

HR 2786

Native American Housing Assistance and Self-Determination Reauthorization Act of 2008

Congress: 110 (2007–2009, Ended)

Chamber: House

Policy Area: Native Americans

Introduced: Jun 20, 2007

Current Status: Became Public Law No: 110-411.

Latest Action: Became Public Law No: 110-411. (Oct 14, 2008)

Law: 110-411 (Enacted Oct 14, 2008)

Official Text: <https://www.congress.gov/bill/110th-congress/house-bill/2786>

Sponsor

Name: Rep. Kildee, Dale E. [D-MI-5]

Party: Democratic • State: MI • Chamber: House

Cosponsors (6 total)

| Cosponsor | Party / State | Role | Date Joined |
|-------------------------------|---------------|------|--------------|
| Rep. Boren, Dan [D-OK-2] | D · OK | | Jun 20, 2007 |
| Rep. Cole, Tom [R-OK-4] | R · OK | | Jun 20, 2007 |
| Rep. Frank, Barney [D-MA-4] | D · MA | | Jun 20, 2007 |
| Rep. Pearce, Stevan [R-NM-2] | R · NM | | Jun 20, 2007 |
| Rep. Renzi, Rick [R-AZ-1] | R · AZ | | Jun 20, 2007 |
| Rep. Waters, Maxine [D-CA-35] | D · CA | | Jun 20, 2007 |

Committee Activity

| Committee | Chamber | Activity | Date |
|------------------------------|---------|-----------------|--------------|
| Financial Services Committee | House | Reported By | Aug 4, 2007 |
| Indian Affairs Committee | Senate | Discharged From | Sep 25, 2008 |

Subjects & Policy Tags

Policy Area:

Native Americans

Related Bills

| Bill | Relationship | Last Action |
|--------------|----------------------|--|
| 110 HRES 633 | Procedurally related | Sep 6, 2007: Motion to reconsider laid on the table Agreed to without objection. |

Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 - (Sec. 2) Amends the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) with respect to congressional findings to make mandatory the role of the federal government in providing housing assistance to Native Americans and in promoting the economic self-sufficiency and self-determination of Native Americans.

(Sec. 3) Defines "housing related community development" to mean any facility, community building, business, activity, or infrastructure that: (1) is owned by an Indian tribe or a tribally designated housing entity; (2) is necessary to the provision of housing in an Indian area; and (3) would help an Indian tribe or tribally designated housing entity to reduce the cost of construction of Indian housing, would make housing more affordable, accessible, or practicable in an Indian area, or would otherwise advance the purposes of NAHASDA. Excludes from such term any activity conducted by any Indian tribe under the Indian Gaming Regulatory Act.

Title I: Block Grants and Grant Requirements (Sec.101) Amends NAHASDA to: (1) provide for self-determined housing activities for tribal communities programs under the block grant program for Native American housing assistance; (2) deem a tribe or tribally designated housing entity to be an executive agency for procurement purposes; and (3) require, with respect to any grant made under NAHASDA that is intended to benefit one tribe, that the tribal employment or contract preference laws adopted by such tribe govern the administration of the grant or grant portion.

(Sec. 102) Expands requirements for Indian housing plans to include a description of planned activities to identify the types of Indian households to be assisted under NAHASDA and the levels of such assistance.

(Sec. 103) Revises provisions relating to review of Indian housing plans to require the Secretary of Housing and Urban Development to review information included in an Indian housing plan only to determine compliance.

(Sec. 104) Excludes from NAHASDA program income any income derived from a regular and customary developer's fee for any project that receives a low-income housing tax credit and is initially funded using NAHASDA grant funds if the developer's fee is approved by a state housing credit agency.

(Sec. 105) Requires the Secretary to initiate a negotiated rulemaking to develop implementing regulations under NAHASDA.

Title II: Affordable Housing Activities - (Sec. 201) Expands the exception for providing housing assistance to non-Indian families to include essential families (families that provide essential services such as law enforcement).

