

108TH CONGRESS  
2D SESSION

# H. R. 5221

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

---

## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 2004

Mr. RENZI (for himself and Mr. MATHESON) introduced the following bill;  
which was referred to the Committee on Financial Services

---

## A BILL

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 2004”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) there exist—

1 (A) a unique relationship between the Gov-  
2 ernment of the United States and the govern-  
3 ments of Indian tribes; and

4 (B) a unique Federal trust responsibility  
5 to Indian people;

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

8 (A) 32.6 percent of Native homes being  
9 overcrowded;

10 (B) 33 percent lacking adequate solid  
11 waste management systems;

12 (C) 8 percent lacking a safe indoor water  
13 supply; and

14 (D) approximately 90,000 Native families  
15 who are homeless or underhoused;

16 (3) the poverty rate for Native Americans is  
17 twice that of the rest of the population of the United  
18 States;

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

22 (5)(A) under the requirements of the Native  
23 American Housing Assistance and Self-Determina-  
24 tion Act of 1996 (25 U.S.C. 4101 et seq.), members

1 of Indian tribes are given preference for housing  
2 programs;

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

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

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

24 (6) section 457 of the Cranston-Gonzales Na-  
25 tional Affordable Housing Act (42 U.S.C. 12899f)

1 should be amended to include Indian tribes, tribally  
2 designated housing entities, or other agencies that  
3 primarily serve Indians as eligible applicants for  
4 YouthBuild grants.

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

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

10 **SEC. 4. CIVIL RIGHTS COMPLIANCE.**

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

13 **“SEC. 544. INDIAN TRIBES.**

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

20 “(b) EXEMPTION.—Title VI of the Civil Rights Act  
21 of 1964 (42 U.S.C. 2000d et seq.) and title VIII of the  
22 Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) shall  
23 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”.

1   **SEC. 6. FEDERAL GUARANTEES FOR FINANCING FOR TRIB-**  
2                   **AL HOUSING ACTIVITIES.**

3           Section 601 of the Native American Housing Assist-  
4   ance and Self-Determination Act of 1996 (25 U.S.C.  
5   4191) is amended by adding at the end the following new  
6   subsection:

7           “(d) LIMITATION ON PERCENTAGE.—A guarantee  
8   made under this title shall guarantee repayment of 95 per-  
9   cent of the unpaid principal and interest due on the notes  
10   or other obligations guaranteed.”.

○