

117TH CONGRESS
1ST SESSION

H. R. 5195

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 2021

Ms. WATERS 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; REF-**
4 **ERENCES.**

5 (a) **SHORT TITLE.**—This Act may be cited as the
6 “Native American Housing Assistance and Self-Deter-
7 mination Reauthorization Act of 2021”.

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

Sec. 1. Short title; table of contents; references.
Sec. 2. Office of Native American Programs.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

- Sec. 101. Block grants.
- Sec. 102. Recommendations regarding exceptions to annual Indian housing plan requirement.
- Sec. 103. Environmental review.
- Sec. 104. Deadline for action 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. Homeownership or lease-to-own low-income requirement and income targeting.
- Sec. 203. Lease requirements and tenant selection.
- Sec. 204. Tribal coordination of agency funding.
- Sec. 205. Exception to maximum total development cost for energy efficient housing.

TITLE III—ALLOCATION OF GRANT AMOUNTS

- Sec. 301. Authorization of appropriations.
- Sec. 302. Effect of undisbursed block grant amounts on annual allocations.

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. Loan guarantees for Indian housing.
- Sec. 503. Set-aside of USDA rural housing funding for Indian tribes.
- Sec. 504. Indian tribe eligibility for HUD housing counseling.
- Sec. 505. Competitive grants.

TITLE VI—MISCELLANEOUS

- Sec. 601. Lands Title Report Commission.
- Sec. 602. Leasehold interest in trust or restricted lands for housing purposes.
- Sec. 603. Exemption for Indian tribes from national flood insurance program participation requirement.
- Sec. 604. Compliance with treaty obligations.
- Sec. 605. Clerical amendment.

TITLE VII—HOUSING FOR NATIVE HAWAIIANS

- Sec. 701. Reauthorization of Native Hawaiian Homeownership Act.
- Sec. 702. Reauthorization of loan guarantees for Native Hawaiian housing.

1 (c) REFERENCES.—Except as otherwise expressly
 2 provided, wherever in this Act an amendment or repeal
 3 is expressed in terms of an amendment to, or repeal of,

1 a section or other provision, the reference shall be consid-
2 ered to be made to a section or other provision of the Na-
3 tive American Housing Assistance and Self-Determination
4 Act of 1996 (25 U.S.C. 4101 et seq.).

5 **SEC. 2. OFFICE OF NATIVE AMERICAN PROGRAMS.**

6 (a) ESTABLISHMENT.—Section 4 of the Department
7 of Housing and Urban Development Act (42 U.S.C. 3533)
8 is amended—

9 (1) in subsection (a)(1), by striking “7 Assist-
10 ant Secretaries” and inserting “8 Assistant Secre-
11 taries”; and

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

14 “(i) OFFICE OF NATIVE AMERICAN PROGRAMS.—

15 “(1) ESTABLISHMENT.—There is established,
16 in the Department, the Office of Native American
17 Programs.

18 “(2) HEAD.—The head of the Office of Native
19 American Programs shall be one of the Assistant
20 Secretaries appointed pursuant to subsection
21 (a)(1).”.

22 (b) PAY RATE.—Section 5315 of title 5, United
23 States Code is amended, in the item relating to Assistant
24 Secretaries of Housing and Urban Development, by strik-
25 ing “(8)” and inserting “(9)”.

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

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

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

5 (1) in subsection (c), by adding after the period
6 at the end the following: “The Secretary shall act
7 upon a waiver request submitted under this sub-
8 section by a recipient within 60 days after receipt of
9 such request.”; and

10 (2) in subsection (k), by striking “1” and in-
11 serting “an”.

