

113TH CONGRESS
2D SESSION

H. R. 4329

To reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2014

Mr. PEARCE (for himself and Mr. COLE) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Native American Housing Assistance and Self-Deter-
6 mination Reauthorization Act of 2014”.

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

Sec. 1. Short title; table of contents.

Sec. 2. References.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

- Sec. 101. Block grants.
- Sec. 102. Indian housing plans.
- Sec. 103. Environmental review.
- Sec. 104. Failure to act on request for approval regarding exceeding TDC maximum cost for project.

TITLE II—AFFORDABLE HOUSING ACTIVITIES

- Sec. 201. National objectives and eligible families.
- Sec. 202. Eligible affordable housing activities.
- Sec. 203. Program requirements.
- Sec. 204. Low-income requirement and income targeting.
- Sec. 205. Lease requirements and tenant selection.
- Sec. 206. Tribal coordination of agency funding.

TITLE III—ALLOCATION OF GRANT AMOUNTS

- Sec. 301. Authorization of appropriations.

TITLE IV—AUDITS AND REPORTS

- Sec. 401. Review and audit by Secretary.
- Sec. 402. Reports to Congress.

TITLE V—OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

- Sec. 501. HUD–Veterans Affairs supportive housing program for Native American veterans.
- Sec. 502. 50-year leasehold interest in trust or restricted lands for housing purposes.
- Sec. 503. Training and technical assistance.
- Sec. 504. Loan guarantees for Indian housing.

TITLE VI—MISCELLANEOUS

- Sec. 601. Lands Title Report Commission.
- Sec. 602. Limitation on use of funds for Cherokee Nation.
- Sec. 603. Leasehold interest in trust or restricted lands for housing purposes.
- Sec. 604. Clerical amendment.

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

- Sec. 701. Demonstration program.

1 **SEC. 2. REFERENCES.**

2 Except as otherwise expressly provided, wherever in
3 this Act an amendment or repeal is expressed in terms
4 of an amendment to, or repeal of, a section or other provi-
5 sion, the reference shall be considered to be made to a
6 section or other provision of the Native American Housing

1 Assistance and Self-Determination Act of 1996 (25 U.S.C.
2 4101 et seq.).

3 **TITLE I—BLOCK GRANTS AND** 4 **GRANT REQUIREMENTS**

5 **SEC. 101. BLOCK GRANTS.**

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

7 (1) in subsection (c), by adding after the period
8 at the end the following: “If the Secretary fails to
9 act on a waiver request submitted under this sub-
10 section by a recipient within 60 days after receipt of
11 such request, the waiver request shall be deemed ap-
12 proved.”;

13 (2) in subsection (j), by striking “section 501 of
14 title 40,” and inserting “title 40 of the”; and

15 (3) in subsection (k), by striking “1” and in-
16 serting “an”.

17 **SEC. 102. INDIAN HOUSING PLANS.**

18 Section 102(a) (25 U.S.C. 4112(a)) is amended by
19 inserting after and below paragraph (2) the following:

20 ““The Secretary may grant a waiver of the submission re-
21 quirements under paragraph (1) upon meeting certain fac-
22 tors that shall be set out by regulation, and provided fur-
23 ther that a request for such waiver shall be deemed ap-
24 proved if the Secretary does not act on such request within
25 60 days of receipt.’”.

1 **SEC. 103. ENVIRONMENTAL REVIEW.**

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

3 (1) in subsection (d)—

4 (A) in the matter preceding paragraph (1),

5 by striking “may” and inserting “shall”; and

6 (B) by adding after and below paragraph

7 (4) the following:

8 “If the Secretary fails to act on a waiver request sub-
9 mitted under this subsection by a recipient within 60 days
10 after receipt of such request, the waiver shall be deemed
11 approved.”; and

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

14 “(e) CONSOLIDATION OF ENVIRONMENTAL REVIEW
15 REQUIREMENTS.—If a recipient is using one or more
16 sources of Federal funds in addition to grant amounts
17 under this Act in carrying out a project that qualifies as
18 an affordable housing activity under section 202 and the
19 recipient’s tribe has assumed all of the responsibilities for
20 environmental review, decisionmaking, and action pursu-
21 ant to this section, the recipient’s compliance with the Na-
22 tional Environmental Policy Act of 1969 review require-
23 ments under this section with regard to such project shall
24 be deemed to fully comply with and discharge any applica-
25 ble environmental review requirements that might apply

1 to the use of such additional Federal funding sources for
2 that project.”.

