

Public Law 109-136

109th Congress

An Act

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

Dec. 22, 2005

[H.R. 797]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. FINDINGS.

Congress finds that—

(1) there exist—

(A) a unique relationship between the Government of the United States and the governments of Indian tribes; and

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

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

(A) 32.6 percent of Native homes being overcrowded;

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

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

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

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

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

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

(B) a primary purpose of the Act is to allow Indian tribes to leverage funds with other Federal and private funds;

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

(D) to allow assistance provided under the Act and assistance provided by the Secretary of Agriculture under other law to be combined to meet the severe housing needs of Indian tribes, the Housing Act of 1949 (42 U.S.C. 1471 et seq.) should be amended to allow for the preference referred to in subparagraph (A) by granting an exemption from title VI of the Civil

Native American
Housing
Enhancement
Act of 2005.
25 USC 4101
note.

25 USC 4101
note.

Rights Act of 1964 (42 U.S.C. 2000d et seq.) and title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.); and
(E) federally recognized Indian tribes exercising powers of self-government are governed by the Indian Civil Rights Act (25 U.S.C. 1301 et seq.); and

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

SEC. 3. TREATMENT OF PROGRAM INCOME.

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

SEC. 4. CIVIL RIGHTS COMPLIANCE.

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

42 USC 1490t.

“SEC. 544. INDIAN TRIBES.

“Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) shall not apply to actions by federally recognized Indian tribes (including instrumentalities of such Indian tribes) under this Act.”.

SEC. 5. ELIGIBILITY OF INDIAN TRIBES FOR YOUTHBUILD GRANTS.

Section 457(2) of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 12899f(2)) is amended—

(1) in subparagraph (F), by striking “and” at the end;
(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following:

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

SEC. 6. YOUTHBUILD ELIGIBILITY.

Section 460 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899h-1) is amended by striking “for

fiscal year 1998 and fiscal years thereafter" and inserting "for fiscal years 1998 through 2005".

Approved December 22, 2005.

LEGISLATIVE HISTORY—H.R. 797:

SENATE REPORTS: No. 109-160 (Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 151 (2005):

Apr. 6, considered and passed House.
Nov. 8, considered and passed Senate, amended.
Dec. 18, House concurred in Senate amendments.

