

114TH CONGRESS
1ST SESSION

S. 710

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

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

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”.

TITLE II—AFFORDABLE 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 “(c) LIMITATION.—The Secretary shall not approve
2 more than 20 Indian tribes for participation in the dem-
3 onstration program under this title.

4 **“SEC. 904. REQUEST FOR QUOTES AND SELECTION OF IN-**
5 **VESTOR PARTNER.**

6 “(a) REQUEST FOR QUOTES.—Not later than 180
7 days after the date on which the Indian tribe submits no-
8 tice under section 903(a), the Indian tribe shall—

9 “(1) obtain assistance from a qualified entity in
10 assessing the housing needs, including the affordable
11 housing needs, of the Indian tribe; and

12 “(2) release a request for quotations from enti-
13 ties interested in partnering with the Indian tribe in
14 designing and carrying out housing activities suffi-
15 cient to meet the housing needs of the Indian tribe
16 as identified pursuant to paragraph (1).

17 “(b) SELECTION OF INVESTOR PARTNER.—

18 “(1) IN GENERAL.—Except as provided in para-
19 graph (2), not later than 18 months after the date
20 of enactment of this title, an Indian tribe requesting
21 to participate in the demonstration program under
22 this title shall—

23 “(A) select an investor partner from
24 among the entities that have responded to the

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-
5minate 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

1 \$386,000 for each of fiscal years 2016 through
2 2020.”; and

3 (2) in subparagraph (C), by striking “for each
4 of fiscal years” and all that follows through the pe-
5 riod at the end and inserting “for each of fiscal
6 years 2016 through 2020 with an aggregate out-
7 standing principal amount not exceeding
8 \$41,504,000 for each fiscal year.”.

9 **SEC. 705. LEVERAGING.**

10 All funds provided under a grant made pursuant to
11 this Act or the amendments made by this Act may be used
12 for purposes of meeting matching or cost participation re-
13 quirements under any other Federal or non-Federal pro-
14 gram.

15 **SEC. 706. FUNDING FOR METHAMPHETAMINE CLEAN-UP**
16 **PROJECTS.**

17 Section 5124(a)(7) of the Public and Assisted Hous-
18 ing Drug Elimination Act of 1990 (42 U.S.C.
19 11903(a)(7)) is amended by inserting “or to implement
20 methamphetamine clean-up projects” before the semi-
21 colon.

○