

**NATIVE AMERICAN LENDING STUDY/  
ACTION PLAN REGIONAL REPORT**

**Northeast Region  
Workshop  
December 1-2, 1999  
Mystic, Connecticut**

Sponsored by  
Community Development Financial Institutions Fund  
U.S. Department of Treasury  
And  
United South and Eastern Tribes, Inc.





**THE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND  
DEPARTMENT OF THE TREASURY**

**NATIVE AMERICAN LENDING STUDY/ACTION PLAN**

**OVERVIEW**

This report summarizes the proceedings of the regional workshop conducted by the CDFI Fund in association with regional sponsoring Native organizations. The report also provides highlights of the study, the related CDFI Fund mission, the regional workshop process, affected stakeholders and a profile of participants. The results of the workshop are organized according to the major building blocks of the workshop agenda (also included) and accurately represents the wide range of issues, strategies and proposed actions that were developed through break-out teams of involved participants and stakeholders.

**PURPOSE OF THE STUDY**

The Native American Lending Study/Action Plan was authorized in the CDFI Fund's enabling legislation and requires the Fund to investigate and make recommendations to Congress and the President to eliminate barriers to private sector lending and investment on Native American Reservations and other land held in trust by the United States.

**SCOPE OF REGIONAL REPORT**

This report includes the following major sections:

- Native American Lending Study – An overview of the purposes of the study, a certification of authenticity of the contents and recognition of the co-sponsoring and supporting agencies.
- CDFI Fund Mission and Study Mandate – Summary of the overall CDFI Fund mission and outline of the major requirements established by Congress in Public Law 103-325.
- Workshop Process and Stakeholders – A summary of the process and principles that drive the workshop approach, as well as a listing of the major stakeholders involved in and affected by the proceedings of this report.
- Definitions – Definitions of terms used in defining barriers, impacts, strategies and actions as well as the responsibility and time frame codes used for the action planning step in the workshop process.
- Workshop Participants – A summary of the breakdown of the major types of stakeholders involved in the workshop.



- Workshop Agenda – The agenda for the two day session, noting the emphasis on team break-out sessions and presentations for maximum interaction among stakeholders, sharing of ideas and concerns, and bottom up planning on solutions to overcome identified barriers.
- Issues, Ideas and Remarks – Selected quotes from the court reporter transcript that represent the voices and visions of participants during the presentation segments of the workshop.
- Barriers and Impacts by Teams – A listing of the complete range of barriers and their related impacts developed by teams during the initial break-out sessions.
- Top Five Priority Barriers by Teams – The rank order priority barriers established by each team after reviewing and rating the entire range of barriers and impacts identified in the previous section.
- Priority Barriers and Their Impacts – A summary of the related impacts for each of the rank order priority barriers identified by each of the teams.
- Team Strategies and Actions – The strategies and action plans developed by the teams for each of the top five priority barriers. The action plans include identification of responsible parties and implementation timeframes.
- Participants – A list of workshop participants and their organizations.

## **DISCLAIMER**

The contents of this report represents the recorded results of regional workshop proceedings. Materials in this report are derived from professional court reporter transcripts of proceedings, as well as presentation materials (flipcharts) prepared by workshop participants. As such, it is an authentic summary of participant issues and ideas and does not represent the policy or position of the U.S. Department of the Treasury.

## **CREDITS**

The CDFI Fund expresses its deepest appreciation to the United South and Eastern Tribes, Inc., without whose extensive efforts this regional workshop would not have been possible.

## **WORKSHOP FACILITATOR**

Charles W. Johnson, The Johnson Strategy Group, Inc.



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# INTRODUCTION

## CDFI FUND MISSION

The Community Development Financial Institutions (CDFI) Fund mission is to promote access and local economic growth by directly investing in and supporting community development financial institutions (CDFIs) and expanding financial service organizations' lending, investment, and service within under-served markets.

## NATIVE AMERICAN LENDING STUDY MANDATE

Public Law 103-325-SEPT. 23, 1994 (108 STAT. 2187)

SEC.117.(c) Native American Lending Study –

(1) In General. – The Fund shall conduct a study on lending and investment practices on Indian Reservations and other land held in trust by the United States. Such study shall –

(A) identify barriers to private financing on such lands; and

(B) identify the impact of such barriers on access to capital and credit for Native American populations.

(2) Report. – Not later than 12 months after the date on which the Administrator is appointed, the Fund shall submit a report to the President and the Congress that-

(A) contains the findings of the study conducted under paragraph (1);

(B) recommends any necessary statutory and regulatory changes to existing Federal programs; and

(C) makes policy recommendations for community development financial institutions, insured depository institutions, secondary market institutions and other private sector capital institutions to better serve such populations.

## WORKSHOP PROCESS

To assist in completing the study, the Fund is developing strategies and action plans to address key financing barriers and their impacts. These are being developed through thirteen regional workshops and one round table workshop in Washington, D.C. The regional workshops have the following major features:



1. Invitation to key stakeholders, including Native American organizations and populations, private for-profit and not-for-profit financial institutions, Federal financial regulatory agencies, and State/local agencies involved in the financing and economic development arena.
2. Workshops considered all types of lending and investing.
3. Ninety percent of the workshop involved break-out sessions where participants defined barriers, their impacts, strategies and action plans. Participants were encouraged to define solutions and strategies, not just problems and barriers.
4. Complete recording of results using professional court reporters and flipchart summaries of break-out sessions deliberations.
5. Maximum face-to-face networking among participants resulted in two-way education and built a foundation for future partnerships.
6. Results and relationship development are expected to have a “shelf-life” beyond the workshops and reports to Congress and the White House.

