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## MEMORANDUM

July 18, 2023

TO: TRIBAL HOUSING CLIENTS

FROM:  Ed Clay Goodman & Cari L. Baermann  
HOBBS, STRAUS, DEAN & WALKER, LLP

RE: ***NAHASDA Reauthorization Bill Introduced***

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Senators Schatz (D-HI) and Murkowski (R-AK), the Chair and Vice-Chair, respectively, of the Senate Committee on Indian Affairs have just introduced NAHASDA Reauthorization legislation. The bill is designated as S. 2285, and a copy is being sent with this memo. S. 2285 contains many of the provisions that have been included in prior Senate NAHASDA reauthorization bills, such as the following:

- Authorizing NAHASDA appropriations through 2034 (without any amounts specified);
- Re-establishing a Drug Elimination Program for tribal communities;
- Consolidating the environmental review requirements for housing;
- Allowing tribal housing programs to access the Indian Health Service (IHS) sanitation funding;
- Making tribes eligible for HUD Housing Counseling grants;
- Including HUD-Veterans Affairs Supportive Housing (HUD-VASH) provisions; and
- Leveraging by using NAHASDA funding as a match for other federal grants.

There are also several new provisions included:

- Adding “Student Housing Assistance” to the list of Affordable Housing Activities in 25 USC 4132(3);
- Applying maximum rent rule only to units owned or operated by the Tribe or TDHE (and thus not applicable to voucher programs);
- Raising the “de minimis” procurement amount from \$5000 to \$10,000;
- Allowing Tribes and TDHEs to convert low rent tenants to homebuyers with new contracts without requiring a new determination of eligibility so long as the tenant/homebuyer is in the same unit;
- Binding commitment requirement not applicable to home improvement work if the cost of the improvements does not exceed 10% of the maximum total development cost for the home;

- Granting HUD the authority to suspend grant funding in emergencies, with certain expedited notice and process requirements;
- Authorizing 99-year leases for housing purposes;
- Allowing Tribes and TDHEs to exceed Total Development Costs by 20% without HUD approval (an increase over the current 10%);
- Allowing Tribes and TDHEs to qualify as “community-based development organizations” for the purposes of carrying out new housing construction under a grant made under Section 106(a)(1) of Housing and Community Development Act of 1974;
- Amending the Section 184 loan guarantee program;
- Including Continuum of Care provisions.

The Committee is holding a mark-up hearing on Wednesday, July 19, 2023, and we will provide further reports on the legislation after that hearing.

### *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](mailto:egoodman@hobbsstrauss.com)) or Cari Baermann ([cbaermann@hobbsstrauss.com](mailto:cbaermann@hobbsstrauss.com)). Both may also be reached at 503-242-1745.

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

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IN THE SENATE OF THE UNITED STATES

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Mr. SCHATZ (for himself and Ms. MURKOWSKI) introduced the following bill;  
which was read twice and referred to the Committee on

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## **A BILL**

To reauthorize the Native American Housing Assistance and  
Self-Determination Act of 1996.

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 “Native American  
5 Housing Assistance and Self-Determination Reauthoriza-  
6 tion Act of 2023”.

1 **SEC. 2. CONSOLIDATION OF ENVIRONMENTAL REVIEW RE-**  
2 **QUIREMENTS.**

3 Section 105 of the Native American Housing Assist-  
4 ance and Self-Determination Act of 1996 (25 U.S.C.  
5 4115) is amended by adding at the end the following:

6 “(e) CONSOLIDATION OF ENVIRONMENTAL REVIEW  
7 REQUIREMENTS.—

8 “(1) IN GENERAL.—In the case of a recipient  
9 of grant amounts under this Act that is carrying out  
10 a project that qualifies as an affordable housing ac-  
11 tivity under section 202, if the recipient is using 1  
12 or more additional sources of Federal funds to carry  
13 out the project, and the grant amounts received  
14 under this Act constitute the largest single source of  
15 Federal funds that the recipient reasonably expects  
16 to commit to the project at the time of environ-  
17 mental review, the Indian tribe of the recipient may  
18 assume, in addition to all of the responsibilities for  
19 environmental review, decision making, and action  
20 under subsection (a), all of the additional respon-  
21 sibilities for environmental review, decision making,  
22 and action under provisions of law that would apply  
23 to each Federal agency providing additional funding  
24 were the Federal agency to carry out the project as  
25 a Federal project.

1           “(2) DISCHARGE.—The assumption by the In-  
2           dian tribe of the additional responsibilities for envi-  
3           ronmental review, decision making, and action under  
4           paragraph (1) with respect to a project shall be  
5           deemed to discharge the responsibility of the applica-  
6           ble Federal agency for environmental review, deci-  
7           sion making, and action with respect to the project.

8           “(3) CERTIFICATION.—An Indian tribe that as-  
9           sumes the additional responsibilities under para-  
10          graph (1), shall certify, in addition to the require-  
11          ments under subsection (c)—

12                   “(A) the additional responsibilities that the  
13           Indian tribe has fully carried out under this  
14           subsection; and

15                   “(B) that the certifying officer consents to  
16           assume the status of a responsible Federal offi-  
17           cial under the provisions of law that would  
18           apply to each Federal agency providing addi-  
19           tional funding under paragraph (1).

