

113TH CONGRESS
2D SESSION

H. R. 4277

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2014

Mr. YOUNG of Alaska (for himself, Ms. MOORE, Mr. COLE, Mr. HECK of Washington, Ms. HANABUSA, and Mr. KILDEE) introduced the following bill; which was referred to the Committee on Financial Services

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.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Native American Housing Assistance and Self-Deter-
6 mination Reauthorization Act of 2014”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. References.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

- Sec. 101. Block grants.
- Sec. 102. Indian housing plans.
- Sec. 103. Treatment of labor standards.
- Sec. 104. Environmental review.
- Sec. 105. Failure to act on request for approval regarding exceeding TDC maximum cost for project.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

- Sec. 201. National objectives and eligible families.
- Sec. 202. Eligible affordable housing activities.
- Sec. 203. Program requirements.
- Sec. 204. Low-income requirement and income targeting.
- Sec. 205. Lease requirements and tenant selection.
- Sec. 206. Tribal coordination of agency funding.

TITLE III—ALLOCATION OF GRANT AMOUNTS

- Sec. 301. Authorization of appropriations.

TITLE IV—AUDITS AND REPORTS

- Sec. 401. Review and audit by Secretary.
- Sec. 402. 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. Public and Assisted Housing Drug Elimination Act of 1990.
- Sec. 503. 50-year leasehold interest in trust or restricted lands for housing purposes.
- Sec. 504. Training and technical assistance.
- Sec. 505. Loan guarantees for Indian housing.
- Sec. 506. Loan guarantees for Native Hawaiian housing.

TITLE VI—MISCELLANEOUS

- Sec. 601. Reauthorization of Native Hawaiian Homeownership Act.
- Sec. 602. Native hiring and appointment in HUD Office of Native American Programs.
- Sec. 603. Lands Title Report Commission.
- Sec. 604. Limitation on use of funds for Cherokee Nation.
- Sec. 605. Clerical amendment.

1 **SEC. 2. REFERENCES.**

2 Except as otherwise expressly provided, wherever in
3 this Act an amendment or repeal is expressed in terms
4 of an amendment to, or repeal of, a section or other provi-
5 sion, the reference shall be considered to be made to a
6 section or other provision of the Native American Housing

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

3 **TITLE I—BLOCK GRANTS AND** 4 **GRANT REQUIREMENTS**

5 **SEC. 101. BLOCK GRANTS.**

6 Section 101 (25 U.S.C. 4111) is amended—

7 (1) in subsection (c), by adding after the period
8 at the end the following: “If the Secretary fails to
9 act on a waiver request submitted under this sub-
10 section by a recipient within 60 days after receipt of
11 such request, the waiver request shall be deemed ap-
12 proved.”;

13 (2) in subsection (j), by striking “section 501 of
14 title 40,” and inserting “title 40 of the”; and

15 (3) in subsection (k), by striking “1” and in-
16 serting “an”.

17 **SEC. 102. INDIAN HOUSING PLANS.**

18 Section 102(a)(1)(B) (25 U.S.C. 4112(a)(1)(B)) is
19 amended by inserting before the semicolon the following:
20 “, except that the Secretary may grant a waiver of the
21 submission requirements upon meeting certain factors to
22 be set out by regulation, and provided further that a re-
23 quest for such waiver shall be deemed approved if the Sec-
24 retary does not act on such request within 60 days of re-
25 ceipt”.

1 **SEC. 103. TREATMENT OF LABOR STANDARDS.**

2 Section 104(b)(3) (25 U.S.C. 4114(b)(3)) is amended
 3 by adding after the period at the end the following: “Not-
 4 withstanding any other provision of law, tribally deter-
 5 mined wages adopted in accordance with this paragraph
 6 shall apply to the administration of all Federal funding
 7 for projects funded in whole or in part by funds provided
 8 under this Act.”.

