



U.S. Department of Housing and Urban Development

Tribal Consultation – March 23, 2021

**With the Honorable Marcia Fudge
Secretary of the U.S. Department of Housing and Urban Development**

Facilitated by

**Heidi Frechette, Deputy Assistant Secretary
Office of Native American Programs**

Moderator:

Welcome and thank you for joining HUD's tribal consultation session and strengthening nation to nation relationships. Before we begin, please ensure you have opened the chat panel by using the associated icon that's located at the bottom of your screen. If you require technical assistance, please send a chat to the event producer, all audio lines have been muted until the Q&A portion of the call. We will give you instructions on how you can ask a question or a comment at that time. To submit a written question, select 'all panelists' from the dropdown menu that's in the chat panel, enter your question in the message box that's provided and then send. And with that, I'll turn the call over to the honorable Marcia Fudge, Secretary of the US Department of Housing and Urban Development. Please go ahead.

Marcia Fudge:

Good morning or afternoon as the case may be, depending where you are. Thank you so much for joining us. It is an honor to be here with you for this important tribal consultation. Welcome to all the esteemed tribal leaders and tribal housing practitioners.

I am Marcia Fudge, Secretary of the United States Department of Housing and Urban Development. While this is my first national call with tribal leaders as secretary of HUD, I have had several opportunities to engage with many of you and your colleagues, both as a member of the US House of Representatives, and during my Senate confirmation process. As you may have heard during my Senate confirmation hearing, I'm eager to work closely with you, our partners in Indian country. And I understand that the federal government has a sacred duty to fulfill the federal trust responsibility and to engage with tribal nations on a government to government basis. And that's what today's consultation session is all about. But before we proceed, I want to take a moment to highlight some exciting news. Soon, HUD will formally announce that there is some \$750 million in Indian housing block grants or community development block grants that are funded by the American rescue plan.

This funding will be used to help tribal communities fight COVID-19 by increasing the supply of affordable housing units, addressing overcrowding,

providing rental assistance, preventing homelessness, procuring PPE, improving ventilation in housing and facilities, delivering food to the elderly and disabled preventing foreclosures and supporting a wide range of activities that protect the safety and health of tribal communities. I know that tribal nations are in the forefront of pandemic relief and recovery. I'm inspired by how resilient tribal communities are and by your success in vaccinating community members often utilizing HUD funds to support these efforts. We at HUD know that federal grants that support tribal communities are not only the right investment, but they are also a good investment. This year marks the 25th anniversary of the Native American Housing Assistance and Self-Determination Act or NAHASDA as it is commonly called. This is an important time to reflect on and celebrate all the progress tribes have made under the act and prepare ourselves for the work ahead.

As you know, one of President Biden's first actions was to ensure a presidential memorandum affirming the federal government's commitment to tribal consultation and strengthening the nation to nation relationship. President Biden called on all federal agencies to look at how each carries out its federal trust responsibility. And the administration is committed to ensuring that the housing needs of tribal communities are met. We at HUD take this solemn responsibility very seriously. Today's call will be led by Heidi Frechette, Deputy Assistant Secretary for Native American Programs. I want to hear your thoughts and feedback on our tribal consultation policies and practices. I also want to examine how, with your help, HUD can continue to be a strong partner as we work alongside together every day as government to government. I'm eager to hear from everyone how HUD can improve the way it conducts tribal consultations and what is most productive going forward. I look forward to your feedback. Thank you again for joining us. I want to turn it over to Heidi to provide a recap of the previous session and facilitate the discussion. Thank you.

Heidi Frechette:

Thank you, Madame Secretary, it's very much an honor to have you here today and thank you for making Indian housing a priority, especially in your first days as the new secretary of HUD. I want to say [inaudible 00:05:00] hello everyone. As Secretary Fudge mentioned, I'm Heidi Frechette, I'm the Deputy Assistant Secretary for the Office of Native American Programs. And it's an honor to be here today, addressing tribal leaders, tribal housing practitioners, and tribal advocates. Thank you all for tuning in [inaudible 00:05:20] and I hope you all are staying safe and well and finding strength in your families and communities during these times. I also want to acknowledge and say [inaudible 00:05:29] and thank you to HUD senior leadership for attending today's consultation session and for their commitment to HUD's tribal consultation policy, as well as the ONAP leadership team. So as Secretary Fudge mentioned, today's consultation topic is foundational to both our programs and our federal trust responsibility.

And please know that we take consultation very seriously at HUD and aim to do our best to provide regular, robust and meaningful consultation. We conducted a tribal consultation on this very topic last month. It was extremely helpful, extremely productive, and will be helpful to inform the action plan we will be

developing. And we know that many agencies are holding consultation sessions pursuant to the presidential memorandum. And so we really appreciate your engagement today with us as well. We understand our government to government relationship and value it. We also know that we're dedicated to working closely with over 600 sovereign nations in Indian country. And as Secretary Fudge mentioned, on January 26th, President Biden issued a presidential memorandum, which directs agencies to develop an action plan to implement the policies of Executive Order 13175, which requires agencies to review their consultation policies and engage in tribal consultation to inform an action plan.

More specifically through this directive has required to conduct tribal consultation to reform the plan and the memorandum establishes deadlines for completing this plan and providing an annual progress report to Congress. As some of you may know, HUD revised the consultation plan back in 2016 after extensive travel consultation. And really our plan was revised pursuant to the comments we received from tribes and our consultation policy applies to all HUD departments. We take consultation seriously, as we evidenced recently in our efforts to consult on the Section 184 regulations, where we did nearly 20 consultation sessions throughout the country and nationally. And most recently, HUD has conducted consultation regarding the housing counseling and the Office of Housing Counseling. And tomorrow, I'd like to remind everyone that the Office of Community Planning and Development, will host a consultation to design procedures for tribes to participate in the Continuum of Care Program.

Please attend that as well, it'll be a good consultation. As I mentioned, we've had one session on February 25th, we've issued a 'Dear Tribal Leader' letter taking written comments on February 3rd, which was issued a week after the presidential memorandum was signed. And we've received a lot of valuable comments, both at our session and through written comments. And we really appreciate this. And I wanted to share some of the common themes we heard last week, just as a recap, before we open it up for additional comments. There were themes of maintaining a regular and consistent travel consultation schedule, educating offices throughout HUD on what tribal consultation is and how to work with Indian country and to incorporate cultural history and sensitivity training with staff. Also, focusing on regional representative, tracking comments we receive in consultation, and explaining how they were incorporated or not incorporated, creating a standing tribal advisory committee.

And these were all great suggestions, really, about communication, about input and about ways that we can engage with tribes more. Now I want to turn the meeting over to you all. The focus of today is hearing from you, getting your input. And just a few things to consider as we start taking comments. What suggestions do you have for HUD on how we can improve and maintain a strong tribal consultation? Please be sure to submit your ideas via the chat feature below. You'll see that on the screen or by pressing #2, to share your comments over the phone. And please make sure to state your name, your tribe, and your title so that we can give you credit for the input that you provide. We also have

a travel consultation box that we will put the address up for you at the end of this consultation. And with that, I want to turn it over to you all, look forward to engaging with you and to receive your input on this. Thank you.

Moderator: At this time, we do not have any questions in the chat. If you'd like to submit a question, please look to the lower right-hand corner of your screen in the chat box, and you can submit a question or comment to all panelists, and then we will read that aloud. You can also ask a question or share a comment over the phone. Vincent, do we have any callers on the line?

Vincent: We do have one here. Hey, line has been unmuted. Please go ahead.

Aaron Payment: Hello. Can you hear me?

Heidi Frechette: Yes.

Aaron Payment: Hi, this is Chairperson Aaron Payment calling from my reservation. I'm glad to be here. I'm the Chairperson of the Sioux St. Marie tribe of Chippewa Indians. And I see that there isn't a whole lot of people on here today, but you have me for the duration, so maybe I can fill in. For the benefit of Secretary Fudge, we highly value Heidi Frechette. I want you to know that, and she does a great when she comes to national meetings and gives updates on behalf of HUD. And we've even envisioned several years ago, how we could take this a step further. HUD has one of the better consultation policies that you've actually taken time to articulate through it. And one of the concepts that was being looked at a couple of years ago was an inter-agency sort of advisory that I thought was a very good idea.

So I'm hoping that we can revisit that. If I could have a few minutes, I just wanted to give like a little orientation to my understanding of consultation and what I'm looking for. And then some real practicable sort of steps that I think are needed to strengthen consultation under the President's presidential memorandum. If I have that time, I'd like to just take a couple minutes. The relationship between tribes and the federal government finds its origins in the Northwest ordinance. So I'm not going to labor through this. I was a former college professor, so I studied this inside and out, but the Northwest ordinance establishes how the relationship was supposed to work for the colony that became the United States because it was competing for resources with other countries. Then it was the Northwest ordinance was written by President Washington who became president and then the Department of War, Henry Knox and our first Secretary of State Thomas Jefferson.

