

116TH CONGRESS
2D SESSION

S. 4090

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

IN THE SENATE OF THE UNITED STATES

JUNE 25, 2020

Mr. HOEVEN (for himself, Mr. UDALL, Mr. BARRASSO, Ms. MURKOWSKI, Ms. MCSALLY, Mr. TESTER, Mr. SCHATZ, Mr. CRAMER, Ms. SMITH, and Mr. DAINES) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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.**

4 This Act may be cited as the “Native American
5 Housing Assistance and Self-Determination Reauthoriza-
6 tion Act of 2020”.

1 **SEC. 2. CONSOLIDATION OF ENVIRONMENTAL REVIEW RE-**
2 **QUIREMENTS.**

3 Section 105 of the Native American Housing Assist-
4 ance and Self-Determination Act of 1996 (25 U.S.C.
5 4115) is amended by adding at the end the following:

6 “(e) CONSOLIDATION OF ENVIRONMENTAL REVIEW
7 REQUIREMENTS.—

8 “(1) IN GENERAL.—In the case of a recipient
9 of grant amounts under this Act that is carrying out
10 a project that qualifies as an affordable housing ac-
11 tivity under section 202, if the recipient is using one
12 or more additional sources of Federal funds to carry
13 out the project, and the grant amounts received
14 under this Act constitute the largest single source of
15 Federal funds that the recipient reasonably expects
16 to commit to the project at the time of environ-
17 mental review, the Indian tribe of the recipient may
18 assume, in addition to all of the responsibilities for
19 environmental review, decision making, and action
20 under subsection (a), all of the additional respon-
21 sibilities for environmental review, decision making,
22 and action under provisions of law that would apply
23 to each Federal agency providing additional funding
24 were the Federal agency to carry out the project as
25 a Federal project.

1 “(2) DISCHARGE.—The assumption by the In-
2 dian tribe of the additional responsibilities for envi-
3 ronmental review, decision making, and action under
4 paragraph (1) with respect to a project shall be
5 deemed to discharge the responsibility of the applica-
6 ble Federal agency for environmental review, deci-
7 sion making, and action with respect to the project.

8 “(3) CERTIFICATION.—An Indian tribe that as-
9 sumes the additional responsibilities under para-
10 graph (1), shall certify, in addition to the require-
11 ments under subsection (c)—

12 “(A) the additional responsibilities that the
13 Indian tribe has fully carried out under this
14 subsection; and

15 “(B) that the certifying officer consents to
16 assume the status of a responsible Federal offi-
17 cial under the provisions of law that would
18 apply to each Federal agency providing addi-
19 tional funding under paragraph (1).

20 “(4) LIABILITY.—

21 “(A) IN GENERAL.—An Indian tribe that
22 completes an environmental review under this
23 subsection shall assume sole liability for the
24 content and quality of the review.

1 “(B) REMEDIES AND SANCTIONS.—Except
2 as provided in subparagraph (C), if the Sec-
3 retary approves a certification and release of
4 funds to an Indian tribe for a project in accord-
5 ance with subsection (b), but the Secretary or
6 the head of another Federal agency providing
7 funding for the project subsequently learns that
8 the Indian tribe failed to carry out the respon-
9 sibilities of the Indian tribe as described in sub-
10 section (a) or paragraph (1), as applicable, the
11 Secretary or other head, as applicable, may im-
12 pose appropriate remedies and sanctions in ac-
13 cordance with—

14 “(i) the regulations issued pursuant to
15 section 106; or

16 “(ii) such regulations as are issued by
17 the other head.

18 “(C) STATUTORY VIOLATION WAIVERS.—If
19 the Secretary waives the requirements under
20 this section in accordance with subsection (d)
21 with respect to a project for which an Indian
22 tribe assumes additional responsibilities under
23 paragraph (1), the waiver shall prohibit any
24 other Federal agency providing additional fund-
25 ing for the project from imposing remedies or

1 sanctions for failure to comply with require-
2 ments for environmental review, decision mak-
3 ing, and action under provisions of law that
4 would apply to the Federal agency.”.

5 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

6 Section 108 of the Native American Housing Assist-
7 ance and Self-Determination Act of 1996 (25 U.S.C.
8 4117) is amended, in the first sentence, by striking “2009
9 through 2013” and inserting “2021 through 2031”.

10 **SEC. 4. STUDENT HOUSING ASSISTANCE.**

11 Section 202(3) of the Native American Housing As-
12 sistance and Self-Determination Act of 1996 (25 U.S.C.
13 4132(3)) is amended by inserting “including education-
14 related stipends, college housing assistance, and other edu-
15 cation-related assistance for low-income college students,”
16 after “self-sufficiency and other services,”.

17 **SEC. 5. APPLICATION OF RENT RULE ONLY TO UNITS**

18 **OWNED OR OPERATED BY INDIAN TRIBE OR**

19 **TRIBALLY DESIGNATED HOUSING ENTITY.**

20 Section 203(a)(2) of the Native American Housing
21 Assistance and Self-Determination Act of 1996 (25 U.S.C.
22 4133(a)(2)) is amended by inserting “owned or operated
23 by a recipient and” after “residing in a dwelling unit”.

