

Calendar No. 197

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

JUNE 4, 2015

Reported by Mr. BARRASSO, with amendments

[Omit the part struck through and insert the part printed in *italic*]

JUNE 4, 2015

Referred to the Committee on Banking, Housing, and Urban Affairs pursuant to the order of May 27, 1988, for a period not to exceed 60 days

AUGUST 5, 2015

Committee discharged pursuant to the order of May 27, 1988, and placed on the calendar

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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-**
 2 **ERENCES.**

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

6 (b) **TABLE OF CONTENTS.**—The table of contents for
 7 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-
 6 tive American Housing Assistance and Self-Determination
 7 Act of 1996 (25 U.S.C. 4101 et seq.).

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

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

10 (1) by striking “The Secretary” and inserting
 11 the following:

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

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

14 “(b) ESTABLISHMENT OF OFFICE OF ASSISTANT
 15 SECRETARY.—The head of the Office of Native American
 16 Programs shall be the Assistant Secretary, to be appointed
 17 by the President, by and with the advice and consent of
 18 the Senate.”.

1 **TITLE I—BLOCK GRANTS AND**
2 **GRANT REQUIREMENTS**

3 **SEC. 101. TREATMENT OF PROGRAM INCOME AND LABOR**
4 **STANDARDS.**

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

6 (1) in subsection (a), by striking paragraph (1)
7 and inserting the following:

8 “(1) **AUTHORITY TO RETAIN.**—

9 “(A) **IN GENERAL.**—Notwithstanding any
10 other provision of this Act, a recipient may re-
11 tain any program income that is realized from
12 any grant amounts under this Act if—

13 “(i) the income was realized after the
14 initial disbursement of the grant amounts
15 received by the recipient; and

16 “(ii) the recipient has agreed that the
17 recipient will utilize the income for housing
18 related activities in accordance with this
19 Act.

20 “(B) **REQUIREMENTS.**—Any income that is
21 realized by a recipient from program income
22 shall—

23 “(i) be considered nonprogram in-
24 come; and

1 “(ii) have no restrictions on use.”;

2 and

3 (2) in subsection (b), by striking paragraph (3)

4 and inserting the following:

5 “(3) APPLICATION OF TRIBAL LAWS.—

6 “(A) IN GENERAL.—Paragraph (1) shall
7 not apply to any contract or agreement for as-
8 sistance, sale, or lease pursuant to this Act, if
9 that contract or agreement is otherwise covered
10 by 1 or more laws or regulations adopted by an
11 Indian tribe that requires the payment of not
12 less than prevailing wages, as determined by
13 the Indian tribe.

14 “(B) WAGES.—The prevailing wages de-
15 scribed in subparagraph (A) shall apply to the
16 administration of all Federal funding for
17 projects funded in part by funds authorized
18 under this Act.”.

19 **SEC. 102. ENVIRONMENTAL REVIEW.**

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

22 “(e) ENVIRONMENTAL REVIEW.—

23 “(1) IN GENERAL.—Notwithstanding any other
24 provision of law or use of any other source of fund-
25 ing for the project, compliance with the environ-

1 mental review requirements of this section shall sat-
 2 isfy any other applicable environmental review re-
 3 quirement under any other Federal law (including
 4 regulations) required to be carried out by any agen-
 5 cy involved in the project.

6 “(2) COORDINATION WITH OTHER AGENCIES.—
 7 The Secretary shall coordinate compliance with any
 8 environmental review requirements with all impacted
 9 Federal agencies and Indian tribes.”.

10 **SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

11 Section 108 (25 U.S.C. 4117) is amended in the first
 12 sentence by striking “2009 through 2013” and inserting
 13 “2016 through 2020”.

