthier thanked A/S Liu (and HUD staff). He stated that he has had a successful program, but that he has now heard from other tribes and there appears to be a high level of frustration and likely a different level of assistance. He added that during the last process he was frustrated with the general misunderstanding on the part of HUD as to what the tribes want, for example, mortgaging, banking, and finance is not working. Mr. Gauthier also mentioned the recent OMB report and it is his opinion that there was still a long way to go to establish a trust relationship between HUD and the tribes, even though we represent a small portion of HUD's overall budget, we are in a unique position of having the authority to work with HUD. He concluded by reiterating that a real government-to-government relationship would help establish a high level of communication.

A/S Liu commented on the fact that the committee was outside of the regulatory 5-year timeframe. He attributed this to the change in Administrations and the fact that NAHASDA is still a relatively new program. He acknowledged that part of the goal should be to work well as a team.

Mr. Tullis stated that he would like the committee to take full advantage of A/S Liu being in attendance and would like to make some decisions regarding Charter, formulating Protocols, perhaps listing items that we want to discuss in relation to the funding allocation. He concluded by stating that he would like to see the basic questions answered.

Mr. Ducheneaux referred to the issues raised by Mr. Gauthier. He felt that the letter that the committee members received at the outset of the meeting put tribal members on the defensive. He stated that he would like to see this committee as a real negotiation. He

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added that the program has been operating for 5 years and that in his opinion; all the regulations need to be reviewed because there are things in the regulations that are making our jobs much more difficult. A/S Liu responded that given the notices that have been published in the Federal Register, and the expectations of those who are responded, it is necessary to focus on the specifics of the formula. He added that the other items and ideas are legitimate. Nonetheless, in terms of the negotiated rulemaking, there are still processes that need to be addressed in order to gain approval. A.S Liu stated that he would try to make certain that the people on this committee have quick access to the people in the decision-making process in order to eliminate artificial barriers. Mr. Ducheneaux expressed concern about the process at the end of the first Neg-Reg where HUD amended the report without coming back to the table to negotiate the final regulations. He also asked for clarification on what happens if the Secretary disagrees with OMB. A/S Liu responded that sometimes there is a stalemate and sometimes, the rule doesn't get published. In those cases, the parties try to agree although it may be difficult. It is also possible, he said, that OMB could come back with a change or recommendation that HUD does not agree with or that this committee does not agree with. Then, there would be additional negotiation.

Mr. Jones commented on the recent notification from OMB on overcrowding and that this must be discussed along with the allocation formula. He questioned whether OMB would be creating performance measures that are not in the statute or regulations. A/S Liu responded that those issues are distinct from the issues at hand. He stated that overcrowding is a medium- and long-range problem and is something that is open for further negotiated rulemaking.

Mr. Boyd commented that some of this relates to the evaluation that OMB performed on ONAP and that overcrowding was one of the issues that OMB wanted to focus on. Mr. Boyd reiterated that the purpose was not to set performance goals for the tribes, but rather it was ONAP that was working with tribes on a voluntary basis to look at overcrowding. HUD is proposing to identify other funding sources to leverage and increase access to capital. He concluded by stating that every house that is built on the reservation addresses overcrowding.

Mr. Gauthier expressed his concern about the OMB report and stated that OMB wasn't looking at the right issues, and this was another example of how our programs and needs are not understood. He stated that making the number of people in a house a goal is misguided. A/S Liu responded that his office didn't agree with the OMB assessment and submitted an appeal. He added that overcrowding would be one area that it would be relatively easy to show gains. A/S Liu voiced his confidence that the program is moving in the proper direction. He admitted that the program wasn't as successful as they had hoped, but that they were able to keep the integrity of ONAP and the program.

Mr. Gauthier asked if there was a disagreement with OMB on the recommendations, would the committee co-chairs be able to meet with OMB and HUD. A/S Liu responded that might be possible. Mr. Gauthier then asked A/S Liu for his word that there would be

another opportunity to address other issues and would he give a date, say 90 or 60 days. A/S Liu responded that he was open to discussion. He added that he hoped that they could have an assessment with the 90 – 120 days and have another set of issues before the end of the fiscal year. However, he added that he wants to get through this current process and doesn't want to be distracted by creating another process too soon. Also, he stated that there are limited resources, in staff, funding, and etc. to support two rulemakings at the same time. He stated that another notice would be published in the Federal Register before the end of FY 2003, and so taking into account the committee selection process, it was possible that the formula committee would be near the end of its work. A/S Liu concluded by stating that he did not wish to commit to 30 or 60 days.

