



The Federal Monitor

Current Affairs Affecting Tribes & Tribal Housing Programs

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The National American Indian Housing Council (NAIHC), a 501(c)(3) non-profit organization, assists tribes and tribally designated housing entities (TDHEs) in reaching their goal of providing culturally relevant, decent, safe, sanitary, quality, and affordable housing for native people in Indian communities, Alaska Native villages, and on native Hawaiian Home Lands.

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FY2011 Appropriations

Both the House and the Senate Transportation, Housing and Urban Development, and Related Agencies (THUD) Appropriations Subcommittees have approved funding bills that include the following funding levels:

- \$700 million for the Indian Housing Block Grant (IHBG) program;
- \$65 million for the Indian Community Development Block Grant (ICDBG) program; and
- \$3.5 million for Training and Technical Assistance (T&TA), to be provided by a national organization.

The above funding levels are the same as the FY2010 approved funding levels, and the IHBG and T&TA levels would be a substantial increase over the President's Budget Request (PBR) for FY2011. The FY2011 PBR was \$580 million for the IHBG program and did not include any funds for T&TA. The Senate and the House budgets would provide \$3.5 million for T&TA provided by a national organization representing Native American housing issues. The ICDBG program would be funded at \$65 million, which is included in both the Senate and House bills as well as the PBR.

The House THUD budget (HR 5850) was passed by the full House on July 29, with various amendments that do not affect tribal housing programs. The Senate THUD budget (S 3644) was placed on the Senate Legislative Calendar on July 23 and still awaits consideration by the full body of the Senate.

If Congress is unable to pass a complete appropriations bill, then a continuing resolution (CR) is likely to be considered. In that case, NAIHC will argue for preserving the FY2010 funding levels in the CR.

Congressional Recess

The House recessed last week but is being called back next week from their break by House Speaker Nancy Pelosi to address a \$26.1 billion fiscal aid package aimed at preventing public sector layoffs. Next week's vote does not impact tribal housing.

The Senate will recess at the end of this week and both chambers will return in mid-September to resume their fall sessions.

HEARTH

The Senate Committee on Indian Affairs and the House Natural Resources Committee

have passed separate versions of HEARTH, the “Helping Expedite and Advance Responsible Tribal Homeownership” Act. The Act was originally introduced in the House by Representative Martin Heinrich (D-NM) in May, 2009. The goal of the Act is to transfer approval of surface site leases from the Department of the Interior to tribes in order to expedite the process. Tribal leasing regulations would have to be submitted to the Secretary for approval initially, but thereafter, the tribe would no longer be reliant on the Secretary to review and approve individual surface site leases – a process that can currently take from three months to three years for the Secretary to complete. The Act is modeled on the Navajo Nation’s leasing act, which became law in 2000. The Navajo tribe’s leasing regulations were ultimately approved by the Secretary in 2006.

The versions differ in several respects, particularly in the environmental review portion of the bill. The Senate version (S 3235) includes language that was reached by consensus through a series of meetings involving the Bureau of Indian Affairs, Department of the Interior’s Solicitor’s Office, the Department of Housing and Urban Development, Congressman Heinrich’s office, the Senate Committee on Indian Affairs, and the NAIHC. While the language in the Senate version does not require a NEPA-like review process in tribal regulations, it lays out the specifics regarding what an environmental review process must include.

The House version of HEARTH (HR 2523), based on an amendment submitted by Chairman Rahall (D-WV) of the House Natural Resources Committee, requires tribes to include a much stricter environmental review process in their proposed leasing regulations. It also includes mitigation provisions and gives the Secretary of Interior the authority to determine a tribe’s capacity to manage a surface leasing program. The language in the House version was adopted from the Tribal Environmental Review Act (TERA), which was not intended to apply to surface leasing.

NAIHC supports the Senate version of the Act. While the House is in recess, NAIHC and other interested parties will be meeting with staff for the House Natural Resources Committee in an attempt to reach compromise language on the bill that more closely resembles the Senate version.

Veterans’ Act

The Indian Veterans Housing Opportunity Act (HR 3553) has been passed by the full House and has been approved by the Senate Committee on Indian Affairs. It has not yet been presented to the full body of the Senate for a vote. The main proponent of the measure, the Navajo Nation, is investigating the possibility of “hotlining” the bill – a process of asking senators to support a unanimous consent request to pass the measure through the Senate. It then can move to the President’s desk for signature as a stand alone measure. Otherwise, it is likely this bill will need to be attached to a larger piece of legislation to be enacted.

Upcoming Field Hearing

On August 3, Sen. Tim Johnson (D-SD) announced that two U.S. Senate committees will hold a joint field hearing in South Dakota later this month to discuss innovations in meeting the housing crisis on American Indian reservations. His press release states that the Banking Committee and the Indian Affairs Committee will hold the hearing Aug. 25 at the South Dakota School of Mines and Technology in Rapid City. The NAIHC

has been invited to testify. Testimony will be provided by NAIHC Board Member Russell Sossamon, Executive Director of the Choctaw Nation Housing Authority.

**The hearing announcement is available at: <http://tinyurl.com/27cegrc>

Negotiated Rulemaking (Neg Reg)

The process of negotiated rulemaking under NAHASDA continues. The Committee, composed of two HUD representatives and 25 tribal representatives, has held five of six scheduled meetings. Of the specifically enumerated issues, the Committee has reached consensus on approximately 90 of 92 issues.

The sixth meeting is scheduled to take place August 17-19 in St. Paul, MN. Meetings begin at 8:00am and adjourn at 5:00pm daily. **Please note that all meetings are open to the public; you do not have to be on the Committee to participate in the Neg Reg process.**

For further information, please contact Traci Hobson, NAIHC Governmental Affairs Director, at 800.284.9165 or thobson@naihc.net. *Please note that because Congress is preparing to recess until mid-September with the exception of next week's House vote, further legislative updates will not be forthcoming until then.*
