



**WASHINGTON UPDATE ON INDIAN
TRIBAL HOUSING LEGISLATION
AND POLICY DEVELOPMENTS**

National American Indian Housing Council

February 23, 2010

Presented by Paul Moorehead

Drinker Biddle



The Obama Administration

- Key White House Figures
 - Peter Orszag, Director – OMB
 - Mark Weatherly, Deputy Director, Housing
 - Melody Barnes, Director – Domestic Policy
 - Kim TeeHee, Sr. Policy Advisor, NA Affairs
 - Jodi Gillette, Deputy Director – Intergov. Affairs



The Obama Administration

- Key Cabinet and Agency Officials - HUD
 - Shaun Donovan, Secretary
 - Sandra Brooks Henriquez, AS-PIH
 - Rodger Boyd, DAS – Native American Programs



The Obama Administration

- Key Cabinet and Agency Officials – Interior
 - Ken Salazar, Secretary
 - Larry EchoHawk, AS – Indian Affairs
 - Paul Tsosie, Chief of Staff
 - Del Laverdure, Counsel
 - Wizipan Garriott, Counsel
 - E. Sequoyah Simermeyer, Counsel

The Congress

- The U.S. Senate – Key Officials
 - Harry Reid, Majority Leader
 - Wendy Helgemo, Counsel
 - Mitch McConnell, Minority Leader
 - Byron Dorgan, Chairman, SCIA
 - John Barrasso, Vice Chairman, SCIA
 - Christopher Dodd, Chairman, Banking
 - Richard Shelby, Ranking Member, Banking

The Congress

- The U.S. House of Representatives
 - Nancy Pelosi, Speaker
 - Steny Hoyer, Majority Leader
 - John Boehner, Minority Leader
 - Nick Rahall, Chairman, Resources Committee
 - Doc Hastings, Ranking, Resources Committee
 - Barney Frank, Chairman, Financial Services
 - Spencer Bachus, Ranking, Financial Services



NAHASDA Amendments Enactment and Implementation

- Negotiated Rulemaking and the 2008 NAHASDA Amendments
 - NAHASDA became Public Law (P.L.110-411) on October 14, 2008
 - FR Notice: Initiating the Negotiated Rulemaking published January 2009
 - FR Notice: Final list of Negotiated Rulemaking Committee published January 2010
 - 1st Negotiated Rulemaking Session to be held on March 9 – 10, 2010 in Scottsdale, Arizona

The President's FY2011 Budget Request

➤ Fiscal Year 2011 Budget Request

■ \$3.8 trillion total

- 3-year domestic spending freeze for non-security, domestic discretionary programs
- \$48.9 billion for programs and activities at the U.S. Department of Housing and Urban Development
- \$27.2 billion for the Office of Public and Indian Housing
 - IHBG - \$578 million [Relies on ARRA & FY2010]
 - Title IV Loan Guarantee program - \$2 million
 - HUD's Transformation Initiative - \$5.8 million



The President's FY2011 Budget Request

- **Indian Housing Loan Guarantee (Section 184) - \$9 million proposed of which \$8.25 million in credit subsidy**
- **Community Development Block Grant - \$4.4 billion including \$64 million for Indian tribes; \$150 million for the new Catalytic Investment Competition Grants Program**
- **USDA - \$1.2 billion for Sec. 502 direct loans; \$12 billion for unsubsidized guaranteed loans for single family housing; \$95 million for Sec. 515 multi-family housing direct loans; and \$129 million for Sec. 528 guaranteed loans**
- **DoI – BIA - \$2.4 billion for the Operation of Indian Programs, including \$12.6 million for the Indian Housing Improvement Program**

Congressional Role and Reaction

- The PBR is an “Offer” to Congress
- Art. I, Section 9, Cl. 7
 - “No money shall be drawn from the Treasury, but in consequence of appropriations made by law...”
 - Appropriations Season opens this week
 - House TTHUD – today at 1:00 p.m.
 - Senate TTHUD – Thursday at 9:30 a.m.
 - Senate Indian Affairs – Thursday at 2:15



Congressional Role and Reaction

- House, Senate Budget Resolutions
- Allocations made to 12 Subcommittees
- Subcommittees apportion funds to programs and activities within their jurisdiction
 - “Regular Order” - Hearings, markups and floor action on individual appropriations bills
 - Recent Years – “Irregular Order” and “Omnibus Appropriations Bills”

Congressional Role and Reaction

- Appropriations is a marathon, not a sprint
 - The PBR is the starting point
 - The PBR can be shaped and changed
 - The appropriations subcommittees often change the funding allocations proposed in the PBR
 - Authorizing committees, such as the Senate Committee on Indian Affairs, can play a role, e.g. the “Views and Estimates Letter”



NAIHC Activities

- Re-shaping the PBR for Indian Housing will not happen by itself
 - NAIHC Membership working with key appropriations committees
 - Understand the rationale for the PBR
 - Be equipped and prepared
 - Use charts, graphs, and real life stories



Striking the Right Themes

- “Jobs have been and will continue to be the number one focus of our committee“
 - Congressman David Obey, Chairman – House Committee on Appropriations
 - Historical funding inequities in NAHASDA
 - Acute housing and development needs
 - Housing is a “Shovel-ready” industry
 - Jobs, jobs, jobs!

Pending Housing Legislation

- ***Helping Expedite and Advance Responsible Homeownership Act (“HEARTH Act,” H.R.2523)***
- ***Public and Indian Housing Crime and Drug Elimination Program Reauthorization Act of 2009 (S.1327)***
- ***Indian Veterans Housing Opportunity Act of 2009 (H.R.3553)***
- ***Hawaiian Homeownership Opportunity Act of 2009 (S.72 / H.R.709)***



Other Indian-related Legislation

- Health Care Reform – *Indian Health Care Improvement Act (S.1790 / H.R.2708)*
 - Included as Title X in President's latest health proposal posted on White House Website
- Energy and Climate Change
 - Energy legislation likely, climate change unlikely
- Draft legislation – Energy Efficiency and Conservation Demonstration Project



2nd Session of the 111th Congress and Outlook

➤ **Congressional Calendar**

- November elections
- House adjournment - October 8, 2010
- Senate adjournment – not yet established

➤ **Senate Retirements (10)**

- 5 Democratic Senators
- 5 Republican Senators
- Byron Dorgan (ND), Chairman, Senate Committee on Indian Affairs
- Christopher Dodd (CT), Chairman, Banking, Housing, Urban Affairs

➤ **House Retirements (35)**

- 16 Democratic Representatives
- 19 Republican Representatives



2nd Session of the 111th Congress and Outlook

- Prognosis is good for Indian housing authorizations – likely Omnibus Bill at end of the 2nd Session, maybe even after the November elections
- Appropriations bills likely to be stalled individually with an Omnibus Appropriations Bill also probable



Cobell v. Salazar Proposed Settlement

- \$3.4 billion proposed settlement agreement
- 300,000 to 500,000 IIM account holders
- \$1.4 billion (minus attorney's fees) to account holders
- \$1,000 check to account holders
- \$2 billion Trust Land Consolidation Fund
- \$60 million Indian Education Scholarship Fund
- Congressional deadline of February 28, 2010, to authorize settlement



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