

In the House of Representatives, U. S.,

July 16, 2008.

Resolved, That the bill from the Senate (S. 2062) entitled “An Act to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; REFERENCES.***

2 (a) *SHORT TITLE.*—*This Act may be cited as the “Na-*
3 *tive American Housing Assistance and Self-Determination*
4 *Reauthorization Act of 2007”.*

5 (b) *REFERENCES.*—*Except as otherwise expressly pro-*
6 *vided in this Act, wherever in this Act an amendment or*
7 *repeal is expressed in terms of an amendment to, or repeal*
8 *of, a section or other provision, the reference shall be consid-*
9 *ered to be made to a section or other provision of the Native*
10 *American Housing Assistance and Self-Determination Act*
11 *of 1996 (25 U.S.C. 4101 et seq.).*

12 ***SEC. 2. BLOCK GRANTS.***

13 (a) *AUTHORIZATION OF APPROPRIATIONS.*—*Section*
14 *108 (25 U.S.C. 4117) is amended by striking “fiscal years*

1 1998 through 2007” and inserting “fiscal years 2008
2 through 2012”.

3 (b) *BLOCK GRANTS REQUIREMENTS.*—Section 101 (25
4 U.S.C. 4111) is amended by adding at the end the following
5 new subsections:

6 “(j) *FEDERAL SUPPLY SOURCES.*—For purposes of
7 section 501 of title 40, United States Code (relating to serv-
8 ices for executive agencies), an Indian tribe or tribally des-
9 ignated housing entity shall be considered to be an executive
10 agency when carrying out housing programs, services, func-
11 tions and activities under the tribe or tribally designated
12 housing entity, and its employees shall be eligible to have
13 access to such sources of supply on the same basis as em-
14 ployees of an executive agency.

15 “(k) *TRIBAL PREFERENCE IN EMPLOYMENT AND CON-*
16 *TRACTING.*—Notwithstanding any other provision of law,
17 with respect to any grant made under this Act on behalf
18 of an Indian tribe that is intended to benefit one tribe, the
19 tribal employment or contract preference laws adopted by
20 such tribe shall govern with respect to the administration
21 of the grant or portion of the grant.

22 “(l) *LIMITATION ON USE FOR CHEROKEE NATION.*—
23 “(1) *IN GENERAL.*—No funds authorized under
24 this Act, or the amendments made by this Act, or ap-
25 propriated pursuant to an authorization under this

1 *Act or such amendments, shall be expended for the*
 2 *benefit of the Cherokee Nation of Oklahoma until the*
 3 *Cherokee Nation of Oklahoma is in full compliance*
 4 *with the Treaty of 1866 and fully recognizes all Cher-*
 5 *okee Freedmen and their descendants as citizens of the*
 6 *Cherokee Nation.*

7 “(2) *CONGRESSIONAL FINDINGS.—The Congress*
 8 *hereby finds that—*

9 “(A) *the Cherokee Freedmen have appealed*
 10 *the March 3, 2007, vote of the Cherokee Nation*
 11 *to rescind their tribal membership and it is cur-*
 12 *rently in litigation in tribal courts; and*

13 “(B) *on May 14, 2007, Cherokee Nation*
 14 *District Court Judge John Cripps issued a tem-*
 15 *porary injunction requiring reinstatement of*
 16 *citizenship for the Cherokee Freedmen, pending*
 17 *appeal of the constitutionality of the March 3,*
 18 *2007, tribal election rescinding membership.*

19 “(3) *EFFECTIVE DATE.—Paragraph (1) shall not*
 20 *have any effect—*

21 “(A) *during the period that the temporary*
 22 *injunction issued on May 14, 2007, and referred*
 23 *to in paragraph (2)(B) remains in effect; and*

24 “(B) *if the Cherokee Freedmen prevail upon*
 25 *final judgment in the pending appeal referred to*

1 *in paragraph (2)(B) regarding rescinding mem-*
 2 *bership or a settlement agreement regarding such*
 3 *appeal is entered into, at any time after en-*
 4 *trance of such judgment or such settlement agree-*
 5 *ment.”.*

