

NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-  
DETERMINATION REAUTHORIZATION ACT OF 2014

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NOVEMBER 20, 2014.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

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Mr. HENSARLING, from the Committee on Financial Services,  
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 4329]

[Including cost estimate of the Congressional Budget Office]

The Committee on Financial Services, to whom was referred the bill (H.R. 4329) to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

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

(a) **SHORT TITLE.**—This Act may be cited as the “Native American Housing Assistance and Self-Determination Reauthorization Act of 2014”.

(b) **TABLE OF CONTENTS.**—The table of contents of 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.  
 Sec. 702. Clerical amendments.

**SEC. 2. 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.).

## 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 subsection by a recipient within 60 days after receipt of such request.”; and  
 (2) in subsection (k), by striking “I” 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.**

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 subsection:

“(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 section, 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 environmental review require-

ments 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 construction costs as listed in not less than two nationally recognized residential construction cost indices.”.

## 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 Development Act of 1968”.

**SEC. 202. PROGRAM REQUIREMENTS.**

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

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

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

“(3) APPLICATION OF TRIBAL POLICIES.—Paragraph (2) shall not apply if the recipient has a written policy governing rents and homebuyer payments charged for dwelling units and such policy includes a provision governing maximum rents or homebuyer payments.”;

**SEC. 203. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-INCOME REQUIREMENT AND INCOME TARGETING.**

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”; 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. 204. 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. 205. 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. TRIBAL COORDINATION OF AGENCY FUNDING.**

“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. Tribal coordination of agency funding.”

## **TITLE III—ALLOCATION OF GRANT AMOUNTS**

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

The first sentence of section 108 (25 U.S.C. 4117) is amended by striking “such sums as may be necessary for each of fiscal years 2009 through 2013” and inserting “\$650,000,000 for each of fiscal years 2014 through 2018”.

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

“(1) before January 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.”

## 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:

“(D) NATIVE AMERICAN VETERANS.—

“(i) AUTHORITY.—Of the funds made available for rental assistance under this subsection for fiscal year 2015 and each fiscal year thereafter, the Secretary shall set aside 5 percent for a supported housing and rental assistance program modeled on the HUD-Veterans Affairs Supportive Housing (HUD-VASH) program, to be administered in conjunction with the Department of Veterans Affairs, for the benefit of homeless Native American veterans and veterans at risk of homelessness.

“(ii) RECIPIENTS.—Such rental assistance shall be made available to recipients eligible to receive block grants under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

“(iii) FUNDING CRITERIA.—Funds shall be awarded based on need, administrative capacity, and any other funding criteria established by the Secretary in a notice published in the Federal Register, after consultation with the Secretary of Veterans Affairs, by a date sufficient to provide for implementation of the program under this subparagraph in accordance with clause (i).

“(iv) PROGRAM REQUIREMENTS.—Such funds shall be administered by block grant recipients in accordance with program requirements under Native American Housing Assistance and Self-Determination Act of 1996 in lieu of program requirements under this Act.

“(v) WAIVER.—The Secretary may waive, or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the use of funds made available under this subparagraph, but only upon a finding by the Secretary that such waiver or alternative requirement is necessary to promote administrative efficiency, eliminate delay, consolidate or eliminate duplicative or ineffective requirements or criteria, or otherwise provide for the effective delivery and administration of such supportive housing assistance to Native American veterans.

“(vi) CONSULTATION.—The Secretary and the Secretary of Veterans Affairs shall jointly consult with block grant recipients and any other appropriate tribal organizations to—

“(I) ensure that block grant recipients administering funds made available under the program under this subparagraph are able to effectively coordinate with providers of supportive services provided in connection with such program; and

“(II) ensure the effective delivery of supportive services to Native American veterans that are homeless or at risk of homelessness eligible to receive assistance under this subparagraph.  
 Consultation pursuant to this clause shall be completed by a date sufficient to provide for implementation of the program under this subparagraph in accordance with clause (i).

“(vii) NOTICE.—The Secretary shall establish the requirements and criteria for the supported housing and rental assistance program under this subparagraph by notice published in the Federal Register, but shall provide Indian tribes and tribally designated housing agencies an opportunity for comment and consultation before publication of a final notice pursuant to this clause.”.

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

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

(1) in subparagraph (B), by inserting after the period at the end of the first sentence the following: “There are authorized to be appropriated for such costs \$12,200,000 for each of fiscal years 2014 through 2018.”; and

(2) in subparagraph (C)—

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

(B) by striking “such amount as may be provided in appropriation Acts for” and inserting “\$976,000,000 for each”.

## **TITLE VI—MISCELLANEOUS**

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

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

(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 2014”.

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

Section 801 of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 (Public Law 110–411) is amended by striking “Temporary Order and Temporary Injunction issued on May 14, 2007, by the District Court of the Cherokee Nation” and inserting “Order issued September 21, 2011, by the Federal District Court for the District of Columbia”.

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

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

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

**SEC. 701. DEMONSTRATION PROGRAM.**

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

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

**“SEC. 901. AUTHORITY.**

“(a) **IN GENERAL.**—In addition to any other authority provided in this Act for the construction, development, maintenance, and operation of housing for Indian families, the Secretary shall provide the participating tribes having final plans approved pursuant to section 905 with the authority to exercise the activities provided under this title and such plan for the acquisition and development of housing to meet the needs of tribal members.

“(b) **INAPPLICABILITY OF NAHASDA PROVISIONS.**—Except as specifically provided otherwise in this title, titles I through IV, VI, and VII shall not apply to a participating tribe’s use of funds during any period that the tribe is participating in the demonstration program under this title.

“(c) **CONTINUED APPLICABILITY OF CERTAIN NAHASDA PROVISIONS.**—The following provisions of titles I through VIII shall apply to the demonstration program under this title and amounts made available under the demonstration program under this title:

“(1) Subsections (d) and (e) of section 101 (relating to tax exemption).

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

“(3) Section 101(k) (relating to tribal preference in employment and contracting).

“(4) Section 104 (relating to treatment of program income and labor standards).

“(5) Section 105 (relating to environmental review).

“(6) Section 201(b) (relating to eligible families), except as otherwise provided in this title.

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

“(8) Section 702 (relating to 99-year leasehold interests in trust or restricted lands for housing purposes).

**“SEC. 902. PARTICIPATING TRIBES.**

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

“(b) **COOPERATIVE AGREEMENT.**—Upon approval under section 905 of the final plan of an Indian tribe for participation in the demonstration program under this title, the Secretary shall enter into a cooperative agreement with the participating tribe that provides such tribe with the authority to carry out activities under the demonstration program.

“(c) **LIMITATION.**—The Secretary may not approve more than 20 Indian tribes for participation in the demonstration program under this title.

**“SEC. 903. REQUEST FOR QUOTES AND SELECTION OF INVESTOR PARTNER.**

“(a) **REQUEST FOR QUOTES.**—Not later than the expiration of the 180-day period beginning upon notification to the Secretary by an Indian tribe of intention to participate in the demonstration program under this title, the Indian tribe shall—

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

“(2) release a request for quotations from entities interested in partnering with the tribe in designing and carrying out housing activities sufficient to meet the tribe’s housing needs as identified pursuant to paragraph (1).

“(b) **SELECTION OF INVESTOR PARTNER.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), not later than the expiration of the 18-month period beginning on the date of the enactment of this title, an Indian tribe requesting to participate in the demonstration program under this title shall—

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

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

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

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

“(B) has any other satisfactory reason, as determined by the Secretary, for failure to select an investor partner.

“SEC. 904. FINAL PLAN.

“A final plan under this section shall—

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

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

“(3) set forth a detailed description of such projected housing needs, including affordable housing needs, of the tribe, which shall include—

“(A) a description of such need over the ensuing 24 months and thereafter until the expiration of the ensuing 5-year period or until the affordable housing need is met, whichever occurs sooner; and

“(B) the same information that would be required under section 102 to be included in an Indian housing plan for the tribe, as such requirements may be modified by the Secretary to take consideration of the requirements of the demonstration program under this title;

“(4) provide for specific housing activities sufficient to meet the tribe’s housing needs, including affordable housing needs, as identified pursuant to paragraph (3) within the periods referred to such paragraph, which shall include—

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

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

“(C) development of housing infrastructure, including housing infrastructure sufficient to serve affordable housing developed under the plan; and

“(D) investments by the investor partner for the tribe, the participating tribe, members of the participating tribe, and financial institutions and other outside investors necessary to provide financing for the development of housing under the plan and for mortgages for tribal members purchasing such housing;

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

“(6) provide that the participating tribe—

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

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

“(7) provide for sufficient protections, in the determination of the Secretary, to ensure that the tribe and the Federal Government are not liable for the acts of the investor partner or of any contractors;

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

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

“(10) set forth specific terms and conditions of return on investment by the investor partner and other investors under the plan, and provide that the participating tribe shall pledge grant amounts allocated for the tribe pursuant to title III for such return on investment;

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

“(12) set forth any plans for sale of affordable housing of the participating tribe under section 907 and, if included, plans sufficient to meet the requirements of section 907 regarding meeting future affordable housing needs of the tribe;

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

“(14) include such other information as the participating tribe and investor partner consider appropriate.

