

115TH CONGRESS  
1ST SESSION

# H. R. 3864

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

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2017

Mr. PEARCE (for himself, Ms. MOORE, Mr. YOUNG of Alaska, Mr. NOLAN, Ms. GABBARD, Ms. HANABUSA, Mr. HECK, Mr. COLE, and Ms. MCCOLLUM) introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

7 (b) TABLE OF CONTENTS.—The table of contents of  
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References.

## TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

- 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.

## TITLE VIII—HOUSING FOR NATIVE HAWAIIANS

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

**1 SEC. 2. REFERENCES.**

2       Except as otherwise expressly provided, wherever in  
3 this Act an amendment or repeal is expressed in terms  
4 of an amendment to, or repeal of, a section or other provi-

1 sion, the reference shall be considered to be made to a  
2 section or other provision of the Native American Housing  
3 Assistance and Self-Determination Act of 1996 (25 U.S.C.  
4 4101 et seq.).

## 5 **TITLE I—BLOCK GRANTS AND** 6 **GRANT REQUIREMENTS**

### 7 **SEC. 101. BLOCK GRANTS.**

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

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

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

### 16 **SEC. 102. RECOMMENDATIONS REGARDING EXCEPTIONS** 17 **TO ANNUAL INDIAN HOUSING PLAN RE-** 18 **QUIREMENT.**

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

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

8 **SEC. 103. ENVIRONMENTAL REVIEW.**

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

10 (1) in subsection (d)—

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

13 (B) by adding after and below paragraph  
14 (4) the following:

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

18 (2) by adding at the end the following new sub-  
19 section:

20 “(e) CONSOLIDATION OF ENVIRONMENTAL REVIEW  
21 REQUIREMENTS.—If a recipient is using one or more  
22 sources of Federal funds in addition to grant amounts  
23 under this Act in carrying out a project that qualifies as  
24 an affordable housing activity under section 202, such  
25 other sources of Federal funds do not exceed 49 percent

1 of the total cost of the project, and the recipient’s tribe  
2 has assumed all of the responsibilities for environmental  
3 review, decisionmaking, and action pursuant to this sec-  
4 tion, the tribe’s compliance with the review requirements  
5 under this section and the National Environmental Policy  
6 Act of 1969 with regard to such project shall be deemed  
7 to fully comply with and discharge any applicable environ-  
8 mental review requirements that might apply to Federal  
9 agencies with respect to the use of such additional Federal  
10 funding sources for that project.”.

11 **SEC. 104. DEADLINE FOR ACTION ON REQUEST FOR AP-**  
12 **PROVAL REGARDING EXCEEDING TDC MAX-**  
13 **IMUM COST FOR PROJECT.**

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

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

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

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

3 (2) by inserting after paragraph (21) the fol-  
4 lowing new paragraph:

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

## 19 **TITLE II—AFFORDABLE** 20 **HOUSING ACTIVITIES**

### 21 **SEC. 201. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.**

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

24 (1) by striking “1964 and” and inserting  
25 “1964,”; and

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

4 **SEC. 202. PROGRAM REQUIREMENTS.**

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

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

8           (2) by adding at the end the following new  
9           paragraph:

10           “(3) APPLICATION OF TRIBAL POLICIES.—

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

16 **SEC. 203. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-IN-**  
17           **COME REQUIREMENT AND INCOME TAR-**  
18           **GETING.**

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

20           (1) in subsection (a)(1)—

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

23           (B) by adding at the end the following new  
24           subparagraph:

1           “(E) notwithstanding any other provision  
2           of this paragraph, in the case of rental housing  
3           that is made available to a current rental family  
4           for conversion to a homebuyer or a lease-pur-  
5           chase unit, that the current rental family can  
6           purchase through a contract of sale, lease-pur-  
7           chase agreement, or any other sales agreement,  
8           is made available for purchase only by the cur-  
9           rent rental family, if the rental family was a  
10          low-income family at the time of their initial oc-  
11          cupancy of such unit; and”;

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

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

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

23          “(c) NOTICE OF TERMINATION.—Notwithstanding  
24          any other provision of law, the owner or manager of rental  
25          housing that is assisted in part with amounts provided



1 under this Act and in part with one or more other sources  
2 of Federal funds shall only utilize leases that require a  
3 notice period for the termination of the lease pursuant to  
4 subsection (a)(3).”.