6 (c) *INDIAN HOUSING PLANS.*—Subparagraph (A) of
 7 *section 102(c)(3) (25 U.S.C. 4112(c)(3)(A)) is amended by*
 8 *inserting before the semicolon the following: “and a descrip-*
 9 *tion of any amounts made available pursuant to a grant*
 10 *under section 101 for the Indian tribe for any preceding*
 11 *fiscal year which have not been, or are not expected to be,*
 12 *obligated or expended before the beginning of the fiscal year*
 13 *for which the plan is submitted, including any amounts in*
 14 *any reserve account established pursuant to section 202(9)”.*

15 (d) *PROGRAM INCOME.*—Subsection (a) of section 104
 16 *(25 U.S.C. 4114(a)) is amended by adding at the end the*
 17 *following:*

18 “(4) *EXCLUSION FROM PROGRAM INCOME OF*
 19 *REGULAR DEVELOPER’S FEES FOR LOW-INCOME*
 20 *HOUSING TAX CREDIT PROJECTS.*—Notwithstanding
 21 *any other provision of the Act, any income derived*
 22 *from a regular and customary developer’s fee for any*
 23 *project assisted with a low-income housing tax credit*
 24 *under section 42 of the Internal Revenue Code of 1986*
 25 *that is initially funded with grant funds provided*

1 *under this Act, which fee is approved by the State*
 2 *housing credit agency, shall not be considered to be*
 3 *program income.”.*

4 *(e) ESSENTIAL FAMILIES.—Section 201(b) (25 U.S.C.*
 5 *4131(b)) is amended—*

6 *(1) in paragraph (3)—*

7 *(A) in the paragraph heading, by striking*
 8 *“NON-INDIAN FAMILIES” and inserting “ESSEN-*
 9 *TIAL FAMILIES”;*

10 *(B) by striking “non-Indian”; and*

11 *(C) by striking “on the Indian reservation*
 12 *or other Indian area”; and*

13 *(2) by redesignating the last paragraph (relating*
 14 *to exemption) as paragraph (7).*

15 *(f) ELIGIBILITY OF LOCAL LAW ENFORCEMENT OFFI-*
 16 *CERS FOR RESIDENCY.—Clause (i) of section 201(b)(4)(A)*
 17 *(25 U.S.C. 4131(b)(4)(A)(i)) is amended by striking “or”*
 18 *the last place it appears and inserting “, or other unit of*
 19 *local government, or a”.*

20 *(g) OPERATION AND MAINTENANCE COSTS.—Para-*
 21 *graph (4) of section 202 (25 U.S.C. 4132(4)) is amended*
 22 *by inserting after “rental assistance,” the following: “oper-*
 23 *ation and maintenance of units developed with amounts*
 24 *provided under this Act,”.*

1 (h) *RESERVE FUNDS.*—Section 202 (25 U.S.C. 4132)
 2 is amended by adding at the end the following new para-
 3 graph:

4 “(9) *RESERVE ACCOUNTS.*—The deposit of
 5 amounts, including grant amounts under section 101,
 6 in a reserve account established for an Indian tribe
 7 only for the purpose of accumulating amounts for
 8 funding affordable housing activities under this sec-
 9 tion in accordance with the Indian housing plan for
 10 the tribe, except that not more than 20 percent of any
 11 grant amounts under section 101 on behalf of any In-
 12 dian tribe for any fiscal year may be used under this
 13 paragraph. Amounts in such a reserve account may
 14 be invested only subject to the same limitations appli-
 15 cable to grant amounts under section 204(b). Any in-
 16 come resulting from amounts in any such reserve ac-
 17 count shall be considered to be program income for
 18 purposes of this Act.”.