9 **SEC. 104. ENVIRONMENTAL REVIEW.**

10 Section 105 (25 U.S.C. 4115) is amended—

11 (1) in subsection (d)—

12 (A) in the matter preceding paragraph (1),
 13 by striking “may” and inserting “shall”; and

14 (B) by adding after and below paragraph
 15 (4) the following:

16 “If the Secretary fails to act on a waiver request sub-
 17 mitted under this subsection by a recipient within 60 days
 18 after receipt of such request, the waiver shall be deemed
 19 approved.”; and

20 (2) by adding at the end the following new sub-
 21 section:

22 “(e) **CONSOLIDATION OF ENVIRONMENTAL REVIEW**
 23 **REQUIREMENTS.**—If a recipient is using one or more
 24 sources of Federal funds in addition to grant amounts
 25 under this Act in carrying out a project that qualifies as
 26 an affordable housing activity under section 202 and the

1 recipient's tribe has assumed all of the responsibilities for
 2 environmental review, decisionmaking, and action pursu-
 3 ant to this section, the recipient's compliance with the Na-
 4 tional Environmental Policy Act of 1969 review require-
 5 ments under this section with regard to such project shall
 6 be deemed to fully comply with and discharge any applica-
 7 ble environmental review requirements that might apply
 8 to the use of such additional Federal funding sources for
 9 that project.'".

10 **SEC. 105. FAILURE TO ACT ON REQUEST FOR APPROVAL**
 11 **REGARDING EXCEEDING TDC MAXIMUM COST**
 12 **FOR PROJECT.**

13 A request for approval by the Secretary of Housing
 14 and Urban Development to exceed by more than 10 per-
 15 cent the total development cost maximum cost for a
 16 project shall be deemed to be approved if the Secretary
 17 fails to take action on the request during the 60-day pe-
 18 riod that begins on the date that the Secretary receives
 19 the request.

20 **TITLE II—AFFORDABLE**
 21 **HOUSING ACTIVITIES**

22 **SEC. 201. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.**

23 Paragraph (6) of section 201(b) (25 U.S.C.
 24 4131(b)(6); relating to exemption) is amended—

1 (1) by striking “1964 and” and inserting
 2 “1964,”; and

3 (2) by inserting after “1968” the following: “,
 4 and section 3 of the Housing and Urban Develop-
 5 ment Act of 1968”.

6 **SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.**

7 Section 202(9)(A) (25 U.S.C. 4132(9)(A)) is amend-
 8 ed—

9 (1) by striking “only”;

10 (2) by striking “administration and planning
 11 related to”; and

12 (3) by inserting “including administration and
 13 planning,” after “section,”.

14 **SEC. 203. PROGRAM REQUIREMENTS.**

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

16 (1) in subsection (a)—

17 (A) in paragraph (1), by striking “para-
 18 graph (2)” and inserting “paragraphs (2) and
 19 (3)”; and

20 (B) by adding at the end the following new
 21 paragraph:

22 “(3) APPLICATION OF TRIBAL POLICIES.—
 23 Paragraph (2) shall not apply if the recipient has a
 24 written policy governing rents and homebuyer pay-
 25 ments charged for dwelling units and such policy

1 does not include a provision governing maximum
 2 rents or homebuyer payments.”;

3 (2) in subsection (c), by striking “or assisted
 4 with” and inserting “by a recipient”; and

5 (3) in subsection (e), by striking “assisted
 6 with” and inserting “units that are owned or oper-
 7 ated by a recipient using”.