1 **SEC. 6. PROGRAM REQUIREMENTS.**

2 Section 203(a) of the Native American Housing As-
3 sistance and Self-Determination Act of 1996 (25 U.S.C.
4 4133(a)) (as amended by section 5) is amended—

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

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

9 (3) by inserting after paragraph (1) the fol-
10 lowing:

11 “(2) APPLICATION OF TRIBAL POLICIES.—
12 Paragraph (3) shall not apply if—

13 “(A) the recipient has a written policy gov-
14 erning rents and homebuyer payments charged
15 for dwelling units; and

16 “(B) that policy includes a provision gov-
17 erning maximum rents or homebuyer payments,
18 including tenant protections.”; and

19 (4) in paragraph (3) (as so redesignated), by
20 striking “In the case of” and inserting “In the ab-
21 sence of a written policy governing rents and home-
22 buyer payments, in the case of”.

23 **SEC. 7. DE MINIMIS EXEMPTION FOR PROCUREMENT OF**
24 **GOODS AND SERVICES.**

25 Section 203(g) of the Native American Housing As-
26 sistance and Self-Determination Act of 1996 (25 U.S.C.

1 4133(g)) is amended by striking “\$5,000” and inserting
2 “\$10,000”.

3 **SEC. 8. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-INCOME**
4 **REQUIREMENT AND INCOME TARGETING.**

5 Section 205 of the Native American Housing Assist-
6 ance and Self-Determination Act of 1996 (25 U.S.C.
7 4135) is amended—

8 (1) in subsection (a)(1)—

9 (A) in subparagraph (C), by striking
10 “and” at the end; and

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

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

23 (2) in subsection (c)—

24 (A) by striking “The provisions” and in-
25 serting the following:

1 “(1) IN GENERAL.—The provisions”; and

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

3 “(2) APPLICABILITY TO IMPROVEMENTS.—The
4 provisions of subsection (a)(2) regarding binding
5 commitments for the remaining useful life of prop-
6 erty shall not apply to improvements of privately
7 owned homes if the cost of the improvements do not
8 exceed 10 percent of the maximum total develop-
9 ment cost for the home.”.

10 **SEC. 9. LEASE REQUIREMENTS AND TENANT SELECTION.**

11 Section 207 of the Native American Housing Assist-
12 ance and Self-Determination Act of 1996 (25 U.S.C.
13 4137) is amended by adding at the end the following:

14 “(c) NOTICE OF TERMINATION.—The notice period
15 described in subsection (a)(3) shall apply to projects and
16 programs funded in part by amounts authorized under
17 this Act.”.

18 **SEC. 10. INDIAN HEALTH SERVICE.**

19 (a) IN GENERAL.—Subtitle A of title II of the Native
20 American Housing Assistance and Self-Determination Act
21 of 1996 (25 U.S.C. 4131 et seq.) is amended by adding
22 at the end the following:

23 **“SEC. 211. IHS SANITATION FACILITIES CONSTRUCTION.**

24 “Notwithstanding any other provision of law, the Di-
25 rector of the Indian Health Service, or a recipient receiv-

1 ing funding for a housing construction or renovation
 2 project under this title, may use funding from the Indian
 3 Health Service for the construction of sanitation facilities
 4 under that project.”.

5 (b) CLERICAL AMENDMENT.—The table of contents
 6 in section 1(b) of the Native American Housing Assistance
 7 and Self-Determination Act of 1996 (Public Law 104–
 8 330; 110 Stat. 4016) is amended by inserting after the
 9 item relating to section 210 the following:

“Sec. 211. IHS sanitation facilities construction.”.

10 **SEC. 11. STATUTORY AUTHORITY TO SUSPEND GRANT**
 11 **FUNDS IN EMERGENCIES.**

12 Section 401(a)(4) of the Native American Housing
 13 Assistance and Self-Determination Act of 1996 (25 U.S.C.
 14 4161(a)(4)) is amended—

15 (1) in subparagraph (A), by striking “may take
 16 an action described in paragraph (1)(C)” and insert-
 17 ing “may immediately take an action described in
 18 paragraph (1)(C)”; and

19 (2) by striking subparagraph (B) and inserting
 20 the following:

21 “(B) PROCEDURAL REQUIREMENTS.—

22 “(i) IN GENERAL.—If the Secretary
 23 takes an action described in subparagraph
 24 (A), the Secretary shall provide notice to

1 the recipient at the time that the Secretary
2 takes that action.

3 “(ii) NOTICE REQUIREMENTS.—The
4 notice under clause (i) shall inform the re-
5 cipient that the recipient may request a
6 hearing by not later than 30 days after the
7 date on which the Secretary provides the
8 notice.

9 “(iii) HEARING REQUIREMENTS.—A
10 hearing requested under clause (ii) shall be
11 conducted—

12 “(I) in accordance with subpart
13 A of part 26 of title 24, Code of Fed-
14 eral Regulations (or successor regula-
15 tions); and

16 “(II) to the maximum extent
17 practicable, on an expedited basis.

