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NAHASDA REAUTHORIZATION ACT OF 2008

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NEGOTIATED RULEMAKING SESSION  
VOLUME II of III

May 12, 2010

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

2 (Proceedings convened at 8:22 a.m.)

3 MR. COYLE: Good morning. First off, I notice  
4 we've got a new -- or an addition to the committee here.  
5 Finally got out of Alaska. Steve, you want to introduce  
6 yourself?

7 MR. ANGASAN: Hello. My name is Steve Angasan.  
8 I'm a representative from the King Salmon Tribe in Alaska.

9 MR. COYLE: And he said it was sunshine and warm.

10 MR. ANGASAN: Yes, it was.

11 MR. COYLE: Dr. Kazam, could you give prayer,  
12 please.

13 (Opening prayer.)

14 MR. COYLE: Thank you, Blake. You know, we've  
15 got a lot of people in the gallery here visiting. And I  
16 think it will be a good time for the committee here to  
17 recognize any members of their area that they want to at  
18 this time.

19 MR. JACOBS: I'll be happy to start. Leon  
20 Jacobs. The tribal chairman from the Lumbee Tribe is  
21 here, Dr. Swett -- Purnell Swett. Would you stand?

22 He's been around Indian country for many, many  
23 years working with Indian education, and he was recently  
24 elected as tribal chairman.

25 MR. COYLE: Okay. Any other elected leaders from

1 Indian country to chair council members? Would you stand  
2 and introduce yourselves, please.

3 MR. CASPER: I guess I'm the only one. I am  
4 Brian Casper (inaudible).

5 MR. COYLE: Okay. Welcome.

6 MR. JACOBS: Yes, sir.

7 UNIDENTIFIED SPEAKER: Good morning. My name is  
8 Art (inaudible), New Mexico.

9 MR. JACOBS: Thank you. Welcome.

10 MR. COYLE: Anybody else here in the committee  
11 have people back there they can recognize? Do we have a  
12 microphone we can take back there? I think we need to get  
13 these people to stand up and acknowledge that they are  
14 here and interested in what we're doing.

15 While we're waiting for that to come out -- do  
16 you have a hand mike? Start over on the left-hand side,  
17 and we'll just go right down the line and introduce  
18 yourselves and your tribe.

19 (Audience introductions.)

20 MR. COYLE: Thank you, everybody. And a lot of  
21 these people in the back here have been working with us on  
22 the committees through the day. And thank you again.  
23 Alaska, I'm sorry that you came down here expecting good  
24 weather.

25 We've got the Drafting Committee. Did -- David,

1 did you get anything accomplished?

2 MR. HEISTERKAMP: No. The bar was nice. No, I'm  
3 sorry. We do have a new version of the matrix -- we've  
4 got a copy up on the screen; I think hard copies are  
5 available as well -- with the changes that happened  
6 yesterday, and there were some additions.

7 And I might ask Jad to explain -- there was one  
8 late edition of what I think is, hopefully, a low-hanging  
9 piece of fruit that we found laying around for the  
10 committee's consideration.

11 MR. ATALLAH: Yes. Jad Atallah, attorney for  
12 HUD. While reviewing the chart last night, we realized  
13 that there was one item that was left out of the chart.  
14 It stems from a 1998 amendment to NAHASDA. If you look  
15 at -- in your rainbow version of NAHASDA, section  
16 201(b)(6).

17 MR. COYLE: What item is that?

18 MR. ATALLAH: It's not on the chart. It's not an  
19 item, but it should have been. We left it out by mistake.  
20 If you look up on the screen, section 201(b)(6). On the  
21 bottom there's some red writing, that's the 1998  
22 amendment.

23 The statute was amended to -- it used to exempt,  
24 just generally, Indian tribes. It used to just say Indian  
25 tribes were exempt from Title VI and Title VIII, which is

1 the Fair Housing Act. The statute was subsequently amended  
2 to exempt federally recognized tribes and their TDHEs,  
3 their tribally designated housing entities.

