

115TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

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 2017”.

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

2

- Sec. 101. Block grants.
- Sec. 102. Recommendations regarding exceptions to annual Indian housing plan requirement.
- Sec. 103. Environmental review.
- Sec. 104. Deadline for action 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. Program requirements.
- Sec. 203. Homeownership or lease-to-own low-income requirement and income targeting.
- Sec. 204. Lease requirements and tenant selection.
- Sec. 205. Tribal coordination of agency funding.

TITLE III—ALLOCATION OF GRANT AMOUNTS

- Sec. 301. Authorization of appropriations.
- Sec. 302. Effect of undisbursed block grant amounts on annual allocations.

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. Rental assistance for homeless or at-risk Indian veterans.
- Sec. 502. Loan guarantees for Indian housing.

TITLE VI—MISCELLANEOUS

- Sec. 601. Lands Title Report Commission.
- Sec. 602. Leasehold interest in trust or restricted lands for housing purposes.
- Sec. 603. Clerical amendment.

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

- Sec. 701. Demonstration program.
- Sec. 702. Clerical amendments.

TITLE VIII—HOUSING FOR NATIVE HAWAIIANS

- Sec. 801. Reauthorization of Native Hawaiian Homeownership Act.
- Sec. 802. Reauthorization of loan guarantees for Native Hawaiian housing.

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

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

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

6 **SEC. 101. BLOCK GRANTS.**

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

8 (1) in subsection (c), by adding after the period
9 at the end the following: “The Secretary shall act
10 upon a waiver request submitted under this sub-
11 section by a recipient within 60 days after receipt of
12 such request.”; and

13 (2) in subsection (k), by striking “1” and in-
14 serting “an”.

15 **SEC. 102. RECOMMENDATIONS REGARDING EXCEPTIONS**
16 **TO ANNUAL INDIAN HOUSING PLAN RE-**
17 **QUIREMENT.**

18 Not later than the expiration of the 120-day period
19 beginning on the date of the enactment of this Act and
20 after consultation with Indian tribes, tribally designated
21 housing entities, and other interested parties, the Sec-
22 retary of Housing and Urban Development shall submit
23 to the Congress recommendations for standards and pro-
24 cedures for waiver of, or alternative requirements (which
25 may include multi-year housing plans) for, the require-

1 ment under section 102(a) of the Native American Hous-
2 ing Assistance and Self-Determination Act of 1996 (25
3 U.S.C. 4112(a)) for annual submission of one-year hous-
4 ing plans for an Indian tribe. Such recommendations shall
5 include a description of any legislative and regulatory
6 changes necessary to implement such recommendations.

7 **SEC. 103. ENVIRONMENTAL REVIEW.**

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

9 (1) in subsection (d), in the matter preceding
10 paragraph (1), by striking “may” and inserting
11 “shall”; and

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

13 “(e) **TIMELINE FOR WAIVER.**—The Secretary shall
14 act upon a waiver request submitted under subsection (d)
15 by a recipient within 60 days after receipt of such request.

16 “(f) **CONSOLIDATION OF ENVIRONMENTAL REVIEW**
17 **REQUIREMENTS.**—If a recipient is using one or more
18 sources of Federal funds in addition to grant amounts
19 under this Act in carrying out a project that qualifies as
20 an affordable housing activity under section 202, such
21 other sources of Federal funds do not exceed 49 percent
22 of the total cost of the project, and the recipient’s tribe
23 has assumed all of the responsibilities for environmental
24 review, decisionmaking, and action pursuant to this sec-
25 tion, the tribe’s compliance with the review requirements

1 under this section and the National Environmental Policy
2 Act of 1969 with regard to such project shall be deemed
3 to fully comply with and discharge any applicable environ-
4 mental review requirements that might apply to Federal
5 agencies with respect to the use of such additional Federal
6 funding sources for that project.”.

7 **SEC. 104. DEADLINE FOR ACTION ON REQUEST FOR AP-**
8 **PROVAL REGARDING EXCEEDING TDC MAX-**
9 **IMUM COST FOR PROJECT.**

10 (a) APPROVAL.—Section 103 (25 U.S.C. 4113) is
11 amended by adding at the end the following new sub-
12 section:

13 “(f) DEADLINE FOR ACTION ON REQUEST TO EX-
14 CEED TDC MAXIMUM.—A request for approval by the
15 Secretary of Housing and Urban Development to exceed
16 by more than 10 percent the total development cost max-
17 imum cost for a project shall be approved or denied during
18 the 60-day period that begins on the date that the Sec-
19 retary receives the request.”.

