

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 4329  
OFFERED BY MR. PEARCE OF NEW MEXICO**

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 2014”.

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. Limitation on use of funds for Cherokee Nation.

Sec. 603. Leasehold interest in trust or restricted lands for housing purposes.

Sec. 604. Clerical amendment.

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

Sec. 701. Demonstration program.

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 Paragraph (6) of section 201(b) (25 U.S.C.  
12 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;

12 (B) in subparagraph (D), by striking the  
13 period at the end and inserting “; and”; and

14 (C) by adding at the end the following new  
15 subparagraph:

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

1 low-income family at the time of their initial oc-  
2 cupancy of such unit; and”;

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

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

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

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

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

22 Subtitle A of title II (25 U.S.C. 4131 et seq.) is  
23 amended by adding at the end the following new section:



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

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

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 2014 through  
16 2018”.

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

19 Title III of the Native American Housing Assistance  
20 and Self-Determination Act of 1996 (25 U.S.C. 4151 et  
21 seq.) is amended by adding at the end the following new  
22 section:

23 **“SEC. 303. EFFECT OF UNDISBURSED GRANT AMOUNTS ON**  
24 **ANNUAL ALLOCATIONS.**

25 “(a) NOTIFICATION OF OBLIGATED, UNDISBURSED  
26 GRANT AMOUNTS.—Subject to subsection (d) of this sec-

1 tion, if as of January 1 of 2015 or any year thereafter  
2 a recipient's total amount of undisbursed block grants in  
3 the Department's line of credit control system is greater  
4 than three times the formula allocation such recipient  
5 would otherwise receive under this Act for the fiscal year  
6 during which such January 1 occurs, the Secretary shall—

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

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

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

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

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

1 initially calculated according to the formula minus the dif-  
2 ference between the recipient's total amount of  
3 undisbursed block grants in the Department's line of cred-  
4 it control system on such January 1 and three times the  
5 initial formula amount for such fiscal year.

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

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

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

## 20 **TITLE IV—AUDITS AND REPORTS**

### 21 **SEC. 401. REVIEW AND AUDIT BY SECRETARY.**

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

24 “(3) ISSUANCE OF FINAL REPORT.—The Sec-  
25 retary shall issue a final report within 60 days after

1 receiving comments under paragraph (1) from a re-  
2 cipient.”.

3 **SEC. 402. REPORTS TO CONGRESS.**

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

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

14 (2) by adding at the end the following new sub-  
15 section:

16 “(c) PUBLIC AVAILABILITY TO RECIPIENTS.—Each  
17 report submitted pursuant to subsection (a) shall be made  
18 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 subsection for fiscal year 2015 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 Such funds shall be administered by block  
16 grant recipients in accordance with pro-  
17 gram requirements under Native American  
18 Housing Assistance and Self-Determina-  
19 tion Act of 1996 in lieu of program re-  
20 quirements under this Act.

21 “(v) WAIVER.—The Secretary may  
22 waive, or specify alternative requirements  
23 for any provision of any statute or regula-  
24 tion that the Secretary administers in con-  
25 nection with the use of funds made avail-

1           able under this subparagraph, but only  
2           upon a finding by the Secretary that such  
3           waiver or alternative requirement is nec-  
4           essary to promote administrative efficiency,  
5           eliminate delay, consolidate or eliminate  
6           duplicative or ineffective requirements or  
7           criteria, or otherwise provide for the effec-  
8           tive delivery and administration of such  
9           supportive housing assistance to Native  
10          American veterans.

11                   “(vi) CONSULTATION.—The Secretary  
12                   and the Secretary of Veterans Affairs shall  
13                   jointly consult with block grant recipients  
14                   and any other appropriate tribal organiza-  
15                   tions to—

16                           “(I) ensure that block grant re-  
17                           cipients administering funds made  
18                           available under the program under  
19                           this subparagraph are able to effec-  
20                           tively coordinate with providers of  
21                           supportive services provided in con-  
22                           nection with such program; and

23                           “(II) ensure the effective delivery  
24                           of supportive services to Native Amer-  
25                           ican veterans that are homeless or at

1 risk of homelessness eligible to receive  
2 assistance under this subparagraph.