8 **SEC. 204. LOW-INCOME REQUIREMENT AND INCOME TAR-**
 9 **GETING.**

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

11 (1) in subsection (a)—

12 (A) in paragraph (1)—

13 (i) in subparagraph (C), by striking
 14 “and” at the end;

15 (ii) in subparagraph (D), by striking
 16 the period at the end and inserting “;
 17 and”; and

18 (iii) by adding at the end the fol-
 19 lowing new subsection:

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

purchase agreement, or any other sales agreement, is made available for occupancy only by a family that is a low-income family at the time of their initial occupancy of such unit; and”; and

(B) in paragraph (2)—

(i) by striking “satisfactory to the Secretary” and inserting “in such form as the Secretary shall, by regulation, require”; and

(ii) by striking “Secretary)” and inserting “recipient)””; and

(2) in subsection (c), by adding after the period at the end the following: “The provisions of such paragraph regarding binding commitments for the remaining useful life of the property shall not apply to improvements of privately owned homes if the cost of such improvements do not exceed 10 percent of the maximum total development cost for such home.”.

SEC. 205. LEASE REQUIREMENTS AND TENANT SELECTION.

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

“(c) NOTICE OF TERMINATION.—Notwithstanding any other provision of law, the owner or manager of rental

1 housing that is assisted in part with amounts provided
 2 under this Act and in part with one or more other sources
 3 of Federal funds shall only utilize leases that require a
 4 notice period for the termination of the lease pursuant to
 5 subsection (a)(3).”.

6 **SEC. 206. TRIBAL COORDINATION OF AGENCY FUNDING.**

7 Subtitle A of title II (25 U.S.C. 4131 et seq.) is
 8 amended by adding at the end the following new section:

9 **“SEC. 211. TRIBAL COORDINATION OF AGENCY FUNDING.**

10 “Notwithstanding any other provision of law, a re-
 11 cipient authorized to receive funding under this Act may,
 12 in its discretion, use funding from the Indian Health Serv-
 13 ice of the Department of Health and Human Services for
 14 construction of sanitation facilities for housing construc-
 15 tion and renovation projects that are funded in part by
 16 funds provided under this Act.”.

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

19 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

20 The first sentence of section 108 (25 U.S.C. 4117)
 21 is amended by striking “such sums as may be necessary
 22 for each of fiscal years 2009 through 2013” and inserting
 23 “\$650,000,000 for each of fiscal years 2015 through
 24 2019”.

1 **TITLE IV—AUDITS AND REPORTS**

2 **SEC. 401. REVIEW AND AUDIT BY SECRETARY.**

3 Section 405(c) (25 U.S.C. 4165(c)) is amended, by
4 adding at the end the following new paragraph:

5 “(3) FAILURE TO ISSUE FINAL REPORT.—The
6 Secretary shall issue a final report within 60 days
7 after receiving comments under paragraph (1) from
8 a recipient.”.

9 **SEC. 402. REPORTS TO CONGRESS.**

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

11 (1) in subsection (a), by striking “Congress”
12 and inserting “Committee on Financial Services and
13 the Committee on Natural Resources of the House
14 of Representatives, to the Committee on Indian Af-
15 fairs and the Committee on Banking, Housing, and
16 Urban Affairs of the Senate, and to any subcommit-
17 tees of such committees having jurisdiction with re-
18 spect to Native American and Alaska Native af-
19 fairs,”; and

20 (2) by adding at the end the following new sub-
21 section:

22 “(c) PUBLIC AVAILABILITY TO RECIPIENTS.—Each
23 report submitted pursuant to subsection (a) shall be made
24 publicly available 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 Paragraph (19) of section 8(o) of the United States
8 Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amend-
9 ed by adding at the end the following new subparagraph:

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 0.1 percent for a supported hous-
16 ing and rental assistance program modeled
17 on the HUD-Veterans Affairs Supportive
18 Housing (HUD–VASH) program, to be
19 administered in conjunction with the De-
20 partment of Veterans Affairs, for the ben-
21 efit of homeless Native American veterans
22 and veterans at risk of homelessness.

23 “(ii) RECIPIENTS.—Such rental as-
24 sistance shall be made available to recipi-
25 ents eligible to receive block grants under

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

4 “(iii) FUNDING CRITERIA.—Funds
5 shall be awarded based on need, adminis-
6 trative capacity, and any other funding cri-
7 teria established by the Secretary in a no-
8 tice published in the Federal Register,
9 after consultation with the Secretary of
10 Veterans Affairs, by a date sufficient to
11 provide for implementation of the program
12 under this subparagraph in accordance
13 with clause (i).