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

6 (a) IN GENERAL.—Subtitle A of title II (25 U.S.C.  
7 4131 et seq.) is amended by adding at the end the fol-  
8 lowing new section:

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

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

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

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

20 **TITLE III—ALLOCATION OF**  
21 **GRANT AMOUNTS**

22 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

23 The first sentence of section 108 (25 U.S.C. 4117)  
24 is amended by striking “such sums as may be necessary  
25 for each of fiscal years 2009 through 2013” and inserting

1 “\$650,000,000 for each of fiscal years 2018 through  
2 2022”.

3 **SEC. 302. EFFECT OF UNDISBURSED BLOCK GRANT**  
4 **AMOUNTS ON ANNUAL ALLOCATIONS.**

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

7 **“SEC. 303. EFFECT OF UNDISBURSED GRANT AMOUNTS ON**  
8 **ANNUAL ALLOCATIONS.**

9 “(a) NOTIFICATION OF OBLIGATED, UNDISBURSED  
10 GRANT AMOUNTS.—Subject to subsection (d) of this sec-  
11 tion, if as of January 1, 2018, or any year thereafter a  
12 recipient’s total amount of undisbursed block grants in the  
13 Department’s line of credit control system is greater than  
14 three times the formula allocation such recipient would  
15 otherwise receive under this Act for the fiscal year during  
16 which such January 1 occurs, the Secretary shall—

17 “(1) before January 31 of such year, notify the  
18 Indian tribe allocated the grant amounts and any  
19 tribally designated housing entity for the tribe of the  
20 undisbursed funds; and

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

1           “(A) notify the Secretary in writing of the  
2 reasons why the recipient has not requested the  
3 disbursement of such amounts; and

4           “(B) demonstrate to the satisfaction of the  
5 Secretary that the recipient has the capacity to  
6 spend Federal funds in an effective manner,  
7 which demonstration may include evidence of  
8 the timely expenditure of amounts previously  
9 distributed under this Act to the recipient.

10       “(b) ALLOCATION AMOUNT.—Notwithstanding sec-  
11 tions 301 and 302, the allocation for such fiscal year for  
12 a recipient described in subsection (a) shall be the amount  
13 initially calculated according to the formula minus the dif-  
14 ference between the recipient’s total amount of undis-  
15 bursed block grants in the Department’s line of credit con-  
16 trol system on such January 1 and three times the initial  
17 formula amount for such fiscal year.

18       “(c) REALLOCATION.—Notwithstanding any other  
19 provision of law, any grant amounts not allocated to a re-  
20 cipient pursuant to subsection (b) shall be allocated under  
21 the need component of the formula proportionately  
22 amount all other Indian tribes not subject to such an ad-  
23 justment.

24       “(d) INAPPLICABILITY.—Subsections (a) and (b)  
25 shall not apply to an Indian tribe with respect to any fiscal

1 year for which the amount allocated for the tribe for block  
2 grants under this Act is less than \$5,000,000.

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

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

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

## 10 **TITLE IV—AUDITS AND REPORTS**

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

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

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

### 18 **SEC. 402. REPORTS TO CONGRESS.**

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

20 (1) in subsection (a), by striking “Congress”  
21 and inserting “Committee on Financial Services and  
22 the Committee on Natural Resources of the House  
23 of Representatives, to the Committee on Indian Af-  
24 fairs and the Committee on Banking, Housing, and  
25 Urban Affairs of the Senate, and to any subcommit-

1       tees of such committees having jurisdiction with re-  
 2       spect to Native American and Alaska Native af-  
 3       fairs,”; and

4               (2) by adding at the end the following new sub-  
 5       section:

