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MEMORANDUM

July 24, 2023

TO: TRIBAL HOUSING CLIENTS

FROM:  Ed Clay Goodman & Cari L. Baermann
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RE: ***NAHASDA Amendment to National Defense Authorization Act***

On July 21, 2024, Senators Schatz (D-HI) and Murkowski (R-AK) introduced an amendment to the National Defense Authorization Act (NDAA) for Fiscal Year 2024 (S.2226) that would reauthorize the Native American Housing Assistance and Self-Determination Act (NAHASDA) through 2034. It is Amendment No. 996 and is substantially similar to the standalone NAHASDA reauthorization bill introduced last week by the same Senators (S.2285).

NDAA reauthorization is largely concerned with national defense policy but is frequently used as a vehicle for other non-defense bills. There was an attempt last session to attach NAHASDA reauthorization to the NDAA but it ultimately was not successful. A final vote on NDAA reauthorizations is expected by the end of the week. The Senate has hundreds of defense and non-defense amendments to get through during this time, so we urge you to contact your Senators and voice support for the NAHASDA amendment to try and secure its inclusion in the final version of the bill this time around.

Conclusion

If you have any questions about this memorandum or any of the topics discussed in this memorandum, please contact Ed Clay Goodman (egoodman@hobbsstrauss.com) or Cari Baermann (cbaermann@hobbsstrauss.com). Both may also be reached at 503-242-1745.

SA 996.

Mr. SCHATZ (for himself and

Ms. Murkowski) submitted an amendment intended to be proposed by him to the bill

S. 2226 , to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION I--NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION

REAUTHORIZATION ACT OF 2023

SEC. 11001. SHORT TITLE.

This division may be cited as the 'Native American Housing Assistance and Self-Determination Reauthorization Act of 2023'.

SEC. 11002. CONSOLIDATION OF ENVIRONMENTAL REVIEW REQUIREMENTS.

Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115) is amended by adding at the end the following:

`(e) Consolidation of Environmental Review Requirements.--

`(1) In general.--In the case of a recipient of grant amounts under this Act that is carrying out a project that qualifies as an affordable housing activity under section 202, if the recipient is using 1 or more additional sources of Federal funds to carry out the project, and the grant amounts received under this Act constitute the largest single source of Federal funds that the recipient reasonably expects to commit to the project at the time of environmental review, the Indian tribe of the recipient may assume, in addition to all of the responsibilities for environmental review, decision making, and action under subsection (a), all of the additional responsibilities for environmental review,

decision making, and action under provisions of law that would apply to each Federal agency providing additional funding were the Federal agency to carry out the project as a Federal project.

`(2) Discharge.--The assumption by the Indian tribe of the additional responsibilities for environmental review, decision making, and action under paragraph (1) with respect to a project shall be deemed to discharge the responsibility of the applicable Federal agency for environmental review, decision making, and action with respect to the project.

`(3) Certification.--An Indian tribe that assumes the additional responsibilities under paragraph (1), shall certify, in addition to the requirements under subsection (c)--

`(A) the additional responsibilities that the Indian tribe has fully carried out under this subsection; and

`(B) that the certifying officer consents to assume the status of a responsible Federal official under the provisions of law that would apply to each Federal agency providing additional funding under paragraph (1).

`(4) Liability.--

`(A) In general.--An Indian tribe that completes an environmental review under this subsection shall assume sole liability for the content and quality of the review.

`(B) Remedies and sanctions.--Except as provided in subparagraph (C), if the Secretary approves a certification and release of funds to an Indian tribe for a project in accordance with subsection (b), but the Secretary or the head of another Federal agency providing funding for the project subsequently learns that the Indian tribe failed to carry out the responsibilities of the Indian tribe as described in subsection (a) or paragraph (1), as applicable, the Secretary or other head, as applicable, may impose appropriate remedies and sanctions in accordance with--

`(i) the regulations issued pursuant to section 106; or

`(ii) such regulations as are issued by the other head.

