

115TH CONGRESS
2D SESSION

S. 2489

To amend the Housing Act of 1949 to extend the authority of the Secretary of Agriculture to make loans to certain entities for housing and buildings on adequate farms, to establish a technical assistance program to improve access by Tribal entities to rural development programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2018

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

A BILL

To amend the Housing Act of 1949 to extend the authority of the Secretary of Agriculture to make loans to certain entities for housing and buildings on adequate farms, to establish a technical assistance program to improve access by Tribal entities to rural development programs, 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.**

4 This Act may be cited as the “Tribal Food and Hous-
5 ing Security Act”.

1 **SEC. 2. HOUSING ACT AMENDMENTS.**

2 (a) DEFINITIONS.—Section 501 of the Housing Act
3 of 1949 (42 U.S.C. 1471) is amended—

4 (1) in subsection (a), by redesignating para-
5 graph (5) as paragraph (9) and moving that para-
6 graph to the position after subsection (b)(8); and

7 (2) in subsection (b)—

8 (A) in paragraph (9), as redesignated and
9 moved by paragraph (1) of this Act, by striking
10 “DEFINITIONS” and inserting “REHABILITATE;
11 REHABILITATION; REPAIR; REPAIRS”; and

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

13 “(10) COMMUNITY DEVELOPMENT FINANCIAL
14 INSTITUTION.—In this title, the term ‘community
15 development financial institution’ has the meaning
16 given the term in section 103 of the Community De-
17 velopment Banking and Financial Institutions Act of
18 1994 (12 U.S.C. 4702).

19 “(11) INDIAN LAND.—In this title, the term
20 ‘Indian land’ has the meaning given the term in sec-
21 tion 3 of the Native American Business Develop-
22 ment, Trade Promotion, and Tourism Act of 2000
23 (25 U.S.C. 4302).

24 “(12) NATIVE COMMUNITY DEVELOPMENT FI-
25 NANCIAL INSTITUTION.—In this title, the term ‘Na-
26 tive community development financial institution’

1 means a community development financial institu-
 2 tion that directs not less than 50 percent of the ac-
 3 tivities of that community development financial in-
 4 stitution toward an Indian land.

5 “(13) TRIBALLY DESIGNATED HOUSING ENTI-
 6 TY.—In this title, the term ‘tribally designated hous-
 7 ing entity’ has the meaning given the term in section
 8 4 of the Native American Housing Assistance and
 9 Self-Determination Act of 1996 (25 U.S.C. 4103).”.

10 (b) LOANS TO NATIVE COMMUNITY DEVELOPMENT
 11 FINANCIAL INSTITUTIONS, INDIAN TRIBES, AND TRIB-
 12 ALLY DESIGNATED HOUSING ENTITIES FOR HOUSING
 13 AND BUILDINGS ON ADEQUATE FARMS.—Section 501(a)
 14 of the Housing Act of 1949 (42 U.S.C. 1471(a)) is amend-
 15 ed—

16 (1) in paragraph (4)(B)(ii), by striking the pe-
 17 riod at the end and inserting “; and”; and

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

19 “(5) to a Native community development finan-
 20 cial institution—

21 “(A) for use by that Native community de-
 22 velopment financial institution for any of the
 23 purposes described in paragraphs (1) through
 24 (4); or

1 “(B) for the purpose of making a loan to
 2 an owner described in paragraph (1), (2), or (3)
 3 of property on Indian trust land for any of the
 4 purposes described in paragraphs (1) through
 5 (4); and

6 “(6) to an Indian tribe or a tribally designated
 7 housing entity for the purpose of developing ade-
 8 quate housing that is modest in size, design, and
 9 cost (as determined by the Secretary) on Indian
 10 trust land.

11 “(7) DEFINITION.—In this subsection, the term
 12 ‘Indian trust land’ has the meaning given the term
 13 ‘substantially underserved trust area’ in the Rural
 14 Electrification Act of 1936 (7 U.S.C. 936f).”.

15 (c) SET ASIDES FOR INDIAN TRIBES, HOUSING EN-
 16 TITIES, AND LOW-INCOME MEMBERS OF INDIAN
 17 TRIBES.—

18 (1) HOUSING ACT OF 1949.—Title V of the
 19 Housing Act of 1949 (42 U.S.C. 1471 et seq.) is
 20 amended—

21 (A) in section 502 (42 U.S.C. 1472), by
 22 adding at the end the following:

23 “(j) SET ASIDE.—Of amounts made available to pro-
 24 vide loans under this section beginning in the first fiscal
 25 year after the date of enactment of the Tribal Food and

1 Housing Security Act and every fiscal year thereafter, the
2 Secretary shall set aside 5 percent to provide loans to—

3 “(1) Indian tribes;

