

with a definable stake in the outcome of a proposed rule. On January 22, 2003 (68 FR 3112), HUD published a third **Federal Register** notice, announcing the list of proposed members for the negotiated rulemaking committee, and requesting additional public comment on the proposed membership.

III. Discussion of Public Comments Received on the January 22, 2003, Notice

The public comment period on the January 22, 2003, notice closed on February 21, 2003. The notice was of interest to Indian country, as demonstrated by the 40 public comments that HUD received on the notice. This section presents a summary of the issues raised by the commenters on the January 22, 2003, notice, and HUD's responses to these issues.

Comment: HUD failed to provide response to public comments on previous notices. Several commenters wrote that HUD had not responded to comments submitted in response to the two earlier **Federal Register** notices.

HUD response. HUD disagrees, and notes that it has made several changes to this negotiated rulemaking process as a result of the comments received on the July 16, 2001, and July 5, 2002, notices. Among other such modifications, HUD expanded the size of the committee from 18 to 24 members, and increased the number of HUD representatives from one to two for a total of 26 committee members. HUD also clarified that the relevant qualifying experience for membership on the committee included experience as a housing practitioner, and extended the time for nominees with incomplete applications to submit the missing information. Further, HUD clarified the meaning of the terms "small," "medium," and "large" tribes in response to commenters requesting such clarification. In addition, HUD sought a second round of nominations in response to concerns that there was insufficient geographic diversity among the original candidates for committee membership.

Comment: The qualifications for membership on the committee were unclear. Several commenters expressed this concern.

HUD response. As discussed in the response to the preceding comments, HUD has clarified and addressed any questions regarding the qualifications for membership on the negotiated rulemaking committee. HUD believes that the qualifications were understood by the vast majority of Indian tribes, as evidenced by the large number of highly qualified candidates that were

nominated for membership on the committee.

Comment: Adequate time must be given to the committee to complete its work. Several commenters made this recommendation.

HUD response. HUD agrees, and is committed to ensuring that the negotiated rulemaking committee is provided with sufficient time to complete the development of a proposed rule.

Comment: Small tribes will need a special allocation of travel funds to attend the negotiated rulemaking committee meetings. Several commenters made this suggestion.

HUD response. HUD is sympathetic to the concerns expressed by these commenters, and notes that travel expenses are an eligible expense under the IHBG Program.

Comment: Comments regarding committee membership. Several commenters wrote that the number of committee members does not adequately represent all tribal interests. Other commenters wrote that the proposed committee membership did not represent an adequate balance of geographically diverse small, medium and large tribes.

HUD response. HUD believes that the final committee membership reflects a balanced representation of all Indian tribes. As noted in a preceding response, HUD increased the number of committee members from 18 to 26 in response to comments received from the tribes. Further, HUD sought a second round of nominations in response to concerns that there was insufficient geographic diversity among the original candidates for committee membership.

Comment: HUD should also establish a list of alternate committee members to represent the interests of members unable to attend committee meetings. Several commenters made this suggestion. The commenters wrote that it is important to select alternates so that a member's particular interests will be represented even if the member is unable to attend a committee meeting.

HUD response. Rather than pre-selecting a team of alternates, HUD has determined that each committee member should have the discretion to decide who will best represent them in their absence. A committee member unable to attend any session should inform the committee in writing as to whom they have selected to represent them.

Comment: Support for proposed committee members and additional nominations for membership. The majority of the additional comments received were letters in support of

particular proposed committee members, along with several letters from interested parties nominating other individuals the commenter felt would better represent particular interests.

HUD response. HUD appreciates the support expressed by the commenters, as well as the additional nominations for committee membership. If a tribe requested that its tribal representative be replaced with a substitute, HUD has honored that request. The number of highly qualified individuals nominated for membership has helped to ensure the success of this negotiated rulemaking process. HUD looks forward to working with its tribal partners in the development of proposed changes to the IHBG Formula.

IV. Final Membership of the Negotiated Rulemaking Committee

This section announces the final list of negotiated rulemaking committee members. In making the selections for membership on the negotiated rulemaking committee, HUD's goal was to establish a committee whose membership reflects a balanced representation of Indian tribes. In addition to the tribal members of the committee, there will be two HUD representatives on the negotiated rulemaking committee. The firm of Carr, Falkner & Swanson will serve as facilitators.

The final list of members of the Indian Housing Block Grant Allocation Formula Negotiated Rulemaking Committee is as follows:

Tribal Members

Eddie L. Tullis, Tribal Chairman, Poarch Band of Creek Indians, Atmore, Alabama.
 Joel M. Frank, Housing Director, Seminole Tribe of Florida, Hollywood, Florida.
 Beasley Denson, Vice Chief, Mississippi Band of Choctaw Indians, Choctaw, Mississippi.
 Bruce K. LaPointe, Development Director, Sault St. Marie Housing Authority, Sault Ste. Marie, Michigan.
 Bill Anoatubby, Governor, The Chickasaw Nation, Ada, Oklahoma.
 Russell Sossamon, Executive Director, Housing Authority of the Choctaw Nation of Oklahoma, Hugo, Oklahoma.
 Robert B. Carlile III, Executive Director, Citizen Potawatomi Nation Housing Authority, Shawnee, Oklahoma.
 Marvin Jones, Executive Director, Community Services, Cherokee Nation, Tahlequah, Oklahoma.
 Jack Sawyers, Executive Director, Utah Paiute Tribal Housing Authority, Cedar City, Utah.
 Robert Gauthier, Executive Director, Salish and Kootenai Housing Authority, Pablo, Montana.