

107TH CONGRESS
2^D SESSION

S. 1210

[Report No. 107-246]

To reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

IN THE SENATE OF THE UNITED STATES

JULY 20, 2001

Mr. CAMPBELL (for himself, Mr. INOUE, Mr. DASCHLE, Mr. JOHNSON, Mr. BURNS, Mr. DOMENICI, Mr. INHOFE, Mr. FEINGOLD, Mr. MCCAIN, Mr. AKAKA, Mr. BAUCUS, Mr. BINGAMAN, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

AUGUST 28, 2002

Reported under authority of the order of the Senate of July 29, 2002, by Mr. INOUE, with an amendment

[Strike out all after the enacting clause and insert the part printed in italics]

AUGUST 28, 2002

Referred to the Committee on Banking, Housing, and Urban Affairs pursuant to the order of May 27, 1988, for a period not to exceed 60 days

A BILL

To reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

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.**

2 This Act may be cited as the “Native American
3 Housing Assistance and Self-Determination Reauthoriza-
4 tion Act of 2001”.

5 **SEC. 2. REAUTHORIZATION OF THE NATIVE AMERICAN**
6 **HOUSING ASSISTANCE AND SELF-DETER-**
7 **MINATION ACT OF 1996.**

8 (a) **BLOCK GRANTS.**—Section 108 of the Native
9 American Housing Assistance and Self-Determination Act
10 of 1996 (25 U.S.C. 4117) is amended by striking “, 1999,
11 2000, and 2001” and inserting “through 2006”.

12 (b) **FEDERAL GUARANTEES.**—Subsections (a) and
13 (b) of section 605 of the Native American Housing Assist-
14 ance and Self-Determination Act of 1996 (25 U.S.C.
15 4195) are each amended by striking “, 1998, 1999, 2000,
16 and 2001” and inserting “through 2006”.

17 (c) **TRAINING AND TECHNICAL ASSISTANCE.**—Sec-
18 tion 703 of the Native American Housing Assistance and
19 Self-Determination Act of 1996 (25 U.S.C. 4212) is
20 amended by striking “, 1998, 1999, 2000, and 2001” and
21 inserting “through 2006”.

22 **SECTION 1. SHORT TITLE.**

23 *This Act may be cited as the “Native American Hous-*
24 *ing Assistance and Self-Determination Reauthorization Act*
25 *of 2002”.*

1 **SEC. 2. REAUTHORIZATION OF THE NATIVE AMERICAN**
2 **HOUSING ASSISTANCE AND SELF-DETER-**
3 **MINATION ACT OF 1996.**

4 (a) *BLOCK GRANTS.*—Section 108 of the Native Amer-
5 ican Housing Assistance and Self-Determination Act of
6 1996 (25 U.S.C. 4117) is amended by striking “1998, 1999,
7 2000, and 2001” and inserting “1998 through 2007”.

8 (b) *FEDERAL GUARANTEES.*—Section 605 of the Na-
9 tive American Housing Assistance and Self-Determination
10 Act of 1996 (25 U.S.C. 4195) is amended—

11 (1) in subsection (a), by striking “1997, 1998,
12 1999, 2000, and 2001” and inserting “1997 through
13 2007”; and

14 (2) in subsection (b), by striking “1997, 1998,
15 1999, 2000, and 2001” and inserting “1997 through
16 2007”.

17 (c) *TRAINING AND TECHNICAL ASSISTANCE.*—Section
18 703 of the Native American Housing Assistance and Self-
19 Determination Act of 1996 (25 U.S.C. 4212) is amended
20 by striking “1997, 1998, 1999, 2000, and 2001” and insert-
21 ing “1997 through 2007”.

22 (d) *INDIAN HOUSING LOAN GUARANTEE FUND.*—Sec-
23 tion 184(i) of the Housing and Community Development
24 Act of 1992 (12 U.S.C. 1715z–13a(i)) is amended—

1 (1) in paragraph (5)(C), by striking “each fiscal
2 year” and inserting “each of fiscal years 1997
3 through 2007”; and

4 (2) in paragraph (7), by striking “each fiscal
5 year” and inserting “each of fiscal years 1997
6 through 2007”.