`(C) Statutory violation waivers.--If the Secretary waives the requirements under this section in accordance with subsection (d) with respect to a project for which an Indian tribe assumes additional responsibilities under paragraph (1), the waiver shall prohibit any other Federal agency providing additional funding for the project from imposing remedies or sanctions for failure to comply with requirements for environmental review, decision making, and action under provisions of law that would apply to the Federal agency.'.

SEC. 11003. AUTHORIZATION OF APPROPRIATIONS.

Section 108 of the Native American Housing Assistance and

Self-Determination Act of 1996 (25 U.S.C. 4117) is amended, in the first sentence, by striking '2009 through 2013' and inserting '2024 through 2034'.

SEC. 11004. STUDENT HOUSING ASSISTANCE.

Section 202(3) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132(3)) is amended by inserting 'including education-related stipends, college housing assistance, and other education-related assistance for low-income college students,' after 'self-sufficiency and other services,'.

SEC. 11005. APPLICATION OF RENT RULE ONLY TO UNITS OWNED OR OPERATED BY INDIAN TRIBE OR TRIBALLY DESIGNATED HOUSING ENTITY.

Section 203(a)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133(a)(2)) is amended by inserting 'owned or operated by a recipient and' after 'residing in a dwelling unit'.

SEC. 11006. DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES.

Section 203(g) of the Native American Housing Assistance and Self-Determination

Act of 1996 (25 U.S.C. 4133(g)) is amended by striking '\$5,000' and inserting '\$10,000'.

SEC. 11007. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-INCOME REQUIREMENT AND INCOME TARGETING.

Section 205 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135) is amended--

(1) in subsection (a)(1)--

(A) in subparagraph (C), by striking 'and' at the end; and

(B) by adding at the end the following:

'(E) notwithstanding any other provision of this paragraph, in the case of rental housing that is made available to a current rental family for conversion to a homebuyer or a lease-purchase unit, that the current rental family can purchase through a contract of sale, lease-purchase agreement, or any other sales agreement, is made available for purchase only by the current rental family, if the rental family was a low-income family at the time of their initial occupancy of such unit; and'; and

(2) in subsection (c)--

(A) by striking 'The provisions' and inserting the following:

'(1) In general.--The provisions'; and

(B) by adding at the end the following:

'(2) Applicability to improvements.--The provisions of subsection (a) (2) regarding binding commitments for the remaining useful life of property shall not apply to improvements of privately owned homes if the cost of the improvements do not exceed 10 percent of the maximum total development cost for the home.'

SEC. 11008. LEASE REQUIREMENTS AND TENANT SELECTION.

Section 207 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4137) is amended by adding at the end the following:

'(c) Notice of Termination.--The notice period described in subsection (a) (3) shall apply to projects and programs funded in part by amounts authorized under this Act.'

SEC. 11009. INDIAN HEALTH SERVICE.

(a) In General.--Subtitle A of title II of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended by adding at the end the following:

'SEC. 211. IHS SANITATION FACILITIES CONSTRUCTION.

'Notwithstanding any other provision of law, the Director of the Indian Health Service, or a recipient receiving funding for a housing construction or renovation project under this title, may use funding from the Indian Health Service for the construction of sanitation facilities under that project.'

(b) Clerical Amendment.--The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (Public Law 104-330; 110 Stat. 4016) is amended by inserting after the item relating to section 210 the following:

'Sec. 211. IHS sanitation facilities construction.'

SEC. 11010. STATUTORY AUTHORITY TO SUSPEND GRANT FUNDS IN EMERGENCIES.

Section 401(a) (4) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a) (4)) is

amended--

(1) in subparagraph (A), by striking 'may take an action described in paragraph (1)(C)' and inserting 'may immediately take an action described in paragraph (1)(C)'; and

(2) by striking subparagraph (B) and inserting the following:

'(B) Procedural requirements.--

'(i) In general.--If the Secretary takes an action described in subparagraph (A), the Secretary shall provide notice to the recipient at the time that the Secretary takes that action.

'(ii) Notice requirements.--The notice under clause (i) shall inform the recipient that the recipient may request a hearing by not later than 30 days after the date on which the Secretary provides the notice.

