

104TH CONGRESS
2^D SESSION

H. R. 3219

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 1996

Received

AN ACT

To provide Federal assistance for Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes.

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

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Native American Housing Assistance and Self-Deter-
 4 mination Act of 1996”.

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

- Sec. 1. Short title.
- Sec. 2. Congressional findings.
- Sec. 3. Administration through Office of Native American Programs.
- Sec. 4. Definitions.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

- Sec. 101. Block grants.
- Sec. 102. Indian housing plans.
- Sec. 103. Review of plans.
- Sec. 104. Treatment of program income and labor standards.
- Sec. 105. Environmental review.
- Sec. 106. Regulations.
- Sec. 107. Effective date.
- Sec. 108. Authorization of appropriations.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

- Sec. 201. National objectives and eligible families.
- Sec. 202. Eligible affordable housing activities.
- Sec. 203. Program requirements.
- Sec. 204. Types of investments.
- Sec. 205. Low-income requirement and income targeting.
- Sec. 206. Certification of compliance with subsidy layering requirements.
- Sec. 207. Lease requirements and tenant selection.
- Sec. 208. Availability of records.
- Sec. 209. Repayment.
- Sec. 210. Continued use of amounts for affordable housing.

TITLE III—ALLOCATION OF GRANT AMOUNTS

- Sec. 301. Annual allocation.
- Sec. 302. Allocation formula.

TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

- Sec. 401. Remedies for noncompliance.
- Sec. 402. Replacement of recipient.
- Sec. 403. Monitoring of compliance.
- Sec. 404. Performance reports.
- Sec. 405. Review and audit by Secretary.
- Sec. 406. GAO audits.
- Sec. 407. Reports to Congress.

TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES
UNDER INCORPORATED PROGRAMS

- Sec. 501. Repeal of provisions relating to Indian housing assistance under United States Housing Act of 1937.
- Sec. 502. Termination of Indian housing assistance under United States Housing Act of 1937.
- Sec. 503. Termination of new commitments for rental assistance.
- Sec. 504. Termination of youthbuild program assistance.
- Sec. 505. Termination of HOME program assistance.
- Sec. 506. Termination of housing assistance for the homeless.
- Sec. 507. Savings provision.
- Sec. 508. Effective date.

TITLE VI—FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL
HOUSING ACTIVITIES

- Sec. 601. Authority and requirements.
- Sec. 602. Security and repayment.
- Sec. 603. Payment of interest.
- Sec. 604. Training and information.
- Sec. 605. Limitations on amount of guarantees.
- Sec. 606. Effective date.

TITLE VII—OTHER HOUSING ASSISTANCE FOR NATIVE
AMERICANS

- Sec. 701. Loan guarantees for Indian housing.
- Sec. 702. 50-year leasehold interest in trust or restricted lands for housing purposes.
- Sec. 703. Training and technical assistance.
- Sec. 704. Public and Assisted Housing Drug Elimination Act of 1990.
- Sec. 705. Effective date.

1 SEC. 2. CONGRESSIONAL FINDINGS.

2 The Congress finds that—

3 (1) the Federal Government has a responsibility
4 to promote the general welfare of the Nation—

5 (A) by using Federal resources to aid fami-
6 lies and individuals seeking affordable homes in
7 safe and healthy environments and, in particu-
8 lar, assisting responsible, deserving citizens who
9 cannot provide fully for themselves because of

1 temporary circumstances or factors beyond
2 their control;

3 (B) by working to ensure a thriving na-
4 tional economy and a strong private housing
5 market; and

6 (C) by developing effective partnerships
7 among the Federal Government, State, tribal,
8 and local governments, and private entities that
9 allow government to accept responsibility for
10 fostering the development of a healthy market-
11 place and allow families to prosper without gov-
12 ernment involvement in their day-to-day activi-
13 ties;

14 (2) there exists a unique relationship between
15 the Government of the United States and the gov-
16 ernments of Indian tribes and a unique Federal re-
17 sponsibility to Indian people;

18 (3) the Constitution of the United States in-
19 vests the Congress with plenary power over the field
20 of Indian affairs, and through treaties, statutes, and
21 historical relations with Indian tribes, the United
22 States has undertaken a unique trust responsibility
23 to protect and support Indian tribes and Indian peo-
24 ple;

1 (4) the Congress, through treaties, statutes,
2 and the general course of dealing with Indian tribes,
3 has assumed a trust responsibility for the protection
4 and preservation of Indian tribes and for working
5 with tribes and their members to improve their hous-
6 ing conditions and socioeconomic status so that they
7 are able to take greater responsibility for their own
8 economic condition;

9 (5) providing affordable homes in safe and
10 healthy environments is an essential element in the
11 special role of the United States in helping tribes
12 and their members to improve their housing condi-
13 tions and socioeconomic status;

14 (6) the need for affordable homes in safe and
15 healthy environments on Indian reservations, in In-
16 dian communities, and in Native Alaskan villages is
17 acute and the Federal Government should work not
18 only to provide housing assistance, but also, to the
19 extent practicable, to assist in the development of
20 private housing finance mechanisms on Indian lands
21 to achieve the goals of economic self-sufficiency and
22 self-determination for tribes and their members; and

23 (7) Federal assistance to meet these respon-
24 sibilities should be provided in a manner that recog-
25 nizes the right of Indian self-determination and trib-

1 al self-governance by making such assistance avail-
2 able directly to the Indian tribes or tribally des-
3 ignated entities under authorities similar to those
4 accorded Indian tribes in Public Law 93–638 (25
5 U.S.C. 450 et seq.).

6 **SEC. 3. ADMINISTRATION THROUGH OFFICE OF NATIVE**
7 **AMERICAN PROGRAMS.**

8 The Secretary of Housing and Urban Development
9 shall carry out this Act through the Office of Native Amer-
10 ican Programs of the Department of Housing and Urban
11 Development.

12 **SEC. 4. DEFINITIONS.**

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

15 (1) **ADJUSTED INCOME.**—The term “adjusted
16 income” means the annual income that remains
17 after excluding the following amounts:

18 (A) **YOUTHS, STUDENTS, AND PERSONS**
19 **WITH DISABILITIES.**—\$480 for each member of
20 the family residing in the household (other than
21 the head of the household or the spouse of the
22 head of the household)—

23 (i) who is under 18 years of age; or

24 (ii) who is—

25 (I) 18 years of age or older; and

1 (II) a person with disabilities or
2 a full-time student.

3 (B) ELDERLY AND DISABLED FAMILIES.—
4 \$400 for an elderly or disabled family.

5 (C) MEDICAL AND ATTENDANT EX-
6 PENSES.—The amount by which 3 percent of
7 the annual income of the family is exceeded by
8 the aggregate of—

9 (i) medical expenses, in the case of an
10 elderly or disabled family; and

11 (ii) reasonable attendant care and
12 auxiliary apparatus expenses for each fam-
13 ily member who is a person with disabil-
14 ities, to the extent necessary to enable any
15 member of the family (including a member
16 who is a person with disabilities) to be em-
17 ployed.

18 (D) CHILD CARE EXPENSES.—Child care
19 expenses, to the extent necessary to enable an-
20 other member of the family to be employed or
21 to further his or her education.

22 (E) EARNED INCOME OF MINORS.—The
23 amount of any earned income of any member of
24 the family who is less than 18 years of age.

1 (F) TRAVEL EXPENSES.—Excessive travel
2 expenses, not to exceed \$25 per family per
3 week, for employment- or education-related
4 travel.

5 (G) OTHER AMOUNTS.—Such other
6 amounts as may be provided in the Indian
7 housing plan for an Indian tribe.

8 (2) AFFORDABLE HOUSING.—The term “afford-
9 able housing” means housing that complies with the
10 requirements for affordable housing under title II.
11 The term includes permanent housing for homeless
12 persons who are persons with disabilities, transi-
13 tional housing, and single room occupancy housing.

14 (3) DRUG-RELATED CRIMINAL ACTIVITY.—The
15 term “drug-related criminal activity” means the ille-
16 gal manufacture, sale, distribution, use, or posses-
17 sion with intent to manufacture, sell, distribute, or
18 use, of a controlled substance (as such term is de-
19 fined in section 102 of the Controlled Substances
20 Act).

21 (4) ELDERLY FAMILIES AND NEAR-ELDERLY
22 FAMILIES.—The terms “elderly family” and “near-
23 elderly family” mean a family whose head (or his or
24 her spouse), or whose sole member, is an elderly per-
25 son or a near-elderly person, respectively. Such

1 terms include 2 or more elderly persons or near-el-
2 derly persons living together, and 1 or more such
3 persons living with 1 or more persons determined
4 under the Indian housing plan for the agency to be
5 essential to their care or well-being.

6 (5) ELDERLY PERSON.—The term “elderly per-
7 son” means a person who is at least 62 years of age.

8 (6) FAMILY.—The term “family” includes a
9 family with or without children, an elderly family, a
10 near-elderly family, a disabled family, and a single
11 person.

12 (7) GRANT BENEFICIARY.—The term “grant
13 beneficiary” means the Indian tribe or tribes on be-
14 half of which a grant is made under this Act to a
15 recipient.

16 (8) INCOME.—The term “income” means in-
17 come from all sources of each member of the house-
18 hold, as determined in accordance with criteria pre-
19 scribed by the Secretary, except that the following
20 amounts may not be considered as income under this
21 paragraph:

22 (A) Any amounts not actually received by
23 the family.

1 (B) Any amounts that would be eligible for
2 exclusion under section 1613(a)(7) of the Social
3 Security Act.

4 (9) INDIAN.—The term “Indian” means any
5 person who is a member of an Indian tribe.

6 (10) INDIAN AREA.—The term “Indian area”
7 means the area within which a tribally designated
8 housing entity is authorized by one or more Indian
9 tribes to provide assistance under this Act for af-
10 fordable housing.

11 (11) INDIAN HOUSING PLAN.—The term “In-
12 dian housing plan” means a plan under section 102.

13 (12) INDIAN TRIBE.—

14 (A) IN GENERAL.—The term “Indian
15 tribe” means a tribe that is a federally recog-
16 nized tribe or a State recognized tribe.

17 (B) FEDERALLY RECOGNIZED TRIBE.—
18 The term “federally recognized tribe” means
19 any Indian tribe, band, nation, or other orga-
20 nized group or community of Indians, including
21 any Alaska Native village or regional or village
22 corporation as defined in or established pursu-
23 ant to the Alaska Native Claims Settlement
24 Act, that is recognized as eligible for the special
25 programs and services provided by the United

1 States to Indians because of their status as In-
2 dians pursuant to the Indian Self-Determina-
3 tion and Education Assistance Act of 1975.

4 (C) STATE RECOGNIZED TRIBE.—

5 (i) IN GENERAL.—The term “State
6 recognized tribe” means any tribe, band,
7 nation, pueblo, village, or community—

8 (I) that has been recognized as
9 an Indian tribe by any State; and

10 (II) for which an Indian Housing
11 Authority has, before the effective
12 date under section 107, entered into a
13 contract with the Secretary pursuant
14 to the United States Housing Act of
15 1937 for housing for Indian families
16 and has received funding pursuant to
17 such contract within the 5-year period
18 ending upon such effective date.

19 (ii) CONDITIONS.—Notwithstanding
20 clause (i)—

21 (I) the allocation formula under
22 section 302 shall be determined for a
23 State recognized tribe under tribal
24 membership eligibility criteria in exist-

1 ence on the date of the enactment of
2 this Act; and

3 (II) nothing in this paragraph
4 shall be construed to confer upon a
5 State recognized tribe any rights,
6 privileges, responsibilities, or obliga-
7 tions otherwise accorded groups recog-
8 nized as Indian tribes by the United
9 States for other purposes.

10 (13) LOW-INCOME FAMILY.—The term “low-in-
11 come family” means a family whose income does not
12 exceed 80 percent of the median income for the
13 area, as determined by the Secretary with adjust-
14 ments for smaller and larger families, except that
15 the Secretary may, for purposes of this paragraph,
16 establish income ceilings higher or lower than 80
17 percent of the median for the area on the basis of
18 the findings of the Secretary or the agency that such
19 variations are necessary because of prevailing levels
20 of construction costs or unusually high or low family
21 incomes.

22 (14) MEDIAN INCOME.—The term “median in-
23 come” means, with respect to an area that is an In-
24 dian area, the greater of—

1 (A) the median income for the Indian area,
2 which the Secretary shall determine; or

3 (B) the median income for the United
4 States.

5 (15) NEAR-ELDERLY PERSON.—The term
6 “near-elderly person” means a person who is at least
7 55 years of age and less than 62 years of age.

8 (16) NONPROFIT.—The term “nonprofit”
9 means, with respect to an organization, association,
10 corporation, or other entity, that no part of the net
11 earnings of the entity inures to the benefit of any
12 member, founder, contributor, or individual.