20          “(4) LIABILITY.—

21                   “(A) IN GENERAL.—An Indian tribe that  
22           completes an environmental review under this  
23           subsection shall assume sole liability for the  
24           content and quality of the review.

1           “(B) REMEDIES AND SANCTIONS.—Except  
2 as provided in subparagraph (C), if the Sec-  
3 retary approves a certification and release of  
4 funds to an Indian tribe for a project in accord-  
5 ance with subsection (b), but the Secretary or  
6 the head of another Federal agency providing  
7 funding for the project subsequently learns that  
8 the Indian tribe failed to carry out the respon-  
9 sibilities of the Indian tribe as described in sub-  
10 section (a) or paragraph (1), as applicable, the  
11 Secretary or other head, as applicable, may im-  
12 pose appropriate remedies and sanctions in ac-  
13 cordance with—

14                   “(i) the regulations issued pursuant to  
15 section 106; or

16                   “(ii) such regulations as are issued by  
17 the other head.

18           “(C) STATUTORY VIOLATION WAIVERS.—If  
19 the Secretary waives the requirements under  
20 this section in accordance with subsection (d)  
21 with respect to a project for which an Indian  
22 tribe assumes additional responsibilities under  
23 paragraph (1), the waiver shall prohibit any  
24 other Federal agency providing additional fund-  
25 ing for the project from imposing remedies or

1 sanctions for failure to comply with require-  
2 ments for environmental review, decision mak-  
3 ing, and action under provisions of law that  
4 would apply to the Federal agency.”.

5 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

6 Section 108 of the Native American Housing Assist-  
7 ance and Self-Determination Act of 1996 (25 U.S.C.  
8 4117) is amended, in the first sentence, by striking “2009  
9 through 2013” and inserting “2024 through 2034”.

10 **SEC. 4. STUDENT HOUSING ASSISTANCE.**

11 Section 202(3) of the Native American Housing As-  
12 sistance and Self-Determination Act of 1996 (25 U.S.C.  
13 4132(3)) is amended by inserting “including education-  
14 related stipends, college housing assistance, and other edu-  
15 cation-related assistance for low-income college students,”  
16 after “self-sufficiency and other services,”.

17 **SEC. 5. APPLICATION OF RENT RULE ONLY TO UNITS**

18 **OWNED OR OPERATED BY INDIAN TRIBE OR**

19 **TRIBALLY DESIGNATED HOUSING ENTITY.**

20 Section 203(a)(2) of the Native American Housing  
21 Assistance and Self-Determination Act of 1996 (25 U.S.C.  
22 4133(a)(2)) is amended by inserting “owned or operated  
23 by a recipient and” after “residing in a dwelling unit”.

1 **SEC. 6. DE MINIMIS EXEMPTION FOR PROCUREMENT OF**  
2 **GOODS AND SERVICES.**

3 Section 203(g) of the Native American Housing As-  
4 sistance and Self-Determination Act of 1996 (25 U.S.C.  
5 4133(g)) is amended by striking “\$5,000” and inserting  
6 “\$10,000”.

7 **SEC. 7. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-INCOME**  
8 **REQUIREMENT AND INCOME TARGETING.**

9 Section 205 of the Native American Housing Assist-  
10 ance and Self-Determination Act of 1996 (25 U.S.C.  
11 4135) is amended—

12 (1) in subsection (a)(1)—

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

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

16 “(E) notwithstanding any other provision  
17 of this paragraph, in the case of rental housing  
18 that is made available to a current rental family  
19 for conversion to a homebuyer or a lease-pur-  
20 chase unit, that the current rental family can  
21 purchase through a contract of sale, lease-pur-  
22 chase agreement, or any other sales agreement,  
23 is made available for purchase only by the cur-  
24 rent rental family, if the rental family was a  
25 low-income family at the time of their initial oc-  
26 cupancy of such unit; and”;



1 (2) in subsection (c)—

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

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

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

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

13 **SEC. 8. LEASE REQUIREMENTS AND TENANT SELECTION.**

14 Section 207 of the Native American Housing Assist-  
15 ance and Self-Determination Act of 1996 (25 U.S.C.  
16 4137) is amended by adding at the end the following:

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

21 **SEC. 9. INDIAN HEALTH SERVICE.**

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

1 **“SEC. 211. IHS SANITATION FACILITIES CONSTRUCTION.**

2 “Notwithstanding any other provision of law, the Di-  
3 rector of the Indian Health Service, or a recipient receiv-  
4 ing funding for a housing construction or renovation  
5 project under this title, may use funding from the Indian  
6 Health Service for the construction of sanitation facilities  
7 under that project.”.

8 (b) CLERICAL AMENDMENT.—The table of contents  
9 in section 1(b) of the Native American Housing Assistance  
10 and Self-Determination Act of 1996 (Public Law 104–  
11 330; 110 Stat. 4016) is amended by inserting after the  
12 item relating to section 210 the following:

“Sec. 211. IHS sanitation facilities construction.”.

