Amendment in the Nature of a Substitute

to H.R. 5195

Offered by Ms. Waters of California

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the “Native American Housing Assistance and Self-Determination Reauthorization Act of 2021”.

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

Sec. 1. Short title; table of contents; references.
Sec. 2. Office of Native American Programs.

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 requirements.
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. Homeownership or lease-to-own low-income requirement and income targeting.
Sec. 203. Lease requirements and tenant selection.
Sec. 204. Tribal coordination of agency funding.
Sec. 205. Exception to maximum total development cost for energy efficient housing.

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.
Sec. 503. Set-aside of USDA rural housing funding for Indian tribes.
Sec. 504. Indian tribe eligibility for HUD housing counseling.
Sec. 505. Competitive grants.

TITLE VI—MISCELLANEOUS

Sec. 601. Lands Title Report Commission.
Sec. 602. Leasehold interest in trust or restricted lands for housing purposes.
Sec. 603. Exemption for Indian tribes from national flood insurance program participation requirement.
Sec. 604. Compliance with treaty obligations.
Sec. 605. Clerical amendment.

TITLE VII—HOUSING FOR NATIVE HAWAIIANS

Sec. 701. Reauthorization of Native Hawaiian Homeownership Act.
Sec. 702. Reauthorization of loan guarantees for Native Hawaiian housing.

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

SEC. 2. OFFICE OF NATIVE AMERICAN PROGRAMS.

(a) ESTABLISHMENT.—Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended—
(1) in subsection (a)(1), by striking “7 Assistant Secretaries” and inserting “8 Assistant Secretaries”; and

(2) by adding at the end the following new subsection:

“(i) OFFICE OF NATIVE AMERICAN PROGRAMS.—

“(1) ESTABLISHMENT.—There is established, in the Department, the Office of Native American Programs.

“(2) HEAD.—The head of the Office of Native American Programs shall be one of the Assistant Secretaries appointed pursuant to subsection (a)(1).”.

(b) PAY RATE.—Section 5315 of title 5, United States Code is amended, in the item relating to Assistant Secretaries of Housing and Urban Development, by striking “(8)” and inserting “(9)”.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

SEC. 101. BLOCK GRANTS.

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

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

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

SEC. 102. RECOMMENDATIONS REGARDING EXCEPTIONS TO ANNUAL INDIAN HOUSING PLAN REQUIREMENT.

Not later than the expiration of the 120-day period beginning on the date of the enactment of this Act and after consultation with Indian tribes, tribally designated housing entities, and other interested parties, the Secretary of Housing and Urban Development shall submit to the Congress recommendations for standards and procedures for waiver of, or alternative requirements (which may include multi-year housing plans) for, the requirement under section 102(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112(a)) for annual submission of one-year housing plans for an Indian tribe. Such recommendations shall include a description of any legislative and regulatory changes necessary to implement such recommendations.

SEC. 103. ENVIRONMENTAL REVIEW REQUIREMENTS.

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

(1) in subsection (d)—
(A) in the matter preceding paragraph (1),
by striking “may” and inserting “shall”; and

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

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

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

“(e) CONSOLIDATION OF ENVIRONMENTAL REVIEW
REQUIREMENTS.—If a recipient is using one or more
sources of Federal funds in addition to grant amounts
under this Act in carrying out a project that qualifies as
an affordable housing activity under section 202, such
other sources of Federal funds do not exceed 49 percent
of the total cost of the project, and the recipient’s tribe
has assumed all of the responsibilities for environmental
review, decisionmaking, and action pursuant to this sec-
tion, the tribe’s compliance with the review requirements
under this section and the National Environmental Policy
Act of 1969 with regard to such project shall be deemed
to fully comply with and discharge any applicable environ-
mental review requirements that might apply to Federal
agencies with respect to the use of such additional Federal
funding sources for that project.”.
SEC. 104. DEADLINE FOR ACTION ON REQUEST FOR APPROVAL REGARDING EXCEEDING TDC MAXIMUM COST FOR PROJECT.

(a) Approval.—Section 103 (25 U.S.C. 4113) is amended by adding at the end the following new subsection:

“(f) Deadline for Action on Request To Exceed TDC Maximum.—A request for approval by the Secretary of Housing and Urban Development to exceed by more than 10 percent the total development cost maximum cost for a project shall be approved or denied during the 60-day period that begins on the date that the Secretary receives the request.”.

