

109TH CONGRESS
1ST SESSION

H. R. 797

IN THE SENATE OF THE UNITED STATES

APRIL 7, 2005

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

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) there exist—

7 (A) a unique relationship between the Gov-
8 ernment of the United States and the govern-
9 ments of Indian tribes; and

10 (B) a unique Federal trust responsibility
11 to Indian people;

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

14 (A) 32.6 percent of Native homes being
15 overcrowded;

16 (B) 33 percent lacking adequate solid
17 waste management systems;

18 (C) 8 percent lacking a safe indoor water
19 supply; and

20 (D) approximately 90,000 Native families
21 who are homeless or underhoused;

22 (3) the poverty rate for Native Americans is
23 twice that of the rest of the population of the United
24 States;

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

4 (5)(A) under the requirements of the Native
5 American Housing Assistance and Self-Determina-
6 tion Act of 1996 (25 U.S.C. 4101 et seq.), members
7 of Indian tribes are given preference for housing
8 programs;

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

12 (C) the Department of Agriculture has been a
13 significant funding source for housing for Indian
14 tribes; and

15 (D) to allow assistance provided under the Act
16 and assistance provided by the Secretary of Agri-
17 culture under other law to be combined to meet the
18 severe housing needs of Indian tribes, the Housing
19 Act of 1949 (42 U.S.C. 1471 et seq.) should be
20 amended to allow for the preference referred to in
21 subparagraph (A) by granting an exemption from
22 title VI of the Civil Rights Act of 1964 (42 U.S.C.
23 2000d et seq.) and title VIII of the Civil Rights Act
24 of 1968 (42 U.S.C. 3601 et seq.) to tribes who com-
25 ply with the Indian Civil Rights Act (title II of the

1 Civil Rights Act of 1968; 25 U.S.C. 1301–1303), or
2 who are acting under the Native American Housing
3 Assistance and Self-Determination Act of 1996 (25
4 U.S.C. 4131(b)); and

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

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

12 Section 104(a)(2) of the Native American Housing
13 Assistance and Self-Determination Act of 1996 (25 U.S.C.
14 4114(a)(2)) is amended by inserting “restrict access to
15 or” after “not”.

16 **SEC. 4. CIVIL RIGHTS COMPLIANCE.**

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

19 **“SEC. 544. INDIAN TRIBES.**

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

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

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

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

11 **SEC. 5. ELIGIBILITY OF INDIAN TRIBES FOR YOUTHBUILD**
12 **GRANTS.**

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

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

18 (2) by redesignating subparagraph (G) as sub-
19 paragraph (H); and

20 (3) by inserting after subparagraph (F) the fol-
21 lowing:

22 “(G) an Indian tribe, tribally designated
23 housing entity (as defined in section 4 of the
24 Native American Housing Assistance and Self-
25 Determination Act of 1996 (25 U.S.C. 4103)),