18 “(iv) FAILURE TO CONDUCT A HEAR-
19 ING.—If a hearing requested under clause
20 (ii) is not completed by the date that is
21 180 days after the date on which the re-
22 cipient requests the hearing, the action of
23 the Secretary to limit the availability of
24 payments shall no longer be effective.”.

1 **SEC. 12. REPORTS TO CONGRESS.**

2 Section 407 of the Native American Housing Assist-
3 ance and Self-Determination Act of 1996 (25 U.S.C.
4 4167) is amended—

5 (1) in subsection (a), by striking “Congress”
6 and inserting “Committee on Indian Affairs and the
7 Committee on Banking, Housing and Urban Affairs
8 of the Senate and the Committee on Financial Serv-
9 ices of the House of Representatives”; and

10 (2) by adding at the end the following:

11 “(c) PUBLIC AVAILABILITY.—The report described in
12 subsection (a) shall be made publicly available, including
13 to recipients.”.

14 **SEC. 13. 99-YEAR LEASEHOLD INTEREST IN TRUST OR RE-**
15 **STRICTED LANDS FOR HOUSING PURPOSES.**

16 Section 702 of the Native American Housing Assist-
17 ance and Self-Determination Act of 1996 (25 U.S.C.
18 4211) is amended—

19 (1) in the section heading, by striking “**50-**
20 **YEAR**” and inserting “**99-YEAR**”;

21 (2) in subsection (b), by striking “50 years”
22 and inserting “99 years”; and

23 (3) in subsection (c)(2), by striking “50 years”
24 and inserting “99 years”.

1 **SEC. 14. REAUTHORIZATION OF NATIVE HAWAIIAN HOME-**
2 **OWNERSHIP PROVISIONS.**

3 Section 824 of the Native American Housing Assist-
4 ance and Self-Determination Act of 1996 (25 U.S.C.
5 4243) is amended by striking “such sums as may be nec-
6 essary” and all that follows through the period at the end
7 and inserting “such sums as may be necessary for each
8 of fiscal years 2021 through 2031.”.

9 **SEC. 15. TOTAL DEVELOPMENT COST MAXIMUM PROJECT**
10 **COST.**

11 Affordable housing (as defined in section 4 of the Na-
12 tive American Housing Assistance and Self-Determination
13 Act of 1996 (25 U.S.C. 4103)) that is developed, acquired,
14 or assisted under the block grant program established
15 under section 101 of the Native American Housing Assist-
16 ance and Self-Determination Act of 1996 (25 U.S.C.
17 4111) shall not exceed by more than 20 percent, without
18 prior approval of the Secretary of Housing and Urban De-
19 velopment, the total development cost maximum cost for
20 all housing assisted under an affordable housing activity,
21 including development and model activities.

22 **SEC. 16. COMMUNITY-BASED DEVELOPMENT ORGANIZA-**
23 **TIONS.**

24 Section 105 of the Housing and Community Develop-
25 ment Act of 1974 (42 U.S.C. 5305) is amended by adding
26 at the end the following:

1 “(i) INDIAN TRIBES AND TRIBALLY DESIGNATED
2 HOUSING ENTITIES AS COMMUNITY-BASED DEVELOP-
3 MENT ORGANIZATIONS.—

4 “(1) DEFINITIONS.—In this subsection, the
5 terms ‘Indian tribe’ and ‘tribally designated housing
6 entity’ have the meanings given those terms in sec-
7 tion 4 of the Native American Housing Assistance
8 and Self-Determination Act of 1996 (25 U.S.C.
9 4103).

10 “(2) QUALIFICATION.—Notwithstanding any
11 other provision of law, an Indian tribe or a tribally
12 designated housing entity shall qualify as a commu-
13 nity-based development organization for purposes of
14 carrying out new housing construction under this
15 subsection under a grant made under section
16 106(a).”.

17 **SEC. 17. INDIAN TRIBE ELIGIBILITY FOR HUD HOUSING**
18 **COUNSELING GRANTS.**

19 Section 106(a)(4) of the Housing and Urban Devel-
20 opment Act of 1968 (12 U.S.C. 1701x(a)(4)) is amend-
21 ed—

22 (1) in subparagraph (A)—

23 (A) by striking “and” and inserting a
24 comma; and

1 (B) by inserting before the period at the
 2 end the following: “, Indian tribes, and tribally
 3 designated housing entities”;

4 (2) in subparagraph (B), by inserting “, Indian
 5 tribes, and tribally designated housing entities” after
 6 “organizations”;

7 (3) by redesignating subparagraph (F) as sub-
 8 paragraph (G); and

9 (4) by inserting after subparagraph (E) the fol-
 10 lowing:

11 “(F) DEFINITIONS.—In this paragraph,
 12 the terms ‘Indian tribe’ and ‘tribally designated
 13 housing entity’ have the meanings given those
 14 terms in section 4 of the Native American
 15 Housing Assistance and Self-Determination Act
 16 of 1996 (25 U.S.C. 4103).”.