'(iii) Hearing requirements.--A hearing requested under clause (ii) shall be conducted--

'(I) in accordance with subpart A of part 26 of title 24, Code of Federal Regulations (or successor regulations); and

'(II) to the maximum extent practicable, on an expedited basis.

'(iv) Failure to conduct a hearing.--If a hearing requested under clause (ii) is not completed by the date that is 180 days after the date on which the recipient requests the hearing, the action of the Secretary to limit the availability of payments shall no longer be effective.'

SEC. 11011. REPORTS TO CONGRESS.

Section 407 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4167) is amended--

(1) in subsection (a), by striking 'Congress' and inserting 'Committee on Indian Affairs and the

Committee on
Banking, Housing and Urban Affairs of the Senate
and the

Committee on Financial Services of the House of
Representatives

'; and

(2) by adding at the end the following:

'(c) Public Availability.--The report described in subsection (a) shall be made publicly available, including to recipients.'

SEC. 11012. 99-YEAR LEASEHOLD INTEREST IN TRUST OR RESTRICTED
LANDS FOR HOUSING PURPOSES.

Section 702 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4211) is amended--

(1) in the section heading, by striking '50-year' and inserting '99-year';

(2) in subsection (b), by striking '50 years' and inserting '99 years'; and

(3) in subsection (c)(2), by striking '50 years' and inserting '99 years'.

SEC. 11013. AMENDMENTS FOR BLOCK GRANTS FOR AFFORDABLE
HOUSING ACTIVITIES.

Section 802(e) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4222(e)) is amended by--

(1) by striking 'The Director' and inserting the following:

'(1) In general.--The Director'; and

(2) by adding at the end the following:

'(2) Subawards.--Notwithstanding any other provision of law, including provisions of State law requiring competitive procurement, the Director may make subawards to subrecipients, except for for-profit entities, using amounts provided under this title to carry out affordable housing activities upon a determination by the Director that such subrecipients have adequate capacity to carry out activities in accordance with this Act.'.

SEC. 11014. REAUTHORIZATION OF NATIVE HAWAIIAN HOMEOWNERSHIP
PROVISIONS.

Section 824 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4243) is amended by striking 'such sums as may be necessary' and all that follows through the period at the end and inserting 'such sums as may be necessary for each of fiscal years 2024 through 2034.'.

SEC. 11015. TOTAL DEVELOPMENT COST MAXIMUM PROJECT COST.

Affordable housing (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) that is developed, acquired, or assisted under the block grant program established under section 101 of the Native American Housing Assistance and

Self-Determination Act of 1996 (25 U.S.C. 4111) shall not exceed by more than 20 percent, without prior approval of the Secretary of Housing and Urban Development, the total development cost maximum cost for all housing assisted under an affordable housing activity, including development and model activities.

SEC. 11016. COMMUNITY-BASED DEVELOPMENT ORGANIZATIONS AND SPECIAL ACTIVITIES BY INDIAN TRIBES.

Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) is amended by adding at the end the following:

`(i) Indian Tribes and Tribally Designated Housing Entities as Community-based Development Organizations.--

`(1) Definition.--In this subsection, 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).

`(2) Qualification.--An Indian tribe, a tribally designated housing entity, or a tribal organization shall qualify as a community-based development organization for purposes of carrying out new housing construction under this subsection under a grant made under section 106(a)(1).

`(j) Special Activities by Indian Tribes.--An Indian tribe receiving a grant under paragraph (1) of section 106(a)(1) shall be authorized to directly carry out activities described in paragraph (15) of such section 106(a)(1).'

SEC. 11017. INDIAN TRIBE ELIGIBILITY FOR HUD HOUSING COUNSELING GRANTS.

Section 106(a)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4)) is amended--

(1) in subparagraph (A)--

(A) by striking `and' and inserting a comma; and

(B) by inserting before the period at the end the following: `, Indian tribes, and tribally designated housing entities';

(2) in subparagraph (B), by inserting `, Indian tribes, and tribally designated housing entities' after `organizations)';

(3) by redesignating subparagraph (F) as subparagraph (G); and

(4) by inserting after subparagraph (E) the following:

`(F) Definitions.--In this paragraph, the terms `Indian tribe' and `tribally designated housing entity' have the meanings given those terms in section 4 of the Native American Housing Assistance and Self-Determination Act of

1996 (25 U.S.C. 4103).'. .