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

“(a) **IN GENERAL.**—Not later than the expiration of the 90-day period beginning upon a submission by an Indian tribe of a final plan under section 904 to the Secretary, the Secretary shall—

“(1) review the plan and the process by which the tribe solicited requests for quotations from investors and selected the investor partner; and

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

“(i) the assessment of the tribe’s housing needs by the qualified entity, or as set forth in the plan pursuant to section 904(3), is inaccurate or insufficient;

“(ii) the process established by the tribe to solicit requests for quotations and select an investor partner was insufficient or negligent; or

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

“(B) approve the plan, on the condition that the participating tribe and the investor make such revisions to the plan as the Secretary may specify as appropriate to meet the needs of the tribe for affordable housing; or

“(C) disapprove the plan, only if the Secretary determines that the plan fails to meet the minimal housing standards and requirements set forth in this Act and the Secretary notifies the tribe of the elements requiring the disapproval.

“(b) **ACTION UPON DISAPPROVAL.**—

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

“(2) **LIMITATION.**—If the final plan for an Indian tribe is disapproved twice and resubmitted twice pursuant to the authority under paragraph (1) and, upon such second re-submission of the plan the Secretary disapproves the plan, the tribe may not re-submit the plan again and shall be ineligible to participate in the demonstration program under this title.

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

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

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

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

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

“(2) **ADMINISTRATIVE EXPENSES.**—The Secretary may provide to a participating tribe, upon the request of a tribe, not more than 10 percent of any annual allocation made under title III for the tribe during such period for administrative costs of the tribe in completing the processes to carry out sections 903 and 904.

“(3) **HOUSING INFRASTRUCTURE COSTS.**—A participating tribe may use such amounts for housing infrastructure costs associated with providing affordable housing for the tribe under the final plan.

“(4) **MAINTENANCE; TENANT SERVICES.**—A participating tribe may use such amounts for maintenance of affordable housing for the tribe and for housing services, housing management services, and crime prevention and safety activities described in paragraphs (3), (4), and (5), respectively, of section 202.

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

“Notwithstanding any other provision of this Act, a participating tribe may, in accordance with the provisions of the final plan of the tribe approved pursuant to section 905, resell any affordable housing developed with assistance made available under this Act for use other than as affordable housing, but only if the tribe provides such assurances as the Secretary determines are appropriate to ensure that—

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

“(2) will provide affordable housing in the future sufficient to meet future affordable housing needs; and

“(3) will use any proceeds only to meet such future affordable housing needs or as provided in section 906.

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

“(a) ANNUAL REPORTS BY TRIBE.—Each participating tribe shall submit a report to the Secretary annually regarding the progress of the tribe in complying with, and meeting the deadlines and schedules set forth under the approved final plan for the tribe. Such reports shall contain such information as the Secretary shall require.

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

“(1) summarize the information in the reports submitted by participating tribes pursuant to subsection (a);

“(2) identify the number of tribes that have selected an investor partner pursuant to a request for quotations;

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

“(4) identify, by participating tribe, any amounts requested and approved for use under section 906; and

“(5) identify any participating tribes that have terminated participation in the demonstration program and the circumstances of such terminations.

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

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

“(a) TERMINATION OF PARTICIPATION.—A participating tribe may terminate participation in the demonstration program under this title at any time, subject to this section.

“(b) EFFECT ON EXISTING OBLIGATIONS.—

“(1) NO AUTOMATIC TERMINATION.—Termination by a participating tribe in the demonstration program under this section shall not terminate any obligations of the tribe under agreements entered into under the demonstration program with the investor partner for the tribe or any other investors or contractors.

“(2) AUTHORITY TO MUTUALLY TERMINATE AGREEMENTS.—Nothing in this title may be construed to prevent a tribe that terminates participation in the demonstration program under this section and any party with which the tribe has entered into an agreement from mutually agreeing to terminate such agreement.

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

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

**“SEC. 910. FINAL REPORT.**

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

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

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

“(3) a determination of whether the demonstration should be expanded into a permanent program available for Indian tribes to opt into at any time and, if so, recommendations for such expansion, including any legislative actions necessary to expand the program.

**“SEC. 911. DEFINITIONS.**

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

“(1) AFFORDABLE HOUSING.—The term ‘affordable housing’ has the meaning given such term in section 4 (25 U.S.C. 4103).

“(2) HOUSING INFRASTRUCTURE.—The term ‘housing infrastructure’ means basic facilities, services, systems, and installations necessary or appropriate for the functioning of a housing community, including facilities, services, systems, and installations for water, sewage, power, communications, and transportation.

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

“(4) PARTICIPATING TRIBES.—The term ‘participating tribe’ means an Indian tribe for which a final plan under section 904 for participation in the demonstration program under this title has been approved by the Secretary under section 905.

**“SEC. 912. NOTICE.**

“The Secretary shall establish any requirements and criteria as may be necessary to carry out the demonstration program under this title by notice published in the Federal Register.”

**SEC. 702. CLERICAL AMENDMENTS.**

The table of contents in section 1(b) is amended by inserting after the item relating to section 705 the following:

“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.”

PURPOSE AND SUMMARY

H.R. 4329, the Native American Housing Assistance and Self-Determination Reauthorization Act of 2014, reauthorizes the Native American Housing Assistance Self Determination Act of 1996 (NAHASDA) for five years through 2018 and amends the law to address housing needs for Native American tribal governments.

H.R. 4329 (1) strengthens vital taxpayer protections and tribal accountability by providing the Secretary of Housing and Urban Development (HUD) the authority to recoup unexpended funds; (2) allows for tribes to pursue alternative funding sources by encouraging private investment; and (3) provides Native American tribal

governments with greater efficiencies when deploying NAHASDA funds.

H.R. 4329 seeks to modernize regulations or statutes that, over time, were deemed ineffective, outdated or excessive. For example, as noted in a March 2014 Government Accountability Office (GAO) report entitled *Native American Housing: Additional Actions Needed to Better Support Tribal Efforts*,<sup>1</sup> when NAHASDA funds are combined with other federal funds on a project, the NAHASDA regulations require the grant recipient to follow each federal agency's separate requirements. H.R. 4329 consolidates the environmental review requirements on affordable housing developments under a single environmental review when NAHASDA funding is no less than 51 percent of the total federal funding of the grant recipient. Moreover, the bill requires the HUD Secretary to study and recommend to Congress standards and procedures to streamline and simplify the Indian Housing Plans (IHPs), an annual plan NAHASDA grant-recipients are required to submit each year detailing their goals and objectives to be met during the grant year.

H.R. 4329 establishes a demonstration program for no more than twenty (20) NAHASDA grant-recipients to seek private investment and management when meeting their housing needs. The Committee is encouraged by the increased access to capital through financial institutions that has resulted from opening access for tribes to Section 184 loan guarantees under the Housing and Community Development Act of 1992. Access to capital continues to be one of the greatest obstacles to housing development on tribal lands, whether it be at the individual level or project development level. The Committee believes continuing to develop alternative sources of capital for use in developing tribal lands is critical to meeting the original intent of NAHASDA.

The demonstration program created by this title builds upon the success of the Military Housing Privatization Initiative in 1996, which created a public-private partnership to meet housing needs on military installations nationwide. Today, less than 20 years after its inception, a majority of the housing on military installations has been constructed or modified thanks to this program. In hopes of emulating the success of the military's housing program, H.R. 4329 provides for a public-private partnership program that would allow tribes to address housing shortages through large development projects. The demonstration allows the tribes to use funds allocated under NAHASDA as leverage and payment for the completion of these projects in conjunction with private industry. While the Committee believes in greater self-determination, it is also committed to protecting taxpayers from fraud and abuse. Accordingly, the demonstration program requires an oversight review and approval of any development project created under this Act. The legislation outlines safeguards to protect both the tribes and private investors from fraud and abuse and to ensure that minimum housing standards and requirements are met. Moreover, each development will be required to define the metrics that will assist in showing the successes and weaknesses in the demonstration program. Five years after enactment of this Act, HUD would

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<sup>1</sup> Government Accountability Office, "Native American Housing: Additional Actions Needed to Better Support Tribal Efforts", A Report to Congress (March 27, 2014), <http://gao.gov/assets/670/662063.pdf>

be required to report to Congress outlining the effectiveness of the demonstration and make recommendations on how to leverage tribal resources for private capital investment and participation.

As of September 30, 2014, there was \$499,470,516 in expended, unobligated NAHASDA funds, meaning these funds have been disbursed by HUD to the tribes but not yet spent. The Committee recognizes that housing development, like other forms of capital development, can be a multi-year process and NAHASDA recipients should be allowed a reasonable time in which to plan for and expend their funding. However, the program's slow spend-out rate raises questions as to whether some of the tribes receiving NAHASDA funds have the capacity to deploy these funds in a timely and efficient manner. The Administration's FY2015 budget proposal requested statutory changes to allow a one-time recoupment of those obligated unexpended NAHASDA funds that exceed the total of three times the recipient's annual grant. The House approved this proposal on June 10, 2014, when passing the Fiscal Year 2015 Transportation, Housing and Urban Development Appropriations Bill.<sup>2</sup> H.R. 4329 would codify the Administration's proposal as an annual recoupment process for those grant recipients who receive more than \$5 million annually and are provided an opportunity to justify their strategy of leaving NAHASDA funds unexpended for a long period of time.

