

114TH CONGRESS  
1ST SESSION

# S. 710

To reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 11, 2015

Mr. BARRASSO introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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## A BILL

To reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, and for other purposes.

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; TABLE OF CONTENTS; REF-**  
4 **ERENCES.**

5 (a) SHORT TITLE.—This Act may be cited as the  
6 “Native American Housing Assistance and Self-Deter-  
7 mination Reauthorization Act of 2015”.

8 (b) TABLE OF CONTENTS.—The table of contents for  
9 this Act is as follows:

- Sec. 1. Short title; table of contents; references.
- Sec. 2. Office of Native American Programs.

## TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

- Sec. 101. Treatment of program income and labor standards.
- Sec. 102. Environmental review.
- Sec. 103. Authorization of appropriations.

## TITLE II—AFFORDABLE HOUSING ACTIVITIES

- Sec. 201. Program requirements.
- Sec. 202. Homeownership or lease-to-own low-income requirement and income targeting.
- Sec. 203. Lease requirements and tenant selection.
- Sec. 204. Self-determined housing activities for tribal communities.
- Sec. 205. Total development cost maximum project cost.

## TITLE III—ALLOCATION OF GRANT AMOUNTS

- Sec. 301. Effect of undisbursed block grant amounts on annual allocations.

## TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

- Sec. 401. Reports to Congress.

## TITLE V—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

- Sec. 501. HUD-Veterans Affairs Supportive Housing program for Native American Veterans.
- Sec. 502. 99-year leasehold interest in trust or restricted lands for housing purposes.
- Sec. 503. Training and technical assistance.
- Sec. 504. Loan guarantees for Indian housing.

TITLE VI—DEMONSTRATION PROGRAM FOR ALTERNATIVE  
PRIVATIZATION AUTHORITY FOR NATIVE AMERICAN HOUSING

- Sec. 601. Demonstration program.
- Sec. 602. Clerical amendments.

## TITLE VII—MISCELLANEOUS

- Sec. 701. Community-based organizations and tribally designated housing entities.
- Sec. 702. Elimination of limitation on use for Cherokee Nation.
- Sec. 703. Reauthorization of Native Hawaiian Homeownership Act.
- Sec. 704. Reauthorization of loan guarantees for Native Hawaiian housing.
- Sec. 705. Leveraging.
- Sec. 706. Funding for methamphetamine clean-up projects.

1       (c) REFERENCES.—Except as otherwise expressly  
 2 provided, wherever in this Act an amendment or repeal  
 3 is expressed in terms of an amendment to, or repeal of,  
 4 a section or other provision, the reference shall be consid-  
 5 ered to be made to a section or other provision of the Na-

1 tive American Housing Assistance and Self-Determination  
2 Act of 1996 (25 U.S.C. 4101 et seq.).

3 **SEC. 2. OFFICE OF NATIVE AMERICAN PROGRAMS.**

4 Section 3 (25 U.S.C. 4102) is amended—

5 (1) by striking “The Secretary” and inserting  
6 the following:

7 “(a) IN GENERAL.—The Secretary”; and

8 (2) by adding at the end the following:

9 “(b) ESTABLISHMENT OF OFFICE OF ASSISTANT  
10 SECRETARY.—The head of the Office of Native American  
11 Programs shall be the Assistant Secretary, to be appointed  
12 by the President, by and with the advice and consent of  
13 the Senate.”.

14 **TITLE I—BLOCK GRANTS AND**  
15 **GRANT REQUIREMENTS**

16 **SEC. 101. TREATMENT OF PROGRAM INCOME AND LABOR**  
17 **STANDARDS.**

18 Section 104 (25 U.S.C. 4114) is amended—

19 (1) in subsection (a), by striking paragraph (1)  
20 and inserting the following:

21 “(1) AUTHORITY TO RETAIN.—

22 “(A) IN GENERAL.—Notwithstanding any  
23 other provision of this Act, a recipient may re-  
24 tain any program income that is realized from  
25 any grant amounts under this Act if—

1           “(i) the income was realized after the  
2           initial disbursement of the grant amounts  
3           received by the recipient; and

4           “(ii) the recipient has agreed that the  
5           recipient will utilize the income for housing  
6           related activities in accordance with this  
7           Act.

8           “(B) REQUIREMENTS.—Any income that is  
9           realized by a recipient from program income  
10          shall—

11                  “(i) be considered nonprogram in-  
12                  come; and

13                  “(ii) have no restrictions on use.”;  
14                  and

15                  (2) in subsection (b), by striking paragraph (3)  
16          and inserting the following:

17                  “(3) APPLICATION OF TRIBAL LAWS.—

18                          “(A) IN GENERAL.—Paragraph (1) shall  
19                          not apply to any contract or agreement for as-  
20                          sistance, sale, or lease pursuant to this Act, if  
21                          that contract or agreement is otherwise covered  
22                          by 1 or more laws or regulations adopted by an  
23                          Indian tribe that requires the payment of not  
24                          less than prevailing wages, as determined by  
25                          the Indian tribe.

1           “(B) WAGES.—The prevailing wages de-  
2           scribed in subparagraph (A) shall apply to the  
3           administration of all Federal funding for  
4           projects funded in part by funds authorized  
5           under this Act.”.