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

(1) by redesignating paragraph (22) as paragraph (23); and

(2) by inserting after paragraph (21) the following new paragraph:

“(22) Total Development Cost.—The term ‘total development cost’ means, with respect to a housing project, the sum of all costs for the project, including all undertakings necessary for administration, planning, site acquisition, demolition, construction or equipment and financing (including payment of carrying charges), and for otherwise carrying out
the development of the project, excluding off-site
water and sewer. The total development cost
amounts shall be based on a moderately designed
house and determined by averaging the current con-
struction costs as listed in not less than two nation-
ally recognized residential construction cost indi-
ces.”.

TITLE II—AFFORDABLE
HOUSING ACTIVITIES

SEC. 201. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.
The second paragraph (6) of section 201(b) (25
U.S.C. 4131(b)(6); relating to exemption) is amended—
(1) by striking “1964 and” and inserting
“1964,”; and
(2) by inserting after “1968” the following: “,
and section 3 of the Housing and Urban Develop-
ment Act of 1968”.

SEC. 202. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-IN-
COME REQUIREMENT AND INCOME TAR-
GETING.
Section 205 (25 U.S.C. 4135) is amended—
(1) in subsection (a)(1)—
(A) in subparagraph (C), by striking
“and” at the end; and
(B) by adding at the end the following new subparagraph:

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

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

SEC. 203. LEASE REQUIREMENTS AND TENANT SELECTION.

Section 207 (25 U.S.C. 4137) is amended by adding at the end the following new subsection:
“(c) Notice of Termination.—Notwithstanding any other provision of law, the owner or manager of rental housing that is assisted in part with amounts provided under this Act and in part with one or more other sources of Federal funds shall only utilize leases that require a notice period for the termination of the lease pursuant to subsection (a)(3).”.

SEC. 204. TRIBAL COORDINATION OF AGENCY FUNDING.

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

“SEC. 211. IHS SANITATION FACILITIES CONSTRUCTION.

“Notwithstanding any other provision of law, a recipient authorized to receive funding under this Act may, in its discretion, use funding from the Indian Health Service of the Department of Health and Human Services for construction of sanitation facilities for housing construction and renovation projects that are funded in part by funds provided under this Act.”.

(b) Clerical Amendment.—The table of contents in section 1(b) is amended by inserting after the item relating to section 210 the following new item:

“Sec. 211. IHS sanitation facilities construction.”
SEC. 205. EXCEPTION TO MAXIMUM TOTAL DEVELOPMENT COST FOR ENERGY EFFICIENT HOUSING.

Section 103 (25 U.S.C. 4113) is amended by adding at the end the following new subsection:

“(g) EXCEPTION TO MAXIMUM TOTAL DEVELOPMENT COST FOR ENERGY EFFICIENT HOUSING.—The Secretary shall approve a request to exceed the total development cost maximum cost for a project to the extent that such exception is necessary to provide energy efficiency upgrades for the project and the cost of such upgrades does not exceed the average cost of such upgrades in the area in which the project is located.”.

TITLE III—ALLOCATION OF GRANT AMOUNTS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 108 (25 U.S.C. 4117) is amended to read as follows:

“SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated for grants under this title—

“(1) $680,000,000 for fiscal year 2022;
“(2) $713,000,000 for fiscal year 2023;
“(3) $747,000,000 for fiscal year 2024;
“(4) $783,000,000 for fiscal year 2025; and
“(5) $820,000,000 for fiscal year 2026.”.
SEC. 302. EFFECT OF UNDISBURSED BLOCK GRANT AMOUNTS ON ANNUAL ALLOCATIONS.

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

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

“(a) Notification of Obligated, Undisbursed Grant Amounts.—Subject to subsection (d) of this section, if on October 1, 2022, or on any October 1 thereafter, the total amount of undisbursed block grants for a recipient in the line of credit control system (or a successor system) of the Department of Housing and Urban Development is greater than the sum of the initial allocations for the previous 3 fiscal years, the Secretary shall—

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

“(2) require the recipient for the tribe to, not later than 30 days after the Secretary provides notification pursuant to paragraph (1)—

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

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

“(b) ALLOCATION AMOUNT.—Notwithstanding sections 301 and 302, the allocation for such fiscal year for a recipient described in subsection (a) shall be the amount initially calculated according to the formula minus the difference between the recipient’s total amount of undisbursed block grants in the Department’s line of credit control system on such January 1 and three times the initial formula amount for such fiscal year.

