

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3864**

OFFERED BY _____

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Native American Housing Assistance and Self-Deter-
4 mination Reauthorization Act of 2017”.

5 (b) **TABLE OF CONTENTS.**—The table of contents of
6 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

Sec. 101. Block grants.

Sec. 102. 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. HUD—Veterans Affairs supportive housing program for Native American 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.

1 **SEC. 2. REFERENCES.**

2 Except as otherwise expressly provided, wherever in
3 this Act an amendment or repeal is expressed in terms
4 of an amendment to, or repeal of, a section or other provi-
5 sion, the reference shall be considered to be made to a
6 section or other provision of the Native American Housing
7 Assistance and Self-Determination Act of 1996 (25 U.S.C.
8 4101 et seq.).

9 **TITLE I—BLOCK GRANTS AND**
10 **GRANT REQUIREMENTS**

11 **SEC. 101. BLOCK GRANTS.**

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

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

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

3 **SEC. 102. RECOMMENDATIONS REGARDING EXCEPTIONS**
4 **TO ANNUAL INDIAN HOUSING PLAN RE-**
5 **QUIREMENT.**

6 Not later than the expiration of the 120-day period
7 beginning on the date of the enactment of this Act and
8 after consultation with Indian tribes, tribally designated
9 housing entities, and other interested parties, the Sec-
10 retary of Housing and Urban Development shall submit
11 to the Congress recommendations for standards and pro-
12 cedures for waiver of, or alternative requirements (which
13 may include multi-year housing plans) for, the require-
14 ment under section 102(a) of the Native American Hous-
15 ing Assistance and Self-Determination Act of 1996 (25
16 U.S.C. 4112(a)) for annual submission of one-year hous-
17 ing plans for an Indian tribe. Such recommendations shall
18 include a description of any legislative and regulatory
19 changes necessary to implement such recommendations.

20 **SEC. 103. ENVIRONMENTAL REVIEW.**

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

22 (1) in subsection (d)—

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

1 (B) by adding after and below paragraph
2 (4) the following:

3 “The Secretary shall act upon a waiver request submitted
4 under this subsection by a recipient within 60 days after
5 receipt of such request.”; and

6 (2) by adding at the end the following new sub-
7 section:

8 “(e) CONSOLIDATION OF ENVIRONMENTAL REVIEW
9 REQUIREMENTS.—If a recipient is using one or more
10 sources of Federal funds in addition to grant amounts
11 under this Act in carrying out a project that qualifies as
12 an affordable housing activity under section 202, such
13 other sources of Federal funds do not exceed 49 percent
14 of the total cost of the project, and the recipient’s tribe
15 has assumed all of the responsibilities for environmental
16 review, decisionmaking, and action pursuant to this sec-
17 tion, the tribe’s compliance with the review requirements
18 under this section and the National Environmental Policy
19 Act of 1969 with regard to such project shall be deemed
20 to fully comply with and discharge any applicable environ-
21 mental review requirements that might apply to Federal
22 agencies with respect to the use of such additional Federal
23 funding sources for that project.”.

1 **SEC. 104. DEADLINE FOR ACTION ON REQUEST FOR AP-**
2 **PROVAL REGARDING EXCEEDING TDC MAX-**
3 **IMUM COST FOR PROJECT.**

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

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

14 (b) DEFINITION.—Section 4 (25 U.S.C. 4103) is
15 amended—

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

18 (2) by inserting after paragraph (21) the fol-
19 lowing new paragraph:

20 “(22) TOTAL DEVELOPMENT COST.—The term
21 ‘total development cost’ means, with respect to a
22 housing project, the sum of all costs for the project,
23 including all undertakings necessary for administra-
24 tion, planning, site acquisition, demolition, construc-
25 tion or equipment and financing (including payment
26 of carrying charges), and for otherwise carrying out

1 the development of the project, excluding off-site
2 water and sewer. The total development cost
3 amounts shall be based on a moderately designed
4 house and determined by averaging the current con-
5 struction costs as listed in not less than two nation-
6 ally recognized residential construction cost indi-
7 ces.”.

8 **TITLE II—AFFORDABLE** 9 **HOUSING ACTIVITIES**

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

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

13 (1) by striking “1964 and” and inserting
14 “1964,”; and

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

18 **SEC. 202. PROGRAM REQUIREMENTS.**

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

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

22 (2) by adding at the end the following new
23 paragraph:

24 “(3) APPLICATION OF TRIBAL POLICIES.—

25 Paragraph (2) shall not apply if the recipient has a

1 written policy governing rents and homebuyer pay-
2 ments charged for dwelling units and such policy in-
3 cludes a provision governing maximum rents or
4 homebuyer payments.”.