14 **TITLE II—AFFORDABLE**
 15 **HOUSING ACTIVITIES**

16 **SEC. 201. PROGRAM REQUIREMENTS.**

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

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

20 (2) by redesignating paragraph (2) as para-
 21 graph (3);

22 (3) by inserting after paragraph (1) the fol-
 23 lowing:

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

1 “(A) the recipient has a written policy gov-
 2 erning rents and homebuyer payments charged
 3 for dwelling units; and

4 “(B) that policy includes a provision gov-
 5 erning maximum rents or homebuyer payments,
 6 *including tenant protections.*”; and

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

11 **SEC. 202. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-IN-**
 12 **COME REQUIREMENT AND INCOME TAR-**
 13 **GETING.**

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

15 (1) in subsection (a)(1)—

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

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

19 “(E) notwithstanding any other provision
 20 of this paragraph, in the case of rental housing
 21 that is made available to a current rental family
 22 for conversion to a homebuyer or a lease-pur-
 23 chase unit, that the current rental family can
 24 purchase through a contract of sale, lease-pur-
 25 chase agreement, or any other sales agreement,

1 is made available for purchase only by the cur-
2 rent rental family, if the rental family was a
3 low-income family at the time of their initial oc-
4 cupancy of such unit; and”;

5 (2) in subsection (c)—

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

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

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

10 “(2) APPLICABILITY TO IMPROVEMENTS.—The
11 provisions of subsection (a)(2) regarding binding
12 commitments for the remaining useful life of prop-
13 erty shall not apply to improvements of privately
14 owned homes if the cost of the improvements do not
15 exceed 10 percent of the maximum total develop-
16 ment cost for the home.”.

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

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

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

1 **SEC. 204. SELF-DETERMINED HOUSING ACTIVITIES FOR**
 2 **TRIBAL COMMUNITIES.**

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

5 **SEC. 205. TOTAL DEVELOPMENT COST MAXIMUM PROJECT**
 6 **COST.**

7 Affordable housing (as defined in section 4 of the Na-
 8 tive American Housing Assistance and Self-Determination
 9 Act of 1996 (25 U.S.C. 4103)) that is developed, acquired,
 10 or assisted under the block grant program established
 11 under section 101 of the Native American Housing Assist-
 12 ance and Self-Determination Act of 1996 (25 U.S.C.
 13 4111) shall not exceed by more than 20 percent, without
 14 prior approval of the Secretary of Housing and Urban De-
 15 velopment, the total development cost maximum cost for
 16 all housing assisted under an affordable housing activity,
 17 including development and model activities.

18 **TITLE III—ALLOCATION OF**
 19 **GRANT AMOUNTS**

20 **SEC. 301. EFFECT OF UNDISBURSED BLOCK GRANT**
 21 **AMOUNTS ON ANNUAL ALLOCATIONS.**

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

1 **“SEC. 303. EFFECT OF UNDISBURSED GRANT AMOUNTS ON**
 2 **ANNUAL ALLOCATIONS.**

3 “(a) NOTIFICATION OF OBLIGATED, UNDISBURSED
 4 GRANT AMOUNTS.—Subject to subsection (d), if on ~~Janu-~~
 5 ~~ary 1, 2018, or on any January 1~~ *October 1, 2017, or on*
 6 *any October 1* thereafter, the total amount of undisbursed
 7 block grants for a recipient in the line of credit control
 8 ~~system of the Department of Housing and Urban Develop-~~
 9 ~~ment is greater than 3 times the formula allocation the~~
 10 ~~recipient would otherwise receive under this Act for the~~
 11 ~~fiscal year during which January 1 occurs~~ *system (or a*
 12 *successor system) of the Department of Housing and Urban*
 13 *Development is greater than the sum of the initial alloca-*
 14 *tions for the previous 3 fiscal years, the Secretary shall—*

15 “(1) not later than ~~January 31~~ *October 31* of
 16 that year, notify the Indian tribe allocated the grant
 17 amounts, and any tribally designated housing entity
 18 for the Indian tribe, of the undisbursed amounts;
 19 and

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

23 “(A) to notify the Secretary in writing of
 24 the reasons why the recipient has not requested
 25 the disbursement of the amounts; and

1 “(B) to demonstrate to the satisfaction of
2 the Secretary that the recipient has the capac-
3 ity to spend Federal funds in an effective man-
4 ner, which may include evidence of the timely
5 expenditure of amounts previously distributed
6 to the recipient under this Act.