6 **SEC. 102. ENVIRONMENTAL REVIEW.**

7           Section 105 (25 U.S.C. 4115) is amended by adding  
8           at the end the following:

9           “(e) ENVIRONMENTAL REVIEW.—

10           “(1) IN GENERAL.—Notwithstanding any other  
11           provision of law or use of any other source of fund-  
12           ing for the project, compliance with the environ-  
13           mental review requirements of this section shall sat-  
14           isfy any other applicable environmental review re-  
15           quirement under any other Federal law (including  
16           regulations) required to be carried out by any agen-  
17           cy involved in the project.

18           “(2) COORDINATION WITH OTHER AGENCIES.—

19           The Secretary shall coordinate compliance with any  
20           environmental review requirements with all impacted  
21           Federal agencies and Indian tribes.”.

22 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

23           Section 108 (25 U.S.C. 4117) is amended in the first  
24           sentence by striking “2009 through 2013” and inserting  
25           “2016 through 2020”.

1                   **TITLE II—AFFORDABLE**  
2                   **HOUSING ACTIVITIES**

3 **SEC. 201. PROGRAM REQUIREMENTS.**

4           Section 203(a) (25 U.S.C. 4133(a)) is amended—

5                   (1) in paragraph (1), by striking “paragraph  
6                   (2)” and inserting “paragraphs (2) and (3)”;

7                   (2) by redesignating paragraph (2) as para-  
8                   graph (3);

9                   (3) by inserting after paragraph (1) the fol-  
10                  lowing:

11                   “(2) APPLICATION OF TRIBAL POLICIES.—  
12                  Paragraph (3) shall not apply if—

13                               “(A) the recipient has a written policy gov-  
14                               erning rents and homebuyer payments charged  
15                               for dwelling units; and

16                               “(B) that policy includes a provision gov-  
17                               erning maximum rents or homebuyer pay-  
18                               ments.”; and

19                   (4) in paragraph (3) (as so redesignated), by  
20                  striking “In the case of” and inserting “In the ab-  
21                  sence of a written policy governing rents and home-  
22                  buyer payments, in the case of”.

1 **SEC. 202. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-IN-**  
 2 **COME REQUIREMENT AND INCOME TAR-**  
 3 **GETING.**

4 Section 205 (25 U.S.C. 4135) is amended—

5 (1) in subsection (a)(1)—

6 (A) in subparagraph (C), by striking  
 7 “and” at the end; and

8 (B) by adding at the end the following:

9 “(E) notwithstanding any other provision  
 10 of this paragraph, in the case of rental housing  
 11 that is made available to a current rental family  
 12 for conversion to a homebuyer or a lease-pur-  
 13 chase unit, that the current rental family can  
 14 purchase through a contract of sale, lease-pur-  
 15 chase agreement, or any other sales agreement,  
 16 is made available for purchase only by the cur-  
 17 rent rental family, if the rental family was a  
 18 low-income family at the time of their initial oc-  
 19 cupancy of such unit; and”;

20 (2) in subsection (c)—

21 (A) by striking “The provisions” and in-  
 22 serting the following:

23 “(1) IN GENERAL.—The provisions”; and

24 (B) by adding at the end the following:

25 “(2) APPLICABILITY TO IMPROVEMENTS.—The  
 26 provisions of subsection (a)(2) regarding binding

1 commitments for the remaining useful life of prop-  
2 erty shall not apply to improvements of privately  
3 owned homes if the cost of the improvements do not  
4 exceed 10 percent of the maximum total develop-  
5 ment cost for the home.”.

6 **SEC. 203. LEASE REQUIREMENTS AND TENANT SELECTION.**

7 Section 207 (25 U.S.C. 4137) is amended by adding  
8 at the end the following:

9 “(c) NOTICE OF TERMINATION.—The notice period  
10 described in subsection (a)(3) shall apply to projects and  
11 programs funded in part by amounts authorized under  
12 this Act.”.

13 **SEC. 204. SELF-DETERMINED HOUSING ACTIVITIES FOR**  
14 **TRIBAL COMMUNITIES.**

15 Subtitle B of title II (25 U.S.C. 4145 et seq.) is re-  
16 pealed.

17 **SEC. 205. TOTAL DEVELOPMENT COST MAXIMUM PROJECT**  
18 **COST.**

19 Affordable housing (as defined in section 4 of the Na-  
20 tive American Housing Assistance and Self-Determination  
21 Act of 1996 (25 U.S.C. 4103)) that is developed, acquired,  
22 or assisted under the block grant program established  
23 under section 101 of the Native American Housing Assist-  
24 ance and Self-Determination Act of 1996 (25 U.S.C.  
25 4111) shall not exceed by more than 20 percent, without



1 prior approval of the Secretary of Housing and Urban De-  
 2 velopment, the total development cost maximum cost for  
 3 all housing assisted under an affordable housing activity,  
 4 including development and model activities.

5 **TITLE III—ALLOCATION OF**  
 6 **GRANT AMOUNTS**

7 **SEC. 301. EFFECT OF UNDISBURSED BLOCK GRANT**  
 8 **AMOUNTS ON ANNUAL ALLOCATIONS.**

9 (a) IN GENERAL.—Title III (25 U.S.C. 4151 et seq.)  
 10 is amended by adding at the end the following:

11 **“SEC. 303. EFFECT OF UNDISBURSED GRANT AMOUNTS ON**  
 12 **ANNUAL ALLOCATIONS.**

13 “(a) NOTIFICATION OF OBLIGATED, UNDISBURSED  
 14 GRANT AMOUNTS.—Subject to subsection (d), if on Janu-  
 15 ary 1, 2018, or on any January 1 thereafter, the total  
 16 amount of undisbursed block grants for a recipient in the  
 17 line of credit control system of the Department of Housing  
 18 and Urban Development is greater than 3 times the for-  
 19 mula allocation the recipient would otherwise receive  
 20 under this Act for the fiscal year during which January  
 21 1 occurs, the Secretary shall—