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

9       **TITLE V—OTHER HOUSING AS-**  
 10       **SISTANCE FOR NATIVE AMER-**  
 11       **ICANS**

12       **SEC. 501. HUD-VETERANS AFFAIRS SUPPORTIVE HOUSING**  
 13               **PROGRAM FOR NATIVE AMERICAN VET-**  
 14               **ERANS.**

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

18               “(D) NATIVE AMERICAN VETERANS.—  
 19               “(i) AUTHORITY.—Of the funds made  
 20               available for rental assistance under this  
 21               subsection for fiscal year 2018 and each  
 22               fiscal year thereafter, the Secretary shall  
 23               set aside 5 percent for a supported housing  
 24               and rental assistance program modeled on  
 25               the HUD–Veterans Affairs Supportive

1 Housing (HUD–VASH) program, to be  
2 administered in conjunction with the De-  
3 partment of Veterans Affairs, for the ben-  
4 efit of homeless Native American veterans  
5 and veterans at risk of homelessness.

6 “(ii) RECIPIENTS.—Such rental as-  
7 sistance shall be made available to recipi-  
8 ents eligible to receive block grants under  
9 the Native American Housing Assistance  
10 and Self-Determination Act of 1996 (25  
11 U.S.C. 4101 et seq.).

12 “(iii) FUNDING CRITERIA.—Funds  
13 shall be awarded based on need, adminis-  
14 trative capacity, and any other funding cri-  
15 teria established by the Secretary in a no-  
16 tice published in the Federal Register,  
17 after consultation with the Secretary of  
18 Veterans Affairs, by a date sufficient to  
19 provide for implementation of the program  
20 under this subparagraph in accordance  
21 with clause (i).

22 “(iv) PROGRAM REQUIREMENTS.—

23 “(I) ADMINISTRATION.—Such  
24 funds shall be administered by block  
25 grant recipients in accordance with

1 program requirements under the Na-  
2 tive American Housing Assistance and  
3 Self-Determination Act of 1996 in  
4 lieu of program requirements under  
5 this Act.

6 “(II) AVAILABLE HOUSING.—  
7 Rental assistance made available  
8 under this subparagraph may be used  
9 for dwelling units owned, operated, or  
10 assisted with by a recipient of a block  
11 grant under this Act or a tribally des-  
12 ignated housing entity.

13 “(v) WAIVER.—The Secretary may  
14 waive, or specify alternative requirements  
15 for any provision of any statute or regula-  
16 tion that the Secretary administers in con-  
17 nection with the use of funds made avail-  
18 able under this subparagraph, but only  
19 upon a finding by the Secretary that such  
20 waiver or alternative requirement is nec-  
21 essary to promote administrative efficiency,  
22 eliminate delay, consolidate or eliminate  
23 duplicative or ineffective requirements or  
24 criteria, or otherwise provide for the effec-  
25 tive delivery and administration of such

1 supportive housing assistance to Native  
2 American veterans.

3 “(vi) CONSULTATION.—The Secretary  
4 and the Secretary of Veterans Affairs shall  
5 jointly consult with block grant recipients  
6 and any other appropriate tribal organiza-  
7 tions to—

8 “(I) ensure that block grant re-  
9 cipients administering funds made  
10 available under the program under  
11 this subparagraph are able to effec-  
12 tively coordinate with providers of  
13 supportive services provided in con-  
14 nection with such program; and

15 “(II) ensure the effective delivery  
16 of supportive services to Native Amer-  
17 ican veterans that are homeless or at  
18 risk of homelessness eligible to receive  
19 assistance under this subparagraph.

20 Consultation pursuant to this clause shall  
21 be completed by a date sufficient to pro-  
22 vide for implementation of the program  
23 under this subparagraph in accordance  
24 with clause (i).