3 Consultation pursuant to this clause shall  
4 be completed by a date sufficient to pro-  
5 vide for implementation of the program  
6 under this subparagraph in accordance  
7 with clause (i).

8 “(vii) NOTICE.—The Secretary shall  
9 establish the requirements and criteria for  
10 the supported housing and rental assist-  
11 ance program under this subparagraph by  
12 notice published in the Federal Register,  
13 but shall provide Indian tribes and tribally  
14 designated housing agencies an oppor-  
15 tunity for comment and consultation before  
16 publication of a final notice pursuant to  
17 this clause.”.

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

19 Section 184(I)(5) of the Housing and Community  
20 Development Act of 1992 (12 U.S.C. 1715z–13a(I)(5)) is  
21 amended—

22 (1) in subparagraph (B), by inserting after the  
23 period at the end of the first sentence the following:  
24 “There are authorized to be appropriated for such



1 costs \$12,200,000 for each of fiscal years 2014  
2 through 2018.”; and

3 (2) in subparagraph (5)—

4 (A) by striking “2008 through 2012” and  
5 inserting “2014 through 2018”; and

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

## 9 **TITLE VI—MISCELLANEOUS**

### 10 **SEC. 601. LANDS TITLE REPORT COMMISSION.**

11 Section 501 of the American Homeownership and  
12 Economic Opportunity Act of 2000 (25 U.S.C. 4043 note)  
13 is amended—

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

17 (2) in subsection (b)(1) by striking “this Act”  
18 and inserting “the Native American Housing Assist-  
19 ance and Self-Determination Reauthorization Act of  
20 2014”.

### 21 **SEC. 602. LIMITATION ON USE OF FUNDS FOR CHEROKEE** 22 **NATION.**

23 Section 801 of the Native American Housing Assist-  
24 ance and Self-Determination Reauthorization Act of 2008  
25 (Public Law 110–411) is amended by striking “Tem-

1 porary Order and Temporary Injunction issued on May  
2 14, 2007, by the District Court of the Cherokee Nation”  
3 and inserting “Order issued September 21, 2011, by the  
4 Federal District Court for the District of Columbia”.

5 **SEC. 603. 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. 604. CLERICAL AMENDMENT.**

14 The table of contents in section 1(b) of the Native  
15 American Housing Assistance and Self-Determination Act  
16 of 1996 (25 U.S.C. 4101 note) is amended by striking  
17 the item relating to section 206 (treatment of funds).

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

6 **SEC. 701. DEMONSTRATION PROGRAM.**

7 The Native American Housing and Self-Determina-  
8 tion Act of 1996 (25 U.S.C. 4101 et seq.) is amended by  
9 adding at the end the following new title:

10 **“TITLE IX—DEMONSTRATION**  
11 **PROGRAM FOR ALTERNATIVE**  
12 **PRIVATIZATION AUTHORITY**  
13 **FOR NATIVE AMERICAN**  
14 **HOUSING**

15 **“SEC. 901. AUTHORITY.**

16 “(a) IN GENERAL.—In addition to any other author-  
17 ity provided in this Act for the construction, development,  
18 maintenance, and operation of housing for Indian families,  
19 the Secretary shall provide the participating tribes having  
20 final plans approved pursuant to section 905 with the au-  
21 thority to exercise the activities provided under this title  
22 and such plan for the acquisition and development of  
23 housing to meet the needs of tribal members.

24 “(b) INAPPLICABILITY OF NAHASDA PROVI-  
25 SIONS.—Except as specifically provided otherwise in this

1 title, titles I through IV, VI, and VII shall not apply to  
2 a participating tribe's use of funds during any period that  
3 the tribe is participating in the demonstration program  
4 under this title.