22 “(1) not later than January 31 of that year,  
 23 notify the Indian tribe allocated the grant amounts,  
 24 and any tribally designated housing entity for the  
 25 Indian tribe, of the undisbursed amounts; and

1           “(2) require the recipient for the Indian tribe,  
2           not later than 30 days after the Secretary provides  
3           notification pursuant to paragraph (1)—

4                   “(A) to notify the Secretary in writing of  
5                   the reasons why the recipient has not requested  
6                   the disbursement of the amounts; and

7                   “(B) to demonstrate to the satisfaction of  
8                   the Secretary that the recipient has the capac-  
9                   ity to spend Federal funds in an effective man-  
10                  ner, which may include evidence of the timely  
11                  expenditure of amounts previously distributed  
12                  to the recipient under this Act.

13           “(b) ALLOCATION AMOUNT.—Notwithstanding sec-  
14           tions 301 and 302, the allocation for a recipient for a fis-  
15           cal year described in subsection (a) shall be an amount  
16           equal to the difference between—

17                   “(1) the amount initially calculated according  
18                   to the formula; minus

19                   “(2) an amount equal to the difference be-  
20                   tween—

21                   “(A) the total amount of undisbursed block  
22                   grants for the recipient in the line of credit con-  
23                   trol system of the Department of Housing and  
24                   Urban Development on January 1 of the fiscal  
25                   year; and

1                   “(B) 3 times the initial formula amount  
2                   for the fiscal year.

3           “(c) REALLOCATION.—Notwithstanding any other  
4 provision of law, any grant amounts not allocated to a re-  
5 cipient pursuant to subsection (b) shall be allocated in ac-  
6 cordance with sections 301 and 302.

7           “(d) INAPPLICABILITY.—Subsections (a) and (b)  
8 shall not apply to an Indian tribe with respect to any fiscal  
9 year for which the amount allocated for the Indian tribe  
10 for block grants under this Act is less than \$5,000,000.

11          “(e) EFFECT.—Nothing in this section—

12                   “(1) requires the promulgation of any regula-  
13 tion; or

14                   “(2) confers hearing rights under this section  
15 or any other provision of this Act.”.

16          (b) CLERICAL AMENDMENT.—The table of contents  
17 in section 1(b) (25 U.S.C. 4101 note) is amended by in-  
18 serting after the item relating to section 302 the following:

“Sec. 303. Effect of undisbursed grant amounts on annual allocations.”.

19                   **TITLE IV—COMPLIANCE,**  
20                   **AUDITS, AND REPORTS**

21   **SEC. 401. REPORTS TO CONGRESS.**

22           Section 407 (25 U.S.C. 4167) is amended—

23                   (1) in subsection (a), by striking “Congress”  
24                   and inserting “Committee on Indian Affairs and the  
25                   Committee on Banking, Housing and Urban Affairs

1 of the Senate and the Committee on Financial Serv-  
 2 ices of the House of Representatives”; and

3 (2) by adding at the end the following:

4 “(c) PUBLIC AVAILABILITY.—The report described in  
 5 subsection (a) shall be made publicly available, including  
 6 to recipients.”.

7 **TITLE V—OTHER HOUSING AS-**  
 8 **SISTANCE FOR NATIVE AMER-**  
 9 **ICANS**

10 **SEC. 501. HUD-VETERANS AFFAIRS SUPPORTIVE HOUSING**

11 **PROGRAM FOR NATIVE AMERICAN VET-**

12 **ERANS.**

13 Section 8(o)(19) of the United States Housing Act  
 14 of 1937 (42 U.S.C. 1437f(o)(19)) is amended by adding  
 15 at the end the following:

16 “(D) NATIVE AMERICAN VETERANS.—

17 “(i) AUTHORITY.—Of the funds made  
 18 available for rental assistance under this  
 19 subsection for fiscal year 2015 and each  
 20 fiscal year thereafter, the Secretary shall  
 21 set aside 5 percent for a supported housing  
 22 and rental assistance program modeled on  
 23 the HUD-Veterans Affairs Supportive  
 24 Housing program, to be administered in  
 25 conjunction with the Department of Vet-

1 erans Affairs, for the benefit of homeless  
2 Native American veterans and veterans at  
3 risk of homelessness.

4 “(ii) RECIPIENTS.—Funds made  
5 available under clause (i) shall be made  
6 available to recipients eligible to receive  
7 block grants under the Native American  
8 Housing Assistance and Self-Determina-  
9 tion Act of 1996 (25 U.S.C. 4101 et seq.).

10 “(iii) FUNDING CRITERIA.—Funds  
11 made available under clause (i) shall be  
12 awarded based on need, administrative ca-  
13 pacity, and any other funding criteria es-  
14 tablished by the Secretary in a notice pub-  
15 lished in the Federal Register, after con-  
16 sultation with the Secretary of Veterans  
17 Affairs, by a date sufficient to provide for  
18 implementation of the program under this  
19 subparagraph in accordance with clause  
20 (i).

21 “(iv) PROGRAM REQUIREMENTS.—  
22 Funds made available under clause (i)  
23 shall be administered by block grant recipi-  
24 ents in accordance with the program re-  
25 quirements of the Native American Hous-

1 ing Assistance and Self-Determination Act  
2 of 1996 (25 U.S.C. 4101 et seq.) in lieu of  
3 any program requirements of this Act.