19 (i) *PROGRAM REQUIREMENTS.*—Section 203 (25
 20 U.S.C. 4133) is amended by adding at the end the following
 21 new subsections:

22 “(f) *USE OF GRANT AMOUNTS OVER EXTENDED PERI-*
 23 *ODS.*—To the extent that the Indian housing plan for a
 24 tribe provides for the use of amounts from a grant under
 25 section 101 over more than one fiscal year or for affordable

1 *housing activities for which such funds will be committed*
 2 *for use or expended in a subsequent fiscal year, the Sec-*
 3 *retary may not require amounts from such a grant to be*
 4 *used, or committed for use, any sooner than so provided*
 5 *under such Indian housing plan.*

6 “(g) *DE MINIMIS EXEMPTION FOR PROCUREMENT OF*
 7 *GOODS AND SERVICES.*—Notwithstanding any other provi-
 8 *sion of law, any rules and procedures regarding competitive*
 9 *procurement otherwise applicable to a recipient shall not*
 10 *apply to the recipient in the case of procurement of goods*
 11 *and services under \$5,000 with grant amounts under this*
 12 *Act.”.*

13 (j) *AVAILABILITY OF RECORDS.*—Subsection (a) of sec-
 14 *tion 208 (25 U.S.C. 4138(a)) is amended—*

15 (1) *by inserting “(1)” after “criminal conviction*
 16 *records of”; and*

17 (2) *by inserting before the period at the end the*
 18 *following: “, or (2) adult applicants for employment*
 19 *with the tribe in positions relating to the tribe’s ac-*
 20 *tivities under this Act or its other housing-related ac-*
 21 *tivities or with the tribally designated housing entity,*
 22 *for purposes of applicant screening”.*

1 **SEC. 3. SELF-DETERMINED HOUSING ACTIVITIES FOR TRIB-**
 2 **AL COMMUNITIES PROGRAM.**

3 (a) *ESTABLISHMENT OF PROGRAM.—Title II (25*
 4 *U.S.C. 4131 et seq.) is amended—*

5 (1) *by inserting after the title heading the fol-*
 6 *lowing:*

7 **“Subtitle A—General Block Grant**
 8 **Program”;**

9 *and*

10 (2) *by adding at the end the following new sub-*
 11 *title:*

12 **“Subtitle B—Self-Determined Hous-**
 13 **ing Activities for Tribal Commu-**
 14 **nities**

15 **“SEC. 231. PURPOSES.**

16 *“The purposes of this subtitle are to establish a self-*
 17 *determined housing activities for the tribal communities*
 18 *program to provide Indian tribes with the flexibility to use*
 19 *a portion of the grant amounts under section 101 for the*
 20 *tribe in manners that are wholly self-determined by the*
 21 *tribe for housing activities involving construction, acquisi-*
 22 *tion, or rehabilitation of housing that will benefit the com-*
 23 *munity served by the tribe.*

24 **“SEC. 232. AUTHORITY.**

25 *“(a) IN GENERAL.—Under the program under this*
 26 *subtitle, for each of fiscal years 2008 through 2012, the re-*

1 cipient for each qualifying Indian tribe may use the
 2 amounts specified in subsection (c) in accordance with this
 3 subtitle.

4 “(b) *QUALIFYING INDIAN TRIBES.*—For purposes of
 5 this section, the term ‘qualifying Indian tribe’ means, with
 6 respect to a fiscal year, an Indian tribe or tribally des-
 7 ignated housing entity that—

8 “(1) a grant is made in behalf of under section
 9 101;

10 “(2) has complied with the requirements under
 11 subsections (b)(4) and (c)(7) of section 102; and

12 “(3) has no unresolved significant and material
 13 audit findings or exceptions in the most recent an-
 14 nual audit completed under chapter 75 of title 31,
 15 United States Code (commonly known as the Single
 16 Audit Act), or in an independent financial audit pre-
 17 pared in accordance with generally accepted auditing
 18 principles.

19 “(c) *AMOUNT.*—With respect to a fiscal year and a re-
 20 cipient, the amounts specified in this subsection are
 21 amounts from any grant under section 101 for the recipient
 22 for the fiscal year, as determined by the recipient, but in
 23 no case exceeding the lesser of (1) 15 percent of the total
 24 grant amount for the recipient for such fiscal year, or (2)
 25 \$1,000,000.