4 There is a regulation at 24 CFR 1000.12 that  
5 still reflects the old language. What we're proposing is  
6 to add this item to the chart. It should be a low-hanging  
7 fruit, and we can conform the regulations very easily.  
8 But we just want to make sure the regulations accurately  
9 reflect the statute. This item was left out, so it's  
10 probably best if we add it to the chart -- to add it to  
11 the end of the chart, not to mess up the numbering so not  
12 to create any confusion. But that's what we're proposing.

13 And if the committee is fine with it, we can  
14 draft up some language in the Drafting Committee to  
15 conform that reg or, alternatively, send it to the work  
16 group. But I think it should be a very technical change  
17 in the regulations.

18 MR. COYLE: Do we have consensus on putting it on  
19 the list? Go ahead.

20 MR. TELLER: Leonard Teller from Navajo. I move  
21 the committee to put this on their matrix for consensus.

22 MR. COYLE: Is that a consensus? Okay. Drafting  
23 Committee will work with you, and maybe we can get it  
24 thrown in for this afternoon. Go ahead, Jason.

25 MR. ADAMS: Was it added to this new version?

1 MR. ATALLAH: It was not because (inaudible).

2 MR. ADAMS: Okay.

3 MR. COYLE: They wanted to bring consensus first  
4 before they put it on, so it's not on this chart. Are any  
5 of the working committees available to bring out anything  
6 else this morning? We -- yes, go ahead, Blake.

7 MR. KAZAMA: Yeah, we have some language -- I  
8 understand Dave will present on it -- regarding the loan  
9 guarantee language. So if we could put that on the board,  
10 and Dave can speak to that.

11 MR. COYLE: Thank you, Blake.

12 MR. HEISTERKAMP: Let's see. You should -- it  
13 should be 410 -- 1000.410. Okay. If we can scroll down.  
14 This was just a conforming amendment -- if you'd bring the  
15 new language up on the screen -- that -- that -- for the  
16 amount of loan guarantees, and this is subpart B for loan  
17 guarantees, to make sure that the regulation matches the  
18 statute.

19 So we're proposing that a new subpart E be added  
20 to this regulation. It just specifies that: Any  
21 guarantee made under Title VI of NAHASDA shall guarantee  
22 repayment of 95 percent of the unpaid principal and  
23 interest due on the notes or other obligations guaranteed.

24 And Tom Wright, the head of the Loan Guarantee  
25 Office, is sitting in our work group.

1 MR. KAZAMA: Number 87?

2 MR. HEISTERKAMP: I'm sorry. Say again.

3 MR. KAZAMA: For our reference, this is 87?

4 MR. HEISTERKAMP: Yeah, this is issue 87 on the  
5 list. It was included on the list of issues yesterday.  
6 It's 87 on the matrix. And it's just to make sure that  
7 the regulations conform with the statutory amendments as  
8 regards to the actual amount of the loan (B) guarantee  
9 under Title VI.

10 MR. COYLE: Thank you, Dave. Do we have anybody  
11 proclaiming consensus on this? Alrighty, I will. Section  
12 602, 2004, PL 108-393, is there a consensus on this  
13 change? One more down, number 87. Carol.

14 MS. GORE: Work Group 2 also has, I think, some  
15 work coming out of the Drafting Committee this morning.  
16 The first one is issue number 32 on your list, in  
17 reference to tribally designated -- I'm sorry, tribal  
18 prevailing wage rates. And I'll turn it over to the  
19 Drafting Committee. I don't know who's going to present.  
20 And there's one more after they're through. Thanks.

21 MR. COYLE: Who's going to present this? The  
22 gentleman who's helping Marvin or keeping him under  
23 control is doing a good job. Thank you.

24 MR. LAYMAN: Good morning, Mr. Chairman, Members  
25 of the Committee. My name is Gabe Layman. I'm with the

1 Cook Inlet Housing Authority and a member of the Drafting  
2 Committee.

3 We're going to begin by looking at Issue Number  
4 32, and the cross-reference to the statute is 104(b)(3).  
5 This is one of those number 2 issues that is clarifying  
6 language. And you'll see up on the right-hand screen --  
7 scroll down a bit. A little further. This is the  
8 language that we're proposing to add in order to clarify  
9 what we see on the left-hand screen, which is the new  
10 statutory issue from 104(b)(3).

