



Mille Lacs Band of Ojibwe Indians

Executive Branch of Tribal Government

Office of the Chief Executive

Via E-mail to: consultation@hud.gov; consultation@ihs.gov

Virgil Wind
Chief Executive
Mille Lacs Band of Ojibwe
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November 6, 2024

Richard Monocchio
Principal Deputy Assistant Secretary
Office of Public and Indian Housing
U.S. Department of Housing and Urban
Development

Roselyn Tso
Director
Indian Health Service
U.S. Department of Health and Human
Services

Re: HUD/IHS Housing-Related Infrastructure for Tribal Communities

Principal Deputy Assistant Secretary and Director Tso:

On behalf of the Mille Lacs Band of Ojibwe (MLBO or the Band), I am writing to provide written comments to the U.S. Department of Housing and Urban Development (HUD) and the Indian Health Service (IHS) September 9, 2024, Dear Tribal Leader letter on how HUD and IHS programs can better address the housing-related water and sewer infrastructure needs of Tribal communities.

I. MLBO Supports All Efforts to Provide Flexibility in the Use of Federal Funds to Meet Tribal Water and Sewer Infrastructure Needs.

MLBO supports any efforts by HUD and IHS to remove barriers, including appropriations language, which bars IHS funding from being used to support the water and sewer infrastructure for new homes constructed with HUD grants. As HUD and IHS have clearly noted, the current barriers posed by Congress and chronically underfunded federal budgets have resulted in water and sewer infrastructure needs in Indian Country far outpacing the resources available. This change would undoubtedly assist in improving the way Tribes can use federal resources more effectively.

II. The IHS's SDS Project List is Another Mechanism Complicating the Use of Federal Funding Across Several Agencies.

Yet it is not just Congress that is responsible for the current backlog of water and sewer infrastructure. The IHS' Sanitation Deficiency Levels (SDS) project list is another major barrier to funding projects.¹ Currently, the way in which IHS calculates the score of water and sewer

¹ DEP'T OF HEALTH AND HUMAN SERV., FY 2023 Annual Report of Sanitation Deficiency Levels, available at https://www.ihs.gov/sites/dsfc/themes/responsive2017/display_objects/documents/FY_2023_Appendix_Project_Listing.pdf.

Letter from Chief Executive Wind to U.S. Departments of Housing & Urban Development and Health & Human Services

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projects makes many projects spread out throughout rural parts of the Nation cost-prohibitive. This becomes especially problematic as other federal agencies such as the Environmental Protection Agency (EPA), U.S. Department of Agriculture's (USDA) Rural Development, and the U.S. Department of Interior's (DOI) Bureau of Reclamation rely on IHS's SDS project list when implementing and awarding federal funds to Tribes through their own grant authorities.² Likewise, Congress has repeatedly required water and sewer infrastructure projects to be listed on IHS' SDS project list when awarding Congressional earmarks. Therefore, the impacts of IHS' determinations are far-reaching across the entire Executive Branch and Congress. The SDS project list should be reexamined to increase access to a variety of federal programs that could be strategically combined to meet Tribal water and sewer infrastructure needs, not limit them.

III. In Removing Barriers, HUD and IHS Should Not Further Complicate the Ability of Tribes to Use Federal Funding in a Way that Best Meets Their Water and Sewer Infrastructure Needs.

An additional consideration is that, although the Band supports removing barriers to using existing pots of money, it should be up to each individual Tribe if they wish to take advantage of the removal of such barrier. Furthermore, HUD and IHS should not remove a barrier only to replace it with another requirement that funding be used to support water and sewer systems for new houses. These efforts would be counterproductive to the goal of meeting each Tribal community's needs.

IV. HUD Should Allow a Tribe More Discretion in Choosing How to Spend their ICDBG and IHBG Funds.

In the Dear Tribal Leader letter, HUD inquired about revising the formulas for the Indian Community Development Block Grant (ICDBG) and the Indian Housing Block Grant (IHBG) for community sanitation facilities. Instead of blindly revising the formulas, HUD should support enhanced authorities for Tribes themselves to decide how best to meet the sanitation needs of their communities by allowing more flexibility and determination in the way the funds are used.

Miigwech (thank you) for taking the time to consider the position of the Band with respect to our water and sewer needs. We look forward to working with both of your agencies in line with Executive Order 14112 to remove barriers and to enhance Tribal self-determination.

Sincerely,



Virgil Wind, Chief Executive
Mille Lacs Band of Ojibwe

² U.S. DEP'T OF HEALTH AND HUMAN SERV., Annual Report To the Congress of the United States On Sanitation Deficiency Levels for Indian Homes and Communities, P. 4, available at https://www.ihs.gov/sites/newsroom/themes/responsive2017/display_objects/documents/FY_2020_RTC_Sanitation_Deficiencies_Report.pdf.