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

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

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

15                 (1) in subparagraph (B), by inserting after the  
16          period at the end of the first sentence the following:  
17          “‘There are authorized to be appropriated for such  
18          costs \$12,200,000 for each of fiscal years 2018  
19          through 2022.’”; and

20                 (2) in subparagraph (C)—

21                         (A) by striking “2008 through 2012” and  
22                         inserting “2018 through 2022”; and

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

1       **TITLE VI—MISCELLANEOUS**

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

3       Section 501 of the American Homeownership and  
4       Economic Opportunity Act of 2000 (25 U.S.C. 4043 note)  
5       is amended—

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

9               (2) in subsection (b)(1) by striking “this Act”  
10       and inserting “the Native American Housing Assist-  
11       ance and Self-Determination Reauthorization Act of  
12       2017”.

13       **SEC. 602. LEASEHOLD INTEREST IN TRUST OR RESTRICTED**  
14               **LANDS FOR HOUSING PURPOSES.**

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

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

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

21       **SEC. 603. CLERICAL AMENDMENT.**

22       The table of contents in section 1(b) is amended by  
23       striking the item relating to section 206 (treatment of  
24       funds).

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

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

7 Add at the end of the Act the following new title:

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

13 **“SEC. 901. AUTHORITY.**

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

22 “(b) **INAPPLICABILITY OF NAHASDA PROVI-**  
 23 **SIONS.**—Except as specifically provided otherwise in this  
 24 title, titles I through IV, VI, and VII shall not apply to  
 25 a participating tribe’s use of funds during any period that

1 the tribe is participating in the demonstration program  
2 under this title.

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

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

10 “(2) Section 101(j) (relating to Federal supply  
11 sources).

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

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

16 “(5) Section 105 (relating to environmental re-  
17 view).

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

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

22 “(8) Section 702 (relating to 99-year leasehold  
23 interests in trust or restricted lands for housing pur-  
24 poses).

1 **“SEC. 902. PARTICIPATING TRIBES.**

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

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

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

18 **“SEC. 903. REQUEST FOR QUOTES AND SELECTION OF IN-**  
19 **VESTOR PARTNER.**

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

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

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

9           “(b) SELECTION OF INVESTOR PARTNER.—

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

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

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

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

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

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

7   **“SEC. 904. FINAL PLAN.**

8           “A final plan under this section shall—

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

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

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

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

22                  “(B) the same information that would be  
23                  required under section 102 to be included in an  
24                  Indian housing plan for the tribe, as such re-  
25                  quirements may be modified by the Secretary to

1 take consideration of the requirements of the  
2 demonstration program under this title;

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

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

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

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

19 “(D) investments by the investor partner  
20 for the tribe, the participating tribe, members  
21 of the participating tribe, and financial institu-  
22 tions and other outside investors necessary to  
23 provide financing for the development of hous-  
24 ing under the plan and for mortgages for tribal  
25 members purchasing such housing;



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

6           “(6) provide that the participating tribe—

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

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

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

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

23           “(9) set forth specific deadlines and schedules  
24 for activities to be undertaken under the plan and

1 set forth the responsibilities of the participating  
2 tribe and the investor partner;

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

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

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

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

23 “(14) include such other information as the  
24 participating tribe and investor partner consider ap-  
25 propriate.

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

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

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

9           “(2)(A) approve the plan, unless the Secretary  
10 determines that—

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

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

18           “(iii) the plan is insufficient to meet the  
19 housing needs of the tribe, as identified in the  
20 plan pursuant to section 904(3);

21           “(B) approve the plan, on the condition that  
22 the participating tribe and the investor make such  
23 revisions to the plan as the Secretary may specify as  
24 appropriate to meet the needs of the tribe for afford-  
25 able housing; or

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

6           “(b) ACTION UPON DISAPPROVAL.—

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

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

21           “(c) TRIBE AUTHORITY OF HOUSING DESIGN AND  
22 LOCATION.—The Secretary may not disapprove a final  
23 plan under section 904, or condition approval of such a  
24 plan, based on the design or location of any housing to  
25 be developed or assisted under the plan.

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

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

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

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

20               “(2) ADMINISTRATIVE EXPENSES.—The Sec-  
21 retary may provide to a participating tribe, upon the  
22 request of a tribe, not more than 10 percent of any  
23 annual allocation made under title III for the tribe  
24 during such period for administrative costs of the

1       tribe in completing the processes to carry out sec-  
2       tions 903 and 904.