7 “~~(b) ALLOCATION AMOUNT.—Notwithstanding sec-~~
8 ~~tions 301 and 302, the allocation for a recipient for a fis-~~
9 ~~cal year described in subsection (a) shall be an amount~~
10 ~~equal to the difference between—~~

11 ~~“(1) the amount initially calculated according~~
12 ~~to the formula; minus~~

13 ~~“(2) an amount equal to the difference be-~~
14 ~~tween—~~

15 ~~“(A) the total amount of undisbursed block~~
16 ~~grants for the recipient in the line of credit con-~~
17 ~~trol system of the Department of Housing and~~
18 ~~Urban Development on January 1 of the fiscal~~
19 ~~year; and~~

20 ~~“(B) 3 times the initial formula amount~~
21 ~~for the fiscal year.~~

22 “(b) *ALLOCATION AMOUNT.—Notwithstanding sections*
23 *301 and 302, the allocation for a recipient for a fiscal year*
24 *described in subsection (a) shall be the greater of—*

25 “(1) *an amount equal to the difference between—*

1 “(A) *the amount initially calculated accord-*
2 *ing to the formula; minus*

3 “(B) *an amount equal to the difference be-*
4 *tween—*

5 “(i) *the total amount of undisbursed*
6 *block grants for the recipient in the line of*
7 *credit control system (or a successor system)*
8 *of the Department of Housing and Urban*
9 *Development on October 1 of the fiscal year;*
10 *and*

11 “(ii) *the sum of the initial allocations*
12 *for the previous 3 fiscal years; or*

13 “(2) *the amount that the recipient would other-*
14 *wise receive under section 302(d).*

15 “(c) REALLOCATION.—Notwithstanding any other
16 provision of law, any grant amounts not allocated to a re-
17 cipient pursuant to subsection (b) shall be allocated ~~in ac-~~
18 ~~cordance with sections 301 and 302.~~ *under the needs com-*
19 *ponent of the formula.*

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

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

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

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

5 (b) CLERICAL AMENDMENT.—The table of contents
6 in section 1(b) (25 U.S.C. 4101 note) is amended by in-
7 serting after the item relating to section 302 the following:
“Sec. 303. Effect of undisbursed grant amounts on annual allocations.”.

8 **TITLE IV—COMPLIANCE,**
9 **AUDITS, AND REPORTS**

10 **SEC. 401. REPORTS TO CONGRESS.**

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

12 (1) in subsection (a), by striking “Congress”
13 and inserting “Committee on Indian Affairs and the
14 Committee on Banking, Housing and Urban Affairs
15 of the Senate and the Committee on Financial Serv-
16 ices of the House of Representatives”; and

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

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

1 **TITLE V—OTHER HOUSING AS-**
2 **SISTANCE FOR NATIVE AMER-**
3 **ICANS**

4 **SEC. 501. HUD-VETERANS AFFAIRS SUPPORTIVE HOUSING**
5 **PROGRAM FOR NATIVE AMERICAN VET-**
6 **ERANS.**

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

10 “(D) NATIVE AMERICAN VETERANS.—

11 “(i) AUTHORITY.—Of the funds made
12 available for rental assistance under this
13 subsection for fiscal year 2015 and each
14 fiscal year thereafter, the Secretary shall
15 set aside 5 percent for a supported housing
16 and rental assistance program modeled on
17 the HUD-Veterans Affairs Supportive
18 Housing program, to be administered in
19 conjunction with the Department of Vet-
20 erans Affairs, for the benefit of homeless
21 Native American veterans and veterans at
22 risk of homelessness.

23 “(ii) RECIPIENTS.—Funds made
24 available under clause (i) shall be made
25 available to recipients eligible to receive

1 block grants under the Native American
2 Housing Assistance and Self-Determina-
3 tion Act of 1996 (25 U.S.C. 4101 et seq.).

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

15 “(iv) PROGRAM REQUIREMENTS.—
16 Funds made available under clause (i)
17 shall be administered by block grant recipi-
18 ents in accordance with the program re-
19 quirements of the Native American Hous-
20 ing Assistance and Self-Determination Act
21 of 1996 (25 U.S.C. 4101 et seq.) in lieu of
22 any program requirements of this Act.