#### BACKGROUND AND NEED FOR LEGISLATION

NAHASDA is a federal grant and loan guarantee program that provides affordable housing assistance to Native American tribes. Tribes spend these funds to provide affordable housing assistance for their low-income members living on or near Native American tribal lands or areas. NAHASDA is administered by HUD's Office of Native American Programs (ONAP). Congress first authorized NAHASDA in 1996 to streamline the multiple channels of housing assistance provided to Native Americans by combining several federal housing assistance programs into two: (1) the Indian Housing Block Grant (IHBG) program, which is a formula-based grant program; and (2) the Title VI Tribal Housing Activities Loan Guarantee Program, which guarantees private loans to Indian tribes to develop affordable housing. NAHASDA was first funded by Congress in 1998 and the annual funding level for NAHASDA is approximately \$650 million. NAHASDA's authorization expired September 30, 2013, and the program is currently receiving appropriations without authorization.

NAHASDA is designed to advance the following statutory objectives:

1. Assisting and promoting affordable housing activities to develop, maintain, and operate affordable housing in safe and healthy environments on Indian reservations and in other Indian areas for occupancy by low-income Indian families;
2. Ensuring better access to private mortgage markets for Indian tribes and their members and promoting self-sufficiency of Indian tribes and their members;

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<sup>2</sup>United States House of Representatives, H.R. 4745, 113th Congress, passed June 10, 2014, <https://www.congress.gov/113/bills/hr4745/BILLS-113hr4745pcs.pdf>

3. Coordinating activities to provide housing for Indian tribes and their members with federal, state, and local activities to further economic and community development for Indian tribes and their members;

4. Planning for and integrating infrastructure resources with housing development for Indian tribes; and

5. Promoting the development of private capital markets in Indian country for the benefit of Indian communities.

Entities eligible to receive NAHASDA funds are federally recognized Indian tribes, with the exception of five state-recognized tribes that participated in federal housing programs under the 1937 Housing Act. When HUD implemented NAHASDA, those five tribes were grandfathered into the program. According to the Bureau of Indian Affairs (BIA), a federally recognized tribe is an American Indian or Alaska Native tribal entity that has a government-to-government relationship with the United States and is eligible for BIA funding and services. Tribes may receive federal recognition (1) by an Act of Congress, (2) by the BIA through administrative procedures, or (3) by the decisions of a United States court. As of January 22, 2014, there were 566 federally recognized tribes in the United States.

Once tribes receive NAHASDA funds, they can use a range of approaches to provide homeownership and rental assistance to their tribal members. Tribes typically spend their NAHASDA funds on homeownership units for purchase through new construction, acquisition, or rehabilitation. Tribes also can construct, acquire, or rehabilitate new affordable rental housing for their tribal members, and tribes can provide tenant-based rental assistance for their low-income members (residents in these units pay up to 30 percent of their adjusted income in rent). Tribes have the ability to leverage NAHASDA funds by combining them with funds from other federal, state, local and private sources to support eligible program activities.

Families that are eligible to receive or benefit from NAHASDA-funded assistance are low-income Indian families, defined as Indian families residing on a reservation or in a tribal service area whose income does not exceed 80 percent of the area median income. Under specific and very limited circumstances, families residing on a reservation or in a tribal service area that are not Native American or low-income also are eligible to receive NAHASDA-funded assistance.

Prior to NAHASDA, Native American tribes received assistance for affordable housing under various federal programs aimed at providing housing assistance to low-income Native Americans. For example, tribes received housing development and modernization grants, public housing operating subsidies, and Section 8 rental assistance, which were authorized in the 1937 Housing Act. By combining federal housing assistance programs, NAHASDA sought to provide Native American tribes greater self-determination and self-governance by allowing them more authority over spending their federal affordable housing funds. With the enactment of NAHASDA, Indian tribes are no longer eligible to receive federal housing assistance under the 1937 Housing Act.

HEARINGS

No hearings were held on H.R. 4329.

COMMITTEE CONSIDERATION

The Committee on Financial Services met in open session on July 29–30, 2014, and ordered H.R. 4329 to be reported favorably to the House with an amendment by a recorded vote of 47 yeas to 11 nays (Record vote no. FC–93), a quorum being present.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto.

1. A second-degree amendment offered by Ranking Minority Member Waters (to the amendment in the nature of a substitute offered by Mr. Pearce [the “Pearce ANS”]) to prohibit expenditure of any funds under NAHASDA for the benefit of the Cherokee Nation of Oklahoma until it is in full compliance with the Treaty of 1866 and fully recognizes all Cherokee Freedmen and their descendants as citizens of the Cherokee Nation was NOT AGREED TO by a recorded vote of 25 yeas to 32 nays [Record vote no. FC–90].

RECORD VOTE NO. FC–90

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Mr. Hensarling		X		Ms. Waters	X		
Mr. Bachus		X		Mrs. Maloney (NY)	X		
Mr. King (NY)		X		Ms. Velázquez	X		
Mr. Royce		X		Mr. Sherman	X		
Mr. Lucas		X		Mr. Meeks	X		
Mr. Gary G. Miller (CA)		X		Mr. Capuano	X		
Mrs. Capito		X		Mr. Hinojosa	X		
Mr. Garrett		X		Mr. Clay			
Mr. Neugebauer		X		Mrs. McCarthy (NY)	X		
Mr. McHenry		X		Mr. Lynch	X		
Mr. Campbell		X		Mr. David Scott (GA)	X		
Mrs. Bachmann		X		Mr. Al Green (TX)	X		
Mr. McCarthy (CA)				Mr. Cleaver			
Mr. Pearce		X		Ms. Moore	X		
Mr. Posey		X		Mr. Ellison	X		
Mr. Fitzpatrick		X		Mr. Perlmutter	X		
Mr. Westmoreland		X		Mr. Himes	X		
Mr. Luetkemeyer		X		Mr. Peters (MI)	X		
Mr. Huizenga (MI)		X		Mr. Carney	X		
Mr. Duffy		X		Ms. Sewell (AL)	X		
Mr. Hurt		X		Mr. Foster	X		
Mr. Stivers		X		Mr. Kildee	X		
Mr. Fincher		X		Mr. Murphy (FL)	X		
Mr. Stutzman		X		Mr. Delaney	X		
Mr. Mulvaney		X		Ms. Sinema	X		
Mr. Hultgren		X		Mrs. Beatty	X		
Mr. Ross		X		Mr. Heck (WA)	X		
Mr. Pittenger		X		Mr. Horsford			
Mrs. Wagner		X					
Mr. Barr		X					
Mr. Cotton		X					
Mr. Rothfus		X					
Mr. Messer		X					

2. A second-degree amendment offered by Mr. Kildee to the Pearce ANS to strike title VII (relating to demonstration program for alternative privatization authority for Native American housing) was NOT AGREED TO by a recorded vote of 25 yeas to 32 nays [Record vote no. FC-91].

RECORD VOTE NO. FC-91

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Mr. Hensarling		X		Ms. Waters	X		
Mr. Bachus		X		Mrs. Maloney (NY)	X		
Mr. King (NY)		X		Ms. Velázquez	X		
Mr. Royce		X		Mr. Sherman	X		
Mr. Lucas		X		Mr. Meeks	X		
Mr. Gary G. Miller (CA)		X		Mr. Capuano	X		
Mrs. Capito		X		Mr. Hinojosa	X		
Mr. Garrett		X		Mr. Clay			
Mr. Neugebauer		X		Mrs. McCarthy (NY)	X		
Mr. McHenry		X		Mr. Lynch	X		
Mr. Campbell		X		Mr. David Scott (GA)	X		
Mrs. Bachmann		X		Mr. Al Green (TX)	X		
Mr. McCarthy (CA)				Mr. Cleaver			
Mr. Pearce		X		Ms. Moore	X		
Mr. Posey		X		Mr. Ellison	X		
Mr. Fitzpatrick		X		Mr. Perlmutter	X		
Mr. Westmoreland		X		Mr. Himes	X		
Mr. Luetkemeyer		X		Mr. Peters (MI)	X		
Mr. Huizenga (MI)		X		Mr. Carney	X		
Mr. Duffy		X		Ms. Sewell (AL)	X		
Mr. Hurt		X		Mr. Foster	X		
Mr. Stivers		X		Mr. Kildee	X		
Mr. Fincher		X		Mr. Murphy (FL)	X		
Mr. Stutzman		X		Mr. Delaney	X		
Mr. Mulvaney		X		Ms. Sinema	X		
Mr. Hultgren		X		Mrs. Beatty	X		
Mr. Ross		X		Mr. Heck (WA)	X		
Mr. Pittenger		X		Mr. Horsford			
Mrs. Wagner		X					
Mr. Barr		X					
Mr. Cotton		X					
Mr. Rothfus		X					
Mr. Messer		X					

3. A second-degree amendment offered by Mr. Heck to the Pearce ANS to strick the \$650 million per annum authorization limit for fiscal years 2014 through 2018 was NOT AGREED TO by a recorded vote of 26 yeas to 32 nays [Record vote no. FC-92].