My understanding is the intent was to write it similar to international treaties in relations with the foreign nations. And that's what Thomas Jefferson's role was in it. This was memorialized in the constitution, article 1, section 8, paragraph 3 in the Commerce Clause, and that grants the authority to Congress to regulate commerce among the foreign nations in several states and with Indian tribes. In

that, we find our origins of our sovereignty, at least in the constitution, and it's similar to, and not subordinate to state sovereignty. I'm preaching to the converted here, but the treaty is upheld the promises for health education and social welfare into perpetuity. It's not unilateral, it's a treaty and trust obligation that we intend to continue to have honored by the federal government, as we're not able to recover our lands. We expect that we'll honor the treaty and trust responsibility.

For my tribe, and for many, many tribes, we read less land lists because that was part of the whole treaty settlement that negotiated 500 million acres of land in exchange for the promise of the health education and social welfare. So my tribe is what's called the checkerboard reservation. We have very little reservation lands. We're the largest tribe East of the Mississippi. We're 45,000 members, but we have less man's land than our neighboring tribe, the Bay Mills tribe, which is only about a 10th of the size of our tribe. Without land, we don't have the ability to have a much more expansive housing delivery for our people safe and affordable housing. It was a godsend under HUD, and then under NAHASDA. We have a very, very good thriving housing program that we would like to invite the Secretary and Heidi to come see. We're very proud of it.

Our former vice chairperson was on the national Indian gaming, no, the national Indian Housing Consortium. So we're very proud of what he was able to deliver for our community. Some specifics that I'm looking for is, again, HUD ends up actually is one of the better consultation policies. And it's because I think that the three, like IHS, HUD, and to some extent Interior or some of the better ones, but really the ebbs and flows of the presidential administrations, either kind of tap that down or [inaudible 00:16:15], or flourish depending on who is president. So, we're excited about who is president and the commitment to take consultation a couple of steps further. So, I'm not going to go through the recitation of the history of consultation, but certainly after Obama issued the expectation for all agencies to have their consultation policy, some did a better job than others.

There's a GAO report in 2019 that critiques the agencies that didn't do their followup. And so I saw the question about best practices. There are some that are better than others, but I also think even beyond that, it's still kind of in a silo approach. You might have a really good one over here for HUD. You might not have a very good one over here for the state department, or maybe have something not quite there at the justice department. What I'm looking for is for each of the departments and agencies to have their fully fleshed out consultation policy, and then it should be animated so all of those work together. I'm really looking practicably at a website that makes it very easy for tribes to navigate and to get through any notices for policy changes, any rule-making changes, anything that would affect the delivery of the treaty and trust responsibility.

There's a chicken and egg argument, when do you start consultation? There is some tools in this toolbox. Listening sessions, I think are our first to initiate

some conversation, to help shape some proposals. You always don't want to present something that already appears to be concluded. And if you're really wanting our input, it should be at the inception. One of the FPIC, Free, Prior and Informed Consent, is under the United Nations Declaration of Indigenous People. We're really looking at getting both our input early and also our consent, not just a consultation that presents to us what has already been decided. So listening sessions to help formulate policy drafts and then consultation on key issues and on issues that tribes request. If there's something that amiss, or not quite right, tribes should be able to request that. All of this should tie together in some federal Indian policy plans, including promulgation of rulemaking and the roles of the department and notice to tribes.

Another big area is federal advisories. So we have a number of federal advisors right now. Some are better than others. Some have more effects than others. None of them really have a real good sort of foot in the door for budget formulation. We do have budget formulation committees as well. And sometimes the result is we identify the needs and then it seems like OMB, everything goes to die at the OMB. I was excited to see that the President announced some consultations with the Office of Management Budget that are coming, but tying all of these different agencies together and a repository of consultation that would be housed by the White House Council, Domestic Policy Council, or the White House Council in particular, which is the structure that Obama created for all the federal agencies to sit on a project team, so they can communicate the delivery of the treating trust responsibility, and how we're upholding the trust responsibility.

Those are some broad sort of concepts, early and often, Free, Prior and Informed Consent listening sessions to help formulate consultation. For now, that's what I'd like to share. And wait, one other thing I guess, because I don't know if a bunch of people got on the call since I started talking, they might be lined up. One accountability scorecard concept would be to take a look at the broken promises report that was just published in 2018, which was an update from 2003, the quiet crisis report. What would be helpful is if each agency is asked to process through the available data in the broken promises report and then to project how is a particular agency going to be part of the solution? How are we going to reshape our delivery of services to Indian tribes to try to address the metrics that are reported in the broken promises report and then also to create some benchmarks for success. So we can then say at the end of four years, how far did we come? What did we achieve? And then certainly at the annual tribal summit that we give reports out on our successes. That's it for now. And I'll rotate back, especially if there's not a lot of people lined up. Thank you for listening.

Heidi Frechette:

Great. Thank you so much, Chairman. Lots of good ideas and some of the new ideas too. We had a lot of good ones last time, but you have highlighted some additional ideas that are very helpful. I think though the one stop shop website is a great idea and how we can coordinate with other agencies and also the revisiting, some of the accountability quiet crisis reports. Very, very helpful. So

thank you so much for those comments. Do we have other comments in the chat or on the line?

Vincent: We do have a few more comments here. Your line has been unmuted. Please go ahead.

Arnold Thomas: Hello. Can you hear me?

Heidi Frechette: Yes. We can hear you.

Arnold Thomas: Councilman Arnold Thomas from the Shoshone-Paiute Tribe of Duck Valley. Good morning. First, I would like to welcome Ms. Fudge to HUD and welcome all those new appointees. I've been a chaplain, with the veterans' health administration over the years based off of our tribal spiritual faith traditions. And I have a history of welcoming those that have come across the waters on those boats from other countries. I want to welcome you here to our lands. And the hope is that we could have a continuous cross birth confrontation has been promised back in 2000. I just want to first welcome all those again, who've been appointed and secondly, give thanks to Heidi Frechette, and those that have been involved with our tribal housing issues over the years. Heidi's done an awesome job along with her staff. So I just want to make reference to that.

Thirdly, I would like to encourage Heidi and her team to educate the new HUD director on our origins as tribal nations here in North America. It was told early on that the former director, Mr. Carson made a statement in Montana that we as tribes traveled across the waters from other countries to get here. And that is not the correct history. So the hope is that the correct history or her story, as our elders have told us that, our stories as indigenous tribal people at North America come from our Earth Mother. So my encouragement is that the new HUD director would receive the good teachings and history of who we are as original people of this land, because it would help with our dialogue and consultation moving forward.

The other point I would like to make is at one time we had Indian nations that gathered under Obama in DC. I would like to pass along to Heidi and the new director that maybe once the pandemic to surprise me in a year or two years, we could once again, host Indian tribes there in Washington DC to have a consultation and dialogue, but I'm reminded by our leaders here that consultation only occurs within our tribal chambers of our administration building here. And so the hope is that you folks should come out there and make a tour and come and visit our tribe out here in Duck Valley for proper consultation. Thank you.

Heidi Frechette: Great. Thank you so much, councilman. It's great to hear from you. Thank you for taking the time today and thank you for emphasizing tribe status, not only as political entities, but also as first nations and first peoples. So I really appreciate that. And to signal your support of the white house tribal summit as well, that's

very helpful. And we can share that with our folks across the government. Thank you. Do we have some other comments on the phone or in the chat?

Moderator: Another comment here, please. Go ahead.

Hi, can you make sure your phone is not on mute?

I'm not getting the audio from this line at this time. I do have another comment. Would you like to take it out one?

Heidi Frechette: Sure. Please call back whoever we had on the line. Please feel free to call back and you can take comments.

Moderator: I'm ready. Your line has been unmuted. Please. Go ahead.

Arnold Thomas: This is James Adakai with the Navajo nation, I'm the department manager for Capital Projects Management Department. First of all, we do appreciate this discussion regarding affording the tribes for their comments to strengthen the government to government relationship between the federal government and the tribes. I think in the past, there wasn't really enough consultations provided, especially tribal set aside funds, discretionary programs going to a designated to assist the tribes with their housing infrastructure roads and so forth. So it's very important that I think the consultation is made to really have the tribes express their housing conditions and also the socio-economic factors this funding is very important to improve the living conditions. There are different monies, the Indians set aside, I think we need to kind of talk about those because some were outdated. Then those issues sometimes it's not really conducive to the needs here in Indian country.

The other item I would like to express, actually a recommendation for the American rescue plan money that is coming down, particularly for ICDBG or tribes who did not receive cares money, although they applied should be prioritized. So just want to mention those couple points. Thanks for allowing us to comment.

Heidi Frechette: Great. Thank you so much for your comments. Very insightful comments. And I just want to flag for you that in regards to the IC, the GARP funding, we are doing another consultation on March 31st from one to 3:00 PM Eastern.