“(c) REALLOCATION.—Notwithstanding any other provision of law, any grant amounts not allocated to a recipient pursuant to subsection (b) shall be allocated under the need component of the formula proportionately amount all other Indian tribes not subject to such an adjustment.

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

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

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) is amended by inserting after the item relating to section 302 the following new item:

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

6 TITLE IV—AUDITS AND REPORTS

SEC. 401. REVIEW AND AUDIT BY SECRETARY.

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

“(3) ISSUANCE OF FINAL REPORT.—The Secretary shall issue a final report within 60 days after receiving comments under paragraph (1) from a recipient.”.

SEC. 402. REPORTS TO CONGRESS.

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

(1) in subsection (a), by striking “Congress” and inserting “Committee on Financial Services and the Committee on Natural Resources of the House of Representatives, to the Committee on Indian Affairs and the Committee on Banking, Housing, and Urban Affairs of the Senate, and to any subcommittees of such committees having jurisdiction with respect to Native American and Alaska Native affairs,”; and
(2) by adding at the end the following new subsection:

“(c) Public Availability to Recipients.—Each report submitted pursuant to subsection (a) shall be made publicly available to recipients.”.

TITLE V—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

SEC. 501. HUD–VETERANS AFFAIRS SUPPORTIVE HOUSING PROGRAM FOR NATIVE AMERICAN VETERANS.

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

“(E) Indian Veterans Housing Rental Assistance Program.—

“(i) Definitions.—In this subparagraph:

“(I) Eligible Indian Veteran.—The term ‘eligible Indian veteran’ means an Indian veteran who is—

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

“(bb) living—
'(AA) on or near a reservation; or

(BB) in or near any other Indian area.

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

(III) INDIAN; INDIAN AREA.—
The terms ‘Indian’ and ‘Indian area’ have the meanings given such terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(IV) INDIAN VETERAN.—The term ‘Indian veteran’ means an Indian who is a veteran.

(V) PROGRAM.—The term ‘Program’ means the Tribal HUD–VASH program carried out under clause (ii).
“(VI) TRIBAL ORGANIZATION.—

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

“(ii) PROGRAM SPECIFICATIONS.—

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

“(iii) MODEL.—

“(I) IN GENERAL.—Except as provided in subclause (II), the Secretary shall model the Program on the rental assistance and supported housing program authorized under subparagraph (A) and applicable appropriations Acts, including administra-
tion in conjunction with the Secretary of Veterans Affairs.

“(II) Exceptions.—

“(aa) Secretary of Housing and Urban Development.—After consultation with Indian tribes, eligible recipients, and any other appropriate tribal organizations, the Secretary may make necessary and appropriate modifications to facilitate the use of the Program by eligible recipients to serve eligible Indian veterans.

“(bb) Secretary of Veterans Affairs.—After consultation with Indian tribes, eligible recipients, and any other appropriate tribal organizations, the Secretary of Veterans Affairs may make necessary and appropriate modifications to facilitate the use of the Program by eligible recipients to serve eligible Indian veterans.
“(iv) ELIGIBLE RECIPIENTS.—The Secretary shall make amounts for rental assistance and associated administrative costs under the Program available in the form of grants to eligible recipients.

“(v) FUNDING CRITERIA.—The Secretary shall award grants under the Program based on—

“(I) need;

“(II) administrative capacity; and

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

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

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

and

“(II) provide to the Secretary in-
formation specified by the Secretary
to assess the effectiveness of the Pro-
gram in serving eligible Indian vet-

“(vii) CONSULTATION.—

“(I) GRANT RECIPIENTS; TRIBAL
ORGANIZATIONS.—The Secretary, in
coordination with the Secretary of
Veterans Affairs, shall consult with el-
igible recipients and any other appro-
priate tribal organization on the de-
sign of the Program to ensure the ef-
fective delivery of rental assistance
and supportive services to eligible In-
dian veterans under the Program.

“(II) INDIAN HEALTH SER-
VICE.—The Director of the Indian
Health Service shall provide any as-
sistance requested by the Secretary or
the Secretary of Veterans Affairs in
carrying out the Program.