## **STAKEHOLDERS**

- U.S. President
- U.S. Congress
- Tribes and Native American Organizations
- Not-for-Profit Organizations
- Federal Financial Regulatory Agencies
- Federal Agencies
- Financial Institutions
- Secondary Market Organizations
- State Agencies

## **PARTICIPANT STATISTICS**

Of the 38 participants attending the workshop:

- 14 were from Tribes
- 4 were from the private sector
- 20 were from the Federal, public, not-for-profit or educational sectors





## DEFINITIONS OF TERMS

The following definitions were used by workshop participants and apply to this report:

- Barrier** Any impediment to lending and investment practices on Indian Reservations and other land held in trust by the United States. Barriers occur in a variety of forms, including Tribal, private sector, not-for-profit, State, Federal and regulatory settings.
- Impact** The effects on Native American populations on the inability to gain access to credit or capital for many types of financing or lending purpose. Each barrier can have more than one impact.
- Priority** The top five barriers in rank order with 1 being the highest priority.
- Strategy** A well thought out course of action to be taken to remove barriers and minimize their impacts. Strategies are generally longer term, involve a variety of resources and move toward measurable results. Each priority barrier can have more than one strategy.
- Action** The implementation of a strategy, having an outcome, a responsible party and a schedule for completion.
- Responsibility** The party or parties accountable for completing an action. For the purposes of this report, the following responsibility parties are used:
- Federal Agency (SBA, BIA, CDFI Fund, HUD, etc.)
  - Federal Regulatory Agency (Federal Reserve System, Office of Thrift Supervision, FDIC, etc.)
  - Financial Institution (commercial bank, credit unions, savings & loan, etc.)
  - Intertribal Organization (Inter-Tribal Council, Tribal business association, etc.)
  - Other (specify)
  - State Entity (State government, State Financing Authority, etc.)
  - Tribal Entity (Tribal government, Tribal enterprise, etc.)
  - U.S. Congress
  - U.S. President

**Time Frame** Time frames are as follows:

- Short term or up to 1 year
- Medium term or from 1 to 5 years
- Long term or 6 plus years





**WORKSHOP AGENDA**  
**CDFI FUND NATIVE AMERICAN LENDING STUDY/ACTION PLAN**  
**EASTERN REGION WORKSHOP**  
**Mystic, Connecticut**  
**December 1-2, 1999**

This agenda is not designed as a conference or panel of speakers, but a workshop where participants, through facilitated work groups, will identify barriers to accessing capital and credit on Indian Reservations, describe the impacts of such barriers, and create strategies and action plans to overcome barriers.

Wednesday, December 1

- 7:45 A.M. Continental Breakfast
- 8:30 Opening: Greeting and Remarks
- 8:45 Welcome and CDFI Fund/Process Overview – Rodger Boyd, Program Manager,  
CDFI Fund
- 9:15 Workshop Ground Rules and Formats – Facilitator
- 9:30 Team Break-out No. 1: Identification of Barriers, Impacts and Priorities
- 11:30 Team Presentations of Barriers, Impacts and Priorities
- 12:15 P.M. Lunch (Provided by the CDFI Fund)
- 1:15 Guidelines for Developing Strategies
- 1:30 Team Break-out No. 2: Strategies Development
- 4:00 Team Presentations of Strategies
- 5:00 Adjourn

Thursday, December 2

- 7:45 A.M. Continental Breakfast
- 8:30 Opening-Recap of Strategies from Day One – Rodger Boyd, CDFI Fund
- 8:45 Guidelines for Creating Action Plans – Facilitator
- 9:00 Team Break-out No. 3: Action Plans
- 11:30 Team Presentations of Action Plans
- 12:15 P.M. Open Forum (any remaining issues or opportunities)
- 1:00 Closing Remarks and Adjournment – Rodger Boyd, CDFI Fund





## OVERVIEW

In order to provide a sense of the perspective and passions of participants, selected quotes from participant presentations have been abstracted from the court reporter transcript. This is a representative mix of the voices and visions and helps tell the story about concerns raised during the course of the workshop.

## ISSUES, IDEAS AND REMARKS

*“Some of you remember several years ago when our Tribe attempted to obtain financing from various institutions in this region, and you are also aware no one was interested in taking that chance. But someone did, unfortunately, outside of this country. And because of that, the very building that you are meeting in today is a property of the Mashantucket Pequot Tribal Nation.*

*Throughout history, this country has been very reluctant to invest in Indian Country and in Indians in particular. But I think we are all well aware that today times have changed. Native American Tribes are essentially the last untapped resource in this country. Industries are becoming very aware of that. They are making every effort to go into those areas and to prosper not only for themselves, but for the Tribes as well.”*

—Antonio Beltran, *The Mashantucket Pequot Tribe*

*“. . . what is good for Tribal governments and Tribal members is also good for the local communities. We can point to every success story that has come about in our Tribes whereas it is not only the Tribe that has benefited, it is the local community that benefits two and three-fold on this.”*

—Leon Jacobs, *The Mashantucket Pequot Tribe*

*“. . . if you go to the Department of Labor and you want to get a Job Training Program Assistance grant for a training program, you get told, ‘We don’t deal with you. The BIA deals with you.’ And you get rerouted. And that program works for Native Americans just as it works for others. You don’t need to go through the BIA to access those funds. . . . They don’t understand it is part of their responsibility and part of their jurisdiction.”*

—Nathan Luxman, *Federal Reserve Bank of Boston*

*“Right now you will find [some] smaller Tribes that have less than \$500,000 in [income]. They don’t have the resources to purchase the personnel and decision-making process systems that have to be in place to be able to communicate and interact with the banking industry or other funding sources that are not traditionally seen as banking industry funding sources. That becomes a critical part of the barrier I think we need to address.”*

—Tim Martin, *United South and Eastern Tribes, Inc.*

*“One of the Tribes spoke about the fact that their State was not cooperative. Indeed, most states did not allow homeowner funds on trust lands, which are funds from the Federal government. Many states have tax credits for over the 90 percent of all affordable rented housing in the country with tax credits and most states have scoring systems that are not friendly to Tribes.”*

—Jay Marcus, *The Enterprise Foundation*



*“The whole system they [Tribes] had in housing existed for many years, from 1968 until NAHASDA came about last year. They [Tribes] had expectations from that old system and we want to bring in mortgages or tax credits and other conventional financing. We have to work with them to change the understanding about that.”*

*—Jay Marcus, The Enterprise Foundation*

*“. . . the biggest impediment, in our view, as far as banks coming on and lending dollars to Tribes is collateral issues. You cannot put the land that is in trust as collateral because if you default, there is no way for the bank to come in and to recoup, so they don’t have a loss.”*