12 **SEC. 102. RECOMMENDATIONS REGARDING EXCEPTIONS**
13 **TO ANNUAL INDIAN HOUSING PLAN RE-**
14 **QUIREMENT.**

15 Not later than the expiration of the 120-day period
16 beginning on the date of the enactment of this Act and
17 after consultation with Indian tribes, tribally designated
18 housing entities, and other interested parties, the Sec-
19 retary of Housing and Urban Development shall submit
20 to the Congress recommendations for standards and pro-
21 cedures for waiver of, or alternative requirements (which
22 may include multi-year housing plans) for, the require-
23 ment under section 102(a) of the Native American Hous-
24 ing Assistance and Self-Determination Act of 1996 (25
25 U.S.C. 4112(a)) for annual submission of one-year hous-

1 ing plans for an Indian tribe. Such recommendations shall
2 include a description of any legislative and regulatory
3 changes necessary to implement such recommendations.

4 **SEC. 103. ENVIRONMENTAL REVIEW.**

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

6 (1) in subsection (d)—

7 (A) in the matter preceding paragraph (1),
8 by striking “may” and inserting “shall”; and

9 (B) by adding after and below paragraph
10 (4) the following:

11 “The Secretary shall act upon a waiver request submitted
12 under this subsection by a recipient within 60 days after
13 receipt of such request.”; and

14 (2) by adding at the end the following new sub-
15 section:

16 “(e) CONSOLIDATION OF ENVIRONMENTAL REVIEW
17 REQUIREMENTS.—If a recipient is using one or more
18 sources of Federal funds in addition to grant amounts
19 under this Act in carrying out a project that qualifies as
20 an affordable housing activity under section 202, such
21 other sources of Federal funds do not exceed 49 percent
22 of the total cost of the project, and the recipient’s tribe
23 has assumed all of the responsibilities for environmental
24 review, decision making, and action pursuant to this sec-
25 tion, the tribe’s compliance with the review requirements

1 under this section and the National Environmental Policy
2 Act of 1969 with regard to such project shall be deemed
3 to fully comply with and discharge any applicable environ-
4 mental review requirements that might apply to Federal
5 agencies with respect to the use of such additional Federal
6 funding sources for that project.”.

7 **SEC. 104. DEADLINE FOR ACTION ON REQUEST FOR AP-**
8 **PROVAL REGARDING EXCEEDING TDC MAX-**
9 **IMUM COST FOR PROJECT.**

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

13 “(f) DEADLINE FOR ACTION ON REQUEST TO EX-
14 CEED TDC MAXIMUM.—A request for approval by the
15 Secretary of Housing and Urban Development to exceed
16 by more than 10 percent the total development cost max-
17 imum cost for a project shall be approved or denied during
18 the 60-day period that begins on the date that the Sec-
19 retary receives the request.”.

20 (b) DEFINITION.—Section 4 (25 U.S.C. 4103) is
21 amended—

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

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

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

15 **TITLE II—AFFORDABLE** 16 **HOUSING ACTIVITIES**

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

18 The second paragraph (6) of section 201(b) (25
19 U.S.C. 4131(b)(6); relating to exemption) is amended—

20 (1) by striking “1964 and” and inserting
21 “1964,”; and

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

1 **SEC. 202. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-IN-**
2 **COME REQUIREMENT AND INCOME TAR-**
3 **GETING.**

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

5 (1) in subsection (a)(1)—

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

8 (B) by adding at the end the following new
9 subparagraph:

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

21 (2) in subsection (c), by adding after the period
22 at the end the following: “The provisions of such
23 paragraph regarding binding commitments for the
24 remaining useful life of the property shall not apply
25 to improvements of privately owned homes if the
26 cost of such improvements do not exceed 10 percent

1 of the maximum total development cost for such
2 home.”.

3 **SEC. 203. LEASE REQUIREMENTS AND TENANT SELECTION.**

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

6 “(c) NOTICE OF TERMINATION.—Notwithstanding
7 any other provision of law, the owner or manager of rental
8 housing that is assisted in part with amounts provided
9 under this Act and in part with one or more other sources
10 of Federal funds shall only utilize leases that require a
11 notice period for the termination of the lease pursuant to
12 subsection (a)(3).”.