3 **SEC. 104. FAILURE TO ACT ON REQUEST FOR APPROVAL**
4 **REGARDING EXCEEDING TDC MAXIMUM COST**
5 **FOR PROJECT.**

6 (a) APPROVAL.—Section 103 (25 U.S.C. 4113) is
7 amended by adding at the end the following new sub-
8 section:

9 “(f) APPROVAL OF REQUEST TO EXCEED TDC MAX-
10 IMUM.—A request for approval by the Secretary of Hous-
11 ing and Urban Development to exceed by more than 10
12 percent the total development cost maximum cost for a
13 project shall be deemed to be approved if the Secretary
14 fails to take action on the request during the 60-day pe-
15 riod that begins on the date that the Secretary receives
16 the request.”.

17 (b) DEFINITION.—Section 4 (25 U.S.C. 4103) is
18 amended—

19 (1) by redesignating paragraph (22) as para-
20 graph (23); and

21 (2) by inserting after paragraph (21) the fol-
22 lowing new paragraph:

23 “(22) TOTAL DEVELOPMENT COST.—The term
24 ‘total development cost’ means, with respect to a
25 housing project, the sum of all costs for the project,

1 including all undertakings necessary for administra-
 2 tion, planning, site acquisition, demolition, construc-
 3 tion or equipment and financing (including payment
 4 of carrying charges), and for otherwise carrying out
 5 the development of the project, excluding off-site
 6 water and sewer. The total development cost
 7 amounts shall be based on a moderately designed
 8 house and determined by averaging the current con-
 9 struction costs as listed in not less than two nation-
 10 ally recognized residential construction cost indi-
 11 ces.”.

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

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

15 Paragraph (6) of section 201(b) (25 U.S.C.
 16 4131(b)(6); relating to exemption) is amended—

17 (1) by striking “1964 and” and inserting
 18 “1964,”; and

19 (2) by inserting after “1968” the following: “,
 20 and section 3 of the Housing and Urban Develop-
 21 ment Act of 1968”.

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

23 Section 202(9)(A) (25 U.S.C. 4132(9)(A)) is amend-
 24 ed—

25 (1) by striking “only”;

1 (2) by striking “administration and planning
2 related to”; and

3 (3) by inserting “including administration and
4 planning,” after “section,”.

5 **SEC. 203. PROGRAM REQUIREMENTS.**

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

7 (1) in subsection (a)—

8 (A) in paragraph (1), by striking “para-
9 graph (2)” and inserting “paragraphs (2) and
10 (3)”; and

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

13 “(3) APPLICATION OF TRIBAL POLICIES.—

14 Paragraph (2) shall not apply if the recipient has a
15 written policy governing rents and homebuyer pay-
16 ments charged for dwelling units and such policy in-
17 cludes a provision governing maximum rents or
18 homebuyer payments.”;

19 (2) in subsection (c), by striking “or assisted
20 with” and inserting “by a recipient”; and

21 (3) in subsection (e), by striking “assisted
22 with” and inserting “units that are owned or oper-
23 ated by a recipient using”.

1 **SEC. 204. LOW-INCOME REQUIREMENT AND INCOME TAR-**
 2 **GETING.**

3 Section 205 (25 U.S.C. 4135) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1)—

6 (i) in subparagraph (C), by striking
 7 “and” at the end;

8 (ii) in subparagraph (D), by striking
 9 the period at the end and inserting “;
 10 and”; and

11 (iii) by adding at the end the fol-
 12 lowing new subparagraph:

13 “(E) notwithstanding any other provision
 14 of this paragraph, in the case of rental housing
 15 that is made available to a current rental family
 16 for conversion to a homebuyer or a lease-pur-
 17 chase unit, that the current rental family can
 18 purchase through a contract of sale, lease-pur-
 19 chase agreement, or any other sales agreement,
 20 is made available for purchase only by the cur-
 21 rent rental family, if the rental family was a
 22 low-income family at the time of their initial oc-
 23 cupancy of such unit; and”;

24 (B) in paragraph (2)—

25 (i) by striking “satisfactory to the
 26 Secretary” and inserting “in such forms as