*—Keller George, United South and Eastern Tribes, Inc.*

*“A lot of the Federal agencies simply don’t understand that they have the trust responsibility for Indian Tribes. I think that has diminished with the actions of the Presidents through executive orders. I think, having forums in person and doing outreach to get to know each other is a necessary thing. I think this is a prime example of it, of the Treasury Department having outreach and getting input from all the people involved from financial institutions and the Tribes and other Federal agencies that have some things to do with the Tribes. So we think this is a good way to get that done.”*

*—Keller George, United South and Eastern Tribes, Inc.*

*“Many of the Tribes work with Federal agencies . . . and if something goes wrong, many of the times the Federal agencies back off and start pointing fingers. It would be a good idea if they stand up and stand by the Tribe and say, ‘There may have been problems and this may have been the result of this or that,’ and stay with the Tribe and not leave them hanging in times of difficulty.”*

*—Albert Rinaldi, The Narragansett Indian Tribe*



## OVERVIEW

Immediately after introductory remarks and presentation of workshop guidelines, participants were organized into teams, with each team representing a proportionate mix of stakeholder types who attended the workshop. Teams identified as many barriers and their related impacts as they could so as to provide an understanding of the issues that drive needed changes.

## BARRIERS AND IMPACTS BY TEAMS

### 1 TEAM

<b>BARRIERS</b>	<b>IMPACTS</b>
1. Unknown Federal bureaucracy, State and local, too	<ul style="list-style-type: none"> <li>• Time spent is wasted</li> <li>• Projects don't get done</li> </ul>
2. Federal agencies don't understand that Indians are their customers	<ul style="list-style-type: none"> <li>• BIA serves as extra layer of red tape</li> </ul>
3. Poor coordination among agencies	<ul style="list-style-type: none"> <li>• Tribal members give up</li> </ul>
4. No standard Federal applications	<ul style="list-style-type: none"> <li>• Increased cost, time, frustration; no applications</li> </ul>
5. Small, newly recognized Tribes do not have the funds or expertise to deal with Federal, State and local bureaucracies	<ul style="list-style-type: none"> <li>• Steep learning curve</li> </ul>
6. Perception of instability of some Tribal governments	<ul style="list-style-type: none"> <li>• Risk return profile gets turned around</li> <li>• Can't secure the deal</li> </ul>
7. Diversity of government – each doesn't understand the other	<ul style="list-style-type: none"> <li>• Not understanding limited waiver of Tribal sovereign immunity</li> </ul>
8. Factionalism within Tribes and the Federal government	<ul style="list-style-type: none"> <li>• Makes deals seem more risky</li> </ul>

*“... what is good for Tribal governments and Tribal members is also good for the local communities.”*  
*–Leon Jacobs, The Mashantucket Pequot Tribe*



<b>BARRIERS</b>	<b>IMPACTS</b>
9. Lending in Indian Country doesn't fit the mold	<ul style="list-style-type: none"> <li>• Heightens the artificial barriers that kill loans</li> </ul>
10. Lack of Tribal and individual sophistication in financial/ business literacy	<ul style="list-style-type: none"> <li>• Start and stop success/failure pattern</li> <li>• Steep learning curve</li> <li>• No loans</li> </ul>



A team presentation of barriers and strategies





# 2 TEAM

<b>BARRIERS</b>	<b>IMPACTS</b>
1. Tribal Courts (bankers perception)	<ul style="list-style-type: none"> <li>• No lending</li> <li>• Fear of the lack of enforcement</li> <li>• Perception of possible negative ruling</li> </ul>
2. Lack of knowledge and recognition of Tribes	<ul style="list-style-type: none"> <li>• No loans</li> <li>• Lack of understanding of needs</li> </ul>
3. Lack of Tribal capital	<ul style="list-style-type: none"> <li>• Can't access Federal and local funds</li> <li>• Limits business activities</li> <li>• No economic development</li> </ul>
4. Geographic isolation	<ul style="list-style-type: none"> <li>• Furthers the lack of knowledge of Tribes</li> <li>• Reduces the utility of collateral</li> <li>• Higher construction costs (infrastructure)</li> </ul>
5. Unsecured collateral	<ul style="list-style-type: none"> <li>• Limited access to outside markets</li> <li>• Prevents disposition or transfer of collateral</li> <li>• Limits liquidation/marketing of asset</li> <li>• Reduces market value</li> </ul>
6. Trust lands (restrictive fee lands)	<ul style="list-style-type: none"> <li>• Prolongs and complicates the development process</li> </ul>
7. Lack of trust	<ul style="list-style-type: none"> <li>• Takes time to establish and build trust</li> <li>• Limits business and home ownership opportunities</li> </ul>
8. Outdated expectations and understanding of conventional housing market	<ul style="list-style-type: none"> <li>• Difficult to obtain financing</li> <li>• Difficult to manage rental properties</li> </ul>
9. Lack of understanding of the lending and regulatory process	<ul style="list-style-type: none"> <li>• Difficult to make loans</li> <li>• Increases cost of lending and business</li> </ul>



<b>BARRIERS</b>	<b>IMPACTS</b>
10. Sovereign immunity	<ul style="list-style-type: none"> <li>• Limits business opportunities</li> <li>• Higher costs</li> <li>• Fear of litigation from lenders/investors</li> <li>• No loans</li> </ul>
11. Lack of credit history	<ul style="list-style-type: none"> <li>• No loans</li> </ul>
12. Lack of infrastructure development	<ul style="list-style-type: none"> <li>• Slows development</li> <li>• Increases cost of development and business</li> </ul>
13. Lack of appreciation and understanding of cultural differences	<ul style="list-style-type: none"> <li>• Increased business costs and time to learn each other's culture</li> <li>• Lost opportunity</li> <li>• Isolation</li> </ul>
14. Lack of communication	<ul style="list-style-type: none"> <li>• Progress is impeded</li> <li>• Reinventing the wheel</li> <li>• Lost opportunity to standardize results and best practices</li> <li>• Difficult to achieve economies of scale</li> </ul>
15. Lack of Tribal master planning	<ul style="list-style-type: none"> <li>• Lost business opportunities</li> <li>• Increases development costs</li> <li>• Limits Tribal vision</li> <li>• Difficult to reach consensus</li> <li>• Lack of zoning</li> <li>• Limits growth and encourages haphazard growth</li> </ul>
16. Lack of nonprofit institutional organizations	<ul style="list-style-type: none"> <li>• No implementers, advocates, catalysts</li> <li>• Lost opportunities</li> </ul>