17 **SEC. 18. SECTION 184 INDIAN HOME LOAN GUARANTEE**
 18 **PROGRAM.**

19 (a) IN GENERAL.—Section 184(b)(4) of the Housing
 20 and Community Development Act of 1992 (12 U.S.C.
 21 1715z-13a(b)(4)) is amended by—

22 (1) redesignating subparagraphs (A) through
 23 (D) as clauses (i) through (iv), respectively, and ad-
 24 justing the margins accordingly;

1 (2) by striking “The loan” and inserting the
2 following:

3 “(A) IN GENERAL.—The loan”;

4 (3) in subparagraph (A), as so designated, by
5 adding at the end the following:

6 “(v) Any entity certified as a commu-
7 nity development financial institution by
8 the Community Development Financial In-
9 stitutions Fund established under section
10 104(a) of the Riegle Community Develop-
11 ment and Regulatory Improvement Act of
12 1994 (12 U.S.C. 4703(a)).”; and

13 (4) by adding at the end the following:

14 “(B) DIRECT GUARANTEE PROCESS.—

15 “(i) AUTHORIZATION.—The Secretary
16 may authorize qualifying lenders to partici-
17 pate in a direct guarantee process for ap-
18 proving loans under this section.

19 “(ii) INDEMNIFICATION.—

20 “(I) IN GENERAL.—If the Sec-
21 retary determines that a mortgage
22 guaranteed through a direct guar-
23 antee process under this subpara-
24 graph was not originated in accord-
25 ance with the requirements estab-

1 lished by the Secretary, the Secretary
2 may require the lender approved
3 under this subparagraph to indemnify
4 the Secretary for the loss, irrespective
5 of whether the violation caused the
6 mortgage default.

7 “(II) FRAUD OR MISREPRESENTATION.—If fraud or misrepresenta-
8 tion is involved in a direct guarantee
9 process under this subparagraph, the
10 Secretary shall require the original
11 lender approved under this subpara-
12 graph to indemnify the Secretary for
13 the loss regardless of when an insur-
14 ance claim is paid.

15 “(C) REVIEW OF MORTGAGEES.—

16 “(i) IN GENERAL.—The Secretary
17 may periodically review the mortgagees
18 originating, underwriting, or servicing sin-
19 gle family mortgage loans under this sec-
20 tion.
21 “(ii) REQUIREMENTS.—In conducting

22 a review under clause (i), the Secretary—
23 “(I) shall compare the mortgagee

24 with other mortgagees originating or
25

1 underwriting loan guarantees for In-
2 dian housing based on the rates of de-
3 faults and claims for guaranteed
4 mortgage loans originated, under-
5 written, or serviced by that mort-
6 gagee;

7 “(II) may compare the mort-
8 gagee with such other mortgagees
9 based on underwriting quality, geo-
10 graphic area served, or any commonly
11 used factors the Secretary determines
12 necessary for comparing mortgage de-
13 fault risk, provided that the compari-
14 son is of factors that the Secretary
15 would expect to affect the default risk
16 of mortgage loans guaranteed by the
17 Secretary;

18 “(iii) shall implement such compari-
19 sons by regulation, notice, or mortgagee
20 letter; and

21 “(I) may terminate the approval
22 of a mortgagee to originate, under-
23 write, or service loan guarantees for
24 housing under this section if the Sec-
25 retary determines that the mortgage

1 loans originated, underwritten, or
2 serviced by the mortgagee present an
3 unacceptable risk to the Indian Hous-
4 ing Loan Guarantee Fund established
5 under subsection (i)—

6 “(aa) based on a comparison
7 of any of the factors set forth in
8 this subparagraph; or

9 “(bb) by a determination
10 that the mortgagee engaged in
11 fraud or misrepresentation.”.

12 (b) LOAN GUARANTEES FOR INDIAN HOUSING.—
13 Section 184(i)(5) of the Housing and Community Devel-
14 opment Act of 1992 (12 U.S.C. 1715z–13a(i)(5)) is
15 amended—

16 (1) in subparagraph (B), by inserting after the
17 first sentence the following: “There are authorized
18 to be appropriated for those costs such sums as may
19 be necessary for each of fiscal years 2021 through
20 2031.”; and

21 (2) in subparagraph (C), by striking “2008
22 through 2012” and inserting “2021 through 2031”.

1 **SEC. 19. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUS-**
 2 **ING.**

3 Section 184A(j)(5)(B) of the Housing and Commu-
 4 nity Development Act of 1992 (12 U.S.C. 1715z-
 5 13b(j)(5)) is amended by inserting after the first sentence
 6 the following: “There are authorized to be appropriated
 7 for those costs such sums as may be necessary for each
 8 of fiscal years 2021 through 2031.”

