



The Federal Monitor

Current Affairs Affecting Tribes & Tribal Housing Programs

Volume 11, Issue 1
February 11, 2011

Published by the National American Indian Housing Council (NAIHC), a 501(c)(3) non-profit organization. Our goal is to effectively and efficiently promote and support American Indians, Alaska Natives, and native Hawaiians in their self-determined goal of providing culturally relevant, quality, affordable housing for native people.

NAIHC Office of Governmental Affairs (OGA)

900 2nd St. NE
Suite 107
Washington, DC
20002

Phone: (202)789-1754
Facsimile: (202)789-1758

**Traci Hobson, JD,
LL.M.,**
Director
thobson@naihc.net

President Obama Nominates a Tribal Member to the Federal District Court Bench

On February 2, President Obama announced his nomination of Arvo Mikkanen, an enrolled member of the Kiowa Tribe of Oklahoma, for a vacancy on the federal district court bench. Currently, Arvo Mikkanen serves as an Assistant United States Attorney for the Western District of Oklahoma, a position he has held since 1994. Mikkanen is a graduate of Yale Law School and Dartmouth College. If confirmed, he will be the third Native American to hold a federal court judgeship and the only Native American currently on the federal bench.

For more information, click here: <http://www.whitehouse.gov/the-press-office/2011/02/02/president-obama-names-two-united-states-district-court>.

The 112th Congress

House Leadership

During the 2010 midterm elections, Republicans gained enough seats to constitute the majority in the House of Representatives. John Boehner (R-OH) is the Speaker of the House, and Eric Cantor (R-VA) is the Majority Leader. Nancy Pelosi (D-CA) is the Minority Leader, and Steny Hoyer (D-MD) has assumed the role of Minority Whip.

The leadership of key House committees is as follows:

- *Appropriations*: Harold Rogers (R-KY), Chair; Norm Dicks (D-WA), Ranking Member
- *Transportation, Housing and Urban Development, and Related Agencies (THUD) Appropriations Subcommittee*: Tom Latham (R-IA), Chair; John Olver (D-MA), Ranking Member
- *Financial Services*: Spencer Bachus (R-AL), Chair; Barney Frank (D-MA), Ranking Member
- *Natural Resources*: Doc Hastings (R-WA), Chair; Ed Markey (D-MA), Ranking Member
- *Natural Resources Indian Affairs Subcommittee*: Don Young (R-AK), Chair; Dan Boren (D-OK), Ranking Member
- *Ways and Means*: Dave Camp (R-MI), Chair; Sander Levin (D-MI), Ranking Member

Senate Leadership

While the Republicans gained six Senate seats in last year's elections, the chamber will retain its Democratic majority by a 53-47 margin. Senator Harry Reid (D-NV) was re-elected Majority Leader, and Senator Mitch McConnell (R-KY) was re-elected Minority Leader.

- ❖ *Appropriations*: Daniel Inouye (D-HI), Chair; Thad Cochran (R-MS), Ranking Member
- ❖ *Transportation, Housing and Urban Development, and Related Agencies (THUD) Appropriations Subcommittee*: Patty Murray (D-WA), Chair; Susan Collins (R-ME), Ranking Member
- ❖ *Banking, Housing, Urban Affairs*: Tim Johnson (D-SD), Chair; Richard Shelby (R-AL), Ranking Member
- ❖ *Finance*: Max Baucus (D-MT), Chair; Orrin Hatch (R-UT), Ranking Member
- ❖ *Indian Affairs*: Daniel Akaka (D-HI), Chair; John Barrasso (R-WY), Vice Chair

Appropriations: Deep Spending Cuts Anticipated in the 112th Congress

With the United States running an annual deficit of \$1.3 trillion in 2010 and a long-term debt of \$13 trillion, it is anticipated that Congress will make deep cuts to non-security discretionary programs for the remainder of fiscal year (FY) 2011 and in FY2012. Discretionary spending includes the programs and activities funded by the federal government that are not considered entitlement programs. Entitlement programs include Medicare, Medicaid, and Social Security, and many members of Congress are reluctant to target them for cuts.

At least initially, the focus for cuts is on non-security discretionary spending, which makes up just over 16% of the federal budget. Most tribal programs are in the discretionary spending category, including tribal housing.

On Tuesday, January 25th, the House voted 256-165 in favor of House Resolution (HR) 38, a non-binding resolution giving Budget Chairman Paul Ryan unilateral authority to set all non-defense spending for FY 2011 at FY 2008 levels when the Continuing Resolution (CR) that is currently funding the government expires on March 4th. Chairman Ryan released a fiscal 2011 budget allocation last Thursday that would cap FY 2011 spending at \$1.055 trillion and slice \$32 billion from current government spending levels. Ryan's cap assumes a \$40+ billion reduction in non-security spending (i.e., programs other than defense, homeland security, and veterans' programs), while providing a nominal increase for security spending. The new cap is intended to reduce non-security spending to 2008 levels for the final seven months of the current fiscal year.

House Appropriations will soon adopt spending allocations for each of the 12 individual appropriations bills, which determine the level of funding reduction that each domestic spending bill will incur. Last week, panel Chairman Harold Rogers previewed the so-called 302(b) allocations. On Feb. 8, such allocations were adopted, with technical changes, by the House Appropriations Committee by a vote of 27-22. The allocations require significant cuts for most of the appropriations subcommittees, but the largest funding reduction is to the Transportation, Housing and Urban Development, and Related Agencies (THUD) subcommittee. The THUD allocation is 17% lower than the FY2010 level and 18% lower than the President's proposed 2011 budget.

GOP appropriators are working to identify specific program cuts for each bill. Soon, it is likely that a draft of the CR extension will be released and it will reflect the spending cuts described above. Majority Leader Eric Cantor said the House will consider spending for the remainder of 2011 during the week of Feb. 14th.

