



"A Tradition of Native American Housing"

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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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The Federal Monitor

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News of Issues Affecting Tribes and Tribal Housing Programs

Congress Returns from Recess

After its six-week summer recess, Congress returned Tuesday to a long laundry list for the coming months. The trouble is that the election is likely to keep them from getting very far down that list. First item up is appropriations. In spite of a flurry of activity this week on the Labor-HHS-Education bill in the House and the Homeland Security and Transportation-Treasury bills in the Senate, top leaders in both parties are expressing doubt that all 13 appropriations bills will be finished before the end of the calendar year, much less the end of the fiscal year. Only the Defense and Homeland Security measures are expected to be completed before the national election on November 2. Although the Senate appropriations committee has finally adopted 302(b) allocations for each of the 13 subcommittees, the Republican leadership would rather not debate appropriations during the campaign season, possibly forcing candidates to cast unpopular votes on amendments. With plans to recess mid-October for the election, this leaves a lame-duck session in November a necessity. Aside from the election, however, Senate Appropriations Chairman Ted Stevens (R-AK) has said that he fears debate on implementing recommendations from the 9/11 Commission will tie up debate on the Senate floor up to and past the election, pushing appropriations completion into 2005.

The saving grace from such a delay in finalization of FY 2005 appropriations may be that Senator Stevens and House Appropriations Chairman C.W. Bill Young (R-FL) are motivated to finish before January when both will have to relinquish their Chairmanship gavels due to term limits.

HUD OGC Issues Opinion on Risk Pools

A recent favorable decision by HUD's Office of General Counsel (OGC) should usher a new Indian housing risk pool regulation into a *Federal Register* comment period before the end of this year. According to AMERIND counsel, the OGC has agreed that HUD has the authority to issue a regulation that would preempt the ability of states to regulate Indian housing risk pools. Apparently a letter has been drafted that will be sent both to the states affected and to the tribes for comment before the regulation is sent to the Office of Management and Budget (OMB) for approval.

Fate of Negotiated Rulemaking Uncertain

NAIHC has been told that the proposed formula rule, the product of the Formula Negotiated Rulemaking Committee, may have recently been discharged from HUD and sent to OMB for review. Unfortunately, NAIHC has been unable to confirm this transmission definitively. After OMB has reviewed and approved the rule, it will be published in the *Federal Register* for comment. The committee will then meet again to review all the comments. A notice will be sent out when we can confirm the status of the rule.

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