13 **SEC. 10. STATUTORY AUTHORITY TO SUSPEND GRANT**  
14 **FUNDS IN EMERGENCIES.**

15 Section 401(a)(4) of the Native American Housing  
16 Assistance and Self-Determination Act of 1996 (25 U.S.C.  
17 4161(a)(4)) is amended—

18 (1) in subparagraph (A), by striking “may take  
19 an action described in paragraph (1)(C)” and insert-  
20 ing “may immediately take an action described in  
21 paragraph (1)(C)”; and

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

24 “(B) PROCEDURAL REQUIREMENTS.—

1           “(i) IN GENERAL.—If the Secretary  
2 takes an action described in subparagraph  
3 (A), the Secretary shall provide notice to  
4 the recipient at the time that the Secretary  
5 takes that action.

6           “(ii) NOTICE REQUIREMENTS.—The  
7 notice under clause (i) shall inform the re-  
8 cipient that the recipient may request a  
9 hearing by not later than 30 days after the  
10 date on which the Secretary provides the  
11 notice.

12           “(iii) HEARING REQUIREMENTS.—A  
13 hearing requested under clause (ii) shall be  
14 conducted—

15           “(I) in accordance with subpart  
16 A of part 26 of title 24, Code of Fed-  
17 eral Regulations (or successor regula-  
18 tions); and

19           “(II) to the maximum extent  
20 practicable, on an expedited basis.

21           “(iv) FAILURE TO CONDUCT A HEAR-  
22 ING.—If a hearing requested under clause  
23 (ii) is not completed by the date that is  
24 180 days after the date on which the re-  
25 cipient requests the hearing, the action of

1 the Secretary to limit the availability of  
2 payments shall no longer be effective.”.

3 **SEC. 11. REPORTS TO CONGRESS.**

4 Section 407 of the Native American Housing Assist-  
5 ance and Self-Determination Act of 1996 (25 U.S.C.  
6 4167) is amended—

7 (1) in subsection (a), by striking “Congress”  
8 and inserting “Committee on Indian Affairs and the  
9 Committee on Banking, Housing and Urban Affairs  
10 of the Senate and the Committee on Financial Serv-  
11 ices of the House of Representatives”; and

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

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

16 **SEC. 12. 99-YEAR LEASEHOLD INTEREST IN TRUST OR RE-**  
17 **STRICTED LANDS FOR HOUSING PURPOSES.**

18 Section 702 of the Native American Housing Assist-  
19 ance and Self-Determination Act of 1996 (25 U.S.C.  
20 4211) is amended—

21 (1) in the section heading, by striking “**50-**  
22 **YEAR**” and inserting “**99-YEAR**”;

23 (2) in subsection (b), by striking “50 years”  
24 and inserting “99 years”; and

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

3 **SEC. 13. AMENDMENTS FOR BLOCK GRANTS FOR AFFORD-**  
4 **ABLE HOUSING ACTIVITIES.**

5           Section 802(e) of the Native American Housing As-  
6           sistance and Self-Determination Act of 1996 (25 U.S.C.  
7           4222(e)) is amended by—

8           (1) by striking “The Director” and inserting  
9           the following:

10           “(1) IN GENERAL.—The Director”; and

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

12           “(2) SUBAWARDS.—Notwithstanding any other  
13           provision of law, including provisions of State law  
14           requiring competitive procurement, the Director may  
15           make subawards to subrecipients, except for for-  
16           profit entities, using amounts provided under this  
17           title to carry out affordable housing activities upon  
18           a determination by the Director that such subrecipi-  
19           ents have adequate capacity to carry out activities in  
20           accordance with this Act.”.

21 **SEC. 14. REAUTHORIZATION OF NATIVE HAWAIIAN HOME-**  
22 **OWNERSHIP PROVISIONS.**

23           Section 824 of the Native American Housing Assist-  
24           ance and Self-Determination Act of 1996 (25 U.S.C.  
25           4243) is amended by striking “such sums as may be nec-

1 essary” and all that follows through the period at the end  
2 and inserting “such sums as may be necessary for each  
3 of fiscal years 2024 through 2034.”.

4 **SEC. 15. TOTAL DEVELOPMENT COST MAXIMUM PROJECT**  
5 **COST.**

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

17 **SEC. 16. COMMUNITY-BASED DEVELOPMENT ORGANIZA-**  
18 **TIONS AND SPECIAL ACTIVITIES BY INDIAN**  
19 **TRIBES.**

20 Section 105 of the Housing and Community Develop-  
21 ment Act of 1974 (42 U.S.C. 5305) is amended by adding  
22 at the end the following:

23 “(i) INDIAN TRIBES AND TRIBALLY DESIGNATED  
24 HOUSING ENTITIES AS COMMUNITY-BASED DEVELOP-  
25 MENT ORGANIZATIONS.—

1           “(1) DEFINITION.—In this subsection, the term  
2           ‘tribally designated housing entity’ has the meaning  
3           given the term in section 4 of the Native American  
4           Housing Assistance and Self-Determination Act of  
5           1996 (25 U.S.C. 4103).

6           “(2) QUALIFICATION.—An Indian tribe, a trib-  
7           ally designated housing entity, or a tribal organiza-  
8           tion shall qualify as a community-based development  
9           organization for purposes of carrying out new hous-  
10          ing construction under this subsection under a grant  
11          made under section 106(a)(1).