Heidi Frechette: March 31st from 1:00 to 3:00 PM Eastern. And we sent out to your tribal leader number on it. If you don't have the information, please check the co-talk website, but we will take your comment into consideration, but also you have another opportunity to provide written comments or attend our virtual consultation session on I T G a R P funding on March 31st, so thank you. We have more callers?

Speaker 1: We do have four more currently in the line. Your line has been unmuted, please go ahead.

Patrick: Good morning. This is Patrick [inaudible 00:30:48] in Meeteetse, Wyoming. And I want to begin by congratulating our new secretary, Marcia Fudge. Congratulations, Madam Secretary. And thank you for taking the time to hear the issues that involve tribal housing and native communities. And I'm glad to hear that you've engaged in learning about housing issues that are very important to our native people. I represent Northern Arapaho Tribal Housing as the executive director, and I'm also a board member for National American Indian Housing, which is [inaudible 00:31:35]. And I want to just say at the beginning here, we appreciate the bureaucratic leader letters informing us of the scheduled consultations and we encourage you to continue to schedule the consultations for our use. We're very involved in environmental efforts. So we're supporting the consultation on the five or housing and related infrastructure, inter agency task force. Perhaps they're going to mob first and from our opposite has expertise in that area. We're also [inaudible 00:32:22] development block grants. I barged 34 seven. We agreed with the previous speaker that those applicants that did not get funded the last round to receive some recognition or prioritization from that.

We also agree with the one-stop website. But I want to say that working across the aisle with your other departments, like DOI, Department of Interior and the Bureau of Indian Affairs and working with IHS, the Indian Health Service, getting those agencies or departments and those agencies to work together on environmental, that's critical to native country. Especially in the rural areas like where I'm from where we have to do two or three environmental for one project. And if we can just streamline that system where all the agencies, including Indian Health Service, BIA, USTA, [inaudible 00:33:37] and even FEMA and EPA; getting all those agencies on one page that we can all share a common environment review process, that's really helpful. And streamlining that process so we can work on our projects. Sometimes we have bought the agency funding those individual environmental [inaudible 00:34:10] takes time because everybody does it their own way.

So we encourage you to engage with your brother or sister departments. To talk to their agencies about working across the aisle with other folks that provide federal [inaudible 00:34:32] funding for our projects and the work that we do here in the rural areas. I would say that I appreciate the work that the assistant secretary Heidi has done. I would encourage her to continue doing that work. She's done very well for our drive here. We appreciate the work that you're sending out there for our region, region eight care of the mountain plains area. And also, a little shout out for our regional area, [inaudible 00:33:28], they do a good job in working with us. So I just want to say that much. Thank you all, have a nice day.

Heidi Frechette: We thank you, Patrick, it's great to hear you. Thanks for attending, and I'm glad to hear that you guys are going to get involved with the infrastructure task

force. And we are working hard to lead that effort across the agencies to find ways to streamline the environmental review process. So thankful for your engagement and your comments. And it's great to hear from you.

Patrick: Thank you.

Heidi Frechette: Great. Do we have other folks on the phone?

Speaker 1: We do. And your line been unmuted, please go ahead... Hi, can you make sure-

Kevin: Hello?

Speaker 1: ...your phone is not on mute so that we can hear you?

Kevin: Okay.

Hello everyone. Let me do my introduction and [inaudible 00:36:13]. That's our traditional greeting, [inaudible 00:36:20] is "shake your hand at the warm and good heart". My [inaudible 00:36:24] name "close to earth" and my English name is Kevin [inaudible 00:36:26]. I'm the president of the [inaudible 00:36:29] nation, we're in Southwest corner of South Dakota. We have around 46,000 members, so we're one of the, I guess, larger tribes in the United States. And it's an honor to be on this call with you, Secretary Fudge. Congratulations. We talked to our home state senator about your confirmation, both of them centered around Senator Thune. And so we made sure that we sent all our support the best way that we could to make sure that you were in your position.

Secretary Fudge: I just thank you very, very much for that. I appreciate it.

Kevin: Oh definitely, and we just wanted to make sure that we just supported you in any way that we could, so definitely.

So I'll get started and thank you Heidi, for leading these efforts and appreciate all your leadership within housing there. And I look forward to maybe meeting you in person, hopefully in the later in the summer. And that way we could visit some more. But again, thank you for the opportunity to make a few comments today on how HUD can improve the way it consults with tribes. We appreciate HUD and President Biden making this a priority. Housing is one of our tribes highest priorities. Our [inaudible 00:37:45] reservation has a turbo housing shortage with an unmet need of approximately 4,000 new housing units and 1,000 housing unit repairs. Many of our citizens lived in dilapidated, extremely overcrowded and often unsafe conditions that no one in the United States of America should have to endure such conditions. Also greatly hinder our efforts to stop the spread of COVID-19, especially when our vulnerable elders and other members live in these situations.

Our tribe finds it more difficult than it should be to put the pieces together to make housing projects work. Housing projects involve land, roads, water, and sewer, electricity and other components to create livable dwellings. For example, one of our parties is making sure that we have adequate possible roads leading up to homes on our reservations. This is for obvious reasons, including ensuring access of emergency medical vehicles to the homes. It would be helpful for HUD and BIA to be working in [inaudible 00:38:45] on this issue. We would like to see HUD work toward creating a process that makes it easier to fit the different agency pieces of a housing project together and offer a few thoughts on how HUD might improve the way it consults with tribes. Number one is consultation needs to be meaningful. It needs to begin before the plans are too far formed on the agency's end, and it cannot simply be the "check the box" consultation.

HUD should make sure to allow for adequate time for an actual conversation about the issue like this. It should be not simply a series of five-minute statements by tribal leaders in a couple hour meetings. Consultation needs to be done rightly, regularly. Consultation must occur when HUD is taking an action or proposing to take an action that will impact tribes, but HUD should also engage in regular consultation to ensure that it can keep abreast of our primary issues and needs. We recommend that HUD's regional offices should have control for tribes in the region at least once a month. And that HUD's headquarters should conduct regional consultation sessions with all the tribes in the region on a quarterly basis. While face-to-face is best, technology that makes this possible and not burdensome, especially during COVID times. HUD's consultation policy requires it to hold one national consultation each year. We encouraged HUD to conduct at least two such meetings, perhaps at the beginning of the year and at the end of the year to better track progress.

Number three, HUD should include the informed consent from its consultation [inaudible 00:40:30] policies. The goal of meaningful consultation should always be to reach agreement. We tried to include language in its compensation policy that explicitly States that meaningful consultation requires obtaining free, prior and informed consent when a project will affect tribal lands, territories and resources. Number four, HUD should host interior agency, constitutional tribes. As mentioned, housing involves several aspects of infrastructure, development, and quality of life. Often tribes need to work with several agencies. For example, IHS, BIA, USD, et cetera, to make our housing projects work. You think a productive way to improve consultation would be for HUD to host an inter-agency consultation with the tribes on a periodic basis. This way our agencies would get the benefit of the tribes' comments and tribes would not have to consult about their projects on a piecemeal basis, one agency at a time when they involve more than one agency.

And there are some specific points related to the Emergency Rental Assistance program. The Department of Treasury issued the Emergency Rental Assistance program and held a one day, two-hour consultation, quotation marks. They received overwhelming feedback from the tribes and tribal housing programs

that Treasury and HUD needed to define area median income to include the greater of a national or local media income because HUD has already defined it that way in 24 CFR 1010 and program guidelines, 20-20-01. Yet, Treasury has regardless and has yet to tell the tribes that they can use this stuff initially. [inaudible 00:42:25] tribe and his traveling designate housing entity reached out to HUD because the act provides that area median income as defined by the Secretary of HUD, but HUD has taken the stance that it has "no comment because this is a treasury program."

No amount of effort on part of [inaudible 00:42:42] tribe and other tribes have swayed HUD or Treasury to issue a decision that tribes can use the greater of national or local media income on this issue. It took until March 16, 2021 for Treasury to use the FAQ number four, that included a link to a dataset that uses national median income, the lowest income community or counties in the United States. Meanwhile, tribes and their housing authorities were unable to implement this program because they had not received an answer for HUD or Treasury. Treasury and HUD is still issuing clarification for tribal programs and framing the concern those at 80% or below the national or local media income, whichever is better.

To further clarify that the Secretary of HUD defined the area median income for the greater of a national or local media income consistent with 24 CFR 1010 and programs guideline 20-21-01. When tribal decisions and tribal concerns fall [inaudible 00:43:42] , this makes consultation completely ineffective. Tribes need real time engagement with federal agencies and swift decisions that honor and respect and uphold the tribal rights to self-determination and mainly our treaty rights. No matter what consultation policy HUD implements, HUD and all federal agencies must be organized to make real time decisions and those decisions must be guided by honoring tribal decisions making and self-determination. So thank you, again. I appreciate your time, Secretary and Heidi, and look forward to developing a good relationship and I'm excited to see all you're going to do for our native treaties these the next four years and hopefully longer. So [inaudible 00:44:26], it's chill.