20 (b) DEFINITION.—Section 4 (25 U.S.C. 4103) is
21 amended—

22 (1) by redesignating paragraph (22) as para-
23 graph (23); and

24 (2) by inserting after paragraph (21) the fol-
25 lowing new paragraph:

1 “(22) TOTAL DEVELOPMENT COST.—The term
2 ‘total development cost’ means, with respect to a
3 housing project, the sum of all costs for the project,
4 including all undertakings necessary for administra-
5 tion, planning, site acquisition, demolition, construc-
6 tion or equipment and financing (including payment
7 of carrying charges), and for otherwise carrying out
8 the development of the project, excluding off-site
9 water and sewer. The total development cost
10 amounts shall be based on a moderately designed
11 house and determined by averaging the current con-
12 struction costs as listed in not less than two nation-
13 ally recognized residential construction cost indi-
14 ces.”.

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

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

18 The second paragraph (6) of section 201(b) (25
19 U.S.C. 4131(b)(6); relating to exemption) is amended—

20 (1) by striking “1964 and” and inserting
21 “1964,”; and

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

1 **SEC. 202. PROGRAM REQUIREMENTS.**

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

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

5 (2) by adding at the end the following new
6 paragraph:

7 “(3) APPLICATION OF TRIBAL POLICIES.—

8 Paragraph (2) shall not apply if the recipient has a
9 written policy governing rents and homebuyer pay-
10 ments charged for dwelling units and such policy in-
11 cludes a provision governing maximum rents or
12 homebuyer payments.”.

13 **SEC. 203. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-IN-**
14 **COME REQUIREMENT AND INCOME TAR-**
15 **GETING.**

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

17 (1) in subsection (a)(1)—

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

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

22 “(E) notwithstanding any other provision
23 of this paragraph, in the case of rental housing
24 that is made available to a current rental family
25 for conversion to a homebuyer or a lease-pur-
26 chase unit, that the current rental family can

1 purchase through a contract of sale, lease-pur-
2 chase agreement, or any other sales agreement,
3 is made available for purchase only by the cur-
4 rent rental family, if the rental family was a
5 low-income family at the time of their initial oc-
6 cupancy of such unit; and”;

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

15 **SEC. 204. LEASE REQUIREMENTS AND TENANT SELECTION.**

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

18 “(c) NOTICE OF TERMINATION.—Notwithstanding
19 any other provision of law, the owner or manager of rental
20 housing that is assisted in part with amounts provided
21 under this Act and in part with one or more other sources
22 of Federal funds shall only utilize leases that require a
23 notice period for the termination of the lease pursuant to
24 subsection (a)(3).”.

1 **SEC. 205. TRIBAL COORDINATION OF AGENCY FUNDING.**

2 (a) IN GENERAL.—Subtitle A of title II (25 U.S.C.
3 4131 et seq.) is amended by adding at the end the fol-
4 lowing new section:

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

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

13 (b) CLERICAL AMENDMENT.—The table of contents
14 in section 1(b) is amended by inserting after the item re-
15 lating to section 210 the following new item:

“Sec. 211. Tribal coordination of agency funding.”.

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

18 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

19 The first sentence of section 108 (25 U.S.C. 4117)
20 is amended by striking “2009 through 2013” and insert-
21 ing “2018 through 2022”.

22 **SEC. 302. EFFECT OF UNDISBURSED BLOCK GRANT**
23 **AMOUNTS ON ANNUAL ALLOCATIONS.**

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

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) of this sec-
5 tion, if as of January 1 of 2018 or any year thereafter
6 a recipient’s total amount of undisbursed block grants in
7 the Department’s line of credit control system is greater
8 than three times the formula allocation such recipient
9 would otherwise receive under this Act for the fiscal year
10 during which such January 1 occurs, the Secretary shall—

11 “(1) before January 31 of such year, notify the
12 Indian tribe allocated the grant amounts and any
13 tribally designated housing entity for the tribe of the
14 undisbursed funds; and

15 “(2) require the recipient for the tribe to, not
16 later than 30 days after the Secretary provides noti-
17 fication pursuant to paragraph (1)—

18 “(A) notify the Secretary in writing of the
19 reasons why the recipient has not requested the
20 disbursement of such amounts; and

21 “(B) demonstrate to the satisfaction of the
22 Secretary that the recipient has the capacity to
23 spend Federal funds in an effective manner,
24 which demonstration may include evidence of
25 the timely expenditure of amounts previously
26 distributed under this Act to the recipient.