13 (17) PERSON WITH DISABILITIES.—The term
14 “person with disabilities” means a person who—

15 (A) has a disability as defined in section
16 223 of the Social Security Act;

17 (B) is determined, pursuant to regulations
18 issued by the Secretary, to have a physical,
19 mental, or emotional impairment which—

20 (i) is expected to be of long-continued
21 and indefinite duration;

22 (ii) substantially impedes his or her
23 ability to live independently; and

1 (iii) is of such a nature that such abil-
2 ity could be improved by more suitable
3 housing conditions; or

4 (C) has a developmental disability as de-
5 fined in section 102 of the Developmental Dis-
6 abilities Assistance and Bill of Rights Act.

7 Such term shall not exclude persons who have the
8 disease of acquired immunodeficiency syndrome or
9 any conditions arising from the etiologic agent for
10 acquired immunodeficiency syndrome. Notwithstand-
11 ing any other provision of law, no individual shall be
12 considered a person with disabilities, for purposes of
13 eligibility for housing assisted under this Act, solely
14 on the basis of any drug or alcohol dependence. The
15 Secretary shall consult with other appropriate Fed-
16 eral agencies to implement the preceding sentence.

17 (18) RECIPIENT.—The term “recipient” means
18 an Indian tribe or the entity for one or more Indian
19 tribes that is authorized to receive grant amounts
20 under this Act on behalf of the tribe or tribes.

21 (19) SECRETARY.—Except as otherwise specifi-
22 cally provided in this Act, the term “Secretary”
23 means the Secretary of Housing and Urban Develop-
24 ment.

1 (20) STATE.—The term “State” means the
2 States of the United States, the District of Colum-
3 bia, the Commonwealth of Puerto Rico, the Com-
4 monwealth of the Northern Mariana Islands, Guam,
5 the Virgin Islands, American Samoa, and any other
6 territory or possession of the United States and In-
7 dian tribes.

8 (21) TRIBALLY DESIGNATED HOUSING EN-
9 TITY.—The terms “tribally designated housing en-
10 tity” and “housing entity” have the following mean-
11 ing:

12 (A) EXISTING IHA’S.—With respect to any
13 Indian tribe that has not taken action under
14 subparagraph (B), and for which an Indian
15 housing authority—

16 (i) was established for purposes of the
17 United States Housing Act of 1937 before
18 the date of the enactment of this Act that
19 meets the requirements under the United
20 States Housing Act of 1937,

21 (ii) is acting upon such date of enact-
22 ment as the Indian housing authority for
23 the tribe, and

24 (iii) is not an Indian tribe for pur-
25 poses of this Act,

1 the terms mean such Indian housing authority.

2 (B) OTHER ENTITIES.—With respect to
3 any Indian tribe that, pursuant to this Act, au-
4 thorizes an entity other than the tribal govern-
5 ment to receive grant amounts and provide as-
6 sistance under this Act for affordable housing
7 for Indians, which entity is established—

8 (i) by exercise of the power of self-
9 government of one or more Indian tribes
10 independent of State law, or

11 (ii) by operation of State law provid-
12 ing specifically for housing authorities or
13 housing entities for Indians, including re-
14 gional housing authorities in the State of
15 Alaska,

16 the terms mean such entity.

17 (C) ESTABLISHMENT.—A tribally des-
18 ignated housing entity may be authorized or es-
19 tablished by one or more Indian tribes to act on
20 behalf of each such tribe authorizing or estab-
21 lishing the housing entity.

1 **TITLE I—BLOCK GRANTS AND**
2 **GRANT REQUIREMENTS**

3 **SEC. 101. BLOCK GRANTS.**

4 (a) **AUTHORITY.**—For each fiscal year, the Secretary
5 shall (to the extent amounts are made available to carry
6 out this Act) make grants under this section on behalf
7 of Indian tribes to carry out affordable housing activities.
8 Under such a grant on behalf of an Indian tribe, the Sec-
9 retary shall provide the grant amounts for the tribe di-
10 rectly to the recipient for the tribe.

11 (b) **PLAN REQUIREMENT.**—

12 (1) **IN GENERAL.**—The Secretary may make a
13 grant under this Act on behalf of an Indian tribe for
14 a fiscal year only if—

15 (A) the Indian tribe has submitted to the
16 Secretary an Indian housing plan for such fiscal
17 year under section 102; and

18 (B) the plan has been determined under
19 section 103 to comply with the requirements of
20 section 102.

21 (2) **WAIVER.**—The Secretary may waive the ap-
22 plicability of the requirements under paragraph (1),
23 in whole or in part, if the Secretary finds that an
24 Indian tribe has not complied or cannot comply with

1 such requirements due to circumstances beyond the
2 control of the tribe.

3 (c) LOCAL COOPERATION AGREEMENT.—The Sec-
4 retary may not make any grant under this Act on behalf
5 of an Indian tribe unless the governing body of the locality
6 within which any affordable housing to be assisted with
7 the grant amounts will be situated has entered into an
8 agreement with the recipient for the tribe providing for
9 local cooperation required by the Secretary pursuant to
10 this Act.

11 (d) EXEMPTION FROM TAXATION.—A grant recipient
12 for an Indian tribe may receive a block grant under this
13 Act only if—

14 (1) the affordable housing assisted with grant
15 amounts received by the recipient (exclusive of any
16 portions not assisted with amounts provided under
17 this Act) is exempt from all real and personal prop-
18 erty taxes levied or imposed by any State, tribe, city,
19 county, or other political subdivision; and

20 (2) the recipient makes annual payments of
21 user fees to compensate such governments for the
22 costs of providing governmental services, including
23 police and fire protection, roads, water and sewerage
24 systems, utilities systems and related facilities, or
25 payments in lieu of taxes to such taxing authority,

1 in an amount equal to the greater of \$150 per dwell-
2 ing unit or 10 percent of the difference between the
3 shelter rent and the utility cost, or such lesser
4 amount as—

5 (A) is prescribed by State, tribal, or local
6 law;

7 (B) is agreed to by the local governing
8 body in the agreement under subsection (c); or

9 (C) the recipient and the local governing
10 body agree that such user fees or payments in
11 lieu of taxes shall not be made.

12 (e) EFFECT OF FAILURE TO EXEMPT FROM TAX-
13 ATION.—Notwithstanding subsection (d), a grant recipient
14 that does not comply with the requirements under such
15 subsection may receive a block grant under this Act, but
16 only if the tribe, State, city, county, or other political sub-
17 division in which the affordable housing development is lo-
18 cated contributes, in the form of cash or tax remission,
19 the amount by which the taxes paid with respect to the
20 development exceed the amounts prescribed in subsection
21 (d)(2).

22 (f) AMOUNT.—Except as otherwise provided under
23 this Act, the amount of a grant under this section to a
24 recipient for a fiscal year shall be—

1 (1) in the case of a recipient whose grant bene-
2 ficiary is a single Indian tribe, the amount of the al-
3 location under section 301 for the Indian tribe; and

4 (2) in the case of a recipient whose grant bene-
5 ficiary is more than 1 Indian tribe, the sum of the
6 amounts of the allocations under section 301 for
7 each such Indian tribe.

8 (g) USE FOR AFFORDABLE HOUSING ACTIVITIES
9 UNDER PLAN.—Except as provided in subsection (h),
10 amounts provided under a grant under this section may
11 be used only for affordable housing activities under title
12 II that are consistent with an Indian housing plan ap-
13 proved under section 103.

14 (h) ADMINISTRATIVE EXPENSES.—The Secretary
15 shall, by regulation, authorize each recipient to use a per-
16 centage of any grant amounts received under this Act for
17 any reasonable administrative and planning expenses of
18 the recipient relating to carrying out this Act and activi-
19 ties assisted with such amounts, which may include costs
20 for salaries of individuals engaged in administering and
21 managing affordable housing activities assisted with grant
22 amounts provided under this Act and expenses of prepar-
23 ing an Indian housing plan under section 102.

24 (i) PUBLIC-PRIVATE PARTNERSHIPS.—Each recipi-
25 ent shall make all reasonable efforts, consistent with the

1 purposes of this Act, to maximize participation by the pri-
2 vate sector, including nonprofit organizations and for-
3 profit entities, in implementing the approved Indian hous-
4 ing plan.

5 **SEC. 102. INDIAN HOUSING PLANS.**

6 (a) **PLAN SUBMISSION.**—The Secretary shall pro-
7 vide—

8 (1) for an Indian tribe to submit to the Sec-
9 retary, for each fiscal year, a housing plan under
10 this section for the tribe;

11 (2) for the tribally designated housing entity for
12 the tribe to submit the plan as provided in sub-
13 section (d) for the tribe; and

14 (3) for the review of such plans.

15 (b) **5-YEAR PLAN.**—Each housing plan under this
16 section shall be in a form prescribed by the Secretary and
17 shall contain, with respect to the 5-year period beginning
18 with the fiscal year for which the plan is submitted, the
19 following information:

20 (1) **MISSION STATEMENT.**—A general statement
21 of the mission of the Indian tribe to serve the needs
22 of the low-income families in the jurisdiction of the
23 Indian tribe during the period.

24 (2) **GOALS AND OBJECTIVES.**—A statement of
25 the goals and objectives of the Indian tribe to enable

1 the tribe to serve the needs identified in paragraph
2 (1) during the period.

3 (3) ACTIVITIES PLAN.—An overview of the ac-
4 tivities planned during the period including an anal-
5 ysis of the manner in which the activities will enable
6 the tribe to meet its mission, goals, and objectives.

7 (c) 1-YEAR PLAN.—A housing plan under this section
8 for an Indian tribe shall be in a form prescribed by the
9 Secretary and contain the following information relating
10 to the upcoming fiscal year for which the assistance under
11 this Act is to be made available:

12 (1) GOALS AND OBJECTIVES.—A statement of
13 the goals and objectives to be accomplished during
14 that period.

15 (2) STATEMENT OF NEEDS.—A statement of
16 the housing needs of the low-income Indian families
17 residing in the jurisdiction of the Indian tribe and
18 the means by which such needs will be addressed
19 during the period, including—

20 (A) a description of the estimated housing
21 needs and the need for assistance for the low-
22 income Indian families in the jurisdiction, in-
23 cluding a description of the manner in which
24 the geographical distribution of assistance is
25 consistent with the geographical needs and

1 needs for various categories of housing assist-
2 ance; and

3 (B) a description of the estimated housing
4 needs for all Indian families in the jurisdiction.

5 (3) FINANCIAL RESOURCES.—An operating
6 budget for the recipient, in a form prescribed by the
7 Secretary, that includes—

8 (A) an identification and a description of
9 the financial resources reasonably available to
10 the recipient to carry out the purposes of this
11 Act, including an explanation of the manner in
12 which amounts made available will leverage ad-
13 ditional resources; and

14 (B) the uses to which such resources will
15 be committed, including eligible and required
16 affordable housing activities under title II and
17 administrative expenses.

18 (4) AFFORDABLE HOUSING RESOURCES.—A
19 statement of the affordable housing resources cur-
20 rently available and to be made available during the
21 period, including—

22 (A) a description of the significant charac-
23 teristics of the housing market in the jurisdic-
24 tion, including the availability of housing from
25 other public sources, private market housing,

1 and the manner in which such characteristics
2 influence the decision of the recipient to use
3 grant amounts to be provided under this Act
4 for rental assistance, production of new units,
5 acquisition of existing units, or rehabilitation of
6 units;

7 (B) a description of the structure, coordi-
8 nation, and means of cooperation between the
9 recipient and any other governmental entities in
10 the development, submission, or implementation
11 of housing plans, including a description of the
12 involvement of private, public, and nonprofit or-
13 ganizations and institutions, and the use of loan
14 guarantees under section 184 of the Housing
15 and Community Development Act of 1992, and
16 other housing assistance provided by the Fed-
17 eral Government for Indian tribes, including
18 loans, grants, and mortgage insurance;

19 (C) a description of the manner in which
20 the plan will address the needs identified pursu-
21 ant to paragraph (2);

22 (D) a description of the manner in which
23 the recipient will protect and maintain the via-
24 bility of housing owned and operated by the re-
25 cipient that was developed under a contract be-

1 between the Secretary and an Indian housing au-
2 thority pursuant to the United States Housing
3 Act of 1937;

4 (E) a description of any existing and an-
5 ticipated homeownership programs and rental
6 programs to be carried out during the period,
7 and the requirements and assistance available
8 under such programs;

9 (F) a description of any existing and an-
10 ticipated housing rehabilitation programs nec-
11 essary to ensure the long-term viability of the
12 housing to be carried out during the period, and
13 the requirements and assistance available under
14 such programs;

15 (G) a description of all other existing or
16 anticipated housing assistance provided by the
17 recipient during the period, including transi-
18 tional housing, homeless housing, college hous-
19 ing, supportive services housing, and the re-
20 quirements and assistance available under such
21 programs;

22 (H) a description of any housing to be de-
23 molished or disposed of, a timetable for such
24 demolition or disposition, and any other infor-

1 mation required by the Secretary with respect
2 to such demolition or disposition;

3 (I) a description of the manner in which
4 the recipient will coordinate with tribal and
5 State welfare agencies to ensure that residents
6 of such housing will be provided with access to
7 resources to assist in obtaining employment and
8 achieving self-sufficiency;

9 (J) a description of the requirements es-
10 tablished by the recipient to promote the safety
11 of residents of such housing, facilitate the un-
12 dertaking of crime prevention measures, allow
13 resident input and involvement, including the
14 establishment of resident organizations, and
15 allow for the coordination of crime prevention
16 activities between the recipient and tribal and
17 local law enforcement officials; and

18 (K) a description of the entity that will
19 carry out the activities under the plan, includ-
20 ing the organizational capacity and key person-
21 nel of the entity.