Heidi Frechette: Great. Thank you so much, Mr. President. It's great to get your input. Thank you for your engagement. I know that as a tribal leader, you're pulled in many different directions, and so I appreciate your time and a lot of good ideas as far as you know, quarterly meetings, meeting area offices. Great suggestions on that, and some cross agency consultations as well. Very, very helpful ideas. And I've noted the concern with area median income, and we'll be reaching out to Treasury as well on that. So thank you for that.

Speaker 1: I do have two more comments. Would you like to take them?

Heidi Frechette: Yes, please.

Speaker 1: Your line has been unmuted, please go ahead... Your line has been unmuted, please go ahead. Thank you, make sure your phone is not on mute...We're

putting any audio from your line. Can you please make sure your phone is not on mute?... It doesn't look like we're getting audio from this caller. Would you like me to go to the next one?

Heidi Frechette: Yes, please. And please try to call back. We don't want to miss your comments. Your line has been unmuted, please go ahead.

John: Hello there. I'm John Yellowbridge-Deel. Can you hear me?

Heidi Frechette: Hello. Yes, we can.

John: Okay. Then I'm calling from a large land-based treaty tribe. We hoped and we prayed Secretary Fudge would get confirmed, so congratulations on it. We were very pleased to hear President Biden mentioned treaties, and I did not hear Secretary Fudge mention treaties. We have such a large land-based tribe. As our president said, there's a lot of other components in with housing, the 4,000 housing units we need. We have roads, electricity, water, sewer-all of these to address. And we consider housing to be a treaty promise.

Treaties are under Article Six of the United States Constitution, the Supreme Law of the Land and these treaty promises United States Supreme Court in five separate cases say, "the treaties are to be interpreted as the Indians interpret them." In 2016, United States Congress passed the legislation creating the Trust Reform Department within the Department of Interior. And the language in that legislation says, "United States benefited 100% from day one signing the treaty by taking the land." The United States made promises to Indian nations and they have not kept these promises. Secretary Fudge, we're hoping you can help keep the treaty promises of housing on our large land-based reservation. These treaty promises... According to international law, the honor, the word of those involved in signing treaties, our treaty was negotiated by the President of the United States and ratified by two-thirds of the Senate. It is a bonafide treaty. We thank you for allowing us this call and look forward to your treaty relationship. Thank you.

Heidi Frechette: Great. Thank you so much for your comments and thank you for grounding us in why we're here today. It is very, very helpful and appreciate your insight. Thank you so much. We have other folks on the line?

Speaker 1: Absolutely. Your line has been a unmuted, please go ahead.

Jackie P.: Thank you. Hello, this is Jackie Paeta and I'm here in Juneau, Alaska. I am an elected tribal delegate to the Central Council Tribes of Alaska, [inaudible 00:49:28] tribes of Alaska. And I serve as the president and CEO of Tlingit-Haida Regional Housing Authority and [inaudible 00:49:36] Financial Corporation. First of all, I want to say welcome aboard. We're pleased to have you Madam Secretary, and we're pleased that one of your first actions is to have this consultation. When I look at your questions, the discussion questions, I want to

first compliment Heidi and her team throughout the COVID responses and the programs. I think that ONAP did an amazing job and keeping in contact and informing us the information that they had as soon as they were able to make decisions. And I think that they did a really good job.

I do want to speak a little bit about consultation. I served as the DAS during the Clinton administration when we implemented the executive order and help create the very first HUD tribal consultation. And then we also tried to expand to get the federal agencies to working together on the environmental review process, because that was, and continues to this day to be a challenge for tribes when there's multiple sources of funds which is essential for completing a project to have a variety of environmental requirements. And we found them, as it is true today, that there isn't statutory barriers in place, but there are more agency barriers. And the unwillingness to be able to make the concessions or to make changes to processes from each agency to allow for the lead agency and to recognize the lead agency. I'm pleased to see that Heidi is taking up that task again and I look forward to her success.

Another thing that I wanted to mention was as tribes, we have the equal right to ask for consultation. And when there are areas for us to request consultation, one of the things that we did during previous administration during the implementation of the executive order, as tribes we got together and recommended to the federal agency, something that you heard today on the call, that there would be a convening, at least periodically once or twice a year where federal agencies would come together to coordinate consultation on similar issues. And what that did was allowed multi-agencies, for example, if we were dealing with something having to do with broadband and it required commerce in USDA, that the consultations would be jointly held. And so tribal leaders could then maximize their time at a particular consultation event where multiple tribes were there for multiple reasons and if we were going to have in-person consultation.

And that seemed to work fairly well as long as there was an external or agency assigned to be the coordinator in the case that when we did it, and this is when I worked at National Congress of American Indians, we coordinated the federal agencies. It helped to have the external entity coordinating the various agencies so that we could schedule it and make it marketed appropriately. And sometimes it helped to have a single purpose, whether it be economic development, infrastructure or something along those lines. Another recommendation is on, once again, utilizing I believe technology is, can be our saving grace in many ways for consultation. I have long waited to see the day when we can do consultations in real time and being able to see people's comments in real time and responses utilizing various tools because there are so many ways for us, so many tools available for us today to provide joint comments and make recommendations on particular guidances or regulation. But also there's the ability to utilize technology in a broader sense.

Environmental reviews has been a challenge for tribes in many ways. Not only that, do we have to provide environmental reviews, having to deal with construction or projects that we are doing, but we also have to respond to various other agencies and private sectors, companies, and industries that are impacting our tribal land. And I believe that there can be a mapping tool where tribes can identify the areas that they would like to be notified so that we receive relevant notifications and are able to spend our time wisely and efficiently on the notices that will impact us at the level that we have identified. A model similar to that is something that the FCC created with tribal input and what you set and the other tribes across the country, where they're actually able to map the tribal interest areas. And I think that model could be expanded and used in a larger way. Particularly dealing with environmental reviews and impacts from industry that tribes definitely would be interested in regarding their land and give us early identification of those issues and a forum to be able to proactively respond.

Another area that I think con tribal consultation and inter-agency tribal consultation would be beneficial, and once again, this is one that I tried to do when I was the DAS and it still is not resolved. And that has to do with the BIA, at least and processes. When we work with financial institutions, 1-884 loans, et cetera, there still could be an improved streamlined process. And I think that would be a very beneficial and valuable tool as we deal with changing economic time. And certainly the self-determination when we're looking to empower our tribal citizens with their financial independence.

So, another couple of recommendations. One was, I mentioned this to Heidi before, that I believe tribal consultation, there should be a PO person appointed at OMB that's responsible for the oversight of tribal consultations to ensure that the consultations aren't just, as you heard on the call today, a "checked the box", but that the comments are truly been listened to and incorporated to the fullest extent possible.

And, and then of course my last request is that type of consultation is a good way to get to know Indian country, but it's not the only way. And certainly, I've heard it said from many people before and secretaries before. They didn't fully comprehend the issues in Indian country until they were there and they saw it in person. I know that it made a tremendous difference when I took Secretary Cuomo to rural Alaska to have to actually experience that there was no running water or sewer systems in place. And for him to have to see that in, in firsthand. Or to go to Navajo nation or Pine Ridge nation, when we took the president to both of those places so that the sitting president could actually see the situation in Indian country. And so it became more than a consultation. It became a learning experience. And I urge you to visit rural Alaska. I visit you urge you to visit Indian country, and if there's anything that I could ever do to be of service, I'd be willing to do so. Thank you. [inaudible 00:58:15]

Heidi Frechette: Thank you, Jackie. Thank you for your thoughtful words and actually thank you, thank you for all your successes as a former desk for ONAP. We're building on

those successes, hopefully, and in carrying out the foundation you've set. So thank you for that. And also for stressing environmental views I know keep coming up with some very good suggestions that we can look at. And thank you as well for flagging the BIA leasing TSR process issue. And also visiting Indian country as well. I wholeheartedly agree with you. When you visit Indian countries, the impact, but also how you do your work after that, changes. So thank you for highlighting as well.

Do we have other callers?

Speaker 1: We do have three more. Your line has been unmuted, please go ahead.

Aaron Payment: Hello. Can you hear me, Heidi?

Speaker 1: Yes, I can. Hello.

Aaron Payment: This is Chairperson [inaudible 00:59:28] again. And for Secretary Fudge, Jackie Paeta is absolutely one of the best experts that you can call on as a tribal leader. There's a few of us in Indian country that live and breathe federal Indian policy day in. I have a checklist next to my bed, and I wake up in the middle of the night and write it down. And so, I want to echo her concept to go out to Indian country to actually see. You can see the great appreciation and the great mobilization and those-

Aaron Payment: ... see the great appreciation and the great mobilization in those communities where it's really working, and then also seeing those communities that still have needs. So what I forgot to announce earlier is I'm a former housing commissioner, and I absolutely loved serving under housing commission. Because there's a lot of things that we do in Indian Country that provides services to people, but if you study Maslow's Hierarchy of Needs, if you don't have the basics like housing, safe and affordable housing, then every [inaudible 01:00:33] your life is insecure.