(Sec. 202) Redefines "affordable housing activities" to include activities that develop, operate, maintain, or support affordable housing for rental or homeownership. Authorizes a tribe to establish reserve accounts to accumulate amounts for administration and planning of affordable housing activities.

(Sec. 203) Authorizes the use of NAHASDA grant funds over a multiyear period. Exempts from competitive procurement rules an acquisition by a tribe of goods and services the value of which is less than \$5,000.

(Sec. 204) Provides that binding commitments under NAHASDA for the use of property as affordable housing shall not apply to a family or household member who subsequently takes ownership of a homeownership unit.

(Sec. 205) Allows Indian tribes and tribally designated housing entities to access National Crime Information Center records related to criminal convictions for purposes of reviewing applications for employment.

(Sec. 206) Establishes a program for self-determined housing activities to provide Indian tribes with flexibility in using grant funds for assisted housing. Limits the amount available for such purpose to the lesser of 20% of a recipient's total grant amount or \$2 million, annually. Requires the Secretary, during 2011, to review and report to Congress on the effectiveness of such program.

Title III: Allocation of Grant Amounts - (Sec. 301) Amends NAHASDA grant allocation provisions to provide that a housing unit that is no longer owned or operated by a grant recipient as affordable housing or that is lost by conveyance, demolition, or other means may not be counted in a funding formula under NAHASDA.

Title IV: Compliance, Audits, and Reports - (Sec. 401) Amends NAHASDA provisions relating to remedies for noncompliance, monitoring of compliance, and performance reports.

Title V: Termination of Assistance for Indian Tribes under Incorporated Programs - (Sec. 501) Declares that NAHASDA does not prohibit or prevent any participating jurisdiction from providing amounts to Indian tribes or tribally designated housing entities for use in accordance with the HOME Investment Partnership Act.

Title VI: Guaranteed Loans to Finance Tribal Community and Economic Development Activities - (Sec. 601) Authorizes the Secretary to make loan guarantees to finance housing activities on Indian reservations and in other Indian areas under the Housing and Community Development Act of 1974 for not more than four Indian tribes or tribally designated housing entities in a Department of Housing and Urban Development (HUD) region. Requires no less than 70% of the aggregate funding received by a tribe or entity to be used for support of activities that benefit low-income Indian families. Requires the Secretary to: (1) establish underwriting criteria for loan guarantees; and (2) carry out training and information activities with respect to the program. Sets forth limits on the issuance of guarantees in FY2009-FY2013.

Requires the Secretary to report to Congress within four years after the enactment of this Act on the use of the loan guarantee authority by Indian tribes and tribally designated housing entities.

Terminates the Secretary's authority to make new guarantees on October 1, 2013.

Title VII: Funding - (Sec. 701) Authorizes appropriations for FY2009-FY2013 for NAHASDA block grants and grant requirements, loan guarantees for tribal housing activities, and training and technical assistance.

Title VIII: Miscellaneous - (Sec. 801) Prohibits the use of funds under this Act for the benefit of the Cherokee Nation unless the Temporary Order and Temporary Injunction issued on May 14, 2007, by the District Court of the Cherokee Nation remains in effect or there is a settlement agreement which ends litigation among the adverse parties.

(Sec. 802) Prohibits the use of funds under this Act to employ unauthorized aliens.

(Sec. 803) Directs the Comptroller General to study and report to specified congressional committees on the effectiveness of NAHASDA in meeting affordable housing needs for low-income Indian families in tribes of various sizes and types, specifically smaller tribes.