1 the Secretary shall, by regulation, re-
2 quire”; and

3 (ii) by striking “Secretary)” and in-
4 serting “recipient)”; and

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

13 **SEC. 205. LEASE REQUIREMENTS AND TENANT SELECTION.**

14 Section 207 (25 U.S.C. 4137) is amended by adding
15 at the end the following new subsection:

16 “(c) NOTICE OF TERMINATION.—Notwithstanding
17 any other provision of law, the owner or manager of rental
18 housing that is assisted in part with amounts provided
19 under this Act and in part with one or more other sources
20 of Federal funds shall only utilize leases that require a
21 notice period for the termination of the lease pursuant to
22 subsection (a)(3).”.

23 **SEC. 206. TRIBAL COORDINATION OF AGENCY FUNDING.**

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

1 **“SEC. 211. TRIBAL COORDINATION OF AGENCY FUNDING.**

2 “Notwithstanding any other provision of law, a re-
 3 cipient authorized to receive funding under this Act may,
 4 in its discretion, use funding from the Indian Health Serv-
 5 ice of the Department of Health and Human Services for
 6 construction of sanitation facilities for housing construc-
 7 tion and renovation projects that are funded in part by
 8 funds provided under this Act.”.

9 **TITLE III—ALLOCATION OF**
 10 **GRANT AMOUNTS**

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

12 The first sentence of section 108 (25 U.S.C. 4117)
 13 is amended by striking “such sums as may be necessary
 14 for each of fiscal years 2009 through 2013” and inserting
 15 “\$650,000,000 for each of fiscal years 2014 through
 16 2018”.

17 **TITLE IV—AUDITS AND REPORTS**

18 **SEC. 401. REVIEW AND AUDIT BY SECRETARY.**

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

21 “(3) FAILURE TO ISSUE FINAL REPORT.—The
 22 Secretary shall issue a final report within 60 days
 23 after receiving comments under paragraph (1) from
 24 a recipient.”.

25 **SEC. 402. REPORTS TO CONGRESS.**

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

1 (1) in subsection (a), by striking “Congress”
 2 and inserting “Committee on Financial Services and
 3 the Committee on Natural Resources of the House
 4 of Representatives, to the Committee on Indian Af-
 5 fairs and the Committee on Banking, Housing, and
 6 Urban Affairs of the Senate, and to any subcommit-
 7 tees of such committees having jurisdiction with re-
 8 spect to Native American and Alaska Native af-
 9 fairs,”; and

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

12 “(c) PUBLIC AVAILABILITY TO RECIPIENTS.—Each
 13 report submitted pursuant to subsection (a) shall be made
 14 publicly available to recipients.”.

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

18 **SEC. 501. HUD-VETERANS AFFAIRS SUPPORTIVE HOUSING**
 19 **PROGRAM FOR NATIVE AMERICAN VET-**
 20 **ERANS.**

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

24 “(D) NATIVE AMERICAN VETERANS.—

1 “(i) **AUTHORITY.**—Of the funds made
2 available for rental assistance under this
3 subsection for fiscal year 2015 and each
4 fiscal year thereafter, the Secretary shall
5 set aside 0.1 percent for a supported hous-
6 ing and rental assistance program modeled
7 on the HUD–Veterans Affairs Supportive
8 Housing (HUD–VASH) program, to be
9 administered in conjunction with the De-
10 partment of Veterans Affairs, for the ben-
11 efit of homeless Native American veterans
12 and veterans at risk of homelessness.

13 “(ii) **RECIPIENTS.**—Such rental as-
14 sistance shall be made available to recipi-
15 ents eligible to receive block grants under
16 the Native American Housing Assistance
17 and Self-Determination Act of 1996 (25
18 U.S.C. 4101 et seq.).

19 “(iii) **FUNDING CRITERIA.**—Funds
20 shall be awarded based on need, adminis-
21 trative capacity, and any other funding cri-
22 teria established by the Secretary in a no-
23 tice published in the Federal Register,
24 after consultation with the Secretary of
25 Veterans Affairs, by a date sufficient to

1 provide for implementation of the program
2 under this subparagraph in accordance
3 with clause (i).