5       “(c) CONTINUED APPLICABILITY OF CERTAIN  
6 NAHASDA PROVISIONS.—The following provisions of ti-  
7 tles I through VIII shall apply to the demonstration pro-  
8 gram under this title and amounts made available under  
9 the demonstration program under this title:

10           “(1) Subsections (d) and (e) of section 101 (re-  
11 lating to tax exemption).

12           “(2) Section 101(j) (relating to Federal supply  
13 sources).

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

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

18           “(5) Section 105 (relating to environmental re-  
19 view).

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

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

1           “(8) Section 702 (relating to 99-year leasehold  
2           interests in trust or restricted lands for housing pur-  
3           poses).

4   **“SEC. 902. PARTICIPATING TRIBES.**

5           “(a) REQUEST TO PARTICIPATE.—To be eligible to  
6           participate in the demonstration program under this title,  
7           an Indian tribe shall submit to the Secretary a notice of  
8           intention to participate during the 60-day period begin-  
9           ning on the date of the enactment of this title, in such  
10          form and such manner as the Secretary shall provide.

11          “(b) COOPERATIVE AGREEMENT.—Upon approval  
12          under section 905 of the final plan of an Indian tribe for  
13          participation in the demonstration program under this  
14          title, the Secretary shall enter into a cooperative agree-  
15          ment with the participating tribe that provides such tribe  
16          with the authority to carry out activities under the dem-  
17          onstration program.

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

21   **“SEC. 903. REQUEST FOR QUOTES AND SELECTION OF IN-**  
22                                   **VESTOR PARTNER.**

23          “(a) REQUEST FOR QUOTES.—Not later than the ex-  
24          piration of the 180-day period beginning upon notification  
25          to the Secretary by an Indian tribe of intention to partici-

1 pate in the demonstration program under this title, the  
2 Indian tribe shall—

3 “(1) obtain assistance from a qualified entity in  
4 assessing the housing needs, including the affordable  
5 housing needs, of the tribe; and

6 “(2) release a request for quotations from enti-  
7 ties interested in partnering with the tribe in design-  
8 ing and carrying out housing activities sufficient to  
9 meet the tribe’s housing needs as identified pursuant  
10 to paragraph (1).

11 “(b) SELECTION OF INVESTOR PARTNER.—

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

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

21 “(B) together with such investor partner,  
22 establish and submit to the Secretary a final  
23 plan that meets the requirements under section  
24 904.

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

3                   “(A) has not received any satisfactory  
4                   quotation in response to its request released  
5                   pursuant to subsection (a)(2); or

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

9   **“SEC. 904. FINAL PLAN.**

10          “A final plan under this section shall—

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

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

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

19                   “(A) a description of such need over the  
20                   ensuing 24 months and thereafter until the ex-  
21                   piration of the ensuing 5-year period or until  
22                   the affordable housing need is met, whichever  
23                   occurs sooner; and

24                   “(B) the same information that would be  
25                   required under section 102 to be included in an

1 Indian housing plan for the tribe, as such re-  
2 quirements may be modified by the Secretary to  
3 take consideration of the requirements of the  
4 demonstration program under this title;

5 “(4) provide for specific housing activities suffi-  
6 cient to meet the tribe’s housing needs, including af-  
7 fordable housing needs, as identified pursuant to  
8 paragraph (3) within the periods referred to such  
9 paragraph, which shall include—

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

13 “(B) development of conventional homes  
14 for rental, lease-to-own, or sale, which may be  
15 combined with affordable housing developed  
16 pursuant to subparagraph (A);

17 “(C) development of housing infrastruc-  
18 ture, including housing infrastructure sufficient  
19 to serve affordable housing developed under the  
20 plan; and

21 “(D) investments by the investor partner  
22 for the tribe, the participating tribe, members  
23 of the participating tribe, and financial institu-  
24 tions and other outside investors necessary to  
25 provide financing for the development of hous-



1           ing under the plan and for mortgages for tribal  
2           members purchasing such housing;

3           “(5) provide that the participating tribe will  
4           agree to provide long-term leases to tribal members  
5           sufficient for lease-to-own arrangements for, and  
6           sale of, the housing developed pursuant to paragraph  
7           (4);