1 **“SEC. 233. USE OF AMOUNTS FOR HOUSING ACTIVITIES.**

2 “(a) *ELIGIBLE HOUSING ACTIVITIES.*—Any amounts
3 *made available for use under this subtitle by a recipient*
4 *for an Indian tribe shall be used only for housing activities,*
5 *as selected at the discretion of the recipient and set forth*
6 *in the Indian housing plan for the tribe pursuant to section*
7 *102(c)(7), for the construction, acquisition or rehabilitation*
8 *of housing that provide a benefit to families described in*
9 *section 201(b)(1).*

10 “(b) *PROHIBITION ON CERTAIN ACTIVITIES.*—
11 *Amounts made available for use under this subtitle may*
12 *not be used for any costs of providing infrastructure, com-*
13 *mercial and economic development, and operating costs of*
14 *housing.*

15 **“SEC. 234. INAPPLICABILITY OF OTHER PROVISIONS.**

16 “(a) *IN GENERAL.*—Except as specifically provided in
17 *this Act, the provisions of title I, subtitle A of title II, and*
18 *titles III through VIII shall not apply to the program under*
19 *this subtitle or to amounts made available in accordance*
20 *with this subtitle.*

21 “(b) *APPLICABLE PROVISIONS.*—The following provi-
22 *sions of titles I through VIII shall apply to the program*
23 *under this subtitle and amounts made available in accord-*
24 *ance with this subtitle:*

25 “(1) *Section 101(c) (relating to local cooperation*
26 *agreements).*

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

3 “(3) Section 102(c)(5) (relating to certification
4 of compliance).

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

7 “(5) Section 105 (relating to environmental re-
8 view).

9 “(6) Section 201(b) (relating to eligible families).

10 “(7) Section 201(b)(7) (relating to preference for
11 tribal members and other Indian families).

12 “(8) Section 203(c) (relating to insurance cov-
13 erage).

14 “(9) Section 209 (relating to noncompliance
15 with affordable housing requirement).

16 “(10) Section 401 (relating to remedies for non-
17 compliance).

18 “(11) Section 408 (relating to public availability
19 of information).

20 “(12) Section 702 (relating to 50-year leasehold
21 interests in trust or restricted lands for housing pur-
22 poses).

1 **“SEC. 235. REVIEW AND REPORT.**

2 “(a) *REVIEW.*—During calendar year 2011, the Sec-
3 retary shall conduct a review of the results achieved by the
4 program under this subtitle to determine—

5 “(1) *the housing constructed, acquired, or reha-*
6 *bitated under the program;*

7 “(2) *the effects of such housing constructed, ac-*
8 *quired, or rehabilitated on costs to low-income fami-*
9 *lies of affordable housing;*

10 “(3) *the effectiveness of each recipient in achiev-*
11 *ing the results intended to be achieved, as set forth in*
12 *the Indian housing plan for the Indian tribe; and*

13 “(4) *the need for, and effectiveness of, extending*
14 *the duration of the program and increasing the*
15 *amount of grants under section 101 that may be used*
16 *under the program.*

17 “(b) *REPORT.*—Not later than December 31, 2011, the
18 Secretary shall submit a report to the Congress setting forth
19 the information obtained pursuant to the review under sub-
20 section (a), which shall include conclusions and rec-
21 ommendations of the Secretary with respect to the program
22 under this subtitle, including—

23 “(1) *recommendations regarding extension of the*
24 *program for subsequent fiscal years and increasing*
25 *the amount pursuant to section 232(c) that may be*
26 *used under the program; and*

1 “(2) recommendations for—

2 “(A) specific Indian tribes (or recipients)
3 that should be prohibited from participating in
4 the program for failure to achieve results, and
5 the period for which such prohibition should re-
6 main in effect; or

7 “(B) standards and procedures by which
8 tribes (or recipients) may be prohibited from
9 participating in the program for failure to
10 achieve results.