4 “(v) WAIVER.—The Secretary may  
5 waive, or specify alternative requirements  
6 for any provision of any law or regulation  
7 that the Secretary administers in connec-  
8 tion with the use of funds made available  
9 under this subparagraph, on a finding by  
10 the Secretary that a waiver or alternative  
11 requirement is necessary—

12 “(I) to promote administrative  
13 efficiency;

14 “(II) to eliminate delay;

15 “(III) to consolidate or eliminate  
16 duplicative or ineffective requirements  
17 or criteria; or

18 “(IV) to otherwise provide for the  
19 effective delivery and administration  
20 of the supportive housing and rental  
21 assistance program described in clause  
22 (i) with respect to Native American  
23 veterans.

24 “(vi) CONSULTATION.—Not later than  
25 a date that is sufficient to provide for im-

1           plementation of the program under this  
2           subparagraph in accordance with clause  
3           (i), the Secretary and the Secretary of Vet-  
4           erans Affairs shall jointly consult with  
5           block grant recipients and any other ap-  
6           propriate tribal organizations to ensure—

7                   “(I) that block grant recipients  
8                   administering funds made available  
9                   under clause (i) are able to effectively  
10                  coordinate with providers of sup-  
11                  portive services provided in connection  
12                  with the supportive housing and rent-  
13                  al assistance program described in  
14                  that clause; and

15                  “(II) the effective delivery of sup-  
16                  portive services to Native American  
17                  veterans that are homeless or at risk  
18                  of homelessness and eligible to receive  
19                  assistance under this subparagraph.

20                  “(vii) NOTICE.—After providing to In-  
21                  dian tribes and tribally designated housing  
22                  agencies opportunity for comment and con-  
23                  sultation, the Secretary shall establish the  
24                  requirements and criteria for the sup-  
25                  portive housing and rental assistance pro-

1                   gram described in clause (i) by final notice  
2                   published in the Federal Register.”.

3 **SEC. 502. 99-YEAR LEASEHOLD INTEREST IN TRUST OR RE-**  
4 **STRICTED LANDS FOR HOUSING PURPOSES.**

5                   Section 702 (25 U.S.C. 4211) is amended—

6                   (1) in subsection (c)(1), by inserting “(in effect  
7                   before, on, or after the date of enactment of this  
8                   section)” after “law”; and

9                   (2) by striking “50 years” each place it appears  
10                  and inserting “99 years”.

11 **SEC. 503. TRAINING AND TECHNICAL ASSISTANCE.**

12                  Section 703 (25 U.S.C. 4212) is amended to read as  
13 follows:

14 **“SEC. 703. TRAINING AND TECHNICAL ASSISTANCE.**

15                  “The Secretary shall make available for assistance,  
16 to be awarded on a competitive basis, for a national or  
17 regional organization representing Native American hous-  
18 ing interests for providing training and technical assist-  
19 ance to Indian housing authorities and tribally designated  
20 housing entities such sums as may be necessary for each  
21 fiscal year.”.

22 **SEC. 504. LOAN GUARANTEES FOR INDIAN HOUSING.**

23                  Section 184(i)(5) of the Housing and Community De-  
24 velopment Act of 1992 (12 U.S.C. 1715z–13a(i)(5)) is  
25 amended—



1 (1) in subparagraph (B), by inserting after the  
 2 period at the end of the first sentence “There are  
 3 authorized to be appropriated for those costs  
 4 \$12,200,000 for each of fiscal years 2016 through  
 5 2020.”; and

6 (2) in subparagraph (C), by striking “2008  
 7 through 2012” and inserting “2016 through 2020”.

8 **TITLE VI—DEMONSTRATION**  
 9 **PROGRAM FOR ALTERNATIVE**  
 10 **PRIVATIZATION AUTHORITY**  
 11 **FOR NATIVE AMERICAN**  
 12 **HOUSING**

13 **SEC. 601. DEMONSTRATION PROGRAM.**

14 At the end of the Act, add the following:

15 **“TITLE IX—DEMONSTRATION**  
 16 **PROGRAM FOR ALTERNATIVE**  
 17 **PRIVATIZATION AUTHORITY**  
 18 **FOR NATIVE AMERICAN**  
 19 **HOUSING**

20 **“SEC. 901. DEFINITIONS.**

21 “In this title:

22 “(1) **AFFORDABLE HOUSING.**—The term ‘af-  
 23 fordable housing’ has the meaning given the term in  
 24 section 4.

1           “(2) HOUSING INFRASTRUCTURE.—The term  
2           ‘housing infrastructure’ means basic facilities, serv-  
3           ices, systems, and installations necessary or appro-  
4           priate for the functioning of a housing community,  
5           including facilities, services, systems, and installa-  
6           tions for water, sewage, power, communications, and  
7           transportation.

8           “(3) LONG-TERM LEASE.—The term ‘long-term  
9           lease’ means an agreement between a participating  
10          Indian tribe and a member of the participating In-  
11          dian tribe that authorizes the member—

12                   “(A) to occupy a specific plot of tribal land  
13                   for 50 or more years; and

14                   “(B) to request renewal of the agreement  
15                   at least once.

16          “(4) PARTICIPATING INDIAN TRIBE.—The term  
17          ‘participating Indian tribe’ means an Indian tribe  
18          for which a final plan under section 905 for partici-  
19          pation in the demonstration program under this title  
20          has been approved by the Secretary under section  
21          906.