SEC. 11018. SECTION 184 INDIAN HOME LOAN GUARANTEE PROGRAM.

(a) In General.--Section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a) is amended--

(1) by amending subsection (a) to read as follows:

'(a) Authority.--To provide access to sources of private financing to Indian families, Indian housing authorities, and Indian Tribes, who otherwise could not acquire housing financing because of the unique legal status of Indian lands and the unique nature of tribal economies, and to expand homeownership opportunities to Indian families, Indian housing authorities and Indian tribes on fee simple lands, the Secretary may guarantee not to exceed 100 percent of the unpaid principal and interest due on any loan eligible under subsection (b) made to an Indian family, Indian housing authority, or Indian Tribe on trust land and fee simple land.'; and

(2) in subsection (b)--

(A) by amending paragraph (2) to read as follows:

'(2) Eligible housing.--The loan shall be used to construct, acquire, refinance, or rehabilitate 1- to 4-family dwellings that are standard housing.';

(B) in paragraph (4)--

(i) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margins accordingly;

(ii) by striking 'The loan' and inserting the following:

'(A) In general.--The loan';

(iii) in subparagraph (A), as so designated, by adding at the end the following:

'(v) Any entity certified as a community development financial institution by the Community Development Financial Institutions Fund established under section 104(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703(a)).'; and

(iv) by adding at the end the following:

'(B) Direct guarantee process.--

'(i) Authorization.--The Secretary may authorize qualifying lenders to participate in a direct guarantee process for approving loans under this section.

'(ii) Indemnification.--

'(I) In general.--If the Secretary determines that a mortgage guaranteed through a direct guarantee process under this subparagraph was not originated in accordance with the requirements established by the Secretary, the Secretary may

require the lender approved under this subparagraph to indemnify the Secretary for the loss, irrespective of whether the violation caused the mortgage default.

`(II) Fraud or misrepresentation.--If fraud or misrepresentation is involved in a direct guarantee process under this subparagraph, the Secretary shall require the original lender approved under this subparagraph to indemnify the Secretary for the loss regardless of when an insurance claim is paid.

`(C) Review of mortgagees.--

`(i) In general.--The Secretary may periodically review the mortgagees originating, underwriting, or servicing single family mortgage loans under this section.

`(ii) Requirements.--In conducting a review under clause (i), the Secretary--

`(I) shall compare the mortgagee with other mortgagees originating or underwriting loan guarantees for Indian housing based on the rates of defaults and claims for guaranteed mortgage loans originated, underwritten, or serviced by that mortgagee;

`(II) may compare the mortgagee with such other mortgagees based on underwriting quality, geographic area served, or any commonly used factors the Secretary determines necessary for comparing mortgage default risk, provided that the comparison is of factors that the Secretary would expect to affect the default risk of mortgage loans guaranteed by the Secretary;

`(iii) shall implement such comparisons by regulation, notice, or mortgagee letter; and

`(I) may terminate the approval of a mortgagee to originate, underwrite, or service loan guarantees for housing under this section if the Secretary determines that the mortgage loans originated, underwritten, or serviced by the mortgagee present an unacceptable risk to the Indian Housing Loan Guarantee Fund established under subsection (i)--

`(aa) based on a comparison of any of the factors set forth in this subparagraph; or

`(bb) by a determination that the mortgagee engaged in fraud or misrepresentation.'; and

(C) in paragraph (5) (A), by inserting before the semicolon at the end the following: 'except, as determined by the Secretary, when there is a loan modification under subsection (h) (1) (B), the term of the loan shall not exceed 40 years'.

(b) Loan Guarantees for Indian Housing.--Section 184(i) (5) of the Housing and Community Development Act of 1992 (12

U.S.C. 1715z-13a(i)(5)) is amended--

(1) in subparagraph (B), by inserting after the first sentence the following: 'There are authorized to be appropriated for those costs such sums as may be necessary for each of fiscal years 2024 through 2034.'; and

(2) in subparagraph (C), by striking '2008 through 2012' and inserting '2024 through 2034'.