4 “(iv) PROGRAM REQUIREMENTS.—
5 Such funds shall be administered by block
6 grant recipients in accordance with pro-
7 gram requirements under Native American
8 Housing Assistance and Self-Determina-
9 tion Act of 1996 in lieu of program re-
10 quirements under this Act.

11 “(v) WAIVER.—The Secretary may
12 waive, or specify alternative requirements
13 for any provision of any statute or regula-
14 tion that the Secretary administers in con-
15 nection with the use of funds made avail-
16 able under this subparagraph, but only
17 upon a finding by the Secretary that such
18 waiver or alternative requirement is nec-
19 essary to promote administrative efficiency,
20 eliminate delay, consolidate or eliminate
21 duplicative or ineffective requirements or
22 criteria, or otherwise provide for the effec-
23 tive delivery and administration of such
24 supportive housing assistance to Native
25 American veterans.

1 “(vi) CONSULTATION.—The Secretary
2 and the Secretary of Veterans Affairs shall
3 jointly consult with block grant recipients
4 and any other appropriate tribal organiza-
5 tions to—

6 “(I) ensure that block grant re-
7 cipients administering funds made
8 available under the program under
9 this subparagraph are able to effec-
10 tively coordinate with providers of
11 supportive services provided in con-
12 nection with such program; and

13 “(II) ensure the effective delivery
14 of supportive services to Native Amer-
15 ican veterans that are homeless or at
16 risk of homelessness eligible to receive
17 assistance under this subparagraph.

18 Consultation pursuant to this clause shall
19 be completed by a date sufficient to pro-
20 vide for implementation of the program
21 under this subparagraph in accordance
22 with clause (i).

23 “(vii) RULEMAKING.—The first nego-
24 tiated rulemaking committee established
25 pursuant to subchapter III of chapter 5 of

1 title 5, United States Code, for rulemaking
 2 relating to the Native American Housing
 3 Assistance and Self-Determination Act of
 4 1996, or any amendments to such Act, but
 5 that is not established to consider matters
 6 relating to the allocation formula under
 7 section 302 of such Act (25 U.S.C. 4152),
 8 shall review the requirements and criteria
 9 for the supported housing and rental as-
 10 sistance program under this subparagraph
 11 and may report to the Secretary a pro-
 12 posed rule revising such requirements and
 13 criteria.”.

14 **SEC. 502. 50-YEAR LEASEHOLD INTEREST IN TRUST OR RE-**
 15 **STRICTED LANDS FOR HOUSING PURPOSES.**

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

19 **SEC. 503. TRAINING AND TECHNICAL ASSISTANCE.**

20 Section 703 (25 U.S.C. 4212) is amended—

21 (1) by striking “There are authorized to be ap-
 22 propriated” and inserting “Of any amounts appro-
 23 priated pursuant to section 108, the Secretary may
 24 use such sums as may be necessary for”; and

1 (2) by striking “such sums as may be necessary
2 for each of fiscal years 2009 through 2013”.

3 **SEC. 504. LOAN GUARANTEES FOR INDIAN HOUSING.**

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

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

12 (2) in subparagraph (5)—

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

15 (B) by striking “such amount as may be
16 provided in appropriation Acts for” and insert-
17 ing “\$976,000,000 for each”.

18 **TITLE VI—MISCELLANEOUS**

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

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

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

1 (2) in subsection (b)(1) by striking “this Act”
2 and inserting “the Native American Housing Assist-
3 ance and Self-Determination Reauthorization Act of
4 2014”.

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

7 Section 801 of the Native American Housing Assist-
8 ance and Self-Determination Reauthorization Act of 2008
9 (Public Law 110–411) is amended by striking “Tem-
10 porary Order and Temporary Injunction issued on May
11 14, 2007, by the District Court of the Cherokee Nation”
12 and inserting “Order issued September 21, 2011, by the
13 Federal District Court for the District of Columbia”.

14 **SEC. 603. LEASEHOLD INTEREST IN TRUST OR RESTRICTED**
15 **LANDS FOR HOUSING PURPOSES.**

16 Section 702 (25 U.S.C. 4211) is amended by striking
17 “50 years” each place such term appears and inserting
18 “99 years”.

19 **SEC. 604. CLERICAL AMENDMENT.**

20 The table of contents in section 1(b) of the Native
21 American Housing Assistance and Self-Determination Act
22 of 1996 (25 U.S.C. 4101 note) is amended by striking
23 the item relating to section 206 (treatment of funds).