22   **“SEC. 902. AUTHORITY.**

23          “(a) IN GENERAL.—In addition to any other author-  
24          ity provided in this Act for the construction, development,  
25          maintenance, and operation of housing for Indian families,

1 the Secretary shall provide a participating Indian tribe  
2 having a final plan approved pursuant to section 906 with  
3 the authority to exercise the activities provided under this  
4 title and the plan for the acquisition and development of  
5 housing to meet the needs of members of the participating  
6 Indian tribe.

7 “(b) INAPPLICABILITY.—Except as otherwise specifi-  
8 cally provided in this title, titles I through IV, VI, and  
9 VII shall not apply to the use of funds by a participating  
10 Indian tribe during any period during which the Indian  
11 tribe is participating in the demonstration program under  
12 this title.

13 “(c) APPLICABILITY.—The following provisions of ti-  
14 tles I through VIII shall apply to the demonstration pro-  
15 gram under this title and amounts made available under  
16 the demonstration program under this title:

17 “(1) Subsections (d) and (e) of section 101 (re-  
18 lating to tax exemption).

19 “(2) Section 101(j) (relating to Federal supply  
20 sources).

21 “(3) Section 101(k) (relating to tribal pref-  
22 erence in employment and contracting).

23 “(4) Section 104 (relating to treatment of pro-  
24 gram income and labor standards).

1           “(5) Section 105 (relating to environmental re-  
2 view).

3           “(6) Section 201(b) (relating to eligible fami-  
4 lies), except as otherwise provided in this title.

5           “(7) Section 203(g) (relating to a de minimis  
6 exemption for procurement of goods and services).

7           “(8) Section 702 (relating to 99-year leasehold  
8 interests in trust or restricted lands for housing pur-  
9 poses).

10 **“SEC. 903. PARTICIPATING TRIBES.**

11           “(a) REQUEST TO PARTICIPATE.—To be eligible to  
12 participate in the demonstration program under this title,  
13 an Indian tribe shall submit to the Secretary a notice of  
14 intention to participate during the 60-day period begin-  
15 ning on the date of enactment of this title, in such form  
16 and such manner as the Secretary shall require.

17           “(b) COOPERATIVE AGREEMENT.—On approval  
18 under section 906 of the final plan of an Indian tribe for  
19 participation in the demonstration program under this  
20 title, the Secretary shall enter into a cooperative agree-  
21 ment with the participating Indian tribe that provides the  
22 Indian tribe with the authority to carry out activities  
23 under the demonstration program.



1 request of the Indian tribe for quotations under  
2 subsection (a)(2); and

3 “(B) together with that investor partner,  
4 establish and submit to the Secretary a final  
5 plan that meets the requirements described in  
6 section 905.

7 “(2) EXCEPTIONS.—The Secretary may extend  
8 the period under paragraph (1) for any Indian tribe  
9 that—

10 “(A) has not received any satisfactory  
11 quotation in response to the request released  
12 pursuant to subsection (a)(2); or

13 “(B) has any other satisfactory reason, as  
14 determined by the Secretary, for failure to se-  
15 lect an investor partner.

16 **“SEC. 905. FINAL PLAN.**

17 “A final plan of an Indian tribe for participation in  
18 the demonstration program under this title shall—

19 “(1) be developed by the Indian tribe and the  
20 investor partner of the Indian tribe selected under  
21 section 904(b)(1)(A);

22 “(2) identify the qualified entity that assisted  
23 the Indian tribe in assessing the housing needs of  
24 the Indian tribe;

1           “(3) set forth a detailed description of the pro-  
2           jected housing needs, including affordable housing  
3           needs, of the Indian tribe, which shall include—

4                   “(A) a description of those projected hous-  
5           ing needs over—

6                           “(i) the 2-year period following the  
7                           date of submission of the final plan; and

8                           “(ii) the period that is the earlier-end-  
9                           ing period of—

10                               “(I) the 5-year period following  
11                               the expiration of the 2-year period de-  
12                               scribed in clause (i); and

13                               “(II) the period ending on the  
14                               date on which those projected housing  
15                               needs are met; and

16                   “(B) the same information that would be  
17                   required under section 102 to be included in an  
18                   Indian housing plan for the Indian tribe, as  
19                   modified by the Secretary to take consideration  
20                   of the requirements of the demonstration pro-  
21                   gram under this title;

22           “(4) provide for specific housing activities suffi-  
23           cient to meet the housing needs of the Indian tribe,  
24           including affordable housing needs, as identified pur-

1 suant to paragraph (3) within the time periods re-  
2 ferred to in that paragraph, which shall include—

3 “(A) development of affordable housing;

4 “(B) development of conventional homes  
5 for rental, lease-to-own, or sale, which may be  
6 combined with affordable housing developed  
7 pursuant to subparagraph (A);

8 “(C) development of housing infrastruc-  
9 ture, including housing infrastructure sufficient  
10 to serve affordable housing developed under the  
11 final plan; and

12 “(D) investments by the investor partner,  
13 the Indian tribe, members of the Indian tribe,  
14 and financial institutions and other outside in-  
15 vestors necessary to provide financing for the  
16 development of housing under the final plan  
17 and for mortgages for members of Indian tribes  
18 purchasing that housing;

19 “(5) provide that the Indian tribe will agree to  
20 provide long-term leases to members of the Indian  
21 tribe sufficient for lease-to-own arrangements for,  
22 and sale of, the housing developed pursuant to para-  
23 graph (4);

24 “(6) provide that the Indian tribe—



1           “(A) will be liable for delinquencies under  
2 mortgage agreements for housing developed  
3 under the final plan that are financed under the  
4 final plan and entered into by members of the  
5 Indian tribe; and