23 “(v) WAIVER.—The Secretary may
24 waive, or specify alternative requirements
25 for any provision of any law or regulation

1 that the Secretary administers in connec-
2 tion with the use of funds made available
3 under this subparagraph, on a finding by
4 the Secretary that a waiver or alternative
5 requirement is necessary—

6 “(I) to promote administrative
7 efficiency;

8 “(II) to eliminate delay;

9 “(III) to consolidate or eliminate
10 duplicative or ineffective requirements
11 or criteria; or

12 “(IV) to otherwise provide for the
13 effective delivery and administration
14 of the supportive housing and rental
15 assistance program described in clause
16 (i) with respect to Native American
17 veterans.

18 “(vi) CONSULTATION.—Not later than
19 a date that is sufficient to provide for im-
20 plementation of the program under this
21 subparagraph in accordance with clause
22 (i), the Secretary and the Secretary of Vet-
23 erans Affairs shall jointly consult with
24 block grant recipients and any other ap-
25 propriate tribal organizations to ensure—

1 “(I) that block grant recipients
2 administering funds made available
3 under clause (i) are able to effectively
4 coordinate with providers of sup-
5 portive services provided in connection
6 with the supportive housing and rent-
7 al assistance program described in
8 that clause; and

9 “(II) the effective delivery of sup-
10 portive services to Native American
11 veterans that are homeless or at risk
12 of homelessness and eligible to receive
13 assistance under this subparagraph.

14 “(vii) NOTICE.—After providing to In-
15 dian tribes and tribally designated housing
16 agencies opportunity for comment and con-
17 sultation, the Secretary shall establish the
18 requirements and criteria for the sup-
19 portive housing and rental assistance pro-
20 gram described in clause (i) by final notice
21 published in the Federal Register.”.

22 **SEC. 502. 99-YEAR LEASEHOLD INTEREST IN TRUST OR RE-**
23 **STRICED LANDS FOR HOUSING PURPOSES.**

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

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

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

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

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

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

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

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

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

21 (1) in subparagraph (B), by inserting after the
22 period at the end of the first sentence “There are
23 authorized to be appropriated for those costs
24 \$12,200,000 for each of fiscal years 2016 through
25 2020.”; and

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

3 **TITLE VI—DEMONSTRATION**
4 **PROGRAM FOR ALTERNATIVE**
5 **PRIVATIZATION AUTHORITY**
6 **FOR NATIVE AMERICAN**
7 **HOUSING**

8 **SEC. 601. DEMONSTRATION PROGRAM.**

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

10 **“TITLE IX—DEMONSTRATION**
11 **PROGRAM FOR ALTERNATIVE**
12 **PRIVATIZATION AUTHORITY**
13 **FOR NATIVE AMERICAN**
14 **HOUSING**

15 **“SEC. 901. DEFINITIONS.**

16 “In this title:

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

20 “(2) **HOUSING INFRASTRUCTURE.**—The term
21 ‘housing infrastructure’ means basic facilities, serv-
22 ices, systems, and installations necessary or appro-
23 priate for the functioning of a housing community,
24 including facilities, services, systems, and installa-

1 tions for water, sewage, power, communications, and
2 transportation.

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

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

9 “(B) to request renewal of the agreement
10 at least once.

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

17 **“SEC. 902. AUTHORITY.**

18 “(a) IN GENERAL.—In addition to any other author-
19 ity provided in this Act for the construction, development,
20 maintenance, and operation of housing for Indian families,
21 the Secretary shall provide a participating Indian tribe
22 having a final plan approved pursuant to section 906 with
23 the authority to exercise the activities provided under this
24 title and the plan for the acquisition and development of

1 housing to meet the needs of members of the participating
2 Indian tribe.

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

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

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

15 “(2) Section 101(j) (relating to Federal supply
16 sources).

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

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

21 “(5) Section 105 (relating to environmental re-
22 view).

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

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

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

6 **“SEC. 903. PARTICIPATING TRIBES.**

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

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

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

1 **“SEC. 904. REQUEST FOR QUOTES AND SELECTION OF IN-**
2 **VESTOR PARTNER.**

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

6 “(1) obtain assistance from a qualified entity in
7 assessing the housing needs, including the affordable
8 housing needs, of the Indian tribe; and

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

14 “(b) SELECTION OF INVESTOR PARTNER.—

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

20 “(A) select an investor partner from
21 among the entities that have responded to the
22 request of the Indian tribe for quotations under
23 subsection (a)(2); and

24 “(B) together with that investor partner,
25 establish and submit to the Secretary a final

1 plan that meets the requirements described in
2 section 905.