12          “(j) SPECIAL ACTIVITIES BY INDIAN TRIBES.—An  
13          Indian tribe receiving a grant under paragraph (1) of sec-  
14          tion 106(a)(1) shall be authorized to directly carry out ac-  
15          tivities described in paragraph (15) of such section  
16          106(a)(1).”.

17          **SEC. 17. INDIAN TRIBE ELIGIBILITY FOR HUD HOUSING**  
18          **COUNSELING GRANTS.**

19          Section 106(a)(4) of the Housing and Urban Devel-  
20          opment Act of 1968 (12 U.S.C. 1701x(a)(4)) is amend-  
21          ed—

22                  (1) in subparagraph (A)—

23                          (A) by striking “and” and inserting a  
24                  comma; and

1 (B) by inserting before the period at the  
2 end the following: “, Indian tribes, and tribally  
3 designated housing entities”;

4 (2) in subparagraph (B), by inserting “, Indian  
5 tribes, and tribally designated housing entities” after  
6 “organizations”;

7 (3) by redesignating subparagraph (F) as sub-  
8 paragraph (G); and

9 (4) by inserting after subparagraph (E) the fol-  
10 lowing:

11 “(F) DEFINITIONS.—In this paragraph,  
12 the terms ‘Indian tribe’ and ‘tribally designated  
13 housing entity’ have the meanings given those  
14 terms in section 4 of the Native American  
15 Housing Assistance and Self-Determination Act  
16 of 1996 (25 U.S.C. 4103).”.

17 **SEC. 18. SECTION 184 INDIAN HOME LOAN GUARANTEE**  
18 **PROGRAM.**

19 (a) IN GENERAL.—Section 184 of the Housing and  
20 Community Development Act of 1992 (12 U.S.C. 1715z–  
21 13a) is amended—

22 (1) by amending subsection (a) to read as fol-  
23 lows:

24 “(a) AUTHORITY.—To provide access to sources of  
25 private financing to Indian families, Indian housing au-



1 thorties, and Indian Tribes, who otherwise could not ac-  
2 quire housing financing because of the unique legal status  
3 of Indian lands and the unique nature of tribal economies,  
4 and to expand homeownership opportunities to Indian  
5 families, Indian housing authorities and Indian tribes on  
6 fee simple lands, the Secretary may guarantee not to ex-  
7 ceed 100 percent of the unpaid principal and interest due  
8 on any loan eligible under subsection (b) made to an In-  
9 dian family, Indian housing authority, or Indian Tribe on  
10 trust land and fee simple land.”; and

11 (2) in subsection (b)—

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

14 “(2) ELIGIBLE HOUSING.—The loan shall be  
15 used to construct, acquire, refinance, or rehabilitate  
16 1- to 4-family dwellings that are standard housing.”;

17 (B) in paragraph (4)—

18 (i) by redesignating subparagraphs  
19 (A) through (D) as clauses (i) through  
20 (iv), respectively, and adjusting the mar-  
21 gins accordingly;

22 (ii) by striking “The loan” and insert-  
23 ing the following:

24 “(A) IN GENERAL.—The loan”;

1 (iii) in subparagraph (A), as so des-  
2 ignated, by adding at the end the fol-  
3 lowing:

4 “(v) Any entity certified as a commu-  
5 nity development financial institution by  
6 the Community Development Financial In-  
7 stitutions Fund established under section  
8 104(a) of the Riegle Community Develop-  
9 ment and Regulatory Improvement Act of  
10 1994 (12 U.S.C. 4703(a)).”; and

11 (iv) by adding at the end the fol-  
12 lowing:

13 “(B) DIRECT GUARANTEE PROCESS.—

14 “(i) AUTHORIZATION.—The Secretary  
15 may authorize qualifying lenders to partici-  
16 pate in a direct guarantee process for ap-  
17 proving loans under this section.

18 “(ii) INDEMNIFICATION.—

19 “(I) IN GENERAL.—If the Sec-  
20 retary determines that a mortgage  
21 guaranteed through a direct guar-  
22 antee process under this subpara-  
23 graph was not originated in accord-  
24 ance with the requirements estab-  
25 lished by the Secretary, the Secretary

1 may require the lender approved  
2 under this subparagraph to indemnify  
3 the Secretary for the loss, irrespective  
4 of whether the violation caused the  
5 mortgage default.

6 “(II) FRAUD OR MISREPRESENTATION.—If fraud or misrepresenta-  
7 tion is involved in a direct guarantee  
8 process under this subparagraph, the  
9 Secretary shall require the original  
10 lender approved under this subpara-  
11 graph to indemnify the Secretary for  
12 the loss regardless of when an insur-  
13 ance claim is paid.

14 “(C) REVIEW OF MORTGAGEES.—

15 “(i) IN GENERAL.—The Secretary  
16 may periodically review the mortgagees  
17 originating, underwriting, or servicing sin-  
18 gle family mortgage loans under this sec-  
19 tion.