11 Essentially what you see is that the proposed  
12 regulatory language mirrors the statutory language to a  
13 great extent, with the exception that we have further  
14 clarified what the term "covered by" means, and we've also  
15 specified that -- that this section is applicable to any  
16 contract or agreement for assistance, sale, or lease,  
17 including construction and development contracts. I'd be  
18 happy to take any questions.

19 MS. GORE: To the chairs, we move for consensus  
20 on this item.

21 MR. COYLE: Judy?

22 MS. MARASCO: I think I have an issue with  
23 adopting regulations that infringe on self-determination  
24 for tribes. Could you read to me what the statute says?  
25 I can't see with or without my glasses up there.



1 MR. LAYMAN: Sure. The statute actually promotes  
2 tribal self-determination.

3 MS. MARASCO: But why do we have to categorize  
4 it? Why can't the statute speak for itself?

5 MR. LAYMAN: The only issue we have here is we're  
6 clarifying an existing regulation that doesn't include any  
7 cross-references. So for any folks who are simply reading  
8 the regulations, they might gloss over this provision that  
9 allows the application of tribal wage rates.

10 It additionally provides some clarification as to  
11 what a term that was fairly vague from the statute --  
12 "covered by" -- means, and it also specifies that the  
13 application of tribal wage rates applies not only to any  
14 contract or agreement for assistance, sale, or lease, it  
15 specifically says that includes development and  
16 construction.

17 The statute, you'll see it on the left-hand side,  
18 says: Application of Tribal Laws. Paragraph (1) shall  
19 not apply to any contract or agreement for assistance,  
20 sale, or lease pursuant to this Act, if such a contract or  
21 agreement is otherwise covered by one or more laws or  
22 regulations adopted by an Indian tribe that requires the  
23 payment of not less than prevailing wages, as determined  
24 by the Indian tribe.

25 And I'll go ahead and read the proposed

1 regulatory language. It says: Paragraphs (a) through (d)  
2 of this section shall not apply to any contract or  
3 agreement for assistance, sale, or lease pursuant to  
4 NAHASDA, including construction and development contracts,  
5 if such contract or agreement is otherwise covered by one  
6 or more laws or regulations adopted by an Indian tribe  
7 that requires the payment of not less than prevailing  
8 wages, as determined by the Indian tribe. The term  
9 "covered by" means that the contract or agreement is  
10 governed by or otherwise subject to the provisions of such  
11 laws or regulations.

12 MR. COYLE: You okay with that, Judy?

13 MS. MARASCO: I'm not comfortable with it, but I  
14 don't know why.

15 MR. COYLE: The main gist of this, Carol, is to  
16 simplify that law, isn't it; I mean, to simplify it for  
17 everybody to understand?

18 MS. GORE: Well, I think we need to remember that  
19 the point of the regulation is just to make sure those  
20 tribes that are only reading the regulations and not  
21 referring back to statutes understand that they have this  
22 opportunity. I see this as a good thing for tribes. It's  
23 available to them under the statute. It should be  
24 clearly -- clear to them under the regulation that it's  
25 also available to them.

1           So I think that's the intent. If there's a way  
2 to simplify the language, then we can always, as a  
3 committee, refer it back to the Drafting Committee. I  
4 think that's another action we could take, Judith, if that  
5 would help.

6           MR. LAYMAN: And if I may, I'm a little hesitant  
7 to recommend to the full committee that we try to simplify  
8 this a whole lot, because it is pretty important that this  
9 regulation contains the language within the statute,  
10 because the regulation goes a step further and clarifies,  
11 to the benefit of the tribes, that this provision applies  
12 also to construction and development contracts.

13           So this essentially clarifies that -- that the  
14 tribes have this opportunity to apply tribal law in lieu  
15 of federally imposed labor rates with respect to  
16 construction and development as well as these other types  
17 of contracts.