3 “(2) EXCEPTIONS.—The Secretary may extend
4 the period under paragraph (1) for any Indian tribe
5 that—

6 “(A) has not received any satisfactory
7 quotation in response to the request released
8 pursuant to subsection (a)(2); or

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

12 **“SEC. 905. FINAL PLAN.**

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

15 “(1) be developed by the Indian tribe and the
16 investor partner of the Indian tribe selected under
17 section 904(b)(1)(A);

18 “(2) identify the qualified entity that assisted
19 the Indian tribe in assessing the housing needs of
20 the Indian tribe;

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

24 “(A) a description of those projected hous-
25 ing needs over—

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

3 “(ii) the period that is the earlier-end-
4 ing period of—

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

8 “(II) the period ending on the
9 date on which those projected housing
10 needs are met; and

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

17 “(4) provide for specific housing activities suffi-
18 cient to meet the housing needs of the Indian tribe,
19 including affordable housing needs, as identified pur-
20 suant to paragraph (3) within the time periods re-
21 ferred to in that paragraph, which shall include—

22 “(A) development of affordable housing;

23 “(B) development of conventional homes
24 for rental, lease-to-own, or sale, which may be

1 combined with affordable housing developed
2 pursuant to subparagraph (A);

3 “(C) development of housing infrastruc-
4 ture, including housing infrastructure sufficient
5 to serve affordable housing developed under the
6 final plan; and

7 “(D) investments by the investor partner,
8 the Indian tribe, members of the Indian tribe,
9 and financial institutions and other outside in-
10 vestors necessary to provide financing for the
11 development of housing under the final plan
12 and for mortgages for members of Indian tribes
13 purchasing that housing;

14 “(5) provide that the Indian tribe will agree to
15 provide long-term leases to members of the Indian
16 tribe sufficient for lease-to-own arrangements for,
17 and sale of, the housing developed pursuant to para-
18 graph (4);

19 “(6) provide that the Indian tribe—

20 “(A) will be liable for delinquencies under
21 mortgage agreements for housing developed
22 under the final plan that are financed under the
23 final plan and entered into by members of the
24 Indian tribe; and

1 “(B) shall, on foreclosure under a mort-
2 gage described in subparagraph (A), take pos-
3 session of the housing and have the responsi-
4 bility for making the housing available to other
5 members of the Indian tribe;

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

11 “(8) provide that the Indian tribe shall have
12 sole final approval of the design and location of
13 housing developed under the final plan; and

14 “(9) set forth—

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

17 “(B) the responsibilities of the Indian tribe
18 and the investor partner;

19 “(C) specific terms and conditions—

20 “(i) for return on investment by the
21 investor partner and other investors under
22 the plan; and

23 “(ii) to provide that the Indian tribe
24 shall pledge grant amounts allocated for

1 the Indian tribe pursuant to title III for
2 that return on investment;

3 “(D) the terms of a cooperative agreement
4 on the operation and management of the cur-
5 rent assistance housing stock and current hous-
6 ing stock for the Indian tribe assisted under ti-
7 tles I through VIII;

8 “(E)(i) any plans for the sale of the af-
9 fordable housing of the Indian tribe under sec-
10 tion 906; and

11 “(ii) if those plans are included, additional
12 plans sufficient to meet the requirements of sec-
13 tion 906 regarding meeting future affordable
14 housing needs of the Indian tribe;

15 “(F) terms for enforcement of the final
16 plan, including an agreement regarding jurisdic-
17 tion of any actions under or to enforce the final
18 plan, including a waiver of immunity; and

19 “(G) any other information determined ap-
20 propriate by the Indian tribe and the investor
21 partner.