1 **TITLE VII—DEMONSTRATION**
 2 **PROGRAM FOR ALTERNATIVE**
 3 **PRIVATIZATION AUTHORITY**
 4 **FOR NATIVE AMERICAN**
 5 **HOUSING**

6 **SEC. 701. DEMONSTRATION PROGRAM.**

7 The Native American Housing and Self-Determina-
 8 tion Act of 1996 (25 U.S.C. 4101 et seq.) is amended by
 9 adding at the end the following new title:

10 **“TITLE IX—DEMONSTRATION**
 11 **PROGRAM FOR ALTERNATIVE**
 12 **PRIVATIZATION AUTHORITY**
 13 **FOR NATIVE AMERICAN**
 14 **HOUSING**

15 **“SEC. 901. AUTHORITY.**

16 “(a) IN GENERAL.—In addition to any other author-
 17 ity provided in this Act for the construction, development,
 18 maintenance, and operation of housing for Indian families,
 19 the Secretary shall provide the participating tribes having
 20 final plans approved pursuant to section 905 with the au-
 21 thority to exercise the activities provided under this title
 22 and such plan for the acquisition and development of
 23 housing to meet the needs of tribal members.

24 “(b) INAPPLICABILITY OF NAHASDA PROVI-
 25 SIONS.—Except as specifically provided otherwise in this

1 title, titles I through IV, VI, and VII shall not apply to
2 a participating tribe during any period that the tribe is
3 participating in the demonstration program under this
4 title.

5 “(c) CONTINUED APPLICABILITY OF CERTAIN
6 NAHASDA PROVISIONS.—The following provisions of ti-
7 tles I through VIII shall apply to the demonstration pro-
8 gram under this title and amounts made available under
9 the demonstration program under this title:

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

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

14 “(3) Section 101(k) (relating to tribal pref-
15 erence in employment and contracting).

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

18 “(5) Section 105 (relating to environmental re-
19 view).

20 “(6) Section 201(b) (relating to eligible fami-
21 lies), except as otherwise provided in this title.

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

1 “(8) Section 702 (relating to 99-year leasehold
2 interests in trust or restricted lands for housing pur-
3 poses).

4 **“SEC. 902. PARTICIPATING TRIBES.**

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

11 “(b) COOPERATIVE AGREEMENT.—Upon approval
12 under section 905 of the final plan of an Indian tribe for
13 participation in the demonstration program under this
14 title, the Secretary shall enter into a cooperative agree-
15 ment with the participating tribe that provides such tribe
16 with the authority to carry out activities under the dem-
17 onstration program.

18 **“SEC. 903. REQUEST FOR QUOTES AND SELECTION OF IN-**
19 **VESTOR PARTNER.**

20 “(a) REQUEST FOR QUOTES.—Not later than the ex-
21 piration of the 180-day period beginning upon notification
22 to the Secretary by an Indian tribe of intention to partici-
23 pate in the demonstration program under this title, the
24 Indian tribe shall—

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

4 “(2) release a request for quotations from enti-
5 ties interested in partnering with the tribe in design-
6 ing and carrying out housing activities sufficient to
7 meet the tribe’s housing needs as identified pursuant
8 to paragraph (1).

9 “(b) SELECTION OF INVESTOR PARTNER.—

10 “(1) IN GENERAL.—Except as provided in para-
11 graph (2), not later than the expiration of the 18-
12 month period beginning on the date of the enact-
13 ment of this title, an Indian tribe requesting to par-
14 ticipate in the demonstration program under this
15 title shall—

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

19 “(B) together with such investor partner,
20 establish and submit to the Secretary a final
21 plan that meets the requirements under section
22 904.

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

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

4 “(B) has any other satisfactory reason, as
5 determined by the Secretary, for failure to se-
6 lect an investor partner.