4 “(2) tribally designated housing entities; and

5 “(3) members of Indian tribes on Indian land,
6 with priority given to members of Indian tribes on
7 Indian trust land, as defined in section 306F of the
8 Rural Electrification Act of 1936 (7 U.S.C. 936f).”;

9 (B) in section 504 (42 U.S.C. 1474), by
10 adding at the end the following:

11 “(d) SET ASIDE.—Of amounts made available to pro-
12 vide loans or grants under this section beginning in the
13 first fiscal year after the date of enactment of the Tribal
14 Food and Housing Security Act and every fiscal year
15 thereafter, the Secretary shall set aside 5 percent to pro-
16 vide loans or grants to—

17 “(1) Indian tribes;

18 “(2) tribally designated housing entities; and

19 “(3) members of Indian tribes on Indian land,
20 with priority given to members of Indian tribes on
21 Indian trust land, as defined in section 306F of the
22 Rural Electrification Act of 1936 (7 U.S.C. 936f).”;

23 (C) in section 515 (42 U.S.C. 1485), by
24 adding at the end the following:

1 “(bb) SET ASIDE.—Of amounts made available to
 2 provide loans under this section beginning in the first fis-
 3 cal year after the date of enactment of the Tribal Food
 4 and Housing Security Act and every fiscal year thereafter,
 5 the Secretary shall set aside 5 percent to provide loans
 6 to—

7 “(1) Indian tribes; and

8 “(2) tribally designated housing entities.”;

9 (D) in section 533 (42 U.S.C. 1490m), by
 10 adding at the end the following:

11 “(j) SET ASIDE.—Of amounts made available to pro-
 12 vide grants under this section beginning in the first fiscal
 13 year after the date of enactment of the Tribal Food and
 14 Housing Security Act and every fiscal year thereafter, the
 15 Secretary shall set aside 5 percent to provide grants to—

16 “(1) Indian tribes;

17 “(2) tribally designated housing entities; and

18 “(3) members of Indian tribes on Indian land,
 19 with priority given to members of Indian tribes on
 20 Indian trust land, as defined in section 306F of the
 21 Rural Electrification Act of 1936 (7 U.S.C. 936f).”;
 22 and

23 (E) in section 538 (42 U.S.C. 1490p–2),
 24 by adding at the end the following:

1 “(w) SET ASIDE.—Of the gross obligations provided
 2 for the principal amount of guaranteed loans under this
 3 section beginning in the first fiscal year after the date of
 4 enactment of the Tribal Food and Housing Security Act
 5 and every fiscal year thereafter, the Secretary shall set
 6 aside 5 percent to guarantee loans provided to—

7 “(1) Indian tribes; and

8 “(2) tribally designated housing entities.”.

9 (2) RURAL UTILITIES SERVICES.—

10 (A) DEFINITIONS.—In this paragraph, the
 11 terms “Indian tribe” and “tribally designated
 12 housing entity” have the meanings given those
 13 terms in section 501(b) of the Housing Act of
 14 1949 (42 U.S.C. 1471(b)), as amended by this
 15 Act.

16 (B) SET ASIDE.—Of amounts made avail-
 17 able beginning in the first fiscal year after the
 18 date of enactment of this Act and every fiscal
 19 year thereafter for community facility direct
 20 and guaranteed loans and grants under section
 21 306(a) of the Consolidated Farm and Rural
 22 Development Act (7 U.S.C. 1926(a)) and water
 23 or waste disposal grants or direct or guaranteed
 24 loans under paragraph (1) or (2) of section
 25 306(a) of the Consolidated Farm and Rural

Development Act (7 U.S.C. 1926(a)), the Secretary of Agriculture shall set aside 5 percent to provide assistance to—

(i) Indian tribes; and

(ii) tribally designated housing entities.

SEC. 3. FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.

Section 4(b)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)(4)) is amended by striking “is authorized” and all that follows through “Secretary finds” and inserting “shall pay the full amount of administrative costs and distribution costs on Indian reservations that the Secretary determines to be”.

SEC. 4. ESTABLISHMENT OF TECHNICAL ASSISTANCE PROGRAM.

(a) DEFINITION.—In this section, the term “tribally designated housing entity” has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(b) IN GENERAL.—The Secretary of Agriculture shall establish a technical assistance program to improve access by Tribal entities to rural development programs funded by the Department of Agriculture through available coop-

1 erative agreement authorities of the Secretary of Agri-
2 culture.

3 (c) TECHNICAL ASSISTANCE PROGRAM.—The tech-
4 nical assistance program established under subsection (b)
5 shall address the unique challenge of Tribal governments,
6 Tribal producers, Tribal businesses, Tribal business enti-
7 ties, and tribally designated housing entities in accessing
8 Department of Agriculture-supported rural infrastructure,
9 rural cooperative development, rural business and indus-
10 try, rural housing, and other rural development activities.

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