



**Prepared Statement of Sami Jo Difuntorum, Chairwoman  
National American Indian Housing Council  
to the  
U.S. Senate Committee on Indian Affairs  
Legislative Hearing on  
S. 1275, the BUILD Act and S. \_\_\_\_\_**

**June 13, 2018**

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Good Afternoon. My name is Sami Jo Difuntorum, and I am the Chairwoman of the National American Indian Housing Council. I am a member of the Kwekaeke Band of Shasta Indians of California, and I am currently the Executive Director of the Siletz Tribal Housing Department in Oregon. I would like to thank Chairman Hoeven, Ranking Member Udall and committee members for having this hearing today and for staying engaged on tribal housing issues.

The NAIHC is comprised of 255 voting members that represent nearly 470 tribes and tribally-designated housing entities across the United States. The NAIHC was established 43 years ago to advocate on behalf of tribal housing programs and now also provides vital training and technical assistance to increase the managerial and administrative capacity of tribal housing programs.

**Background on the National American Indian Housing Council**

The NAIHC was founded in 1974 and for over four decades has provided invaluable Training and Technical Assistance (T&TA) to all tribes and tribal housing entities; provided information to Congress regarding the issues and challenges that tribes face in their housing, infrastructure, and community development efforts; and worked with key federal agencies to ensure their effectiveness in native communities. Overall, NAIHC's primary mission is to support tribal housing entities in their efforts to provide safe, decent, affordable, and culturally appropriate housing for Native people.

The membership of NAIHC is comprised of 255 members representing 478<sup>1</sup> tribes and tribal housing organizations. NAIHC's membership includes tribes and groups throughout the United States, including Alaska and Hawaii. Every member of this Committee serves constituents that are members of NAIHC. Our members are deeply appreciative of the consistent leadership this Committee provides in Congress related to issues affecting tribal communities.

### **Profile of Indian Country**

There are 567 federally-recognized Indian tribes in the United States. Despite progress over the last few decades, many tribal communities continue to suffer from some of the highest unemployment and poverty rates in the United States. Historically, Native Americans in the United States have experienced higher rates of substandard housing and overcrowded homes than other demographics.

The U.S. Census Bureau reported in the 2015 American Community Survey that American Indians and Alaska Natives were almost twice as likely to live in poverty as the rest of the population—26.6 percent compared with 14.7 percent. The median income for an American Indian Alaska Native household is 31% less than the national average (\$38,530 versus \$55,775)

In addition, overcrowding, substandard housing, and homelessness are far more common in Native American communities. In January of this year, the Department of Housing and Urban Development (HUD) published an updated housing needs assessment. According to the assessment, 5.6 percent of homes on Native American lands lacked complete plumbing and 6.6 percent lacked complete kitchens. These are nearly four times than the national average, which saw rates of 1.3 percent and 1.7 percent, respectively. The assessment found that 12 percent of tribal homes lacked sufficient heating.

The assessment also highlighted the issue of overcrowded homes in Indian Country, finding that 15.9 percent of tribal homes were overcrowded, compared to only 2.2 percent of homes nationally. The assessment concluded that to alleviate the substandard and overcrowded homes in Indian Country, 68,000 new units need to be built.

Since NAHASDA was enacted, tribes have built over 37,000 new units according to HUD. However, as the IHBG appropriations have remained level for a number of years, inflation has diminished the purchasing power of those dollars, and new unit construction has diminished as tribes focus their efforts on unit rehabilitation. While averaging over 2,400 new unit construction between FY2007 and 2010, new unit construction has dropped in recent years with only 2,000 new units between 2011 and 2014, and HUD estimating less than 1,000 new units in future years as tribes maintain existing housing stock.

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<sup>1</sup> There are 567 federally recognized Indian tribes and Alaska Native villages in the United States, all of which are eligible for membership in NAIHC. Other NAIHC members include state-recognized tribes eligible for housing assistance under the 1937 Housing Act and that were subsequently grandfathered in under the Native American Housing Assistance and Self-Determination Act of 1996, and the Department of Hawaiian Home Lands, the state agency that administers the Native Hawaiian Housing Block Grant program.