So we do encourage you to come and see our successes out in Indian Country. I wanted to circle back and just kind of underscore something directly to Madam Secretary, is, the White House council was created by the Obama administration to facilitate a cross agency collaboration. And, so not only on the delivery of service, but also if we could figure out how to tie in budget formulation, so we can see how we're fulfilling that treaty and trust responsibility, but also to be a repository of experts, that are charged with the responsibility of delivering on that treaty and trust responsibility on how we're doing on Federal Indian Policy.

So Federal Indian Policy is kind of an amorphous thing, it's in legislation, it's in judicial precedent, it's in practice, it's in whoever's President and there ebbs and flows and practice. So rather than having it to be kind of happenstance or piecemeal among silos, the White House council is intended to pull all of that together. And Secretary Debra Holland will be the chair of that, and we're very

excited about that. Last time when Sally jewel was in office, she was a phenomenal secretary, but we wanted, and we advocated for an Indian voice at that level, and we had advised the creation of the travel advisory. And so what I envision on how to pull all this together to have the [inaudible 01:02:06] policy advice is to have all of the sub advisories that exist. Like I serve on HHS Stack, I serve on SAMHSA we have our National Advisory Council on Indian Education, but if we have all of those sub advisories that report up through the respective agencies, all have somebody sit on an advisory that advises the White House Counsel.

I think that's how we facilitate bringing together and have cohesive and consistent Federal Indian Policy. So I wanted to share that with you and I will be sharing it with Secretary Holland as well, but I wanted to give you that insight at this level so that you can hopefully be an advocate for that. I also wanted to just come back to, during a pandemic, we've gotten accustomed to virtual consultation, and I think for some of the deficiencies that it represents, it far outweighs any issues. So when we go back to in-person consultation, I would like for us to continue to have an element of virtual consultation. The reason for that is Jackie was on and she reminded me of this, Alaska native villages, not a lot of the representatives have the resources to travel all the way to Washington DC.

So this will provide a equalizing factor so that all communities can participate, and frequently participate and not be dependent on resources. So I wanted to give a plug for that. Also, just come back around to supporting the concept for mandatory funding and full funding for our need, and then advanced appropriations. And too often, we focus on IHS as this almost like the full delivery, and there've been different bills proposed, and one was for IHS NBIA, one was just IHS. And I think all federal agencies that have a primary mission for the treaty and trust responsibility should be mandatory funded. And that would then make us exempt from sea castration and also protect us with advanced appropriation from the effects of government shutdown.

One final thing. And you'll always get a lot of input from me, and you can always count on me too, so don't forget that. But one final thing is when we start looking at infrastructure, when we look to an infrastructure bill, I can tell you in my community, when the American Recovery Act funds came, what we did was we reached out to the local city because our reservation is outside of the city. And we collaborated to develop a way to extend city, water, sewer out to our community, and in doing so, we didn't have to bear the brunt of building a whole infrastructure for city, water and sewer. So in the new infrastructure bill, wherever we can create a stimulus or an incentive for local government to reach out to tribal communities and collaborate on infrastructure, joint infrastructure projects, then I think it's a win-win because we help pay down the debt on the city infrastructure. And so my tribe is a model for that in one of my communities, but we have seven reservation sites and some of us, some of our sites were still on well water.

And so, and also one final thing on that would be how much tribes get under a infrastructure bill should be proportionate to our percentage of the total population. And so the Cares Act was less than was 1% of the population, the, which were two and a half percent of the population. So it's less than half of our need. And the Recovery Act funds was less than a half a percent. And so as the President reaches out to all the Secretaries to give advice, if you could advocate for at least two and a half percent of the total, that would go to Indian Country and then to have some, some incentives for local government to reach out and collaborate with tribes, cause it really is a win-win situation for the communities in which we live. So that's it for now. Thank you.

Heidi Frechette: Thank you, Chairman Payment, some great ideas. And I like the ideas that you're bringing over from the Indian Health World as well, very helpful insight. And also just reminds me when we have Tribal Leaders, voices and engagement, what great ideas and thoughts and making those connections across agencies and across programs. So thank you so much for that. I just want to quickly say Mr. Joe Garcia, I know you're having trouble connecting. We are trying to assist you, but please try to call back in. We definitely want to hear your comments.

Speaker 2: I did have Joe on the line.

Joe your line has been unmuted, please go ahead.

Joe Garcia: Yeah, finally. Anyway, thank you for being patient and I've been patient, but I listened to a lot of comments and first thing is I want to wish the Secretary well, and everybody that works with her. So thank you for doing this. I have a few comments to make. And the first one is that part of the reason why HUD has, has a better consultation policies than some of the other agencies is because [inaudible 01:08:06] came about a long while ago. I was on the original work group in 1997. I was governor of my Pueblo: [inaudible 01:08:18] and I was on the team to put that together. And so it was a great, great thing. So that I hope is this is a reason enough to continue the efforts. But in terms of consultation, policy, think about this question, how many agencies or departments are there?

And so I'll assume, let's say there's 30 departments, each one doing their own consultation policy. They're likely to be different. In each case, if you use the Pareto Rule, so I'm going to say 80% of them are going to be completely different. But here is a suggestion that maybe what the entities would like to do is think about a general approach at the beginning. But then, then depending on which agency is working with the tribes, you can then bleed off into specific things that that entity or that agency is different in terms of working with the tribes.

For instance, if it's education related, it's slightly different than construction, slightly different than environment, slightly different than telecom. So then you can go into those specific areas in the policies, which cover that. Now for the housing, the question I have in suggestion I have is that because there are a lot of inter-tribal marriages in the United States, many tribal members are moved

into other tribal regions or other reservations. And consequently they're caught in between a hawk and a rod placed in terms of getting housing. So if there's a [inaudible 01:10:27] for tribes to be able to allow housing for tribal members, not dependent on being a tribal member of that tribe, but a tribal member of a recognized tribe. Then I think the policies within the tribes can change accordingly. And that will be a much, much better. Sure.

In terms of a website, if you've got 30 agencies, all agencies, websites are different. They didn't follow no same similar format whatsoever. And it's almost like if I'm using word processing and I use word, I expect everybody else to see out there that they can read my document, but they can follow the menus within the software because they're all the same. But if you use a different application, the menu is going to be different. So that's sort of what we're seeing in, in every agency and every department. And so it makes it hard for delayed people that are trying to access information and trying to access the things like what we're doing today. Especially hard for techie people is not as challenging, but otherwise it, it causes a great grief.

The budgeting process, the one that I'm familiar with is TIBC: Tribal Interior Budget Council, that was established a long, long time ago, but it seems to be working a lot better in terms of all the budgeting process. And it includes all the BIA programming and whatnot. And so every, it would be nice to have such a group. I think IHS also has a group for, for the tribe, but some of the bigger agencies that work with tribes should also consider doing that. Another item is the summits that were done under President Obama. It would be nice if HUD and some of the other agencies also promote that kind of an effort for [inaudible 00:13:02] all come to the White House. I took part in every year that President Obama and now President Biden hosted those assemblies, I was the tribal leader at the time, as well as that was National Congress of American Indian President and chairman of the all Indian Public Council.

So I took part in that they were very, very beneficial. Try doing that again and promote it. And then the \$750 million that was mentioned earlier. My question is, is that the current NAHASDA funding or is it in addition to the NAHASDA funding for tribe? Because that number sticks out in my mind, I think we started at 650 million or 600 million for all tribes under initiated NAHASDA. And if that's grown to 750, that's a lot better, but it would be even better if that 750 was in addition to the current knowledge, the budget. So that's what I have and I thank you all for being patient. And we finally made it, I got connected. So I thank you. And may the blessing of the Creator be with all of you. [foreign language 01:14:26] Thanks.

Heidi Frechette:

Thank you, Mr. Garcia, it's great to hear from you. Thank you for all your work and hard work through the years on Indian housing and being at the start with NAHASDA having your wisdom and your experiences very helpful to inform us as we move forward. And I wanted quickly say that the 750 that Secretary Fudge mentioned is in addition to the annual appropriation. So we got the annual Indian housing block grant, and we also have the additional resources under the

American Recovery Program as well. So very good news. And thank you for your comments. I believe we have more callers?

Speaker 2: And we have one last caller. Your line has been un-muted please go ahead.

Chairwoman Andr...: Hi, good afternoon. Can you hear me okay?

Heidi Frechette: Yes, we can. Hello, chairwoman.

Chairwoman Andr...: Hi there. This is Chairwoman Andrews-Maltais from the Wampanoag Tribe of Gay Head Aquinnah in Massachusetts. Thank you so much for having this. I feel that we're all like water beads on a grease pan cause we're bopping from consultation to consultation. So I apologize for being late as well as if anything that I say is redundant, but just really wanting to take the opportunity to thank you all for having us Heidi as usual and Secretary Fudge for your commitment to being here as part of this consultation. What I want to first start out with is just as part of consultation, what I perceive in several of us that do is embracing the full concept of the Executive Order 1375, upon which this new executive order for reaffirmation is precipitating this review and specifically drawing attention to Section 3: Policymaking Criteria.