13 **SEC. 204. TRIBAL COORDINATION OF AGENCY FUNDING.**

14 (a) IN GENERAL.—Subtitle A of title II (25 U.S.C.
15 4131 et seq.) is amended by adding at the end the fol-
16 lowing new section:

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

18 “Notwithstanding any other provision of law, a re-
19 cipient authorized to receive funding under this Act may,
20 in its discretion, use funding from the Indian Health Serv-
21 ice of the Department of Health and Human Services for
22 construction of sanitation facilities for housing construc-
23 tion and renovation projects that are funded in part by
24 funds provided under this Act.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 in section 1(b) is amended by inserting after the item re-
3 lating to section 210 the following new item:

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

4 **SEC. 205. EXCEPTION TO MAXIMUM TOTAL DEVELOPMENT**
5 **COST FOR ENERGY EFFICIENT HOUSING.**

6 Section 103 (25 U.S.C. 4113) is amended by adding
7 at the end the following new subsection:

8 “(g) EXCEPTION TO MAXIMUM TOTAL DEVELOP-
9 MENT COST FOR ENERGY EFFICIENT HOUSING.—The
10 Secretary shall approve a request to exceed the total devel-
11 opment cost maximum cost for a project to the extent that
12 such exception is necessary to provide energy efficiency
13 upgrades for the project and the cost of such upgrades
14 does not exceed the average cost of such upgrades in the
15 area in which the project is located.”.

16 **TITLE III—ALLOCATION OF**
17 **GRANT AMOUNTS**

18 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

19 Section 108 (25 U.S.C. 4117) is amended to read as
20 follows:

21 **“SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

22 “There is authorized to be appropriated for grants
23 under this title—

24 “(1) \$680,000,000 for fiscal year 2022;

25 “(2) \$713,000,000 for fiscal year 2023;

1 “(3) \$747,000,000 for fiscal year 2024;

2 “(4) \$783,000,000 for fiscal year 2025; and

3 “(5) \$820,000,000 for fiscal year 2026.”.

4 **SEC. 302. EFFECT OF UNDISBURSED BLOCK GRANT**
5 **AMOUNTS ON ANNUAL ALLOCATIONS.**

6 (a) IN GENERAL.—Title III (25 U.S.C. 4151 et seq.)
7 is amended by adding at the end the following new section:

8 **“SEC. 303. EFFECT OF UNDISBURSED GRANT AMOUNTS ON**
9 **ANNUAL ALLOCATIONS.**

10 “(a) NOTIFICATION OF OBLIGATED, UNDISBURSED
11 GRANT AMOUNTS.—Subject to subsection (d) of this sec-
12 tion, if on October 1, 2022, or on any October 1 there-
13 after, the total amount of undisbursed block grants for
14 a recipient in the line of credit control system (or a suc-
15 cessor system) of the Department of Housing and Urban
16 Development is greater than the sum of the initial alloca-
17 tions for the previous 3 fiscal years, the Secretary shall—

18 “(1) before October 31 of such year, notify the
19 Indian tribe allocated the grant amounts and any
20 tribally designated housing entity for the tribe of the
21 undisbursed funds; and

22 “(2) require the recipient for the tribe to, not
23 later than 30 days after the Secretary provides noti-
24 fication pursuant to paragraph (1)—

1 “(A) notify the Secretary in writing of the
2 reasons why the recipient has not requested the
3 disbursement of such amounts; and

4 “(B) demonstrate to the satisfaction of the
5 Secretary that the recipient has the capacity to
6 spend Federal funds in an effective manner,
7 which demonstration may include evidence of
8 the timely expenditure of amounts previously
9 distributed under this Act to the recipient.

10 “(b) ALLOCATION AMOUNT.—Notwithstanding sec-
11 tions 301 and 302, the allocation for such fiscal year for
12 a recipient described in subsection (a) shall be the amount
13 initially calculated according to the formula minus the dif-
14 ference between the recipient’s total amount of undis-
15 bursed block grants in the Department’s line of credit con-
16 trol system on such January 1 and three times the initial
17 formula amount for such fiscal year.