11 “(c) *PROVISION OF INFORMATION TO SECRETARY.*—
12 Notwithstanding any other provision of the Act, recipients
13 participating in the program under this subtitle shall pro-
14 vide such information to the Secretary as the Secretary may
15 request, in sufficient detail and in a timely manner suffi-
16 cient to ensure that the review and report required by this
17 section is accomplished in a timely manner.”.

18 (b) *AUTHORITY TO USE BLOCK GRANT AMOUNTS.*—
19 Subsection (a) of section 101 (25 U.S.C. 4111(a)) is amend-
20 ed by inserting before the period at the end of the first sen-
21 tence the following: “under subtitle A of title II and to carry
22 out self-determined housing activities for tribal commu-
23 nities programs under subtitle B of such title”.

24 (c) *EXEMPTION FROM AFFORDABLE HOUSING ACTIVI-*
25 *TIES REQUIREMENT.*—Subsection (g) of section 101 (25

1 *U.S.C. 4111) is amended by inserting “of this section and*
 2 *subtitle B of title II” after “subsection (h)”.*

3 *(d) INDIAN HOUSING PLANS.—Section 102 (25 U.S.C.*
 4 *4112) is amended as follows:*

5 *(1) 5-YEAR PLAN.—In subsection (b), by adding*
 6 *at the end the following new paragraph:*

7 *“(4) SELF-DETERMINED HOUSING ACTIVITIES*
 8 *PROGRAM.—A statement of the manner in which the*
 9 *program for the Indian tribe under subtitle B of title*
 10 *II will be carried out and implemented, and an over-*
 11 *view of the benefits to the low-income community in-*
 12 *tended to be achieved from activities to be undertaken*
 13 *during the period pursuant to the program for the In-*
 14 *dian tribe under subtitle B of title II.”.*

15 *(2) 1-YEAR PLAN.—In subsection (c), by adding*
 16 *at the end the following new paragraph:*

17 *“(7) SELF-DETERMINED HOUSING ACTIVITIES*
 18 *PROGRAM.—A statement of housing activities to be*
 19 *undertaken during the period pursuant to the pro-*
 20 *gram for the Indian tribe under subtitle B of title II*
 21 *and a description of the benefit such activities will*
 22 *provide for the low-income community.”.*

23 *(e) REVIEW OF HOUSING PLANS.—Section 103 (25*
 24 *U.S.C. 4113) is amended by striking subsection (e) and in-*
 25 *serting the following new subsection:*

1 “(e) *SELF-DETERMINED ACTIVITIES PROGRAM.*—Not-
 2 withstanding any other provision of this section, the Sec-
 3 retary—

4 “(1) shall review the information included in an
 5 Indian housing plan pursuant to subsections (b)(4)
 6 and (c)(7) only to determine whether such informa-
 7 tion is included for purposes of compliance with the
 8 requirement under section 232(b)(2); and

9 “(2) may not approve or disapprove an Indian
 10 housing plan based on the content of the particular
 11 benefits, activities, and results included pursuant to
 12 such subsections.”.

13 “(f) *CLERICAL AMENDMENTS.*—The table of contents in
 14 section 1(b) (25 U.S.C. 4101 note) is amended—

15 (1) by inserting after the item for title II the fol-
 16 lowing new item:

 “Subtitle A—General Block Grant Program”;

17 and

18 (2) by inserting before the item for title III the
 19 following new items:

 “Subtitle B—Self-Determined Housing Activities for Tribal Communities

 “Sec. 231. Purposes.

 “Sec. 232. Authority.

 “Sec. 233. Use of amounts for housing activities.

 “Sec. 234. Inapplicability of other provisions.

 “Sec. 235. Review and report.”.