20 “(ii) REQUIREMENTS.—In conducting  
21 a review under clause (i), the Secretary—

22 “(I) shall compare the mortgagee  
23 with other mortgagees originating or  
24 underwriting loan guarantees for In-  
25

1           dian housing based on the rates of de-  
2           faults and claims for guaranteed  
3           mortgage loans originated, under-  
4           written, or serviced by that mort-  
5           gagee;

6                   “(II) may compare the mort-  
7                   gagee with such other mortgagees  
8                   based on underwriting quality, geo-  
9                   graphic area served, or any commonly  
10                  used factors the Secretary determines  
11                  necessary for comparing mortgage de-  
12                  fault risk, provided that the compari-  
13                  son is of factors that the Secretary  
14                  would expect to affect the default risk  
15                  of mortgage loans guaranteed by the  
16                  Secretary;

17                   “(iii) shall implement such compari-  
18                  sons by regulation, notice, or mortgagee  
19                  letter; and

20                   “(I) may terminate the approval  
21                  of a mortgagee to originate, under-  
22                  write, or service loan guarantees for  
23                  housing under this section if the Sec-  
24                  retary determines that the mortgage  
25                  loans originated, underwritten, or

1 serviced by the mortgagee present an  
2 unacceptable risk to the Indian Hous-  
3 ing Loan Guarantee Fund established  
4 under subsection (i)—

5 “(aa) based on a comparison  
6 of any of the factors set forth in  
7 this subparagraph; or

8 “(bb) by a determination  
9 that the mortgagee engaged in  
10 fraud or misrepresentation.”; and

11 (C) in paragraph (5)(A), by inserting be-  
12 fore the semicolon at the end the following: “ex-  
13 cept, as determined by the Secretary, when  
14 there is a loan modification under subsection  
15 (h)(1)(B), the term of the loan shall not exceed  
16 40 years”.

17 (b) LOAN GUARANTEES FOR INDIAN HOUSING.—  
18 Section 184(i)(5) of the Housing and Community Devel-  
19 opment Act of 1992 (12 U.S.C. 1715z–13a(i)(5)) is  
20 amended—

21 (1) in subparagraph (B), by inserting after the  
22 first sentence the following: “There are authorized  
23 to be appropriated for those costs such sums as may  
24 be necessary for each of fiscal years 2024 through  
25 2034.”; and

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

3 **SEC. 19. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUS-**  
4 **ING.**

5           Section 184A of the Housing and Community Devel-  
6           opment Act of 1992 (12 U.S.C. 1715z–13b) is amended—

7           (1) in subsection (b), by inserting “, and to ex-  
8           pand homeownership opportunities to Native Hawai-  
9           ian families who are eligible to receive a homestead  
10          under the Hawaiian Homes Commission Act, 1920  
11          (42 Stat. 108) on fee simple lands in the State of  
12          Hawaii” after “markets”;

13          (2) in subsection (c)—

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

16                         “(2) ELIGIBLE HOUSING.—The loan shall be  
17                         used to construct, acquire, refinance, or rehabilitate  
18                         1- to 4-family dwellings that are standard housing.”;

19                 (B) in paragraph (4)(B)—

20                         (i) by redesignating clause (iv) as  
21                         clause (v); and

22                         (ii) by adding after clause (iii) the fol-  
23                         lowing:

24                                 “(iv) Any entity certified as a commu-  
25                                 nity development financial institution by

1 the Community Development Financial In-  
2 stitutions Fund established under section  
3 104(a) of the Riegle Community Develop-  
4 ment and Regulatory Improvement Act of  
5 1994 (12 U.S.C. 4703(a)).”; and

6 (C) in paragraph (5)(A), by inserting be-  
7 fore the semicolon at the end the following: “ex-  
8 cept, as determined by the Secretary, when  
9 there is a loan modification under subsection  
10 (i)(1)(B), the term of the loan shall not exceed  
11 40 years”; and

12 (3) in subsection (j)(5)(B), by inserting after  
13 the first sentence the following: “There are author-  
14 ized to be appropriated for those costs such sums as  
15 may be necessary for each of fiscal years 2024  
16 through 2034.”.

17 **SEC. 20. DRUG ELIMINATION PROGRAM.**

18 (a) DEFINITIONS.—In this section:

19 (1) CONTROLLED SUBSTANCE.—The term  
20 “controlled substance” has the meaning given the  
21 term in section 102 of the Controlled Substances  
22 Act (21 U.S.C. 802).

23 (2) DRUG-RELATED CRIME.—The term “drug-  
24 related crime” means the illegal manufacture, sale,  
25 distribution, use, or possession with intent to manu-

1       facture, sell, distribute, or use a controlled sub-  
2       stance.

3               (3) RECIPIENT.—The term “recipient”—

4                       (A) has the meaning given the term in sec-  
5       tion 4 of the Native American Housing Assist-  
6       ance and Self-Determination Act of 1996 (25  
7       U.S.C. 4103); and

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

10               (4) SECRETARY.—The term “Secretary” means  
11       the Secretary of Housing and Urban Development.

12       (b) ESTABLISHMENT.—The Secretary may make  
13       grants under this section to recipients of assistance under  
14       the Native American Housing Assistance and Self-Deter-  
15       mination Act of 1996 (25 U.S.C. 4101 et seq.) for use  
16       in eliminating drug-related and violent crime.

