



The Federal Monitor

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News of Issues Affecting Tribes and Tribal Housing Programs

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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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Senate Passes Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act of 2006

On October 20, 2005, the Senate passed the [Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act of 2006, H.R. 3058](#), or TTHUD. The Senate's appropriation provides level funding from FY 2005 for the Native American Housing Block Grant (NAHBG) at \$622 million and \$69 million for the Indian Community Development Block Grant (ICDBG). Senate funding is \$108 million above the President's budget request and \$91 million over House funding. Included in the Senate language is a \$5 million dollar set-aside taken from the NAHBG to the Affordable Housing and Economic Development Technical Assistance Board. Funds were set aside from all public housing programs; however, the allocation from each group was not proportional. The Senate appropriations bill will now go to conference to resolve the differences between the two House and Senate bills.

There are three major differences regarding Indian housing. First, the House justifies a \$90 million dollar cut by a **\$97 million dollar carryover** amount based on in-accurate HUD numbers, by roughly \$90 million. HUD has verified with Congressman Rick Renzi's (R-AZ) office that **the correct carryover amount is \$7 million**. Second, in an unprecedented move, the ICDBG is funded from the NAHBG, resulting in an additional \$45 million reduction from the NAHBG. The Senate version funds the ICDBG from its traditional place under the Community Development Block Grant. Third, the House language changes the way the multi-race or single-race census data is used in the allocation formula, resulting in roughly half of the tribes gaining and half of the tribes losing NAHBG funding. The Senate provides report language that the census count change in the allocation formula should not be handled in appropriations; rather, it should be resolved through notice and comment rule-making with all of the tribes.

House of Representatives Passes Federal Housing Finance Reform Act of 2005, H.R. 1491

On October 26, 2005, the House of Representatives passed the [Federal Housing Finance Reform Act of 2005, H.R. 1461](#), commonly referred to as the GSE (Government Sponsored Entities) bill. Rep. Michael G. Oxley sponsored an amendment (H.AMDT.596) that creates an Affordable Housing Fund. NAIHC worked closely with Congressman Rick Renzi (R-AZ) and Congressman Barney Frank (D-MA) on language expressly stating that federally recognized tribes and Alaskan Native villages qualify for the Fund. Fannie Mae and Freddie Mac will contribute to the fund 3.5% of their after tax earning in the first two years, subsequently contributing 5% in following years. Effective six months after enactment, victims of Hurricane Katrina and Rita are given priority to the Fund during the first two years. Others eligible include for-profit builders, state housing agencies, and non-profit organizations that demonstrate success in affordable housing activities. These organizations may not use the Fund for political activities, advocacy, lobbying, counseling services, travel expenses, or tax return advice. The Affordable Housing Fund creates new money that

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American Indians and Alaskan Natives will be able to use in addressing their critical housing needs. The GSE bill has yet to be placed on the Senate calendar.

**HUD Assistant Secretary for Public and Indian Housing
Nominee Orlando Cabrera Testifies before Senate Banking,
Housing and Urban Affairs Committee**

The [Senate Banking, Housing and Urban Affairs Committee](#) held a hearing on the nomination of Orlando Cabrera to be HUD Assistant Secretary for Public and Indian Housing on October 25. Cabrera was the executive director of the Florida Housing Finance Corporation. Cabrera was not asked any questions related to Indian housing during the hearing. He did state that he looked forward to working with tribes, corporations and other groups on Indian Housing issues. NAIHC has requested that Cabrera testify before the **Senate Committee on Indian Affairs** before the full Senate vote.

**Agriculture Appropriations Completes
House-Senate Conference**

On October 27, 2005 the House-Senate Agriculture Appropriations Conference reported out [H.R. 2744, making Appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies](#). The conference legislation passed the House of Representatives with a vote of 318 yeas and 63 nays on October 28, 2005. USDA section 502 single family housing (direct) loans were funded at \$1,140 million compared to the FY'05 level of \$1,150 million. Section 502 Single family housing (guaranteed) was funded at \$3,681 million compared to FY'05 at \$3,309 million. Section 515 Multi-family direct loans were funded at \$100 million compared to FY'05 at \$99 million. Section 538 Multi-family guarantee programs were also funded at \$100 million compared to FY'05 at \$99 million. The Senate has yet to vote on the conference report; upon which the President will consider for signature before becoming public law.

