



## Oglala Sioux (Lakota) Housing

P.O. Box 603 • East Hwy. 18  
Pine Ridge, SD 57770

October 27, 2014

Regulations Division  
Office of General Counsel  
Department of Housing and Urban Development  
451 7th Street SW, Room 10276  
Washington, DC 20410-0500

**RE: NAHASDA – Negotiated Rulemaking – Needs Data Work Group;  
Request for Information – Docket No. FR-5650-N-08**

Dear Sir or Madam:

As a large land-based Tribe located in some of the poorest counties in the United States, we are not satisfied that the current IHBG formula is based on recipients' true need or that it distributes funds to the poorest areas or addresses the worst housing conditions in Indian Country. In order for the current Needs Data Study Group/Negotiated Rulemaking Committee to successfully carry out its duties, it must address the question of whether or not current and future IHBG allocations comply with the mandate of the NAHASDA statute to serve the housing needs of low-income members of federally recognized Indian tribes and Alaska Natives.

Our TDHE and Tribe supports the development and implementation of a federally conducted **National Tribal Survey** jointly designed by HUD and tribes (with possible future input by other federal agencies working in Indian programs) to collect demographic data directly related to the IHBG formula. The federally conducted National Tribal Survey could be administered by the Census Bureau under contract from HUD, much the same way the American Housing Survey is now done for special data related to public housing information.

### Federally Conducted National Tribal Survey

Important advantages of a federally conducted National Tribal Survey would include:

- Enabling survey designers to focus the survey on information that is essential for allocating the funds in compliance with the statute, including counting enrolled members of federally recognized tribes, enrolled Alaskan Natives, and Indian families as defined in the NAHASDA statute
- Removing the question of one's political status as an enrolled member of a tribe from the "race" section of the questionnaire and correctly reflecting the distinction between a person's race (subject to "affirmative action" challenges) and the sovereign authority of tribes to determine their membership
- Redefining terms and rephrasing Census questions that conflict with or fail to properly represent the conditions or cultural values of tribal members and communities

- Providing flexibility in overall survey design to accommodate any future changes to the IHBG formula (without need to weigh positive impacts of changes on sovereign tribes and tribal members against negative impacts on other racial groups)
- Allowing a federal agency to conduct the survey in a fair and unbiased manner and to target Indian and Alaska Native communities and their unique geographies.
- Allowing the federal government, and not TDHEs or tribes, to bear the cost of designing, implementing and maintaining the survey and survey results.
- Remove the difficulty of “piggy-backing” on Census or ACS surveys that are designed and administered for many different purposes and geographies other than Indian housing.
- The possibility of using the survey results to inform a more accurate allocation of funds in other Indian programs such as transportation, education, health care, etc.

We believe that the Work Group should spend equal time and attention on examining both a federally conducted National Tribal Survey as it does or has in examining the Census and American Community Survey.

#### Existing Formula and Opposition to Census/ACS

Our Tribe and many others oppose the use of the flawed Decennial Census and American Community Survey as data sources for the IHBG formula, neither of which counts enrolled members of federally recognized tribes. We and other tribes believe that the American Community Survey data is of highly questionable accuracy and relevance due to a host of issues, including sampling, response and inclusion rates, and its failure to capture tribal enrollment information. The projections utilizing HUD’s proposed data sources, the 2010 Census and the American Community Survey, indicate a disproportionately negative impact on poorer tribes with the worst housing.

The Needs component of the current NAHASDA Indian Housing Block Grant (IHBG) formula utilizes demographic data from several sources:

1. U.S. Decennial Census data (24 CFR 1000.330(a)), including both short and long form data
2. National Center for Health Statistics Birth and Death Rate Data (1000.330(b)), which are used to adjust need data annually beginning the year after the need data is collected
3. Tribal enrollment numbers (24 CFR 1000.302), which are incorporated as a cap on new formula area expansion by limiting the expansion in population to twice the tribe’s current enrollment figure
4. Total Resident Service Area Indian Population (TRSAIP) data, which were collected by the BIA and are utilized in the formula to allocate data among tribes that share formula areas

All of the current IHBG formula Need variables and the terms incorporated into them were defined based on the subject characteristics and terms utilized and data collected by the short and long forms of the 1990 Decennial Census. These regulatory terms and definitions have not changed significantly in seventeen years, despite the fact that the Decennial Census itself has changed several times. What was previously Census long form data is now gathered by the American Community Survey, which utilizes an entirely different set of sampling rates, contact and collection protocols and data collection schedule.