18 “(c) REALLOCATION.—Notwithstanding any other
19 provision of law, any grant amounts not allocated to a re-
20 cipient pursuant to subsection (b) shall be allocated under
21 the need component of the formula proportionately
22 amount all other Indian tribes not subject to such an ad-
23 justment.

24 “(d) INAPPLICABILITY.—Subsections (a) and (b)
25 shall not apply to an Indian tribe with respect to any fiscal

1 year for which the amount allocated for the tribe for block
2 grants under this Act is less than \$5,000,000.

3 “(e) EFFECTIVENESS.—This section shall not require
4 the issuance of any regulation to take effect and shall not
5 be construed to confer hearing rights under this or any
6 other section of this Act.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
8 in section 1(b) is amended by inserting after the item re-
9 lating to section 302 the following new item:

“Sec. 303. Effect of undisbursed grant amounts on annual allocations.”.

10 **TITLE IV—AUDITS AND REPORTS**

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

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

14 “(3) ISSUANCE OF FINAL REPORT.—The Sec-
15 retary shall issue a final report within 60 days after
16 receiving comments under paragraph (1) from a re-
17 cipient.”.

18 **SEC. 402. REPORTS TO CONGRESS.**

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

20 (1) in subsection (a), by striking “Congress”
21 and inserting “Committee on Financial Services and
22 the Committee on Natural Resources of the House
23 of Representatives, to the Committee on Indian Af-
24 fairs and the Committee on Banking, Housing, and
25 Urban Affairs of the Senate, and to any subcommit-

1 tees of such committees having jurisdiction with re-
 2 spect to Native American and Alaska Native af-
 3 fairs,”; and

4 (2) by adding at the end the following new sub-
 5 section:

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

9 **TITLE V—OTHER HOUSING AS-**
 10 **SISTANCE FOR NATIVE AMER-**
 11 **ICANS**

12 **SEC. 501. HUD-VETERANS AFFAIRS SUPPORTIVE HOUSING**
 13 **PROGRAM FOR NATIVE AMERICAN VET-**
 14 **ERANS.**

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

18 “(E) INDIAN VETERANS HOUSING RENTAL
 19 ASSISTANCE PROGRAM.—

20 “(i) DEFINITIONS.—In this subpara-
 21 graph:

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

1 “(aa) homeless or at risk of
2 homelessness; and

3 “(bb) living—

4 “(AA) on or near a res-
5 ervation; or

6 “(BB) in or near any
7 other Indian area.

8 “(II) ELIGIBLE RECIPIENT.—

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

15 “(III) INDIAN; INDIAN AREA.—

16 The terms ‘Indian’ and ‘Indian area’
17 have the meanings given such terms
18 in section 4 of the Native American
19 Housing Assistance and Self-Deter-
20 mination Act of 1996 (25 U.S.C.
21 4103).

22 “(IV) INDIAN VETERAN.—The
23 term ‘Indian veteran’ means an In-
24 dian who is a veteran.

1 “(V) PROGRAM.—The term ‘Pro-
2 gram’ means the Tribal HUD–VASH
3 program carried out under clause (ii).

4 “(VI) TRIBAL ORGANIZATION.—
5 The term ‘tribal organization’ has the
6 meaning given such term in section 4
7 of the Indian Self-Determination and
8 Education Assistance Act (25 U.S.C.
9 5304).

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

20 “(iii) MODEL.—

21 “(I) IN GENERAL.—Except as
22 provided in subclause (II), the Sec-
23 retary shall model the Program on the
24 rental assistance and supported hous-
25 ing program authorized under sub-

1 paragraph (A) and applicable appro-
2 priations Acts, including administra-
3 tion in conjunction with the Secretary
4 of Veterans Affairs.