Mr. Sossamon thanked A/S Liu for his willingness to discuss these issues. He then limited the discussion to three or four comments. At the close, he stated that there would be a caucus before lunch to discuss the scope of the committee.

Mr. Carlile asked A/S Liu to clarify HUD's position on minimum funding. A/S Liu responded that HUD has no set position and is willing to listen to the committee. He acknowledged that there are differences amongst the tribes. He added that for the interim period, the minimum would likely continue. However, in future, he was hopeful that the committee could recommend an outcome that would be able to deal with the concerns of the tribes as well as the questions that HUD is facing from Congress. A/S Liu pointed out that his office has performed an analysis of the number of tribes impacted and that it is not significant one way or the other. But, in the end, there has to be a rational justification that makes sense.

Ms. Tooley commented that tribes felt as though they received unequal treatment for HUD staff and requested a concrete plan for a more cohesive front from HUD staff. She added that HUD had not provided the technical assistance necessary for the tribes on how the current formula works. For example, challenges don't seem to have solid guidelines. A/S Liu responded to the first concern by reporting that he and Mr. Boyd have had discussion with the regional directors and will be working to identify the differences that do exist. He stated that they are working with the regions with the goal of trying to ensure a certain level of consistency. He assured the group that changes would be made where necessary. He asked for suggestions from those gathered in the committee, but added that they would like to retain some flexibility among regions to better address specific regional concerns. A/S Liu then addressed the issue of balancing the amount of funding tribes are receiving with the taxpayer risk. For example, in public housing, HAs that are performing at an 'A' level, are reviewed every three year. Those performing at a lower level are reviewed more frequently. He suggested that perhaps some of these concepts could be extended to the monitoring of tribes and IHAs. Regarding training, A/S Liu stated that HUD would try to be responsive.

Ms. Tooley pointed out that Yurok developed a position on overcrowding, but that the regulations define family one way and the tribes define it in another way. She added that there was no room for interpretation and that this affected her tribe's allocation by 27%.

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A/S Liu responded by stating that he looks at the challenges and reviews them closely. He is willing to look at this issue with counsel. He also stated that there is a constant exchange of ideas between his Office, ONAP, and the National Program Office and those they don't always agree. However, they always strive to respond to the integrity and needs of the program.

Mr. Sawyers referred back to the OMB report and commented that the right questions are not being asked. He pointed out that this is an opportunity to look at the formula and if we are successful and develop a good relationship, the committee will have addressed the items that are important to the tribes. Mr. Sawyers asked for the assurance of the A/S that we will have the opportunity to be involved in issues that affect the tribes, that we are partners. Mr. Sawyers concluded by commenting that A/S Liu's willingness to participate and to listen to concerns is an indication that he is willing to work in partnership.

Mr. LaPointe stated that his background was in home modernization, and that he understands how important it is to have multi-agency agreements in order to ensure that homes can be built in the correct order. For example, without agreements with IHS and BIA, the HA must build homes before the infrastructure, e.g., water and sewer. This is totally backwards and wastes time and money. A/S Liu responded that the agencies are speaking with each other, but there is still significant work to be done. He noted that there are differences in the way the programs operate, but that the Tri-agency Agreement is being revisited and he is hopeful that something effective can be arrived at. He added that he understands the huge impact and will try to make some sense out of the development process. He also stated that there are some other programs around that might serve as models.

Mr. Sossamon then asked the committee if it wanted to continue in full committee discussion or call for a tribal caucus. He also raised the possibility of breaking into workgroups after lunch.

HUD staff (Jackie Kruszek) pointed out that HUD had prepared a presentation on the mechanics of the formula, the development process, and issues that have been raised, and those these are resources that the committee could call upon.

Mr. Hudson asked if the committee needed to delineate specific sections of the regulations.

Mr. Sossamon asked if the committee was prepared to narrow the scope of the position taken in the draft Charter. Mr. Coyle responded that he would be willing to take comments from the HUD delegation on a proposed Charter so that we could come to agreement. A/S Liu commented that he would work with the tribes; however, it would be best for the tribal committee to develop the threshold, which would serve as the foundation for drafting the Charter.

Mr. Sawyers suggested dividing into three groups: charter, protocols, and scope. The groups would work with HUD representatives and then come back as a full committee to finalize.

Ms. Tooley requested a brief tribal caucus to discuss the scope of the negotiations and then break for lunch. She suggested that after lunch they could come back together to work on the Charter and protocols.