**Native American Renewable Energy and Weatherization
Programs Funded at \$4 Million in House of Representatives
and Senate Energy and Water Appropriations**

In both the House and Senate versions of the [Energy and Water Appropriations Bills, H.R. 2419](#), there is a provision for \$4,000,000 dollars for tribal energy programs. The appropriated funds are to be used for the development of renewable energy resources on tribal lands and to assist tribal leaders in the development of energy plans. The Senate bill provides an additional \$1,000,000 dollar funding for the Council of Renewable Energy Resource Tribes (CERT) for training and technical assistance of Native Americans in the development of renewable energy and electric facilities management.

***Homeland Security Appropriations Bill is signed by the
President into Public Law 109-90***

On October 18, 2005, the Homeland Security Appropriations Bill was signed by the President into [Public Law No. 109-90](#), however, the bill does not include a proposed amendment that would have provided tribes with much needed funding for First Responders Services. Senator Susan M. Collins (R-ME), sponsored an amendment which would have made tribes eligible for the Threat-based Homeland Security Grant Program. The Grant Program allocates funds to both states and eligible metropolitan regions within states to use for the purpose of enhancing homeland security measures. The funds can be utilized to develop plans or risk assessments to respond to terrorist or catastrophic events; develop mutual aid agreements; purchase and maintain security equipment; conduct drills to prepare emergency response personnel; train individuals about weapons of mass destruction and how to utilize decontamination equipment; and perform any other activity that is permitted under the Patriot Act or approved by the Secretary. The proposed amendment

would have secured funding for tribes who operate a law enforcement or emergency response agency on or within 10 miles of an international border; tribes who have a coastline bordering international waters; tribes whose reservations are contiguous to large metropolitan areas; and for tribes whose reservations contain or are within a 5 mile radius of critical infrastructure.

Amendment to Improve Sanitation in Alaska Native Villages is Placed on the Senate Calendar, S. 1409

On October 24, 2005, the Senate Committee on Environment and Public Works recommended that [Senate Bill 1409](#) pass with amending language that would authorize an increase in grant money for sanitation improvement for Alaska's rural and Native Villages. The legislation, sponsored by Senator Lisa Murkowski (R-AK) provides a \$5 million dollar increase in grant money, from \$40 million to \$45 million per year. In addition, the annual distribution of \$45 million will be authorized to begin in 2006 and extend through 2010 with a total distribution of \$192 million. The grant money can be used to improve public water and waste water systems in Native Villages that are severely deficient, and have often been compared to conditions in third world countries. The bill has been placed on the Senate Calendar for consideration.

EPA Administrator Stephen L. Johnson Signs Infrastructure MOU

Environmental Protection Agency (EPA) Administrator Stephen L. Johnson became the first signatory on the safe drinking water and sewage Memorandum of Understanding (MOU) at the Cabinet level. The EPA, Department of Commerce, State Department, and the Bureau of Indian Affairs have joined HUD, USDA, IHS and others in efforts to improve agency collaboration, particularly on tribal infrastructure projects. The MOU is now being forwarded to other Agencies for signatures.

SAVE THE DATE- 2005 LEGAL SYMPOSIUM!!!

National American Indian Housing Council is hosting its 2005 Legal Symposium at the [Treasure Island Hotel & Casino](#) in Las Vegas, Nevada December 6-9. Please register at www.naihc.net or call 1-888-625-7667. The Legal Symposium will host discussions on the legal, financial, and regulatory issues impacting Indian housing. **Hotel Registration Deadline in November 14th, 2005. Register today!!!**