7 **“SEC. 904. FINAL PLAN.**

8 “A final plan under this section shall—

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

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

14 “(3) set forth a detailed description of such
15 projected housing needs, including affordable hous-
16 ing needs, of the tribe, which shall include—

17 “(A) a description of such need over the
18 ensuing 24 months and thereafter until the ex-
19 piration of the ensuing 5-year period or until
20 the affordable housing need is met, whichever
21 occurs sooner; and

22 “(B) the same information that would be
23 required under section 102 to be included in an
24 Indian housing plan for the tribe, as such re-
25 quirements may be modified by the Secretary to

1 take consideration of the requirements of the
2 demonstration program under this title;

3 “(4) provide for specific housing activities suffi-
4 cient to meet the tribe’s housing needs, including af-
5 fordable housing needs, as identified pursuant to
6 paragraph (3) within the periods referred to such
7 paragraph, which shall include—

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

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

15 “(C) development of housing infrastruc-
16 ture, including housing infrastructure sufficient
17 to serve affordable housing developed under the
18 plan; and

19 “(D) investments by the investor partner
20 for the tribe, the participating tribe, members
21 of the participating tribe, and financial institu-
22 tions and other outside investors necessary to
23 provide financing for the development of hous-
24 ing under the plan and for mortgages for tribal
25 members purchasing such housing;

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

6 “(6) provide that the participating tribe—

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

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

15 “(7) provide for sufficient protections, in the
16 determination of the Secretary, to ensure that the
17 tribe and the Federal Government are not liable for
18 the acts of the investor partner or of any contrac-
19 tors;

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

23 “(9) set forth specific deadlines and schedules
24 for activities to be undertaken under the plan and

1 set forth the responsibilities of the participating
2 tribe and the investor partner;

3 “(10) set forth specific terms and conditions of
4 return on investment by the investor partner and
5 other investors under the plan, and provide that the
6 participating tribe shall pledge grant amounts allo-
7 cated for the tribe pursuant to title III for such re-
8 turn on investment;

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

14 “(12) set forth any plans for sale of affordable
15 housing of the participating tribe under section 907
16 and, if included, plans sufficient to meet the require-
17 ments of section 907 regarding meeting future af-
18 fordable housing needs of the tribe;

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

23 “(14) include such other information as the
24 participating tribe and investor partner consider ap-
25 propriate.

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

2 “(a) IN GENERAL.—Not later than the expiration of
3 the 90-day period beginning upon a submission by an In-
4 dian tribe of a final plan under section 904 to the Sec-
5 retary, the Secretary shall—

6 “(1) review the plan and the process by which
7 the tribe solicited requests for quotations from inves-
8 tors and selected the investor partner; and

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

11 “(i) the assessment of the tribe’s housing
12 needs by the qualified entity, or as set forth in
13 the plan pursuant to section 904(3), is inac-
14 curate or insufficient;

15 “(ii) the process established by the tribe to
16 solicit requests for quotations and select an in-
17 vestor partner was insufficient or negligent; or

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

21 “(B) approve the plan, on the condition that
22 the participating tribe and the investor make such
23 revisions to the plan as the Secretary may specify as
24 appropriate to meet the needs of the tribe for afford-
25 able housing; or

1 “(C) disapprove the plan, only if the Secretary
2 determines that the plan fails to meet the minimal
3 housing standards and requirements set forth in this
4 Act and the Secretary notifies the tribe of the ele-
5 ments requiring the disapproval.

6 “(b) ACTION UPON DISAPPROVAL.—

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

13 “(2) LIMITATION.—If the final plan for an In-
14 dian tribe is disapproved twice and resubmitted
15 twice pursuant to the authority under paragraph (1)
16 and, upon such second re-submission of the plan the
17 Secretary disapproves the plan, the tribe may not re-
18 submit the plan again and shall be ineligible to par-
19 ticipate in the demonstration program under this
20 title.

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

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

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

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

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

20 “(2) ADMINISTRATIVE EXPENSES.—The Sec-
21 retary may provide to a participating tribe, upon the
22 request of a tribe, not more than 10 percent of any
23 annual allocation made under title III for the tribe
24 during such period for administrative costs of the

1 tribe in completing the processes to carry out sec-
2 tions 903 and 904.

3 “(3) HOUSING INFRASTRUCTURE COSTS.—A
4 participating tribe may use such amounts for hous-
5 ing infrastructure costs associated with providing af-
6 fordable housing for the tribe under the final plan.