9 **SEC. 20. PARTICIPATION OF INDIAN TRIBES AND TRIBALLY**
 10 **DESIGNATED HOUSING ENTITIES IN CON-**
 11 **TINUUM OF CARE PROGRAM.**

12 (a) IN GENERAL.—Title IV of the McKinney-Vento
 13 Homeless Assistance Act (42 U.S.C. 11360 et seq.) is
 14 amended—

15 (1) in section 401(8) (42 U.S.C. 11360(8)), by
 16 inserting “Indian reservations and trust land,” after
 17 “nonentitlement area,”; and

18 (2) in subtitle C (42 U.S.C. 11381 et seq.), by
 19 adding at the end the following:

20 **“SEC. 435. PARTICIPATION OF INDIAN TRIBES AND TRIB-**
 21 **ALLY DESIGNATED HOUSING ENTITIES.**

22 “Notwithstanding any other provision of this title, for
 23 purposes of this subtitle, an Indian tribe or tribally des-
 24 ignated housing entity (as defined in section 4 of the Na-
 25 tive American Housing Assistance and Self-Determination
 26 Act of 1996 (25 U.S.C. 4103)) may—

1 “(1) be a collaborative applicant or eligible enti-
2 ty; or

3 “(2) receive grant amounts from another entity
4 that receives a grant directly from the Secretary,
5 and use the amounts in accordance with this sub-
6 title.”.

7 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
8 The table of contents in section 101(b) of the McKinney-
9 Vento Homeless Assistance Act (Public Law 100–77; 101
10 Stat. 482) is amended by inserting after the item relating
11 to section 434 the following:

 “Sec. 435. Participation of Indian tribes and tribally designated housing enti-
 ties.”.

12 **SEC. 21. ASSISTANT SECRETARY FOR INDIAN HOUSING.**

13 The Department of Housing and Urban Development
14 Act (42 U.S.C. 3531 et seq.) is amended—

15 (1) in section 4 (42 U.S.C. 3533)—

16 (A) in subsection (a)(1), by striking “7”
17 and inserting “8”; and

18 (B) in subsection (e)—

19 (i) by redesignating paragraph (2) as
20 paragraph (4); and

21 (ii) by striking “(e)(1)(A) There” and
22 all that follows through the end of para-
23 graph (1) and inserting the following:

1 “(e)(1) There is established within the Department
2 the Office of Native American Programs (in this sub-
3 section referred to as the ‘Office’) to be headed by an As-
4 sistant Secretary for Native American Programs (in this
5 subsection referred to as the ‘Assistant Secretary’), who
6 shall be one of the Assistant Secretaries in subsection
7 (a)(1).

8 “(2) The Assistant Secretary shall be responsible
9 for—

10 “(A) administering, in coordination with the
11 relevant office in the Department, the provision of
12 housing assistance to Indian tribes or Indian hous-
13 ing authorities under each program of the Depart-
14 ment that provides for such assistance;

15 “(B) administering the community development
16 block grant program for Indian tribes under title I
17 of the Housing and Community Development Act of
18 1974 (42 U.S.C. 5301 et seq.) and the provision of
19 assistance to Indian tribes under such Act;

20 “(C) directing, coordinating, and assisting in
21 managing any regional offices of the Department
22 that administer Indian programs to the extent of
23 such programs; and

1 “(D) coordinating all programs of the Depart-
2 ment relating to Indian and Alaska Native housing
3 and community development.

4 “(3) The Secretary shall include in the annual report
5 under section 8 a description of the extent of the housing
6 needs for Indian families and community development
7 needs of Indian tribes in the United States and the activi-
8 ties of the Department, and extent of such activities, in
9 meeting such needs.”; and

10 (2) in section 8 (42 U.S.C. 3536), by striking
11 “section 4(e)(2)” and inserting “section 4(e)(4)”.

12 **SEC. 22. DRUG ELIMINATION PROGRAM.**

13 (a) DEFINITIONS.—In this section:

14 (1) CONTROLLED SUBSTANCE.—The term
15 “controlled substance” has the meaning given the
16 term in section 102 of the Controlled Substances
17 Act (21 U.S.C. 802).

18 (2) DRUG-RELATED CRIME.—The term “drug-
19 related crime” means the illegal manufacture, sale,
20 distribution, use, or possession with intent to manu-
21 facture, sell, distribute, or use a controlled sub-
22 stance.

23 (3) RECIPIENT.—The term “recipient”—

24 (A) has the meaning given the term in sec-
25 tion 4 of the Native American Housing Assist-

1 ance and Self-Determination Act of 1996 (25
2 U.S.C. 4103); and

3 (B) includes a recipient of funds under
4 title VIII of that Act (25 U.S.C. 4221 et seq.).

5 (4) SECRETARY.—The term “Secretary” means
6 the Secretary of Housing and Urban Development.

7 (b) ESTABLISHMENT.—The Secretary may make
8 grants under this section to recipients of assistance under
9 the Native American Housing Assistance and Self-Deter-
10 mination Act of 1996 (25 U.S.C. 4101 et seq.) for use
11 in eliminating drug-related and violent crime.

