

Calendar No. 261

109TH CONGRESS
1ST SESSION**H. R. 797****[Report No. 109-160]**

To amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians.

IN THE SENATE OF THE UNITED STATES

APRIL 7, 2005

Received; read twice and referred to the Committee on Indian Affairs

OCTOBER 27, 2005

Reported by Mr. McCAIN, without amendment

AN ACT

To amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Native American
5 Housing Enhancement Act of 2005”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) there exist—

4 (A) a unique relationship between the Gov-
5 ernment of the United States and the govern-
6 ments of Indian tribes; and

7 (B) a unique Federal trust responsibility
8 to Indian people;

9 (2) Native Americans experience some of the
10 worst housing conditions in the country, with—

11 (A) 32.6 percent of Native homes being
12 overcrowded;

13 (B) 33 percent lacking adequate solid
14 waste management systems;

15 (C) 8 percent lacking a safe indoor water
16 supply; and

17 (D) approximately 90,000 Native families
18 who are homeless or underhoused;

19 (3) the poverty rate for Native Americans is
20 twice that of the rest of the population of the United
21 States;

22 (4) the population growth of Native Americans
23 that began in the latter part of the 20th century in-
24 creased the need for Federal housing services;

25 (5)(A) under the requirements of the Native
26 American Housing Assistance and Self-Determina-

1 tion Act of 1996 (25 U.S.C. 4101 et seq.), members
2 of Indian tribes are given preference for housing
3 programs;

4 (B) a primary purpose of the Act is to allow In-
5 dian tribes to leverage funds with other Federal and
6 private funds;

7 (C) the Department of Agriculture has been a
8 significant funding source for housing for Indian
9 tribes; and

10 (D) to allow assistance provided under the Act
11 and assistance provided by the Secretary of Agri-
12 culture under other law to be combined to meet the
13 severe housing needs of Indian tribes, the Housing
14 Act of 1949 (42 U.S.C. 1471 et seq.) should be
15 amended to allow for the preference referred to in
16 subparagraph (A) by granting an exemption from
17 title VI of the Civil Rights Act of 1964 (42 U.S.C.
18 2000d et seq.) and title VIII of the Civil Rights Act
19 of 1968 (42 U.S.C. 3601 et seq.) to tribes who com-
20 ply with the Indian Civil Rights Act (title II of the
21 Civil Rights Act of 1968; 25 U.S.C. 1301–1303), or
22 who are acting under the Native American Housing
23 Assistance and Self-Determination Act of 1996 (25
24 U.S.C. 4131(b)); and

1 (6) section 457 of the Cranston-Gonzales Na-
2 tional Affordable Housing Act (42 U.S.C. 12899f)
3 should be amended to include Indian tribes, tribally
4 designated housing entities, or other agencies that
5 primarily serve Indians as eligible applicants for
6 YouthBuild grants.

7 **SEC. 3. TREATMENT OF PROGRAM INCOME.**

8 Section 104(a)(2) of the Native American Housing
9 Assistance and Self-Determination Act of 1996 (25 U.S.C.
10 4114(a)(2)) is amended by inserting “restrict access to
11 or” after “not”.

12 **SEC. 4. CIVIL RIGHTS COMPLIANCE.**

13 Title V of the Housing Act of 1949 (42 U.S.C. 1471
14 et seq.) is amended by adding at the end the following:

15 **“SEC. 544. INDIAN TRIBES.**

16 “(a) IN GENERAL.—Federally recognized Indian
17 Tribes who exercise powers of self-government (or their
18 instrumentalities) shall comply with the Indian Civil
19 Rights Act (title II of the Civil Rights Act of 1968; 25
20 U.S.C. 1301–1303) when receiving assistance under this
21 title.

22 “(b) EXEMPTION.—Title VI of the Civil Rights Act
23 of 1964 (42 U.S.C. 2000d et seq.) and title VIII of the
24 Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) shall
25 not apply to—

1 “(1) tribes covered by the Indian Civil Rights
2 Act (title II of the Civil Rights Act of 1968; 25
3 U.S.C. 1301–1303); or

4 “(2) tribes acting under section 201(b) of the
5 Native American Housing Assistance and Self-De-
6 termination Act of 1996 (25 U.S.C. 4131(b)).”.

7 **SEC. 5. ELIGIBILITY OF INDIAN TRIBES FOR YOUTHBUILD**
8 **GRANTS.**

9 Section 457(2) of the Cranston-Gonzales National
10 Affordable Housing Act (42 U.S.C. 12899f(2)) is amend-
11 ed—

12 (1) in subparagraph (F), by striking “and” at
13 the end;

14 (2) by redesignating subparagraph (G) as sub-
15 paragraph (H); and

16 (3) by inserting after subparagraph (F) the fol-
17 lowing:

18 “(G) an Indian tribe, tribally designated
19 housing entity (as defined in section 4 of the
20 Native American Housing Assistance and Self-
21 Determination Act of 1996 (25 U.S.C. 4103)),
22 or other agency primarily serving Indians;
23 and”.

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