1 **SEC. 4. EFFECT OF NAHASDA ON HOME INVESTMENT PART-**
 2 **NERSHIPS ACT.**

3 (a) *IN GENERAL.*—Title V (25 U.S.C. 4181 et seq.) is
 4 amended by adding at the end the following new section:

5 **“SEC. 509. EFFECT ON HOME INVESTMENT PARTNERSHIPS**
 6 **ACT.**

7 “The amendments made by this title, and the provi-
 8 sions of this title and this Act, may not be construed to
 9 prohibit or prevent any insular area or participating juris-
 10 diction (as such terms are used for purposes of the *HOME*
 11 *Investment Partnerships Act* (42 U.S.C. 12721 et seq.))
 12 from providing amounts made available under such Act for
 13 such area or jurisdiction to Indian tribes, or tribally des-
 14 ignated housing entities, for use in accordance with the
 15 *HOME Investment Partnerships Act*.”.

16 (b) *CLERICAL AMENDMENT.*—The table of contents in
 17 section 1(b) (25 U.S.C. 4101 note) is amended by inserting
 18 after the item for section 508 the following new item:

“Sec. 509. *Effect on HOME Investment Partnerships Act.*”.

19 **SEC. 5. GAO STUDY OF EFFECTIVENESS OF NAHASDA FOR**
 20 **TRIBES OF DIFFERENT SIZES.**

21 (a) *IN GENERAL.*—The Comptroller General of the
 22 United States shall conduct a study of the effectiveness of
 23 the Native American Housing Assistance and Self-Deter-
 24 mination Act of 1996 in achieving its purposes of meeting
 25 the needs for affordable housing for low-income Indian fam-

1 ilies, as compared to the programs for housing and commu-
 2 nity development assistance for Indian tribes and families
 3 and Indian housing authorities that were terminated under
 4 title V of such Act and the amendments made by such title.
 5 The study shall compare such effectiveness with respect to
 6 Indian tribes of various sizes and types, and specifically
 7 with respect to smaller tribes for which grants of lesser or
 8 minimum amounts have been made under title I of such
 9 Act.

10 (b) *REPORT.*—Not later than the expiration of the 12-
 11 month period beginning on the date of the enactment of this
 12 Act, the Comptroller General shall submit a report to the
 13 Committee on Financial Services of the House of Represent-
 14 atives and the Committee on Banking, Housing, and Urban
 15 Affairs of the Senate regarding the results and conclusions
 16 of the study conducted pursuant to subsection (a). Such re-
 17 port shall include recommendations regarding any changes
 18 appropriate to the Native American Housing Assistance
 19 and Self-Determination Act of 1996 to help ensure that the
 20 purposes of such Act are achieved by all Indian tribes, re-
 21 gardless of size or type.

22 **SEC. 6. FEDERAL GUARANTEES FOR FINANCING FOR TRIB-**
 23 **AL HOUSING ACTIVITIES.**

24 (a) *EDUCATIONAL SEMINARS.*—Section 604 (25 U.S.C.
 25 4195) is amended by adding at the end the following: “Such

1 *activities shall include conducting educational seminars*
 2 *with tribes and tribally designated housing entities on how*
 3 *to utilize the loan guarantee program under this title.”.*

4 (b) *AGGREGATE FISCAL YEAR LIMITATION.—Sub-*
 5 *section (a) of section 605 (25 U.S.C. 4195(a)) is amended*
 6 *by striking “fiscal years 1997 through 2007” and inserting*
 7 *“fiscal years 2008 through 2012”.*

8 (c) *AUTHORIZATION OF APPROPRIATIONS FOR CREDIT*
 9 *SUBSIDY.—Subsection (b) of section 605 is amended by*
 10 *striking “fiscal years 1997 through 2007” and inserting*
 11 *“fiscal years 2008 through 2012”.*

12 **SEC. 7. TRAINING AND TECHNICAL ASSISTANCE.**

13 *Section 703 (25 U.S.C. 4212) is amended by striking*
 14 *“fiscal years 1997 through 2007” and inserting “fiscal*
 15 *years 2008 through 2012”.*

16 **SEC. 8. HOUSING ASSISTANCE FOR NATIVE HAWAIIANS.**

17 *Section 824 (25 U.S.C. 4243), as added by section 513*
 18 *of Public Law 106–569 (114 Stat. 2969), is amended by*
 19 *striking “fiscal years” and all that follows and inserting*
 20 *the following: “fiscal years 2008, 2009, 2010, 2011 and*
 21 *2012.”.*