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

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

“(ix) RENEWAL GRANTS.—The Secretary may—

“(I) set aside, from amounts made available for tenant-based rental assistance under this subsection and without regard to the amounts used
for new grants under clause (ii), such
amounts as may be necessary to
award renewal grants to eligible re-
cipients that received a grant under
the Program in a previous year; and
“(II) specify criteria that an eli-
gible recipient must satisfy to receive
a renewal grant under subclause (I),
including providing data on how the
eligible recipient used the amounts of
any grant previously received under
the Program.
“(x) REPORTING.—
“(I) IN GENERAL.—Not later
than 1 year after the date of enact-
ment of the Tribal HUD–VASH Act
of 2021, and every 5 years thereafter,
the Secretary, in coordination with the
Secretary of Veterans Affairs and the
Director of the Indian Health Service,
shall—
“(aa) conduct a review of
the implementation of the Pro-
gram, including any factors that
may have limited its success; and
“(bb) submit a report describing the results of the review under item (aa) to—

“(AA) the Committee on Indian Affairs, the Committee on Banking, Housing, and Urban Affairs, the Committee on Veterans’ Affairs, and the Committee on Appropriations of the Senate; and

“(BB) the Subcommittee on Indian, Insular and Alaska Native Affairs of the Committee on Natural Resources, the Committee on Financial Services, the Committee on Veterans’ Affairs, and the Committee on Appropriations of the House of Representatives.

“(II) Analysis of Housing Stock Limitation.—The Secretary shall include in the initial report sub-
mitted under subclause (I) a description of—

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

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

“(cc) proposed alternative legislation or regulations developed by the Secretary in consultation with recipients of grants under the Program to allow the use of formula current assisted stock within the Program.”.
SEC. 502. LOAN GUARANTEES FOR INDIAN HOUSING.

(a) Authorization of Appropriations.—Section 184(i) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)) is amended—

(1) in paragraph (5)—

(A) in subparagraph (C), by striking “2008 through 2012” and inserting “2022 through 2026”; and

(2) by striking paragraph (7) and inserting the following new paragraph:

“(7) Authorization of Appropriations.—There are authorized to be appropriated to the Guarantee Fund to carry out this section—

“(A) $12,200,000 for fiscal year 2022;

“(B) $12,800,000 for fiscal year 2023;

“(C) $13,400,000 for fiscal year 2024;

“(D) $14,000,000 for fiscal year 2025;

and

“(E) $14,700,000 for fiscal year 2026.”.

(b) Foreclosure Proceedings.—

(1) Jurisdiction.—Paragraph (1) of section 184(h) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(h)(1)) is amended—

(A) in subparagraph(A)(i), by inserting “,” including in a tribal court having jurisdiction,”
after “notice of such action to the Secretary”;

and

(B) in subparagraph (B), by inserting before the period at the end the following: “,

which may include initiating foreclosure proceedings in the tribal court having jurisdiction,

but if the tribal court does not hold proceedings on a foreclosure complaint within the period provided under applicable law or within 90 days of service of the foreclosure complaint (whichever is longer), the Secretary may voluntarily dismiss the tribal court action and proceed to file in another court of competent jurisdiction”.

(2) CONTRACT ATTORNEYS.—Clause (i) of section 184(h)(1)(A) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(h)(1)), as amended by subsection (b) of this section, is further amended by adding at the end the following: “The Attorney General may contract for and use the services of private attorneys in handling such foreclosure proceedings if the Attorney General determines use of such attorneys will facilitate competent and cost-effective representation.”.
SEC. 503. SET-ASIDE OF USDA RURAL HOUSING FUNDING FOR INDIAN TRIBES.

Section 509 of the Housing Act of 1949 (42 U.S.C. 1479) is amended by adding at the end the following new subsection:

“(g) SET-ASIDE FOR INDIAN TRIBES.—For each fiscal year, the Secretary shall set aside and reserve for assistance for Indian tribes (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) an amount equal to 5.0 percent in each fiscal year of the aggregate amount of lending authority, budget authority, or guarantee authority, as appropriate, made available for such fiscal year for assistance under each of sections 502, 504, 515, 533, and 538 and of the aggregate amount made available to the Rural Utilities Service to carry out programs or activities. The procedure under this section for reserving amounts shall also provide that any assistance set aside in any fiscal year for Indian tribes that has not been expended by a reasonable date established by the Secretary shall be made available and allocated under the laws and regulations relating to such assistance, notwithstanding this subsection.”.
SEC. 504. INDIAN TRIBE ELIGIBILITY FOR HUD HOUSING COUNSELING.

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

(1) in subparagraph (A)—

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

(B) by inserting before the period at the end the following: “, Indian tribes, and tribally designated housing entities. For purposes of this paragraph, the terms ‘Indian tribe’ and ‘tribally designated housing entity’ shall have the same meanings given such terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)”;

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

SEC. 505. COMPETITIVE GRANTS.