12 (c) ELIGIBLE ACTIVITIES.—Grants under this sec-
13 tion may be used for—

14 (1) the employment of security personnel;

15 (2) reimbursement of State, local, Tribal, or
16 Bureau of Indian Affairs law enforcement agencies
17 for additional security and protective services;

18 (3) physical improvements which are specifically
19 designed to enhance security;

20 (4) the employment of one or more individ-
21 uals—

22 (A) to investigate drug-related or violent
23 crime in and around the real property com-
24 prising housing assisted under the Native
25 American Housing Assistance and Self-Deter-

1 mination Act of 1996 (25 U.S.C. 4101 et seq.);
2 and

3 (B) to provide evidence relating to such
4 crime in any administrative or judicial pro-
5 ceeding;

6 (5) the provision of training, communications
7 equipment, and other related equipment for use by
8 voluntary tenant patrols acting in cooperation with
9 law enforcement officials;

10 (6) programs designed to reduce use of drugs
11 in and around housing projects funded under the
12 Native American Housing Assistance and Self-De-
13 termination Act of 1996 (25 U.S.C. 4101 et seq.),
14 including drug-abuse prevention, intervention, refer-
15 ral, and treatment programs;

16 (7) providing funding to nonprofit resident
17 management corporations and resident councils to
18 develop security and drug abuse prevention pro-
19 grams involving site residents; and

20 (8) sports programs and sports activities that
21 serve primarily youths from housing projects funded
22 through and are operated in conjunction with, or in
23 furtherance of, an organized program or plan de-
24 signed to reduce or eliminate drugs and drug-related
25 problems in and around those projects.

1 (d) APPLICATIONS.—

2 (1) IN GENERAL.—To receive a grant under
3 this subsection, an eligible applicant shall submit an
4 application to the Secretary, at such time, in such
5 manner, and accompanied by—

6 (A) a plan for addressing the problem of
7 drug-related or violent crime in and around of
8 the housing administered or owned by the appli-
9 cant for which the application is being sub-
10 mitted; and

11 (B) such additional information as the Sec-
12 retary may reasonably require.

13 (2) CRITERIA.—The Secretary shall approve ap-
14 plications submitted under paragraph (1) on the
15 basis of thresholds or criteria such as—

16 (A) the extent of the drug-related or vio-
17 lent crime problem in and around the housing
18 or projects proposed for assistance;

19 (B) the quality of the plan to address the
20 crime problem in the housing or projects pro-
21 posed for assistance, including the extent to
22 which the plan includes initiatives that can be
23 sustained over a period of several years;

24 (C) the capability of the applicant to carry
25 out the plan; and

1 (D) the extent to which tenants, the Tribal
2 government, and the Tribal community support
3 and participate in the design and implementa-
4 tion of the activities proposed to be funded
5 under the application.

6 (e) HIGH-INTENSITY DRUG TRAFFICKING AREAS.—
7 In evaluating the extent of the drug-related crime problem
8 pursuant to subsection (d)(2), the Secretary may consider
9 whether housing or projects proposed for assistance are
10 located in a high-intensity drug trafficking area des-
11 ignated pursuant to section 707(b) of the Office of Na-
12 tional Drug Control Policy Reauthorization Act of 1998
13 (21 U.S.C. 1706(b)).

14 (f) REPORTS.—

15 (1) GRANTEE REPORTS.—The Secretary shall
16 require grantees under this section to provide peri-
17 odic reports that include the obligation and expendi-
18 ture of grant funds, the progress made by the grant-
19 ee in implementing the plan described in subsection
20 (d)(1)(A), and any change in the incidence of drug-
21 related crime in projects assisted under section.

22 (2) HUD REPORTS.—Not later than 1 year
23 after the date of enactment of this Act, the Sec-
24 retary shall submit to Congress a report describing
25 the system used to distribute funding to grantees

1 under this section, which shall include descriptions
2 of—

3 (A) the methodology used to distribute
4 amounts made available under this section
5 among public housing agencies, including provi-
6 sions used to provide for renewals of ongoing
7 programs funded under this section; and

8 (B) actions taken by the Secretary to en-
9 sure that amounts made available under section
10 are not used to fund baseline local government
11 services, as described in subsection (h)(2).

12 (g) NOTICE OF FUNDING AWARDS.—The Secretary
13 shall cause to be published in the Federal Register not
14 less frequently than annually a notice of all grant awards
15 made pursuant to section, which shall identify the grant-
16 ees and the amount of the grants.

17 (h) MONITORING.—

18 (1) IN GENERAL.—The Secretary shall audit
19 and monitor the program funded under this sub-
20 section to ensure that assistance provided under this
21 subsection is administered in accordance with the
22 provisions of section.

23 (2) PROHIBITION OF FUNDING BASELINE SERV-
24 ICES.—

1 (A) IN GENERAL.—Amounts provided
2 under this section may not be used to reim-
3 burse or support any local law enforcement
4 agency or unit of general local government for
5 the provision of services that are included in the
6 baseline of services required to be provided by
7 any such entity pursuant to a local cooperative
8 agreement pursuant under the Indian Self-De-
9 termination and Education Assistance Act (25
10 U.S.C. 5301 et seq.) or any provision of an an-
11 nual contributions contract for payments in lieu
12 of taxation with the Bureau of Indian Affairs.

13 (B) DESCRIPTION.—Each grantee under
14 this section shall describe, in the report under
15 subsection (f)(1), such baseline of services for
16 the unit of Tribal government in which the ju-
17 risdiction of the grantee is located.