17       (c) ELIGIBLE ACTIVITIES.—Grants under this sec-  
18       tion may be used for—

19                       (1) the employment of security personnel;

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

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

25                       (4) the employment of 1 or more individuals—



1 (A) to investigate drug-related or violent  
2 crime in and around the real property com-  
3 prising housing assisted under the Native  
4 American Housing Assistance and Self-Deter-  
5 mination Act of 1996 (25 U.S.C. 4101 et seq.);  
6 and

7 (B) to provide evidence relating to such  
8 crime in any administrative or judicial pro-  
9 ceeding;

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

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

20 (7) providing funding to nonprofit resident  
21 management corporations and resident councils to  
22 develop security and drug abuse prevention pro-  
23 grams involving site residents;

24 (8) sports programs and sports activities that  
25 serve primarily youths from housing communities

1 funded through and are operated in conjunction  
2 with, or in furtherance of, an organized program or  
3 plan designed to reduce or eliminate drugs and  
4 drug-related problems in and around those commu-  
5 nities; and

6 (9) other programs for youth in school settings  
7 that address drug prevention and positive alter-  
8 natives for youth, including education and activities  
9 related to science, technology, engineering, and  
10 math.

11 (d) APPLICATIONS.—

12 (1) IN GENERAL.—To receive a grant under  
13 this subsection, an eligible applicant shall submit an  
14 application to the Secretary, at such time, in such  
15 manner, and accompanied by—

16 (A) a plan for addressing the problem of  
17 drug-related or violent crime in and around of  
18 the housing administered or owned by the appli-  
19 cant for which the application is being sub-  
20 mitted; and

21 (B) such additional information as the Sec-  
22 retary may reasonably require.

23 (2) CRITERIA.—The Secretary shall approve ap-  
24 plications submitted under paragraph (1) on the  
25 basis of thresholds or criteria such as—

1 (A) the extent of the drug-related or vio-  
2 lent crime problem in and around the housing  
3 or projects proposed for assistance;

4 (B) the quality of the plan to address the  
5 crime problem in the housing or projects pro-  
6 posed for assistance, including the extent to  
7 which the plan includes initiatives that can be  
8 sustained over a period of several years;

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

11 (D) the extent to which tenants, the Tribal  
12 government, and the Tribal community support  
13 and participate in the design and implementa-  
14 tion of the activities proposed to be funded  
15 under the application.

16 (e) HIGH INTENSITY DRUG TRAFFICKING AREAS.—  
17 In evaluating the extent of the drug-related crime problem  
18 pursuant to subsection (d)(2), the Secretary may consider  
19 whether housing or projects proposed for assistance are  
20 located in a high intensity drug trafficking area designated  
21 pursuant to section 707(b) of the Office of National Drug  
22 Control Policy Reauthorization Act of 1998 (21 U.S.C.  
23 1706(b)).

24 (f) REPORTS.—

1           (1) GRANTEE REPORTS.—The Secretary shall  
2           require grantees under this section to provide peri-  
3           odic reports that include the obligation and expendi-  
4           ture of grant funds, the progress made by the grant-  
5           ee in implementing the plan described in subsection  
6           (d)(1)(A), and any change in the incidence of drug-  
7           related crime in projects assisted under section.

8           (2) HUD REPORTS.—Not later than 1 year  
9           after the date of enactment of this Act, the Sec-  
10          retary shall submit to Congress a report describing  
11          the system used to distribute funding to grantees  
12          under this section, which shall include descriptions  
13          of—

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

16                 (B) actions taken by the Secretary to en-  
17                 sure that amounts made available under section  
18                 are not used to fund baseline local government  
19                 services, as described in subsection (h)(2).

20          (g) NOTICE OF FUNDING AWARDS.—The Secretary  
21          shall publish on the website of the Department a notice  
22          of all grant awards made pursuant to section, which shall  
23          identify the grantees and the amount of the grants.

24          (h) MONITORING.—

1           (1) IN GENERAL.—The Secretary shall audit  
2           and monitor the program funded under this sub-  
3           section to ensure that assistance provided under this  
4           subsection is administered in accordance with the  
5           provisions of section.

6           (2) PROHIBITION OF FUNDING BASELINE SERV-  
7           ICES.—

8                   (A) IN GENERAL.—Amounts provided  
9                   under this section may not be used to reim-  
10                  burse or support any local law enforcement  
11                  agency or unit of general local government for  
12                  the provision of services that are included in the  
13                  baseline of services required to be provided by  
14                  any such entity pursuant to a local cooperative  
15                  agreement pursuant under the Indian Self-De-  
16                  termination and Education Assistance Act (25  
17                  U.S.C. 5301 et seq.) or any provision of an an-  
18                  nual contributions contract for payments in lieu  
19                  of taxation with the Bureau of Indian Affairs.

20                   (B) DESCRIPTION.—Each grantee under  
21                   this section shall describe, in the report under  
22                   subsection (f)(1), such baseline of services for  
23                   the unit of Tribal government in which the ju-  
24                   risdiction of the grantee is located.