RECORD VOTE NO. FC-92

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Mr. Hensarling		X		Ms. Waters	X		
Mr. Bachus		X		Mrs. Maloney (NY)	X		
Mr. King (NY)		X		Ms. Velázquez	X		
Mr. Royce		X		Mr. Sherman	X		
Mr. Lucas		X		Mr. Meeks	X		
Mr. Gary G. Miller (CA)		X		Mr. Capuano	X		
Mrs. Capito		X		Mr. Hinojosa	X		
Mr. Garrett		X		Mr. Clay			
Mr. Neugebauer		X		Mrs. McCarthy (NY)	X		
Mr. McHenry		X		Mr. Lynch	X		
Mr. Campbell		X		Mr. David Scott (GA)	X		
Mrs. Bachmann		X		Mr. Al Green (TX)	X		
Mr. McCarthy (CA)				Mr. Cleaver			
Mr. Pearce		X		Ms. Moore	X		

## RECORD VOTE NO. FC-92—Continued

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Mr. Posey .....		X	.....	Mr. Ellison .....	X	.....	.....
Mr. Fitzpatrick .....		X	.....	Mr. Perlmutter .....	X	.....	.....
Mr. Westmoreland .....		X	.....	Mr. Himes .....	X	.....	.....
Mr. Luetkemeyer .....		X	.....	Mr. Peters (MI) .....	X	.....	.....
Mr. Huizenga (MI) .....		X	.....	Mr. Carney .....	X	.....	.....
Mr. Duffy .....		X	.....	Ms. Sewell (AL) .....	X	.....	.....
Mr. Hurt .....		X	.....	Mr. Foster .....	X	.....	.....
Mr. Stivers .....		X	.....	Mr. Kildee .....	X	.....	.....
Mr. Fincher .....		X	.....	Mr. Murphy (FL) .....	X	.....	.....
Mr. Stutzman .....		X	.....	Mr. Delaney .....	X	.....	.....
Mr. Mulvaney .....		X	.....	Ms. Sinema .....	X	.....	.....
Mr. Hultgren .....		X	.....	Mrs. Beatty .....	X	.....	.....
Mr. Ross .....		X	.....	Mr. Heck (WA) .....	X	.....	.....
Mr. Pittenger .....		X	.....	Mr. Horsford .....	X	.....	.....
Mrs. Wagner .....		X	.....				
Mr. Barr .....		X	.....				
Mr. Cotton .....		X	.....				
Mr. Rothfus .....		X	.....				
Mr. Messer .....		X	.....				

4. A motion by Chairman Hensarling to report the bill, as amended, to the House with a favorable recommendation was agreed to by a record vote of 47 yeas and 11 nays (Record vote no. FC-93).

## RECORD VOTE NO. FC-93

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Mr. Hensarling .....	X	.....	.....	Ms. Waters .....		X	.....
Mr. Bachus .....	X	.....	.....	Mrs. Maloney (NY) .....	X	.....	.....
Mr. King (NY) .....	X	.....	.....	Ms. Velázquez .....		X	.....
Mr. Royce .....	X	.....	.....	Mr. Sherman .....	X	.....	.....
Mr. Lucas .....	X	.....	.....	Mr. Meeks .....		X	.....
Mr. Gary G. Miller (CA) .....	X	.....	.....	Mr. Capuano .....		X	.....
Mrs. Capito .....	X	.....	.....	Mr. Hinojosa .....		X	.....
Mr. Garrett .....	X	.....	.....	Mr. Clay .....			.....
Mr. Neugebauer .....	X	.....	.....	Mrs. McCarthy (NY) .....	X	.....	.....
Mr. McHenry .....	X	.....	.....	Mr. Lynch .....	X	.....	.....
Mr. Campbell .....	X	.....	.....	Mr. David Scott (GA) .....		X	.....
Mrs. Bachmann .....	X	.....	.....	Mr. Al Green (TX) .....		X	.....
Mr. McCarthy (CA) .....			.....	Mr. Cleaver .....			.....
Mr. Pearce .....	X	.....	.....	Ms. Moore .....	X	.....	.....
Mr. Posey .....	X	.....	.....	Mr. Ellison .....		X	.....
Mr. Fitzpatrick .....	X	.....	.....	Mr. Perlmutter .....		X	.....
Mr. Westmoreland .....	X	.....	.....	Mr. Himes .....		X	.....
Mr. Luetkemeyer .....	X	.....	.....	Mr. Peters (MI) .....	X	.....	.....
Mr. Huizenga (MI) .....	X	.....	.....	Mr. Carney .....	X	.....	.....
Mr. Duffy .....	X	.....	.....	Ms. Sewell (AL) .....	X	.....	.....
Mr. Hurt .....	X	.....	.....	Mr. Foster .....		X	.....
Mr. Stivers .....	X	.....	.....	Mr. Kildee .....	X	.....	.....
Mr. Fincher .....	X	.....	.....	Mr. Murphy (FL) .....	X	.....	.....
Mr. Stutzman .....	X	.....	.....	Mr. Delaney .....	X	.....	.....
Mr. Mulvaney .....	X	.....	.....	Ms. Sinema .....	X	.....	.....
Mr. Hultgren .....	X	.....	.....	Mrs. Beatty .....	X	.....	.....
Mr. Ross .....	X	.....	.....	Mr. Heck (WA) .....	X	.....	.....
Mr. Pittenger .....	X	.....	.....	Mr. Horsford .....	X	.....	.....
Mrs. Wagner .....	X	.....	.....				
Mr. Barr .....	X	.....	.....				
Mr. Cotton .....	X	.....	.....				
Mr. Rothfus .....	X	.....	.....				
Mr. Messer .....	X	.....	.....				

## COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee has held hearings and made findings that are reflected in this report.

## PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee states that H.R. 4329 will reauthorize NAHASDA through fiscal year 2018.

## NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

## COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

## CONGRESSIONAL BUDGET OFFICE ESTIMATES

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 17, 2014.*

Hon. JEB HENSARLING,  
*Chairman, Committee on Financial Services,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4329, the Native American Housing Assistance and Self-Determination Reauthorization Act of 2014.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Chad Chirico.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

*H.R. 4329—Native American Housing Assistance and Self-Determination Reauthorization Act of 2014*

Summary: H.R. 4329 would reauthorize the Native American Block Grant and loan guarantee programs through fiscal year 2018. In addition, the bill would authorize a new set-aside program to provide rental assistance to Native American veterans who are

homeless or at risk of homelessness. CBO estimates that implementing H.R. 4329 would cost about \$2 billion over the 2015–2019 period, assuming appropriation of the necessary amounts.

Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues.

H.R. 4329 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4329 is shown in the following table. The costs of this legislation fall within budget function 600 (income security).

Basis of estimate: CBO estimates that implementing H.R. 4329 would cost about \$2 billion over the next five years, assuming appropriation of the necessary funds. For this estimate, CBO assumes that H.R. 4329 will be enacted early in fiscal year 2015 and that appropriated funds will be spent at historical rates for the affected programs.

	By fiscal year, in millions of dollars—					
	2015	2016	2017	2018	2019	2015–2019
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Native American Housing Block Grants:						
Authorization Level .....	650	650	650	650	0	2,600
Estimated Outlays .....	241	371	462	540	364	1,978
Loan Guarantees for Indian Housing:						
Authorization Level .....	12	12	12	12	0	49
Estimated Outlays .....	12	12	12	12	0	49
Housing for Native American Veterans:						
Estimated Authorization Level .....	4	4	4	4	4	20
Estimated Outlays .....	3	4	4	4	4	19
Total Changes:						
Estimated Authorization Level .....	666	666	666	666	4	2,669
Estimated Outlays .....	256	387	478	556	368	2,046

#### *Native American Housing Block Grants*

Section 301 would authorize the appropriation of \$650 million annually for the Native American Housing Block Grant program through fiscal year 2018. The block grant program provides funding to tribes to acquire, construct, rehabilitate, or manage affordable housing for Native American families with low incomes. In 2014, \$650 million was appropriated for this program. CBO estimates that implementing this section would cost nearly \$2 billion over the 2015–2019 period.

#### *Loan Guarantees for Indian housing*

Section 502 would authorize the appropriation of \$12.2 million annually through 2018 to guarantee loans to Native American families and tribes to construct, acquire or rehabilitate homes located on tribal land. In 2014, \$6 million was appropriated for these guarantees. CBO estimates that implementing this section would cost \$49 million over the 2015–2019 period.

#### *Supportive housing for Native American veterans*

Section 501 would authorize a program to provide rental assistance to Native American veterans who are homeless or at risk of homelessness. Each year 5 percent of the funds made available for the Veterans Affairs Supported Housing Program (VASH) would be set aside for Native American veterans. In 2014, \$75 million was

appropriated for the VASH program. Assuming a program level that is 5 percent of that amount, and adjusting for anticipated inflation, CBO estimates that implementing this section would cost \$19 million over the 2015–2019 period.

Pay-As-You-Go considerations: None.

Intergovernmental and private-sector impact: H.R. 4329 contains no intergovernmental or private-sector mandates as defined in UMRA. Grants authorized in the bill would benefit tribal governments that participate in housing assistance programs. Any costs to those governments of complying with grant conditions would be incurred voluntarily.