5 **SEC. 203. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-IN-**
6 **COME REQUIREMENT AND INCOME TAR-**
7 **GETING.**

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

9 (1) in subsection (a)(1)—

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

12 (B) by adding at the end the following new
13 subparagraph:

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

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

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

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

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

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

20 (a) IN GENERAL.—Subtitle A of title II (25 U.S.C.
21 4131 et seq.) is amended by adding at the end the fol-
22 lowing new section:

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

24 “Notwithstanding any other provision of law, a re-
25 cipient authorized to receive funding under this Act may,

1 in its discretion, use funding from the Indian Health Serv-
2 ice of the Department of Health and Human Services for
3 construction of sanitation facilities for housing construc-
4 tion and renovation projects that are funded in part by
5 funds provided under this Act.”.

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

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

9 **TITLE III—ALLOCATION OF**
10 **GRANT AMOUNTS**

11 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

12 The first sentence of section 108 (25 U.S.C. 4117)
13 is amended by striking “such sums as may be necessary
14 for each of fiscal years 2009 through 2013” and inserting
15 “\$650,000,000 for each of fiscal years 2018 through
16 2022”.

17 **SEC. 302. EFFECT OF UNDISBURSED BLOCK GRANT**
18 **AMOUNTS ON ANNUAL ALLOCATIONS.**

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

21 **“SEC. 303. EFFECT OF UNDISBURSED GRANT AMOUNTS ON**
22 **ANNUAL ALLOCATIONS.**

23 “(a) NOTIFICATION OF OBLIGATED, UNDISBURSED
24 GRANT AMOUNTS.—Subject to subsection (d) of this sec-
25 tion, if as of January 1, 2018, or any year thereafter a

1 recipient's total amount of undisbursed block grants in the
2 Department's line of credit control system is greater than
3 three times the formula allocation such recipient would
4 otherwise receive under this Act for the fiscal year during
5 which such January 1 occurs, the Secretary shall—

6 “(1) before January 31 of such year, notify the
7 Indian tribe allocated the grant amounts and any
8 tribally designated housing entity for the tribe of the
9 undisbursed funds; and

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

13 “(A) notify the Secretary in writing of the
14 reasons why the recipient has not requested the
15 disbursement of such amounts; and

16 “(B) demonstrate to the satisfaction of the
17 Secretary that the recipient has the capacity to
18 spend Federal funds in an effective manner,
19 which demonstration may include evidence of
20 the timely expenditure of amounts previously
21 distributed under this Act to the recipient.

22 “(b) ALLOCATION AMOUNT.—Notwithstanding sec-
23 tions 301 and 302, the allocation for such fiscal year for
24 a recipient described in subsection (a) shall be the amount
25 initially calculated according to the formula minus the dif-

1 fference between the recipient’s total amount of undis-
2 bursed block grants in the Department’s line of credit con-
3 trol system on such January 1 and three times the initial
4 formula amount for such fiscal year.

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

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

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

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

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

22 **TITLE IV—AUDITS AND REPORTS**

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

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

1 “(3) ISSUANCE OF FINAL REPORT.—The Sec-
2 retary shall issue a final report within 60 days after
3 receiving comments under paragraph (1) from a re-
4 cipient.”.

5 **SEC. 402. REPORTS TO CONGRESS.**

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

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

16 (2) by adding at the end the following new sub-
17 section:

18 “(c) PUBLIC AVAILABILITY TO RECIPIENTS.—Each
19 report submitted pursuant to subsection (a) shall be made
20 publicly available to recipients.”.

1 **TITLE V—OTHER HOUSING AS-**
2 **SISTANCE FOR NATIVE AMER-**
3 **ICANS**

4 **SEC. 501. HUD-VETERANS AFFAIRS SUPPORTIVE HOUSING**
5 **PROGRAM FOR NATIVE AMERICAN VET-**
6 **ERANS.**

7 Paragraph (19) of section 8(o) of the United States
8 Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amend-
9 ed by adding at the end the following new subparagraph:

10 “(D) NATIVE AMERICAN VETERANS.—

11 “(i) AUTHORITY.—Of the funds made
12 available for rental assistance under this
13 paragraph for fiscal year 2018 and each
14 fiscal year thereafter, the Secretary shall
15 set aside 5 percent for a supported housing
16 and rental assistance program modeled on
17 the HUD–Veterans Affairs Supportive
18 Housing (HUD–VASH) program, to be
19 administered in conjunction with the De-
20 partment of Veterans Affairs, for the ben-
21 efit of homeless Native American veterans
22 and veterans at risk of homelessness.

