

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 797

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IN THE SENATE OF THE UNITED STATES

APRIL 7, 2005

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

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## 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)),