Mr. Sossamon recessed the committee for a brief tribal caucus. He suggested that the committee reconvene at 1:30 pm. He thanked A/S Liu and HUD staff for the dialogue and commented that the discussions were very important in order to build trust and move into the future. In addition, he encouraged everyone to remember that there will be times that we disagree and are frustrated, but we should be patient and take the time to participate in the dialog.

Dr. Kazama suggested that since A/S Liu would only be here until about 4:00 pm, the committee should spend the time on core issues and administrative issues. He also expressed his appreciation to A/S Liu for participating in the process.

Mr. Jones stated that he would be interested in having some of the sessions scheduled with HUD staff to help define issues.

A/S Liu thanked the committee and remarked about and appreciated the tone set in this morning's session. He stated his confidence in the Committee's ability accomplish a tremendous amount.

[Note: The tribal Committee went into caucus to work on developing protocols].

WEDNESDAY AFTERNOON, APRIL 30, 2003
FULL COMMITTEE

The group reconvened at approximately 1:30 pm. The discussion revolved around the revised charter. A/S Liu asked for approximately one hour until 2:30 to review the proposed document. He suggested that he would then be prepared to go through the document with the HUD response together as a group.

Mr. Sossomon asked the committee for agreement, which they granted.

The full committee reconvened at 2:30 pm and proceeded to walk through the proposed Charter. There was discussion on several points. At approximately 4:00 pm the Committee reached agreement on all points. A/S Liu signed the final document prior to his leaving. A copy of the signed Charter is provided in Attachment 4.

Mr. Hoffman requested that the tribal committee return to caucus. The committee recessed for the day.

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THURSDAY MORNING, MAY 1, 2003
FULL COMMITTEE

Mr. Russell Sossomon reconvened the full committee at 8:30 am. Governor Anoatubby gave the invocation.

Mr. Sossamon submitted a letter from Chairman Brian Wallace for the record designating of Mr. Phil Bush as his alternate. He then opened up the floor for comments.

Governor Anoatubby congratulated everyone for the work accomplished thus far and noted that he was delighted with the level of effort. He also stated that he appreciated A/S Liu's participation.

Mr. Gerber reiterated the sentiment and added that he had spoken with A/S Liu this morning and that he was excited about the process and appreciated the committee's energy and creativity.

Ms. Tooley agreed and requested that the committee in general indulge those who refer to the first Neg-Reg committee. She pointed out that their experience is valuable and will balance past and future accomplishments.

The session then focused on the protocols. A draft had been developed by the tribal committee members on Wednesday evening and reviewed by HUD. The goal of the full committee was to finalize the protocols.

There was extensive discussion on media releases, NAIHC summary minutes, and detailed minutes. There was a suggestion that summaries of the meeting could be posted on the ONAP web site. This led to a discussion on allowing for Executive Session, without the public, during future meetings. The committee agreed on language in the protocols.

There was an extensive discussion on consensus. This included possibly defining different levels of consensus, the mechanisms for allowing tribal committee members to review items reached by consensus with their constituency and reserving the right to reverse their decision, and subsequently engage in further discussion at the committee level.

THURSDAY AFTERNOON, MAY 1, 2003
FULL COMMITTEE

The committee reconvened after lunch with the full committee finalizing work on the protocols. The protocols were agreed upon by consensus at 2:00 pm.

There was a request for clarification regarding whether the formal negotiations had begun. Mr. Sossamon pointed out that this meeting was for background, protocols, charter, etc., and that negotiation had not officially begun.

HUD staff members delivered a PowerPoint presentation (see Attachment 5) on the formula. The presentation contained a general overview, the development process, outcomes of last Neg-Reg, and implementation issues. Presenters were Jackie Kruszek (overview), Todd Richardson (concepts and formulas), and Jim Anderson (formula mechanics). At the outset, Ms. Kruszek requested that members hold questions until the presentation is finished. She also added that Jennifer Stoloff from HUD's Office of Policy Development and Research would also be supporting the committee.

Mr. Richardson began by mentioning that it was an honor to have working with the first Neg-Reg committee. He summarized his role then was to listen and then provide options that would fulfill the vision. He added that there was a set amount of funding and that changes to the formula will cause some grants to go up, and others to go down. He reiterated that the goal of the formula was to keep fairness for all in mind within the zero sum game. However, Mr. Richardson pointed out that grants will change based on the use of 2000 Census data. He noted that some tribes have shown population increase and other, decrease. He also stated that the first formula committee had approximately 30 – 40 representatives. The statute listed the factors and the committee addressed the factors, performing the bulk of the work during March and April 1997.