Estimate prepared by: Federal costs: Chad Chirico; Impact on state, local, and tribal governments: J'nell Blanco Suchy; Impact on the private sector: Tristan Hanon.

Estimate approved by: Peter H. Fontaine; Assistant Director for Budget Analysis.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of the section 102(b)(3) of the Congressional Accountability Act.

#### EARMARK IDENTIFICATION

H.R. 4329 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

#### DUPLICATION OF FEDERAL PROGRAMS

Pursuant to section 3(j) of H. Res. 5, 113th Cong. (2013), the Committee states that no provision of H.R. 4329 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

#### DISCLOSURE OF DIRECTED RULEMAKING

Pursuant to section 3(k) of H. Res. 5, 113th Cong. (2013), the Committee states that H.R. 4329 requires no directed rulemaking.

## SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short Title; Table of Contents. This section states that the short title is the “Native American Housing Assistance and Self-Determination Reauthorization Act of 2014.”

Section 2. References. This section clarifies that all amendments contained in this bill refer to the Native American Housing Assistance and Self-Determination Act of 1996, unless otherwise expressly provided.

## TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

Section 101: Block Grants. This section requires the HUD Secretary to act on a Local Cooperation Agreement waiver request within 60 days of its submission by a recipient of funding under the Native American Housing Assistance and Self-Determination Act (NAHASDA). Local Cooperation Agreements, between the NAHASDA grant-recipient and local taxing body or government, exempt NAHASDA-funded rental and lease-to-purchase units from all real and personal taxes.

Section 102: Indian Housing Plans. This section requires the HUD Secretary to study and recommend to Congress standards and procedures to streamline and simplify Indian Housing Plans (IHPs), including recommendations that establish procedures for waiving the IHP or alternative reporting requirements, such as submitting multi-year IHPs. The IHP is an annual plan NAHASDA grant-recipients are required to submit each year detailing their goals and objectives to be met during the grant year.

Section 103: Environmental Review. This section requires the HUD Secretary to consolidate environmental review requirements under a single environmental review when NAHASDA funding is no less than 51 percent of the total federal funding source for the affordable housing development and the HUD Secretary determines the consolidation is not inconsistent with the goals of the National Environmental Policy Act of 1969; and requires the Secretary to act on environmental review waiver submissions within 60 days of receipt.

Section 104: Failure to Act on Request for Approval Regarding Exceeding TDC Maximum Costs for Project. This section establishes a 60-day period in which HUD must act on a recipient’s request to exceed the 10 percent maximum of total development cost; and provides a definition of total development costs as it relates to acquiring or rehabilitating affordable housing under NAHASDA.

## TITLE II—AFFORDABLE HOUSING ACTIVITIES

Section 201: National Objectives and Eligible Families. This section exempts NAHASDA recipients from section 3 of the Housing and Urban Development Act of 1968, which requires Public Housing and Tribal Authorities to prioritize hiring and contracting with low-income individuals.

Section 202: Program Requirements. This section removes the requirement in current law that rent charged for a unit equal 30 percent of the tenant’s income in instances where the NAHASDA recipient has a written policy governing rents or homebuyer payments charged for housing units, and such policy includes a provision governing maximum rents or homebuyer payments.

Section 203: Homeownership or Lease-To-Own Low-Income Requirement and Income Targeting. This section clarifies that housing funded by NAHASDA meets the test for “affordable” housing if a family is, at the outset of tenancy, low-income, as defined by the Act, and its income status subsequently changes prior to the family converting its tenancy to homeownership or lease-to-own status; and prohibits a NAHASDA recipient from requiring a binding affordability commitment for any privately owned home that receives property improvements that do not exceed 10 percent of the total development costs for such home.

Section 204: Lease Requirements and Tenant Selection. This section clarifies that the owner or manager of NAHASDA-funded rental housing shall only utilize leases that require a specific notice period prior to the termination of the lease.

Section 205: Tribal Coordination of Agency Funding. This section allows NAHASDA recipients to coordinate funding from the Indian Health Service to construct sanitation facilities for housing construction and renovation projects.

#### TITLE III—ALLOCATION OF GRANT AMOUNTS

Section 301: Authorization of Appropriations. This section authorizes \$650 million in appropriations for each of fiscal years 2014–2018 for the NAHASDA program.

Section 302: Effect of Undisbursed Block Grant Amounts On Annual Allocations. This section authorizes the HUD Secretary to recoup unexpended funds that exceed three times a yearly allocation for a NAHASDA recipient, with such identified funds reallocated to other eligible NAHASDA recipients; institutes a process by which recipients exceeding the maximum amount of funds have the ability to demonstrate due diligence to the Secretary prior to recoupment; and applies only to those NAHASDA recipients that receive an annual NAHASDA grant of more than \$5 million.

#### TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

Section 401: Review and Audit by Secretary. This section directs the HUD Secretary to issue a final audit report on a NAHASDA recipient within 60 days after the subject of the audit has had an opportunity to review and comment on the report, as provided by law.

Section 402: Reports to Congress. This section requires the HUD Secretary to provide copies of HUD’s statutorily required annual report on progress made in accomplishing the objectives of the Act, and a summary of the use of the Act’s funds, to each NAHASDA recipient and to Congress.

#### TITLE V—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

Section 501: HUD-Veterans Affairs Supportive Housing Program for Native American Veterans. This section authorizes HUD to create a rental assistance program for Native American veterans modeled on the HUD-Veterans Affairs Supportive Housing (HUD-VASH) program; and provides a 5 percent set aside from within the VASH funds for the creation of this program.

Section 502: Loan Guarantees for Indian Housing. This section authorizes \$12.2 million in appropriations for each of fiscal years

2014–2018 for the Loan Guarantees for Indian Housing program (also known as the Section 184 program), which will support a loan guarantee authority of \$976 million.

#### TITLE VI—MISCELLANEOUS

Section 601: Lands Title Report Commission. This section amends the American Homeownership and Economic Opportunity Act of 2000 by eliminating the requirement that funds in advance of appropriations be provided before the Indian Lands Title Report Commission may become operational.

Section 602: Limitation on the use of Funds for Cherokee Nation. This section updates current law to reflect legal contingencies involving a membership dispute between the Cherokee Nation and the Cherokee Freedmen at the U.S. District Court.

Section 603: Leasehold Interest In Trust or Restricted Lands For Housing Purposes. This section allows for 99-year leases on tribal lands and grandfathers current leases into the 99-year requirement.

Section 604: Clerical Amendment. This section updates the Table of Contents of the Native American Housing Assistance and Self-Determination Act of 1996.

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

Section 701: Demonstration Program. This section creates a new Title IX, within NAHASDA, authorizing a demonstration project on greater tribal self-determination and private investment when meeting housing needs.

- Sec. 901: Authority. This section provides additional authority to tribes that participate in the demonstration project and exempts participating tribes from other unrelated provisions of NAHASDA.

- Sec. 902: Participating Tribes. This section limits the demonstration project to twenty tribes and sets forth eligibility for the program, including a cooperative agreement between the participating tribe and HUD.

- Sec. 903: Request for Quotes and Selection of Investor Partners. This section sets forth the process by which the participating tribe must show due diligence in selection of an investor group. Included in these steps is an assessment of the housing needs on participating tribes' land.

- Sec. 904: Final Plan. This section requires participating tribes to provide HUD with a completed proposal for construction of housing needs on tribal land, known as a "Final Plan," and sets forth what must be included within that plan, as well as the requirements that apply to the investor partnering with the tribe.

- Sec. 905: HUD Review and Approval of Plan. This section sets forth the review and approval process HUD must follow when communicating with participating tribes and requires HUD to provide detailed information to tribes who have had their Final Plans denied or altered.

- Sec. 906: Treatment of NAHASDA Allocation. This section prescribes that allocations made to tribes in the demonstration project shall be reserved for use in housing infrastructure, administrative expenses, and equity for private investment.

