

## Chief's Address To The Nation

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Congress has taken historic steps in recent years with the passage of legislation that is intended to improve the quality of life for American Indian and Alaska Native (AI/AN) people. However, the absence of sufficient housing for our people remains an unfilled promise that critically impacts us every day.

Forty percent of on-reservation housing is considered substandard (compared to 6 percent outside of Indian Country) and nearly one-third of homes on reservations are overcrowded. Less than half of the homes on reservations are connected to public sewer systems, and 8.6 percent lack complete indoor plumbing facilities. In some areas, up to 18.9 percent of Native homes are without phone service. Additionally, 23 percent of Native households pay 30 percent or more of household income for housing. Barriers to housing development in Native communities include land acquisition, limited private investment opportunities, low-functioning housing markets, and poverty.

NAHASDA consolidated Federal housing funds through direct block grants to Tribes and Tribally Designated Housing Entities (TDHEs) and have been successful in allowing Tribes the Self-Determination necessary to provide effective programs for Tribal citizens.

### *Tribal Specific Request:*

(1) The Sac and Fox Nation Tribal Specific Request: Housing for Tribal Elders

To build affordable rental housing options that accommodate the special needs of Elder Tribal Members currently living in the area or who wish to return to the homeland of the Sac and Fox Nation

### *National and Regional Requests:*

(2) The Sac and Fox Nation supports the FY 2016 Administration's requests:

- \$658 million for Indian House Block Grant (IHBG) and restore the Technical Assistance and Training Program
- \$2 million for Title VI loan Guarantee
- \$10 million for Section 184 Loan Guarantee Fund
- \$80 million for the Indian Community Development Block Grant (ICDBG)

(3) The Sac and Fox Nation supports the collective requests of the National American Indian Housing Council and the National Congress of American Indians

### *About the Sac and Fox Nation*

The Sac and Fox Nation is a Self-Governance Tribe headquartered in Stroud, Oklahoma. Our Tribal jurisdictional area covers Lincoln, Payne, and Pottawatomie counties. Of the 4,000 enrolled Tribal members, 2,600 live in Oklahoma. Our culture is based upon respect for the life within ourselves, our families, our communities, and all of creation. The Creator gave this way of life to the Sac and Fox people. The culture is the way things are done in relation to each other and all of creation. The Sac and Fox way of life is spiritually-based. We seek the guidance of the Creator in how to live. The oldest continuing religious practices are ceremonies like clan feasts, namings, adoptions, and burials. More recent religious practices include the Drum Dance, the Native American Church and Christianity.

As a Self-Governance Tribe, the Sac and Fox Nation is the best decision maker when it comes to addressing the local needs of our community and protecting our most value resources – our youth and our elders. Our elders are cherished and respected for their knowledge and experience. Our world is interconnected – everything is believed to live according to the same process. Each being has its own unique function and place in the universe, and every part of nature contains a spirit. While mainstream society has attempted to overcome/overpower nature, and tends to make material comfort an end goal in itself, Native American culture seeks a balance with nature wherein both can benefit from and support one another. Tradition dictates that knowledge and assistance is passed from elders to the young, primarily through the family.

### *Elder Assisted Living Complex on the Sac and Fox Reservation*

In the Sac and Fox jurisdictional area, the costs' to construct a home for an average size family of four fluctuates at a cost of \$140K to \$150K based on the land that we are able to purchase, infrastructure, utilities, and actual construction. It is our intention to construct an "Elder Assisted Living Complex" in the area of the Nations

headquarters consisting of at least 20 units. We would like to provide our elders a wide range of services, including congregate and home delivered meals, transportation to meal sites and doctor's appointments, wellness programs, home health services, adult day care and family caregiver support, just to name a few. These services achieve the goal of assisting elders to remain in their homes and communities for as long as possible.

The Native American Housing Block Grant, Indian Community Block Grant, and Indian Housing Loan Guarantee Fund provide critical funding to empower Tribes to more effectively develop, implement, and manage strategies to meet the specific housing needs of our communities. The training and technical assistance provided through NAHASDA to address housing needs is an indispensable resource for Tribes and TDHEs and we urge Congress to restore these funds. NAHASDA policies have provided funding and guidance to develop innovative housing strategies to support Tribes as we construct and maintain housing for low-income, elders and families. Despite Tribes' heavy utilization of Federal housing assistance programs over the decades since these programs were enacted, Indian reservations still suffer from widespread poverty, inadequate housing, and homelessness.