1 **SEC. 9. DEMONSTRATION PROGRAM FOR GUARANTEED**
 2 **LOANS TO FINANCE TRIBAL COMMUNITY AND**
 3 **ECONOMIC DEVELOPMENT ACTIVITIES.**

4 (a) *AUTHORITY.*—*To the extent or in such amounts as*
 5 *are provided in appropriation Acts, the Secretary of Hous-*
 6 *ing and Urban Development (in this section referred to as*
 7 *the “Secretary”)* may, subject to the limitations of this sec-
 8 *tion and upon such terms and conditions as the Secretary*
 9 *may prescribe, guarantee and make commitments to guar-*
 10 *antee, the notes and obligations issued by Indian tribes or*
 11 *tribally designated housing entities (as such term is defined*
 12 *in section 4 of the Native American Housing Assistance and*
 13 *Self-Determination Act of 1996 (25 U.S.C. 4103)) with trib-*
 14 *al approval, for the purposes of financing activities, carried*
 15 *out on Indian reservations and in other Indian areas, that*
 16 *under the first sentence of section 108(a) of the Housing*
 17 *and Community Development Act of 1974 are eligible for*
 18 *financing with notes and other obligations guaranteed pur-*
 19 *suant to such section 108.*

20 (b) *LOW-INCOME BENEFIT REQUIREMENT.*—*Not less*
 21 *than 70 percent of the aggregate funds received by an In-*
 22 *dian tribe or tribally designated housing entity as a result*
 23 *of a guarantee under this section shall be used for the sup-*
 24 *port of activities that benefit low-income Indian families*
 25 *(as such term is defined for purposes of the Native American*

1 *Housing Assistance and Self-Determination Act of 1996) on*
 2 *Indian reservations and other Indian areas.*

3 (c) *FINANCIAL SOUNDNESS.—The Secretary shall es-*
 4 *tablish underwriting criteria for guarantees under this sec-*
 5 *tion, including fees for such guarantees, as may be nec-*
 6 *essary to ensure that the program under this section for*
 7 *such guarantees is financially sound. Such fees shall be es-*
 8 *tablished in amounts that are sufficient, but do not exceed*
 9 *the minimum amounts necessary, to maintain a negative*
 10 *credit subsidy for such program, as determined based upon*
 11 *risk to the Federal Government under such underwriting*
 12 *requirements.*

13 (d) *TERMS OF OBLIGATIONS.—Notes or other obliga-*
 14 *tions guaranteed pursuant to this section shall be in such*
 15 *form and denominations, have such maturities, and be sub-*
 16 *ject to such conditions as may be prescribed by regulations*
 17 *issued by the Secretary. The Secretary may not deny a*
 18 *guarantee under this section on the basis of the proposed*
 19 *repayment period for the note or other obligation, unless*
 20 *the period is more than 20 years or the Secretary deter-*
 21 *mines that the period causes the guarantee to constitute an*
 22 *unacceptable financial risk.*

23 (e) *LIMITATION ON PERCENTAGE.—A guarantee made*
 24 *under this section shall guarantee repayment of 95 percent*

1 *of the unpaid principal and interest due on the notes or*
 2 *other obligations guaranteed.*

3 *(f) SECURITY AND REPAYMENT.—*

4 *(1) REQUIREMENTS ON ISSUER.—To ensure the*
 5 *repayment of notes or other obligations and charges*
 6 *incurred under this section and as a condition for re-*
 7 *ceiving such guarantees, the Secretary shall require*
 8 *the Indian tribe or housing entity issuing such notes*
 9 *or obligations to—*

10 *(A) enter into a contract, in a form accept-*
 11 *able to the Secretary, for repayment of notes or*
 12 *other obligations guaranteed under this section;*

13 *(B) demonstrate that the extent of such*
 14 *issuance and guarantee under this section is*
 15 *within the financial capacity of the tribe; and*