Our TDHE and Tribe encourages HUD and the Data Study Group of the Formula Negotiated Rulemaking Committee to examine the fitness of data sources to support a range of potential housing needs variables and to earnestly participate in the process to help identify an accurate and relevant

alternative data source and an appropriate set of potential needs variables (for the full Committee's consideration) that will facilitate the proper allocation of funds to the tribes with the poorest populations and worst housing conditions.

#### Other Potential New Data Sources

The Data Study Group should evaluate and consider integrating at least some of the following potential data sources into the IHBG formula to more effectively and efficiently distribute housing funds where they are most needed. To the extent these sources provide any verifiable and independently gathered data, they should be considered by the Work Group.

- a. Tribal needs studies or other verifiable data scientifically collected by tribes
- b. Tribal enrollment records
- b. TDHE administrative records if kept in a uniform and scientifically verifiable manner
- d. Head Start early childhood education program <http://eclkc.ohs.acf.hhs.gov/hslc/data/psr>
- e. U.S. Department of Agriculture 515 housing program  
[http://www.sc.egov.usda.gov/data/data\\_files.html](http://www.sc.egov.usda.gov/data/data_files.html)  
AND [http://www.nhtinc.org/section\\_515\\_data.php](http://www.nhtinc.org/section_515_data.php)
- f. Free and reduced lunch program population  
<http://datacenter.kidscount.org/data/tables/469-students-qualifying-for-free-or-reduced-price-lunch#detailed/2/any/false/36,868,867,133,38/109,110,111/11515,7665>
- g. Other allocation formulas used by other federal programs in Indian Country (e.g., WIC, Head Start, HIP, IRS, EPA)
- h. Annual data reports done by other federal agencies (for Indian Country)
- i. Longitudinal Household Employer Dynamics data  
<http://lehd.ces.census.gov/>
- j. Data matching by Census using Tribal enrollment information (which is currently a way to determine data in overlapping formula areas)

#### Grant Programs and Data Sets Dependent Primarily on Census/ACS for Demographic Information

The following sources rely directly on the U.S. Census and/or American Community Survey for most or all of the demographic data that relates to the current IHBG Needs allocation. Therefore, use of any Census-reliant data from one or combination of these sources would be prone to the same collection flaws and accuracy deficiencies that plague the primary source. We find the Census and ACS-based data in these sources objectionable for the same reasons. To the extent these sources provide any independently gathered data, they should be considered by the Work Group.

HUD Indian Community Development Block Grant (ICDBG) program

HUD – Comments

10/27/14

Page 4

BIA American Indian Population and Labor Force Report

<http://www.bia.gov/WhatWeDo/Knowledge/Reports/index.htm>

AND

<http://www.bia.gov/cs/groups/public/documents/text/idc1-024782.pdf>

Annie E. Casey “Kids Count” <http://www.aecf.org/work/kids-count/>

AND <http://www.aecf.org/resources/the-2014-kids-count-data-book/>

AND <http://datacenter.kidscount.org/data#SD/2/0>

Department of Labor (Workforce Investment Act, WIA)

[www.doleta.gov/dinap/cfml/CensusData.cfm](http://www.doleta.gov/dinap/cfml/CensusData.cfm)

Indian Health Service population user data <http://www.ihs.gov/dps/>

AND <http://www.ihs.gov/dps/files/Trends%20Part%202-Population%20Stat.pdf>

Veterans Administration data <http://www.va.gov/vetdata/Report.asp>

AND [http://www.va.gov/vetdata/docs/SpecialReports/AIAN\\_Report\\_FINAL\\_v2\\_7.pdf](http://www.va.gov/vetdata/docs/SpecialReports/AIAN_Report_FINAL_v2_7.pdf)

Low Income Home Energy Assistance Program (LIHEAP)

Oglala Sioux (Lakota) Housing encourages HUD to reconsider its position on using Census and ACS as the IHBG Needs data source and to earnestly participate in the Needs Data Study Group to help identify and implement a fair and accurate alternative data source.

Sincerely,

Paul Iron Cloud, CEO