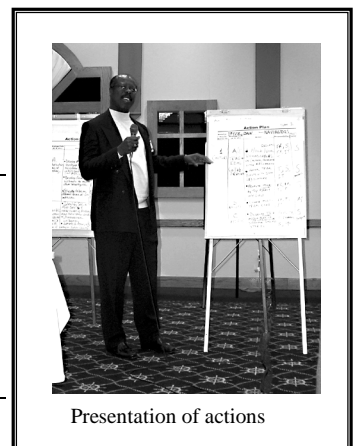


Team break-out session

***“Native American Tribes are essentially the last untapped resource in this country.”  
–Antonio Beltran,  
The Mashantucket Pequot Tribe***



<b>BARRIERS</b>	<b>IMPACTS</b>
1. Lack of communication between banks and Tribes - who's in charge?	<ul style="list-style-type: none"> <li>• Lack of understanding of Tribal sovereignty and legal issues by bankers and lenders</li> <li>• Lack of cultural sensitivity</li> </ul>
2. Tribal understanding of resources and how to access them (public, private, Federal agencies)	<ul style="list-style-type: none"> <li>• No community building</li> <li>• Hard to come to table</li> <li>• No loans</li> <li>• No relationship development</li> <li>• Poor economy (stagnation)</li> <li>• No growth for generations</li> <li>• No future, low self-esteem</li> <li>• Social decline</li> <li>• High crime</li> <li>• Whole infrastructure inadequate</li> </ul>
3. Identify problem areas of using existing resources (criteria driven) and address regarding Federal guarantee programs and direct loans	<ul style="list-style-type: none"> <li>• No loans</li> <li>• Lack of community facilities</li> <li>• Few loans</li> <li>• No single family loans in Maine or Connecticut from USDA</li> <li>• Few (too few) water and sewer infrastructure loans</li> </ul>
4. Lack of credit	
5. Identify problem areas for consumer credit/mortgage, i.e., Tribal guarantee requirements and the like for housing on restricted land	<ul style="list-style-type: none"> <li>• Lack of decent, safe housing</li> <li>• No wealth producing mechanism</li> <li>• Poor economy, no growth</li> <li>• Low capacity</li> <li>• No jobs</li> </ul>
6. Lack of Federal agency (HUD, FHA, BIA) commitments to use resources to carry out Congressional mandated programs	<ul style="list-style-type: none"> <li>• Lack of loans</li> <li>• Lack of use</li> <li>• Programs are terminated</li> </ul>
7. Lack of Federal resources	<ul style="list-style-type: none"> <li>• Fewer Congressional allocations</li> <li>• Poor economy</li> <li>• Fewer opportunities for Tribal and individual self-sufficiency</li> <li>• Stifles overall economy</li> </ul>



<b>BARRIERS</b>	<b>IMPACTS</b>
8. Lack of Tribal financing expertise, experience and knowledge resources	<ul style="list-style-type: none"> <li>• Fewer incentive to gain training</li> <li>• Extend length of financial ignorance resulting in stagnation</li> </ul>
9. Media and public perception: gaming Tribes, all Tribes are rich	<ul style="list-style-type: none"> <li>• Unfair Tribal policies across board based on false perceptions by Congress</li> </ul>
10. Federal agencies are not on the same page; legal documents and opinions differ for obtaining program benefits and resources	<ul style="list-style-type: none"> <li>• Federal agencies overreact and come out negatively</li> </ul>
11. Legal structure of transactions uncertain: lenders' rights, default scenario	<ul style="list-style-type: none"> <li>• No or few loans</li> </ul>
12. Trust lands: <ul style="list-style-type: none"> <li>• Collateral</li> <li>• Collateral substitutes</li> <li>• Over collateralization</li> </ul>	<ul style="list-style-type: none"> <li>• No loans</li> <li>• Door closes and conversation stops</li> <li>• Used as convenience to not do loans</li> <li>• Stifles creativity to search for opportunity</li> </ul>
13. Tribal politics: <ul style="list-style-type: none"> <li>• 501(c)</li> <li>• Terms of officers</li> <li>• Enforceability of contracts</li> <li>• Sustainable leadership</li> </ul>	
14. Secondary markets	

*“ . . the biggest impediment, in our view, as far as banks coming on and lending dollars to Tribes is because of collateral issues. You cannot put the land that is in trust as collateral because if you default, there is no way for the bank to come in and to recoup . . .”*  
*–Keller George, United South and Eastern Tribes. Inc.*



Break-out session in progress



## OVERVIEW

After identifying as many barriers as possible, teams were asked to establish a rank order of the top five barriers using a weighted rating system where each participant, basically, voted on the relative importance of the barriers. This section summarizes the rank order priorities of the barriers by team with number one being the most important and number five being the fifth in importance.