SEC. 11019. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

Section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13b) is amended--

(1) in subsection (b), by inserting ', and to expand homeownership opportunities to Native Hawaiian families who are eligible to receive a homestead under the Hawaiian Homes Commission Act, 1920 (42 Stat. 108) on fee simple lands in the State of Hawaii' after 'markets';

(2) in subsection (c)--

(A) by amending paragraph (2) to read as follows:

'(2) Eligible housing.--The loan shall be used to construct, acquire, refinance, or rehabilitate 1- to 4-family dwellings that are standard housing.';

(B) in paragraph (4)--

(i) in subparagraph (B)--

(I) by redesignating clause (iv) as clause (v); and

(II) by adding after clause (iii) the following:

'(iv) Any entity certified as a community development financial institution by the Community Development Financial Institutions Fund established under section 104(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703(a)).'; and

(ii) by adding at the end the following:

'(C) Indemnification.--

'(i) In general.--If the Secretary determines that a loan was not originated in accordance with the requirements established by the Secretary under this section, the Secretary may require the lender to indemnify the Secretary for any loss or potential loss, regardless of whether the non-compliance caused or may cause the loan default.

'(ii) Direct guarantee endorsement.--The Secretary may, dependent on the availability of systems development and staffing resources, delegate to eligible lenders the authority to directly endorse loans under this section.

'(iii) Fraud or misrepresentation.--If fraud or misrepresentation was involved in the direct guarantee endorsement process by a lender under this section, the Secretary shall require the approved direct guarantee

endorsement lender to indemnify the Secretary for any loss or potential loss, regardless of whether the fraud or misrepresentation caused or may cause the loan default.

`(iv) Implementation.--The Secretary may implement any requirements described in this subparagraph by regulation, notice, or Dear Lender Letter.'.

(C) in paragraph (5)(A), by inserting before the semicolon at the end the following: `except, as determined by the Secretary, when there is a loan modification under subsection (i)(1)(B), the term of the loan shall not exceed 40 years';

(3) in subsection (d)--

(A) in paragraph (1), by adding at the end the following:

`(C) Exception.--When the Secretary exercises its discretion to delegate direct guarantee endorsement authority pursuant to subsection (c)(4)(C)(ii), subparagraphs (A) and (B) of this paragraph shall not apply.';

(B) by amending paragraph (2) to read as follows:

`(2) Standard for approval.--

`(A) Approval.--The Secretary may approve a loan for guarantee under this section and issue a certificate under this subsection only if the Secretary determines that there is a reasonable prospect of repayment of the loan.

`(B) Exceptions.--When the Secretary exercises its discretion to delegate direct guarantee endorsement authority pursuant to subsection (c)(4)(C)(ii)--

`(i) subparagraph (A) shall not apply; and

`(ii) the direct guarantee endorsement lender may issue a certificate under this paragraph as evidence of the guarantee in accordance with requirements prescribed by the Secretary.'; and

(C) in paragraph (3)(A), by inserting `or, where applicable, the direct guarantee endorsement lender,' after `Secretary' and

(4) in subsection (j)(5)(B), by inserting after the first sentence the following: `There are authorized to be appropriated for those costs such sums as may be necessary for each of fiscal years 2024 through 2034.'.

SEC. 11020. DRUG ELIMINATION PROGRAM.

(a) Definitions.--In this section:

(1) Controlled substance.--The term `controlled substance' has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) Drug-related crime.--The term `drug-related crime' means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use a controlled substance.

(3) Recipient.--The term `recipient'--

(A) 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); and

(B) includes a recipient of funds under title VIII of that Act (25 U.S.C. 4221 et seq.).

(4) Secretary.--The term 'Secretary' means the Secretary of Housing and Urban Development.

(b) Establishment.--The Secretary may make grants under this section to recipients of assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) for use in eliminating drug-related and violent crime.