18           MR. COYLE: Karin, do you have a comment?

19           MS. FOSTER: I have a question. I wonder if you  
20 can explain for us why we need to -- why we need the --  
21 the last sentence which puts us into "governed by" instead  
22 of "covered by."

23           I realize it's a more specific term. But as I'm  
24 trying to read it critically, I'm seeing -- you know, if  
25 you had a -- a regulation that covered the -- covered the

1 ground referred to, that would be one thing.

2 Sometimes we have issues of jurisdiction, and  
3 "governed by" might actually be a tighter standard. So I  
4 just would like some help on that one.

5 MR. GOODMAN: I'll take responsibility for that  
6 one because I added that to Gabe's draft. This is Ed  
7 Goodman.

8 As I was reading the statute and trying to figure  
9 out what "covered by" meant, I didn't think that it could  
10 be a broader reading. It seemed to me it was an ambiguous  
11 term that would be helpful to clarify and define in the  
12 statute. So that's why that -- that particular last  
13 sentence was added, so that -- you know, I don't know what  
14 the term "covered by" means from a legal perspective. I  
15 do know what "governed by" or "otherwise subject to"  
16 means.

17 And if that helps to clarify and define an  
18 ambiguous term, that's certainly within the ambit of  
19 drafting a regulation. If it -- Jad and I were just  
20 discussing that last sentence. And if the concern that  
21 Judith has raised is with the term "such laws and  
22 regulations" at the end is not clear, we could amend it by  
23 adding "the provisions of such tribal laws or  
24 regulations," because that's -- that's the intent. The  
25 term "laws and regulations" in that last sentence means to

1 track and refer to the tribal laws and regulations in the  
2 previous sentence.

3 But if it's not clear, you could add the term  
4 "tribal" before "laws and regulations" to make that clear.

5 MR. COYLE: Thank you, Ed. Karin.

6 MS. FOSTER: I guess my preference would be not  
7 to have the last sentence only just because I understand  
8 that "covered by" may not be as specific. But if I were  
9 trying to use this section and were being challenged on  
10 whether, you know, it -- the -- whether there were  
11 jurisdictional issues that it actually governed in that  
12 particular situation, I'd rather be able to rely on that  
13 it covers the ground and that it says something about it  
14 in the tribal law.

15 That, to me, seems like it might be easier to  
16 work with, you know, from an administrative perspective.  
17 So I think it -- I would rather not have the last sentence  
18 in the -- in the section. But otherwise I think it's  
19 fine.

20 MR. COYLE: We have a lady in the audience. You  
21 want to stand and give your name, please.

22 MS. DIFUNTORUM: Hi. Sami Difuntorum. I have a  
23 question, and you may have answered this already. But my  
24 understanding of the Davis-Bacon exemption is that it  
25 applies to like, for instance, force account work that

1     you're doing at the Housing Authority. And the regulation  
2     doesn't seem to reflect that. It seems to be limited to  
3     just contracts.

4             MR. COYLE: Do you have a comment on that?

5             MR. LAYMAN: Well, it seems to me, reading this,  
6     that the language actually indicates that -- the  
7     applicability here is any agreement for assistance, sale  
8     or lease. And it seems to me this would be an agreement  
9     for assistance and, therefore, Davis-Bacon would be  
10    trumped with respect to force account labor as well if you  
11    were applying tribal law under this provision.

12            MR. COYLE: Any other questions or statements?  
13    Do you want to call for a consensus again, Carol?

14            MS. GORE: To the chairs, I did call for a  
15    consensus. I'm willing to withdraw that. I think Karin  
16    asked for -- asked the committee to delete the last  
17    sentence. I think that would be the first action item of  
18    this committee. So, Karin, if you want to call for action  
19    on that sentence, I think we could do that first.

20            MS. FOSTER: I'd like to -- excuse me for  
21    clearing my throat in your ear. I would like to suggest  
22    that we remove the last sentence from the proposal.