### TOP FIVE PRIORITY BARRIERS BY TEAMS

	<b>1</b> TEAM	<b>2</b> TEAM	<b>3</b> TEAM
<b>ONE</b>	<p><b>Lending in Indian Country Doesn't Fit the Mold</b></p> <p>Lenders feel they cannot "do the loan" if their criteria mold is not met</p>	<p><b>Lack of Appreciation and Understanding of Cultural Differences</b></p> <p>There are differences between Tribes and banks, and differences between Tribes</p>	<p><b>Trust Lands</b></p> <p>Cannot be used as collateral for a loan</p>
<b>TWO</b>	<p><b>Lack of Tribal and Individual Financial/Business Literacy</b></p> <p>No knowledge of how to run a business, access capital, etc.</p>	<p><b>Lack of Trust and Knowledge on Both Sides and Lack of Tribal Recognition</b></p> <p>Limited relationships between Tribes and lenders</p>	<p><b>Lack of Communication Between Banks, Tribes and Federal Agencies</b></p> <p>A lack of understanding of Tribal Sovereignty and legal issues</p>
<b>THREE</b>	<p><b>Generalization That All Tribal Governments are Unstable</b></p> <p>All are believed to be unstable because some are unstable</p>	<p><b>Outdated Expectations and Understanding of Conventional Housing Markets</b></p> <p>The old systems have changed</p>	<p><b>Legal Structure</b></p> <p>Uncertainty of default process and lenders rights</p>
<b>FOUR</b>	<p><b>Federal Agencies Don't Understand That Indians Are Their Customers</b></p> <p>Indians don't need to go through the BIA for everything</p>	<p><b>Unsecured Collateral</b></p> <p>Tribal trust lands are not considered collateral by banks</p>	<p><b>Lack of Credit or Poor Credit</b></p> <p>Tribal members cannot build a credit history with zero credit</p>
<b>FIVE</b>	<p><b>Small or Newly Recognized Tribes Do Not Have the Funds or Expertise to Deal With Federal, State and Local Bureaucracies</b></p>	<p><b>Trust Lands (Restrictive Fee Lands)</b></p> <p>Trust lands involve major bureaucracy and inefficiency</p>	<p><b>Media Perceptions of Tribes and Gaming</b></p> <p>"All Tribes are rich" is not the norm</p>





## OVERVIEW

For each of the top five priority barriers listed in the previous section, a summary of their impacts is listed. These impacts assist in understanding the effects of the barriers that need to be overcome in identifying solutions and strategies for change.



### PRIORITY BARRIERS AND THEIR IMPACTS

	BARRIERS	IMPACTS
1	Lending in Indian Country Doesn't Fit the Mold	<ul style="list-style-type: none"> <li>• Heightens the artificial barriers that kill loans</li> </ul>
2	Lack of Tribal and Individual Financial/ Business Literacy	<ul style="list-style-type: none"> <li>• Start and stop success/failure pattern</li> <li>• Steep learning curve</li> <li>• No loans</li> </ul>
3	Generalization That All Tribal Governments are Unstable	<ul style="list-style-type: none"> <li>• Risk return profile gets turned around and loans cannot be secured</li> <li>• Lenders are concerned about risk, whether real or imagined</li> </ul>
4	Federal Agencies Don't Understand That Indians are Their Customers	<ul style="list-style-type: none"> <li>• When unnecessarily referred to the BIA, the BIA serves as an extra layer of <u>red</u> tape</li> </ul>
5	Small or Newly Recognized Tribes Do Not Have the Funds or Expertise to Deal With Federal, State and Local Bureaucracies	<ul style="list-style-type: none"> <li>• Increased cost, time, frustration and end up with no applications for the deal and no funding</li> <li>• Steep learning curve</li> </ul>





	BARRIERS	IMPACTS
1	Lack of Appreciation and Understanding of Cultural Differences	<ul style="list-style-type: none"> <li>• Increased business costs and increased time to do business</li> <li>• Lost opportunity</li> <li>• Can lead to isolation of the cultures</li> </ul>
2	Lack of Trust and Knowledge on Both Sides and Lack of Tribal Recognition	<ul style="list-style-type: none"> <li>• Takes time to establish and build trust</li> <li>• Limits business and home ownership opportunities</li> <li>• No loans are made</li> <li>• Cannot get needed resources on Tribal lands</li> </ul>
3	Outdated Expectations and Understanding of Conventional Housing Markets	<ul style="list-style-type: none"> <li>• Difficult to obtain financing</li> <li>• Difficult to maintain rental properties</li> <li>• Tribes don't understand changes in housing from HUD picking up the cost to limited money from NAHASDA</li> </ul>
4	Unsecured Collateral	<ul style="list-style-type: none"> <li>• Limited access to outside markets</li> <li>• Prevents disposition or transfer of collateral</li> <li>• Limits liquidation and marketing of assets</li> <li>• Reduces market value</li> </ul>
5	Trust Lands (Restrictive Fee Lands)	<ul style="list-style-type: none"> <li>• Prolongs and complicates development process</li> <li>• Involves bureaucracy and inefficiency</li> </ul>







BARRIERS		IMPACTS
1	Trust Lands	<ul style="list-style-type: none"> <li>• No loans; kills the deal</li> <li>• Door closes; conversation stopper</li> <li>• Used as a convenience to not do loans</li> <li>• Stifles creativity to search for opportunity to do loans</li> </ul>
2	Lack of Communication Between Banks, Tribes, and Federal Agencies	<ul style="list-style-type: none"> <li>• Lack of understanding of Tribal sovereignty and legal issues by lenders</li> <li>• No cultural sensitivity, community building</li> <li>• No loans</li> <li>• No relationship development</li> <li>• Social decline</li> <li>• Whole infrastructure inadequate</li> <li>• No growth for future generations</li> </ul>
3	Legal Structure	<ul style="list-style-type: none"> <li>• Uncertainty of default process and lenders' rights</li> <li>• No or few loans</li> </ul>
4	Lack of Credit or Poor Credit	<ul style="list-style-type: none"> <li>• Less control of life</li> <li>• Lack of or no credit</li> <li>• Impacts quality of life</li> <li>• Higher interest rates, fewer dollars</li> </ul>
5	Media Perception of Tribes and Gaming	<ul style="list-style-type: none"> <li>• Assumption that "all Tribes are Rich"</li> <li>• Unfair Federal policies aimed at Tribes across the board based on false perceptions</li> <li>• Federal agencies negatively overreact</li> </ul>





## OVERVIEW

After prioritizing barriers and identifying the top five priority barrier impacts, the teams conducted two follow-up break-out sessions. The first session focused on identifying a range of strategies for each of the top five priority barriers. Each team then presented their strategies to the entire group and plenary session. The teams then returned to their break-outs and identified action plans, including responsibilities and time frames, for selected strategies. Please note that there may not be an action plan for every strategy since teams decided which are the most critical strategies that require action. Please refer to Definitions of Terms in the introduction for an explanation of responsibilities and time frames.