1 “(b) ALLOCATION AMOUNT.—Notwithstanding sec-
2 tions 301 and 302, the allocation for such fiscal year for
3 a recipient described in subsection (a) shall be the amount
4 initially calculated according to the formula minus the dif-
5 ference between the recipient’s total amount of
6 undisbursed block grants in the Department’s line of cred-
7 it control system on such January 1 and three times the
8 initial formula amount for such fiscal year.

9 “(c) REALLOCATION.—Notwithstanding any other
10 provision of law, any grant amounts not allocated to a re-
11 cipient pursuant to subsection (b) shall be allocated under
12 the need component of the formula proportionately
13 amount all other Indian tribes not subject to such an ad-
14 justment.

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

19 “(e) EFFECTIVENESS.—This section shall not require
20 the issuance of any regulation to take effect and shall not
21 be construed to confer hearing rights under this or any
22 other section of this Act.”.

23 (b) CLERICAL AMENDMENT.—The table of contents
24 in section 1(b) is amended by inserting after the item re-
25 lating to section 302 the following new item:

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

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) **ISSUANCE OF FINAL REPORT.**—The Sec-
6 retary shall issue a final report within 60 days after
7 receiving comments under paragraph (1) from a re-
8 cipient.”.

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. RENTAL ASSISTANCE FOR HOMELESS OR AT-RISK**
5 **INDIAN VETERANS.**

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

9 “(D) INDIAN VETERANS HOUSING RENTAL
10 ASSISTANCE PROGRAM.—

11 “(i) DEFINITIONS.—In this subpara-
12 graph:

13 “(I) ELIGIBLE INDIAN VET-
14 ERAN.—The term ‘eligible Indian vet-
15 eran’ means an Indian veteran who
16 is—

17 “(aa) homeless or at risk of
18 homelessness; and

19 “(bb) living—

20 “(AA) on or near a res-
21 ervation; or

22 “(BB) in or near any
23 other Indian area.

24 “(II) ELIGIBLE RECIPIENT.—
25 The term ‘eligible recipient’ means a

1 recipient eligible to receive a grant
2 under section 101 of the Native
3 American Housing Assistance and
4 Self-Determination Act of 1996 (25
5 U.S.C. 4111).

6 “(III) INDIAN; INDIAN AREA.—
7 The terms ‘Indian’ and ‘Indian area’
8 have the meanings given those terms
9 in section 4 of the Native American
10 Housing Assistance and Self-Deter-
11 mination Act of 1996 (25 U.S.C.
12 4103).

13 “(IV) INDIAN VETERAN.—The
14 term ‘Indian veteran’ means an In-
15 dian who is a veteran.

16 “(V) PROGRAM.—The term ‘Pro-
17 gram’ means the Tribal HUD-VASH
18 program carried out under clause (ii).

19 “(VI) TRIBAL ORGANIZATION.—
20 The term ‘tribal organization’ has the
21 meaning given the term in section 4
22 of the Indian Self-Determination and
23 Education Assistance Act (25 U.S.C.
24 5304).

1 “(ii) PROGRAM SPECIFICATIONS.—
2 The Secretary shall use not less than 5
3 percent of the amounts made available for
4 rental assistance under this paragraph to
5 carry out a rental assistance and sup-
6 ported housing program, to be known as
7 the ‘Tribal HUD-VASH program’, in con-
8 junction with the Secretary of Veterans Af-
9 fairs, by awarding grants for the benefit of
10 eligible Indian veterans.

11 “(iii) MODEL.—

12 “(I) IN GENERAL.—Except as
13 provided in subclause (II), the Sec-
14 retary shall model the Program on the
15 rental assistance and supported hous-
16 ing program authorized under sub-
17 paragraph (A) and applicable appro-
18 priations Acts, including administra-
19 tion in conjunction with the Secretary
20 of Veterans Affairs.

21 “(II) EXCEPTIONS.—

22 “(aa) SECRETARY OF HOUS-
23 ING AND URBAN DEVELOP-
24 MENT.—After consultation with
25 Indian tribes, eligible recipients,

1 and any other appropriate tribal
2 organizations, the Secretary may
3 make necessary and appropriate
4 modifications to facilitate the use
5 of the Program by eligible recipi-
6 ents to serve eligible Indian vet-
7 erans.

8 “(bb) SECRETARY OF VET-
9 ERANS AFFAIRS.—After consulta-
10 tion with Indian tribes, eligible
11 recipients, and any other appro-
12 priate tribal organizations, the
13 Secretary of Veterans Affairs
14 may make necessary and appro-
15 priate modifications to facilitate
16 the use of the Program by eligi-
17 ble recipients to serve eligible In-
18 dian veterans.