6           “(B) shall, on foreclosure under a mort-  
7 gage described in subparagraph (A), take pos-  
8 session of the housing and have the responsi-  
9 bility for making the housing available to other  
10 members of the Indian tribe;

11          “(7) provide for sufficient protections, as deter-  
12 mined by the Secretary, to ensure that the Indian  
13 tribe and the Federal Government are not liable for  
14 the acts of the investor partner or of any contrac-  
15 tors;

16          “(8) provide that the Indian tribe shall have  
17 sole final approval of the design and location of  
18 housing developed under the final plan; and

19          “(9) set forth—

20               “(A) specific deadlines and schedules for  
21 activities to be carried out under the final plan;

22               “(B) the responsibilities of the Indian tribe  
23 and the investor partner;

24               “(C) specific terms and conditions—

1                   “(i) for return on investment by the  
2                   investor partner and other investors under  
3                   the plan; and

4                   “(ii) to provide that the Indian tribe  
5                   shall pledge grant amounts allocated for  
6                   the Indian tribe pursuant to title III for  
7                   that return on investment;

8                   “(D) the terms of a cooperative agreement  
9                   on the operation and management of the cur-  
10                  rent assistance housing stock and current hous-  
11                  ing stock for the Indian tribe assisted under ti-  
12                  tles I through VIII;

13                  “(E)(i) any plans for the sale of the af-  
14                  fordable housing of the Indian tribe under sec-  
15                  tion 906; and

16                  “(ii) if those plans are included, additional  
17                  plans sufficient to meet the requirements of sec-  
18                  tion 906 regarding meeting future affordable  
19                  housing needs of the Indian tribe;

20                  “(F) terms for enforcement of the final  
21                  plan, including an agreement regarding jurisdic-  
22                  tion of any actions under or to enforce the final  
23                  plan, including a waiver of immunity; and

1           “(G) any other information determined ap-  
2           propriate by the Indian tribe and the investor  
3           partner.

4 **“SEC. 906. HUD REVIEW AND APPROVAL OF PLAN.**

5           “(a) IN GENERAL.—

6           “(1) REVIEW.—Not later than 90 days after  
7           the date of submission by an Indian tribe of a final  
8           plan under section 905 to the Secretary, the Sec-  
9           retary shall—

10           “(A) review the plan and the process by  
11           which the Indian tribe solicited requests for  
12           quotations from investors and selected the in-  
13           vestor partner under section 904(b)(1); and

14           “(B) approve or disapprove the plan in ac-  
15           cordance with paragraphs (2) and (3).

16           “(2) APPROVAL.—

17           “(A) IN GENERAL.—After the review de-  
18           scribed in paragraph (1), the Secretary shall  
19           approve the plan, unless the Secretary deter-  
20           mines that—

21           “(i) the assessment of the housing  
22           needs of the Indian tribe by the qualified  
23           entity, or as set forth in the plan pursuant  
24           to section 905(3), is inaccurate or insuffi-  
25           cient;

1           “(ii) the process established by the In-  
2           dian tribe to solicit requests for quotations  
3           and select an investor partner was insuffi-  
4           cient or negligent; or

5           “(iii) the plan is insufficient to meet  
6           the housing needs of the Indian tribe, as  
7           identified in the plan pursuant to section  
8           905(3).

9           “(B) OPPORTUNITY FOR REVISION.—Ex-  
10          cept as provided in paragraph (3), the Sec-  
11          retary shall approve a plan determined insuffi-  
12          cient under subparagraph (A), on the condition  
13          that the Indian tribe and the investor partner  
14          make such revisions to the plan as the Sec-  
15          retary may require to meet the needs of the In-  
16          dian tribe for affordable housing.

17          “(3) DISAPPROVAL.—The Secretary may dis-  
18          approve the plan only if—

19                 “(A) the Secretary determines that the  
20                 plan fails to meet the minimal housing stand-  
21                 ards and requirements of this Act; and

22                 “(B) the Secretary notifies the Indian tribe  
23                 of the elements requiring the disapproval.

24          “(b) ACTION UPON DISAPPROVAL.—

1           “(1) RESUBMISSION OF PLAN.—Subject to  
2 paragraph (2), in the case of any disapproval of a  
3 final plan of an Indian tribe under subsection (a)(3),  
4 the Secretary shall allow the tribe, for a period of  
5 180 days beginning on the date of the notification  
6 to the tribe of the disapproval, to resubmit a revised  
7 plan for approval.

8           “(2) LIMITATION.—If the final plan for an In-  
9 dian tribe is resubmitted pursuant to paragraph (1)  
10 and the Secretary disapproves the plan a second  
11 time, the Indian tribe—

12                   “(A) may not thereafter resubmit the plan;  
13           and

14                   “(B) shall be ineligible to participate in the  
15 demonstration program under this title.

16           “(c) TRIBAL AUTHORITY OVER HOUSING DESIGN  
17 AND LOCATION.—The Secretary may not disapprove a  
18 final plan under section 905 or condition approval of that  
19 plan based on the design or location of any housing to  
20 be developed or assisted under the plan.

21           “(d) FAILURE TO NOTIFY.—If the Secretary does  
22 not notify an Indian tribe submitting a final plan of ap-  
23 proval, conditional approval, or disapproval of the plan be-  
24 fore the expiration of the period referred to in subsection

1 (a)(1), the plan shall be deemed approved for purposes  
2 of this title.