23            MR. COYLE: Is there a consensus on this? Any  
24    consensus on deleting the last sentence? Any objections?  
25    We're deleting the last sentence. Now, do we -- Jack.

1 MR. SAWYERS: I don't think it's necessary.

2 MR. COYLE: Alrighty. Now do we have a  
3 consensus? Do we have a consensus on the changes? Any  
4 objections? Go ahead.

5 MS. MARASCO: I have a quick question of HUD.  
6 Does the term "assistance" to you provoke force account in  
7 your -- in your definition? Yes. Oh.

8 Does the term "assistance" for you define force  
9 account, that this would cover force account as the way it  
10 was explained?

11 UNIDENTIFIED SPEAKER: We believe so. Yeah.

12 MR. COYLE: Thank you. Any other questions?  
13 Okay. Now do we have a consensus? We've already got the  
14 consensus on this. And number 32, PL 106-568 added to  
15 104(b)(3). Is that a consensus? We have a consensus. No  
16 objections. Thank you.

17 MS. GORE: I have one more item that was sent to  
18 the committee, and I'd like to tee this up a little bit  
19 differently, if I could. When the work groups were first  
20 formed, we were asked to look at the low-hanging fruit and  
21 those items that required simple technical changes.

22 The next items, which are thirty -- I want to get  
23 the numbers right because I've not been doing that  
24 correctly -- 35, 36 and 37, they all refer to negotiated  
25 rulemaking.

1           The first is a recommendation of the work group  
2   was to consider whether or not it was rated properly as a  
3   2. We did believe it was a 2. We recommended it to the  
4   Drafting Committee for those simple technical changes.  
5   However, we have a member of the work group, after we sent  
6   it on as consensus out of the work group, that believes  
7   there's an opportunity to have discussions beyond those  
8   technical amendments, and so I have a commitment to that  
9   work group to bring that discussion here.

10           I'm expecting some debate, so I'm not going to be  
11   calling for a consensus immediately. But what we're  
12   proposing are those simple technical amendments that were  
13   assigned to the committee. And that was our limited  
14   review. Thank you. I don't know -- Gabe, are you  
15   presenting? Thank you.

16           MR. COYLE: Okay. That was sections 35, 36 and  
17   37?

18           MS. GORE: Correct.

19           MR. COYLE: Okay. Do you have comment on the  
20   drafting?

21           MR. LAYMAN: Yes, sir. Mr. Chairman and Members  
22   of the Committee, if you'll take a quick look at the  
23   statutes, you'll see the initial portions of the statute,  
24   the relevant portions, up on the left-hand side. We're  
25   looking at section 106(b)(2)(B), (C) and (D) of the



1 statutes. And the one thing that all of these amendments  
2 have in common is that they deal with the negotiated  
3 rulemaking process.

4 Now, there's currently nothing within the  
5 regulations that reflects any of the amendments that deal  
6 with the negotiated rulemaking process. There's no  
7 regulation that deals with NegReg at all, in fact. So  
8 what the work group decided to do was to pass those  
9 various simple technical changes off to the Drafting  
10 Committee, and the Drafting Committee has done no more  
11 than take those technical changes and lay them out in  
12 regulation.

13 We haven't looked at adding to or modifying the  
14 process in any way. We've just taken what the statute  
15 says and attempted to clarify it and make it more crisp.  
16 And that's what you see on the right-hand side under a new  
17 proposed regulation, which would be 24 CFR 1000.7. So if  
18 it will be helpful, I'd be happy to read that. This is  
19 the only copy we have at the moment, so we'll need to  
20 scroll down here.

21 But it says: Section 1000.7. What is the  
22 procedure for issuing regulations under NAHASDA?

23 (a) All regulations required under NAHASDA,  
24 including any regulations that may be required pursuant to  
25 amendments to NAHASDA, shall be issued according to a

1 negotiated rulemaking procedure under subchapter III of  
2 chapter 5 of title 5, United States Code.

3 (b) Not later than 90 days after the date of  
4 enactment of any Act to reauthorize NAHASDA, HUD shall  
5 initiate a negotiated rulemaking by publishing in the  
6 Federal Register a notice describing the issues subject to  
7 the negotiated rulemaking.