19 “(iv) ELIGIBLE RECIPIENTS.—The
20 Secretary shall make amounts for rental
21 assistance and associated administrative
22 costs under the Program available in the
23 form of grants to eligible recipients.

1 Secretary administers in connection
2 with the use of rental assistance made
3 available under the Program if the
4 Secretary finds that the waiver or al-
5 ternative requirement is necessary for
6 the effective delivery and administra-
7 tion of rental assistance under the
8 Program to eligible Indian veterans.

9 “(II) EXCEPTION.—The Sec-
10 retary may not waive or specify alter-
11 native requirements under subclause
12 (I) for any provision of law (including
13 regulations) relating to labor stand-
14 ards or the environment.

15 “(ix) RENEWAL GRANTS.—The Sec-
16 retary may—

17 “(I) set aside, from amounts
18 made available for tenant-based rental
19 assistance under this subsection and
20 without regard to the amounts used
21 for new grants under clause (ii), such
22 amounts as may be necessary to
23 award renewal grants to eligible re-
24 cipients that received a grant under
25 the Program in a previous year; and

1 “(II) specify criteria that an eli-
2 gible recipient must satisfy to receive
3 a renewal grant under subclause (I),
4 including providing data on how the
5 eligible recipient used the amounts of
6 any grant previously received under
7 the Program.

8 “(x) REPORTING.—

9 “(I) IN GENERAL.—Not later
10 than 1 year after the date of enact-
11 ment of the Native American Housing
12 Assistance and Self-Determination
13 Reauthorization Act of 2017, and
14 every 5 years thereafter, the Sec-
15 retary, in coordination with the Sec-
16 retary of Veterans Affairs and the Di-
17 rector of the Indian Health Service,
18 shall—

19 “(aa) conduct a review of
20 the implementation of the Pro-
21 gram, including any factors that
22 may have limited its success; and

23 “(bb) submit a report de-
24 scribing the results of the review
25 under item (aa) to—

1 “(AA) the Committee
2 on Indian Affairs, the Com-
3 mittee on Banking, Housing,
4 and Urban Affairs, the
5 Committee on Veterans’ Af-
6 fairs, and the Committee on
7 Appropriations of the Sen-
8 ate; and

9 “(BB) the Sub-
10 committee on Indian, Insu-
11 lar and Alaska Native Af-
12 fairs of the Committee on
13 Natural Resources, the
14 Committee on Financial
15 Services, the Committee on
16 Veterans’ Affairs, and the
17 Committee on Appropria-
18 tions of the House of Rep-
19 resentatives.

20 “(II) ANALYSIS OF HOUSING
21 STOCK LIMITATION.—The Secretary
22 shall include in the initial report sub-
23 mitted under subclause (I) a descrip-
24 tion of—

1 “(aa) any regulations gov-
2 erning the use of formula current
3 assisted stock (as defined in sec-
4 tion 1000.314 of title 24, Code of
5 Federal Regulations (or any suc-
6 cessor regulation)) within the
7 Program;

8 “(bb) the number of recipi-
9 ents of grants under the Pro-
10 gram that have reported the reg-
11 ulations described in item (aa) as
12 a barrier to implementation of
13 the Program; and

14 “(cc) proposed alternative
15 legislation or regulations devel-
16 oped by the Secretary in con-
17 sultation with recipients of
18 grants under the Program to
19 allow the use of formula current
20 assisted stock within the Pro-
21 gram.”.

22 **SEC. 502. 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 the following:
3 “There are authorized to be appropriated for such
4 costs \$12,200,000 for each of fiscal years 2018
5 through 2022.”; and

6 (2) in subparagraph (C)—

7 (A) by striking “2008 through 2012” and
8 inserting “2018 through 2022”; and

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

12 **TITLE VI—MISCELLANEOUS**

13 **SEC. 601. LANDS TITLE REPORT COMMISSION.**

14 Section 501 of the American Homeownership and
15 Economic Opportunity Act of 2000 (25 U.S.C. 4043 note)
16 is amended—

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

20 (2) in subsection (b)(1) by striking “this Act”
21 and inserting “the Native American Housing Assist-
22 ance and Self-Determination Reauthorization Act of
23 2017”.

1 **SEC. 602. LEASEHOLD INTEREST IN TRUST OR RESTRICTED**
2 **LANDS FOR HOUSING PURPOSES.**

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

4 (1) in subsection (c)(1), by inserting “, whether
5 enacted before, on, or after the date of the enact-
6 ment of this section” after “law”; and

7 (2) by striking “50 years” each place such term
8 appears and inserting “99 years”.

