

UNITED STATES SENATE

COMMITTEE ON INDIAN AFFAIRS

“NATIVE AMERICAN HOUSING ASSISTANCE SELF- DETERMINATION ACT OF 1996 REAUTHORIZATION”

Testimony by Chairman Waldo Walker

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Introduction

Good morning and thank you for affording me the opportunity to testify before you today. Chairman Dorgan and Committee Members it is an honor to be before this Committee today who's work has done tremendous things for Indian Country and Indian people. My name is Waldo Walker and I am the Chairman of the Washoe Tribe. It is encouraging to see the deep interest this committee has demonstrated to the reauthorization of Native American Housing Assistance Self-Determination Act of 1996 (“NAHASDA”).

NAHASDA has brought flexibility to Tribes to create programs specific to their local needs and motivate innovative ways to provide housing services to their people. As a Tribal Leader it is encouraging to witness the attention and hard work of the committee members to reauthorize a bill that benefits the lives of so many Native Americans throughout the country. I applaud your efforts.

NAHASDA is an evolving bill that requires continued improvement to provide a refined tool for Indian Tribes to use to provide decent, safe, sanitary, and quality homes for their people.

Census Data

Over the last several years Tribes have been debating and maneuvering politically over the Multi-Race vs. Single Race. Regardless of the debate, the forum for this discussion and the place for a solution to be agreed upon is the Negotiating Rule Making Committee. Data collection or creations of data sets are a Tribal Leadership issue and have been negotiated by Tribal Leaders during the 1997 Negotiated Rule Making process and again in 2004. The original Negotiated Rule Making Committee has provided a safeguard by establishing in 24 CFR 1000.306, “**How can the IHBG formula be**

modified”, the measurable and verifiable data that affects the formula to be addressed every 5 years. If there is recognized need for a change then that change shall not be legislated, but shall be negotiated by the Tribes through the Negotiated Rule Making process. This process is in place for Tribes to have government to government negotiations to reach an agreement that would be in the best interest of all Tribes.

The stance of the Washoe Tribe and the Nevada & California Indian Housing Association is that it is the sovereign right of the Tribes to choose their data sets. This includes census data from multi-race or single race. In addition, if a Tribe chooses to challenge the census by utilizing data collected from their own data collection system then they can submit the data to US Department of Housing and Urban Development (“HUD”) under the census challenge. In addition we oppose the creation and implementation of a universal data survey system. This system has a number of faults and would create an enormous burden on limited staff and resources for small Tribes to execute. The large cost estimated to implement the universal data survey system would be best utilized to increase NAHASDA appropriations.

The choice to utilize census data was exactly that, a choice, a choice agreed upon by Tribes through the negotiating rule making process to utilize a data collection system that was currently available. The choice wasn’t to base a program on race, but the choice was to utilize a data set that was currently available without having to spend valuable resources and time to create another data system to collect population data. National American Indian Housing Council (“NAIHC”) actually took time to form a subcommittee to address this issue to no avail. The conclusion to the exercise is that it is the Tribe’s choice to choose a data system or tool they determine best represents their Tribe. This is done through the Negotiating Rule Making process. This matter should not be legislated for any reason, but left to the Tribe’s to negotiate in good faith to solve the issue surrounding the data collection system utilized for funding distribution.

Minimal Funding

On behalf of the 135 small Tribes in Nevada & California it is my duty to continue to advocate for an adequate minimum funding level under NAHASDA. This would provide every Tribe with sufficient funds to provide meaningful housing assistance to its low income members and to comply with the administrative requirements of NAHASDA. Within the states of Nevada and California the total development cost (“TDC”) rates to build a single family home have doubled over the last several years. Specifically for the Washoe Tribe the current total development cost is \$257,943 per home. However, the NAHASDA block grant has not increased nor has kept up with inflation further inhibiting small tribes to provide decent, sanitary homes for their tribal members.