1           (3) ENFORCEMENT.—The Secretary shall pro-  
2           vide for the effective enforcement of this section, as  
3           specified in the program requirements published in  
4           a notice by the Secretary, which may include—

5                   (A) the use of on-site monitoring, inde-  
6                   pendent public audit requirements, certification  
7                   by Tribal or Federal law enforcement or Tribal  
8                   government officials regarding the performance  
9                   of baseline services referred to in paragraph  
10                  (2);

11                   (B) entering into agreements with the At-  
12                   torney General to achieve compliance, and  
13                   verification of compliance, with the provisions of  
14                   this section; and

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

20           (i) AUTHORIZATION OF APPROPRIATIONS.—There  
21           are authorized to be appropriated such sums as may be  
22           necessary for each fiscal years 2024 through 2034 to carry  
23           out this section.

1 **SEC. 21. RENTAL ASSISTANCE FOR HOMELESS OR AT-RISK**  
2 **INDIAN VETERANS.**

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

6 “(E) INDIAN VETERANS HOUSING RENTAL  
7 ASSISTANCE PROGRAM.—

8 “(i) DEFINITIONS.—In this subpara-  
9 graph:

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

14 “(aa) homeless or at risk of  
15 homelessness; and

16 “(bb) living—

17 “(AA) on or near a res-  
18 ervation; or

19 “(BB) in or near any  
20 other Indian area.

21 “(II) ELIGIBLE RECIPIENT.—

22 The term ‘eligible recipient’ means a  
23 recipient eligible to receive a grant  
24 under section 101 of the Native  
25 American Housing Assistance and

1 Self-Determination Act of 1996 (25  
2 U.S.C. 4111).

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

10 “(IV) INDIAN VETERAN.—The  
11 term ‘Indian veteran’ means an In-  
12 dian who is a veteran.

13 “(V) PROGRAM.—The term ‘Pro-  
14 gram’ means the Tribal HUD–VASH  
15 program carried out under clause (ii).

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

22 “(ii) PROGRAM SPECIFICATIONS.—  
23 The Secretary shall use not less than 5  
24 percent of the amounts made available for  
25 rental assistance under this paragraph to



1 carry out a rental assistance and sup-  
2 ported housing program, to be known as  
3 the ‘Tribal HUD–VASH program’, in con-  
4 junction with the Secretary of Veterans Af-  
5 fairs, by awarding grants for the benefit of  
6 eligible Indian veterans.

7 “(iii) MODEL.—

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

17 “(II) EXCEPTIONS.—

18 “(aa) SECRETARY OF HOUS-  
19 ING AND URBAN DEVELOP-  
20 MENT.—After consultation with  
21 Indian tribes, eligible recipients,  
22 and any other appropriate tribal  
23 organizations, the Secretary may  
24 make necessary and appropriate  
25 modifications to facilitate the use

1 of the Program by eligible recipi-  
2 ents to serve eligible Indian vet-  
3 erans.

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

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

20 “(v) FUNDING CRITERIA.—The Sec-  
21 retary shall award grants under the Pro-  
22 gram based on—

23 “(I) need;

24 “(II) administrative capacity; and

1                   “(III) any other funding criteria  
2                   established by the Secretary in a no-  
3                   tice published in the Federal Register  
4                   after consulting with the Secretary of  
5                   Veterans Affairs.

6                   “(vi)         ADMINISTRATION.—Grants  
7                   awarded under the Program shall be ad-  
8                   ministered in accordance with the Native  
9                   American Housing Assistance and Self-De-  
10                  termination Act of 1996 (25 U.S.C. 4101  
11                  et seq.), except that recipients shall—

12                  “(I) submit to the Secretary, in a  
13                  manner prescribed by the Secretary,  
14                  reports on the utilization of rental as-  
15                  sistance provided under the Program;  
16                  and

17                  “(II) provide to the Secretary in-  
18                  formation specified by the Secretary  
19                  to assess the effectiveness of the Pro-  
20                  gram in serving eligible Indian vet-  
21                  erans.

22                  “(vii) CONSULTATION.—

23                  “(I) GRANT RECIPIENTS; TRIBAL  
24                  ORGANIZATIONS.—The Secretary, in  
25                  coordination with the Secretary of

1 Veterans Affairs, shall consult with el-  
2 ible recipients and any other appro-  
3 priate tribal organization on the de-  
4 sign of the Program to ensure the ef-  
5 fective delivery of rental assistance  
6 and supportive services to eligible In-  
7 dian veterans under the Program.

8 “(II) INDIAN HEALTH SERV-  
9 ICE.—The Director of the Indian  
10 Health Service shall provide any as-  
11 sistance requested by the Secretary or  
12 the Secretary of Veterans Affairs in  
13 carrying out the Program.

14 “(viii) WAIVER.—

15 “(I) IN GENERAL.—Except as  
16 provided in subclause (II), the Sec-  
17 retary may waive or specify alter-  
18 native requirements for any provision  
19 of law (including regulations) that the  
20 Secretary administers in connection  
21 with the use of rental assistance made  
22 available under the Program if the  
23 Secretary finds that the waiver or al-  
24 ternative requirement is necessary for  
25 the effective delivery and administra-

1                   tion of rental assistance under the  
2                   Program to eligible Indian veterans.