22 (5) CERTIFICATION OF COMPLIANCE.—Evidence
23 of compliance which shall include, as appropriate—

24 (A) a certification that the recipient will
25 comply with title II of the Civil Rights Act of

1 1968 in carrying out this Act, to the extent
2 that such title is applicable, and other applica-
3 ble Federal statutes;

4 (B) a certification that the recipient will
5 maintain adequate insurance coverage for hous-
6 ing units that are owned and operated or as-
7 sisted with grant amounts provided under this
8 Act, in compliance with such requirements as
9 may be established by the Secretary;

10 (C) a certification that policies are in ef-
11 fect and are available for review by the Sec-
12 retary and the public governing the eligibility,
13 admission, and occupancy of families for hous-
14 ing assisted with grant amounts provided under
15 this Act;

16 (D) a certification that policies are in ef-
17 fect and are available for review by the Sec-
18 retary and the public governing rents charged,
19 including the methods by which such rents or
20 homebuyer payments are determined, for hous-
21 ing assisted with grant amounts provided under
22 this Act; and

23 (E) a certification that policies are in ef-
24 fect and are available for review by the Sec-
25 retary and the public governing the manage-

1 ment and maintenance of housing assisted with
2 grant amounts provided under this Act.

3 (d) PARTICIPATION OF TRIBALLY DESIGNATED
4 HOUSING ENTITY.—A plan under this section for an In-
5 dian tribe may be prepared and submitted on behalf of
6 the tribe by the tribally designated housing entity for the
7 tribe, but only if such plan contains a certification by the
8 recognized tribal government of the grant beneficiary that
9 such tribe—

10 (1) has had an opportunity to review the plan
11 and has authorized the submission of the plan by
12 the housing entity; or

13 (2) has delegated to such tribally designated
14 housing entity the authority to submit a plan on be-
15 half of the tribe without prior review by the tribe.

16 (e) COORDINATION OF PLANS.—A plan under this
17 section may cover more than 1 Indian tribe, but only if
18 the certification requirements under subsection (d) are
19 complied with by each such grant beneficiary covered.

20 (f) PLANS FOR SMALL TRIBES.—

21 (1) SEPARATE REQUIREMENTS.—The Secretary
22 may—

23 (A) establish requirements for submission
24 of plans under this section and the information
25 to be included in such plans applicable to small

1 Indian tribes and small tribally designated
2 housing entities; and

3 (B) waive any requirements under this sec-
4 tion that the Secretary determines are burden-
5 some or unnecessary for such tribes and hous-
6 ing entities.

7 (2) SMALL TRIBES.—The Secretary may define
8 small Indian tribes and small tribally designated
9 housing entities based on the number of dwelling
10 units assisted under this title by the tribe or housing
11 entity or owned or operated pursuant to a contract
12 under the United States Housing Act of 1937 be-
13 tween the Secretary and the Indian housing author-
14 ity for the tribe.

15 (g) REGULATIONS.—The requirements relating to the
16 contents of plans under this section shall be established
17 by regulation, pursuant to section 106.

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

19 (a) REVIEW AND NOTICE.—

20 (1) REVIEW.—The Secretary shall conduct a
21 limited review of each Indian housing plan submitted
22 to the Secretary to ensure that the plan complies
23 with the requirements of section 102. The Secretary
24 shall have the discretion to review a plan only to the

1 extent that the Secretary considers review is nec-
2 essary.

3 (2) NOTICE.—The Secretary shall notify each
4 Indian tribe for which a plan is submitted and any
5 tribally designated housing entity for the tribe
6 whether the plan complies with such requirements
7 not later than 60 days after receiving the plan. If
8 the Secretary does not notify the Indian tribe, as re-
9 quired under this subsection and subsection (b), the
10 plan shall be considered, for purposes of this Act, to
11 have been determined to comply with the require-
12 ments under section 102 and the tribe shall be con-
13 sidered to have been notified of compliance upon the
14 expiration of such 60-day period.

15 (b) NOTICE OF REASONS FOR DETERMINATION OF
16 NONCOMPLIANCE.—If the Secretary determines that a
17 plan, as submitted, does not comply with the requirements
18 under section 102, the Secretary shall specify in the notice
19 under subsection (a) the reasons for the noncompliance
20 and any modifications necessary for the plan to meet the
21 requirements under section 102.

22 (c) REVIEW.—After submission of the Indian housing
23 plan or any amendment or modification to the plan to the
24 Secretary, to the extent that the Secretary considers such
25 action to be necessary to make determinations under this

1 subsection, the Secretary shall review the plan (including
2 any amendments or modifications thereto) to determine
3 whether the contents of the plan—

4 (1) set forth the information required by section
5 102 to be contained in an Indian housing plan;

6 (2) are consistent with information and data
7 available to the Secretary; and

8 (3) are prohibited by or inconsistent with any
9 provision of this Act or other applicable law.

10 If the Secretary determines that any of the appropriate
11 certifications required under section 102(c)(5) are not in-
12 cluded in the plan, the plan shall be deemed to be incom-
13 plete.

14 (d) UPDATES TO PLAN.—After a plan under section
15 102 has been submitted for an Indian tribe for any fiscal
16 year, the tribe may comply with the provisions of such sec-
17 tion for any succeeding fiscal year (with respect to infor-
18 mation included for the 5-year period under section 102(b)
19 or the 1-year period under section 102(c)) by submitting
20 only such information regarding such changes as may be
21 necessary to update the plan previously submitted. Not
22 less than once every 5 years, the tribe shall submit a com-
23 plete plan.

24 (e) EFFECTIVE DATE.—This section and section 102
25 shall take effect on the date provided by the Secretary pur-

1 suant to section 106(a) to provide for timely submission
2 and review of Indian housing plans as necessary for the
3 provision of assistance under this Act in fiscal year 1998.

4 **SEC. 104. TREATMENT OF PROGRAM INCOME AND LABOR**
5 **STANDARDS.**

6 (a) PROGRAM INCOME.—

7 (1) AUTHORITY TO RETAIN.—A recipient may
8 retain any program income that is realized from any
9 grant amounts under this Act if—

10 (A) such income was realized after the ini-
11 tial disbursement of the grant amounts received
12 by the recipient; and

13 (B) the recipient has agreed that it will
14 utilize the program income for affordable hous-
15 ing activities in accordance with the provisions
16 of this Act.

17 (2) PROHIBITION OF REDUCTION OF GRANT.—
18 The Secretary may not reduce the grant amount for
19 any Indian tribe based solely on—

20 (A) whether the recipient for the tribe re-
21 tains program income under paragraph (1);

22 (B) the amount of any such program in-
23 come retained; or

24 (C) whether the recipient retains reserve
25 amounts described in section 210.

1 (3) EXCLUSION OF AMOUNTS.—The Secretary
2 may, by regulation, exclude from consideration as
3 program income any amounts determined to be so
4 small that compliance with the requirements of this
5 subsection would create an unreasonable administra-
6 tive burden on the recipient.

7 (b) LABOR STANDARDS.—

8 (1) IN GENERAL.—Any contract or agreement
9 for assistance, sale, or lease pursuant to this Act
10 shall contain a provision requiring that not less than
11 the wages prevailing in the locality, as determined or
12 adopted (subsequent to a determination under appli-
13 cable State, tribal, or local law) by the Secretary,
14 shall be paid to all architects, technical engineers,
15 draftsmen, and technicians employed in the develop-
16 ment, and all maintenance laborers and mechanics
17 employed in the operation, of the affordable housing
18 project involved; and shall also contain a provision
19 that not less than the wages prevailing in the local-
20 ity, as predetermined by the Secretary of Labor pur-
21 suant to the Davis-Bacon Act (40 U.S.C. 276a-
22 276a-5), shall be paid to all laborers and mechanics
23 employed in the development of the affordable hous-
24 ing involved, and the Secretary shall require certifi-
25 cation as to compliance with the provisions of this

1 paragraph before making any payment under such
2 contract or agreement.

3 (2) EXCEPTIONS.—Paragraph (1) and the pro-
4 visions relating to wages (pursuant to paragraph
5 (1)) in any contract or agreement for assistance,
6 sale, or lease pursuant to this Act, shall not apply
7 to any individual who receives no compensation or is
8 paid expenses, reasonable benefits, or a nominal fee
9 to perform the services for which the individual vol-
10 unteered and who is not otherwise employed at any
11 time in the construction work.

12 **SEC. 105. ENVIRONMENTAL REVIEW.**

13 (a) IN GENERAL.—

14 (1) RELEASE OF FUNDS.—In order to ensure
15 that the policies of the National Environmental Pol-
16 icy Act of 1969 and other provisions of law that fur-
17 ther the purposes of such Act (as specified in regula-
18 tions issued by the Secretary) are most effectively
19 implemented in connection with the expenditure of
20 grant amounts provided under this Act, and to en-
21 sure to the public undiminished protection of the en-
22 vironment, the Secretary, in lieu of the environ-
23 mental protection procedures otherwise applicable,
24 may by regulation provide for the release of amounts
25 for particular projects to tribes which assume all of

1 the responsibilities for environmental review, deci-
2 sionmaking, and action pursuant to such Act, and
3 such other provisions of law as the regulations of the
4 Secretary specify, that would apply to the Secretary
5 were the Secretary to undertake such projects as
6 Federal projects.

7 (2) REGULATIONS.—

8 (A) IN GENERAL.—The Secretary shall
9 issue regulations to carry out this section only
10 after consultation with the Council on Environ-
11 mental Quality.

12 (B) CONTENTS.—The regulations issued
13 under this paragraph shall—

14 (i) provide for the monitoring of the
15 environmental reviews performed under
16 this section;

17 (ii) in the discretion of the Secretary,
18 facilitate training for the performance of
19 such reviews; and

20 (iii) provide for the suspension or ter-
21 mination of the assumption of responsibil-
22 ities under this section.

23 (3) EFFECT ON ASSUMED RESPONSIBILITY.—

24 The duty of the Secretary under paragraph (2)(B)
25 shall not be construed to limit or reduce any respon-

1 sibility assumed by a recipient of grant amounts
2 with respect to any particular release of funds.

3 (b) PROCEDURE.—The Secretary shall approve the
4 release of funds subject to the procedures authorized by
5 this section only if, not less than 15 days prior to such
6 approval and prior to any commitment of funds to such
7 projects, the tribe has submitted to the Secretary a re-
8 quest for such release accompanied by a certification that
9 meets the requirements of subsection (c). The approval of
10 the Secretary of any such certification shall be deemed to
11 satisfy the responsibilities of the Secretary under the Na-
12 tional Environmental Policy Act of 1969 and such other
13 provisions of law as the regulations of the Secretary speci-
14 fy insofar as those responsibilities relate to the releases
15 of funds for projects to be carried out pursuant thereto
16 that are covered by such certification.

17 (c) CERTIFICATION.—A certification under the proce-
18 dures authorized by this section shall—

19 (1) be in a form acceptable to the Secretary;

20 (2) be executed by the chief executive officer or
21 other officer of the tribe under this Act qualified
22 under regulations of the Secretary;

23 (3) specify that the tribe has fully carried out
24 its responsibilities as described under subsection (a);
25 and

1 (4) specify that the certifying officer—

2 (A) consents to assume the status of a re-
3 sponsible Federal official under the National
4 Environmental Policy Act of 1969 and each
5 provision of law specified in regulations issued
6 by the Secretary insofar as the provisions of
7 such Act or such other provisions of law apply
8 pursuant to subsection (a); and

9 (B) is authorized and consents on behalf of
10 the tribe and such officer to accept the jurisdic-
11 tion of the Federal courts for the purpose of en-
12 forcement of the responsibilities of the certify-
13 ing officer as such an official.

14 **SEC. 106. REGULATIONS.**

15 (a) **TRANSITION REQUIREMENTS.—**

16 (1) **IN GENERAL.—**Not later than 90 days after
17 the date of the enactment of this Act, the Secretary
18 shall, by notice issued in the Federal Register, estab-
19 lish any requirements necessary to provide for the
20 transition (upon the effectiveness of this Act and the
21 amendments made by this Act) from the provision of
22 assistance for Indian tribes and Indian housing au-
23 thorities under the United States Housing Act of
24 1937 and other related provisions of law to the pro-

1 vision of assistance in accordance with this Act and
2 the amendments made by this Act.