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

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

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

14 “(iv) PROGRAM REQUIREMENTS.—
15 “(I) ADMINISTRATION.—Such
16 funds shall be administered by block
17 grant recipients in accordance with
18 program requirements under the Na-
19 tive American Housing Assistance and
20 Self-Determination Act of 1996 in
21 lieu of program requirements under
22 this Act.

23 “(II) AVAILABLE HOUSING.—
24 Rental assistance made available
25 under this subparagraph may be used

1 for dwelling units owned, operated, or
2 assisted with by a recipient of a block
3 grant under this Act or a tribally des-
4 ignated housing entity.

5 “(v) WAIVER.—The Secretary may
6 waive, or specify alternative requirements
7 for any provision of any statute or regula-
8 tion that the Secretary administers in con-
9 nection with the use of funds made avail-
10 able under this subparagraph, but only
11 upon a finding by the Secretary that such
12 waiver or alternative requirement is nec-
13 essary to promote administrative efficiency,
14 eliminate delay, consolidate or eliminate
15 duplicative or ineffective requirements or
16 criteria, or otherwise provide for the effec-
17 tive delivery and administration of such
18 supportive housing assistance to Native
19 American veterans.

20 “(vi) CONSULTATION.—The Secretary
21 and the Secretary of Veterans Affairs shall
22 jointly consult with block grant recipients
23 and any other appropriate tribal organiza-
24 tions to—

1 “(I) ensure that block grant re-
2 cipients administering funds made
3 available under the program under
4 this subparagraph are able to effec-
5 tively coordinate with providers of
6 supportive services provided in con-
7 nection with such program; and

8 “(II) ensure the effective delivery
9 of supportive services to Native Amer-
10 ican veterans that are homeless or at
11 risk of homelessness eligible to receive
12 assistance under this subparagraph.

13 Consultation pursuant to this clause shall
14 be completed by a date sufficient to pro-
15 vide for implementation of the program
16 under this subparagraph in accordance
17 with clause (i).

18 “(vii) NOTICE.—The Secretary shall
19 establish the requirements and criteria for
20 the supported housing and rental assist-
21 ance program under this subparagraph by
22 notice published in the Federal Register,
23 but shall provide Indian tribes and tribally
24 designated housing agencies an oppor-
25 tunity for comment and consultation before

1 publication of a final notice pursuant to
2 this clause.”.

3 **SEC. 502. LOAN GUARANTEES FOR INDIAN HOUSING.**

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

7 (1) in subparagraph (B), by inserting after the
8 period at the end of the first sentence the following:
9 “There are authorized to be appropriated for such
10 costs \$12,200,000 for each of fiscal years 2018
11 through 2022.”; and

12 (2) in subparagraph (C)—

13 (A) by striking “2008 through 2012” and
14 inserting “2018 through 2022”; and

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

18 **TITLE VI—MISCELLANEOUS**

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

20 Section 501 of the American Homeownership and
21 Economic Opportunity Act of 2000 (25 U.S.C. 4043 note)
22 is amended—

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

1 (2) in subsection (b)(1) by striking “this Act”
2 and inserting “the Native American Housing Assist-
3 ance and Self-Determination Reauthorization Act of
4 2017”.

5 **SEC. 602. LEASEHOLD INTEREST IN TRUST OR RESTRICTED**
6 **LANDS FOR HOUSING PURPOSES.**

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

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

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

13 **SEC. 603. CLERICAL AMENDMENT.**

14 The table of contents in section 1(b) is amended by
15 striking the item relating to section 206 (treatment of
16 funds).

17 **TITLE VII—DEMONSTRATION**
18 **PROGRAM FOR ALTERNATIVE**
19 **PRIVATIZATION AUTHORITY**
20 **FOR NATIVE AMERICAN**
21 **HOUSING**

22 **SEC. 701. DEMONSTRATION PROGRAM.**

23 The Act (25 U.S.C. 4101 et seq.) is amended by add-
24 ing at the end 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.”.