## **S. 1275, the Bringing Useful Initiatives for Indian Land Development Act of 2017**

First and foremost, the NAIHC would like to thank Senator Hoeven for introducing S. 1275 and for focusing on NAHASDA reauthorization. This is the fourth year now that the program has been left unauthorized, and our membership continues to grow more concerned as discussions in Washington, DC focus on cutting spending and eliminating unauthorized programs.

While NAHASDA may be currently unauthorized, the United States' trust and treaty responsibilities towards Native peoples remain and will not go away. The members of this Committee know these commitments well and NAIHC is very appreciative of all your efforts in supporting tribal programs and tribal self-determination.

There are a number of provisions in S. 1275 that NAIHC supports, and the following section-by-section outlines area we support and those with which we have concerns.

### **Section 3 and 6: Reauthorizations of the IHBG and 184 Loan Guarantee Programs**

NAIHC strongly supports the re-authorization of both the Indian Housing Block Grant and the 184 Loan Guarantee program. We also support the longer term of authorization of 7 years, as it recognizes the complexity in reauthorizing these types of programs.

### **Section 2: Environment Reviews**

As in the past, NAIHC supports provisions to streamline environmental reviews. Completing multiple reviews adds additional time and cost to housing projects that are already complex enough due to the number of parties involved in tribal projects. Section 2 of the BUIILD Act would eliminate some of those costs and delays. While NAIHC believes the language could be further simplified, we understand the provisions in the BUIILD Act were crafted to address practical concerns expressed by HUD. We would be happy to offer further technical assistance to ensure the provisions are effective.

### **Section 5: Training and Technical Assistance**

The NAIHC remains concerned that the BUIILD Act proposes changes to the NAHASDA section 703 Training and Technical Assistance (T/TA) provisions. As part of the original negotiations leading up to NAHASDA's enactment, tribal leadership understood the need for a national organization to provide quality technical assistance and training opportunities to tribal housing programs. Tribal leaders also understood that for the T/TA to be effective it should be delivered by an organization that specifically understands tribal housing issues and the complexity of housing development on tribal lands.

Furthermore, tribal leadership negotiated the provision with the understanding that the funds would come out of the Indian Housing Block Grant, which would otherwise go directly to tribal housing programs. Without a mandate from tribal leaders to change these provisions, NAIHC cannot support a change that would open up funds from the Indian Housing Block Grant

to organizations that do not have a strong background or specific expertise in tribal housing, which the BUIILD Act does not currently require.

If a consensus of tribal leaders indicates that the current language of section 703 is no longer useful in fulfilling the T/TA needs of tribal housing programs, NAIHC would support such a change. But until that happens, we would ask members of this Committee to leave section 703 of NAHASDA unaltered.

### **Section 7: Leveraging**

NAIHC supports the provision that clarifies that NAHASDA funds can be used to meet matching or cost-sharing requirements of other federal or non-federal programs. This provision is common in other tribal self-determination programs, and provides tribes greater flexibility and leveraging opportunities.

### **Other NAHASDA provisions**

S. 1275 represents a departure from past NAHASDA reauthorization efforts in that it leaves out many provisions found in past bills in an effort to secure passage. However, it is unclear at this time to NAIHC that the changes found in the BUIILD Act provide a clearer path to enactment.

In particular, the BUIILD Act does not include a reauthorization for Title VIII programs for Native Hawaiians. Past versions of NAHASDA reauthorization bills included reauthorization of these programs. Notably in the 114<sup>th</sup> Congress, both H.R. 360, which passed out of the House of Representatives, and S. 710, introduced by Senator Barrasso and reported unanimously out of this Committee, contained language reauthorizing Title VIII.

In December of last year, NAIHC provided a letter to Congress that indicated it could support a bill that only reauthorized the Indian Housing Block Grant. However, that approach contemplated a two-prong approach where a second more substantive and thorough tribal housing bill (likely including Title VIII programs) would also be developed and moved forward. NAIHC is concerned that we have not seen movement on the second prong of that approach, and are worried the lack of such progress will diminish broader Congressional support of the BUIILD Act itself.