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

8 “Notwithstanding any other provision of this Act, a
9 participating tribe may, in accordance with the provisions
10 of the final plan of the tribe approved pursuant to section
11 905, resell any affordable housing developed with assist-
12 ance made available under this Act for use other than as
13 affordable housing, but only if the tribe provides such as-
14 surances as the Secretary determines are appropriate to
15 ensure that—

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

18 “(2) will provide affordable housing in the fu-
19 ture sufficient to meet future affordable housing
20 needs.

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

22 “(a) ANNUAL REPORTS BY TRIBE.—Each partici-
23 pating tribe shall submit a report to the Secretary annu-
24 ally regarding the progress of the tribe in complying with,
25 and meeting the deadlines and schedules set forth under

1 the approved final plan for the tribe. Such reports shall
2 contain such information as the Secretary shall require.

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

7 “(1) summarize the information in the reports
8 submitted by participating tribes pursuant to sub-
9 section (a);

10 “(2) identify the number of tribes that have se-
11 lected an investor partner pursuant to a request for
12 quotations;

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

20 “(4) identify, by participating tribe, any
21 amounts requested and approved for use under sec-
22 tion 906; and

23 “(5) identify any participating tribes that have
24 terminated participation in the demonstration pro-
25 gram and the circumstances of such terminations.

1 “(c) AUDITS.—The Secretary shall provide for ran-
 2 dom audits among participating tribes to ensure that the
 3 final plans for such tribes are being implemented and com-
 4 plied with. Such audits shall include on-site visits with
 5 participating tribes and requests for documentation appro-
 6 priate to ensure such compliance.

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

8 “(a) TERMINATION OF PARTICIPATION.—A partici-
 9 pating tribe may terminate participation in the demonstra-
 10 tion program under this title at any time, subject to this
 11 section.

12 “(b) EFFECT ON EXISTING OBLIGATIONS.—

13 “(1) NO AUTOMATIC TERMINATION.—Termi-
 14 nation by a participating tribe in the demonstration
 15 program under this section shall not terminate any
 16 obligations of the tribe under agreements entered
 17 into under the demonstration program with the in-
 18 vestor partner for the tribe or any other investors or
 19 contractors.

20 “(2) AUTHORITY TO MUTUALLY TERMINATE
 21 AGREEMENTS.—Nothing in this title may be con-
 22 strued to prevent a tribe that terminates participa-
 23 tion in the demonstration program under this sec-
 24 tion and any party with which the tribe has entered

1 into an agreement from mutually agreeing to termi-
2 nate such agreement.

3 “(c) RECEIPT OF REMAINING GRANT AMOUNTS.—

4 The Secretary shall provide for grants to be made in ac-
5 cordance with, and subject to the requirements of, this Act
6 for any amounts remaining after use pursuant to section
7 906 from the allocation under title III for a participating
8 tribe that terminates participation in the demonstration
9 program.

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

14 **“SEC. 910. FINAL REPORT.**

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

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

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

1 “(3) a determination of whether the demonstra-
2 tion should be expanded into a permanent program
3 available for Indian tribes to opt into at any time
4 and, if so, recommendations for such expansion, in-
5 cluding any legislative actions necessary to expand
6 the program.

7 **“SEC. 911. DEFINITIONS.**

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

10 “(1) AFFORDABLE HOUSING.—The term ‘af-
11 fordable housing’ has the meaning given such term
12 in section 4 (25 U.S.C. 4103).

13 “(2) HOUSING INFRASTRUCTURE.—The term
14 ‘housing infrastructure’ means basic facilities, serv-
15 ices, systems, and installations necessary or appro-
16 priate for the functioning of a housing community,
17 including facilities, services, systems, and installa-
18 tions for water, sewage, power, communications, and
19 transportation.

20 “(3) LONG-TERM LEASE.—The term ‘long-term
21 lease’ means an agreement between a participating
22 tribe and a tribal member that authorizes the tribal
23 member to occupy a specific plot of tribal lands for
24 50 or more years and to request renewal of the
25 agreement at least once.

1 “(4) PARTICIPATING TRIBES.—The term ‘par-
2 ticipating tribe’ means an Indian tribe for which a
3 final plan under section 904 for participation in the
4 demonstration program under this title has been ap-
5 proved by the Secretary under section 905.

6 **“SEC. 912. REGULATIONS AND GUIDELINES.**

7 “The Secretary shall issue such regulations as may
8 be necessary to carry out the demonstration program
9 under this title.”.

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