8           “(6) provide that the participating tribe—

9                   “(A) will be liable for delinquencies under  
10           mortgage agreements for housing developed  
11           under the plan that are financed under the plan  
12           and entered into by tribal members; and

13                   “(B) shall, upon foreclosure under such  
14           mortgages, take possession of such housing and  
15           have the responsibility for making such housing  
16           available to other tribal members;

17           “(7) provide for sufficient protections, in the  
18           determination of the Secretary, to ensure that the  
19           tribe and the Federal Government are not liable for  
20           the acts of the investor partner or of any contrac-  
21           tors;

22           “(8) provide that the participating tribe shall  
23           have sole final approval of design and location of  
24           housing developed under the plan;

1           “(9) set forth specific deadlines and schedules  
2           for activities to be undertaken under the plan and  
3           set forth the responsibilities of the participating  
4           tribe and the investor partner;

5           “(10) set forth specific terms and conditions of  
6           return on investment by the investor partner and  
7           other investors under the plan, and provide that the  
8           participating tribe shall pledge grant amounts allo-  
9           cated for the tribe pursuant to title III for such re-  
10          turn on investment;

11          “(11) set forth the terms of a cooperative  
12          agreement on the operation and management of the  
13          current assistance housing stock and current hous-  
14          ing stock for the tribe assisted under the preceding  
15          titles of this Act;

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

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

1           “(14) include such other information as the  
2           participating tribe and investor partner consider ap-  
3           propriate.

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

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

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

12          “(2)(A) approve the plan, unless the Secretary  
13          determines that—

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

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

21                 “(iii) the plan is insufficient to meet the  
22                 housing needs of the tribe, as identified in the  
23                 plan pursuant to section 904(3);

24          “(B) approve the plan, on the condition that  
25          the participating tribe and the investor make such

1 revisions to the plan as the Secretary may specify as  
2 appropriate to meet the needs of the tribe for afford-  
3 able housing; or

4 “(C) disapprove the plan, only if the Secretary  
5 determines that the plan fails to meet the minimal  
6 housing standards and requirements set forth in this  
7 Act and the Secretary notifies the tribe of the ele-  
8 ments requiring the disapproval.

9 “(b) ACTION UPON DISAPPROVAL.—

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

16 “(2) LIMITATION.—If the final plan for an In-  
17 dian tribe is disapproved twice and resubmitted  
18 twice pursuant to the authority under paragraph (1)  
19 and, upon such second re-submission of the plan the  
20 Secretary disapproves the plan, the tribe may not re-  
21 submit the plan again and shall be ineligible to par-  
22 ticipate in the demonstration program under this  
23 title.

24 “(c) TRIBE AUTHORITY OF HOUSING DESIGN AND  
25 LOCATION.—The Secretary may not disapprove a final

1 plan under section 904, or condition approval of such a  
2 plan, based on the design or location of any housing to  
3 be developed or assisted under the plan.

4 “(d) FAILURE TO NOTIFY.—If the Secretary does  
5 not notify a participating tribe submitting a final plan of  
6 approval, conditional approval, or disapproval of the plan  
7 before the expiration of the period referred to in para-  
8 graph (1), the plan shall be considered as approved for  
9 all purposes of this title.

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

11 “Amounts otherwise allocated for a participating  
12 tribe under title III of this Act (25 U.S.C. 4151 et seq.)  
13 shall not be made available to the tribe under titles I  
14 through VIII , but shall only be available for the tribe,  
15 upon request by the tribe and approval by the Secretary,  
16 for the following purposes:

17 “(1) RETURN ON INVESTMENT.—Such amounts  
18 as are pledged by a participating tribe pursuant to  
19 section 904(10) for return on the investment made  
20 by the investor partner or other investors may be  
21 used by the Secretary to ensure such full return on  
22 investment.

23 “(2) ADMINISTRATIVE EXPENSES.—The Sec-  
24 retary may provide to a participating tribe, upon the  
25 request of a tribe, not more than 10 percent of any

1 annual allocation made under title III for the tribe  
2 during such period for administrative costs of the  
3 tribe in completing the processes to carry out sec-  
4 tions 903 and 904.