And underneath that in the subsections to respect Indian tribal, soft governance and sovereignty and honor the trust and treaty and other rights of tribes to meet strive, to meet the responsibilities that we have underneath the legal relationship and understanding the uniqueness of each and every tribe and how tribes are the best suited people to make determinations for the betterment of our people and that the government agencies shall grant the tribal governments, the maximum administrative discretion as possible. Going back to the fundamentals of Indian Law and Federal Indian Law and Indian education 101 to truly understand what that means as a federal agency and federal partner. Responsible for uplifting our tribal communities because we have paid it daily and paid it forward with the lives of our ancestors, our lands, and our natural resources and also wherever possible to refer to tribes, to establish our own standards in determining what is necessary in the programs that we administer on behalf of the United States.

And also to Section 6, and not like the other sections aren't important, but these, I think are the primary fundamental goals that we hope that each and every agency will fully embrace and implement in Section 6, referencing increasing flexibility for Indian tribal waivers and streamlining that process, but basically any policy or procedures or statures or guidance wherever the authority invested within the secretaries or assistant secretaries to fully exercise that and try to meet with the tribes in order to ensure that we're able to do what we can do within the structures of our own individual tribal communities. Because again, most of these policies and most of the agencies were established and formulated with an antiquated reservation status as the model that has not been true for decades. And so therefore, as President Garcia has mentioned, and also Chairman Payment, our demographics and the structure of our tribal

communities has changed dramatically, but yet the structure under which we have, these relationships has not.

So we really need to embrace and really kind of use as a sub governance model, more of the latitude that is presented within the executive order for consultation and with the authority that is given or vested within the secretaries and the decision makers to move forward. Now, with regard to the discussion session and the questions, I think with the first question, what ideas would be to have more round tables and getting to consensus in free, prior informed consent to these consultations. A lot of times we're asked to be here, we invest a lot of time, whether it's not as our personal time, the resources of our subject matter experts and our attorneys writing these things up or verbalizing them in these sessions, we don't get to a consent and we don't get to a consensus. And the other thing we don't get often is feedback from what these consultations have and the determinations or the decisions, whether or not we agreed upon certain points or principles and or whether or not they were adopted and why or why not they were adopted. Not only within our own region, but also nationally, because again, we are all in different areas with different regions, with different needs and different levels of expertise.

Which brings us to the second one, the best practices. There are several agencies, HUD has got some really good practices, IHS has got some really good practices. We know that we were very well with EPA having regional conferences that dedicate a day or two a day and a half with just the decision-makers to the highest levels of that agency with the tribal leadership. And then we set the parameters and have those candid discussions that can also be sometimes painful and oftentimes comical. But in the end, they're usually very fruitful. And once we've established those parameters, we allow the subject matter experts to work out the mechanics of how that's actually going to work. And they have to be ongoing. As we know, the consultation is only meeting fields when we have trust within each other. And that trust is only built and established over time. And while the players may change from the elected officials to the agency, people, we know that the situations and or the issues really change, and we need to have that level of consistency, but you can only do that built upon trust and with bringing in those career professionals that can maintain the ongoing relationship that we have.

And with full, how can we better prepare HUD staff, it's twofold in one is it is Indians 101: understanding that every federal agency has the trust and treaty obligation to the Tribal Nations. And while the department of the interior has the primary responsibility, every agency has that responsibility for consultation and coordination and respectful dialogue, and the desire to get to an effort where the tribe's way of doing things and the tribe's division on how we see of executing that is adopted and embraced by every federal agency and including HUD.

And then I think the ways that we can better use technology was mentioned, there's nothing that replaces the in-person, and there's nothing that replaces

these site visits to really be able to have that reference point so that when we speak of our situation, that reference point is clear because it's been experienced, but also to be able to have Zoom calls regional or round tables with them on a frequent basis whether it's quarterly, so that we're able to make sure that their issues that we address are not only real time in the discussion, but the resolution and or the remedies and, or solutions and, or next steps is also timely. And that doesn't happen when a year goes by, before we circle back with any of these responses or anything else.

The other thing is to memorialize what these things are. We often do not get memorialization in these. And when we talk about the consultation, from my perspective, the Department of the Interior should be setting the standards and the framework and that the tribes in Indian Country is the pivot point and not the tribes trying to enter that door of the quote unquote Indian desk and each agency, because every agency is so diverse, but by being able to use the department of the interior as a framework and the tribes, having those discussions and an opportunity to have almost an office that has a subject matter expertise, balancing the Indian country interests as well as the agency interests, I believe will enhance our ability to have those communications and work through some of the challenges of fitting that square peg into the round hole that we experienced all the time.

One of the other things, and it was mentioned was four examples of how to do things better, particularly with the funding is we really need to get away from formula grant basis. They do not do well for tribes, particularly tribes that do not have large reservation basis or tribes that do not have larger populations, but that does not mean that the tribes do not have the same or greater needs. We found that in our experience when treasury went ahead and used data, that they retrieved from NAHASDA and unless the tribe had a program, they was zeroed out or they were grossly undercounted. So therefore we see where those pitfalls are. Our recommendations are. And especially moving forward now that we have some 'in addition to' money is to use the model that we've been promoting, which is to take at least 50% of the allocation and divide that up equally, amongst all tribes, every single federally recognized tribe is equal on that playing field deserving of consideration to be able to have funding that they can actually rely upon and plan with.

And then you take 25% of the balance and you use that for large land basis, larger populations or other formula base and formula driven types of things. And again, not in a competitive mode, but in a well-thought-out well-prepared methodology that takes into account those larger, more rural places, those places that have those larger populations, and then the final 25% should include the use of special circumstances. And wait in that place, you have your Alaskan villages and corporations, and I'm sorry, not corporations, Alaska villages and tribes that have unique situations that are so un or so dissimilar than anything else in the lower 48 that we should be taking into consideration those unique needs and supplementing that based funding through that, as well as other places, cost of living cost of services, cost of goods, or if the locations that you

have within the lower 48 are so remote or in such need that those extenuating circumstances can be used to add addition to the base funding that everyone should work with because the formula for funding and the competitive grant is just putting tribal governments against tribal government.

And there is not one tribe that is any more deserving or any less deserving than the full support of the federal government. And if we can make these things underneath the mandatory funding, it also helps so that we can continue to have planning and how we can meet the ever-growing housing needs of our tribal communities. In our case, land is at a premium. We just don't simply don't have an opportunity to purchase more land here, but that, and we also don't have the opportunity to bring our tribal members home because there's no work that can, they can afford the cost of living here. However, having a presence and being able to provide housing to our tribal members on the main language is still within our territory where the majority of our people still reside. That's where we can continue to provide for our peoples, but we're broken out of that mold in that model that no longer fit, because there is so many people that have had to leave their reservation or their homelands for economic job opportunities and, or educational opportunities.

And there's no way for them to come back home. So therefore we need to be able to grow and adapt the same way that we've been able to adapt over these 400 years in order to still maintain our presence here. And then I would just like to close again with stating that really appreciate the time and the work and the effort you guys are putting in really need to emphasize that we just need to build in as much flexibility and exercise the authority and flexibility that is vested within the Secretary. And when we need to make those changes, know how we can be inter supportive to make those changes legislatively so that we're not stuck with one footnote to the floor while we try to walk down the path for our future. Thank you.

Heidi Frechette: Great. Thank you so much, Chairwoman. And thank you for your patience. I know you were on hold for a little bit, so I'm glad we were able to get you through, and I really appreciate your input on all the issues. But one thing that really resonated to me was how can we set up our consultation efforts to include tribal leaders, but maybe not monopolize a lot of their time. So I really appreciated your ideas on a larger Tribal Leader Group, and then narrowing it down to the technical experts. That was very, very helpful and insightful as well as some of the contexts that you've provided. So thank you so much for that. Do we have other callers?

Speaker 2: We do, I've just unmuted your line, please go ahead.

Heidi Frechette: Oh, thank you. This is my name is Tanya Plumber. I'm executive director for Montana Native Growth Fund. We're a native CDFI focused primarily on housing and home ownership. And I'm here today. Speaking on behalf of the Fort Belknap Indian community in North Central Montana, we would like to express our gratitude for these tribal consultations and for the proactive efforts ahead

to recognize and strengthen the government to government relationships with our tribes, we welcome Secretary Fudge and look forward to building strong relationships between our tribes and HUD and seeking some new solutions to serve our people. We also acknowledge Jackie Petta and the many other types of speakers on the call here today and the excellent ideas.

Heidi Frechette:

They're insightful speakers on the call here today, and the excellent ideas that they've laid out so well. I'd like to share one of our views in a bit of a story form. We have a child who has been in and out of foster care for most of his life. He is training for some competitive racing this summer. And his goal is to be a United States Marine, but he has very limited resources. He sent me a photo yesterday of his training routine, which is a long piece of lumber that he has found with three tires on the end of the pole. He's laid these tires and the pole at the head of an old cooler, and he's lying down and using the cooler and the lumber entire contraction as his bench press. He is determined, because I can see his determination. I know that when I find a way to get him the real weights and resources, you need to train, he's going to use them faithfully and we'll use them to grow his body in preparation to meet his goals.