9 **SEC. 603. CLERICAL AMENDMENT.**

10 The table of contents in section 1(b) is amended by
11 striking the item relating to section 206 (treatment of
12 funds).

13 **TITLE VII—DEMONSTRATION**
14 **PROGRAM FOR ALTERNATIVE**
15 **PRIVATIZATION AUTHORITY**
16 **FOR NATIVE AMERICAN**
17 **HOUSING**

18 **SEC. 701. DEMONSTRATION PROGRAM.**

19 Add at the end of the Act (25 U.S.C. 4101 et seq.)
20 the following new title:

1 **“TITLE IX—DEMONSTRATION**
2 **PROGRAM FOR ALTERNATIVE**
3 **PRIVATIZATION AUTHORITY**
4 **FOR NATIVE AMERICAN**
5 **HOUSING**

6 **“SEC. 901. AUTHORITY.**

7 “(a) IN GENERAL.—In addition to any other author-
8 ity provided in this Act for the construction, development,
9 maintenance, and operation of housing for Indian families,
10 the Secretary shall provide the participating tribes having
11 final plans approved pursuant to section 905 with the au-
12 thority to exercise the activities provided under this title
13 and such plan for the acquisition and development of
14 housing to meet the needs of tribal members.

15 “(b) INAPPLICABILITY OF NAHASDA PROVI-
16 SIONS.—Except as specifically provided otherwise in this
17 title, titles I through IV, VI, and VII shall not apply to
18 a participating tribe’s use of funds during any period that
19 the tribe is participating in the demonstration program
20 under this title.

21 “(c) CONTINUED APPLICABILITY OF CERTAIN
22 NAHASDA PROVISIONS.—The following provisions of ti-
23 tles I through VIII shall apply to the demonstration pro-
24 gram under this title and amounts made available under
25 the demonstration program under this title:

1 “(1) Subsections (d) and (e) of section 101 (re-
2 relating to tax exemption).

3 “(2) Section 101(j) (relating to Federal supply
4 sources).

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

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

9 “(5) Section 105 (relating to environmental re-
10 view).

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

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

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

18 **“SEC. 902. PARTICIPATING TRIBES.**

19 “(a) REQUEST TO PARTICIPATE.—To be eligible to
20 participate in the demonstration program under this title,
21 an Indian tribe shall submit to the Secretary a notice of
22 intention to participate during the 60-day period begin-
23 ning on the date of the enactment of this title, in such
24 form and such manner as the Secretary shall provide.

1 “(b) COOPERATIVE AGREEMENT.—Upon approval
2 under section 905 of the final plan of an Indian tribe for
3 participation in the demonstration program under this
4 title, the Secretary shall enter into a cooperative agree-
5 ment with the participating tribe that provides such tribe
6 with the authority to carry out activities under the dem-
7 onstration program.

8 “(c) LIMITATION.—The Secretary may not approve
9 more than 20 Indian tribes for participation in the dem-
10 onstration program under this title.

11 **“SEC. 903. REQUEST FOR QUOTES AND SELECTION OF IN-**
12 **VESTOR PARTNER.**

13 “(a) REQUEST FOR QUOTES.—Not later than the ex-
14 piration of the 180-day period beginning upon notification
15 to the Secretary by an Indian tribe of intention to partici-
16 pate in the demonstration program under this title, the
17 Indian tribe shall—

18 “(1) obtain assistance from a qualified entity in
19 assessing the housing needs, including the affordable
20 housing needs, of the tribe; and

21 “(2) release a request for quotations from enti-
22 ties interested in partnering with the tribe in design-
23 ing and carrying out housing activities sufficient to
24 meet the tribe’s housing needs as identified pursuant
25 to paragraph (1).

1 “(b) SELECTION OF INVESTOR PARTNER.—

2 “(1) IN GENERAL.—Except as provided in para-
3 graph (2), not later than the expiration of the 18-
4 month period beginning on the date of the enact-
5 ment of this title, an Indian tribe requesting to par-
6 ticipate in the demonstration program under this
7 title shall—

8 “(A) select an investor partner from
9 among the entities that have responded to the
10 tribe’s request for quotations; and

11 “(B) together with such investor partner,
12 establish and submit to the Secretary a final
13 plan that meets the requirements under section
14 904.