Mr. Anderson spoke about the first portion of the formula. The congressional allocation is determined and CAS is removed first. He summarized the CAS as having two components, operating subsidy and modernization subsidy. He defined the four types of units, the 1996 national value average, increments for inflation and geography, fair market rents (FMR), etc. He also addressed modernization subsidy and Section 8.

Mr. Richardson commented that during the first Neg-Reg, there was goal to create a CAS formula that was simpler than the 1937 Act. He noted that the CAS was comprised mostly of single-family homes in rural areas and that a per unit amount could be determined and then create an index of how one factor compares to another.

Ms. Kruszek then addressed the issues that have been raised in consultation with the regions. She stated that there had been a lot of discussion on need. She noted that the Census data didn't pose as many problems as they had initially thought. From an implementation standpoint, she reported that the biggest workload is CAS. She stated that it was a burden for both HUD and the tribes. Ms. Kruszek mentioned that HUD has heard that some tribes are interested in including NAHSADA units in CAS. She raised several issues in this regard, including, definition, mixed leveraging, value of a unit, program, national market patters, etc. She then brought up the issue of removal of CAS units. For example, when do MH units and Turnkey 3 units come off CAS; how will allocating more money for CAS affect need, and how does that relate to the statute. She pointed out that the regulatory language is vague for a variety of reasons, but that the

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committee might want some clarification. Ms. Kruszek then spoke about the Formula Response Form, which is the recoding requirement. She raised some issues, such as whose responsibility is it to review the data, and should the FRF be tied to the IHP. Ms. Kruszek mentioned the Section 8 Technical Amendment and its ramifications, for example, do units stay in CAS forever. She also mentioned the Technical Amendment regarding modernization for HAs with <250 units (averaging 1992 – 1997, instead of using 1996). She added that another issue was whether the definitions for local cost adjustments were still acceptable.

Ms. Kruszek addressed the need issues, for example, extent of poverty and economic variables. She commented that these were all brainstormed during the first Neg-Reg and discussed based on the Urban Institute study, Census special tabs, etc. At the end, she reported that the committee looked at the types of need and identified the data source that could provide information on all variables. It had to be consistent across the country. Although the US Census data doesn't match directly with all tribes, it was the best available and consistent data. Regulations were added to provide tribes with an option to challenge the data.

Mr. Anderson stated that once CAS was removed, the rest of the allocation was divided based on need, but that all 7 need variables were not deemed to be of the same weight, and so, a weigh was assigned to each variable.

Mr. Richardson recapped that the process to develop the weights started with trying to identify a per capita need by tribe. Tribes with more need would get proportionally more on a per capita basis. He noted that the formula is a balance between the two approaches.

Ms. Kruszek set forth the issues raised on the need variables, which included variable definitions, overcrowding, definition of NAHSSDA unit, and alternative data sources. She presented some examples, such as how household definition refers to dwelling unit (Census) or family; overcrowding dependent upon the definition of 1 person per room (Census), but there is no clear definition of which rooms are counted. Regarding 200 Census data, Ms. Kruszek brought up the new multi-racial categories and changes in geography. She pointed out that the Census Bureau has not yet tabulated these changes for the program.

Mr. Anderson spoke about formula area and using Census geography to form areas for the tribes. He stated that the formula areas were created using Census data, because Census does count reservations. Also, balance of county is defined by Census. He noted that there are mechanisms to submit changes with documentation of housing investment.

Mr. Richardson stated that one of the greatest challenges is matching the diversity in Indian country to the Census data available.

Ms. Kruszek stated that the questions regarding formula area that have arisen relate to the interpretation of the relationship between the 8 definitions (trust areas, etc.). She further

stated that the regulations are not clear in this regard and that HUD must make an interpretation, which is based on past and future housing investment.

Mr. Anderson stated that there are 127 tribes involved in situations where there are overlapping areas. He added that the tribes can work together and come to agreement on these areas, or HUD will make the determination, based on proportional sharing of total area using BIA service area data.

Mr. Richardson reiterated that this is a product of matching data source with the complexity of tribal area definitions. The first Neg-Reg committee hoped that the tribes would be able to address these issues, but also recognized the difficulty and so referenced the BIA service area approach.

Ms. Kruszek stated that the majority of overlaps come from using BIA data, which is updated every two years. Problems include the fact that the BIA data is not consistent across the nation. She pointed out that HUD is working with BIA offices to resolve some of the problems.