5 “(II) EXCEPTIONS.—

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

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

1 ble recipients to serve eligible In-
2 dian veterans.

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

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

11 “(I) need;

12 “(II) administrative capacity; and

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

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

24 “(I) submit to the Secretary, in a
25 manner prescribed by the Secretary,

1 reports on the utilization of rental as-
2 sistance provided under the Program;
3 and

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

9 “(vii) CONSULTATION.—

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

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

1 “(viii) WAIVER.—

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

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

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

23 “(I) set aside, from amounts
24 made available for tenant-based rental
25 assistance under this subsection and

1 without regard to the amounts used
2 for new grants under clause (ii), such
3 amounts as may be necessary to
4 award renewal grants to eligible re-
5 cipients that received a grant under
6 the Program in a previous year; and

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

14 “(x) REPORTING.—

15 “(I) IN GENERAL.—Not later
16 than 1 year after the date of enact-
17 ment of the Tribal HUD–VASH Act
18 of 2021, and every 5 years thereafter,
19 the Secretary, in coordination with the
20 Secretary of Veterans Affairs and the
21 Director of the Indian Health Service,
22 shall—

23 “(aa) conduct a review of
24 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 Sub-
15 committee on Indian, Insu-
16 lar and Alaska Native Af-
17 fairs of the Committee on
18 Natural Resources, the
19 Committee on Financial
20 Services, the Committee on
21 Veterans’ Affairs, and the
22 Committee on Appropria-
23 tions of the House of Rep-
24 resentatives.

1 “(II) ANALYSIS OF HOUSING
2 STOCK LIMITATION.—The Secretary
3 shall include in the initial report sub-
4 mitted under subclause (I) a descrip-
5 tion of—

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

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

19 “(cc) proposed alternative
20 legislation or regulations devel-
21 oped by the Secretary in con-
22 sultation with recipients of
23 grants under the Program to
24 allow the use of formula current

1 assisted stock within the Pro-
2 gram.”.

3 **SEC. 502. LOAN GUARANTEES FOR INDIAN HOUSING.**

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

7 (1) in paragraph (5)—

8 (A) in subparagraph (C), by striking
9 “2008 through 2012” and inserting “2022
10 through 2026”; and

11 (2) by striking paragraph (7) and inserting the
12 following new paragraph:

13 “(7) AUTHORIZATION OF APPROPRIATIONS.—

14 There are authorized to be appropriated to the
15 Guarantee Fund to carry out this section—

16 “(A) \$12,200,000 for fiscal year 2022;

17 “(B) \$12,800,000 for fiscal year 2023;

18 “(C) \$13,400,000 for fiscal year 2024;

19 “(D) \$14,000,000 for fiscal year 2025;

20 and

21 “(E) \$14,700,000 for fiscal year 2026.”.

22 (b) FORECLOSURE PROCEEDINGS.—

23 (1) JURISDICTION.—Paragraph (1) of section
24 184(h) of the Housing and Community Development

1 Act of 1992 (12 U.S.C. 1715z–13a(h)(1)) is amend-
2 ed—

3 (A) in subparagraph(A)(i), by inserting “,
4 including in a tribal court having jurisdiction,”
5 after “notice of such action to the Secretary”;
6 and

7 (B) in subparagraph (B), by inserting be-
8 fore the period at the end the following: “,
9 which may include initiating foreclosure pro-
10 ceedings in the tribal court having jurisdiction,
11 but if the tribal court does not hold proceedings
12 on a foreclosure complaint within the period
13 provided under applicable law or within 90 days
14 of service of the foreclosure complaint (which-
15 ever is longer), the Secretary may voluntarily
16 dismiss the tribal court action and proceed to
17 file in another court of competent jurisdiction”.