15 “(2) EXCEPTIONS.—The Secretary may extend
16 the period under paragraph (1) for any tribe that—

17 “(A) has not received any satisfactory
18 quotation in response to its request released
19 pursuant to subsection (a)(2); or

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

23 **“SEC. 904. FINAL PLAN.**

24 “A final plan under this section shall—

1 “(1) be developed by the participating tribe and
2 the investor partner for the tribe selected pursuant
3 to section 903(b)(1)(A);

4 “(2) identify the qualified entity that assisted
5 the tribe in assessing the housing needs of the tribe;

6 “(3) set forth a detailed description of such
7 projected housing needs, including affordable hous-
8 ing needs, of the tribe, which shall include—

9 “(A) a description of such need over the
10 ensuing 24 months and thereafter until the ex-
11 piration of the ensuing 5-year period or until
12 the affordable housing need is met, whichever
13 occurs sooner; and

14 “(B) the same information that would be
15 required under section 102 to be included in an
16 Indian housing plan for the tribe, as such re-
17 quirements may be modified by the Secretary to
18 take consideration of the requirements of the
19 demonstration program under this title;

20 “(4) provide for specific housing activities suffi-
21 cient to meet the tribe’s housing needs, including af-
22 fordable housing needs, as identified pursuant to
23 paragraph (3) within the periods referred to such
24 paragraph, which shall include—

1 “(A) development of affordable housing (as
2 such term is defined in section 4 of this Act (25
3 U.S.C. 4103));

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 plan; and

12 “(D) investments by the investor partner
13 for the tribe, the participating tribe, members
14 of the participating tribe, and financial institu-
15 tions and other outside investors necessary to
16 provide financing for the development of hous-
17 ing under the plan and for mortgages for tribal
18 members purchasing such housing;

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

24 “(6) provide that the participating tribe—

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

5 “(B) shall, upon foreclosure under such
6 mortgages, take possession of such housing and
7 have the responsibility for making such housing
8 available to other tribal members;

9 “(7) provide for sufficient protections, in the
10 determination of the Secretary, to ensure that the
11 tribe and the Federal Government are not liable for
12 the acts of the investor partner or of any contrac-
13 tors;

14 “(8) provide that the participating tribe shall
15 have sole final approval of design and location of
16 housing developed under the plan;

17 “(9) set forth specific deadlines and schedules
18 for activities to be undertaken under the plan and
19 set forth the responsibilities of the participating
20 tribe and the investor partner;

21 “(10) set forth specific terms and conditions of
22 return on investment by the investor partner and
23 other investors under the plan, and provide that the
24 participating tribe shall pledge grant amounts allo-

1 cated for the tribe pursuant to title III for such re-
2 turn on investment;

3 “(11) set forth the terms of a cooperative
4 agreement on the operation and management of the
5 current assistance housing stock and current hous-
6 ing stock for the tribe assisted under the preceding
7 titles of this Act;

8 “(12) set forth any plans for sale of affordable
9 housing of the participating tribe under section 907
10 and, if included, plans sufficient to meet the require-
11 ments of section 907 regarding meeting future af-
12 fordable housing needs of the tribe;

13 “(13) set forth terms for enforcement of the
14 plan, including an agreement regarding jurisdiction
15 of any actions under or to enforce the plan, includ-
16 ing a waiver of immunity; and

17 “(14) include such other information as the
18 participating tribe and investor partner consider ap-
19 propriate.

20 **“SEC. 905. HUD REVIEW AND APPROVAL OF PLAN.**

21 “(a) IN GENERAL.—Not later than the expiration of
22 the 90-day period beginning upon a submission by an In-
23 dian tribe of a final plan under section 904 to the Sec-
24 retary, the Secretary shall—

1 “(1) review the plan and the process by which
2 the tribe solicited requests for quotations from inves-
3 tors and selected the investor partner; and

4 “(2)(A) approve the plan, unless the Secretary
5 determines that—

6 “(i) the assessment of the tribe’s housing
7 needs by the qualified entity, or as set forth in
8 the plan pursuant to section 904(3), is inac-
9 curate or insufficient;

10 “(ii) the process established by the tribe to
11 solicit requests for quotations and select an in-
12 vestor partner was insufficient or negligent; or

13 “(iii) the plan is insufficient to meet the
14 housing needs of the tribe, as identified in the
15 plan pursuant to section 904(3);

16 “(B) approve the plan, on the condition that
17 the participating tribe and the investor make such
18 revisions to the plan as the Secretary may specify as
19 appropriate to meet the needs of the tribe for afford-
20 able housing; or

21 “(C) disapprove the plan, only if the Secretary
22 determines that the plan fails to meet the minimal
23 housing standards and requirements set forth in this
24 Act and the Secretary notifies the tribe of the ele-
25 ments requiring the disapproval.

