



The Federal Monitor

News of Issues Affecting Tribes and Tribal Housing Programs

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The National American Indian Housing Council is a not-for-profit organization representing tribes and tribal housing organizations on affordable housing, mortgage lending, finance, and economic development issues.

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FY 2006 Appropriation Update SENATE MAINTAINS FY' 05 LEVELS

On July 21, 2005, the Senate Committee on Appropriations reported the Transportation, Treasury, and Housing and Urban Development FY 2006 Appropriation bill (TTHUD). The Full Senate Committee on Appropriations maintained funding levels at FY' 05 enacted levels and retained the Indian Community Development Block Grant under the Community Development Block Grant. The Committee reported the following funding levels for Indian housing:

Indian Housing	FY'05 Enacted	FY'06 Budget	FY'06 House	FY'06 Senate	FY '06 House v. FY'06 Senate	FY'05 Enacted v. FY'06 Senate
Native American Housing Block Grant Funds						
Native American Housing Block Grant (NAHASDA)	\$ 622	\$582.6	\$555	\$622	\$67	LEVEL
Title VI	\$2.0	\$4.8	\$2.0	\$2.0	\$-2.8	LEVEL
Technical Assistance and Training (HUD)	\$4.5	\$2.3	\$2.3	\$4.5	\$2.2	LEVEL
Affordable Housing and Economic Development Technical Assistance Board	\$0.0	\$0.0	\$0.0	\$5.0	\$5.0	\$-5.0
NAIHC TA	\$2.4	\$0.0	\$1.2	\$2.2	\$1.0	\$-.2
Indian Community Block Grant Funds						
Indian Community Development Block Grant (ICDBG)	\$68	\$57.8	\$45	\$69	\$24	\$1.0
NAIHC TA	\$2.0	\$0.0	\$1.0	\$2.0	\$1.0	LEVEL
OTHER INDIAN HOUSING PROGRAMS						
Section 184 Home Loan Guarantee	\$5.0	\$2.65	\$2.65	\$5.0	\$0.0	LEVEL
Rural Housing and Economic Development	\$23	\$0.0	\$10	\$24	\$10	\$.2
Office Lead Hazard Control	\$167	\$119	\$167	\$167	\$48	LEVEL

Though level funding was achieved in the Senate Appropriations language, a new \$5 million set-aside was created to assist in the establishment of the new Affordable Housing and Economic Development Technical Assistance Board, consisting of three Board Members: LISC, The Enterprise Foundation, and the Centre for Management and Technology, with total funding at \$50 million. NAIHC would serve on an Advisory Board to the Board. The Board "is designed to provide funding for a board of qualified and respected national non-profits to assist local non-profits in the management of programs and activities funded through the Department of Housing and Urban Development." NAIHC is currently working to remove or amend this new set-aside per Resolution #2002-03, Funding Options for Small Programs and Negotiated Rule Making As The Decision Making Forum, passed by the full membership on June 19, 2002.

House language amending the NAHBG formula was amended by the Senate and is now more in conformity with NAIHC Resolution #2004-09, passed by the membership on June 8, 2004. The new language in the Senate Appropriations bill states:

The Committee is very concerned with both the policy and method by which HUD revised the eligibility requirements under which HUD allocates the Native American Housing Assistance Block Grant [NAHASDA]. On April 19, 2004, HUD issued its NAHASDA funding for fiscal year 2004 by using "multi-race" census data for making funding allocations as opposed to funding tribes based on members of a "single race". While this may be a legitimate approach, HUD's allocation is based on census data that relies on self-certification. Equally troubling is the fact that HUD failed to use "notice and comment" rulemaking in making such a substantial policy change. This concern is reinforced by the fact that HUD was unable to reach a consensus among tribal groups on this policy change. Consequently, while the Committee is not looking to challenge the policy change at this time, the Committee does direct HUD to reassess this decision through notice and comment rulemaking. The Committee also directs HUD to establish oversight procedures to ensure that tribal members are qualified for purposes of the NAHASDA tribal funding allocations.

The TTHUD is now waiting to be placed on the Senate Calendar for a vote by the Senate, and then it will be referred to the House-Senate Conference Committee.

House Committee on Resources and Committee on Financial Services Hold Joint Hearing on Improving Land Title Grant Procedures for Native Americans

Based in large part to last years hearing in Tuba City and Congressional Tours by NAIHC to Round Valley Indian Housing Authority, on July 19, 2005, the House Committees on Financial Services and Resources conducted a joint oversight hearing on "Improving Land Title Grant Procedures for Native Americans." There was strong Committee Member interest with 18 Members attending all or part of the hearing: Housing and Community Opportunity Subcommittee Chairman Bob Ney (R-OH), Financial Services Committee Ranking Member Barney Frank (D-MA), Representatives Rick Renzi (R-AZ), Dale Kildee (D-MI), Stephanie Herseth (D-SD), Steve Pearce (R-NM), Cathy McMorris (R-WA), Randy Neugebauer (R-TX), Tom Feeney (R-FL), Raul Grijalva (D-AZ), Joe Baca (D-CA), Barbara Lee (D-CA), Dennis Cardoza (D-CA), Jay Inslee (D-WA), Debbie Wasserman Schulz (D-FL), Jim Matheson (D-UT), Jim Costa (D-CA), and Luis Fortuna (R-PR).

The hearing featured only Federal witnesses: Arch Wells, Acting Director, Office of Trust Services, Department of Interior, and Roger Boyd, Deputy Assistant Secretary, U.S. Department of Housing and Urban Development, Public and Indian Housing – Office of Native American Programs. Questions were posed to both witnesses but focused more on the BIA procedures. Having listened to Mr. Wells opening statement, and stated answers to several questions concerning the backlog and lack of appointments to the Land Title Commission created in 2000, Congressman Wasserman Schultz (D-FL) stated that “I may be a freshman, but I cannot believe that after all this time, it is only now that the BIA is determining this is an issue. It is no wonder that the Seminole Tribe, which is in my district, throws up their hands and wants to walk away from this altogether.”

Congressman Rick Renzi (R-AZ), who chaired the hearings, made it clear he planned on holding additional hearings on this issue and that he intends to bring BIA back before the Joint Committee for further questioning and updates. NAIHC Office of Governmental Affairs will continue to work closely with the Committee members to ensure this issue is addressed to completion.

Senate Passes Collins (R-ME) Amendment in U.S. Department of Homeland Security Appropriations Adding Tribal Governments as Direct Grantees for First Responder Funds

On July 14, 2005 the Senate passed the U.S. Department of Homeland Security Appropriations with an amendment submitted by Senator Susan Collins (R-ME). The passage of this amendment would allow tribes to access funds that previously had been only reserved for states and localities. Additionally, access to needed first responders funds would possibly offset monies lost for housing security through the elimination of the Drug Elimination Program, thus potentially freeing more NAHASDA funds for housing rather than crime prevention.

The Homeland Security Appropriations has been referred to the House-Senate Conference. Conferees from the House have yet to be appointed. Once appointments are completed to the Conference, NAIHC will need membership support to ensure passage of the Senate version.