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

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

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

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

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

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

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

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

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

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

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

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

24                 “(3) include, for each tribe applying for partici-  
25                 pating in the demonstration program whose final

1 plan was disapproved under section 905(a)(2)(C), a  
2 detailed description and explanation of the reasons  
3 for disapproval and all actions taken by the tribe to  
4 eliminate the reasons for disapproval, and identify  
5 whether the tribe has re-submitted a final plan;

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

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

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

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

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

23 “(b) EFFECT ON EXISTING OBLIGATIONS.—

24 “(1) NO AUTOMATIC TERMINATION.—Termi-  
25 nation by a participating tribe in the demonstration



1 program under this section shall not terminate any  
2 obligations of the tribe under agreements entered  
3 into under the demonstration program with the in-  
4 vestor partner for the tribe or any other investors or  
5 contractors.

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

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

20 “(d) COSTS AND OBLIGATIONS.—The Secretary shall  
21 not be liable for any obligations or costs incurred by an  
22 Indian tribe during its participation in the demonstration  
23 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.”.

22 **SEC. 702. CLERICAL AMENDMENTS.**

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

“TITLE VIII—HOUSING ASSISTANCE FOR NATIVE HAWAIIANS

- “Sec. 801. Definitions.
- “Sec. 802. Block grants for affordable housing activities.
- “Sec. 803. Housing plan.
- “Sec. 804. Review of plans.
- “Sec. 805. Treatment of program income and labor standards.
- “Sec. 806. Environmental review.
- “Sec. 807. Regulations.
- “Sec. 808. Effective date.
- “Sec. 809. Affordable housing activities.
- “Sec. 810. Eligible affordable housing activities.
- “Sec. 811. Program requirements.
- “Sec. 812. Types of investments.
- “Sec. 813. Low-income requirement and income targeting.
- “Sec. 814. Lease requirements and tenant selection.
- “Sec. 815. Repayment.
- “Sec. 816. Annual allocation.
- “Sec. 817. Allocation formula.
- “Sec. 818. Remedies for noncompliance.
- “Sec. 819. Monitoring of compliance.
- “Sec. 820. Performance reports.
- “Sec. 821. Review and audit by Secretary.
- “Sec. 822. General Accounting Office audits.
- “Sec. 823. Reports to Congress.
- “Sec. 824. Authorization of appropriations.

“TITLE IX—DEMONSTRATION PROGRAM FOR ALTERNATIVE  
PRIVATIZATION AUTHORITY FOR NATIVE AMERICAN HOUSING

- “Sec. 901. Authority.
- “Sec. 902. Participating tribes.
- “Sec. 903. Request for quotes and selection of investor partner.
- “Sec. 904. Final plan.
- “Sec. 905. HUD review and approval of plan.
- “Sec. 906. Treatment of NAHASDA allocation.
- “Sec. 907. Resale of affordable housing.
- “Sec. 908. Reports, audits, and compliance.
- “Sec. 909. Termination of tribal participation.
- “Sec. 910. Final report.
- “Sec. 911. Definitions.
- “Sec. 912. Notice.”.

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

5           Section 824 (25 U.S.C. 4243) is amended by striking  
 6 “such sums as may be necessary” and all that follows

1 through the period at the end and inserting “\$13,000,000  
2 for each of fiscal years 2018 through 2022.”.

3 **SEC. 802. REAUTHORIZATION OF LOAN GUARANTEES FOR**  
4 **NATIVE HAWAIIAN HOUSING.**

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

8 (1) in subparagraph (B), by inserting after the  
9 period at the end of the first sentence the following:  
10 “There are authorized to be appropriated for such  
11 costs \$386,000 for each of fiscal years 2018 through  
12 2022.”; and

13 (2) in subparagraph (C), by striking “for each  
14 of fiscal years” and all that follows through the pe-  
15 riod at the end and inserting “for each of fiscal  
16 years 2018 through 2022 with an aggregate out-  
17 standing principal amount not exceeding  
18 \$41,504,000 for each such fiscal year.”.

○