14 “(iv) PROGRAM REQUIREMENTS.—
15 Such funds shall be administered by block
16 grant recipients in accordance with pro-
17 gram requirements under Native American
18 Housing Assistance and Self-Determina-
19 tion Act of 1996 in lieu of program re-
20 quirements under this Act.

21 “(v) WAIVER.—The Secretary may
22 waive, or specify alternative requirements
23 for any provision of any statute or regula-
24 tion that the Secretary administers in con-
25 nection with the use of funds made avail-

1 able under this subparagraph, but only
2 upon a finding by the Secretary that such
3 waiver or alternative requirement is nec-
4 essary to promote administrative efficiency,
5 eliminate delay, consolidate or eliminate
6 duplicative or ineffective requirements or
7 criteria, or otherwise provide for the effec-
8 tive delivery and administration of such
9 supportive housing assistance to Native
10 American veterans.

11 “(vi) CONSULTATION.—The Secretary
12 and the Secretary of Veterans Affairs shall
13 jointly consult with block grant recipients
14 and any other appropriate tribal organiza-
15 tions to—

16 “(I) ensure that block grant re-
17 cipients administering funds made
18 available under the program under
19 this subparagraph are able to effec-
20 tively coordinate with providers of
21 supportive services provided in con-
22 nection with such program; and

23 “(II) ensure the effective delivery
24 of supportive services to Native Amer-
25 ican veterans that are homeless or at

1 risk of homelessness eligible to receive
2 assistance under this subparagraph.

3 Consultation pursuant to this clause shall
4 be completed by a date sufficient to pro-
5 vide for implementation of the program
6 under this subparagraph in accordance
7 with clause (i).

8 “(vii) RULEMAKING.—The first nego-
9 tiated rulemaking committee established
10 pursuant to subchapter III of chapter 5 of
11 title 5, United States Code, for rulemaking
12 relating to the Native American Housing
13 Assistance and Self-Determination Act of
14 1996, or any amendments to such Act, but
15 that is not established to consider matters
16 relating to the allocation formula under
17 section 302 of such Act (25 U.S.C. 4152),
18 shall review the requirements and criteria
19 for the supported housing and rental as-
20 sistance program under this subparagraph
21 and may report to the Secretary a pro-
22 posed rule revising such requirements and
23 criteria.”.

1 **SEC. 502. PUBLIC AND ASSISTED HOUSING DRUG ELIMI-**
2 **NATION ACT OF 1990.**

3 Section 5124(a) of the Public and Assisted Housing
4 Drug Elimination Act of 1990 (42 U.S.C. 11903(a)) is
5 amended—

6 (1) in paragraph (7), by striking “and” at the
7 end;

8 (2) in paragraph (8), by striking the period at
9 the end and inserting “; and”; and

10 (3) by adding at the end the following new
11 paragraph:

12 “(9) the physical clean-up and remediation of
13 structures and related infrastructure damaged and
14 rendered unfit for human habitation or other use
15 due to the previous conduct of methamphetamine-re-
16 lated activities in such structures.”.

17 **SEC. 503. 50-YEAR LEASEHOLD INTEREST IN TRUST OR RE-**
18 **STRICTED LANDS FOR HOUSING PURPOSES.**

19 Section 702(c)(1) (25 U.S.C. 4211(c)(1)) is amended
20 by inserting “, whether enacted before, on, or after the
21 date of the enactment of this section” after “law,”.

22 **SEC. 504. TRAINING AND TECHNICAL ASSISTANCE.**

23 Section 703 (25 U.S.C. 4212) is amended—

24 (1) by striking “There are authorized to be ap-
25 propriated” and inserting “Of any amounts appro-

1 appropriated pursuant to section 108, the Secretary may
2 use such sums as may be necessary for”; and

3 (2) by striking “such sums as may be necessary
4 for each of fiscal years 2009 through 2013”.