7 **SEC. 3. DEFINITIONS.**

8 Section 4 of the Native American Housing Assistance
9 and Self-Determination Act of 1996 (25 U.S.C 4103) is
10 amended by adding at the end the following:

11 “(22) HOUSING RELATED COMMUNITY DEVELOP-
12 MENT.—

13 “(A) IN GENERAL.—The term ‘housing re-
14 lated community development’ means any trib-
15 ally-owned and operated facility, business, activ-
16 ity, or infrastructure that—

17 “(i) is necessary to the direct construc-
18 tion of reservation housing; and

19 “(ii) would help an Indian tribe or its
20 tribally-designated housing authority reduce
21 the cost of construction of Indian housing or
22 otherwise promote the findings of this Act.

23 “(B) EXCLUSION.—The term ‘housing and
24 community development’ does not include any
25 activity conducted by any Indian tribe under the

1 *Indian Gaming Regulatory Act (25 U.S.C. 2710*
2 *et seq.).”.*

3 **SEC. 4. BLOCK GRANTS AND GRANT REQUIREMENTS.**

4 *Section 101(h) of the Native American Housing Assist-*
5 *ance and Self-Determination Act of 1996 (25 U.S.C.*
6 *4111(h)) is amended—*

7 (1) *in the heading, by inserting “AND PLAN-*
8 *NING” after “ADMINISTRATIVE”; and*

9 (2) *by inserting after the word “Act” the first*
10 *place that term appears, the following: “for com-*
11 *prehensive housing and community development plan-*
12 *ning activities and”.*

13 **SEC. 5. TREATMENT OF PROGRAM INCOME AND LABOR**
14 **STANDARDS.**

15 *Section 104 of the Native American Housing Assist-*
16 *ance and Self-Determination Act of 1996 (25 U.S.C. 4114)*
17 *is amended—*

18 (1) *in subsection (a)(1)—*

19 (A) *by striking “A recipient” and inserting*
20 *the following: “Notwithstanding any other provi-*
21 *sion of this Act, a recipient”; and*

22 (B) *by striking subparagraph (B) and in-*
23 *serting the following:*

1 “(B) the recipient has agreed that it will
2 utilize such income for housing related activities
3 in accordance with this Act.”; and

4 (2) in subsection (a)(2)—

5 (A) in the heading, by inserting “RE-
6 STRICTED ACCESS OR” before the word “REDUC-
7 TION”;

8 (B) in subparagraph (B), by striking “or”
9 at the end;

10 (C) in subparagraph (C), by striking the
11 period at the end and inserting “; or”; and

12 (D) by adding at the end the following:

13 “(D) whether the recipient has expended re-
14 tained program income for housing-related ac-
15 tivities.”.

16 **SEC. 6. REGULATIONS.**

17 Section 106(b)(2)(A) of the Native American Housing
18 Assistance and Self-Determination Act of 1996 (25 U.S.C.
19 4116(b)(2)(A)) is amended by inserting after “required
20 under this Act” the following: “, including any regulations
21 that may be required pursuant to amendments made to this
22 Act after the date of enactment of this Act,”.

1 **SEC. 7. FEDERAL GUARANTEES FOR FINANCING FOR TRIB-**
 2 **AL HOUSING ACTIVITIES.**

3 *Section 601 of the Native American Housing Assist-*
 4 *ance and Self-Determination Act of 1996 (25 U.S.C. 4191)*
 5 *is amended—*

6 (1) *in subsection (a), by inserting after “section*
 7 *202” the following: “and housing related community*
 8 *development activity as consistent with the purposes*
 9 *of this Act”;*

10 (2) *by striking subsection (b); and*

11 (3) *by redesignating subsections (c) and (d) as*
 12 *subsections (b) and (c), respectively.*

13 **SEC. 8. FEASIBILITY STUDIES TO IMPROVE THE DELIVERY**
 14 **OF HOUSING ASSISTANCE IN NATIVE COMMU-**
 15 **NITIES.**

16 *Section 202 of the Native American Housing Assist-*
 17 *ance and Self-Determination Act of 1996 (25 U.S.C. 4132)*
 18 *is amended by adding at the end the following:*