(c) Eligible Activities.--Grants under this section may be used for--

(1) the employment of security personnel;

(2) reimbursement of State, local, Tribal, or Bureau of Indian Affairs law enforcement agencies for additional security and protective services;

(3) physical improvements which are specifically designed to enhance security;

(4) the employment of 1 or more individuals--

(A) to investigate drug-related or violent crime in and around the real property comprising housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

(B) to provide evidence relating to such crime in any administrative or judicial proceeding;

(5) the provision of training, communications equipment, and other related equipment for use by voluntary tenant patrols acting in cooperation with law enforcement officials;

(6) programs designed to reduce use of drugs in and around housing communities funded under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), including drug-abuse prevention, intervention, referral, and treatment programs;

(7) providing funding to nonprofit resident management corporations and resident councils to develop security and drug abuse prevention programs involving site residents;

(8) sports programs and sports activities that serve primarily youths from housing communities funded through and are operated in conjunction with, or in furtherance of, an organized program or plan designed to reduce or eliminate drugs and drug-related problems in and around those communities; and

(9) other programs for youth in school settings that address drug prevention and positive alternatives for youth, including education and activities related to science, technology, engineering, and math.

(d) Applications.--

(1) In general.--To receive a grant under this subsection, an eligible applicant shall submit an application to the Secretary, at such time, in such manner, and accompanied by--

(A) a plan for addressing the problem of drug-related or violent crime in and around of the housing administered or owned by the applicant for which the application is being submitted; and

(B) such additional information as the Secretary may reasonably require.

(2) Criteria.--The Secretary shall approve applications submitted under paragraph (1) on the basis of thresholds or criteria such as--

(A) the extent of the drug-related or violent crime problem in and around the housing or projects proposed for assistance;

(B) the quality of the plan to address the crime problem in the housing or projects proposed for assistance, including the extent to which the plan includes initiatives that can be sustained over a period of several years;

(C) the capability of the applicant to carry out the plan; and

(D) the extent to which tenants, the Tribal government, and the Tribal community support and participate in the design and implementation of the activities proposed to be funded under the application.

(e) High Intensity Drug Trafficking Areas.--In evaluating the extent of the drug-related crime problem pursuant to subsection (d) (2), the Secretary may consider whether housing or projects proposed for assistance are located in a high intensity drug trafficking area designated pursuant to section 707(b) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706(b)).

(f) Reports.--

(1) Grantee reports.--The Secretary shall require grantees under this section to provide periodic reports that include the obligation and expenditure of grant funds, the progress made by the grantee in implementing the plan described in subsection (d) (1) (A), and any change in the incidence of drug-related crime in projects assisted under section.

(2) HUD reports.--Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the system used to distribute funding to grantees under this section, which shall include descriptions of--

(A) the methodology used to distribute amounts made available under this section; and

(B) actions taken by the Secretary to ensure that amounts made available under section are not used to fund baseline

local government services, as described in subsection (h)(2).

(g) Notice of Funding Awards.--The Secretary shall publish on the website of the Department a notice of all grant awards made pursuant to section, which shall identify the grantees and the amount of the grants.

(h) Monitoring.--

(1) In general.--The Secretary shall audit and monitor the program funded under this subsection to ensure that assistance provided under this subsection is administered in accordance with the provisions of section.

(2) Prohibition of funding baseline services.--

(A) In general.--Amounts provided under this section may not be used to reimburse or support any local law enforcement agency or unit of general local government for the provision of services that are included in the baseline of services required to be provided by any such entity pursuant to a local cooperative agreement pursuant under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) or any provision of an annual contributions contract for payments in lieu of taxation with the Bureau of Indian Affairs.

(B) Description.--Each grantee under this section shall describe, in the report under subsection (f)(1), such baseline of services for the unit of Tribal government in which the jurisdiction of the grantee is located.

(3) Enforcement.--The Secretary shall provide for the effective enforcement of this section, as specified in the program requirements published in a notice by the Secretary, which may include--

(A) the use of on-site monitoring, independent public audit requirements, certification by Tribal or Federal law enforcement or Tribal government officials regarding the performance of baseline services referred to in paragraph (2);

(B) entering into agreements with the Attorney General to achieve compliance, and verification of compliance, with the provisions of this section; and

(C) adopting enforcement authority that is substantially similar to the authority provided to the Secretary under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.)