And I got to thinking that this was very much the way we are today. Those of us here with boots on the ground, in our tribal communities, we find ourselves working to resolve the housing issues we face within our communities. With the limited resources we have, then it has the formula funding has not been based on real data. And the result is funding allocation, significantly inadequate to meet the needs of our communities. And yet we are determined, tribes and TD HES have increasingly begun to work together with their wholly owned tribal enterprises and the native CDFI by serving their communities to build capacity, to come alongside the tribal housing authority, to develop homes and to provide meaningful counseling and financing opportunities, particularly because the HUD grant funding is so often inadequate.

What we see strong work under the leadership of assistant secretary of Heidi Frechette, we're so grateful for that leadership. We do not always see a clear leader understanding of the importance of recognizing tribal self-determination across the board in all HUD departments. Increasingly we see self-determination manifested in our relationships with tribal entities to pull together the facilitation of large scale project to meet the great need that we see. This happens particularly in eligibility for headwind 84 lending, and then the office of offering housing counseling.

We need the offices of Headwind 84 guarantee, and the office of housing counseling, and all has departments to fully understand the issues. Our tribal communities face the unique nature of our government to government relationship and the increasingly incredible capacity that we've grown ourselves, to serve our communities with our own resources. As we begin to more and more exercise, self-determination, we need HUD programs to work with us as we continue to Caprice increase our own capacity.

Another area where we see a great need for increased consistency and more meaningful consultations with accountability, and regular follow-up is with the BIA tribes, and native CDFIs, who often act as a liaison between Headwind 84 lenders, and tribal members, to improve and streamline the residential leasing and leasehold or trust land-mortgage process. Particularly for those tribes have adopted the Hearth Act. The lack of one Headwind 84 loans guaranteed on trust lands, is largely due to this lack of clarity, and streamlined process, in working with the BIA. Fort Belknap is the first rural, land-based tribe to adopt new residential leasing regulation under the Hearth Act, and so this work is very close to our heart now. The accountability and follow up to these more meaningful conference consultations is especially crucial to finally see the solutions we've been seeking for quite some time. So we highly recommend a focus consultation on this aspect of tribal housing. We thank you for the opportunity to share today.

Great, thank you so much for your comments and thank you for starting your comments, but reminding us of how resilient and how much perseverance in the country has and native people and grounding us in that as well as we go forward, and your comments, especially from the CVFI perspective and ways we can work across agencies. So thank you so much for that.

I believe we have another caller:

Moderator: We do have one other one here. Your line has been unmuted please go ahead.

Ross Klein: Sam CIO. Hello, everyone. Ross Klein chairman. Next sec. Indian tribe of Washington state. I know it's a long day, so I'll keep this brief. I'm interested in learning how we can buy the land and use it for housing, either development or individual homes, which means by both land then home. I'm not sure if that within the policies or it's even a good question. Thank you. Okay.

Heidi Frechette: Hello, Mr. Chairman, thank you for calling in and we can connect you if we can. We'll connect you. We'll circle back with you on that specific question and just make sure that we have all the facts of the situation that you're talking about. And we will reach out to you after the call to answer your questions, but there yes, there are differences, but our programs are very flexible. And so we probably have several options for you in this regard. So we're happy to circle back with you.

Ross Klein: So great. Thank you very much. Thank you.

Heidi Frechette: Great. Thank you so much.

Moderator: Okay. I see we have a number of questions and comments that have come up in the chat. Thank you for those that have submitted your comments and questions you can continue to do so, or jump in line to, to provide a comment on the phone as well.

The first comment we have in the chat reads, I didn't see the date for the upcoming continuum of care consultation, and I can confirm that it will be held tomorrow from one to three and you can reach, or you can find more details on that consultation on co-talk. The next question is from Nadine CLI and the questionnaire you two will, the slides be emailed to the attendees after this meeting. And I can confirm that we will share those slides, but they will not be available immediately. It does take a little bit of time for us to get the video back, but it's probably looked for next week, early next week. We'll try to get those posted to co-talk. Okay. The next comment is from Bob Yandle and the comment reads the inter-agency advisory committee is a good idea. We can recommend by region who could be on it. And we could even work with NIHC, which is already represented by the region.

Okay. The next comment we have is from Martin Montgomery, executive director of the Washoe Housing authority and Gardnerville, Nevada. And the comment reads, I know that the pandemic has changed many ways of communication. However, I think in person consultation is beneficial because there is more of an opportunity to voice our opinion, suggestions, and thoughts. Is there any idea of when in person consultations may resume?

Heidi Frechette:

Neil, I'll jump in here. We, we do not have a definitive date. Of course, that's something that we are all working towards being respectful of people's safety and health, and of the tribal communities that we would be visiting, and respectful of what they have in place, as far as closing their communities and things like that. But it is something we're working towards, we don't have a date yet, but we will be sure that we share far and wide when we're able to come back out into Indian country and visit folks and consult with them in person.

Moderator:

Okay. The next comment is from Lindsay Watchman and the comment reads:

The visits are valuable, on paper is one thing, but seeing the conditions on some reservations, with your own eyes will make a bigger impact.

Okay. The next comment we have, the next comment we have is from Marcus Luke, and the comment reads:

Not only underfunded tribes, but in rural areas too, specifically battling Methamphetamines in Eastern Oregon. We are the Confederated tribes of the Matilda Indian reservation in Pendleton, Oregon, but we have a meth problem and spend our annual grant battling and grants that we have to compete is four is not guaranteed. We don't have the same resources as urban tribes where areas, when we remediate them later on. We have to pay higher insurance, increased crime reports, along with more evictions. We don't have fiber optics in rural areas for safety cameras that are needed to. Meanwhile, our waiting list grows as operations and maintenance is the same as inflation grows. Understand that there are opportunities in Indian country for innovation, pilot programs and new partnerships with HUD support, we are ready to be the

solution. Tribes should be treated as the experts for their communities. Recognize that...

Oh, sorry, one second. Okay.

I recognize that each tribe will have different circumstances needs, and solutions, as for the American rescue plan. We urge flexibility for stated reasons.

Heidi Frechette: Great, thank you, Marcus, for your comment, there is a lot of flexibility within Indian housing programs. We are aware of the Methamphetamine challenges and impacts in Indian country. And we actually held a "Convening Around Meth", in Indian country. I think last February, it was right before everything was shut down in Denver, and brought tribes from all over the country, as well as experts. And we're hoping that we can continue to do those kinds of convenings in the future. I think most folks walked away with a lot of useful tools, contexts, and also best practices. So thank you for highlighting that.

Moderator: Next comment is from Jody Perez, executive director of the housing authority, and she just writes: I concur with comments provided.

Heidi Frechette: Great. Thank you.

Moderator: Okay. It looks like we have another comment here from Joseph Rodriguez. And Joseph's comment reads:

Many tribes may need TA resources to assist them in preparing meaningful government to government consultation. Additionally, smaller grouping of tribal consultations participants.

Heidi Frechette: Great. Thank you. That's helpful. As we look at the TA resources available, I just want to pause for a minute to see if there's anyone on the phone waiting before we continue reading the chat comments.

Moderator: I did just get one here on the phone. Your line has been unmuted please go ahead.

Jody Perez: Hi, this is Jody Perez. I just wanted to clarify that the chat was about 25 minutes ago or so it was when the president from one of the tribes I believe in South Dakota was speaking. And I agreed with his comments, but since then there've been comments I haven't agreed with like the the formula reallocation for NAHASDA. I don't think there should be 50% split among all the tribes. There's over a hundred tribes that get the minimum funding because they are so small. I understand they have the same needs, but the volume per capita is less than the larger tribes. So I just wanted to clarify, I didn't agree with all of them, but about 25 minutes ago.

I guess, while I'm on the line, I could just extend a welcome to secretary Fudge. And I really look forward to working with you guys. Heidi has really stepped up the communication with the tribes. I'm very grateful for the relationship that we have and are continuing to build on. I love our area, office, ONAP, Randy, and his crew. They are always there for us. Yeah, they're great. I feel like we are just blossoming as a partnership, so I really hope the other departments and the government can follow your lead and your example on communication with the beneficiaries. So thank you very much.

Heidi Frechette: Great. Thank you so much. Thank you.

Do we have anyone else on the phone?

Moderator: I just get one other caller here? Oh, it looks like they just lowered their hand. No other, no other comments at this time.

Heidi Frechette: Okay, great. Can we I'll do you want to continuing the check comments? And if we get another call, if you could just let us know.

Moderator: Perfect. Yep. The next comment comes from Harlan Mounts and the comment reads. Good morning, Secretary Fudge. Congratulations on your confirmation as HUD secretary and good morning to the other panelists.