19 “(7) **COMMUNITY DEVELOPMENT DEMONSTRA-**
 20 **TION PROJECT.—**

21 “(A) **IN GENERAL.—***Consistent with prin-*
 22 *ciples of Indian self-determination and the find-*
 23 *ings of this Act, the Secretary shall conduct and*
 24 *submit to Congress a study of the feasibility of*
 25 *establishing a demonstration project in which*
 26 *Indian tribes, tribal organizations, or tribal con-*

1 *sortia are authorized to expend amounts received*
2 *pursuant to the Native American Housing As-*
3 *istance and Self-Determination Reauthorization*
4 *Act of 2002 in order to design, implement, and*
5 *operate community development demonstration*
6 *projects.*

7 “(B) *STUDY.*—*Not later than 1 year after*
8 *the date of enactment of the Native American*
9 *Housing Assistance and Self-Determination Re-*
10 *authorization Act of 2002, the Secretary shall*
11 *submit the study conducted under subparagraph*
12 *(A) to the Committee on Banking, Housing, and*
13 *Urban Affairs and the Committee on Indian Af-*
14 *airs of the Senate, and the Committee on Fi-*
15 *nancial Services and the Committee on Re-*
16 *sources of the House of Representatives.*

17 “(8) *SELF-DETERMINATION ACT DEMONSTRATION*
18 *PROJECT.*—

19 “(A) *IN GENERAL.*—*Consistent with the*
20 *provisions of the Indian Self-Determination and*
21 *Education Assistance Act (25 U.S.C. 450 et*
22 *seq.), the Secretary shall conduct and submit to*
23 *Congress a study of the feasibility of establishing*
24 *a demonstration project in which Indian tribes*
25 *and tribal organizations are authorized to re-*

1 *ceive assistance in a manner that maximizes*
2 *tribal authority and decision-making in the de-*
3 *sign and implementation of Federal housing and*
4 *related activity funding.*

5 “(B) *STUDY.*—*Not later than 1 year after*
6 *the date of enactment of the Native American*
7 *Housing Assistance and Self-Determination Re-*
8 *authorization Act of 2002, the Secretary shall*
9 *submit the study conducted under subparagraph*
10 *(A) to the Committee on Banking, Housing, and*
11 *Urban Affairs and the Committee on Indian Af-*
12 *airs of the Senate, and the Committee on Fi-*
13 *ancial Services and the Committee on Re-*
14 *sources of the House of Representatives.”.*

15 **SEC. 9. INSURANCE AND HOUSING CONTINGENCIES.**

16 (a) *DEVELOPMENT PROTOCOLS AND CONSTRUCTION*
17 *PRACTICES.*—*The Secretary of Housing and Urban Devel-*
18 *opment, in cooperation with Indian tribes, the National*
19 *American Indian Housing Council, AMERIND, other trib-*
20 *al organizations as appropriate, and experts from the hous-*
21 *ing and construction sectors, shall develop appropriate pro-*
22 *ocols and construction practices to eliminate, to the max-*
23 *imum extent feasible, the conditions that give rise to black*
24 *mold and other cumulative maladies that render housing*
25 *assisted under this Act, dangerous or uninhabitable.*

1 **(b) IMPLEMENTATION OF PROTOCOLS AND CONSTRUCTION PRACTICES.**—Not later than 180 days after the date
2 of enactment of this Act, the Secretary of Housing and
3 Urban Affairs, acting through the Office of Healthy Homes
4 and the Office of Native American Programs, shall imple-
5 ment the protocols and construction practices developed
6 under subsection (a) in all construction, renovation, and
7 repair of housing assisted with funds provided under this
8 Act.

10 **(c) REPORT TO CONGRESS.**—Not later than 1 year
11 after the date of enactment of this Act, the Secretary of
12 Housing and Urban Affairs shall complete and submit to
13 Congress a report that details—

14 (1) the effectiveness of the implementation of the
15 protocols and construction practices; and

16 (2) whether statutory, regulatory, or administra-
17 tive changes need to be made to improve the effective-
18 ness of the efforts of the Department of Housing and
19 Urban Affairs to eliminate the conditions that give
20 rise to black mold and other cumulative maladies.