8 (c) Not later than 180 days after the date of  
9 enactment of any Act to reauthorize NAHASDA, HUD shall  
10 establish a negotiated rulemaking committee for the  
11 development of proposed regulations that may be required  
12 pursuant to the amendments to NAHASDA.

13 (d) Not later than 2 years after the date of  
14 enactment of any Act to reauthorize NAHASDA, HUD shall  
15 promulgate regulations pursuant to Section 106(b)(2) of  
16 NAHASDA and the Negotiated Rulemaking Act (subchapter III  
17 of chapter 5 of title 5, United States Code).

18 (e) In establishing the negotiated rulemaking  
19 committee, HUD shall adopt the procedures under the  
20 Negotiated Rulemaking Act to the unique  
21 government-to-government relationship between the Indian  
22 tribes and the United States and shall ensure that the  
23 membership of the committee includes only representatives  
24 of the Federal Government and of geographically diverse  
25 small, medium, and large Indian tribes. HUD shall not

1 preclude the participation of tribally designated housing  
2 entities should tribes elect to be represented by such  
3 entities.

4 (f) Not less frequently than once every 7 years,  
5 the Secretary, in consultation with Indian tribes, shall  
6 review the regulations promulgated pursuant to Section 106  
7 of NAHASDA that are in effect on the date in which the  
8 review is conducted.

9 Now, I'll reiterate here that this is a baseline  
10 and really is intended to spark discussion by the  
11 Negotiated Rulemaking Committee. And I'd also remind you  
12 that this really takes what's already existing in the  
13 statute and tries to lay it out in a way that makes a  
14 little bit more logical sense.

15 So with that, I'll be happy to entertain  
16 questions, if there are any, or otherwise let the  
17 committee get on with debate.

18 MR. COYLE: Jack.

19 MR. SAWYERS: Turn it over to Jim Wagenlander.

20 MR. WAGENLANDER: This is Jim Wagenlander. What  
21 we have requested is that this -- pardon my voice. I'm  
22 still fighting a cold.

23 What we have requested is that this matter be  
24 returned to the work group -- Work Group A to have further  
25 discussion. You are touching the issue of negotiated

1 rulemaking. And though there are some skeletal  
2 requirements set out in the statute, this is an  
3 opportunity for both HUD and for the tribes to put some  
4 more meat on the bone and set out some greater  
5 requirements in regards to the negotiated rulemaking. For  
6 example, the issues of whether there could be an ongoing  
7 Negotiated Rulemaking Committee, whether there should be  
8 greater requirements in regards to revisiting regulations  
9 rather than only addressing changes that are made in the  
10 statute.

11 It is for these reasons that the suggestion has  
12 been made by members of your committee and by us -- some  
13 of us members in the work group that this entire matter be  
14 returned for further discussion at the work group so it  
15 can be returned with maybe some options for the full  
16 Negotiated Rulemaking Committee to consider.

17 It is -- there wasn't that full discussion a  
18 session ago when this matter was reviewed. It's not meant  
19 to be a criticism of these changes. These changes are  
20 probably appropriate themselves. It's just that there is  
21 an opportunity -- a unique opportunity for HUD and the  
22 tribes to revisit the entire issue of negotiated  
23 rulemaking and take the lessons that have been learned  
24 over the last three sessions, the three Negotiated  
25 Rulemaking Committees, and maybe come up with an adjusted

1 structure as to when these sessions will be held and what  
2 topics will be addressed.

3 So the request is made that this matter be  
4 returned to the work group.

5 MR. COYLE: Jack.

6 MR. SAWYERS: What he said. I suggest we take it  
7 back to the work groups.

8 MR. COYLE: Are you asking for a consensus on  
9 this, Jack?

10 MR. SAWYERS: Yes, I am.

11 MR. COYLE: Okay. Carol.

12 MS. GORE: May I ask, as chair of that work  
13 group, that the proposers of that bring some specific  
14 ideas, maybe even language, to the work group so that we  
15 can be more efficient. This is new conversation for the  
16 work group, and it would be most helpful if your call for  
17 consensus on that could also be a volunteer to bring some  
18 language. That would be really helpful, Jack. Thank you.