Mr. Anderson addressed population cap, which is defined as twice tribal enrollment and that this affects urban tribes more than rural tribes.

Mr. Richardson noted again that this is a problem of matching data. He stated that flexibility in the formula could lead to a tribe being credited for more population than it really serves and so this fix was incorporated based on limiting population served to two times tribal enrollment, except if the tribe can show that it is serving a large number of non-AIAN persons.

Ms. Kruszek commented that there are ambiguities in this language as well, for example, what does housing assistance mean. Regarding minimum funding issues, Ms. Kruszek stated that minimum funding was initially eliminated for FY 03. However, the interim rule would extend through FY03. Regarding baseline funding, she noted that whatever the tribe received in FY 96 for operation and modernization subsidy was the minimum IHBG grant in future years.

Mr. Richardson concluded the presentation by stating that this is a very complex formula because there were a lot of items that the first committee wanted to take into account.

At the conclusion of the presentation, Mr. Sossomon opened up the floor for questions.

Ms. Tooley asked if HUD staff would be available again to run numbers. Ms. Kruszek responded that HUD staff would be available to run the numbers, describe scenarios, program, and provide statistical analysis.

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Mr. Carlile asked if the tribes would be able to address their own issues. Ms. Kruszek responded yes, to the extent possible. Additionally, Ms. Kruszek requested that committee members should feel free to provide HUD staff with any information they have that may be pertinent.

Mr. Coyle asked if the 1996 baseline would decrease as houses are conveyed. Mr. Anderson responded that the base subsidy level was set in 1996, when the tribes operation and modernization was calculated, however, those figures will appreciate with inflation. He also pointed out that the number of tribes that receive the 1996 subsidy varies each year. Mr. Richardson added that the statute calls specifically for this. He added that HUD is still waiting for the special tabs from Census that reflect the tribes' needs and that they will likely be available in June.

Mr. Jones asked if the 2000 special tabs would be the same as those for 1990 Census. Mr. Richardson pointed out that Standard tabs are available from Census, but don't adequately address formula needs. There are special tabs from Census that we are still waiting for and that should be available by June. The special tabs will be roughly the same as those for 1990 Census, except for the addition of mixed race, in which case you can chose AIAN only or AIAN with one or more races.

Mr. Jones asked who would be making the determination on what tabs would be used in the formula. Ms. Kruszek responded that HUD had made a partial decision for the FY03 allocation, and that AIAN only would be used. Ms. Kruszek added that HUD had also requested tabs at census tract levels for 2000 data. Due to the unavailability of special tabs, for the FY 2003 allocation the decision was made to use the AIAN variable only, both alone and in combination with other races. The decision was based on an analysis on national level. However, HUD seeks the committee's advice on any policy on the issue. Mr. Jones asked if HUD staff would address Sec. 302, including administrative capacity, and performance. Mr. Richardson responded that there were sub groups in the first Neg-Reg committee and there had been some discussion on these issues at that time.

Jim Wagenlander commented that he served on the performance sub committee during the first Neg-Reg, and that in the end, they decided that you were either eligible or ineligible and you received what you were entitled to under the formula with no adjustment for performance.

Mr. Anderson referred the committee members to the information contained in Part 3 of the Briefing Book, which indicates which tribes are being brought up to 1996 levels.

At this point, Mr. Richardson left. The group applauded him for his input and he stated that he would be available in future if needed.

Mr. LaPointe asked for clarification on total development cost (TDC) data. He commented that there had been an 83% increase in labor costs in his area. Ms. Kruszek said that currently the TDC information is simply plugged into the formula. However, she indicated that this information could be gathered and provided to future work groups. In the meantime, TDCs can be challenged through the regional ONAP offices.

Mr. Carlile raised the question of pipeline issues. Ms. Kruszek stated that there is a provision (sec. 314) that talks about what happens when 1937 Act units are in pipeline, and that as soon as they come in, they are included in CAS. She added that this year HUD has made an effort to track down the pipeline issues. In addition, HUD would provide information on undispersed 1937 Act funds to committee members through development unit counts (not funding amount). Mr. LaPointe thanked Ms. Kruszek as many in his area are interested in challenging TDC. Ms. Kruszek reiterated that the information on how to challenge TDCs is available through the area offices.

Dr. Kazama requested an accounting of the undispersed 1937 Act funds. Ms. Kruszek responded that this information would be distributed to committee members as soon as possible.