18 (3) ENFORCEMENT.—The Secretary shall pro-
19 vide for the effective enforcement of this section,
20 which may include the use of on-site monitoring,
21 independent public audit requirements, certification
22 by tribal or Federal law enforcement or Tribal gov-
23 ernment officials regarding the performance of base-
24 line services referred to in paragraph (2), entering
25 into agreements with the Attorney General to

1 achieve compliance, and verification of compliance,
 2 with the provisions of this section, and any applica-
 3 ble enforcement authority provided to the Secretary
 4 under the Native American Housing Assistance and
 5 Self-Determination Act of 1996 (25 U.S.C. 4101 et
 6 seq.)

7 (i) AUTHORIZATION OF APPROPRIATIONS.—There
 8 are authorized to be appropriated such sums as may be
 9 necessary for each fiscal years 2021 through 2031 to carry
 10 out this section.

11 **SEC. 23. RENTAL ASSISTANCE FOR HOMELESS OR AT-RISK**
 12 **INDIAN VETERANS.**

13 Section 8(o)(19) of the United States Housing Act
 14 of 1937 (42 U.S.C. 1437f(o)(19)) is amended by adding
 15 at the end the following:

16 “(D) INDIAN VETERANS HOUSING RENTAL
 17 ASSISTANCE PROGRAM.—

18 “(i) DEFINITIONS.—In this subpara-
 19 graph:

20 “(I) ELIGIBLE INDIAN VET-
 21 ERAN.—The term ‘eligible Indian vet-
 22 eran’ means an Indian veteran who
 23 is—

24 “(aa) homeless or at risk of
 25 homelessness; and

1 “(bb) living—

2 “(AA) on or near a res-
3 ervation; or

4 “(BB) in or near any
5 other Indian area.

6 “(II) ELIGIBLE RECIPIENT.—

7 The term ‘eligible recipient’ means a
8 recipient eligible to receive a grant
9 under section 101 of the Native
10 American Housing Assistance and
11 Self-Determination Act of 1996 (25
12 U.S.C. 4111).

13 “(III) INDIAN; INDIAN AREA.—

14 The terms ‘Indian’ and ‘Indian area’
15 have the meanings given those terms
16 in section 4 of the Native American
17 Housing Assistance and Self-Deter-
18 mination Act of 1996 (25 U.S.C.
19 4103).

20 “(IV) INDIAN VETERAN.—The

21 term ‘Indian veteran’ means an In-
22 dian who is a veteran.

23 “(V) PROGRAM.—The term ‘Pro-

24 gram’ means the Tribal HUD–VASH
25 program carried out under clause (ii).

1 “(VI) TRIBAL ORGANIZATION.—

2 The term ‘tribal organization’ has the
3 meaning given the term in section 4
4 of the Indian Self-Determination and
5 Education Assistance Act (25 U.S.C.
6 5304).

7 “(ii) PROGRAM SPECIFICATIONS.—

8 The Secretary shall use not less than 5
9 percent of the amounts made available for
10 rental assistance under this paragraph to
11 carry out a rental assistance and sup-
12 ported housing program, to be known as
13 the ‘Tribal HUD–VASH program’, in con-
14 junction with the Secretary of Veterans Af-
15 fairs, by awarding grants for the benefit of
16 eligible Indian veterans.

17 “(iii) MODEL.—

18 “(I) IN GENERAL.—Except as
19 provided in subclause (II), the Sec-
20 retary shall model the Program on the
21 rental assistance and supported hous-
22 ing program authorized under sub-
23 paragraph (A) and applicable appro-
24 priations Acts, including administra-

1 tion in conjunction with the Secretary
2 of Veterans Affairs.

3 “(II) EXCEPTIONS.—

4 “(aa) SECRETARY OF HOUS-
5 ING AND URBAN DEVELOP-
6 MENT.—After consultation with
7 Indian tribes, eligible recipients,
8 and any other appropriate tribal
9 organizations, the Secretary may
10 make necessary and appropriate
11 modifications to facilitate the use
12 of the Program by eligible recipi-
13 ents to serve eligible Indian vet-
14 erans.

15 “(bb) SECRETARY OF VET-
16 ERANS AFFAIRS.—After consulta-
17 tion with Indian tribes, eligible
18 recipients, and any other appro-
19 priate tribal organizations, the
20 Secretary of Veterans Affairs
21 may make necessary and appro-
22 priate modifications to facilitate
23 the use of the Program by eligi-
24 ble recipients to serve eligible In-
25 dian veterans.

1 “(iv) ELIGIBLE RECIPIENTS.—The
2 Secretary shall make amounts for rental
3 assistance and associated administrative
4 costs under the Program available in the
5 form of grants to eligible recipients.

6 “(v) FUNDING CRITERIA.—The Sec-
7 retary shall award grants under the Pro-
8 gram based on—

9 “(I) need;

10 “(II) administrative capacity; and

11 “(III) any other funding criteria
12 established by the Secretary in a no-
13 tice published in the Federal Register
14 after consulting with the Secretary of
15 Veterans Affairs.