1 “(b) ACTION UPON DISAPPROVAL.—

2 “(1) RE-SUBMISSION OF PLAN.—Subject to
3 paragraph (2), in the case of any disapproval of a
4 final plan of an Indian tribe pursuant to subsection
5 (a)(3), the Secretary shall allow the tribe a period
6 of 180 days from notification to the tribe of such
7 disapproval to re-submit a revised plan for approval.

8 “(2) LIMITATION.—If the final plan for an In-
9 dian tribe is disapproved twice and resubmitted
10 twice pursuant to the authority under paragraph (1)
11 and, upon such second re-submission of the plan the
12 Secretary disapproves the plan, the tribe may not re-
13 submit the plan again and shall be ineligible to par-
14 ticipate in the demonstration program under this
15 title.

16 “(c) TRIBE AUTHORITY OF HOUSING DESIGN AND
17 LOCATION.—The Secretary may not disapprove a final
18 plan under section 904, or condition approval of such a
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 a participating tribe submitting a final plan of
23 approval, conditional approval, or disapproval of the plan
24 before the expiration of the period referred to in para-

1 graph (1), the plan shall be considered as approved for
2 all purposes of this title.

3 **“SEC. 906. TREATMENT OF NAHASDA ALLOCATION.**

4 “Amounts otherwise allocated for a participating
5 tribe under title III of this Act (25 U.S.C. 4151 et seq.)
6 shall not be made available to the tribe under titles I
7 through VIII, but shall only be available for the tribe,
8 upon request by the tribe and approval by the Secretary,
9 for the following purposes:

10 “(1) RETURN ON INVESTMENT.—Such amounts
11 as are pledged by a participating tribe pursuant to
12 section 904(10) for return on the investment made
13 by the investor partner or other investors may be
14 used by the Secretary to ensure such full return on
15 investment.

16 “(2) ADMINISTRATIVE EXPENSES.—The Sec-
17 retary may provide to a participating tribe, upon the
18 request of a tribe, not more than 10 percent of any
19 annual allocation made under title III for the tribe
20 during such period for administrative costs of the
21 tribe in completing the processes to carry out sec-
22 tions 903 and 904.

23 “(3) HOUSING INFRASTRUCTURE COSTS.—A
24 participating tribe may use such amounts for hous-

1 ing infrastructure costs associated with providing af-
2 fordable housing for the tribe under the final plan.

3 “(4) MAINTENANCE; TENANT SERVICES.—A
4 participating tribe may use such amounts for main-
5 tenance of affordable housing for the tribe and for
6 housing services, housing management services, and
7 crime prevention and safety activities described in
8 paragraphs (3), (4), and (5), respectively, of section
9 202.

10 **“SEC. 907. RESALE OF AFFORDABLE HOUSING.**

11 “Notwithstanding any other provision of this Act, a
12 participating tribe may, in accordance with the provisions
13 of the final plan of the tribe approved pursuant to section
14 905, resell any affordable housing developed with assist-
15 ance made available under this Act for use other than as
16 affordable housing, but only if the tribe provides such as-
17 surances as the Secretary determines are appropriate to
18 ensure that—

19 “(1) the tribe is meeting its need for affordable
20 housing;

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

1 “(3) will use any proceeds only to meet such fu-
2 ture affordable housing needs or as provided in sec-
3 tion 906.

4 **“SEC. 908. REPORTS, AUDITS, AND COMPLIANCE.**

5 “(a) ANNUAL REPORTS BY TRIBE.—Each partici-
6 pating tribe shall submit a report to the Secretary annu-
7 ally regarding the progress of the tribe in complying with,
8 and meeting the deadlines and schedules set forth under
9 the approved final plan for the tribe. Such reports shall
10 contain such information as the Secretary shall require.

11 “(b) REPORTS TO CONGRESS.—The Secretary shall
12 submit a report to the Congress annually describing the
13 activities and progress of the demonstration program
14 under this title, which shall—

15 “(1) summarize the information in the reports
16 submitted by participating tribes pursuant to sub-
17 section (a);

18 “(2) identify the number of tribes that have se-
19 lected an investor partner pursuant to a request for
20 quotations;

21 “(3) include, for each tribe applying for partici-
22 pating in the demonstration program whose final
23 plan was disapproved under section 905(a)(2)(C), a
24 detailed description and explanation of the reasons
25 for disapproval and all actions taken by the tribe to

1 eliminate the reasons for disapproval, and identify
2 whether the tribe has re-submitted a final plan;

3 “(4) identify, by participating tribe, any
4 amounts requested and approved for use under sec-
5 tion 906; and

6 “(5) identify any participating tribes that have
7 terminated participation in the demonstration pro-
8 gram and the circumstances of such terminations.