Actions Timeline

- **Oct 14, 2008:** Signed by President.
- **Oct 14, 2008:** Became Public Law No: 110-411.
- **Oct 3, 2008:** Presented to President.
- **Sep 27, 2008:** Mrs. McCarthy (NY) moved that the House suspend the rules and agree to the Senate amendment. (consideration: CR H10216-10222)
- **Sep 27, 2008:** DEBATE - The House proceeded with forty minutes of debate on H.R. 2786.
- **Sep 27, 2008:** Resolving differences -- House actions: On motion that the House suspend the rules and agree to the Senate amendment Agreed to by voice vote.(text as House agreed to Senate amendment: CR H10216-10220)
- **Sep 27, 2008:** On motion that the House suspend the rules and agree to the Senate amendment Agreed to by voice vote. (text as House agreed to Senate amendment: CR H10216-10220)
- **Sep 27, 2008:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 27, 2008:** Cleared for White House.
- **Sep 25, 2008:** Senate Committee on Indian Affairs discharged by Unanimous Consent.
- **Sep 25, 2008:** Measure laid before Senate by unanimous consent. (consideration: CR S9474)
- **Sep 25, 2008:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.
- **Sep 25, 2008:** Passed Senate with an amendment by Unanimous Consent.
- **Sep 25, 2008:** Message on Senate action sent to the House.
- **Sep 10, 2007:** Received in the Senate and Read twice and referred to the Committee on Indian Affairs.
- **Sep 6, 2007:** Rule H. Res. 633 passed House.
- **Sep 6, 2007:** Considered under the provisions of rule H. Res. 633. (consideration: CR H10182-10196)
- **Sep 6, 2007:** Rule provides for consideration of H.R. 2786 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Bill is open to amendments.
- **Sep 6, 2007:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 633 and Rule XVIII.
- **Sep 6, 2007:** The Speaker designated the Honorable Tim Holden to act as Chairman of the Committee.
- **Sep 6, 2007:** DEBATE - The Committee of the Whole proceeded with debate on the Watt amendment under the five-minute rule.
- **Sep 6, 2007:** DEBATE - The Committee of the Whole proceeded with debate on the Boren amendment to the Watt amendment under the five-minute rule.
- **Sep 6, 2007:** DEBATE - The Committee of the Whole proceeded with debate on the Pearce amendment under the five-minute rule.
- **Sep 6, 2007:** DEBATE - The Committee of the Whole proceeded with debate on the Westmoreland amendment under the five-minute rule.
- **Sep 6, 2007:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Westmoreland amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Westmoreland demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Sep 6, 2007:** DEBATE - The Committee of the Whole proceeded with debate on the King (IA) amendment under the five-minute rule.
- **Sep 6, 2007:** POSTPONED PROCEEDINGS - At the conclusion of debate on the King (IA) amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. King (IA) demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Sep 6, 2007:** DEBATE - The Committee of the Whole proceeded with debate on the Price (GA) amendment under the five-minute rule.
- **Sep 6, 2007:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Price (GA) amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Price (GA) demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Sep 6, 2007:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.

- **Sep 6, 2007:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 2786.
- **Sep 6, 2007:** The previous question was ordered pursuant to the rule. (consideration: CR H10195)
- **Sep 6, 2007:** The House adopted the amendments en gross as agreed to by the Committee of the Whole House on the state of the Union.
- **Sep 6, 2007:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 333 - 75 (Roll no. 859).
- **Sep 6, 2007:** On passage Passed by the Yeas and Nays: 333 - 75 (Roll no. 859).
- **Sep 6, 2007:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 6, 2007:** The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 2786.
- **Sep 5, 2007:** Rules Committee Resolution H. Res. 633 Reported to House. Rule provides for consideration of H.R. 2786 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Bill is open to amendments.
- **Aug 3, 2007:** Reported by the Committee on Financial Services. H. Rept. 110-295.
- **Aug 3, 2007:** Placed on the Union Calendar, Calendar No. 185.
- **Jun 26, 2007:** Committee Consideration and Mark-up Session Held.
- **Jun 26, 2007:** Ordered to be Reported by Voice Vote.
- **Jun 20, 2007:** Introduced in House
- **Jun 20, 2007:** Referred to the House Committee on Financial Services.