- Sec. 907: Resale of Affordable Housing. This section authorizes participating tribes to resell any affordable housing developed under this act, so long as the tribe is meeting its affordable housing needs, and has the ability to meet future affordable housing needs.
- Sec. 908: Reports, Audits, and Compliance. This section requires participating tribes and HUD to provide annual reports on the progress of the demonstration project and sets forth requirements for HUD audits of participating tribes.
- Sec. 909: Termination of Tribal Participation. This section allows tribes to withdraw from the demonstration project at any time so long as they maintain any legal agreements with investors that participated under the demonstration project.
- Sec. 910: Final Report. This section requires a HUD report, five years after enactment, on whether the demonstration project should be expanded into a permanent program.
- Sec. 911: Definitions. This section provides for various definitions applicable to NAHASDA and this Act.
- Sec. 912: Notice. This section requires the HUD Secretary to carry out the demonstration project by notice published in the Federal Register.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996**

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) \* \* \*

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

* * * * *
TITLE II—AFFORDABLE HOUSING ACTIVITIES
Subtitle A—General Block Grant Program
* * * * *
<b>【Sec. 206. Treatment of funds.】</b>
* * * * *
<i>Sec. 211. Tribal coordination of agency funding.</i>
* * * * *
TITLE III—ALLOCATION OF GRANT AMOUNTS
* * * * *
<i>Sec. 303 Effect of undisbursed grant amounts on annual allocations.</i>
* * * * *
TITLE VIII—HOUSING ASSISTANCE FOR NATIVE HAWAIIANS
<i>Sec. 801. Definitions.</i>
<i>Sec. 802. Block grants for affordable housing activities.</i>
<i>Sec. 803. Housing plan.</i>
<i>Sec. 804. Review of plans.</i>
<i>Sec. 805. Treatment of program income and labor standards.</i>

- 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.*

\* \* \* \* \*

**SEC. 4. DEFINITIONS.**

For purposes of this Act, the following definitions shall apply:

(1) \* \* \*

\* \* \* \* \*

(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 construction costs as listed in not less than two nationally recognized residential construction cost indices.*

**[(22)] (23) TRIBALLY DESIGNATED HOUSING ENTITY.**—*The terms “tribally designated housing entity” and “housing entity” have the following meaning:*

(A) \* \* \*

\* \* \* \* \*

## TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

**SEC. 101. BLOCK GRANTS.**

(a) \* \* \*

\* \* \* \* \*

(c) LOCAL COOPERATION AGREEMENT.—Notwithstanding any other provision of this Act, grant amounts provided under this Act on behalf of an Indian tribe may not be used for rental or lease-purchase homeownership units that are owned by the recipient for the tribe unless the governing body of the locality within which the property subject to the development activities to be assisted with the grant amounts is or will be situated has entered into an agreement with the recipient for the tribe providing for local cooperation required by the Secretary pursuant to this Act. The Secretary may waive the requirements of this subsection and subsection (d) if the recipient has made a good faith effort to fulfill the requirements of this subsection and subsection (d) and agrees to make payments in lieu of taxes to the appropriate taxing authority in an amount consistent with the requirements of subsection (d)(2) until such time as the matter of making such payments has been resolved in accordance with subsection (d). *The Secretary shall act upon a waiver request submitted under this subsection by a recipient within 60 days after receipt of such request.*

\* \* \* \* \*

(k) TRIBAL PREFERENCE IN EMPLOYMENT AND CONTRACTING.—Notwithstanding any other provision of law, with respect to any grant (or portion of a grant) made on behalf of an Indian tribe under this Act that is intended to benefit [1] an Indian tribe, the tribal employment and contract preference laws (including regulations and tribal ordinances ) adopted by the Indian tribe that receives the benefit shall apply with respect to the administration of the grant (or portion of a grant).

\* \* \* \* \*

**SEC. 103. REVIEW OF PLANS.**

(a) \* \* \*

\* \* \* \* \*

(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.*

\* \* \* \* \*

**SEC. 105. ENVIRONMENTAL REVIEW.**

(a) \* \* \*

\* \* \* \* \*

(d) ENVIRONMENTAL COMPLIANCE.—The Secretary [may] shall waive the requirements under this section if the Secretary deter-

mines that a failure on the part of a recipient to comply with provisions of this section—

(1) \* \* \*

\* \* \* \* \*

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

*(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 section, 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 environmental review requirements that might apply to Federal agencies with respect to the use of such additional Federal funding sources for that project.*

\* \* \* \* \*

**SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated for grants under this title [such sums as may be necessary for each of fiscal years 2009 through 2013] \$650,000,000 for each of fiscal years 2014 through 2018. This section shall take effect on the date of the enactment of this Act.

**TITLE II—AFFORDABLE HOUSING ACTIVITIES**

**Subtitle A—General Block Grant Program**

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

(a) \* \* \*

(b) ELIGIBLE FAMILIES.—

(1) \* \* \*

\* \* \* \* \*

(6) EXEMPTION.—Title VI of the Civil Rights Act of [1964 and] 1964, title VIII of the Civil Rights Act of 1968, and section 3 of the Housing and Urban Development Act of 1968 shall not apply to actions by federally recognized tribes and the tribally designated housing entities of those tribes under this Act.

\* \* \* \* \*

**SEC. 203. PROGRAM REQUIREMENTS.**

(a) RENTS.—

(1) ESTABLISHMENT.—Subject to [paragraph (2)] paragraphs (2) and (3), each recipient shall develop written policies governing rents and homebuyer payments charged for dwelling

units assisted under this Act, including the methods by which such rents and homebuyer payments are determined.

\* \* \* \* \*  
(3) *APPLICATION OF TRIBAL POLICIES.—Paragraph (2) shall not apply if the recipient has a written policy governing rents and homebuyer payments charged for dwelling units and such policy includes a provision governing maximum rents or homebuyer payments.*

**SEC. 205. LOW-INCOME REQUIREMENT AND INCOME TARGETING.**

(a) **IN GENERAL.**—Housing shall qualify as affordable housing for purposes of this Act only if—

(1) each dwelling unit in the housing—

(A) \* \* \*

\* \* \* \* \*  
(C) in the case of a lease-purchase agreement for existing housing or for housing to be constructed, is made available for lease-purchase only by a family that is a low-income family at the time the agreement is entered into; **[and]**

\* \* \* \* \*  
(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*

\* \* \* \* \*  
(c) **APPLICABILITY.**—The provisions of paragraph (2) of subsection (a) regarding binding commitments for the remaining useful life of property shall not apply to a family or household member who subsequently takes ownership of a homeownership unit. *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. 207. LEASE REQUIREMENTS AND TENANT SELECTION.**

(a) \* \* \*

\* \* \* \* \*  
(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. 211. TRIBAL COORDINATION OF AGENCY FUNDING.**

*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.*

\* \* \* \* \*

**TITLE III—ALLOCATION OF GRANT AMOUNTS**

\* \* \* \* \*

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

(1) *before January 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.

## TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

\* \* \* \* \*

### SEC. 405. REVIEW AND AUDIT BY SECRETARY.

(a) \* \* \*

\* \* \* \* \*

(c) REVIEW OF REPORTS.—

(1) \* \* \*

\* \* \* \* \*

(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. 407. REPORTS TO CONGRESS.

(a) *IN GENERAL.*—Not later than 90 days after the conclusion of each fiscal year in which assistance under this Act is made available, the Secretary shall submit to the [Congress] *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, a report that contains—*

(1) \* \* \*

\* \* \* \* \*

(c) *PUBLIC AVAILABILITY TO RECIPIENTS.*—Each report submitted pursuant to subsection (a) shall be made publicly available to recipients.

\* \* \* \* \*

## TITLE VII—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

\* \* \* \* \*

### SEC. 702. 50-YEAR LEASEHOLD INTEREST IN TRUST OR RESTRICTED LANDS FOR HOUSING PURPOSES.

(a) \* \* \*

(b) *TERM.*—Each lease pursuant to subsection (a) shall be for a term not exceeding [50 years] 99 years.

(c) **RULE OF CONSTRUCTION.**—This section may not be construed to repeal, limit, or affect any authority to lease any trust or restricted Indian lands that—

(1) is conferred by or pursuant to any other provision of law, *whether enacted before, on, or after the date of the enactment of this section*; or

(2) provides for leases for any period exceeding **[50 years]** 99 years.

\* \* \* \* \*

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

### **SEC. 901. AUTHORITY.**

(a) *IN GENERAL.*—In addition to any other authority provided in this Act for the construction, development, maintenance, and operation of housing for Indian families, the Secretary shall provide the participating tribes having final plans approved pursuant to section 905 with the authority to exercise the activities provided under this title and such plan for the acquisition and development of housing to meet the needs of tribal members.

(b) *INAPPLICABILITY OF NAHASDA PROVISIONS.*—Except as specifically provided otherwise in this title, titles I through IV, VI, and VII shall not apply to a participating tribe's use of funds during any period that the tribe is participating in the demonstration program under this title.

(c) *CONTINUED APPLICABILITY OF CERTAIN NAHASDA PROVISIONS.*—The following provisions of titles I through VIII shall apply to the demonstration program under this title and amounts made available under the demonstration program under this title:

(1) Subsections (d) and (e) of section 101 (relating to tax exemption).

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

(3) Section 101(k) (relating to tribal preference in employment and contracting).

(4) Section 104 (relating to treatment of program income and labor standards).

(5) Section 105 (relating to environmental review).

(6) Section 201(b) (relating to eligible families), except as otherwise provided in this title.

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

(8) Section 702 (relating to 99-year leasehold interests in trust or restricted lands for housing purposes).

### **SEC. 902. PARTICIPATING TRIBES.**

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

(b) *COOPERATIVE AGREEMENT.*—Upon approval under section 905 of the final plan of an Indian tribe for participation in the demonstration program under this title, the Secretary shall enter into a cooperative agreement with the participating tribe that provides such tribe with the authority to carry out activities under the demonstration program.

(c) *LIMITATION.*—The Secretary may not approve more than 20 Indian tribes for participation in the demonstration program under this title.

**SEC. 903. REQUEST FOR QUOTES AND SELECTION OF INVESTOR PARTNER.**

(a) *REQUEST FOR QUOTES.*—Not later than the expiration of the 180-day period beginning upon notification to the Secretary by an Indian tribe of intention to participate in the demonstration program under this title, the Indian tribe shall—

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

(2) release a request for quotations from entities interested in partnering with the tribe in designing and carrying out housing activities sufficient to meet the tribe's housing needs as identified pursuant to paragraph (1).

