



H.R. 2786 - Native American Housing Assistance and Self-Determination Reauthorization Act of 2008

FLOOR SITUATION

H.R. 2786 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Dale Kildee (D-MI) on June 20, 2007. The House passed the bill on September 6, 2007, by a vote of 333-75. The Senate passed H.R. 2786, as amended, by unanimous consent on September 26, 2008.

H.R. 2786 is expected to be considered on the floor of the House on September 26, 2008.

SUMMARY

H.R. 2786 authorizes such sums as may be necessary in block grants for Indian Tribes to carry out "affordable housing activities" for fiscal years 2009 – 2013. Under this program, Indian tribes will receive and administer the funds directly (as opposed to the funds being distributed and administered by an executive agency). The tribes will receive the same discounts on purchases that government agencies receive.

Tribal Self-Determination

The tribes are authorized to determine for themselves what eligible housing programs (eligible housing programs are listed in the Native American Housing Assistance and Self-Determination Act of 1996) they will undertake with the block grant funds, without seeking approval from the Department of Housing and Urban Development (HUD). The bill establishes a Self-Determined Housing Activities for Tribal Communities which will allow grant recipients to use a portion of funding for housing construction, acquisition, rehabilitation, and infrastructure.

Additionally, Tribes are authorized to spend up to \$1 million of the grant funds they receive under this program in any fiscal year for housing programs that may be determined wholly by the tribe involving construction, acquisition, or rehabilitation of housing that will benefit the tribal community.

Eligible Affordable Housing Funding Recipients

Tribes may provide affordable housing to families on Indian Reservations that are determined to be (1) "essential to the well-being of Indian families," and (2) families whose "need for housing for the family cannot reasonably be met without such assistance."

Program Review and Report to Congress

In fiscal year 2011, the Secretary of HUD is required to conduct a full review of the outcome of the tribal housing assistance programs to determine how effective the programs have been at meeting their goals, and to assess the need for continued future funding of this program. The Secretary shall submit a report on his finding to Congress by December 31, 2011. The Government Accountability Office must study the effectiveness of NAHASDA for tribes of different sizes and report to Congress within a year.

Training Programs

The Secretary of HUD is required to carry out training and educational seminars with tribes and tribal housing entities on how to utilize federal housing loan guarantee programs.

Cherokee Freedmen

This bill prohibits the Cherokee Nation from receiving NAHASDA funds, unless the temporary litigation in the District Court of the Cherokee Nation remains in effect during the pending legislation brought forth by the Cherokee Freedmen, or until there is a settlement agreement between the Freedmen and the Cherokee Nation.



BACKGROUND

Major differences between this legislation and the previously House-passed bill include new compromise language regarding Cherokee Freedmen, the lack of reauthorization for the Native Hawaiian Housing Program, and a new GAO study requirement.

The Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), P.L. 104-330, reorganized the system of federal housing assistance to Native Americans by eliminating several separate programs of assistance and replacing them with a single block grant program. The program was designed to provide federal assistance for Indian tribes to develop and provide affordable housing within their tribal communities, while recognizing the right of Indian self-determination and tribal self-governance.

COST

The Congressional Budget Office (CBO) has not produced a cost estimate for H.R. 2786, as amended, as of September 26, 2008.

STAFF CONTACT

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