3 (2) PUBLIC COMMENTS; GENERAL NOTICE OF
4 PROPOSED RULEMAKING.—The notice issued under
5 paragraph (1) shall—

6 (A) invite public comments regarding such
7 transition requirements and final regulations to
8 carry out this Act; and

9 (B) include a general notice of proposed
10 rulemaking (for purposes of section 564(a) of
11 title 5, United States Code) of the final regula-
12 tions under subsection (b).

13 (b) FINAL REGULATIONS.—

14 (1) TIMING.—The Secretary shall issue final
15 regulations necessary to carry out this Act not later
16 than September 1, 1997, and such regulations shall
17 take effect not later than the effective date of this
18 Act.

19 (2) NEGOTIATED RULEMAKING PROCEDURE.—

20 (A) IN GENERAL.—Notwithstanding sec-
21 tions 563(a) and 565(a) of title 5, United
22 States Code, all regulations required under this
23 Act shall be issued according to a negotiated
24 rulemaking procedure under subchapter III of
25 chapter 5 of title 5, United States Code.

1 (B) COMMITTEE.—

2 (i) IN GENERAL.—The Secretary shall
3 establish a negotiated rulemaking commit-
4 tee, in accordance with the procedures
5 under that subchapter, for the development
6 of proposed regulations under subpara-
7 graph (A).

8 (ii) ADAPTATION.—In establishing the
9 negotiated rulemaking committee, the Sec-
10 retary shall—

11 (I) adapt the procedures under
12 the subchapter described in clause (i)
13 to the unique government-to-govern-
14 ment relationship between the Indian
15 tribes and the United States, and
16 shall ensure that the membership of
17 the committee include only represent-
18 atives of the Federal Government and
19 of geographically diverse small, me-
20 dium, and large Indian tribes; and

21 (II) shall not preclude the par-
22 ticipation of tribally designated hous-
23 ing entities should tribes elect to be
24 represented by such entities.

1 (c) EFFECTIVE DATE.—This section shall take effect
2 on the date of the enactment of this Act.

3 **SEC. 107. EFFECTIVE DATE.**

4 Except as otherwise expressly provided in this Act,
5 this Act and the amendments made by this Act shall take
6 effect on October 1, 1997.

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

8 There are authorized to be appropriated for grants
9 under this title such sums as may be necessary for each
10 of fiscal years 1998, 1999, 2000, and 2001. This section
11 shall take effect on the date of the enactment of this Act.

12 **TITLE II—AFFORDABLE**
13 **HOUSING ACTIVITIES**

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

15 (a) PRIMARY OBJECTIVE.—The national objectives of
16 this Act are—

17 (1) to assist and promote affordable housing ac-
18 tivities to develop, maintain, and operate affordable
19 housing in safe and healthy environments on Indian
20 reservations and in other Indian areas for occupancy
21 by low-income Indian families;

22 (2) to ensure better access to private mortgage
23 markets for Indian tribes and their members and to
24 promote self-sufficiency of Indian tribes and their
25 members;

1 (3) to coordinate activities to provide housing
2 for Indian tribes and their members with Federal,
3 State, and local activities to further economic and
4 community development for Indian tribes and their
5 members;

6 (4) to plan for and integrate infrastructure re-
7 sources for Indian tribes with housing development
8 for tribes; and

9 (5) to promote the development of private cap-
10 ital markets in Indian country and to allow such
11 markets to operate and grow, thereby benefiting In-
12 dian communities.

13 (b) ELIGIBLE FAMILIES.—

14 (1) IN GENERAL.—Except as provided under
15 paragraph (2), assistance under eligible housing ac-
16 tivities under this Act shall be limited to low-income
17 Indian families on Indian reservations and other In-
18 dian areas.

19 (2) EXCEPTION TO LOW-INCOME REQUIRE-
20 MENT.—A recipient may provide assistance for
21 homeownership activities under section 202(2),
22 model activities under section 202(6), or loan guar-
23 antee activities under title VI to Indian families who
24 are not low-income families, to the extent that the
25 Secretary approves the activities pursuant to such

1 section or title because there is a need for housing
2 for such families that cannot reasonably be met
3 without such assistance. The Secretary shall estab-
4 lish limits on the amount of assistance that may be
5 provided under this Act for activities for families
6 who are not low-income families.

7 (3) NON-INDIAN FAMILIES.—Notwithstanding
8 paragraph (1), a recipient may provide housing or
9 housing assistance provided through affordable hous-
10 ing activities assisted with grant amounts under this
11 Act for a non-Indian family on an Indian reservation
12 or other Indian area if the recipient determines that
13 the presence of the family on the Indian reservation
14 or other Indian area is essential to the well-being of
15 Indian families and the need for housing for the
16 family cannot reasonably be met without such assist-
17 ance.

18 (4) PREFERENCE FOR TRIBAL MEMBERS AND
19 OTHER INDIAN FAMILIES.—The Indian housing plan
20 for an Indian tribe may require preference, for hous-
21 ing or housing assistance provided through afford-
22 able housing activities assisted with grant amounts
23 provided under this Act on behalf of such tribe, to
24 be given (to the extent practicable) to Indian fami-
25 lies who are members of such tribe, or to other In-

1 dian families. In any case in which the applicable In-
2 dian housing plan for an Indian tribe provides for
3 preference under this paragraph, the recipient for
4 the tribe shall ensure that housing activities that are
5 assisted with grant amounts under this Act for such
6 tribe are subject to such preference.

7 (5) EXEMPTION.—Title VI of the Civil Rights
8 Act of 1964 and title VIII of the Civil Rights Act
9 of 1968 shall not apply to actions by Indian tribes
10 under this subsection.

11 **SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.**

12 Affordable housing activities under this title are ac-
13 tivities, in accordance with the requirements of this title,
14 to develop or to support affordable housing for rental or
15 homeownership, or to provide housing services with re-
16 spect to affordable housing, through the following activi-
17 ties:

18 (1) INDIAN HOUSING ASSISTANCE.—The provi-
19 sion of modernization or operating assistance for
20 housing previously developed or operated pursuant
21 to a contract between the Secretary and an Indian
22 housing authority.

23 (2) DEVELOPMENT.—The acquisition, new con-
24 struction, reconstruction, or moderate or substantial
25 rehabilitation of affordable housing, which may in-

1 clude real property acquisition, site improvement,
2 development of utilities and utility services, conver-
3 sion, demolition, financing, administration and plan-
4 ning, and other related activities.

5 (3) HOUSING SERVICES.—The provision of
6 housing-related services for affordable housing, such
7 as housing counseling in connection with rental or
8 homeownership assistance, establishment and sup-
9 port of resident organizations and resident manage-
10 ment corporations, energy auditing, activities related
11 to the provision of self-sufficiency and other services,
12 and other services related to assisting owners, ten-
13 ants, contractors, and other entities, participating or
14 seeking to participate in other housing activities as-
15 sisted pursuant to this section.

16 (4) HOUSING MANAGEMENT SERVICES.—The
17 provision of management services for affordable
18 housing, including preparation of work specifica-
19 tions, loan processing, inspections, tenant selection,
20 management of tenant-based rental assistance, and
21 management of affordable housing projects.

22 (5) CRIME PREVENTION AND SAFETY ACTIVI-
23 TIES.—The provision of safety, security, and law en-
24 forcement measures and activities appropriate to
25 protect residents of affordable housing from crime.

1 (6) MODEL ACTIVITIES.—Housing activities
2 under model programs that are designed to carry
3 out the purposes of this Act and are specifically ap-
4 proved by the Secretary as appropriate for such pur-
5 pose.

6 **SEC. 203. PROGRAM REQUIREMENTS.**

7 (a) RENTS.—

8 (1) ESTABLISHMENT.—Subject to paragraph
9 (2), each recipient shall develop written policies gov-
10 erning rents and homebuyer payments charged for
11 dwelling units assisted under this Act, including the
12 methods by which such rents and homebuyer pay-
13 ments are determined.

14 (2) MAXIMUM RENT.—In the case of any low-
15 income family residing in a dwelling unit assisted
16 with grant amounts under this Act, the monthly rent
17 or homebuyer payment (as applicable) for such
18 dwelling unit may not exceed 30 percent of the
19 monthly adjusted income of such family.

20 (b) MAINTENANCE AND EFFICIENT OPERATION.—

21 Each recipient who owns or operates (or is responsible for
22 funding any entity that owns or operates) housing devel-
23 oped or operated pursuant to a contract between the Sec-
24 retary and an Indian housing authority pursuant to the
25 United States Housing Act of 1937 shall, using amounts

1 of any grants received under this Act, reserve and use for
2 operating assistance under section 202(1) such amounts
3 as may be necessary to provide for the continued mainte-
4 nance and efficient operation of such housing. This sub-
5 section may not be construed to prevent any recipient (or
6 entity funded by a recipient) from demolishing or dispos-
7 ing of Indian housing referred to in this subsection, pursu-
8 ant to regulations established by the Secretary.

9 (c) INSURANCE COVERAGE.—Each recipient shall
10 maintain adequate insurance coverage for housing units
11 that are owned or operated or assisted with grant amounts
12 provided under this Act.

13 (d) ELIGIBILITY FOR ADMISSION.—Each recipient
14 shall develop written policies governing the eligibility, ad-
15 mission, and occupancy of families for housing assisted
16 with grant amounts provided under this Act.

17 (e) MANAGEMENT AND MAINTENANCE.—Each recipi-
18 ent shall develop policies governing the management and
19 maintenance of housing assisted with grant amounts
20 under this Act.

21 **SEC. 204. TYPES OF INVESTMENTS.**

22 (a) IN GENERAL.—Subject to section 203 and the In-
23 dian housing plan for an Indian tribe, the recipient for
24 that tribe shall have—

1 (1) the discretion to use grant amounts for af-
2 fordable housing activities through equity invest-
3 ments, interest-bearing loans or advances, non-
4 interest-bearing loans or advances, interest sub-
5 sidies, leveraging of private investments, or any
6 other form of assistance that the Secretary has de-
7 termined to be consistent with the purposes of this
8 Act; and

9 (2) the right to establish the terms of assist-
10 ance.

11 (b) INVESTMENTS.—A recipient may invest grant
12 amounts for the purposes of carrying out affordable hous-
13 ing activities in investment securities and other obligations
14 as approved by the Secretary.

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

17 (a) IN GENERAL.—Housing shall qualify as afford-
18 able housing for purposes of this Act only if—

19 (1) each dwelling unit in the housing—

20 (A) in the case of rental housing, is made
21 available for occupancy only by a family that is
22 a low-income family at the time of their initial
23 occupancy of such unit; and

24 (B) in the case of housing for homeownership,
25 is made available for purchase only by a

1 family that is a low-income family at the time
2 of purchase; and

3 (2) except for housing assisted under section
4 202 of the United States Housing Act of 1937 (as
5 in effect before the date of the effectiveness of this
6 Act), each dwelling unit in the housing will remain
7 affordable, according to binding commitments satis-
8 factory to the Secretary, for the remaining useful
9 life of the property (as determined by the Secretary)
10 without regard to the term of the mortgage or to
11 transfer of ownership, or for such other period that
12 the Secretary determines is the longest feasible pe-
13 riod of time consistent with sound economics and the
14 purposes of this Act, except upon a foreclosure by a
15 lender (or upon other transfer in lieu of foreclosure)
16 if such action—

17 (A) recognizes any contractual or legal
18 rights of public agencies, nonprofit sponsors, or
19 others to take actions that would avoid termi-
20 nation of low-income affordability in the case of
21 foreclosure or transfer in lieu of foreclosure;
22 and

23 (B) is not for the purpose of avoiding low-
24 income affordability restrictions, as determined
25 by the Secretary.

1 (b) EXCEPTION.—Notwithstanding subsection (a),
2 housing assisted pursuant to section 201(b)(2) shall be
3 considered affordable housing for purposes of this Act.

4 **SEC. 206. CERTIFICATION OF COMPLIANCE WITH SUBSIDY**
5 **LAYERING REQUIREMENTS.**

6 With respect to housing assisted with grant amounts
7 provided under this Act, the requirements of section
8 102(d) of the Department of Housing and Urban Develop-
9 ment Reform Act of 1989 shall be considered to be satis-
10 fied upon certification by the Secretary that the combina-
11 tion of Federal assistance provided to any housing project
12 is not any more than is necessary to provide affordable
13 housing.