(b) *SELECTION OF INVESTOR PARTNER.*—

(1) *IN GENERAL.*—Except as provided in paragraph (2), not later than the expiration of the 18-month period beginning on the date of the enactment of this title, an Indian tribe requesting to participate in the demonstration program under this title shall—

(A) select an investor partner from among the entities that have responded to the tribe's request for quotations; and

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

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

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

(B) has any other satisfactory reason, as determined by the Secretary, for failure to select an investor partner.

**SEC. 904. FINAL PLAN.**

A final plan under this section shall—

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

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

(3) set forth a detailed description of such projected housing needs, including affordable housing needs, of the tribe, which shall include—

(A) a description of such need over the ensuing 24 months and thereafter until the expiration of the ensuing 5-year period or until the affordable housing need is met, whichever occurs sooner; and

- (B) *the same information that would be required under section 102 to be included in an Indian housing plan for the tribe, as such requirements may be modified by the Secretary to take consideration of the requirements of the demonstration program under this title;*
- (4) *provide for specific housing activities sufficient to meet the tribe's housing needs, including affordable housing needs, as identified pursuant to paragraph (3) within the periods referred to such paragraph, which shall include—*
- (A) *development of affordable housing (as such term is defined in section 4 of this Act (25 U.S.C. 4103));*
- (B) *development of conventional homes for rental, lease-to-own, or sale, which may be combined with affordable housing developed pursuant to subparagraph (A);*
- (C) *development of housing infrastructure, including housing infrastructure sufficient to serve affordable housing developed under the plan; and*
- (D) *investments by the investor partner for the tribe, the participating tribe, members of the participating tribe, and financial institutions and other outside investors necessary to provide financing for the development of housing under the plan and for mortgages for tribal members purchasing such housing;*
- (5) *provide that the participating tribe will agree to provide long-term leases to tribal members sufficient for lease-to-own arrangements for, and sale of, the housing developed pursuant to paragraph (4);*
- (6) *provide that the participating tribe—*
- (A) *will be liable for delinquencies under mortgage agreements for housing developed under the plan that are financed under the plan and entered into by tribal members; and*
- (B) *shall, upon foreclosure under such mortgages, take possession of such housing and have the responsibility for making such housing available to other tribal members;*
- (7) *provide for sufficient protections, in the determination of the Secretary, to ensure that the tribe and the Federal Government are not liable for the acts of the investor partner or of any contractors;*
- (8) *provide that the participating tribe shall have sole final approval of design and location of housing developed under the plan;*
- (9) *set forth specific deadlines and schedules for activities to be undertaken under the plan and set forth the responsibilities of the participating tribe and the investor partner;*
- (10) *set forth specific terms and conditions of return on investment by the investor partner and other investors under the plan, and provide that the participating tribe shall pledge grant amounts allocated for the tribe pursuant to title III for such return on investment;*
- (11) *set forth the terms of a cooperative agreement on the operation and management of the current assistance housing stock and current housing stock for the tribe assisted under the preceding titles of this Act;*

(12) set forth any plans for sale of affordable housing of the participating tribe under section 907 and, if included, plans sufficient to meet the requirements of section 907 regarding meeting future affordable housing needs of the tribe;

(13) set forth terms for enforcement of the plan, including an agreement regarding jurisdiction of any actions under or to enforce the plan, including a waiver of immunity; and

(14) include such other information as the participating tribe and investor partner consider appropriate.

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

(a) *IN GENERAL.*—Not later than the expiration of the 90-day period beginning upon a submission by an Indian tribe of a final plan under section 904 to the Secretary, the Secretary shall—

(1) review the plan and the process by which the tribe solicited requests for quotations from investors and selected the investor partner; and

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

(i) the assessment of the tribe's housing needs by the qualified entity, or as set forth in the plan pursuant to section 904(3), is inaccurate or insufficient;

(ii) the process established by the tribe to solicit requests for quotations and select an investor partner was insufficient or negligent; or

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

(B) approve the plan, on the condition that the participating tribe and the investor make such revisions to the plan as the Secretary may specify as appropriate to meet the needs of the tribe for affordable housing; or

(C) disapprove the plan, only if the Secretary determines that the plan fails to meet the minimal housing standards and requirements set forth in this Act and the Secretary notifies the tribe of the elements requiring the disapproval.

(b) *ACTION UPON DISAPPROVAL.*—

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

(2) *LIMITATION.*—If the final plan for an Indian tribe is disapproved twice and resubmitted twice pursuant to the authority under paragraph (1) and, upon such second re-submission of the plan the Secretary disapproves the plan, the tribe may not re-submit the plan again and shall be ineligible to participate in the demonstration program under this title.

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

(d) *FAILURE TO NOTIFY.*—If the Secretary does not notify a participating tribe submitting a final plan of approval, conditional approval, or disapproval of the plan before the expiration of the period

referred to in paragraph (1), the plan shall be considered as approved for all purposes of this title.

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

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

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

(2) *ADMINISTRATIVE EXPENSES.*—The Secretary may provide to a participating tribe, upon the request of a tribe, not more than 10 percent of any annual allocation made under title III for the tribe during such period for administrative costs of the tribe in completing the processes to carry out sections 903 and 904.

(3) *HOUSING INFRASTRUCTURE COSTS.*—A participating tribe may use such amounts for housing infrastructure costs associated with providing affordable housing for the tribe under the final plan.

(4) *MAINTENANCE; TENANT SERVICES.*—A participating tribe may use such amounts for maintenance of affordable housing for the tribe and for housing services, housing management services, and crime prevention and safety activities described in paragraphs (3), (4), and (5), respectively, of section 202.

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

Notwithstanding any other provision of this Act, a participating tribe may, in accordance with the provisions of the final plan of the tribe approved pursuant to section 905, resell any affordable housing developed with assistance made available under this Act for use other than as affordable housing, but only if the tribe provides such assurances as the Secretary determines are appropriate to ensure that—

- (1) the tribe is meeting its need for affordable housing;
- (2) will provide affordable housing in the future sufficient to meet future affordable housing needs; and
- (3) will use any proceeds only to meet such future affordable housing needs or as provided in section 906.

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

(a) *ANNUAL REPORTS BY TRIBE.*—Each participating tribe shall submit a report to the Secretary annually regarding the progress of the tribe in complying with, and meeting the deadlines and schedules set forth under the approved final plan for the tribe. Such reports shall contain such information as the Secretary shall require.

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

- (1) summarize the information in the reports submitted by participating tribes pursuant to subsection (a);
- (2) identify the number of tribes that have selected an investor partner pursuant to a request for quotations;

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

(4) identify, by participating tribe, any amounts requested and approved for use under section 906; and

(5) identify any participating tribes that have terminated participation in the demonstration program and the circumstances of such terminations.

(c) **AUDITS.**—The Secretary shall provide for audits among participating tribes to ensure that the final plans for such tribes are being implemented and complied with. Such audits shall include on-site visits with participating tribes and requests for documentation appropriate to ensure such compliance.

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

(a) **TERMINATION OF PARTICIPATION.**—A participating tribe may terminate participation in the demonstration program under this title at any time, subject to this section.

(b) **EFFECT ON EXISTING OBLIGATIONS.**—

(1) **NO AUTOMATIC TERMINATION.**—Termination by a participating tribe in the demonstration program under this section shall not terminate any obligations of the tribe under agreements entered into under the demonstration program with the investor partner for the tribe or any other investors or contractors.

(2) **AUTHORITY TO MUTUALLY TERMINATE AGREEMENTS.**—Nothing in this title may be construed to prevent a tribe that terminates participation in the demonstration program under this section and any party with which the tribe has entered into an agreement from mutually agreeing to terminate such agreement.

(c) **RECEIPT OF REMAINING GRANT AMOUNTS.**—The Secretary shall provide for grants to be made in accordance with, and subject to the requirements of, this Act for any amounts remaining after use pursuant to section 906 from the allocation under title III for a participating tribe that terminates participation in the demonstration program.

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

**SEC. 910. FINAL REPORT.**

Not later than the expiration of the 5-year period beginning on the date of the enactment of this title, the Secretary shall submit a final report to the Congress regarding the effectiveness of the demonstration program, which shall include—

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

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

(3) a determination of whether the demonstration should be expanded into a permanent program available for Indian tribes

to opt into at any time and, if so, recommendations for such expansion, including any legislative actions necessary to expand the program.

**SEC. 911. DEFINITIONS.**

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

(1) **AFFORDABLE HOUSING.**—The term “affordable housing” has the meaning given such term in section 4 (25 U.S.C. 4103).

(2) **HOUSING INFRASTRUCTURE.**—The term “housing infrastructure” means basic facilities, services, systems, and installations necessary or appropriate for the functioning of a housing community, including facilities, services, systems, and installations for water, sewage, power, communications, and transportation.

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

(4) **PARTICIPATING TRIBES.**—The term “participating tribe” means an Indian tribe for which a final plan under section 904 for participation in the demonstration program under this title has been approved by the Secretary under section 905.

**SEC. 912. NOTICE.**

The Secretary shall establish any requirements and criteria as may be necessary to carry out the demonstration program under this title by notice published in the Federal Register.