3 **“SEC. 907. TREATMENT OF ALLOCATION.**

4 “(a) IN GENERAL.—Amounts otherwise allocated for  
5 a participating Indian tribe under title III—

6 “(1) shall not be made available to the partici-  
7 pating Indian tribe under titles I through VIII; and

8 “(2) shall only be available for the participating  
9 Indian tribe, on request by the participating Indian  
10 tribe and approval by the Secretary, for the purposes  
11 described in subsections (b) through (e).

12 “(b) RETURN ON INVESTMENT.—The Secretary may  
13 use the amounts described in subsection (a) to ensure the  
14 payment of any amounts pledged by a participating Indian  
15 tribe pursuant to section 905(9)(C) for return on the in-  
16 vestment made by the investor partner or other investors.

17 “(c) ADMINISTRATIVE EXPENSES.—The Secretary  
18 may provide to a participating Indian tribe, on the request  
19 of the participating Indian tribe, not greater than 10 per-  
20 cent of any annual allocation made under title III for the  
21 participating Indian tribe during that fiscal year for the  
22 administrative costs of the participating Indian tribe in  
23 carrying out the requirements of sections 904 and 905.

24 “(d) HOUSING INFRASTRUCTURE COSTS.—A partici-  
25 pating Indian tribe may use the amounts described in sub-

1 section (a) for housing infrastructure costs associated with  
 2 providing affordable housing for the participating Indian  
 3 tribe under the final plan.

4 “(e) MAINTENANCE; TENANT SERVICES.—A partici-  
 5 pating Indian tribe may use the amounts described in sub-  
 6 section (a) for maintenance of affordable housing for the  
 7 participating Indian tribe and for the eligible affordable  
 8 housing activities described in paragraphs (3), (4), and (5)  
 9 of section 202.

10 **“SEC. 908. RESALE OF AFFORDABLE HOUSING.**

11 “Notwithstanding any other provision of this Act, a  
 12 participating Indian tribe may, in accordance with the pro-  
 13 visions of the final plan of the participating Indian tribe  
 14 approved pursuant to section 906, resell any affordable  
 15 housing developed with assistance made available under  
 16 this Act for use other than as affordable housing, on the  
 17 condition that the tribe provides such assurances as the  
 18 Secretary determines are appropriate to ensure that the  
 19 participating Indian tribe—

20 “(1) is meeting the need for affordable housing  
 21 of the participating Indian tribe;

22 “(2) will provide affordable housing in the fu-  
 23 ture sufficient to meet future affordable housing  
 24 needs; and

25 “(3) will use any proceeds only—

1                   “(A) to meet those future affordable hous-  
2                   ing needs; or

3                   “(B) in accordance with section 907.

4 **“SEC. 909. REPORTS, AUDITS, AND COMPLIANCE.**

5           “(a) ANNUAL REPORTS BY TRIBE.—Each partici-  
6           pating Indian tribe shall submit to the Secretary annually  
7           a report—

8                   “(1) describing the progress of the participating  
9           Indian tribe in complying with, and meeting the  
10           deadlines and schedules set forth in, the approved  
11           final plan for the participating Indian tribe; and

12                   “(2) containing such other information as the  
13           Secretary may require.

14           “(b) REPORTS TO CONGRESS.—The Secretary shall  
15           submit to Congress annually a report describing the activi-  
16           ties and progress of the demonstration program under this  
17           title, including—

18                   “(1) a summary of the information in the re-  
19           ports submitted under subsection (a);

20                   “(2) the number of Indian tribes that have se-  
21           lected an investor partner pursuant to a request for  
22           quotations under section 904;

23                   “(3) for each tribe applying for participation in  
24           the demonstration program the final plan of which



1 was disapproved under section 906(a)(3), a detailed  
2 description and explanation of—

3 “(A) the reasons for the disapproval; and

4 “(B) all actions taken by the Indian tribe  
5 to eliminate the reasons for disapproval, and an  
6 identification of whether the tribe has re-sub-  
7 mitted a final plan;

8 “(4) an identification, by participating Indian  
9 tribe, of any amounts requested and approved for  
10 use under section 907; and

11 “(5) an identification of any participating In-  
12 dian tribes that have terminated participation in the  
13 demonstration program and the circumstances of the  
14 terminations.

15 “(c) AUDITS.—The Secretary shall provide for audits  
16 among participating Indian tribes to ensure implementa-  
17 tion and compliance with the final plans for the partici-  
18 pating Indian tribes, including on-site visits with partici-  
19 pating Indian tribes and requests for documentation ap-  
20 propriate to ensure the compliance.

21 **“SEC. 910. TERMINATION OF TRIBAL PARTICIPATION.**

22 “(a) TERMINATION OF PARTICIPATION.—A partici-  
23 pating Indian tribe may terminate participation in the  
24 demonstration program under this title at any time, sub-  
25 ject to this section.

1 “(b) EFFECT ON EXISTING OBLIGATIONS.—

2 “(1) NO AUTOMATIC TERMINATION.—Termi-  
3 nation by a participating Indian tribe in the dem-  
4 onstration program under this section shall not ter-  
5 minate any obligations of the Indian tribe under  
6 agreements entered into under the demonstration  
7 program with the investor partner of the Indian  
8 tribe or any other investors or contractors.

9 “(2) AUTHORITY TO MUTUALLY TERMINATE  
10 AGREEMENTS.—Nothing in this title prevents an In-  
11 dian tribe that terminates participation in the dem-  
12 onstration program and any party with which the  
13 Indian tribe has entered into an agreement from  
14 mutually agreeing to terminate that agreement.