(i) Authorization of Appropriations.--There are authorized to be appropriated such sums as may be necessary for each fiscal years 2024 through 2034 to carry out this section.

SEC. 11021. RENTAL ASSISTANCE FOR HOMELESS OR AT-RISK INDIAN VETERANS.

Section 8(o)(19) of the United States Housing Act of 1937

(42 U.S.C. 1437f(o)(19)) is amended by adding at the end the following:

`(E) Indian veterans housing rental assistance program.--

`(i) Definitions.--In this subparagraph:

`(I) Eligible indian veteran.--The term `eligible Indian veteran' means an Indian veteran who is--

`(aa) homeless or at risk of homelessness; and

`(bb) living--

`(AA) on or near a reservation; or

`(BB) in or near any other Indian area.

`(II) Eligible recipient.--The term `eligible recipient' means a recipient eligible to receive a grant under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111).

`(III) Indian; indian area.--The terms `Indian' and `Indian area' have the meanings given those terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

`(IV) Indian veteran.--The term `Indian veteran' means an Indian who is a veteran.

`(V) Program.--The term `Program' means the Tribal HUD-VASH program carried out under clause (ii).

`(VI) Tribal organization.--The term `tribal organization' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

`(ii) Program specifications.--The Secretary shall use not less than 5 percent of the amounts made available for rental assistance under this paragraph to carry out a rental assistance and supported housing program, to be known as the `Tribal HUD-VASH program', in conjunction with the Secretary of Veterans Affairs, by awarding grants for the benefit of eligible Indian veterans.

`(iii) Model.--

`(I) In general.--Except as provided in subclause (II), the Secretary shall model the Program on the rental assistance and supported housing program authorized under subparagraph (A) and applicable appropriations Acts, including administration in conjunction with the Secretary of Veterans Affairs.

`(II) Exceptions.--

`(aa) Secretary of housing and urban development.--After consultation with Indian tribes, eligible recipients, and any

other appropriate tribal organizations, the Secretary may make necessary and appropriate modifications to facilitate the use of the Program by eligible recipients to serve eligible Indian veterans.

`(bb) Secretary of veterans affairs.--After consultation with Indian tribes, eligible recipients, and any other appropriate tribal organizations, the Secretary of Veterans Affairs may make necessary and appropriate modifications to facilitate the use of the Program by eligible recipients to serve eligible Indian veterans.

`(iv) Eligible recipients.--The Secretary shall make amounts for rental assistance and associated administrative costs under the Program available in the form of grants to eligible recipients.

`(v) Funding criteria.--The Secretary shall award grants under the Program based on--

`(I) need;

`(II) administrative capacity; and

`(III) any other funding criteria established by the Secretary in a notice published in the Federal Register after consulting with the Secretary of Veterans Affairs.

`(vi) Administration.--Grants awarded under the Program shall be administered in accordance with the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), except that recipients shall--

`(I) submit to the Secretary, in a manner prescribed by the Secretary, reports on the utilization of rental assistance provided under the Program; and

`(II) provide to the Secretary information specified by the Secretary to assess the effectiveness of the Program in serving eligible Indian veterans.

`(vii) Consultation.--

`(I) Grant recipients; tribal organizations.--The Secretary, in coordination with the Secretary of Veterans Affairs, shall consult with eligible recipients and any other appropriate tribal organization on the design of the Program to ensure the effective delivery of rental assistance and supportive services to eligible Indian veterans under the Program.

`(II) Indian health service.--The Director of the Indian Health Service shall provide any assistance requested by the Secretary or the Secretary of Veterans Affairs in carrying out the Program.

`(viii) Waiver.--

`(I) In general.--Except as provided in subclause (II), the Secretary may waive or specify alternative requirements for any provision of law (including regulations) that the Secretary administers in connection with the use of rental assistance made available under the Program if the Secretary finds that the waiver or alternative requirement is necessary for the effective delivery and administration of rental assistance under the Program to eligible Indian veterans.