**UNITED STATES HOUSING ACT OF 1937**

**TITLE I—GENERAL PROGRAM OF ASSISTED HOUSING**

\* \* \* \* \*

LOWER INCOME HOUSING ASSISTANCE

SEC. 8. (a) \* \* \*

\* \* \* \* \*

(o) **VOUCHER PROGRAM.**—

(1) \* \* \*

\* \* \* \* \*

(19) **RENTAL VOUCHERS FOR VETERANS AFFAIRS SUPPORTED HOUSING PROGRAM.**—

(A) \* \* \*

\* \* \* \* \*

(D) **NATIVE AMERICAN VETERANS.**—

(i) **AUTHORITY.**—Of the funds made available for rental assistance under this subsection for fiscal year 2015 and each fiscal year thereafter, the Secretary shall set aside 5 percent for a supported housing and rental assistance program modeled on the HUD–Veterans Affairs Supportive Housing (HUD–VASH) pro-

gram, to be administered in conjunction with the Department of Veterans Affairs, for the benefit of homeless Native American veterans and veterans at risk of homelessness.

(ii) *RECIPIENTS.*—Such rental assistance shall be made available to recipients eligible to receive block grants under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

(iii) *FUNDING CRITERIA.*—Funds shall be awarded based on need, administrative capacity, and any other funding criteria established by the Secretary in a notice published in the Federal Register, after consultation with the Secretary of Veterans Affairs, by a date sufficient to provide for implementation of the program under this subparagraph in accordance with clause (i).

(iv) *PROGRAM REQUIREMENTS.*—Such funds shall be administered by block grant recipients in accordance with program requirements under Native American Housing Assistance and Self-Determination Act of 1996 in lieu of program requirements under this Act.

(v) *WAIVER.*—The Secretary may waive, or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the use of funds made available under this subparagraph, but only upon a finding by the Secretary that such waiver or alternative requirement is necessary to promote administrative efficiency, eliminate delay, consolidate or eliminate duplicative or ineffective requirements or criteria, or otherwise provide for the effective delivery and administration of such supportive housing assistance to Native American veterans.

(vi) *CONSULTATION.*—The Secretary and the Secretary of Veterans Affairs shall jointly consult with block grant recipients and any other appropriate tribal organizations to—

(I) ensure that block grant recipients administering funds made available under the program under this subparagraph are able to effectively coordinate with providers of supportive services provided in connection with such program; and

(II) ensure the effective delivery of supportive services to Native American veterans that are homeless or at risk of homelessness eligible to receive assistance under this subparagraph.

Consultation pursuant to this clause shall be completed by a date sufficient to provide for implementation of the program under this subparagraph in accordance with clause (i).

(vii) *NOTICE.*—The Secretary shall establish the requirements and criteria for the supported housing and rental assistance program under this subparagraph by notice published in the Federal Register, but shall provide Indian tribes and tribally designated housing

*agencies an opportunity for comment and consultation before publication of a final notice pursuant to this clause.*

\* \* \* \* \*

**HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992**

\* \* \* \* \*

**TITLE I—HOUSING ASSISTANCE**

\* \* \* \* \*

**Subtitle E—Homeownership Programs**

\* \* \* \* \*

**SEC. 184. LOAN GUARANTEES FOR INDIAN HOUSING.**

(a) \* \* \*

\* \* \* \* \*

(i) INDIAN HOUSING LOAN GUARANTEE FUND.—

(1) \* \* \*

\* \* \* \* \*

(5) LIMITATION ON COMMITMENTS TO GUARANTEE LOANS AND MORTGAGES.—

(A) \* \* \*

(B) LIMITATIONS ON COSTS OF GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year only to the extent that amounts in the Guarantee Fund are or have been made available in appropriation Acts to cover the costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of such loan guarantees for such fiscal year. *There are authorized to be appropriated for such costs \$12,200,000 for each of fiscal years 2014 through 2018.* Any amounts appropriated pursuant to this subparagraph shall remain available until expended.

(C) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section in each of fiscal years **[2008 through 2012]** *2014 through 2018* with an aggregate outstanding principal amount not exceeding **[such amount as may be provided in appropriation Acts for]** *\$976,000,000 for each such fiscal year.*

\* \* \* \* \*

**AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000**

\* \* \* \* \*

**SEC. 501. LANDS TITLE REPORT COMMISSION.**

(a) ESTABLISHMENT.—[Subject to sums being provided in advance in appropriations Acts, there] *There* is established a Commission to be known as the Lands Title Report Commission (hereafter in this section referred to as the “Commission”) to facilitate home loan mortgages on Indian trust lands. The Commission will be subject to oversight by the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 12 members, appointed not later than 90 days after the date of the enactment of [this Act] *the Native American Housing Assistance and Self-Determination Reauthorization Act of 2014* as follows:

(A) \* \* \*

\* \* \* \* \*

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**NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION REAUTHORIZATION ACT OF 2008**

\* \* \* \* \*

**TITLE VIII—MISCELLANEOUS**

**SEC. 801. LIMITATION ON USE FOR CHEROKEE NATION.**

No funds authorized under this Act, or the amendments made by this Act, or appropriated pursuant to an authorization under this Act or such amendments, shall be expended for the benefit of the Cherokee Nation; provided, that this limitation shall not be effective if the [Temporary Order and Temporary Injunction issued on May 14, 2007, by the District Court of the Cherokee Nation] *Order issued September 21, 2011, by the Federal District Court for the District of Columbia* remains in effect during the pendency of litigation or there is a settlement agreement which effects the end of litigation among the adverse parties.

\* \* \* \* \*

## MINORITY VIEWS

### H.R. 4329, THE “NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT (NAHASDA)”

The Native American Housing Assistance and Self-Determination Act (NAHASDA) provides critical funding for tribal residents that are in need of safe and affordable housing. However, this reauthorization bill includes several changes to NAHASDA that are harmful to program recipients. In particular, H.R. 4329 would do away with the 30 percent maximum rent requirement, would fail to ensure that Cherokee Freedmen and Native Hawaiians remain beneficiaries of the Act, and would create a questionable new demonstration program.

The 30 percent maximum rent requirement, or the “Brooke rule”, is a longstanding federal housing policy that limits a tenant’s rent to 30 percent of their gross adjusted income, which is widely considered the benchmark for housing affordability. The Brooke rule was enacted in 1969, and has been a requirement of NAHASDA since its inception. H.R. 4329 would waive the Brooke rule for recipients of NAHASDA without any limitations or hardship exemptions, which could have devastating impacts on children, families, and seniors.

H.R. 4329 would further fail to ensure that the Cherokee Freedmen remain beneficiaries of NAHASDA. The Cherokee Freedmen are the descendants of former African-American slaves of the Cherokees. In 1866, the Cherokee Nation signed a treaty with the U.S. granting the Freedmen “all the rights of Native Cherokees.” However, for over a decade, the Cherokee Nation has been attempting to expel the Freedmen from its citizenry, which would leave the Freedmen without fundamental rights such as the right to vote, and without access to critical services including health care and housing. This issue is currently being litigated in federal court. If the case is decided against the Freedmen, H.R. 4329 would do nothing to protect them. The Freedmen would be stripped of their Cherokee citizenship and any benefits of NAHASDA. NAHASDA funding to the Cherokee Nation should be contingent upon the tribe’s full compliance with the 1866 treaty, and full recognition of the Freedmen as Cherokee citizens.

This reauthorization bill would also exclude Native Hawaiians, who have been beneficiaries of NAHASDA since 2000. H.R. 4329 fails to reauthorize the Native Hawaiian programs despite the dire housing needs among the Native Hawaiian population.

Finally, H.R. 4329 would create a new demonstration program that moves towards the privatization and deregulation of NAHASDA. The demonstration would allow participating tribes to use their block grant funds to guarantee a return on private investment into affordable housing activities. Tribes that choose to par-

ticipate in this demonstration would be exempted from a long list of NAHASDA requirements, including critical tenant protection provisions. The demonstration lacks any sort of hardship exemptions for affected tenants and rigorous third party evaluation. NAHASDA funding should be prioritized to house families most in need, not to guarantee profit to private investors.

During consideration of H.R. 4329, Democrats offered several amendments to address the issues outlined above, but they were each rejected by the Republicans. Ranking Member Waters offered two amendments, one to strike the provision in the bill regarding the Brooke rule, and one to make funding to the Cherokee Nation contingent upon their full compliance with the Treaty of 1866, and full recognition of the Freedmen as Cherokee citizens. Representative Moore offered an amendment that would reauthorize the Native Hawaiian programs. Lastly, Representative Kildee offered an amendment to strike the demonstration program from the bill. Each of these amendments was rejected on a party-line vote.

While Democrats fully support reauthorization of NAHASDA, we remain disappointed that H.R. 4329, in its current form, fails to address these critical concerns. Moving forward, we urge the House to allow for an amendment process that will allow for meaningful consideration of these issues.

MAXINE WATERS.  
 RUBÉN HINOJOSA.  
 AL GREEN.  
 DANIEL T. KILDEE.  
 DAVID SCOTT.  
 GWEN MOORE.  
 MICHAEL E. CAPUANO.  
 KEITH ELLISON.  
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 JOYCE BEATTY.  
 WM. LACY CLAY.  
 DENNY HECK.