14 **SEC. 207. LEASE REQUIREMENTS AND TENANT SELECTION.**

15 (a) LEASES.—Except to the extent otherwise pro-
16 vided by or inconsistent with tribal law, in renting dwelling
17 units in affordable housing assisted with grant amounts
18 provided under this Act, the owner or manager of the
19 housing shall utilize leases that—

20 (1) do not contain unreasonable terms and con-
21 ditions;

22 (2) require the owner or manager to maintain
23 the housing in compliance with applicable housing
24 codes and quality standards;

1 (3) require the owner or manager to give ade-
2 quate written notice of termination of the lease,
3 which shall be the period of time required under
4 State, tribal, or local law;

5 (4) specify that, with respect to any notice of
6 eviction or termination, notwithstanding any State,
7 tribal, or local law, a resident shall be informed of
8 the opportunity, prior to any hearing or trial, to ex-
9 amine any relevant documents, records, or regula-
10 tions directly related to the eviction or termination;

11 (5) require that the owner or manager may not
12 terminate the tenancy, during the term of the lease,
13 except for serious or repeated violation of the terms
14 or conditions of the lease, violation of applicable
15 Federal, State, tribal, or local law, or for other good
16 cause; and

17 (6) provide that the owner or manager may ter-
18 minate the tenancy of a resident for any activity, en-
19 gaged in by the resident, any member of the house-
20 hold of the resident, or any guest or other person
21 under the control of the resident, that—

22 (A) threatens the health or safety of, or
23 right to peaceful enjoyment of the premises by,
24 other residents or employees of the owner or
25 manager of the housing;

1 (B) threatens the health or safety of, or
2 right to peaceful enjoyment of their premises
3 by, persons residing in the immediate vicinity of
4 the premises; or

5 (C) is criminal activity (including drug-re-
6 lated criminal activity) on or off the premises.

7 (b) TENANT SELECTION.—The owner or manager of
8 affordable rental housing assisted with grant amounts pro-
9 vided under this Act shall adopt and utilize written tenant
10 selection policies and criteria that—

11 (1) are consistent with the purpose of providing
12 housing for low-income families;

13 (2) are reasonably related to program eligibility
14 and the ability of the applicant to perform the obli-
15 gations of the lease; and

16 (3) provide for—

17 (A) the selection of tenants from a written
18 waiting list in accordance with the policies and
19 goals set forth in the Indian housing plan for
20 the tribe that is the grant beneficiary of such
21 grant amounts; and

22 (B) the prompt notification in writing of
23 any rejected applicant of the grounds for any
24 rejection.

1 **SEC. 208. AVAILABILITY OF RECORDS.**

2 (a) PROVISION OF INFORMATION.—Notwithstanding
3 any other provision of law, except as provided in para-
4 graph (2), the National Crime Information Center, police
5 departments, and other law enforcement agencies shall,
6 upon request, provide information to Indian tribes or trib-
7 ally designated housing entities regarding the criminal
8 conviction records of adult applicants for, or tenants of,
9 housing assisted with grant amounts provided to such
10 tribe or entity under this Act for purposes of applicant
11 screening, lease enforcement, and eviction.

12 (b) EXCEPTION.—A law enforcement agency de-
13 scribed in paragraph (1) shall provide information under
14 this paragraph relating to any criminal conviction of a ju-
15 venile only to the extent that the release of such informa-
16 tion is authorized under the law of the applicable State,
17 tribe, or locality.

18 (c) CONFIDENTIALITY.—An Indian tribe or tribally
19 designated housing entity receiving information under this
20 section may use such information only for the purposes
21 provided in this section and such information may not be
22 disclosed to any person who is not an officer, employee,
23 or authorized representative of the tribe or entity or the
24 owner of housing assisted under this Act, and who has
25 a job-related need to have access to the information for
26 the purposes under this section. For judicial eviction pro-

1 ceedings, disclosures may be made to the extent necessary.
2 The Secretary shall, by regulation, establish procedures
3 necessary to ensure that information provided under this
4 section to any tribe or entity is used, and confidentiality
5 is maintained, as required under this section.

6 **SEC. 209. REPAYMENT.**

7 If a recipient uses grant amounts to provide afford-
8 able housing under activities under this title and, at any
9 time during the useful life of the housing the housing does
10 not comply with the requirement under section 205(2), the
11 Secretary shall reduce future grant payments on behalf
12 of the grant beneficiary by an amount equal to the grant
13 amounts used for such housing (under the authority under
14 section 401(a)(2)) or require repayment to the Secretary
15 of an amount equal to such grant amounts.

16 **SEC. 210. CONTINUED USE OF AMOUNTS FOR AFFORDABLE**
17 **HOUSING.**

18 Any funds for programs for low-income housing
19 under the United States Housing Act of 1937 that, on
20 the date of the applicability of this Act to an Indian tribe,
21 are owned by, or in the possession or under the control
22 of, the Indian housing authority for the tribe, including
23 all reserves not otherwise obligated, shall be considered as-
24 sistance under this Act and subject to the provisions of
25 this Act relating to use of such assistance.

1 **TITLE III—ALLOCATION OF**
2 **GRANT AMOUNTS**

3 **SEC. 301. ANNUAL ALLOCATION.**

4 For each fiscal year, the Secretary shall allocate any
5 amounts made available for assistance under this Act for
6 the fiscal year, in accordance with the formula established
7 pursuant to section 302, among Indian tribes that comply
8 with the requirements under this Act for a grant under
9 this Act.

10 **SEC. 302. ALLOCATION FORMULA.**

11 (a) **ESTABLISHMENT.**—The Secretary shall, by regu-
12 lations issued not later than the expiration of the 12-
13 month period beginning on the date of the enactment of
14 this Act, in the manner provided under section 106, estab-
15 lish a formula to provide for allocating amounts available
16 for a fiscal year for block grants under this Act among
17 Indian tribes in accordance with the requirements of this
18 section.

19 (b) **FACTORS FOR DETERMINATION OF NEED.**—The
20 formula shall be based on factors that reflect the need of
21 the Indian tribes and the Indian areas of the tribes for
22 assistance for affordable housing activities, including the
23 following factors:

24 (1) The number of low-income housing dwelling
25 units owned or operated at the time pursuant to a

1 contract between an Indian housing authority for
2 the tribe and the Secretary.

3 (2) The extent of poverty and economic distress
4 and the number of Indian families within Indian
5 areas of the tribe.

6 (3) Other objectively measurable conditions as
7 the Secretary and the Indian tribes may specify.

8 (c) OTHER FACTORS FOR CONSIDERATION.—In es-
9 tablishing the formula, the Secretary shall consider—

10 (1) the relative administrative capacities and
11 other challenges faced by the recipient, including,
12 but not limited to geographic distribution within the
13 Indian area and technical capacity; and

14 (2) the extent to which terminations of assist-
15 ance under title V will affect funding available to
16 State recognized tribes.

17 (d) FUNDING FOR PUBLIC HOUSING OPERATION
18 AND MODERNIZATION.—

19 (1) FULL FUNDING.—The formula shall provide
20 that, if, in any fiscal year, the total amount made
21 available for assistance under this Act is equal to or
22 greater than the total amount made available for fis-
23 cal year 1996 for assistance for the operation and
24 modernization of public housing developed or oper-
25 ated pursuant to a contract between the Secretary

1 and an Indian housing authority pursuant to the
2 United States Housing Act of 1937, the amount
3 provided for such fiscal year for each Indian tribe
4 for which such operating or modernization assistance
5 was provided for fiscal year 1996 shall not be less
6 than the total amount of such operating and mod-
7 ernization assistance provided for fiscal year 1996
8 for such tribe.

9 (2) PARTIAL FUNDING.—The formula shall pro-
10 vide that, if, in any fiscal year, the total amount
11 made available for assistance under this Act is less
12 than the total amount made available for fiscal year
13 1996 for assistance for the operation and mod-
14 ernization of public housing developed or operated
15 pursuant to a contract between the Secretary and an
16 Indian housing authority pursuant to the United
17 States Housing Act of 1937, the amount provided
18 for such fiscal year for each Indian tribe for which
19 such operating or modernization assistance was pro-
20 vided for fiscal year 1996 shall not be less than the
21 amount that bears the same ratio to the total
22 amount available for assistance under this Act for
23 such fiscal year that the amount of operating and
24 modernization assistance provided for the tribe for
25 fiscal year 1996 bears to the total amount made

1 available for fiscal year 1996 for assistance for the
2 operation and modernization of such public housing.

3 (e) EFFECTIVE DATE.—This section shall take effect
4 on the date of the enactment of this Act.

5 **TITLE IV—COMPLIANCE,**
6 **AUDITS, AND REPORTS**

7 **SEC. 401. REMEDIES FOR NONCOMPLIANCE.**

8 (a) ACTIONS BY SECRETARY AFFECTING GRANT
9 AMOUNTS.—Except as provided in subsection (b), if the
10 Secretary finds after reasonable notice and opportunity for
11 hearing that a recipient of assistance under this Act has
12 failed to comply substantially with any provision of this
13 Act, the Secretary shall—

14 (1) terminate payments under this Act to the
15 recipient;

16 (2) reduce payments under this Act to the re-
17 cipient by an amount equal to the amount of such
18 payments that were not expended in accordance with
19 this Act;

20 (3) limit the availability of payments under this
21 Act to programs, projects, or activities not affected
22 by such failure to comply; or

23 (4) in the case of noncompliance described in
24 section 402(b), provide a replacement tribally des-

1 ignated housing entity for the recipient, under sec-
2 tion 402.

3 If the Secretary takes an action under paragraph (1), (2),
4 or (3), the Secretary shall continue such action until the
5 Secretary determines that the failure to comply has
6 ceased.

7 (b) NONCOMPLIANCE BECAUSE OF TECHNICAL INCA-
8 PACITY.—If the Secretary makes a finding under sub-
9 section (a), but determines that the failure to comply sub-
10 stantially with the provisions of this Act—

11 (1) is not a pattern or practice of activities con-
12 stituting willful noncompliance, and

13 (2) is a result of the limited capability or capac-
14 ity of the recipient,

15 the Secretary may provide technical assistance for the re-
16 cipient (directly or indirectly) that is designed to increase
17 the capability and capacity of the recipient to administer
18 assistance provided under this Act in compliance with the
19 requirements under this Act.

20 (c) REFERRAL FOR CIVIL ACTION.—

21 (1) AUTHORITY.—In lieu of, or in addition to,
22 any action authorized by subsection (a), if the Sec-
23 retary has reason to believe that a recipient has
24 failed to comply substantially with any provision of
25 this Act, the Secretary may refer the matter to the

1 Attorney General of the United States with a rec-
2 ommendation that an appropriate civil action be in-
3 stituted.

4 (2) CIVIL ACTION.—Upon such a referral, the
5 Attorney General may bring a civil action in any
6 United States district court having venue thereof for
7 such relief as may be appropriate, including an ac-
8 tion to recover the amount of the assistance fur-
9 nished under this Act that was not expended in ac-
10 cordance with it, or for mandatory or injunctive re-
11 lief.

12 (d) REVIEW.—

13 (1) IN GENERAL.—Any recipient who receives
14 notice under subsection (a) of the termination, re-
15 duction, or limitation of payments under this Act—

16 (A) may, not later than 60 days after re-
17 ceiving such notice, file with the United States
18 Court of Appeals for the circuit in which such
19 State is located, or in the United States Court
20 of Appeals for the District of Columbia, a peti-
21 tion for review of the action of the Secretary;
22 and

23 (B) upon the filing of any petition under
24 subparagraph (A), shall forthwith transmit cop-
25 ies of the petition to the Secretary and the At-

1 torney General of the United States, who shall
2 represent the Secretary in the litigation.

3 (2) PROCEDURE.—The Secretary shall file in
4 the court a record of the proceeding on which the
5 Secretary based the action, as provided in section
6 2112 of title 28, United States Code. No objection
7 to the action of the Secretary shall be considered by
8 the court unless such objection has been urged be-
9 fore the Secretary.

10 (3) DISPOSITION.—

11 (A) COURT PROCEEDINGS.—The court
12 shall have jurisdiction to affirm or modify the
13 action of the Secretary or to set it aside in
14 whole or in part. The findings of fact by the
15 Secretary, if supported by substantial evidence
16 on the record considered as a whole, shall be
17 conclusive. The court may order additional evi-
18 dence to be taken by the Secretary, and to be
19 made part of the record.

20 (B) SECRETARY.—The Secretary—

21 (i) may modify the findings of fact of
22 the Secretary, or make new findings, by
23 reason of the new evidence so taken and
24 filed with the court; and

25 (ii) shall file—

1 (I) such modified or new find-
2 ings, which findings with respect to
3 questions of fact shall be conclusive if
4 supported by substantial evidence on
5 the record considered as a whole; and

6 (II) the recommendation of the
7 Secretary, if any, for the modification
8 or setting aside of the original action
9 of the Secretary.

10 (4) FINALITY.—Upon the filing of the record
11 with the court, the jurisdiction of the court shall be
12 exclusive and its judgment shall be final, except that
13 such judgment shall be subject to review by the Su-
14 preme Court of the United States upon writ of cer-
15 tiorari or certification as provided in section 1254 of
16 title 28, United State Code.