Life expectancies for Native Americans and Alaskan Natives (AI/AN) are low relative to the general population. In addition to important differences between Natives and the general population, it is also very important to note that there is substantial variation among AI/AN in life expectancy across Indian Country. The shortage of decent affordable housing with social and medical assistance for the low- and moderate-income elderly is particularly acute in rural Tribal areas. Numerous issues impede the development of Tribally-owned and operated facilities, while the demand steadily grows as the adult population ages.

The complexity of the housing development process is compounded by the uncertainties in the delivery of individualized personal care services, particularly for very-low income elderly. In most instances the elderly population 75 years and older have incomes below 50% of the area median income, with more than half of them below poverty levels. This is the age group most likely to need assistance with activities of daily living such as meal preparation, bathing, dressing, etc. Their access to Medicaid-supported services is crucial to their continued wellbeing.

In addition to our programs that directly assist the elderly, we want to help those who care for the elderly and the disabled. The facility would be for those elders who wish to receive assistance in certain areas yet remain as independent as possible (pride). The area within proximity of the headquarters would give them access to the health clinic and other services that they would be able to utilize. At this point in time, our major "holdback" is land availability.

In our area, the acquisition of land is exceptionally difficult due to the stringent guidelines for the National Environmental Policy Act (NEPA) process, with all of the activities of "pipeline installation", "oil well" drilling, and "storage", the guidelines keep us from purchasing land anywhere around those areas. The land Buy-Back Program for Tribal Nations, only benefits Tribes seeking to consolidate fractionated lands interests under the terms of the Cobell Settlement.

Based on the "formula" used to determine the amount of NAHASDA funds we receive annually, our allocation average is \$1.5 million. Due the sequestration cuts and appropriations, there has been no significant increases or adaption for rising inflation to these funds over the past 10 years. These funds are used for administration, operations and to maintain 200 housing units. We employ Tribal members as construction crews to get the very best quality work that we can for our citizens and tenants. We have been and continue to be innovative in identifying ways to generate resources to build more units for the approximately 100 families listed on the "waiting list"; more appropriations for these programs from Congress would go a long way to address a critical need.

During our visit to Washington, D.C. earlier this year to meet with Congressional staff and HUD representatives responsible for the distribution and partial allocation of certain housing funds to Indian

Country, we were alarmed by the 'gross incompetence of knowledge'. The lack of understanding by Federal representatives about regulations, distribution and partial allocations for Indian housing was disturbing. And, nothing as bad as them not knowing that there is a totally separate process for Public housing versus Indian housing – it was an astounding revelation for our Tribal representatives. There is a huge need to "educate" senior level and career staff within HUD about NAHASDA and how it works. Tribal representatives will bring this up at both the Regional and National annual housing conferences and during Tribal consultations.

In closing, Congress and the Administration should enact an amendment to the Budget Control Act of 2011 to fully exempt Indian program funding from future sequestrations to honor the Federal trust responsibility and the chronic and severe underfunding of all Tribal programs. This would be a show of good faith that 'great nations like great men honor their word'!

Thank you for accepting this written testimony for the record."

### *National News*

#### *Huge Announcement for Indian Nations*

On April 14th, the U.S. Senate passed a two year renewal of the Special Diabetes Program for Indians (SDPI). The renewal was contained in a larger bill called: "H. R. 2 - The Medicare Access and CHIP Reauthorization Act of 2015." The measure was passed the Senate by a bipartisan vote of 92-8. This follows action by the U.S. House of Representatives on March 26, 2015, which also passed the legislation by a bipartisan vote. President Obama is expected to sign the legislation into law.

SDPI is one of many programs in this legislation. Other provisions included a two-year authorization of the Children's Health Insurance Program (CHIP) and a permanent adjustment of the Medicare physician payment formula.

SDPI provides critical programs that are helping our Tribal communities address complications and burdens of Type 2 diabetes. The newly-passed legislation funds SDPI at \$150 million per year, which is the same as the current level. This program will now expire on September 30, 2017. IHS Acting Director McSwain is scheduled to meet with the Tribal Leaders Diabetes Committee (TLDC) on May 14, 2015 to review national Tribal Consultation input and to receive the TLDC's recommendations. He will then make the final decisions about the SDPI FY 2016 funding distribution.

#### *Interior Releases New Hydraulic Fracturing Rules for Indian Country: Another Step Backwards in the Federal-Tribal Relationship?*

The United States Department of the Interior recently released final rules for the use of hydraulic fracturing (commonly known as "fracking") on federal and Indian lands. Thus far, these additional requirements have not been well-received either by energy developers or by Indian tribes and Indian mineral owners. The issues focus not only on whether the rules represent appropriate regulation of Indian country natural resources, but also on their potential impact on tribal development and on sovereignty.