# TEAM 1

## STRATEGIES AND ACTIONS

### BARRIER #1: LENDING IN INDIAN COUNTRY DOESN'T FIT THE MOLD

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Bankers need to change the mold or change the object to fit the mold	1. Modify the underwriting standards	U.S. Congress Financial Inst. Fed. Reg. Agency	Medium Term
	2. Streamline land and trust issues	Federal Agency Tribal Entity U.S. Congress U.S. President Intertribal Org.	Long Term
B. Introduce flexibilities that will increase financial institutions' willingness to look past traditional ways of securing loans and underwriting			
C. Tribes to utilize non-traditional sources of financing and learn to access what resources they do have	1. Establish a credit union within the Tribal organizations	Tribal Entity Intertribal Org.	Medium Term
	2. Establish a Small Business Development Committee		



<b>STRATEGY</b>	<b>ACTION</b>	<b>RESPONSIBILITY</b>	<b>TIME FRAME</b>
D. Create lending consortia or lending pools of Tribal members to share the investment risk	<ol style="list-style-type: none"> <li>1. Establish a National Indian Bank</li> <li>2. Develop partnerships with lending forums</li> </ol>	Tribal Entity Intertribal Org. Financial Inst. Fed. Reg. Agency U.S. President Other (Bank Trade Associations)	Medium Term  Short Term
E. Tribes can learn what it takes to be more bankable			
F. Educate Tribes and banks about Tribal sovereignty	Regulators bring bankers together to educate them on Tribal sovereignty		

**BARRIER #2: LACK OF TRIBAL AND INDIVIDUAL FINANCIAL/ BUSINESS LITERACY**

<b>STRATEGY</b>	<b>ACTION</b>	<b>RESPONSIBILITY</b>	<b>TIME FRAME</b>
A. Create a better vehicle to learn about public and private monies			
B. Share technical knowledge and assistance between Tribes, i.e., exchange programs	<ol style="list-style-type: none"> <li>1. Create a database clearinghouse</li> <li>2. Get funds to find or educate a loan expert for the Tribes</li> </ol>	Tribal Entity Intertribal Org. Federal Agency U.S. President Other (NAIHC)	Medium Term  Short Term



STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
C. Internships or exchange programs between Tribes, banks and Federal agencies			
D. Develop an appropriate financial literacy guidebook on how to handle money	1. Create a task force to put this together. (Note: FDIC has a book on training people how to manage a budget.)	Fed. Reg. Agency Intertribal Org. Tribal Entity State Entity Financial Inst. Other (foundations, trade organizations)	Short Term
E. Tribal college training/internship program	1. Establish Tribal money literacy corporations, like the Peace Corp  2. Develop partnerships with Tribal colleges  3. Private industry develop internships for Tribal members	Tribal Entity Intertribal Org. Fed. Reg. Agency Financial Inst. Other (schools, nonprofits, trade associations, consumer groups) State Entity  Other (private industry)	Medium Term  Short Term  Medium Term



**BARRIER #3: GENERALIZATION THAT ALL TRIBAL GOVERNMENTS ARE UNSTABLE**

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Banks will take deposits from Tribal members to facilitate long-term relationships		Financial Inst.	
B. Tribes to ensure lenders and others that safeguards are in place to protect the lender	1. Business boards to bankers	Tribal Entity Intertribal Org. Financial Inst.	Short Term
	2. Adopt zoning and UCC codes	Tribal Entity Intertribal Org.	Medium Term
C. Focus on similarities, not differences	<ol style="list-style-type: none"> <li>1. Personalize Indian leaders and people (like Chief Phillip Martin in People Magazine)</li> <li>2. Have a mechanism to counter misinformation</li> <li>3. Promote accomplishments</li> <li>4. Tribes to establish public relations positions</li> <li>5. Encourage banks to look at “business with Tribal members the same as doing business with anyone else”</li> </ol>	Other (Native American Journals Association) Intertribal Org. Tribal Entity	Short Term
D. Create business boards on Reservations to discuss business economic development	Compose the boards of Tribal members and bankers	Tribal Entity Intertribal Org. Financial Inst.	



STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
<p>E. Tribes to ensure consistent and fair adjudication processes</p>	<p>1. Establish courts and police departments</p>	<p>Tribal Entity Intertribal Org.</p>	<p>Long Term</p>
	<p>2. Education of Tribal Court and law enforcement personnel</p>	<p>Tribal Entity Intertribal Org. Other (law schools)</p>	<p>Medium Term</p>
	<p>3. Disseminate information on successful Tribal Courts (i.e., Navajo Peacemakers Court)</p>	<p>Tribal Entity Intertribal Org. Other (Bar Association)</p>	<p>Medium Term</p>
	<p>4. Establish appellate courts so that a judge from one Reservation could preside over the court of another Reservation</p>	<p>Tribal Entity Intertribal Org. Other (Bar Association) Federal Agency (DOJ, BIA) State Entity (Attorney Genl)</p>	<p>Long Term</p>
<p>F. Develop a guidebook that explains the basics and primary functions of how Tribal government works</p>	<p>G. Develop a guidebook that explains the basics and primary functions of how Tribal government works</p>	<p>Intertribal Org. Tribal Entity</p>	



**BARRIER #4: FEDERAL AGENCIES DON'T UNDERSTAND THAT INDIANS ARE THEIR CUSTOMERS**

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Federal agencies visit Tribes to get to know them; also visit banks with Tribes	<ol style="list-style-type: none"> <li>1. Forums, in-person active outreach</li> <li>2. Sensitivity training</li> </ol>	Federal Agency Fed. Reg. Agency Tribal Entity Intertribal Org. Financial Inst. U.S. President	Short Term    Long Term
B. Agencies to utilize regional or intertribal organizations for real consultation			
C. Training on the Tribal situation of gaming vs. non-gaming and Indian vs. non-Indian gaming			
D. Federal agencies to review programs and policies to determine if any of them are impediments to lending in Indian Country	<ol style="list-style-type: none"> <li>1. Internal Audits</li> <li>2. Field hearings and focus groups</li> <li>3. External assessment</li> </ol>	Federal Agency  Federal Agency Fed. Reg. Agency Intertribal Org. Tribal Entity U.S. President Other (Nonprofits and trade associations)	Medium Term