17 **SEC. 402. REPLACEMENT OF RECIPIENT.**

18 (a) AUTHORITY.—As a condition of the Secretary
19 making a grant under this Act on behalf of an Indian
20 tribe, the tribe shall agree that, notwithstanding any other
21 provision of law, the Secretary may, only in the cir-
22 cumstances set forth in subsection (b), require that a re-
23 placement tribally designated housing entity serve as the
24 recipient for the tribe, in accordance with subsection (c).

1 (b) CONDITIONS OF REMOVAL.—The Secretary may
2 require such replacement tribally designated housing en-
3 tity for a tribe only upon a determination by the Secretary
4 on the record after opportunity for a hearing that the re-
5 cipient for the tribe has engaged in a pattern or practice
6 of activities that constitutes substantial or willful non-
7 compliance with the requirements under this Act.

8 (c) CHOICE AND TERM OF REPLACEMENT.—If the
9 Secretary requires that a replacement tribally designated
10 housing entity serve as the recipient for a tribe (or
11 tribes)—

12 (1) the replacement entity shall be an entity
13 mutually agreed upon by the Secretary and the tribe
14 (or tribes) for which the recipient was authorized to
15 act, except that if no such entity is agreed upon be-
16 fore the expiration of the 60-day period beginning
17 upon the date that the Secretary makes the deter-
18 mination under subsection (b), the Secretary shall
19 act as the replacement entity until agreement is
20 reached upon a replacement entity; and

21 (2) the replacement entity (or the Secretary, as
22 provided in paragraph (1)) shall act as the tribally
23 designated housing entity for the tribe (or tribes) for
24 a period that expires upon—

1 (A) a date certain, which shall be specified
2 by the Secretary upon making the determina-
3 tion under subsection (b); or

4 (B) the occurrence of specific conditions,
5 which conditions shall be specified in written
6 notice provided by the Secretary to the tribe
7 upon making the determination under sub-
8 section (b).

9 **SEC. 403. MONITORING OF COMPLIANCE.**

10 (a) ENFORCEABLE AGREEMENTS.—Each recipient,
11 through binding contractual agreements with owners and
12 otherwise, shall ensure long-term compliance with the pro-
13 visions of this Act. Such measures shall provide for (1)
14 enforcement of the provisions of this Act by the grant ben-
15 eficiary or by recipients and other intended beneficiaries,
16 and (2) remedies for the breach of such provisions.

17 (b) PERIODIC MONITORING.—Not less frequently
18 than annually, each recipient shall review the activities
19 conducted and housing assisted under this Act to assess
20 compliance with the requirements of this Act. Such review
21 shall include onsite inspection of housing to determine
22 compliance with applicable requirements. The results of
23 each review shall be included in the performance report
24 of the recipient submitted to the Secretary under section
25 404 and made available to the public.

1 (c) PERFORMANCE MEASURES.—The Secretary shall
2 establish such performance measures as may be necessary
3 to assess compliance with the requirements of this Act.

4 **SEC. 404. PERFORMANCE REPORTS.**

5 (a) REQUIREMENT.—For each fiscal year, each recip-
6 ient shall—

7 (1) review the progress it has made during such
8 fiscal year in carrying out the Indian housing plan
9 (or plans) for the Indian tribes for which it admin-
10 isters grant amounts; and

11 (2) submit a report to the Secretary (in a form
12 acceptable to the Secretary) describing the conclu-
13 sions of the review.

14 (b) CONTENT.—Each report under this section for a
15 fiscal year shall—

16 (1) describe the use of grant amounts provided
17 to the recipient for such fiscal year;

18 (2) assess the relationship of such use to the
19 goals identified in the Indian housing plan of the
20 grant beneficiary;

21 (3) indicate the programmatic accomplishments
22 of the recipient; and

23 (4) describe the manner in which the recipient
24 would change its programs as a result of its experi-
25 ences.

1 (c) SUBMISSION.—The Secretary shall establish dates
2 for submission of reports under this section, and review
3 such reports and make such recommendations as the Sec-
4 retary considers appropriate to carry out the purposes of
5 this Act.

6 (d) PUBLIC AVAILABILITY.—A recipient preparing a
7 report under this section shall make the report publicly
8 available to the citizens in the jurisdiction of the recipient
9 in sufficient time to permit such citizens to comment on
10 such report prior to its submission to the Secretary, and
11 in such manner and at such times as the recipient may
12 determine. The report shall include a summary of any
13 comments received by the grant beneficiary or recipient
14 from citizens in its jurisdiction regarding its program.

15 **SEC. 405. REVIEW AND AUDIT BY SECRETARY.**

16 (a) ANNUAL REVIEW.—The Secretary shall, not less
17 than on an annual basis, make such reviews and audits
18 as may be necessary or appropriate to determine—

19 (1) whether the recipient has carried out its eli-
20 gible activities in a timely manner, has carried out
21 its eligible activities and certifications in accordance
22 with the requirements and the primary objectives of
23 this Act and with other applicable laws, and has a
24 continuing capacity to carry out those activities in a
25 timely manner;

1 (2) whether the recipient has complied with the
2 Indian housing plan of the grant beneficiary; and

3 (3) whether the performance reports under sec-
4 tion 404 of the recipient are accurate.

5 Reviews under this section shall include, insofar as prac-
6 ticable, onsite visits by employees of the Department of
7 Housing and Urban Development.

8 (b) REPORT BY SECRETARY.—The Secretary shall
9 give a recipient not less than 30 days to review and com-
10 ment on a report under this subsection. After taking into
11 consideration the comments of the recipient, the Secretary
12 may revise the report and shall make the comments of
13 the recipient and the report, with any revisions, readily
14 available to the public not later than 30 days after receipt
15 of the comments of the recipient.

16 (c) EFFECT OF REVIEWS.—The Secretary may make
17 appropriate adjustments in the amount of the annual
18 grants under this Act in accordance with the findings of
19 the Secretary pursuant to reviews and audits under this
20 section. The Secretary may adjust, reduce, or withdraw
21 grant amounts, or take other action as appropriate in ac-
22 cordance with the reviews and audits of the Secretary
23 under this section, except that grant amounts already ex-
24 pended on affordable housing activities may not be recap-

1 tured or deducted from future assistance provided on be-
2 half of an Indian tribe.

3 **SEC. 406. GAO AUDITS.**

4 To the extent that the financial transactions of In-
5 dian tribes and recipients of grant amounts under this Act
6 relate to amounts provided under this Act, such trans-
7 actions may be audited by the Comptroller General of the
8 United States under such rules and regulations as may
9 be prescribed by the Comptroller General. The representa-
10 tives of the General Accounting Office shall have access
11 to all books, accounts, records, reports, files, and other
12 papers, things, or property belonging to or in use by such
13 tribes and recipients pertaining to such financial trans-
14 actions and necessary to facilitate the audit.

15 **SEC. 407. REPORTS TO CONGRESS.**

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

20 (1) a description of the progress made in ac-
21 complishing the objectives of this Act;

22 (2) a summary of the use of funds available
23 under this Act during the preceding fiscal year; and

24 (3) a description of the aggregate outstanding
25 loan guarantees under title VI.

1 (b) RELATED REPORTS.—The Secretary may require
 2 recipients of grant amounts under this Act to submit to
 3 the Secretary such reports and other information as may
 4 be necessary in order for the Secretary to make the report
 5 required by subsection (a).

6 **TITLE V—TERMINATION OF AS-**
 7 **SISTANCE FOR INDIAN**
 8 **TRIBES UNDER INCOR-**
 9 **PORATED PROGRAMS**

10 **SEC. 501. REPEAL OF PROVISIONS RELATING TO INDIAN**
 11 **HOUSING ASSISTANCE UNDER UNITED**
 12 **STATES HOUSING ACT OF 1937.**

13 (a) REPEAL OF TITLE II.—Title II of the United
 14 States Housing Act of 1937 (42 U.S.C 1437aa et seq.)
 15 is hereby repealed.

16 (b) AMENDMENTS TO TITLE I.—Title I of the United
 17 States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is
 18 amended—

19 (1) in section 3(b)—

20 (A) in paragraph (5)—

21 (i) in subparagraph (F) by inserting

22 “and” after the semicolon at the end;

23 (ii) by striking subparagraph (G); and

24 (iii) by redesignating subparagraph

25 (H) as subparagraph (G);

1 (B) in paragraph (6), by striking the last
2 sentence;

3 (C) in paragraph (7)—

4 (i) by inserting “and” before “the
5 Trust”; and

6 (ii) by striking “, and Indian tribes”;

7 and

8 (D) by striking paragraphs (9), (10), (11),
9 and (12);

10 (2) in section 5—

11 (A) in subsection (j)(1), by striking
12 “(other than for Indian families)”; and

13 (B) by striking subsection (l);

14 (3) in section 6(b)(1), by striking “and public
15 housing for Indians and Alaska Natives in accord-
16 ance with the Indian Housing Act of 1988”;

17 (4) in subsection 7, by striking subsection (l);

18 (5) in section 9(a)(1)(A), in the second sen-
19 tence—

20 (A) by inserting “and” after the comma at
21 the end of clause (i); and

22 (B) by striking “, and (iii)” and all that
23 follows through “project is occupied”;

24 (6) in section 14—

- 1 (A) in the section heading, by striking
2 “AND INDIAN”;
- 3 (B) in subsection (e)(1)(E)—
- 4 (i) in the matter preceding clause (i),
5 by striking “(or Indian tribal official, if ap-
6 propriate)”;
- 7 (ii) in clause (i)—
- 8 (I) by striking “(or Indian tribal
9 officials)”;
- 10 (II) by striking “(or tenants of
11 the Indian housing projects)”;
- 12 (iii) in clause (ii), by striking “(or In-
13 dian tribe)”;
- 14 (7) in section 16—
- 15 (A) in subsection (d)—
- 16 (i) by striking the paragraph designa-
17 tion for paragraph (1); and
- 18 (ii) by striking paragraph (2); and
- 19 (B) in subsection (e), by striking para-
20 graph (3);
- 21 (8) in section 23(o), by striking paragraph (2);
- 22 (9) in section 24(h)(3), by striking “, except
23 that it does not include any Indian housing author-
24 ity”;

1 (10) in section 25(m)(4), by striking “, except
2 that it does not include Indian housing authorities”;
3 and

4 (11) in section 26, in subsections (a)(1) and
5 (b), by striking “(including an Indian housing au-
6 thority)” each place it appears.

7 (c) AMENDMENTS TO TITLE III.—Title III of the
8 United States Housing Act of 1937 (42 U.S.C. 1437aaa
9 et seq.) is amended—

10 (1) by striking the heading for the title and in-
11 serting the following:

12 **“TITLE III—HOPE FOR PUBLIC**
13 **HOUSING HOMEOWNERSHIP”;**

14 (2) in section 306—

15 (A) in paragraph (1)(A), by striking “(in-
16 cluding an Indian housing authority)”;

17 (B) in paragraph (2)(A), by striking “or
18 Indian”;

19 (3) in section 307, by striking “and title II”.

20 (d) OTHER RELATED PROVISIONS.—

21 (1) INDIAN HOUSING CHILD DEVELOPMENT.—
22 Section 519 of the Cranston-Gonzalez National Af-
23 fordable Housing Act (12 U.S.C. 1701z–6 note) is
24 hereby repealed.

1 (2) PUBLIC HOUSING YOUTH SPORTS.—Section
2 520 of the Cranston-Gonzalez National Affordable
3 Housing Act (42 U.S.C. 11903a) is amended—

4 (A) in subsection (b)—

5 (i) in paragraph (5), by inserting
6 “and” after the semicolon at the end;

7 (ii) by striking paragraphs (6) and
8 (7); and

9 (iii) by redesignating paragraph (8) as
10 paragraph (6);

11 (B) in subsection (e)(2), by striking “In-
12 dian tribes,”;

13 (C) in subsection (i)—

14 (i) by striking paragraph (1); and

15 (ii) by redesignating paragraphs (2)
16 through (7) as paragraphs (1) through (6),
17 respectively; and

18 (D) in subsection (l)(5)(B), by striking
19 “units of general local government, and Indian
20 housing authorities” and inserting “and Indian
21 housing authorities”.

22 (3) ALLOCATION OF FUNDS.—Section
23 213(d)(1)(B)(ii) of the Housing and Community De-
24 velopment Act of 1974 (42 U.S.C. 1439) is amended
25 by striking “and Indian”.

1 **SEC. 502. TERMINATION OF INDIAN HOUSING ASSISTANCE**
2 **UNDER UNITED STATES HOUSING ACT OF**
3 **1937.**

4 (a) **TERMINATION OF ASSISTANCE.**—After Septem-
5 ber 30, 1997, financial assistance may not be provided
6 under the United States Housing Act of 1937 or pursuant
7 to any commitment entered into under such Act, for In-
8 dian housing developed or operated pursuant to a contract
9 between the Secretary and an Indian housing authority,
10 unless such assistance is provided from amounts made
11 available for fiscal year 1997 and pursuant to a commit-
12 ment entered into before September 30, 1997.

