



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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Appropriations for Tribal Housing Programs Clear One Hurdle in FY2011 Process

On Thursday, July 1, the House Subcommittee on Appropriations Transportation, Housing and Urban Development, and Related Agencies (THUD) held a markup session regarding the THUD FY2011 appropriations. In the House THUD appropriations markup, the President's proposed funding level of \$580 million for the Indian Housing Block Grant (IHBG) is rejected and the FY2010 funding level of \$700 million is preserved.

This is just the beginning of a multi-step appropriations process. It is possible that Congress will not pass a budget for FY2011 and the country's financial and budgetary matters will move forward under a "CR," a continuing resolution. As the process unfolds, further updates will be provided.

What You Can Do to Assist: NAIHC encourages active participation in the appropriations process. A sample letter for use in corresponding with your legislative representatives is available on the NAIHC website. **Please contact your Senators and Representatives to express your concern regarding FY2011 IHBG appropriations and to urge support for NAIHC's essential Training and Technical Assistance programs.**

Senate Committee on Indian Affairs Approves the Indian Veterans Housing Opportunity Act and the HEARTH Act

On June 30, the Senate Committee on Indian Affairs (SCIA) held a business meeting during which it considered and approved two legislative items of paramount importance to Indian Country: the Indian Veterans Housing Opportunity Act and the Helping Expedite and Advance Responsible Tribal Homeownership Act (HEARTH Act).

Background: Indian Veterans Housing Opportunity Act (H.R. 3553, S. 3246)

This bill, originally introduced by Representative Kirkpatrick (D-AZ) on 9/10/2009, would amend NAHASDA to be consistent with the IRS Tax Code and other federal statutes and regulations by excluding income received by a veteran, or his or her family, for service-related disability, dependency, or indemnity, from the definition of "income" under NAHASDA. NAIHC Executive Director Mellor C. Willie testified at a Field Hearing in Window Rock, AZ on Saturday, April 10, in support of this important legislation, which has six co-sponsors. On April 22, a Senate companion bill was introduced by Senators Wyden (D-OR) and Thune (R-SD) and promptly referred to the Senate Committee on Indian Affairs (SCIA).

Current Status: On Tuesday, April 20, the bill passed with overwhelming support on the House floor. The same exact language appears in S. 3246, which was unanimously approved by the SCIA on June 30, 2010. The bill must now pass the full Senate before it can be signed into law by the President.

Background: Helping Expedite and Advance Responsible Tribal Homeownership Act ("HEARTH," H.R. 2523, S. 3235)

The HEARTH Act would amend the Indian Long-Term Leasing Act of 1955 (25 U.S.C. § 415) by reforming federal leasing requirements and encouraging housing and community development in Native American communities. It would allow tribes to enter into certain leases without prior express approval of the Secretary of the Interior. The Bureau of Indian Affairs submitted written feedback to Representative Heinrich's office and to the Senate Committee on Indian Affairs (SCIA) regarding the text of the bill, as did NAIHC.

Current Status: The House Natural Resources Committees held a hearing in October of last year to discuss the benefits of the legislation to Indian tribes. The Senate version, which varies in several respects from the House version and was amended immediately prior to the SCIA business meeting, was approved by the SCIA on June 30. The language of the final version that was approved by the SCIA has not been released. When the language has been cleared and released by the SCIA, it will be posted on the NAIHC website and distributed electronically to members.

NAIHC was consulted regarding the amendments and supports both versions of the HEARTH Act. Since the SCIA approved HEARTH, NAIHC has requested a formal markup of HEARTH by the House Natural Resources Committee and is urging the full Senate to consider the bill during this legislative session.

What You Can Do to Assist: Contact your Congressional representatives and urge them to support both pieces of legislation: (1) contact your Senators in support of the Indian Veterans Housing Opportunity Act, which would right a wrong in NAHASDA immediately so that Indian veterans and their families are not financially penalized for their service to this country; and (2) contact your Senators and House Representatives regarding HEARTH, supporting the objectives of the bill and expressing any concerns you have with the language in either version of the legislation.

HUD Rescinds Indian Housing Plan and Annual Performance Report Notice, Cancels Training, and Withdraws Clearance Request to OMB

On Friday, May 21, 2010, HUD issued a Federal Register notice regarding the new Indian Housing Plan and Annual Performance Report forms and announcing two upcoming trainings on use of the form.

After further deliberation and numerous questions from tribes, particularly the members of the NAHASDA Negotiated Rulemaking Committee, Assistant Secretary Sandra B. Henriquez issued an apology and rescinded the notice on June 4, 2010.

Effective June 30, HUD's Office of the Chief Information Officer announced the withdrawal of the Federal Register Notice about the "emergency" clearance request to the White House Office of Management and Budget (OMB) regarding the new combined Indian Housing Plan and Annual Performance Report form.

For further information, see Federal Register Volume 75, No. 125, Page 37826, issued June 30, 2010.

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 four of six scheduled meetings. Of 98 specifically enumerated issues, the Committee reached consensus on 56 by the end of the third meeting. During the fourth meeting, the Committee reached consensus on another seven issues and began discussing the revised Indian Housing Plan and Annual Performance Report form.

The fifth meeting will be held July 20-22 at the Crowne Plaza Hotel in Seattle, WA. 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 on this month's meeting, please see:

<http://www.naihc.net/NAIHC/files/ccLibraryFiles/Filename/00000002628/NegReg-4-5th-meetings-notice.pdf>