5 “(3) HOUSING INFRASTRUCTURE COSTS.—A  
6 participating tribe may use such amounts for hous-  
7 ing infrastructure costs associated with providing af-  
8 fordable housing for the tribe under the final plan.

9 “(4) MAINTENANCE; TENANT SERVICES.—A  
10 participating tribe may use such amounts for main-  
11 tenance of affordable housing for the tribe and for  
12 housing services, housing management services, and  
13 crime prevention and safety activities described in  
14 paragraphs (3), (4), and (5), respectively, of section  
15 202.

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

17 “Notwithstanding any other provision of this Act, a  
18 participating tribe may, in accordance with the provisions  
19 of the final plan of the tribe approved pursuant to section  
20 905, resell any affordable housing developed with assist-  
21 ance made available under this Act for use other than as  
22 affordable housing, but only if the tribe provides such as-  
23 surances as the Secretary determines are appropriate to  
24 ensure that—

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

3           “(2) will provide affordable housing in the fu-  
4           ture sufficient to meet future affordable housing  
5           needs; and

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

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

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

16          “(b) REPORTS TO CONGRESS.—The Secretary shall  
17          submit a report to the Congress annually describing the  
18          activities and progress of the demonstration program  
19          under this title, which shall—

20                 “(1) summarize the information in the reports  
21                 submitted by participating tribes pursuant to sub-  
22                 section (a);

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

1           “(3) include, for each tribe applying for partici-  
2           pating in the demonstration program whose final  
3           plan was disapproved under section 905(a)(2)(C), a  
4           detailed description and explanation of the reasons  
5           for disapproval and all actions taken by the tribe to  
6           eliminate the reasons for disapproval, and identify  
7           whether the tribe has re-submitted a final plan;

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

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

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

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

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

25          “(b) EFFECT ON EXISTING OBLIGATIONS.—



1           “(1) NO AUTOMATIC TERMINATION.—Termi-  
2           nation by a participating tribe in the demonstration  
3           program under this section shall not terminate any  
4           obligations of the tribe under agreements entered  
5           into under the demonstration program with the in-  
6           vestor partner for the tribe or any other investors or  
7           contractors.

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

15          “(c) RECEIPT OF REMAINING GRANT AMOUNTS.—  
16          The Secretary shall provide for grants to be made in ac-  
17          cordance with, and subject to the requirements of, this Act  
18          for any amounts remaining after use pursuant to section  
19          906 from the allocation under title III for a participating  
20          tribe that terminates participation in the demonstration  
21          program.

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

1 **“SEC. 910. FINAL REPORT.**

2 “Not later than the expiration of the 5-year period  
3 beginning on the date of the enactment of this title, the  
4 Secretary shall submit a final report to the Congress re-  
5 garding the effectiveness of the demonstration program,  
6 which shall include—

7 “(1) an assessment of the success, under the  
8 demonstration program, of participating tribes in  
9 meeting their housing needs, including affordable  
10 housing needs, on tribal land;

11 “(2) recommendations for any improvements in  
12 the demonstration program; and

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

19 **“SEC. 911. DEFINITIONS.**

20 “For purposes of this title, the following definitions  
21 shall apply:

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

25 “(2) **HOUSING INFRASTRUCTURE.**—The term  
26 ‘housing infrastructure’ means basic facilities, serv-

1       ices, systems, and installations necessary or appro-  
2       priate for the functioning of a housing community,  
3       including facilities, services, systems, and installa-  
4       tions for water, sewage, power, communications, and  
5       transportation.

6           “(3) LONG-TERM LEASE.—The term ‘long-term  
7       lease’ means an agreement between a participating  
8       tribe and a tribal member that authorizes the tribal  
9       member to occupy a specific plot of tribal lands for  
10      50 or more years and to request renewal of the  
11      agreement at least once.

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

17      **“SEC. 912. NOTICE.**

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