13 (b) **TERMINATION OF RESTRICTIONS ON USE OF IN-**
14 **DIAN HOUSING.**—After September 30, 1997, any housing
15 developed or operated pursuant to a contract between the
16 Secretary and an Indian housing authority pursuant to
17 the United States Housing Act of 1937 shall not be sub-
18 ject to any provision of such Act or any annual contribu-
19 tions contract or other agreement pursuant to such Act,
20 but shall be considered and maintained as affordable hous-
21 ing for purposes of this Act.

22 **SEC. 503. TERMINATION OF NEW COMMITMENTS FOR RENT-**
23 **AL ASSISTANCE.**

24 After September 30, 1997, financial assistance for
25 rental housing assistance under the United States Hous-
26 ing Act of 1937 may not be provided to any Indian hous-

1 ing authority or tribally designated housing entity, unless
2 such assistance is provided pursuant to a contract for such
3 assistance entered into by the Secretary and the Indian
4 housing authority before such date. Any such assistance
5 provided pursuant to such a contract shall be governed
6 by the provisions of the United States Housing Act of
7 1937 (as in effect before the date of the effectiveness of
8 this Act) and the provisions of such contract.

9 **SEC. 504. TERMINATION OF YOUTHBUILD PROGRAM AS-**
10 **SISTANCE.**

11 (a) IN GENERAL.—Subtitle D of title IV of the Cran-
12 ston-Gonzalez National Affordable Housing Act (42
13 U.S.C. 12899 et seq.) is amended—

14 (1) by redesignating section 460 as section 461;

15 and

16 (2) by inserting after section 459 the following
17 new section:

18 **“SEC. 460. INELIGIBILITY OF INDIAN TRIBES.**

19 “Indian tribes, Indian housing authorities, and other
20 agencies primarily serving Indians or Indian areas shall
21 not be eligible applicants for amounts made available for
22 assistance under this subtitle for fiscal year 1997 and fis-
23 cal years thereafter.”.

24 (b) APPLICABILITY.—The amendments under sub-
25 section (a) shall apply with respect to amounts made avail-

1 able for assistance under subtitle D of title II of the Cran-
2 ston-Gonzalez National Affordable Housing Act for fiscal
3 year 1998 and fiscal years thereafter.

4 **SEC. 505. TERMINATION OF HOME PROGRAM ASSISTANCE.**

5 (a) IN GENERAL.—Title II of the Cranston-Gonzalez
6 National Affordable Housing Act (42 U.S.C. 12721 et
7 seq.) is amended—

8 (1) in section 217(a)—

9 (A) in paragraph (1), by striking “reserv-
10 ing amounts under paragraph (2) for Indian
11 tribes and after”; and

12 (B) by striking paragraph (2); and

13 (2) in section 288—

14 (A) in subsection (a), by striking “, Indian
15 tribes,”;

16 (B) in subsection (b), by striking “, Indian
17 tribe,”; and

18 (C) in subsection (c)(4), by striking “, In-
19 dian tribe,”.

20 (b) APPLICABILITY.—The amendments under sub-
21 section (a) shall apply with respect to amounts made avail-
22 able for assistance under title II of the Cranston-Gonzalez
23 National Affordable Housing Act for fiscal year 1998 and
24 fiscal years thereafter.

1 **SEC. 506. TERMINATION OF HOUSING ASSISTANCE FOR THE**
2 **HOMELESS.**

3 (a) MCKINNEY ACT PROGRAMS.—Title IV of the
4 Stewart B. McKinney Homeless Assistance Act (42 U.S.C.
5 11361 et seq.) is amended—

6 (1) in section 411, by striking paragraph (10);

7 (2) in section 412, by striking “, and for Indian
8 tribes,”;

9 (3) in section 413—

10 (A) in subsection (a)—

11 (i) by striking “, and to Indian
12 tribes,”; and

13 (ii) by striking “, or for Indian tribes”
14 each place it appears;

15 (B) in subsection (e), by striking “or In-
16 dian tribe”; and

17 (C) in subsection (d)(3)—

18 (i) by striking “, or Indian tribe” each
19 place it appears; and

20 (ii) by striking “, or other Indian
21 tribes,”;

22 (4) in section 414(a)—

23 (A) by striking “or Indian tribe” each
24 place it appears; and

1 (B) by striking “, local government,” each
2 place it appears and inserting “or local govern-
3 ment”;

4 (5) in section 415(e)(4), by striking “Indian
5 tribes,”;

6 (6) in section 416(b), by striking “Indian
7 tribe,”;

8 (7) in section 422—

9 (A) in by striking “Indian tribe,”; and

10 (B) by striking paragraph (3);

11 (8) in section 441—

12 (A) by striking subsection (g);

13 (B) in subsection (h), by striking “or In-
14 dian housing authority”; and

15 (C) in subsection (j)(1), by striking “, In-
16 dian housing authority”;

17 (9) in section 462—

18 (A) in paragraph (2), by striking “, Indian
19 tribe,”; and

20 (B) by striking paragraph (4); and

21 (10) in section 491(e), by striking “, Indian
22 tribes (as such term is defined in section 102(a) of
23 the Housing and Community Development Act of
24 1974),”.

1 (b) INNOVATIVE HOMELESS DEMONSTRATION.—Sec-
2 tion 2(b) of the HUD Demonstration Act of 1993 (42
3 U.S.C. 11301 note) is amended—

4 (1) in paragraph (3), by striking “‘unit of gen-
5 eral local government’, and ‘Indian tribe’” and in-
6 serting “and ‘unit of general local government’”;
7 and

8 (2) in paragraph (4), by striking “unit of gen-
9 eral local government (including units in rural
10 areas), or Indian tribe” and inserting “or unit of
11 general local government”.

12 (c) APPLICABILITY.—The amendments under sub-
13 sections (a) and (b) shall apply with respect to amounts
14 made available for assistance under title IV of the Stewart
15 B. McKinney Homeless Assistance Act and section 2 of
16 the HUD Demonstration Act of 1993, respectively, for fis-
17 cal year 1998 and fiscal years thereafter.

18 **SEC. 507. SAVINGS PROVISION.**

19 (a) EXISTING RIGHTS AND DUTIES.—Except as pro-
20 vided in sections 502 and 503, this Act may not be con-
21 strued to affect the validity of any right, duty, or obliga-
22 tion of the United States or other person arising under
23 or pursuant to any commitment or agreement lawfully en-
24 tered into before October 1, 1997, under the United States
25 Housing Act of 1937, subtitle D of title IV of the Cran-

1 ston-Gonzalez National Affordable Housing Act, title II
2 of the Cranston-Gonzalez National Affordable Housing
3 Act, title IV of the Stewart B. McKinney Homeless Assist-
4 ance Act, or section 2 of the HUD Demonstration Act
5 of 1993.

6 (b) OBLIGATIONS UNDER REPEALED PROVISIONS.—
7 Notwithstanding the amendments made by this title, any
8 obligation of the Secretary made under or pursuant to
9 subtitle D of title IV of the Cranston-Gonzalez National
10 Affordable Housing Act, title II of the Cranston-Gonzalez
11 National Affordable Housing Act, title IV of the Stewart
12 B. McKinney Homeless Assistance Act, or section 2 of the
13 HUD Demonstration Act of 1993 shall continue to be gov-
14 erned by the provisions of such Acts (as in effect before
15 the date of the effectiveness of the amendments made by
16 this title).

17 **SEC. 508. EFFECTIVE DATE.**

18 Sections 502, 503, and 507 shall take effect on the
19 date of the enactment of this Act.

20 **TITLE VI—FEDERAL GUARAN-**
21 **TEES FOR FINANCING FOR**
22 **TRIBAL HOUSING ACTIVITIES**

23 **SEC. 601. AUTHORITY AND REQUIREMENTS.**

24 (a) AUTHORITY.—To such extent or in such amounts
25 as provided in appropriation Acts, the Secretary may, sub-

1 ject to the limitations of this title (including limitations
2 designed to protect and maintain the viability of rental
3 housing units owned or operated by the recipient that were
4 developed under a contract between the Secretary and an
5 Indian housing authority pursuant to the United States
6 Housing Act of 1937), and upon such terms and condi-
7 tions as the Secretary may prescribe, guarantee and make
8 commitments to guarantee, the notes or other obligations
9 issued by Indian tribes or tribally designated housing enti-
10 ties with tribal approval, for the purposes of financing af-
11 fordable housing activities described in section 202.

12 (b) LACK OF FINANCING ELSEWHERE.—A guarantee
13 under this title may be used to assist an Indian tribe or
14 housing entity in obtaining financing only if the Indian
15 tribe or housing entity has made efforts to obtain such
16 financing without the use of such guarantee and cannot
17 complete such financing consistent with the timely execu-
18 tion of the program plans without such guarantee.

19 (c) TERMS OF LOANS.—Notes or other obligations
20 guaranteed pursuant to this title shall be in such form
21 and denominations, have such maturities, and be subject
22 to such conditions as may be prescribed by regulations is-
23 sued by the Secretary. The Secretary may not deny a
24 guarantee under this title on the basis of the proposed
25 repayment period for the note or other obligation, unless

1 the period is more than 20 years or the Secretary deter-
2 mines that the period causes the guarantee to constitute
3 an unacceptable financial risk.

4 (d) LIMITATION ON OUTSTANDING GUARANTEES.—

5 No guarantee or commitment to guarantee shall be made
6 with respect to any note or other obligation if the total
7 outstanding notes or obligations of the issuer guaranteed
8 under this title (excluding any amount defeased under the
9 contract entered into under section 602(a)(1)) would
10 thereby exceed an amount equal to 5 times the amount
11 of the grant approval for the issuer pursuant to title III.

12 **SEC. 602. SECURITY AND REPAYMENT.**

13 (a) REQUIREMENTS ON ISSUER.—To assure the re-
14 payment of notes or other obligations and charges in-
15 curred under this title and as a condition for receiving
16 such guarantees, the Secretary shall require the Indian
17 tribe or housing entity issuing such notes or obligations
18 to—

19 (1) enter into a contract, in a form acceptable
20 to the Secretary, for repayment of notes or other ob-
21 ligations guaranteed under this title;

22 (2) pledge any grant for which the issuer may
23 become eligible under this Act;

24 (3) demonstrate that the extent of such issu-
25 ance and guarantee under this title is within the fi-

1 nancial capacity of the tribe and is not likely to im-
2 pair the ability to use grant amounts under title I,
3 taking into consideration the requirements under
4 section 203(b); and

5 (4) furnish, at the discretion of the Secretary,
6 such other security as may be deemed appropriate
7 by the Secretary in making such guarantees, includ-
8 ing increments in local tax receipts generated by the
9 activities assisted under this Act or disposition pro-
10 ceeds from the sale of land or rehabilitated property.

11 (b) REPAYMENT FROM GRANT AMOUNTS.—Notwith-
12 standing any other provision of this Act—

13 (1) the Secretary may apply grants pledged
14 pursuant to subsection (a)(2) to any repayments due
15 the United States as a result of such guarantees;
16 and

17 (2) grants allocated under this Act for an In-
18 dian tribe or housing entity (including program in-
19 come derived therefrom) may be used to pay prin-
20 cipal and interest due (including such servicing, un-
21 derwriting, and other costs as may be specified in
22 regulations issued by the Secretary) on notes or
23 other obligations guaranteed pursuant to this title.

24 (c) FULL FAITH AND CREDIT.—The full faith and
25 credit of the United States is pledged to the payment of

1 all guarantees made under this title. Any such guarantee
2 made by the Secretary shall be conclusive evidence of the
3 eligibility of the obligations for such guarantee with re-
4 spect to principal and interest, and the validity of any such
5 guarantee so made shall be incontestable in the hands of
6 a holder of the guaranteed obligations.

7 **SEC. 603. PAYMENT OF INTEREST.**

8 The Secretary may make, and contract to make,
9 grants, in such amounts as may be approved in appropria-
10 tions Acts, to or on behalf of an Indian tribe or housing
11 entity issuing notes or other obligations guaranteed under
12 this title, to cover not to exceed 30 percent of the net in-
13 terest cost (including such servicing, underwriting, or
14 other costs as may be specified in regulations of the Sec-
15 retary) to the borrowing entity or agency of such obliga-
16 tions. The Secretary may also, to the extent approved in
17 appropriation Acts, assist the issuer of a note or other
18 obligation guaranteed under this title in the payment of
19 all or a portion of the principal and interest amount due
20 under the note or other obligation, if the Secretary deter-
21 mines that the issuer is unable to pay the amount because
22 of circumstances of extreme hardship beyond the control
23 of the issuer.

1 **SEC. 604. TRAINING AND INFORMATION.**

2 The Secretary, in cooperation with eligible public en-
3 tities, shall carry out training and information activities
4 with respect to the guarantee program under this title.