**BARRIER #5: SMALL OR NEWLY RECOGNIZED TRIBES DO NOT HAVE THE FUNDS OR EXPERTISE TO DEAL WITH FEDERAL, STATE AND LOCAL BUREAUCRACIES**

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Develop grants specifically for technical assistance and capacity building to be set aside for new or smaller Tribes	1. Workshops for small and new Tribes	Federal Agency Financial Inst. Fed. Reg. Agency Intertribal Org. Other (CDCs and Nonprofits)	Short Term
	2. Intertribal clearinghouse for dissemination of information in a timely manner	Intertribal Org. Tribal Entity Federal Agency	Short Term
B. Government grant-making agencies should do more outreach to new and smaller Tribes			
C. Use intertribal organizations to help share the information with new or smaller Tribes			





**BARRIER #1: LACK OF APPRECIATION AND UNDERSTANDING OF CULTURAL DIFFERENCES**

<b>STRATEGY</b>	<b>ACTION</b>	<b>RESPONSIBILITY</b>	<b>TIME FRAME</b>
A. Provide a training and education process for lending institutions, regulators and Tribal governments and organizations	1. Hold regional and local round tables on cultural awareness within Native American communities	Fed. Reg. Agency State Entity Federal Agency Intertribal Org. Tribal Entity	Short Term
	2. Hold annual Tribal events within the State Legislature	Tribal Entity State Entity Intertribal Org.	Short Term (Annual)
	3. Promote periodic tours for top Federal agency officials to Native American homelands	Fed. Reg. Agency Federal Agency Tribal Entity U.S. President	Short Term
B. Implement cross cultural training for all children in the public and private school systems starting at the lower grades			
C. Utilize public media i.e., national public TV and radio	Develop public relations, media plan and funds for paid advertising to showcase success stories and Native American culture (national public radio has done a great job of this)	Tribal Entity State Entity Federal Agency Other (Public TV, Chamber of Commerce)	Short Term to Ongoing
D. Create Native American CDFI Fund to provide support for private investment; creates culturally sensitive way of bringing in private investments	Create multi-tribal CDFIs	Federal Agency Tribal Entity Intertribal Org.	Medium Term



**BARRIER #2: LACK OF TRUST AND KNOWLEDGE ON BOTH SIDES AND LACK OF TRIBAL RECOGNITION**

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Establish a process to increase interaction among the stakeholders	1. Establish national and State intermediaries to implement programs in Native American communities	NAIHC NRC LISC Enterprise Foundation HAC	Short Term
B. Mandate and coordinate more active intermediary involvement to bridge the gap between Tribes, private and government agencies	2. Recruit more Native Americans to serve on public and private corporation boards	Financial Inst. Tribal Entity U.S. President Other (corporations)	Short Term to Ongoing
C. Develop effective communication lines between Tribes, the public and private sectors, and government agencies	3. Recruit bankers and other professionals to participate on Native American Boards	Financial Inst. Tribal Entity Other (private corporations)	Short Term to Ongoing
	4. States to create positions in Housing and Economic Development Offices specifically focused on Tribes	State Entity	Medium Term
D. Develop uniform procedures for dealing with investors, the banking industry, Fannie Mae or Freddie Mac for effective processing of loans and capital in Indian Country	1. Create a national effort to assist Tribal Councils in developing and understanding mortgage resolutions and codes	Federal Agency National Intermediary (NAIHC, Enterprise Foundation, Fannie Mae, Freddie Mac)	Short Term to Ongoing
	2. Assist Tribes in developing Tribal UCCs and other codes	Fed. Reg. Agency Tribal Entity Other (First Nations, American Bar Association)	Medium Term



### **BARRIER #3: OUTDATED EXPECTATIONS AND UNDERSTANDING OF CONVENTIONAL HOUSING MARKETS**

<b>STRATEGY</b>	<b>ACTION</b>	<b>RESPONSIBILITY</b>	<b>TIME FRAME</b>
A. Develop education and training for Tribal governments on how the mortgage markets and investors operate	1. Establish training in Native American communities on housing and the CRA	Other (Tribal Government Housing Assoc.) Intertribal Org. Fed. Reg. Agency	Short Term to Ongoing
B. Education and training for mortgage markets and investors on how Tribal governments operate	2. Disseminate information to examiners on Native American lending and investing  3. Have the examiners examine banks to find out what banks do on Native American lands	Fed. Reg. Agency Federal Agency	Short Term
C. Encourage and support Tribes in their self-determination	Utilize Indian Housing Planning (under NAHASDA) to do comprehensive planning, including the role of conventional financing, and promote housing on Native American land	Other (ONAP, NAIHC) NAHASDA	Medium Term
D. Blend subsidy dollars with conventional financing to create more housing	Leverage NAHASDA funds to increase housing activities on Native American land	NAHASDA Tribal Entity	
E. Build greater awareness of CRA (Community Reinvestment Act) so Tribes can use it as a tool to approach banks for lending	1. Inform Native American communities about CRA  2. Government agencies that regulate banks take responsibility for enforcing the CRA	Other (Tribal Government Housing Assoc.) Intertribal Org. Fed. Reg. Agency  Fed. Reg. Agency Federal Agency	Short Term to Ongoing  Short Term



## BARRIER #4: UNSECURED COLLATERAL

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Encourage more creative means to secure financing (e.g., the new Title 6 HUD Loan Guarantee program)	Ensure that Tribes are aware of the use of Tribal assets through round table discussions with financial institutions and Federal regulatory parties	Fed. Reg. Agency Federal Agency Tribal Entity Intertribal Org.	Short Term to Ongoing
B. Promote utilizing standard mortgage products because standardization creates efficiency	Mandate Fannie and Freddie to devise conventional products for trust lands	Federal Agency U.S. Congress U.S. President	Medium Term
C. Make Federal guarantee loan programs more user friendly	<ol style="list-style-type: none"> <li>1. Round table of ONAP and FHA and lenders to iron out kinks in 184 and 248</li> <li>2. Ensure RH 502 loans are available throughout the country through uniform guidelines</li> </ol>	<p>Federal Agency Financial Inst.</p> <p>Federal Agency USDA</p>	<p>Short Term</p> <p>Short Term</p>
D. Advocate Tribes to develop programs within housing departments to secure loans for Tribal members	Advocate Tribes to develop programs to secure loans through credit enhancements, down payment assistance and other means	Tribal Entity TDHE Financial Inst.	Medium Term