Title VII (25 U.S.C. 4211 et seq.) is amended by adding at the end the following new section:

“SEC. 706. COMPETITIVE GRANTS.

“(a) AUTHORITY.—To the extent amounts are made available pursuant to subsection (d), the Secretary shall
make grants under this section, pursuant to a competition for such grants, to eligible recipients of block grants under title I that apply for grants under this section for use only for carrying out eligible affordable housing activities under section 202 (25 U.S.C. 4132).

“(b) Priority; Considerations.—In awarding grants under this section, the Secretary shall—

“(1) give priority to projects for construction, and related necessary infrastructure, that will increase the inventory of affordable housing;

“(2) encourage housing rehabilitation projects that will increase the useful life of existing affordable housing dwelling units and alleviate substandard housing conditions;

“(3) encourage necessary affordable housing-related infrastructure projects that will enable future construction or rehabilitation; and

“(4) consider need and administrative capacity of applicants.

“(c) Administrative Costs.—Of any amounts made available pursuant to subsection (d) for any fiscal year, not more than 1 percent may be used by the Secretary for necessary costs of administering and overseeing the obligation and expenditure of amounts made available for grants under this section.
“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for grants under this section—

“(1) $100,000,000 for fiscal year 2022;
“(2) $105,000,000 for fiscal year 2023;
“(3) $110,000,000 for fiscal year 2024;
“(4) $115,000,000 for fiscal year 2025; and
“(5) $120,000,000 for fiscal year 2026.”.

TITLE VI—MISCELLANEOUS

SEC. 601. LANDS TITLE REPORT COMMISSION.


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

(2) in subsection (b)(1) by striking “this Act” and inserting “the Native American Housing Assistance and Self-Determination Reauthorization Act of 2021”.

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

Section 702 (25 U.S.C. 4211) is amended—
(1) in subsection (c)(1), by inserting “, whether enacted before, on, or after the date of the enactment of this section” after “law”; and

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

SEC. 603. EXEMPTION FOR INDIAN TRIBES FROM NATIONAL FLOOD INSURANCE PROGRAM PARTICIPATION REQUIREMENT.

Paragraph (3) of section 3(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4003(a)(3)) is amended by inserting before the semicolon at the end the following: “or for any Indian tribe that has in effect a plan for mitigating damage resulting from flooding that has been approved by the tribal government for the tribe”.

SEC. 604. COMPLIANCE WITH TREATY OBLIGATIONS.

The Secretary of Housing and Urban Development shall withhold all or partial funds to a tribe or tribal entity under this Act if, after consultation with the Secretary of the Interior and the tribe, the Secretary determines prior to disbursement that the tribe is not in compliance with obligations under its 1866 treaty with the United States as it relates to the inclusion of persons who are lineal descendants of Freedmen as having the rights of the citizens of such tribes, unless a federal court has issued a final order that determines the treaty obligations with respect
Section 1(b) is amended by striking the item relating to section 206 (treatment of funds).

Title VII—Housing for Native Hawaiians

Section 824 (25 U.S.C. 4243) is amended to read as follows:


“There are authorized to be appropriated to the Department of Housing and Urban Development for grants under this title—

“(1) $13,000,000 for fiscal year 2022;

“(2) $13,620,000 for fiscal year 2023;

“(3) $14,280,000 for fiscal year 2024;

“(4) $14,960,000 for fiscal year 2025; and

“(5) $15,680,000 for fiscal year 2026.”.
SEC. 702. REAUTHORIZATION OF LOAN GUARANTEES FOR
NATIVE HAWAIIAN HOUSING.

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

(1) in paragraph (5)(C), by striking “for each
of fiscal years” and all that follows through the pe-
riod at the end and inserting “for each of fiscal
years 2022 through 2026 with an aggregate out-
standing principal amount not exceeding such
amount as may be provided in appropriation Acts
for such fiscal year.”; and

(2) by striking paragraph (7) and inserting the
following new paragraph:

“(7) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated to the
Guarantee Fund to carry out this section—

“(A) $386,000 for fiscal year 2022;
“(B) $405,000 for fiscal year 2023;
“(C) $424,000 for fiscal year 2024;
“(D) $444,000 for fiscal year 2025; and
“(E) $466,000 for fiscal year 2026.”.