3                   “(II) EXCEPTION.—The Sec-  
4                   retary may not waive or specify alter-  
5                   native requirements under subclause  
6                   (I) for any provision of law (including  
7                   regulations) relating to labor stand-  
8                   ards or the environment.

9                   “(ix) RENEWAL GRANTS.—The Sec-  
10                  retary may—

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

20                   “(II) specify criteria that an eli-  
21                   gible recipient must satisfy to receive  
22                   a renewal grant under subclause (I),  
23                   including providing data on how the  
24                   eligible recipient used the amounts of

1 any grant previously received under  
2 the Program.

3 “(x) REPORTING.—

4 “(I) IN GENERAL.—Not later  
5 than 1 year after the date of enact-  
6 ment of this subparagraph, and every  
7 5 years thereafter, the Secretary, in  
8 coordination with the Secretary of  
9 Veterans Affairs and the Director of  
10 the Indian Health Service, shall—

11 “(aa) conduct a review of  
12 the implementation of the Pro-  
13 gram, including any factors that  
14 may have limited its success; and

15 “(bb) submit a report de-  
16 scribing the results of the review  
17 under item (aa) to—

18 “(AA) the Committee  
19 on Indian Affairs, the Com-  
20 mittee on Banking, Housing,  
21 and Urban Affairs, the  
22 Committee on Veterans’ Af-  
23 fairs, and the Committee on  
24 Appropriations of the Sen-  
25 ate; and



1           gram that have reported the reg-  
2           ulations described in item (aa) as  
3           a barrier to implementation of  
4           the Program; and

5                   “(cc) proposed alternative  
6           legislation or regulations devel-  
7           oped by the Secretary in con-  
8           sultation with recipients of  
9           grants under the Program to  
10          allow the use of formula current  
11          assisted stock within the Pro-  
12          gram.”.

13 **SEC. 22. CONTINUUM OF CARE.**

14       (a) DEFINITIONS.—In this section—

15           (1) the terms “collaborative applicant” and “el-  
16          igible entity” have the meanings given those terms  
17          in section 401 of the McKinney-Vento Homeless As-  
18          sistance Act (42 U.S.C. 11360); and

19           (2) the terms “Indian tribe” and “tribally des-  
20          ignated housing entity” have the meanings given  
21          those terms in section 4 of the Native American  
22          Housing Assistance and Self-Determination Act of  
23          1996 (25 U.S.C. 4103).

24       (b) NONAPPLICATION OF CIVIL RIGHTS LAWS.—

25       With respect to the funds made available for the Con-



1 tinuum of Care program authorized under subtitle C of  
2 title IV of the McKinney-Vento Homeless Assistance Act  
3 (42 U.S.C. 11381 et seq.) under the heading “Homeless  
4 Assistance Grants” in the Department of Housing and  
5 Urban Development Appropriations Act, 2021 (Public  
6 Law 116–260) and under section 231 of the Department  
7 of Housing and Urban Development Appropriations Act,  
8 2020 (42 U.S.C. 11364a), title VI of the Civil Rights Act  
9 of 1964 (42 U.S.C. 2000d et seq.) and title VIII of the  
10 Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) shall  
11 not apply to applications by or awards for projects to be  
12 carried out—

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

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

18           (c) CERTIFICATION.—With respect to funds made  
19 available for the Continuum of Care program authorized  
20 under subtitle C of title IV of the McKinney-Vento Home-  
21 less Assistance Act (42 U.S.C. 11381 et seq.) under the  
22 heading “Homeless Assistance Grants” under section 231  
23 of the Department of Housing and Urban Development  
24 Appropriations Act, 2020 (42 U.S.C. 11364a)—

1           (1) applications for projects to be carried out  
2           on reservations or trust land shall contain a certifi-  
3           cation of consistency with an approved Indian hous-  
4           ing plan developed under section 102 of the Native  
5           American Housing Assistance and Self-Determina-  
6           tion Act (25 U.S.C. 4112), notwithstanding section  
7           106 of the Cranston-Gonzalez National Affordable  
8           Housing Act (42 U.S.C. 12706) and section 403 of  
9           the McKinney-Vento Homeless Assistance Act (42  
10          U.S.C. 11361);

11          (2) Indian tribes and tribally designated hous-  
12          ing entities that are recipients of awards for projects  
13          on reservations or trust land shall certify that they  
14          are following an approved housing plan developed  
15          under section 102 of the Native American Housing  
16          Assistance and Self-Determination Act (25 U.S.C.  
17          4112) and

18          (3) a collaborative applicant for a Continuum of  
19          Care whose geographic area includes only reserva-  
20          tion and trust land is not required to meet the re-  
21          quirement in section 402(f)(2) of the McKinney-  
22          Vento Homeless Assistance Act (42 U.S.C.  
23          11360a(f)(2)).

1 **SEC. 23. LEVERAGING.**

2 All funds provided under a grant made pursuant to  
3 this Act or the amendments made by this Act may be used  
4 for purposes of meeting matching or cost participation re-  
5 quirements under any other Federal or non-Federal pro-  
6 gram, provided that such grants made pursuant to the Na-  
7 tive American Housing Assistance and Self-Determination  
8 Act of 1996 (25 U.S.C. 4101 et seq.) are spent in accord-  
9 ance with that Act.