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

23 “(a) IN GENERAL.—

24 “(1) REVIEW.—Not later than 90 days after
25 the date of submission by an Indian tribe of a final

1 plan under section 905 to the Secretary, the Sec-
2 retary shall—

3 “(A) review the plan and the process by
4 which the Indian tribe solicited requests for
5 quotations from investors and selected the in-
6 vestor partner under section 904(b)(1); and

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

9 “(2) APPROVAL.—

10 “(A) IN GENERAL.—After the review de-
11 scribed in paragraph (1), the Secretary shall
12 approve the plan, unless the Secretary deter-
13 mines that—

14 “(i) the assessment of the housing
15 needs of the Indian tribe by the qualified
16 entity, or as set forth in the plan pursuant
17 to section 905(3), is inaccurate or insuffi-
18 cient;

19 “(ii) the process established by the In-
20 dian tribe to solicit requests for quotations
21 and select an investor partner was insuffi-
22 cient or negligent; or

23 “(iii) the plan is insufficient to meet
24 the housing needs of the Indian tribe, as

1 identified in the plan pursuant to section
2 905(3).

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

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

13 “(A) the Secretary determines that the
14 plan fails to meet the minimal housing stand-
15 ards and requirements of this Act; and

16 “(B) the Secretary notifies the Indian tribe
17 of the elements requiring the disapproval.

18 “(b) ACTION UPON DISAPPROVAL.—

19 “(1) RESUBMISSION OF PLAN.—Subject to
20 paragraph (2), in the case of any disapproval of a
21 final plan of an Indian tribe under subsection (a)(3),
22 the Secretary shall allow the tribe, for a period of
23 180 days beginning on the date of the notification
24 to the tribe of the disapproval, to resubmit a revised
25 plan for approval.

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

5 “(A) may not thereafter resubmit the plan;
6 and

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

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

14 “(d) FAILURE TO NOTIFY.—If the Secretary does
15 not notify an Indian tribe submitting a final plan of ap-
16 proval, conditional approval, or disapproval of the plan be-
17 fore the expiration of the period referred to in subsection
18 (a)(1), the plan shall be deemed approved for purposes
19 of this title.

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

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

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

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

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

10 “(c) ADMINISTRATIVE EXPENSES.—The Secretary
11 may provide to a participating Indian tribe, on the request
12 of the participating Indian tribe, not greater than 10 per-
13 cent of any annual allocation made under title III for the
14 participating Indian tribe during that fiscal year for the
15 administrative costs of the participating Indian tribe in
16 carrying out the requirements of sections 904 and 905.

17 “(d) HOUSING INFRASTRUCTURE COSTS.—A partici-
18 pating Indian tribe may use the amounts described in sub-
19 section (a) for housing infrastructure costs associated with
20 providing affordable housing for the participating Indian
21 tribe under the final plan.

22 “(e) MAINTENANCE; TENANT SERVICES.—A partici-
23 pating Indian tribe may use the amounts described in sub-
24 section (a) for maintenance of affordable housing for the
25 participating Indian tribe and for the eligible affordable

1 housing activities described in paragraphs (3), (4), and (5)
2 of section 202.

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

4 “Notwithstanding any other provision of this Act, a
5 participating Indian tribe may, in accordance with the pro-
6 visions of the final plan of the participating Indian tribe
7 approved pursuant to section 906, resell any affordable
8 housing developed with assistance made available under
9 this Act for use other than as affordable housing, on the
10 condition that the tribe provides such assurances as the
11 Secretary determines are appropriate to ensure that the
12 participating Indian tribe—

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

15 “(2) will provide affordable housing in the fu-
16 ture sufficient to meet future affordable housing
17 needs; and

18 “(3) will use any proceeds only—

19 “(A) to meet those future affordable hous-
20 ing needs; or

21 “(B) in accordance with section 907.

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

23 “(a) ANNUAL REPORTS BY TRIBE.—Each partici-
24 pating Indian tribe shall submit to the Secretary annually
25 a report—

1 “(1) describing the progress of the participating
2 Indian tribe in complying with, and meeting the
3 deadlines and schedules set forth in, the approved
4 final plan for the participating Indian tribe; and

5 “(2) containing such other information as the
6 Secretary may require.

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

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

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

16 “(3) for each tribe applying for participation in
17 the demonstration program the final plan of which
18 was disapproved under section 906(a)(3), a detailed
19 description and explanation of—

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

21 “(B) all actions taken by the Indian tribe
22 to eliminate the reasons for disapproval, and an
23 identification of whether the tribe has re-sub-
24 mitted a final plan;

1 “(4) an identification, by participating Indian
2 tribe, of any amounts requested and approved for
3 use under section 907; and

4 “(5) an identification of any participating In-
5 dian tribes that have terminated participation in the
6 demonstration program and the circumstances of the
7 terminations.