I see we do have another comment here from Elizabeth Elliot and the comment reads: We are at Northern Circle Indian Housing Authority, and would like to see accurate tribal consultation performed in California. We have so many nuances and are often ignored when it comes to consultation. Most agencies send a letter to a tribe addressed to an old staff member or tribal council member and count that as consultation. We would like to see... Sorry, one second, we would like to see... I apologize.

I did get one phone question if you'd like to take it, please. Thank you. Carolyn has been unmuted, please. Go ahead.

Tim Davis: Okay. My name's Tim Davis at Double-Click tribe chairman, and I'd just like to take this opportunity to thank all those on this call. It's been as good listening to people, citing the constitution and talking about the Algonquin Word Caucus. That's Algonquin word, that's what the democratic congressional caucus meeting without a zoom within people. That was so great to have that. And I know the secretary Fudge confirmed and that's really fantastic, as you know, the second black woman, the history of the HUDs, and then she's her predecessor was also, man of color. And I think he was the secretary of HUD for four years, the only one of Trump's cabinet that lasted four years. And in that, but we invited him to Montana. He did come, he went to SKC or some of those directors talked. We got two tickets from our tribe to go see him and we couldn't. The line was kind of tough. So our two ticket holders couldn't make it, our executive director, one of our council representatives.

But anyway, from a standpoint of a congratulating Ms. Fudge, her work on the Ag Committee, over the years in Congress, has been so beneficial for our hungry people, leaving hunger. And on our reservations, we heard about you'll be coming to see us firsthand, and that would be good because back in the eighties, Secretary Watt came out here and made a comment about doing reservations, and having the highest poverty, the highest unemployment, the highest rate of venereal diseases. And I remember NCI meeting about what they should have you do back then in the eighties. But anyway, I know the Patricia Roberts Harris was under Jimmy Carter, and as Secretary of Health and Human Services, the first HHS Secretary, and also be the first woman to lead the Housing Urban Development.

But as we, as Indian people received Housing Urban Development legislation back in 1863. I think their first project was built in Pine Ridge. The second one was built in Blackfeet. And then, then the housing authority came into existence after it was [inaudible 01:48:03] All through the years, the infrastructure, what you're hearing a lot of talk about now with HUD being at the design table would only design projects on the property line, and that stopped. So the streets couldn't continue that road that was going around there, the water and the sewer, the electrical stuff stopped right at that housing boundary line. And then it increased the cost on the next project because that's a remobilized off stuff.

So in your planning, how's it an urban development is making sure that those plans allow for future expansion and put those lines in now that they're done, the street could be built, that could be done. Gribbin got everybody in place and things for parks and recreation. There's all the projects on our reservation. There's no development of any recreational areas. And you look back into the high-rises, the urban areas in the cities where they built high rises and the kids have no playground. And what was the parents doing on the sixth floor, screen window, looking out for kids. We're that kind of thing. And all this stuff we've experienced in America with unemployment, drugs we heard about, that poverty and then crime. That is that as a mother of, you know, poverty.

So we just need a HUD to really, in this consultation, really hear us because a lot of times, our voices in the region, maybe in Denver or wherever, maybe the American housing costs on DC or wherever it might be, it, it's heard, but then it's the old saying, everything is said, nothing's done. That's everything said nothing's done. That's usually how it works.

But anyway, just so HUD relies on our consultation, we need these, go back to the early eight one project where I had sweat equity. People could actually build on their homes and that would take off some of the cost of building a house that would credit their retirement of the purchaser in the house. Section one 84, we heard was very necessary. And even like projects, rent-to-own, kind of like all the tax credits work and then leveraging all of our funds with this infrastructure bill. We heard about the 750 million, that's additional to what the hard the funds were, then IHS, we talked with them, they got funds T Vic, the

interior, but, leveraging and being able to go to Wall Street, read, and it's really the wall around wall street for Indians, couldn't get through that wall.

Anyway, just coming out to visit our reservations and really taking a look like you see, like we said, your predecessor came to Montana. And like as mentioned, we had the second housing project in the United States for Indians and Pine Ridge was first. But anyway, we just would like to invite you out to our place in the summertime, because wintertime can be kind of rough. But if you do happen to travel, I know you can't go to all fluff under 74, recognized tribes in America in four years. But, you can always check, the big ones that we're one of the 10th largest tribes in America, no Navajo's down there in the South, they're large, but in Alaska, you get a lot there.

But anyway, as our people will experience with HUD over the years was a, this is what you're going to get, this is what it's going to be kind of seeing, rather than, how could we make it better for all we serve? It's like I said, there's no play grounds that were constructed, no recreation for water parks, pools, all that's Urban development, Housing, and urban development. We get the houses, but we don't get to urban development. And we're rural. We're very rural. We're a long way from Kmart and Walmart and those guys, we have to drive two hours to them, big box stores, but just do, if you can, Secretary Fudge, would you comes up Blackfeet and Brian and Lockton will feed you some buffalo meat. We have buffalo here. You know, it'd be nice to kind of, we have some great mounds, our tribes, the one at Glacier National Park and Yellowstone National Park. So we have two parks in our, our back pocket that we gave to the United States.

So anyway, just inviting you out and hopefully, this consultation continue on hearing. We really appreciate all the other people. I run into great prayers going forward. Like I say, with our infrastructure, our project prioritization, and then having a consultation, being really meaningful and not meaningless. Like a lot of times it's been, that opportunity to get to the White House that President Garcia talked about. And that was so critical during the Obama-Biden. Now, the Biden-Harris. And hopefully we can get back in there to, how have the talks that we used to have, and that helps us, our people advance as Americans to live that dream, the pursuit of happiness. And we could do that together, and we just thank you for this opportunity to talk with you guys. And I like that strategy of including OMB on there, because they're having a consultation call as well, so that it just, isn't a check the box and move on to the next stride kind of thing, but really meaningful and improve our systems and our raise our standards of living.

And that's the mission of HUD. And we went to fulfill that mission. We have four years to deal with you, and hopefully by eight, but again, I know they were criticizing, I think the people that was that new for the position about having not served on the house committee, on housing and a bank and what not, but your work on their culture committee to assure that 20% of our children avoid bed hungry anymore. Great work there, great, excellent work. And we feel that as

the Secretary of HUD, you'll do good for us because your predecessor there, he was the best brain surgeon I've ever served in HUD. So you can do it and we know you can, and we're going to work with you and make it better. So, and Heidi, thank you for all you do as the assistant there.

And the next time we're out there not country. When we get to get the offense comes down to capital and we get to visit you guys, let's come and have a cup of coffee with us or something we'd really, that would be a good way. Indian people like to do that from a perspective of how we were. We saved a Pilgrim from starving 1620, that's where there was Thanksgiving. So we look forward to the meetings. There'll be more, but again, thank you for this initial consultation with board, with the more that come. God bless everybody. Thank you very much.

Heidi Frechette: Well, thank you so much. And thank you for your engagement. I know you're a very busy chairman and I appreciate your input and also your discussion of some of the programs and how it makes them work with leveraging, as well as the invitation to visit. So can't wait to travel soon, hopefully. So thank you so much for that. We are getting towards the end. I don't know if there's anyone on the phone yet. Is there anyone in the queue on the phone?

Moderator: Not at this time.

Heidi Frechette: Okay, great. Well, I just want to say thank you to everyone. We had another great session today. I want to say thank you so much to Madam Secretary, Secretary Fudge for being here today for her engagement, and also for being here for the full time. That is hard when you have a packed schedule, but I know as a priority for Indian country.

So thank you so much to the secretary and thank you to all the tribal leaders. I know you're just as busy and have a lot on your plate, both on the federal level and then your communities. So thank you so much where when, and for your engagement and thoughtful input as well. So, this is not only helpful to HUD to strengthen our policies, but it's important in the programs and the way we serve Indian country day to day, as many of you have pointed out. So please remember, we're still accepting comments, formal feedback through our tribal consultation inbox, and that is posted on our website. We also have a deadline of April 5th so that we can put together that action plans. And finally, I want to remind everyone that tomorrow HUD's office of community planning and development will hold the consultation session from one to 2:30 PM Eastern, to get input on how to best ensure that tribes can participate in the continuum of care program.

So just let you know all information and call and details on the sessions can be found at snaps co-talk website, as well as did your tribal leader. We've sent you a quick reminder, March 31st, we will be having another consultation session from 1 to 3:00 PM, the \$280 million allocations for the American rescue plan. It would be in community development block grant program. So hoping to get

your feedback on that as well, either written or in person that the virtual session. And thank you so much. I know many federal agencies are doing this and we can probably compare it to the excitement or schedule of March Madness right now, that basketball tournament, but really, really appreciate your input. And thanks again. Thanks for your continued commitment and engagement in Indian housing. Please take care, stay safe. It was great to see and hear from many of you and look forward to seeing you and talking to you again when, and thank you.

Moderator: That concludes our conference. Thank you for using event services. You may now disconnect.