Mr. Jones asked about units in development. Ms. Kruszek responded that an estimated number of the 1937 Act units in development is included in Part 3 of the Briefing Book. Mr. Anderson noted that this is a number of units, and not the dollar amount associated with the units in development. Ms. Kruszek added that HUD could provide the dollar figure as well. Mr. Jones requested data on the amount of money available for modernization. Ms. Kruszek responded that HUD does not have access to this through the formula.

Mr. Sossamon concluded this portion of the session and opened discussion on the agenda and meeting schedule. Before doing so, he stated that the committee now has both an approved Charter and final Protocols. He then proceeded to call the roll and established that there was a quorum (Attachment 6). He clarified that the committee agreed to use facilitators. The question to the committee at this time is whether to continue with the current facilitators. (Swanson and Falkner left the room during discussion.)

Governor Anotubby recommended keeping the facilitators for future meetings. Mr. Jones concurred. Ms. Tooley asked if there was HUD funding to support facilitators during the process. Mr. Boyd responded that there was funding.

Mr. Sossamon asked if there was a recommendation to extend the contract. Ms. Tooley commented that she would prefer in future if the facilitators were recognized by the chair before speaking. Mr. Sossamon felt that the facilitators would agree to that. Mr. Shuravloff offered a motion to extend the contract. There were no objections. The motion was accepted by consensus. Mr. Boyd was charged with working out the details of the contract.

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Mr. Sossamon then moved to the last item is the agenda, which was the agenda. Mr. Sossomon asked Mr. Boyd to present preliminary ideas to the full committee. Mr. Boyd reported that based on preliminary discussion with Mr. Sossomon and reviewing the Protocols on agenda, he suggested that the best course of action would be to formulate the agenda with regional representatives working with the PTO in developing a draft that would then be distributed to the committee within a timeframe that would enable input on the agenda. He added that the draft agenda could then be presented at the next meeting with the first order of business to be to approve the draft agenda. He concluded by stating that the committee could then decide what work groups will be formed based on the agenda.

Mr. Jones asked about notification requirements for the Federal Register. Mr. Boyd responded that there were requirements and that he would like to set the date for the next meeting, and perhaps the next three meetings. This would allow for timely publication (15 days). Mr. Pereira added that the Federal Register does not need to address the agenda, that's a Charter issue. However, if the agenda is known, it can be published in the Federal Register.

Ms. Gore asked if the federal representatives would work with the regional representatives on the agenda. Mr. Sossamon stated that Mr. Boyd would work with the regional representatives on the draft agenda for each meeting.

Mr. Boyd stated that the HUD delegation had some dates in mind for future meetings. Governor Anotubby suggested that certain blocks of time be available for organizational items at each meeting and for workgroups to report to the full committee. He also suggested that for the next meeting or two the workgroups should take up the majority of the time, perhaps the 1st and 2nd day, and that the full committee would use the third day for review and discussion. He also reiterated that caucuses could be called at any time, and that it would be advisable for the co chairs and PFO to identify some set time for caucus as well.

There was a lengthy discussion on dates and availability. Ms. Marasco stated that the committee members were asked to commit to the process and so the meetings must be a priority. It was decided that the next meeting would be held on May 28, 29, and 30 in Denver. The third meeting was scheduled for June 17, 18, and 19 in Seattle. Finally, tentative dates for the following meeting are July 14, 15, and 16 in Denver. Mr. Michael Gerber requested that he be able to take a few days to go back to DC and see if those days can work.

After further discussion, the committee decided to resume scheduling at next meeting

It was generally agreed that the committee would convene at 9:00 am on the first meeting day, and adjourn at 4:00 pm on the last meeting day. Other times will be set during the meetings. It was further agreed that the current location was acceptable and staff was charged with negotiating meeting rooms for the next meeting.

Mr. Sossomon reiterated that the draft agenda would be sent to all committee members for review and comment prior to the next meeting. Comments will be incorporated into a final draft agenda that will be the first item of business at the next meeting.

Mr. Boyd commented that the Protocols had been sent to A/S Liu (via fax) and that he has signed the document, and that with the signatures of the two co- chairs, the Protocols will be final (Attachment 7).

Mr. Sossomon announced that the six tribal representatives and the federal representatives would decide when they would meet to work on agenda. Then he asked for consensus to adjourn.

Mr. Ducheneaux thanked everyone for their hard work and commented that they had accomplished more than he had thought.

Ms. Tooley agreed.

Mr. Sossamon adjourned the meeting at 4:00 pm.

Submitted by C. J. Gardstein
Steven Winter Associates, Inc.
May 13, 2003
Revised July 7, 2003