9 “(c) AUDITS.—The Secretary shall provide for audits
10 among participating tribes to ensure that the final plans
11 for such tribes are being implemented and complied with.
12 Such audits shall include on-site visits with participating
13 tribes and requests for documentation appropriate to en-
14 sure such compliance.

15 **“SEC. 909. TERMINATION OF TRIBAL PARTICIPATION.**

16 “(a) TERMINATION OF PARTICIPATION.—A partici-
17 pating tribe may terminate participation in the demonstra-
18 tion program under this title at any time, subject to this
19 section.

20 “(b) EFFECT ON EXISTING OBLIGATIONS.—

21 “(1) NO AUTOMATIC TERMINATION.—Termi-
22 nation by a participating tribe in the demonstration
23 program under this section shall not terminate any
24 obligations of the tribe under agreements entered
25 into under the demonstration program with the in-

1 investor partner for the tribe or any other investors or
2 contractors.

3 “(2) AUTHORITY TO MUTUALLY TERMINATE
4 AGREEMENTS.—Nothing in this title may be con-
5 strued to prevent a tribe that terminates participa-
6 tion in the demonstration program under this sec-
7 tion and any party with which the tribe has entered
8 into an agreement from mutually agreeing to termi-
9 nate such agreement.

10 “(c) RECEIPT OF REMAINING GRANT AMOUNTS.—
11 The Secretary shall provide for grants to be made in ac-
12 cordance with, and subject to the requirements of, this Act
13 for any amounts remaining after use pursuant to section
14 906 from the allocation under title III for a participating
15 tribe that terminates participation in the demonstration
16 program.

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

21 **“SEC. 910. FINAL REPORT.**

22 “Not later than the expiration of the 5-year period
23 beginning on the date of the enactment of this title, the
24 Secretary shall submit a final report to the Congress re-

1 guarding the effectiveness of the demonstration program,
2 which shall include—

3 “(1) an assessment of the success, under the
4 demonstration program, of participating tribes in
5 meeting their housing needs, including affordable
6 housing needs, on tribal land;

7 “(2) recommendations for any improvements in
8 the demonstration program; and

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

15 **“SEC. 911. DEFINITIONS.**

16 “For purposes of this title, the following definitions
17 shall apply:

18 “(1) AFFORDABLE HOUSING.—The term ‘af-
19 fordable housing’ has the meaning given such term
20 in section 4 (25 U.S.C. 4103).

21 “(2) HOUSING INFRASTRUCTURE.—The term
22 ‘housing infrastructure’ means basic facilities, serv-
23 ices, systems, and installations necessary or appro-
24 priate for the functioning of a housing community,
25 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 tribe and a tribal member that authorizes the tribal
6 member to occupy a specific plot of tribal lands for
7 50 or more years and to request renewal of the
8 agreement at least once.

9 “(4) PARTICIPATING TRIBES.—The term ‘par-
10 ticipating tribe’ means an Indian tribe for which a
11 final plan under section 904 for participation in the
12 demonstration program under this title has been ap-
13 proved by the Secretary under section 905.

14 **“SEC. 912. NOTICE.**

15 “The Secretary shall establish any requirements and
16 criteria as may be necessary to carry out the demonstra-
17 tion program under this title by notice published in the
18 Federal Register.”.

19 **SEC. 702. CLERICAL AMENDMENTS.**

20 The table of contents in section 1(b) is amended by
21 inserting after the item relating to section 705 the fol-
22 lowing:

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

1 **TITLE VIII—HOUSING FOR**
 2 **NATIVE HAWAIIANS**
 3 **SEC. 801. REAUTHORIZATION OF NATIVE HAWAIIAN HOME-**
 4 **OWNERSHIP ACT.**

5 Section 824 (25 U.S.C. 4243) is amended by striking
 6 “such sums as may be necessary” and all that follows
 7 through the period at the end and inserting “\$13,000,000
 8 for each of fiscal years 2018 through 2022.”.

1 **SEC. 802. REAUTHORIZATION OF LOAN GUARANTEES FOR**
2 **NATIVE HAWAIIAN HOUSING.**

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

6 (1) in subparagraph (B), by inserting after the
7 period at the end of the first sentence the following:
8 “There are authorized to be appropriated for such
9 costs \$386,000 for each of fiscal years 2018 through
10 2022.”; and

11 (2) in subparagraph (C), by striking “for each
12 of fiscal years” and all that follows through the pe-
13 riod at the end and inserting “for each of fiscal
14 years 2018 through 2022 with an aggregate out-
15 standing principal amount not exceeding
16 \$41,504,000 for each such fiscal year.”.