16 “(vi) ADMINISTRATION.—Grants
17 awarded under the Program shall be ad-
18 ministered in accordance with the Native
19 American Housing Assistance and Self-De-
20 termination Act of 1996 (25 U.S.C. 4101
21 et seq.), except that recipients shall—

22 “(I) submit to the Secretary, in a
23 manner prescribed by the Secretary,
24 reports on the utilization of rental as-

1 sistance provided under the Program;
2 and

3 “(II) provide to the Secretary in-
4 formation specified by the Secretary
5 to assess the effectiveness of the Pro-
6 gram in serving eligible Indian vet-
7 erans.

8 “(vii) CONSULTATION.—

9 “(I) GRANT RECIPIENTS; TRIBAL
10 ORGANIZATIONS.—The Secretary, in
11 coordination with the Secretary of
12 Veterans Affairs, shall consult with el-
13 igible recipients and any other appro-
14 priate tribal organization on the de-
15 sign of the Program to ensure the ef-
16 fective delivery of rental assistance
17 and supportive services to eligible In-
18 dian veterans under the Program.

19 “(II) INDIAN HEALTH SERV-
20 ICE.—The Director of the Indian
21 Health Service shall provide any as-
22 sistance requested by the Secretary or
23 the Secretary of Veterans Affairs in
24 carrying out the Program.

25 “(viii) WAIVER.—

1 “(I) IN GENERAL.—Except as
2 provided in subclause (II), the Sec-
3 retary may waive or specify alter-
4 native requirements for any provision
5 of law (including regulations) that the
6 Secretary administers in connection
7 with the use of rental assistance made
8 available under the Program if the
9 Secretary finds that the waiver or al-
10 ternative requirement is necessary for
11 the effective delivery and administra-
12 tion of rental assistance under the
13 Program to eligible Indian veterans.

14 “(II) EXCEPTION.—The Sec-
15 retary may not waive or specify alter-
16 native requirements under subclause
17 (I) for any provision of law (including
18 regulations) relating to labor stand-
19 ards or the environment.

20 “(ix) RENEWAL GRANTS.—The Sec-
21 retary may—

22 “(I) set aside, from amounts
23 made available for tenant-based rental
24 assistance under this subsection and
25 without regard to the amounts used

1 for new grants under clause (ii), such
2 amounts as may be necessary to
3 award renewal grants to eligible re-
4 cipients that received a grant under
5 the Program in a previous year; and

6 “(II) specify criteria that an eli-
7 gible recipient must satisfy to receive
8 a renewal grant under subclause (I),
9 including providing data on how the
10 eligible recipient used the amounts of
11 any grant previously received under
12 the Program.

13 “(x) REPORTING.—

14 “(I) IN GENERAL.—Not later
15 than 1 year after the date of enact-
16 ment of the Native American Housing
17 Assistance and Self-Determination
18 Reauthorization Act of 2020, and
19 every 5 years thereafter, the Sec-
20 retary, in coordination with the Sec-
21 retary of Veterans Affairs and the Di-
22 rector of the Indian Health Service,
23 shall—

24 “(aa) conduct a review of
25 the implementation of the Pro-

1 gram, including any factors that
2 may have limited its success; and

3 “(bb) submit a report de-
4 scribing the results of the review
5 under item (aa) to—

6 “(AA) the Committee
7 on Indian Affairs, the Com-
8 mittee on Banking, Housing,
9 and Urban Affairs, the
10 Committee on Veterans’ Af-
11 fairs, and the Committee on
12 Appropriations of the Sen-
13 ate; and

14 “(BB) the Subcommit-
15 tee on Indian, Insular and
16 Alaska Native Affairs of the
17 Committee on Natural Re-
18 sources, the Committee on
19 Financial Services, the Com-
20 mittee on Veterans’ Affairs,
21 and the Committee on Ap-
22 propriations of the House of
23 Representatives.

24 “(II) ANALYSIS OF HOUSING
25 STOCK LIMITATION.—The Secretary

1 shall include in the initial report sub-
2 mitted under subclause (I) a descrip-
3 tion of—

4 “(aa) any regulations gov-
5 erning the use of formula current
6 assisted stock (as defined in sec-
7 tion 1000.314 of title 24, Code of
8 Federal Regulations (or any suc-
9 cessor regulation)) within the
10 Program;

11 “(bb) the number of recipi-
12 ents of grants under the Pro-
13 gram that have reported the reg-
14 ulations described in item (aa) as
15 a barrier to implementation of
16 the Program; and

17 “(cc) proposed alternative
18 legislation or regulations devel-
19 oped by the Secretary in con-
20 sultation with recipients of
21 grants under the Program to
22 allow the use of formula current
23 assisted stock within the Pro-
24 gram.”.

1 **SEC. 24. LEVERAGING.**

2 All funds provided under a grant made pursuant to
3 this Act or the amendments made by this Act may be used
4 for purposes of meeting matching or cost participation re-
5 quirements under any other Federal or non-Federal pro-
6 gram, provided that such grants made pursuant to the Na-
7 tive American Housing Assistance and Self-Determination
8 Act of 1996 (25 U.S.C. 4101 et seq.) are spent in accord-
9 ance with that Act.

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