## BARRIER #5: TRUST LANDS (RESTRICTIVE FEE LANDS)

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Streamline the loan process and educate BIA and IHS, Tribal Councils and Courts	Educate BIA on conventional loan process	Fed. Reg. Agency Federal Agency	Short Term
B. Promote the processing of loans for housing and economic development projects as high priorities within the BIA and IHS	Have Secretary of Interior work jointly with Secretary of HHS to create a policy establishing Native American housing as a priority	Federal Agency U.S. President U.S. Congress	Short Term to Ongoing
C. Create an awareness of the successful mortgages and investments on trust lands and duplicate these successes	Develop public relations, media plan and funds for paid advertising to showcase success stories	Tribal Entity State Entity Federal Agency Other (Public TV and Radio)	
D. Establish an intergovernmental process to streamline investment process.	Have the President establish intergovernmental effort to streamline investment process pertinent to Indian Country	U.S. President Federal Agency Fed. Reg. Agency	Short Term







**BARRIER #1: TRUST LANDS**

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Find alternatives to banking and bank loans, i.e., micro, CDFIs	1. Develop Tribal mortgage companies, micro loan programs, CDFIs, banks, intermediaries and nonprofit organizations to develop banking policies to help Native Americans  2. Develop relations with banks to explore other types of security  3. Educate Tribes in different types of financial institutions and lending practices	Tribal Entity Intertribal Org. Federal Agency Financial Inst. Fed. Reg. Agency U.S. Congress  Financial Inst. Fed. Reg. Agency Tribal Entity  Federal Agency Financial Inst. Fed. Reg. Agency Tribal Entity	Short, Medium and Long Term  Medium Term  Short Term
B. Tribes create their own national mortgage companies, link to Freddie Mac/Fannie Mae secondary market providers			
C. Look at alternatives to conventional criteria; eliminate restrictions currently existing			
D. More comprehensive strategies and policy development re: lending and investment practices			
E. Look at secondary market involvement			



STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
<p>F. Review all Federal loan and guarantee programs/agencies to determine if they are working in Indian Country. Explore role of OGC in each agency. Look for best practices or models</p>	<ol style="list-style-type: none"> <li>1. Identify Secretary and Assistant Secretary of each program to make them aware of the problem and have them resolve the situation including OGC</li> <li>2. Congressional utilization</li> <li>3. Letters to agencies and Congress, i.e., OGC role and opinions</li> </ol>	<p>Tribal Entity Federal Agency U.S. Congress U.S. President</p>	<p>Short to Medium Term</p>



**BARRIER #2: LACK OF COMMUNICATION BETWEEN BANKS, TRIBES AND FEDERAL AGENCIES**

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Start a dialogue and build a network with banks, Tribes, FHLB and become familiar with each other, with resources, i.e., CRA	Start a dialogue and network development, working as a group at the local, regional and State levels	Tribal Entity Financial Inst. Federal Agency	Short to Medium Term
B. Establish working groups of Tribes and banks			
C. Each Tribe develop marketing information including cultural and demographic information	Tribal marketing packets, hard copies, web sites, or 1-800 numbers to present Tribal information	Tribal Entity Federal Agency	Short Term
D. Federal agencies could create resource books to Tribes can find out what's available and what's being phase out.	Federal agencies market to Tribes resource books, web sites, or 1-800 numbers that Tribes could contact to get their projects going.	Federal Agency	Short Term
E. Hold regional workshops to define Tribal sovereignty			
F. Feds commit staff			
G. BIA could take a lead role and use its expertise to share successes with all Tribes			



### BARRIER #3: LEGAL STRUCTURE

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Strengthen and clarify the Tribal justice system: develop a standard business development code comparable to UCC code for consistency	Transfer money from states and other sources to Tribes for judicial Tribal development and capacity building	Tribal Entity Federal Agency U.S. Congress U.S. President	Short to Medium Term
B. BIA to have the solicitor provide Tribal sovereignty training to other Federal agencies, other solicitors, bankers, etc.			
C. Eliminate PL-280. To allow Tribes to streamline the process and bring direct access to Tribes to obtain those services they are eligible for in dollars			



**BARRIER #4: LACK OF CREDIT OR POOR CREDIT**

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Credit counseling and training for families to establish or improve credit for housing and general loans	Credit counseling to families	Tribal Entity Financial Inst. Federal Agency	Short Term
B. Adjust current underwriting criteria to better reflect current employment and credit worthiness	Adjust current underwriting guidelines	Tribal Entity Financial Inst. Federal Agency	Short Term
C. Consider establishing Tribal micro loan programs	Establish Tribe micro loan programs to loan small sums to members; the member can then establish credit by paying back the loan	Tribal Entity Financial Inst. Federal Agency	Medium Term
D. Early education focusing on basic finance matters in terms of checking, loans, etc.			
E. Lenders provide financial training to Tribal entities			
F. Educate banks regarding products, services and community needs			



**BARRIER #5: MEDIA PERCEPTION OF TRIBES AND GAMING**

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Each Tribe’s elected officials to be responsible for actively educating the public in a positive manner	Each Tribe educate the public that revenues from Indian gaming are re-invested within the Tribal government and into the Tribal communities	Tribal Entity	Short to Medium Term
B. All Federal agencies should assist in clarification of issues pertaining to false perceptions	More Federal agency involvement to publicly dispute and clarify inaccuracies – eliminate finger pointing	Federal Agency Tribal Entity U.S. President	Short Term
C. Increase Congressional lobby assistance and Tribes develop relationships to offset negatives	Tribal members go to local, regional and other areas and educate those representatives and staff		
D. More unity between Tribes and Tribal organizations such as NCAI, NIBA, NIGA, NIHC, NIEA	More communication and networking between Tribes to share their knowledge and experience	Tribal Entity	Short Term



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