8 “(c) AUDITS.—The Secretary shall provide for audits
9 among participating Indian tribes to ensure implementa-
10 tion and compliance with the final plans for the partici-
11 pating Indian tribes, including on-site visits with partici-
12 pating Indian tribes and requests for documentation ap-
13 propriate to ensure the compliance.

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

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

19 “(b) EFFECT ON EXISTING OBLIGATIONS.—

20 “(1) NO AUTOMATIC TERMINATION.—Termi-
21 nation by a participating Indian tribe in the dem-
22 onstration program under this section shall not ter-
23 minate any obligations of the Indian tribe under
24 agreements entered into under the demonstration

1 program with the investor partner of the Indian
2 tribe or any other investors or contractors.

3 “(2) AUTHORITY TO MUTUALLY TERMINATE
4 AGREEMENTS.—Nothing in this title prevents an In-
5 dian tribe that terminates participation in the dem-
6 onstration program and any party with which the
7 Indian tribe has entered into an agreement from
8 mutually agreeing to terminate that agreement.

9 “(c) RECEIPT OF REMAINING GRANT AMOUNTS.—
10 The Secretary shall provide for grants to be made in ac-
11 cordance with, and subject to the requirements of, this Act
12 for any amounts remaining after use pursuant to section
13 907 from the allocation under title III for an Indian tribe
14 that terminates participation in the demonstration pro-
15 gram.

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

20 **“SEC. 911. FINAL REPORT.**

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

1 “(1) an assessment of the success under the
2 demonstration program of participating Indian
3 tribes in meeting the housing needs of the partici-
4 pating Indian tribe, including affordable housing
5 needs, on tribal land;

6 “(2) recommendations for any improvements to
7 the demonstration program; and

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

14 **“SEC. 912. NOTICE.**

15 “The Secretary shall establish any requirements and
16 criteria necessary to carry out the demonstration program
17 under this title by notice published in the Federal Reg-
18 ister.”.

19 **SEC. 602. CLERICAL AMENDMENTS.**

20 The table of contents in section 1(b) is amended by
21 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.

1 Community Development Act of 1974 (42 U.S.C.
2 5306(a)).”.

3 **SEC. 702. ELIMINATION OF LIMITATION ON USE FOR CHER-**
4 **OKEE NATION.**

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

8 **SEC. 703. REAUTHORIZATION OF NATIVE HAWAIIAN HOME-**
9 **OWNERSHIP ACT.**

10 Section 824 (25 U.S.C. 4243) is amended by striking
11 “2001, 2002, 2003, 2004, and 2005,” and inserting
12 “2016, 2017, 2018, 2019, and 2020”.

13 **SEC. 704. REAUTHORIZATION OF LOAN GUARANTEES FOR**
14 **NATIVE HAWAIIAN HOUSING.**

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

18 (1) in subparagraph (B), by inserting after the
19 period at the end of the first sentence “There are
20 authorized to be appropriated for those costs
21 \$386,000 for each of fiscal years 2016 through
22 2020.”; and

23 (2) in subparagraph (C), by striking “for each
24 of fiscal years” and all that follows through the pe-
25 riod at the end and inserting “for each of fiscal

1 years 2016 through 2020 with an aggregate out-
2 standing principal amount not exceeding
3 \$41,504,000 for each fiscal year.”.

4 **SEC. 705. LEVERAGING.**

5 All funds provided under a grant made pursuant to
6 this Act or the amendments made by this Act may be used
7 for purposes of meeting matching or cost participation re-
8 quirements under any other Federal or non-Federal pro-
9 gram.

10 **SEC. 706. FUNDING FOR METHAMPHETAMINE CLEAN-UP**
11 **PROJECTS.**

12 Section 5124(a)(7) of the Public and Assisted Hous-
13 ing Drug Elimination Act of 1990 (42 U.S.C.
14 11903(a)(7)) is amended by inserting “or to implement
15 methamphetamine clean-up projects” before the semi-
16 colon.

Calendar No. 197

114TH CONGRESS
1ST Session

S. 710

A BILL

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

AUGUST 5, 2015

Committee discharged pursuant to the order of May 27, 1988, and placed on the calendar