16 *(C) furnish, at the discretion of the Sec-*
 17 *retary, such security as may be deemed appro-*
 18 *priate by the Secretary in making such guaran-*
 19 *tees, including increments in local tax receipts*
 20 *generated by the activities assisted by a guar-*
 21 *antee under this section or disposition proceeds*
 22 *from the sale of land or rehabilitated property,*
 23 *except that such security may not include any*
 24 *grant amounts received or for which the issuer*
 25 *may be eligible under title I of the Native Amer-*

1 *ican Housing Assistance and Self-Determination*
 2 *Act of 1996.*

3 (2) *FULL FAITH AND CREDIT.*—*The full faith*
 4 *and credit of the United States is pledged to the pay-*
 5 *ment of all guarantees made under this section. Any*
 6 *such guarantee made by the Secretary shall be conclu-*
 7 *sive evidence of the eligibility of the obligations for*
 8 *such guarantee with respect to principal and interest,*
 9 *and the validity of any such guarantee so made shall*
 10 *be incontestable in the hands of a holder of the guar-*
 11 *anteed obligations.*

12 (g) *TRAINING AND INFORMATION.*—*The Secretary, in*
 13 *cooperation with Indian tribes and tribally designated*
 14 *housing entities, shall carry out training and information*
 15 *activities with respect to the guarantee program under this*
 16 *section.*

17 (h) *LIMITATIONS ON AMOUNT OF GUARANTEES.*—

18 (1) *AGGREGATE FISCAL YEAR LIMITATION.*—*Not-*
 19 *withstanding any other provision of law and subject*
 20 *only to the absence of qualified applicants or proposed*
 21 *activities and to the authority provided in this sec-*
 22 *tion, to the extent approved or provided in appro-*
 23 *priations Acts, the Secretary may enter into commit-*
 24 *ments to guarantee notes and obligations under this*
 25 *section with an aggregate principal amount not to ex-*

ceed \$200,000,000 for each of fiscal years 2008 through 2012.

(2) *AUTHORIZATION OF APPROPRIATIONS FOR CREDIT SUBSIDY.*—There are authorized to be appropriated to cover the costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guarantees under this section such sums as may be necessary for each of fiscal years 2008 through 2012.

(3) *AGGREGATE OUTSTANDING LIMITATION.*—The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to this section shall not at any time exceed \$1,000,000,000 or such higher amount as may be authorized to be appropriated for this section for any fiscal year.

(4) *FISCAL YEAR LIMITATIONS ON TRIBES.*—The Secretary shall monitor the use of guarantees under this section by Indian tribes. If the Secretary finds that 50 percent of the aggregate guarantee authority under paragraph (3) has been committed, the Secretary may—

(A) impose limitations on the amount of guarantees pursuant to this section that any one Indian tribe may receive in any fiscal year of \$25,000,000; or

1 (B) request the enactment of legislation in-
 2 creasing the aggregate outstanding limitation on
 3 guarantees under this section.

4 (i) *REPORT.*—Not later than the expiration of the 4-
 5 year period beginning on the date of the enactment of this
 6 Act, the Secretary shall submit a report to the Congress re-
 7 garding the utilization of the authority under this section
 8 by Indian tribes and tribally designated housing entities,
 9 identifying the extent of such utilization and the types of
 10 projects and activities financed using such authority and
 11 analyzing the effectiveness of such utilization in carrying
 12 out the purposes of this section.

13 (j) *TERMINATION.*—The authority of the Secretary
 14 under this section to make new guarantees for notes and
 15 obligations shall terminate on October 1, 2012.

16 **SEC. 10. LIMITATION ON USE OF FUNDS.**

17 No amounts made available pursuant to any author-
 18 ization of appropriations under this Act, or under the
 19 amendments made by this Act, may be used to employ
 20 workers described in section 274A(h)(3)) of the Immigration
 21 and Nationality Act (8 U.S.C. 1324a(h)(3)).

Attest:

Clerk.

110TH CONGRESS
2D SESSION

S. 2062

AMENDMENT