21 **(d) BLACK MOLD INFESTATION.**—Not later than 180
22 days after the date of enactment of this Act, the Secretary
23 of Housing and Urban Development shall—

1 (1) *complete a study on the extent of black mold*
 2 *infestation of Native American housing in the United*
 3 *States; and*

4 (2) *submit to Congress a report that describes*
 5 *recommendations of the Secretary for means by which*
 6 *to address the infestation.*

7 (e) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 8 *authorized to be appropriated such sums as are necessary*
 9 *to carry out this section.*

10 **SEC. 10. NATIVE HAWAIIAN HOUSING.**

11 *Title VIII of the Native American Housing Assistance*
 12 *and Self-Determination Act of 1996 is amended—*

13 (1) *in section 801 (25 U.S.C. 4221), by adding*
 14 *at the end the following:*

15 “(10) *OFFICE OF HAWAIIAN AFFAIRS.—The term*
 16 *‘Office of Hawaiian Affairs’ means the entity of that*
 17 *name established under the Constitution of the State*
 18 *of Hawaii.”; and*

19 (2) *by adding at the end the following:*

20 **“SEC. 825. OFFICE OF HAWAIIAN AFFAIRS.**

21 “(a) *IN GENERAL.—The Secretary is authorized to*
 22 *enter into negotiated rulemaking with representatives of the*
 23 *Office of Hawaiian Affairs to—*

24 “(1) *determine the conditions under which the*
 25 *Secretary may make block grants under subsection (b)*

1 *and section 802 for affordable housing activities to the*
2 *Office of Hawaiian Affairs in the Office’s capacity as*
3 *a housing entity;*

4 *“(2) establish a process for the submission of a*
5 *housing plan to the Secretary to serve the needs of*
6 *low-income families to be served by the Office of Ha-*
7 *waiian Affairs, and the requirements associated with*
8 *such plan under subsection (c) and section 803;*

9 *“(3) determine the lands upon which housing*
10 *will be constructed to serve the needs of low-income*
11 *families;*

12 *“(4) establish a process for the review of a hous-*
13 *ing plan under section 804;*

14 *“(5) address the treatment of program income*
15 *and labor standards consistent with the provisions of*
16 *section 805;*

17 *“(6) provide a process for environmental review*
18 *consistent with section 806;*

19 *“(7) develop regulations under section 807;*

20 *“(8) address the means by which the Office of*
21 *Hawaiian Affairs will carry out affordable housing*
22 *activities under section 809;*

23 *“(9) establish criteria associated with eligible af-*
24 *fordable housing activities consistent with section 810;*

1 “(10) establish requirements for affordable hous-
2 ing activities consistent with section 811;

3 “(11) address the types of investments subject to
4 section 811 and an applicable housing plan approved
5 under section 803, consistent with section 812;

6 “(12) establish requirements for low-income and
7 income targeting consistent with section 813;

8 “(13) establish requirements for leases and ten-
9 ant selection consistent with section 814;

10 “(14) provide for the conditions of repayment,
11 an annual allocation, and an allocation formula con-
12 sistent with sections 815, 816, and 817;

13 “(15) provide for the monitoring of compliance
14 and the submittal of performance reports consistent
15 with sections 819 and 820;

16 “(16) establish the terms and conditions for an
17 annual review and audit conducted by the Secretary
18 consistent with section 821; and

19 “(17) provide for audits to be conducted by the
20 General Accounting Office consistent with section 822.

21 “(b) GRANT AUTHORITY.—For each fiscal year, the
22 Secretary shall, to the extent that amounts are made avail-
23 able to carry out this section, make a grant under this title
24 to the Office of Hawaiian Affairs to carry out affordable
25 housing activities for Native Hawaiian families.

1 “(c) *HOUSING PLAN.*—*The Secretary shall require the*
2 *Office of Hawaiian Affairs to submit a housing plan under*
3 *this section for each fiscal year and provide for the review*
4 *of each plan submitted under this section.*”.

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