

March 17, 2017, 9:00 a.m. 34th Guam Legislature Public Hearing of Resolution No. 51-34 (LS) and 52-34 (LS)

Oral Testimony

Transcription Carlos Camacho Testimony: (3:39:11)

Carlos Camacho: Vice Speaker Terlaje, honorable Senators. After sitting out here for a couple hours, I realized you were on Resolution 51 but I saw a lot of mix of 51 and 52. So I hope that I can speak on 52-34. Earlier today I was listening to of course the passionate discussions with a lot of our indigenous friends here in the session hall especially with attorney Mike Phillips on certain parallel vehicles we can use in Congress to identify probably solutions. For the record, my name is Carlos Camacho. I'm here as a private citizen and my main expertise is in housing. As I know the impact on the fair housing act and the discriminatory sanctions it has on the markets without the land trust restrictions. I understand what they are looking for and why they're claiming there are some violations on the fair housing act. But what I wanted to just share for the record is that, ironically, attorney Mike Phillips said that if we have certain vehicles that are already in Congress that identifies us a qualified land trust community, then maybe that's the vehicle we should use to work with Congresswoman Bordallo. I was talking to her chief of staff, John Calvo, earlier and I wanted to share the things I've found during my tenure at the housing development. Congress passed a law, public law 102-547 and that law is catered to the Native American home loan program for Native Americans. That's in 1992.

In 1997, five years later when that was passed, Governor Carl Gutierrez and Secretary of Veteran's Affairs Jesse Brown utilized that law to promote a native indigenous Chamorro veteran's program through an MOU with the government of Guam through one of its housing authorities through Guam Housing Corporation. And that's here signed into law by the Secretary of Veteran's affairs of the United States government authorized by the Senate and the House of Congress. So what I did was I took this MOU in 1997 and decided to look at the different U.S. codes that was referencing this MOU. And it referenced §102547 and like Mr. Garrido when he found another statute in the Department of Interior, I want to read one paragraph that defines why they use this vehicle to provide to an indigenous Chamorro, which is a veteran Chamorro. And that's why there's a conflict with one arm of the federal government saying were discriminatory but maybe through a Congressional action like this, we're not discriminatory because it's going to an indigenous family. So let me just read that one section of this law.

What this law says in section d: "on any island in the Pacific Ocean, if such land is the cultural tradition, communal owned land and determined by the Secretary". It's a very short paragraph so I did further research and communally own land is basically land owned by the government as a whole. So we meet that definition. So based on that law, in 1992, under Governor Gutierrez and Madeline Bordallo's time they took that and persuaded the U.S. Secretary Jesse Brown to sign the MOU. Guam was given 40 million dollars for the native veteran's to build their home.

The reason we haven't used those funds, is 1: we don't have the infrastructure resources as we all know that's why there's 8,000 or 5,000 people waiting in the waiting list. We have the land but we don't have the infrastructure. So in 2008, Governor Felix Camacho contacted U.S. Secretary of the United States Department of Agriculture to see if we could be part of SUDA. Now SUDA is known as the "Substantially Undeserved Trust Area." What that is basically infrastructure program to provide water, sewer, and roads through a federal vehicle. Remember I just mentioned the Veteran's vehicle so the SUDA is under the United States Department of Agriculture. That's 2008 when the request came in. In June 13, 2012, the U.S. government code of federal regulations code and quantified that law. Under SUDA, section 1700-105 here's what they stated. This is documents by the federal government providing these programs to indigenous communities. It said that letter F: "evidence that land is located on Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands, and they tied this Veteran's program, and is eligible for the use in the Veteran's administration direct loan program for the purpose of Veteran's purchasing or constructing homes or on communal owned land."

In 2012, we finally got an infrastructure vehicle. Now what I'm trying to say here is these are the tools that, you, the policy makers can use to work with Madeline Bordallo and Congress. While one arm of the government is saying that we're in violation of the fair-housing act based on race, color and creed, we got another arm that recognize us in public law 102547 and the law that Mr. Garrido had mentioned with the Department of Interior. We got conflicting laws that indentify us to use these programs defined under these two vehicles for Guam under the land trust definition of these laws. So attorney mike Phillips when I was listening to him talk to Senator Mike San Nicolas, if there was already precedence, if there were case studies, why can't we take this now and say yes, you did cite us in violation of fair housing act under race, color, creed. But ironically, you provided a federal legislation which is given to indigenous people which is our veterans that are well deserving but we have federally recognized indigenous Native American, Chamorro veterans that is qualified. So I just want to share that for the record, that there are two different federal arms. Of course, I'm assuming that the U.S. Department of Justice, and I got to be very careful in saying this because I do a lot of federal programs during another hat I wear, so I don't want to get a slap on my hand. Because we don't violate FHA, knock on wood, but I wanted to share that there are different resources with one stating it's available through an indigenous group and identify Guam in those public laws in U.S. Senate in house. But I never seen this mentioned in case studies when they were fighting this in court. So these are things that I already provided to the Speaker of the House and I'll provide this to the rest of the Senators. It's a tool that's available, it's a tool that is recognized Guam as a communal land trust property through two federal agencies. And that's all I got to say, I just wanted to share my knowledge in the housing industry that these are programs that are available immediately for land trust properties. I think that if we want, we can utilize and thanks to Senator Tom Ada, who now finally put the missing piece to this. Remember we got the SUDA program but it is a program by the RES Rural utility service but you need a source of funding to take this resource available. And Senator Ada finally passed a law to take commercial land and I know there was a lot of

conflict with that but to take the revenues to benefit the indigenous families who want to build homes so we can bring the proper power, water and sewer. That was the missing equation to get all these lands out. So you got all the tools, 15 Senators here that can take this and work with the Governor and Congressional branch to pass policies to leverage these programs so we can finally bring infrastructure to our Chamorro indigenous families. Thank you very much.