19 MR. SAWYERS: Thank you. Yes.

20 MR. COYLE: Okay. Let's have a -- go ahead,  
21 Blake.

22 MR. KAZAMA: I guess I have a question for the  
23 drafters. Does the regulation mirror the statute? I'm  
24 concerned that we go beyond the statute. So that --  
25 that's all I'm concerned about that. If we bring it back,

1     what -- what kind of -- what will the product look like,  
2     and will it entail more than the statute?

3             MR. LAYMAN: That's an excellent question. And  
4     the answer is that it goes slightly beyond the statute in  
5     order to provide some clarification.

6             So there is more to this than just parroting the  
7     regulation -- sorry -- parroting the statute and putting  
8     it into regulatory form.

9             MR. COYLE: Any other comments? Call for a  
10    consensus --

11            MS. MARASCO: To take it back.

12            MR. COYLE: -- to take it back to the committee.  
13    Any objections? Okay. It's going back. And, Carol,  
14    you're A, aren't you?

15            MS. GORE: Sorry to bring controversy right off  
16    the bat, you know. Way to start Wednesday.

17            MR. COYLE: Thank you. That's going back to  
18    committee. Do you have anything else, Carol? Any  
19    other --

20            MS. GORE: No, I do not. Thank you.

21            MR. COYLE: Anybody else have any low-hanging?  
22    Go ahead, Jason.

23            MR. ADAMS: I was just wondering as far as  
24    process. There was an issue brought this morning that was  
25    mentioned could be possible low-hanging fruit and was

1 going to be added to the list.

2 Are we going to see -- is that going to be  
3 proposed item number 98 and the specific cites for the  
4 statute and regulation mentioned, and at what point are we  
5 going to address that issue?

6 MR. COYLE: Can HUD have that available to the  
7 committee today? Okay. It will go back to the Drafting  
8 Committee, and that will be number 98 added. And we have  
9 a new one. And any argument against this? All right.  
10 Anything else? Jason, does your group have anything?  
11 Marvin, vice chair/co-chair, do you have anything? At  
12 this time then I would say we break up into committees, go  
13 back to -- I mean into work committees and get busy. Any  
14 questions? We're on a roll. Let's do it.

15 MS. GORE: When do you want us to come back?

16 MR. COYLE: Does everybody have a copy of this  
17 NAHASDA amendments that have not been consensus? This is  
18 the last -- do you need one?

19 MR. HAUGEN: Larry, are we in the same rooms as  
20 we were yesterday?

21 MR. COYLE: Yes, it will be the same rooms.

22 MR. JACOBS: Somebody asked what time.

23 MR. COYLE: Take your break on your own and come  
24 back -- and take your lunch at noon. We won't see you  
25 until this afternoon in here. We'll set up -- we've

1 changed the agenda just a little bit. About 3:00 o'clock  
2 we'll come back in here and have a committee meeting in  
3 here on any problems that you might have in the  
4 committees. Is that a consensus? That's the agenda for  
5 the day. All right. Thank you.

6 (Proceedings recessed 9:05 a.m. for work group sessions.)

7 (Discussion off the record.)

8 (Proceedings adjourned 5:06 p.m.)

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1 C E R T I F I C A T E

2 I, MARGIE R. DAUSTER, Registered Professional  
3 Reporter and Certified Realtime Reporter, certify that the  
4 above proceedings were had; then reduced to typewritten  
5 form, by means of computer-aided transcription.

6 I further certify that I am not related to any  
7 party herein or their counsel and have no interest in the  
8 result of this matter.

9 IN WITNESS WHEREOF, I have hereunto set my hand  
10 and seal.

11

12

13

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Margie R. Dauster

14

Registered Professional Reporter

Certified Realtime Reporter

15

16 My Commission Expires:

January 16, 2011

17

18

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