`(II) Exception.--The Secretary may not waive or specify alternative requirements under subclause (I) for any provision of law (including regulations) relating to labor standards or the environment.

`(ix) Renewal grants.--The Secretary may--

`(I) set aside, from amounts made available for tenant-based rental assistance under this subsection and without regard to the amounts used for new grants under clause (ii), such amounts as may be necessary to award renewal grants to eligible recipients that received a grant under the Program in a previous year; and

`(II) specify criteria that an eligible recipient must satisfy to receive a renewal grant under subclause (I), including providing data on how the eligible recipient used the amounts of any grant previously received under the Program.

`(x) Reporting.--

`(I) In general.--Not later than 1 year after the date of enactment of this subparagraph, and every 5 years thereafter, the Secretary, in coordination with the Secretary of Veterans Affairs and the Director of the Indian Health Service, shall--

`(aa) conduct a review of the implementation of the Program, including any factors that may have limited its success; and

`(bb) submit a report describing the results of the review under item (aa) to--

`(AA) the

Committee on Indian Affairs
, the

Committee on

Banking, Housing, and Urban Affairs
, the

Committee on
Veterans' Affairs
, and the

Committee on Appropriations of the Senate
; and

`(BB) the Subcommittee on Indian, Insular and Alaska
Native Affairs of the Committee on Natural Resources, the
Committee on Financial Services, the

Committee on Veterans'
Affairs
, and the

Committee on Appropriations of the House of
Representatives

.

`(II) Analysis of housing stock limitation.--The Secretary
shall include in the initial report submitted under subclause
(I) a description of--

`(aa) any regulations governing the use of formula current
assisted stock (as defined in section 1000.314 of title 24,
Code of Federal Regulations (or any successor regulation))
within the Program;

`(bb) the number of recipients of grants under the Program
that have reported the regulations described in item (aa) as
a barrier to implementation of the Program; and

`(cc) proposed alternative legislation or regulations
developed by the Secretary in consultation with recipients of
grants under the Program to allow the use of formula current
assisted stock within the Program.'.

SEC. 11022. CONTINUUM OF CARE.

(a) Definitions.--In this section--

(1) the terms 'collaborative applicant' and 'eligible
entity' have the meanings given those terms in section 401
of the McKinney-Vento Homeless Assistance Act (42 U.S.C.
11360); and

(2) the terms 'Indian tribe' and 'tribally designated
housing entity' have the meanings given those terms in
section 4 of the Native American Housing Assistance and Self-
Determination Act of 1996 (25 U.S.C. 4103).

(b) Nonapplication of Civil Rights Laws.--With respect to

the funds made available for the Continuum of Care program authorized under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) under the heading 'Homeless Assistance Grants' in the Department of Housing and Urban Development Appropriations Act, 2021 (Public Law 116-260) and under section 231 of the Department of Housing and Urban Development Appropriations Act, 2020 (42 U.S.C. 11364a), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) shall not apply to applications by or awards for projects to be carried out--

(1) on or off reservation or trust lands for awards made to Indian tribes or tribally designated housing entities; or

(2) on reservation or trust lands for awards made to eligible entities.

(c) Certification.--With respect to funds made available for the Continuum of Care program authorized under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) under the heading 'Homeless Assistance Grants' under section 231 of the Department of Housing and Urban Development Appropriations Act, 2020 (42 U.S.C. 11364a)--

(1) applications for projects to be carried out on reservations or trust land shall contain a certification of consistency with an approved Indian housing plan developed under section 102 of the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4112), notwithstanding section 106 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12706) and section 403 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361);

(2) Indian tribes and tribally designated housing entities that are recipients of awards for projects on reservations or trust land shall certify that they are following an approved housing plan developed under section 102 of the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4112) and

(3) a collaborative applicant for a Continuum of Care whose geographic area includes only reservation and trust land is not required to meet the requirement in section 402(f)(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360a(f)(2)).

SEC. 11023. LEVERAGING.

All funds provided under a grant made pursuant to this division or the amendments made by this division may be used for purposes of meeting matching or cost participation requirements under any other Federal or non-Federal program, provided that such grants made pursuant to the Native

American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) are spent in accordance with that Act.