Appropriations:

As testimony is being given today it is my duty to mention the need for increased appropriations. While this committee does not determine the appropriation levels for the

NAHASDA Block Grant it is vital for the record to reflect the dire need to increase appropriations. Since the 2000 Census the American Indian population doubled, but funding for the NAHASDA Block Grant did not reflect such a drastic increase in American Indian population. Increasing the appropriations will provide the opportunity for Tribes to take full advantage of the intent of NAHASDA for capacity building, creating innovative ways to leverage funds and the establishment of new programs to alleviate the waiting lists each Tribe has and the increase in American Indians throughout the Nation as demonstrated in the 2000 Census. Currently the majority of funding goes towards supporting the current 37 housing act stock and provides a minimal assistance for innovative programs, services and most important new housing.

In addition, we hope that the Senate will consider reestablishing funding the National American Indian Housing Council. NAIHC has been instrumental in providing free technical assistance to Tribes and Housing Authorities. Prior to the cut in funding technical assistance was being provided at a local level, which was a huge benefit for small Tribes who have limited funds to run their program let alone send staff to trainings. The current environment requires travel to attend needed trainings which puts a drain on their limited resources. It is our hope that the Senate would recognize the need for continued training to Tribes and Housing Professionals for them to provide excellent services and local oversight of programs.

Deficiencies of existing formula

The latest negotiated rule-making process revealed a significant deficiency in NAHASDA that affects the funding formula. The Current Assisted Stock component of the NAHASDA funding formula includes houses constructed under the 1937 Housing Act as one factor in allocating funds. However, it does not include houses constructed under NAHASDA. This perpetuates an anomalous situation where tribes with pre-NAHASDA houses receive funds to maintain those houses, but tribes which have constructed houses with funds provided under NAHASDA do not receive such critical assistance. It is proposed to put NAHASDA funded houses on the same footing as pre-NAHASDA houses with respect to maintenance and to assure that all federally developed and assisted housing are adequately maintained.

NAHASDA Re-Authorization

Chairman we are here today to discuss the reauthorization of the Native American Housing Assistance and Self-Determination Act of 1996. Since originally being signed into law, the Act has been amended four times. Each amendment has been intended to improve the efficiency of the Act in providing quality, affordable housing to Indian Country. However, there are further refinements to the Act that are being introduced to make it an even more powerful tool for providing the needed support to Indian Country housing. Nevada & California Indian Housing Association supports the amendments presented by NAIHC.

It is important to point specific support for the amendment “**De Minimis Exemption for Procurement of Goods and Services.**” Procurement for each single item under \$5,000 is cumbersome and strains staff time particularly with small Tribes who have limited staff and funding on hand. Current procurement requirements results in spending time and energy far above the savings cost of small procurement purchases. In the states of Nevada and California we have Tribes located in very remote areas with several Tribes who have several communities they serve located from 20 miles to 100 miles away from each other. Due to the remote and rural areas the Tribes reside in there are limited or no resources in the communities where work is being completed. It works against the school of thought for savings when a staff person must travel back to the main community to procure for a small item to fix a problem that is 20-100 miles away. When in reality they could travel to the closest hardware store solving a problem in a short time as opposed to several hours spent on travel, phone and pick up time for the small items to be purchased through current procurement standards. The Senate Committee on Indian Affairs is strongly encouraged to support this amendment to assist Tribes and Housing Authorities to run a more efficient program.

The proposed amendment to **Sec. 301 Allocation Formula, (2) “Study” (A) & (B)** is opposed by the Washoe Tribe and Nevada & California Indian Housing Association as mentioned above in the section Census Data. This is action that needs to take place in the Negotiated Rule Making Committee. It is the Tribes sovereign right to choose data sets and negotiate which data sets will be utilized for funding distribution or take advantage of the current process through the Census Challenge. This is an exercise that needs to be provided through the process of Government to Government negotiations.

Conclusion

Thank you again Chairman and Committee members for the opportunity to testify before you today and for spending the time and energy to reauthorize the Native American Housing and Self Determination Act. The passage of this crucial bill will only continue to benefit Indian County supporting the past efforts to alleviate the severe shortage of decent, safe and sanitary housing for Indian people throughout the nation and continue to support innovation in services and programs as allowed under this bill. Finally, I want to take the opportunity to ask for your support of amendments and issues that affect the small Tribes throughout Nevada and California.