5 **SEC. 505. LOAN GUARANTEES FOR INDIAN HOUSING.**

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

9 (1) in subparagraph (B), by inserting after the
10 period at the end of the first sentence the following:
11 “There are authorized to be appropriated for such
12 costs \$12,200,000 for each of fiscal years 2015
13 through 2019.”; and

14 (2) in subparagraph (5)—

15 (A) by striking “2008 through 2012” and
16 inserting “2015 through 2019”; and

17 (B) by striking “such amount as may be
18 provided in appropriation Acts for” and insert-
19 ing “\$976,000,000 for each”.

20 **SEC. 506. LOAN GUARANTEES FOR NATIVE HAWAIIAN**
21 **HOUSING.**

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

1 (1) in subparagraph (B), by inserting after the
 2 period at the end of the first sentence the following:
 3 “There are authorized to be appropriated for such
 4 costs \$386,000 for each of fiscal years 2015 through
 5 2019.”; and

6 (2) in subparagraph (5), by striking “for each
 7 of fiscal years” and all that follows through the pe-
 8 riod at the end and inserting “for each of fiscal
 9 years 2015 through 2019 with an aggregate out-
 10 standing principal amount not exceeding
 11 \$41,504,000 for each such fiscal year.”.

12 **TITLE VI—MISCELLANEOUS**

13 **SEC. 601. REAUTHORIZATION OF NATIVE HAWAIIAN HOME-** 14 **OWNERSHIP ACT.**

15 Section 824 (25 U.S.C. 4243) is amended by striking
 16 “such sums as may be necessary” and all that follows
 17 through the period at the end and inserting “\$13,000,000
 18 for each of fiscal years 2015 through 2019.”.

19 **SEC. 602. NATIVE HIRING AND APPOINTMENT IN HUD OF-** 20 **FICE OF NATIVE AMERICAN PROGRAMS.**

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

22 (1) by designating the first sentence as sub-
 23 section (a); and

24 (2) by adding at the end the following new sub-
 25 section:

1 “(b) NATIVE HIRING AND APPOINTMENT.—The Sec-
 2 retary shall develop and implement a policy that promotes
 3 increased hiring and appointment of Indians and Native
 4 Hawaiians (as such term is defined in section 801) to va-
 5 cancies in any positions in the Department of Housing and
 6 Urban Development’s Office of Native American Pro-
 7 grams that involve the administration of functions or serv-
 8 ices affecting Indians or Native Hawaiians.”.

9 **SEC. 603. LANDS TITLE REPORT COMMISSION.**

10 Section 501 of the American Homeownership and
 11 Economic Opportunity Act of 2000 (25 U.S.C. 4043 note)
 12 is amended—

13 (1) in subsection (a), by striking “Subject to
 14 sums being provided in advance in appropriations
 15 Acts, there” and inserting “There”; and

16 (2) in subsection (b)(1) by striking “this Act”
 17 and inserting “the Native American Housing Assist-
 18 ance and Self-Determination Reauthorization Act of
 19 2014”.

20 **SEC. 604. LIMITATION ON USE OF FUNDS FOR CHEROKEE**
 21 **NATION.**

22 Section 801 of the Native American Housing Assist-
 23 ance and Self-Determination Reauthorization Act of 2008
 24 (Public Law 110–411) is amended by striking “Tem-
 25 porary Order and Temporary Injunction issued on May

1 14, 2007, by the District Court of the Cherokee Nation”
2 and inserting “Order issued September 21, 2011, by the
3 Federal District Court for the District of Columbia”.

4 **SEC. 605. CLERICAL AMENDMENT.**

5 The table of contents in section 1(b) of the Native
6 American Housing Assistance and Self-Determination Act
7 of 1996 (25 U.S.C. 4101 note) is amended by striking
8 the item relating to section 206 (treatment of funds).

○