5 **SEC. 605. LIMITATIONS ON AMOUNT OF GUARANTEES.**

6 (a) **AGGREGATE FISCAL YEAR LIMITATION.**—Not-
7 withstanding any other provision of law and subject only
8 to the absence of qualified applicants or proposed activities
9 and to the authority provided in this title, to the extent
10 approved or provided in appropriation Acts, the Secretary
11 may enter into commitments to guarantee notes and obli-
12 gations under this title with an aggregate principal
13 amount not to exceed \$400,000,000 for each of fiscal
14 years 1997, 1998, 1999, 2000, and 2001.

15 (b) **AUTHORIZATION OF APPROPRIATIONS FOR CRED-**
16 **IT SUBSIDY.**—There are authorized to be appropriated to
17 cover the costs (as such term is defined in section 502
18 of the Congressional Budget Act of 1974) of guarantees
19 under this title such sums as may be necessary for each
20 of fiscal years 1997, 1998, 1999, 2000, and 2001.

21 (c) **AGGREGATE OUTSTANDING LIMITATION.**—The
22 total amount of outstanding obligations guaranteed on a
23 cumulative basis by the Secretary pursuant to this title
24 shall not at any time exceed \$2,000,000,000 or such high-
25 er amount as may be authorized to be appropriated for
26 this title for any fiscal year.

1 (d) FISCAL YEAR LIMITATIONS ON TRIBES.—The
2 Secretary shall monitor the use of guarantees under this
3 title by Indian tribes. If the Secretary finds that 50 per-
4 cent of the aggregate guarantee authority under sub-
5 section (c) has been committed, the Secretary may—

6 (1) impose limitations on the amount of guar-
7 antees any one Indian tribe may receive in any fiscal
8 year of \$50,000,000; or

9 (2) request the enactment of legislation increas-
10 ing the aggregate outstanding limitation on guaran-
11 tees under this title.

12 **SEC. 606. EFFECTIVE DATE.**

13 This title shall take effect on the date of the enact-
14 ment of this Act.

15 **TITLE VII—OTHER HOUSING AS-**
16 **SISTANCE FOR NATIVE AMER-**
17 **ICANS**

18 **SEC. 701. LOAN GUARANTEES FOR INDIAN HOUSING.**

19 (a) DEFINITION OF ELIGIBLE BORROWERS TO IN-
20 CLUDE INDIAN TRIBES.—Section 184 of the Housing and
21 Community Development Act of 1992 (12 U.S.C. 1515z-
22 13a) is amended—

23 (1) in subsection (a)—

1 (A) by striking “and Indian housing au-
2 thorities” and inserting “, Indian housing au-
3 thorities, and Indian tribes,”; and

4 (B) by striking “or Indian housing author-
5 ity” and inserting “, Indian housing authority,
6 or Indian tribe”; and

7 (2) in subsection (b)(1), by striking “or Indian
8 housing authorities” and inserting “, Indian housing
9 authorities, or Indian tribes”.

10 (b) NEED FOR LOAN GUARANTEE.—Section 184(a)
11 of the Housing and Community Development Act of 1992
12 (12 U.S.C. 1715z–13a(a)) is amended by striking “trust
13 land” and inserting “lands or as a result of a lack of ac-
14 cess to private financial markets”.

15 (c) IHP REQUIREMENT.—Section 184(b)(2) of the
16 Housing and Community Development Act of 1992 (12
17 U.S.C. 1715z–13a(b)(2)) is amended by inserting before
18 the period at the end the following: “that is under the
19 jurisdiction of an Indian tribe for which an Indian housing
20 plan has been submitted and approved pursuant to sec-
21 tions 102 and 103 of the Native American Housing Assist-
22 ance and Self-Determination Act of 1996 that provides for
23 the use of loan guarantees under this section to provide
24 affordable homeownership housing in such areas”.

1 (d) LENDER OPTION TO OBTAIN PAYMENT UPON
2 DEFAULT WITHOUT FORECLOSURE.—Section 184(h) of
3 the Housing and Community Development Act of 1992
4 (12 U.S.C. 1715z–13a(h)) is amended—

5 (1) in paragraph (1)(A)—

6 (A) in the first sentence of clause (i), by
7 striking “in a court of competent jurisdiction”;
8 and

9 (B) by striking clause (ii) and inserting the
10 following:

11 “(ii) NO FORECLOSURE.—Without
12 seeking foreclosure (or in any case in
13 which a foreclosure proceeding initiated
14 under clause (i) continues for a period in
15 excess of 1 year), the holder of the guaran-
16 tee may submit to the Secretary a request
17 to assign the obligation and security inter-
18 est to the Secretary in return for payment
19 of the claim under the guarantee. The Sec-
20 retary may accept assignment of the loan
21 if the Secretary determines that the as-
22 signment is in the best interests of the
23 United States. Upon assignment, the Sec-
24 retary shall pay to the holder of the guar-
25 antee the pro rata portion of the amount

1 guaranteed (as determined under sub-
2 section (e)). The Secretary shall be sub-
3 rogated to the rights of the holder of the
4 guarantee and the holder shall assign the
5 obligation and security to the Secretary.”;

6 (2) by striking paragraph (2); and

7 (3) by redesignating paragraph (3) as para-
8 graph (2).

9 (e) LIMITATION OF MORTGAGEE AUTHORITY.—Sec-
10 tion 184(h)(2) of the Housing and Community Develop-
11 ment Act of 1992 (12 U.S.C. 1715z–13a(h)(2)), as so re-
12 designated by subsection (e)(3) of this section, is amend-
13 ed—

14 (1) in the first sentence, by striking “tribal al-
15 lotted or trust land,” and inserting “restricted In-
16 dian land, the mortgagee or”; and

17 (2) in the second sentence, by striking “Sec-
18 retary” each place it appears, and inserting “mort-
19 gagee or the Secretary”.

20 (f) LIMITATION ON OUTSTANDING AGGREGATE
21 PRINCIPAL AMOUNT.—Section 184(i)(5)(C) of the Hous-
22 ing and Community Development Act of 1992 (12 U.S.C.
23 1715z–13a(i)(5)(C)) is amended by striking “1993” and
24 all that follows through “such year” and inserting “1997,
25 1998, 1999, 2000, and 2001 with an aggregate outstand-

1 ing principal amount note exceeding \$400,000,000 for
2 each such fiscal year”.

3 (g) AUTHORIZATION OF APPROPRIATIONS FOR GUAR-
4 ANTEE FUND.—Section 184(i)(7) of the Housing and
5 Community Development Act of 1992 (12 U.S.C. 1715z–
6 13a(i)(7)) is amended by striking “such sums” and all
7 that follows through “1994” and inserting “such sums as
8 may be necessary for each of fiscal years 1997, 1998,
9 1999, 2000, and 2001”.

10 (h) DEFINITIONS.—Section 184(k) of the Housing
11 and Community Development Act of 1992 (12 U.S.C.
12 1715z–13a(k)) is amended—

13 (1) in paragraph (4), by inserting after “au-
14 thority” the following: “or Indian tribe”;

15 (2) in paragraph (5)—

16 (A) by striking subparagraph (A) and in-
17 serting the following new subparagraph:

18 “(A) is authorized to engage in or assist in
19 the development or operation of—

20 “(i) low-income housing for Indians;

21 or

22 “(ii) housing subject to the provisions
23 of this section; and”;

24 (B) by adding at the end the following:

1 “The term includes tribally designated housing enti-
2 ties under the Native American Housing Assistance
3 and Self-Determination Act of 1996.”; and

4 (3) by striking paragraph (8) and inserting the
5 following new paragraph:

6 “(8) **TRIBE; INDIAN TRIBE.**—The term ‘tribe’
7 or ‘Indian tribe’ means any Indian tribe, band, na-
8 tion, or other organized group or community of Indi-
9 ans, including any Alaska Native village or regional
10 or village corporation as defined in or established
11 pursuant to the Alaska Native Claims Settlement
12 Act, that is recognized as eligible for the special pro-
13 grams and services provided by the United States to
14 Indians because of their status as Indians pursuant
15 to the Indian Self-Determination and Education As-
16 sistance Act of 1975.”.

17 (i) **PRINCIPAL OBLIGATION AMOUNTS.**—Section
18 184(b)(5)(C) of the Housing and Community Develop-
19 ment Act of 1992 (12 U.S.C. 1715z–13a(b)(5)(C)) is
20 amended by striking clause (i) and inserting the following
21 new clause:

22 “(i) 97.75 percent of the appraised
23 value of the property as of the date the
24 loan is accepted for guarantee (or 98.75

1 percent if the value of the property is
2 \$50,000 or less); and”.

3 (j) AVAILABILITY OF AMOUNTS.—

4 (1) REQUIREMENT OF APPROPRIATIONS.—Sec-
5 tion 184(i)(5) of the Housing and Community De-
6 velopment Act of 1992 (12 U.S.C. 1715z–13a(i)(5))
7 is amended by striking subparagraph (A) and insert-
8 ing the following:

9 “(A) REQUIREMENT OF APPROPRIA-
10 TIONS.—The authority of the Secretary to enter
11 into commitments to guarantee loans under this
12 section shall be effective for any fiscal year to
13 the extent or in such amounts as are or have
14 been provided in appropriations Acts, without
15 regard to the fiscal year for which such
16 amounts were appropriated.”.

17 (2) COSTS.—Section 184(i)(5)(B) of the Hous-
18 ing and Community Development Act of 1992 (12
19 U.S.C. 1715z–13a(i)(5)(B)) is amended by adding
20 at the end the following new sentence: “Any
21 amounts appropriated pursuant to this subpara-
22 graph shall remain available until expended.”.

23 (k) GNMA AUTHORITY.—The first sentence of sec-
24 tion 306(g)(1) of the Federal National Mortgage Associa-
25 tion Charter Act (12 U.S.C. 1721(g)(1)) is amended by

1 inserting before the period at the end the following: “; or
2 guaranteed under section 184 of the Housing and Com-
3 munity Development Act of 1992”.

4 **SEC. 702. 50-YEAR LEASEHOLD INTEREST IN TRUST OR RE-**
5 **STRICED LANDS FOR HOUSING PURPOSES.**

6 (a) **AUTHORITY TO LEASE.**—Notwithstanding any
7 other provision of law, any trust or restricted Indian lands,
8 whether tribally or individually owned, may be leased by
9 the Indian owners, subject to the approval of the affected
10 Indian tribe and the Secretary of the Interior, for housing
11 development and residential purposes.

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

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

17 (1) is conferred by or pursuant to any other
18 provision of law; or

19 (2) provides for leases for any period exceeding
20 50 years.

21 (d) **SELF-IMPLEMENTATION.**—This section is in-
22 tended to be self-implementing and shall not require the
23 issuance of any rule, regulation, or order to take effect
24 as provided in section 705.

1 **SEC. 703. TRAINING AND TECHNICAL ASSISTANCE.**

2 There are authorized to be appropriated for assist-
3 ance for a national organization representing Native
4 American housing interests for providing training and
5 technical assistance to Indian housing authorities and
6 tribally designated housing entities such sums as may be
7 necessary for each of fiscal years 1997, 1998, 1999, 2000,
8 and 2001.

9 **SEC. 704. PUBLIC AND ASSISTED HOUSING DRUG ELIMI-**
10 **NATION ACT OF 1990.**

11 The Public and Assisted Housing Drug Elimination
12 Act of 1990 (42 U.S.C. 11901 et seq.) is amended—

13 (1) in section 5123—

14 (A) by striking “(including Indian Housing
15 Authorities)”; and

16 (B) by inserting “tribally designated hous-
17 ing entities,” before “and private”; and

18 (2) in section 5124(a)(7)—

19 (A) by inserting “or tribally designated
20 housing entity” after “public housing agency”;
21 and

22 (B) by striking “public housing” after non-
23 profit;

24 (3) in section 5125, by inserting “a tribally des-
25 ignated housing entity,” after “resident management
26 corporation,”; and

1 (4) in section 5126—

2 (A) in paragraph (4)—

3 (i) in subparagraph (B), by striking
4 “or” at the end;

5 (ii) in subparagraph (C), by striking
6 the period at the end and inserting “; or”;
7 and

8 (iii) by adding at the end the follow-
9 ing new subparagraph:

10 “(D) the Native American Housing Assist-
11 ance and Self-Determination Act.”; and

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

14 “(5) TRIBALLY DESIGNATED HOUSING EN-
15 TITY.—The term ‘tribally designated housing entity’
16 has the meaning given such term in section 4 of the
17 Native American Housing Assistance and Self-De-
18 termination Act of 1996.”.

19 **SEC. 705. EFFECTIVE DATE.**

20 This title and the amendments made by this title (but
21 not including the amendments made by section 704) shall
22 take effect on the date of the enactment of this Act.

Passed the House of Representatives September 28,
1996.

Attest:

ROBIN H. CARLE,

Clerk.