For the proposed allocations, click here:

<http://www.cq.com/flatfiles/editorialFiles/budgetTracker/reference/docs/20110203routers-302bTable.pdf>.

Even though the FY2011 budget cycle has not concluded, the President's FY2012 Budget Request (PBR) will be announced on Monday, Feb. 14. Given the current economic climate, the PBR is expected to include cuts to most discretionary programs.

For the text of the current CR – the 4th one of FY2011 – click here:

<http://www.gpo.gov/fdsys/pkg/BILLS-111hr3082enr/pdf/BILLS-111hr3082enr.pdf>.

The Helping Expedite and Advance Responsible Tribal Homeownership Act (HEARTH)

On January 6, 2011, Rep. Martin Heinrich (D-NM) reintroduced the *Helping Expedite and Advance Responsible Homeownership Act* ("HEARTH Act," H.R. 205). The HEARTH Act would amend the *Indian Long Term Leasing Act of 1955* to authorize Indian tribes to enact their own regulations governing surface site leasing of tribal trust lands. Under the HEARTH Act, a tribe that chooses to do so may draft its own regulations to govern surface site leasing. Once the regulations are submitted to and approved by the Secretary of the Department of the Interior in the first instance, a tribe would be able to operate its own surface site leasing program without the requirement of review and approval by the Secretary of the Interior. This would enhance tribal control over tribal resources and would help expedite the surface site leasing process for housing, economic development, and related projects.

The bill introduced by Heinrich last month is the same version of the HEARTH Act that was pending in the Senate in the 111th Congress. It contains an environmental review section that was subject to extensive discussion and negotiation by the Senate Committee on Indian Affairs, the Bureau of Indian Affairs, the Department of the Interior's Office of the Solicitor, the Department of Housing and Urban Development, the office of Congressman Heinrich, and NAIHC.

NAIHC is actively seeking cosponsors for the HEARTH bill in the House of Representatives and asks that NAIHC members contact their members of Congress and request that they cosponsor this important legislation. For more information and a sample letter to your House members, see the OGA column on the main page of the NAIHC website: <http://www.naihc.net/>.

NAHASDA Negotiated Rulemaking (Neg Reg)

During the course of six meetings in 2010, the Neg Reg Committee, composed of two HUD representatives and 25 tribal representatives, considered over a hundred issues and reached consensus on all but four of them. The outstanding issues involve:

- recapturing expenditures on affordable housing activities;
- hearing requirements for Formula Current Assisted Stock (FCAS) overcounts;
- time limitations on noncompliance claims; and
- Line of Credit Control System (LOCCS) edits.

Late last year, HUD released a draft of the proposed rule to the Drafting Committee

from the Neg Reg process. Written feedback was sent to HUD and a revised draft rule was sent to members of the Neg Reg Committee on Jan. 20. Comments and concerns regarding the draft rule are due to HUD by Feb. 22. After the Neg Reg Committee's comments are received and reviewed, the draft rule must go through HUD and OMB clearance processes before it can be released for public review and comment.

The next Negotiated Rulemaking process to address the Indian Housing Block Grant funding formula will take place in 2012.

HUD Outreach Sessions – Needs Assessment: Sessions to Focus on Housing Needs

Pursuant to a Congressional mandate, the Department of Housing and Urban Development (HUD), Office of Policy Development and Research (PD&R) will begin a comprehensive study on the extent of housing needs in Indian Country, including Alaska and the housing needs of native Hawaiians who are eligible to reside on Hawaiian Home Lands.

Before this study begins, HUD's Office of Native American Programs (ONAP) is conducting a series of outreach sessions that will serve as a forum to seek input from tribal leaders, tribal housing authorities, native Hawaiians, and other stakeholders on a variety of housing-related issues.

These sessions will generate a broad discussion about tribal community and economic needs; eliminating barriers to housing development; developing more housing units; sharing success stories; and discussions about the impact housing has on tribal community and economic development. These sessions will also inform all stakeholders about the upcoming PD&R Housing Needs Study, what to expect, and the importance of responding to the survey. The meetings will also provide real life examples to enhance the data that will be collected in the PD&R study.

Four sessions have been held since December. The remaining sessions will take place:

- *February 23-24 in Hollywood, FL*
- *March 2-3, 2011 in Seattle, WA*
- *March 23-24, 2011 in Anchorage, AK*

For more information regarding these sessions, click here:
<http://www.hud.gov/offices/pih/ih/codetalk/calendar.cfm>.

Save the Dates: Upcoming Events

February 15-17: NAIHC Legislative Conference

- Location: Washington Court Hotel, 525 New Jersey Ave. NW, Washington, DC 20001
- The NAIHC room block is full.
- Reservations: (202) 628-2100

The Legislative Committee meeting will take place on **Tuesday, Feb. 15, from 1:30-4:00 p.m.** The Legislative Committee meeting is open to the public and NIAHC members are encouraged to attend and provide input regarding NAIHC's legislative priorities and agenda.

May 24-26: NAIHC 37th Annual Convention and Trade Show

- Location: Sheraton Phoenix Downtown, 340 North 3rd Street, Phoenix, AZ 85004
- Guestroom rate: \$155 single/double occupancy (12.27% tax not included)
- Cut-off date: April 29, 2011
- Reservations: 800-228-3000

The Legislative Committee meeting will take place on **Monday, May 23, from 1:30-4:00 p.m.**

For information regarding upcoming NAIHC trainings and other events, click here: <http://www.naihc.net/index.php/events/calendar/>.

*For further information, please contact Traci Hobson,
NAIHC Governmental Affairs Director, at (800) 284-9165 or thobson@naihc.net.*