



The Federal Monitor

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Current Affairs Affecting Tribes & Tribal Housing Programs

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NAIHC, a non-profit organization, assists tribes and tribal housing entities in reaching their goal of providing culturally relevant, decent, safe, sanitary and quality affordable housing for Native people in Indian communities, Alaska Native Villages and Hawaiian Home Lands.

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FY2011 Appropriations

Background: As the single largest source of Indian housing funds, Indian Housing Block Grant (IHBG) appropriations under NAHASDA continue to be at the top of our legislative priority list. The President's Proposed FY2011 Budget Request includes devastating funding reductions -- a decrease of \$120 million (17 %) -- for the IHBG program, and it would eliminate the invaluable training and technical assistance (T/TA) provided by NAIHC.

Current Status: This week, NAIHC submitted written testimony to the House Appropriations Committee, Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, and the companion Senate Subcommittee on appropriations urging Congress to (i) increase IHBG funds to \$875 million to help meet the tremendous unmet housing needs in Indian Country, and (ii) to restore funds for the valuable T/TA provided by NAIHC.

What You Can Do to Assist: NAIHC encourages your active participation in the appropriations process. A sample letter for use in corresponding with your legislative representatives is available on our website. **Please contact your Senators and House Representatives to express your concern regarding FY2011 IHBG appropriations and to urge support for NAIHC's T/TA programs.**

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

Background: This bill, originally introduced by Rep. 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 piece of legislation, which has six co-sponsors.

Current Status: On Tuesday, April 20, the Bill passed with overwhelming support on the House floor. On April 22, a Senate companion Bill was introduced, S. 3246, titled the *Indian Veterans Housing Opportunity Act of 2010*. The bill was introduced by Sen. Wyden (D-OR) and co-sponsored by Sen. Thune (R-SD) and was promptly referred to the Senate Committee on Indian Affairs (SCIA).

What You Can Do to Assist: Contact your Congress men and women and urge them to support this important legislation to right this wrong in NAHASDA immediately, so that Indian veterans and their families are not financially penalized for their service to this country. A list of your Congressional contacts is available on the NAIHC website and NAIHC will be posting a sample letter in support of the Indian Veterans Opportunity Act in the next week.

Helping Expedite and Advance Responsible Tribal Homeownership Act (“HEARTH,” H.R. 2523, S. 3235)

Background: HEARTH was originally introduced by Rep. Martin Heinrich (D-NM) on May 20, 2009. It is designed to amend the Indian Long-Term Leasing Act of 1955 (25 U.S.C. § 415), reforming Federal leasing requirements and encouraging housing and community development in Native American communities by allowing 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 Rep. Heinrich’s office and to the Senate Committee on Indian Affairs (SCIA) regarding the text of the Bill, as did NAIHC.

Current Status: On April 20, 2010, Sen. Dorgan (D-ND) introduced S. 3235, a Senate companion Bill, with Sen. Johnson (D-SD), Sen. Tester (D-MT), and Sen. Udall (D-NM). It was read twice and referred to the SCIA. S. 3235 differs from the House Bill in several respects. It changes the definition of “Indian tribe” that will be utilized under HEARTH; strikes language from the proposed House Bill regarding mineral leases; changes the environmental review process to be employed under HEARTH to a process “similar to the process established by the Department of the Interior under the National Environmental Policy Act of 1969” (NEPA); and changes the language in the proposed House Bill regarding the Secretary’s trust responsibility to the tribes. NAIHC’s concern is language in the Bill regarding an environmental review process similar to NEPA. We are pursuing clarification and further information from the SCIA and from Rep. Heinrich’s office regarding the type of environmental process that they envision under the HEARTH Act, should it be enacted.

What You Can Do to Assist: Write to your Congressional representatives urging your support for this legislation and expressing any concerns that you have with the language in the Bills.

NEGOTIATED RULEMAKING UPDATE: The process of negotiated rulemaking under NAHASDA continues. The committee, composed of two HUD representatives and 25 tribal representatives, has held two of six scheduled meetings. The next meeting is scheduled for May 11-13 in Denver, CO. For further information, see <http://www.hud.gov/offices/pih/ih/codetalk/negreg/>.

Government Accountability Office Releases Report on the Effectiveness of NAHASDA: The full report can be accessed at <http://www.gao.gov/new.items/d10326.pdf>.