To be clear, NAIHC supports reauthorization of IHBG, reauthorization of Title VIII Native Hawaiian housing assistance programs, and a host of other tribal housing related provisions. We support the efforts of all members of this Committee and Congress to reach those goals, and stand ready to work with each of you to secure their inclusion and passage in the BUIILD Act or other legislative vehicle.

### **S. , the HUD-VASH bill**

NAIHC has not been able to fully analyze S. \_\_\_\_ but generally supports efforts to improve housing conditions and opportunities for Native American veterans. In addition to

making the HUD-VASH program permanent, the draft bill appears to provide the Secretaries of HUD and the VA the necessary flexibility to improve implementation of HUD-VASH on tribal lands.

Two of the primary concerns that NAIHC has heard regarding HUD-VASH implementation are the lack of case managers the VA can identify willing to work in tribal areas, and the restrictions placed on certain tribal housing units by HUD that make them ineligible for VASH vouchers. The flexibility provided to the agencies by the bill could allow the VA and HUD to address these concerns. However, the restrictions on certain tribal housing units being eligible for VASH vouchers could be addressed more directly in the bill, as we believe HUD has too narrowly restricted which tribal housing units should be eligible. Many communities have housing shortages, and limiting the housing stock that can be used in the tribal HUD-VASH program forces some of the participating tribes to house their tribal veterans in nearby urban areas, rather than the tribal community as intended by the program.

While that concludes NAIHC's statement on the bills placed on today's hearing agenda, the NAIHC believes it must raise the issue of several troubling developments made by the new Administration.

#### **Concerns with the Administration's FY 2017 Omnibus Signing Statement**

On May 5, when President Trump signed into law the FY 2017 omnibus spending bill, the President issued a signing statement that characterized the "Native American Housing Block Grants" as quote "a program that allocated benefits on the basis of race."

All of the members of this Committee know full well that tribal programs are not based on race, but on the political relationship that have existed between Native peoples and the United States for over two hundred years.

The relationship is grounded in the United States Constitution and treaties, Congressional statutes and numerous Supreme Court decisions. So we ask that members of Congress work with the new Administration to ensure it knows the history and importance of tribal programs.

There are numerous Supreme Court cases that can be cited upholding this principle of federal Indian Law and countless legal articles that chronicle this background. NAIHC is happy to provide documentation to the Committee if necessary, but believes the question is well settled and did not see the need to include such information here.

#### **Concerns with the Administration's FY 2018 Budget Proposal**

While the signing statement could be dismissed as not fully understanding the background of federal Indian law, the Administration's FY 2018 funding proposals is much more concerning. In short, NAIHC believes that the budget, if enacted, would devastate tribal housing programs across the country.

The budget provides substantial cuts or completely eliminates the Community Development Block Grant at HUD, the CDFI Fund at Treasury, and Rural Development programs at the USDA.

The proposed budget would also cut the Indian Housing Block Grant to \$600 million, which is essentially the same level of funding tribal housing programs received in 1996. However adjusting for inflation, the proposal represents a cut of about one-third compared to 1996 funding levels.

The HUD tribal housing needs assessment released in January showed that tribes have rates of substandard housing and overcrowded homes well in excess of the national average. The report indicated that 68,000 new units are needed in Indian Country. As the ability of tribes to develop new housing units has diminished in the last few years due to inflation, the problem cannot be compounded by the severe program funding cuts proposed in the Administration's FY 2018 budget.

NAIHC asks that members of this Committee, particularly those who also sit on the Appropriations Committee, support adequate funding of the Indian Housing Block Grant and other tribal housing programs. Funding the IHBG at \$900 million would provide tribes relatively the same purchasing power it had in 1996 and NAIHC requests no less than \$700 million for FY 2018. Congress should also reject the proposed cuts to the other programs listed above, as they provide tribes additional resources for their housing programs. Funding tribal housing programs not only fulfills Congressional trust and treaty responsibilities, but does so in a way that spurs economic development, creates jobs and builds credit in tribal communities.