In general, the rules set new standards for wellbore integrity, thereby requiring best practices for casing and cementing wellbores to ensure that water sources are protected. Operators must perform tests before, during, and after a frack to determine whether contamination of water sources is possible. If so, immediate remedial actions must be taken. Operators must also disclose the chemicals used in the fracking fluid and submit reports to the Bureau of Land Management (the "BLM") detailing the fracking operation.

The BLM, which oversees energy operations on federal and Indian lands, already has a large backlog of work compared with that of the state agencies that oversee energy development on private and state lands. For example, in 2014, the average time it took for the BLM to approve an application for a permit to drill was 227 days, while state agencies typically can process the applications in 80 days or fewer. Under the new fracking regulations, several new approvals will be necessary-including preapproval of the hydraulic fracturing design and the cement operation monitoring report-likely leading to additional administrative backlog and delays.

In addition to delays, the new regulations also create new paperwork and asso-

ciated costs for energy operators. Operators will be required to prepare and submit detailed reports concerning anticipated fracking operations, cementing operations, disposal water plans, fracking fluid composition, wellbore integrity tests, usable water protection, and fracking operation data. The BLM estimates meeting these new requirements will cost about \$15,000 per well, while operators say that estimate is far too low.

Whatever the additional costs may be, they will only add to the cost disparity that already exists between drilling on tribal lands, where an application for a permit to drill costs almost \$10,000 versus drilling on state and private lands, where applications cost under \$1,000.

The new delays and costs created by the hydraulic fracturing regulations are problematic for tribes that rely on energy production for economic development. Operators already avoid drilling on Indian lands due to the higher costs, longer delays, and regulatory uncertainty. Instead, operators drill on adjacent private lands where it can be done faster and cheaper. This deprives tribes of critical economic resources, and the additional costs and delays created by the new fracking regulations seemingly will only exacerbate the problem.

The new fracking regulations are also being viewed as an infringement on tribal sovereignty. While states have the authority to pass their own hydraulic fracturing rules, tribes are at the mercy of federal political policies. Even though some tribal leaders requested the ability to opt out of the federal fracking requirements and pass their own tribal fracking laws, the Interior Department rejected that approach. So unlike states, if a tribe wants to create a regulatory regime that can fit its needs and allow it to be competitive in the energy market it does not have the right to do so. Instead, because a tribe can only receive a variance when its regulations are equal to or more protective than the federal regulations, tribes essentially are being told by the government what is in their best interest. Historically, that approach to federal policy has not ended well for tribes.

The BLM's new fracking regulations will take effect on June 24, 2015.

This perspective was prepared by Daniel Carter, an attorney on the Conner & Winters Indian law practice team who previously addressed Indian country energy issues as a staff attorney for the United States Senate Committee on Indian Affairs.

For more information, contact Daniel Carter at: [dcarter@cwlaw.com](mailto:dcarter@cwlaw.com)

### *Short Takes*

\* Welcome to Executive Assistant, Office of Government, Lisa Fuller, Cromwell, OK.

\* The Oklahoma Cowgirls Association (OCA) barrel racing will be held at 2:00 p.m. May 25th at the tribal rodeo grounds. Admission is free.

\* Our 2014 audit began April 27th, conducted by Midwest Professionals TLLC., Michigan.

\* We submitted a proposal in April to the Justice and Mental Health Collaboration Grant which is a multi-year grant with approximately \$230,000 in the first year.

\* Congratulations to BHHC Dr. E. Hoyt, recently voted runner-up in the Shawnee News-Star paper for the People's Choice Awards Favorite Family Practice Doctor.

\* Congratulations to Bob Roberts, who recently received "The Officer of the Year" award for Lincoln County Coordinated Community Response Team. (Domestic Violence, Sexual Assault).

\* Congratulations to Office of Environmental Services Jeremy Fincher's appointment as an Alternate Representative to the National Tribal Air Association.

\* Congratulations to Cheyenne Brady, Miss Indian World! Represent us well this next year.

I truly appreciate and thank our tribal governmental staff in all areas for the support and work that they do for our people. When they do their jobs well, it's a reflection upon the leadership and a service for you.

I thank you for the privilege of serving as your Principal Chief; continue to pray for our Business Committee, Sac & Fox Nation, and each other; may God continue to Bless us.

Sincerely,  
George Thurman, Principal Chief