15 “(c) RECEIPT OF REMAINING GRANT AMOUNTS.—  
16 The Secretary shall provide for grants to be made in ac-  
17 cordance with, and subject to the requirements of, this Act  
18 for any amounts remaining after use pursuant to section  
19 907 from the allocation under title III for an Indian tribe  
20 that terminates participation in the demonstration pro-  
21 gram.

22 “(d) COSTS AND OBLIGATIONS.—The Secretary shall  
23 not be liable for any obligations or costs incurred by an  
24 Indian tribe during its participation in the demonstration  
25 program under this title.

1 **“SEC. 911. FINAL REPORT.**

2 “Not later 5 years after the date of enactment of this  
3 title, the Secretary shall submit to Congress a final report  
4 describing the effectiveness of the demonstration program,  
5 which shall include—

6 “(1) an assessment of the success under the  
7 demonstration program of participating Indian  
8 tribes in meeting the housing needs of the partici-  
9 pating Indian tribe, including affordable housing  
10 needs, on tribal land;

11 “(2) recommendations for any improvements to  
12 the demonstration program; and

13 “(3) a determination of whether the demonstra-  
14 tion program should be expanded into a permanent  
15 program available for Indian tribes to opt into at  
16 any time and, if so, recommendations for that ex-  
17 pansion, including any legislative actions necessary  
18 to expand the program.

19 **“SEC. 912. NOTICE.**

20 “The Secretary shall establish any requirements and  
21 criteria necessary to carry out the demonstration program  
22 under this title by notice published in the Federal Reg-  
23 ister.”.

24 **SEC. 602. CLERICAL AMENDMENTS.**

25 The table of contents in section 1(b) is amended by  
26 adding after the item relating to section 705 the following:

“TITLE VIII—HOUSING ASSISTANCE FOR NATIVE HAWAIIANS

- “Sec. 801. Definitions.
- “Sec. 802. Block grants for affordable housing activities.
- “Sec. 803. Housing plan.
- “Sec. 804. Review of plans.
- “Sec. 805. Treatment of program income and labor standards.
- “Sec. 806. Environmental review.
- “Sec. 807. Regulations.
- “Sec. 808. Effective date.
- “Sec. 809. Affordable housing activities.
- “Sec. 810. Eligible affordable housing activities.
- “Sec. 811. Program requirements.
- “Sec. 812. Types of investments.
- “Sec. 813. Low-income requirement and income targeting.
- “Sec. 814. Lease requirements and tenant selection.
- “Sec. 815. Repayment.
- “Sec. 816. Annual allocation.
- “Sec. 817. Allocation formula.
- “Sec. 818. Remedies for noncompliance.
- “Sec. 819. Monitoring of compliance.
- “Sec. 820. Performance reports.
- “Sec. 821. Review and audit by Secretary.
- “Sec. 822. General Accounting Office audits.
- “Sec. 823. Reports to Congress.
- “Sec. 824. Authorization of appropriations.”

“TITLE IX—DEMONSTRATION PROGRAM FOR ALTERNATIVE  
PRIVATIZATION AUTHORITY FOR NATIVE AMERICAN HOUSING

- “Sec. 901. Definitions.
- “Sec. 902. Authority.
- “Sec. 903. Participating tribes.
- “Sec. 904. Request for quotes and selection of investor partner.
- “Sec. 905. Final plan.
- “Sec. 906. HUD review and approval of plan.
- “Sec. 907. Treatment of allocation.
- “Sec. 908. Resale of affordable housing.
- “Sec. 909. Reports, audits, and compliance.
- “Sec. 910. Termination of tribal participation.
- “Sec. 911. Final report.
- “Sec. 912. Notice.”.

1       **TITLE VII—MISCELLANEOUS**

2       **SEC. 701. COMMUNITY-BASED ORGANIZATIONS AND TRIB-**

3                       **ALLY DESIGNATED HOUSING ENTITIES.**

4       Title VII (Public Law 104–330; 110 Stat. 4048) is

5       amended by adding at the end the following:

1 **“SEC. 706. COMMUNITY-BASED DEVELOPMENT ORGANIZA-**  
 2 **TION.**

3 “A tribally designated housing entity shall qualify as  
 4 a community-based development organization for purposes  
 5 of the Indian Community Development Block Grant pro-  
 6 gram authorized under section 106(a) of the Housing and  
 7 Community Development Act of 1974 (42 U.S.C.  
 8 5306(a)).”.

9 **SEC. 702. ELIMINATION OF LIMITATION ON USE FOR CHER-**  
 10 **OKEE NATION.**

11 Section 801 of the Native American Housing Assist-  
 12 ance and Self-Determination Reauthorization Act of 2008  
 13 (Public Law 110–411; 122 Stat. 4334) is repealed.

14 **SEC. 703. REAUTHORIZATION OF NATIVE HAWAIIAN HOME-**  
 15 **OWNERSHIP ACT.**

16 Section 824 (25 U.S.C. 4243) is amended by striking  
 17 “2001, 2002, 2003, 2004, and 2005,” and inserting  
 18 “2016, 2017, 2018, 2019, and 2020”.

19 **SEC. 704. REAUTHORIZATION OF LOAN GUARANTEES FOR**  
 20 **NATIVE HAWAIIAN HOUSING.**

21 Section 184A(j)(5) of the Housing and Community  
 22 Development Act of 1992 (12 U.S.C. 1715z–13b(j)(5)) is  
 23 amended—

24 (1) in subparagraph (B), by inserting after the  
 25 period at the end of the first sentence “There are  
 26 authorized to be appropriated for those costs