18 (2) CONTRACT ATTORNEYS.—Clause (i) of sec-
19 tion 184(h)(1)(A) of the Housing and Community
20 Development Act of 1992 (12 U.S.C. 1715z–
21 13a(h)(1)), as amended by subsection (b) of this sec-
22 tion, is further amended by adding at the end the
23 following: “The Attorney General may contract for
24 and use the services of private attorneys in handling
25 such foreclosure proceedings if the Attorney General

1 determines use of such attorneys will facilitate com-
2 petent and cost-effective representation.”.

3 **SEC. 503. SET-ASIDE OF USDA RURAL HOUSING FUNDING**
4 **FOR INDIAN TRIBES.**

5 Section 509 of the Housing Act of 1949 (42 U.S.C.
6 1479) is amended by adding at the end the following new
7 subsection:

8 “(g) SET-ASIDE FOR INDIAN TRIBES.—For each fis-
9 cal year, the Secretary shall set aside and reserve for as-
10 sistance for Indian tribes (as such term is defined in sec-
11 tion 4 of the Native American Housing Assistance and
12 Self-Determination Act of 1996 (25 U.S.C. 4103)) an
13 amount equal to 5.0 percent in each fiscal year of the ag-
14 gregate amount of lending authority, budget authority, or
15 guarantee authority, as appropriate, made available for
16 such fiscal year for assistance under each of sections 502,
17 504, 515, 533, and 538 and of the aggregate amount
18 made available to the Rural Utilities Service to carry out
19 programs or activities. The procedure under this section
20 for reserving amounts shall also provide that any assist-
21 ance set aside in any fiscal year for Indian tribes that has
22 not been expended by a reasonable date established by the
23 Secretary shall be made available and allocated under the
24 laws and regulations relating to such assistance, notwith-
25 standing this subsection.”.

1 **SEC. 504. INDIAN TRIBE ELIGIBILITY FOR HUD HOUSING**
2 **COUNSELING.**

3 Paragraph (4) of section 106(a) of the Housing and
4 Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4))
5 is amended—

6 (1) in subparagraph (A)—

7 (A) by striking “and” and inserting a
8 comma; and

9 (B) by inserting before the period at the
10 end the following: “, Indian tribes, and tribally
11 designated housing entities. For purposes of
12 this paragraph, the terms ‘Indian tribe’ and
13 ‘tribally designated housing entity’ shall have
14 the same meanings given such terms in section
15 4 of the Native American Housing Assistance
16 and Self-Determination Act of 1996 (25 U.S.C.
17 4103)”;

18 (2) in subparagraph (B), by inserting “, Indian
19 tribes, and tribally designated housing entities” after
20 “organizations”).

21 **SEC. 505. COMPETITIVE GRANTS.**

22 Title VII (25 U.S.C. 4211 et seq.) is amended by
23 adding at the end the following new section:

24 **“SEC. 706. COMPETITIVE GRANTS.**

25 “(a) **AUTHORITY.**—To the extent amounts are made
26 available pursuant to subsection (d), the Secretary shall

1 make grants under this section, pursuant to a competition
2 for such grants, to eligible recipients of block grants under
3 title I that apply for grants under this section for use only
4 for carrying out eligible affordable housing activities under
5 section 202 (25 U.S.C. 4132).

6 “(b) PRIORITY; CONSIDERATIONS.—In awarding
7 grants under this section, the Secretary shall—

8 “(1) give priority to projects for construction,
9 and related necessary infrastructure, that will in-
10 crease the inventory of affordable housing;

11 “(2) encourage housing rehabilitation projects
12 that will increase the useful life of existing afford-
13 able housing dwelling units and alleviate sub-
14 standard housing conditions;

15 “(3) encourage necessary affordable housing-re-
16 lated infrastructure projects that will enable future
17 construction or rehabilitation; and

18 “(4) consider need and administrative capacity
19 of applicants.

20 “(c) ADMINISTRATIVE COSTS.—Of any amounts
21 made available pursuant to subsection (d) for any fiscal
22 year, not more than 1 percent may be used by the Sec-
23 retary for necessary costs of administering and overseeing
24 the obligation and expenditure of amounts made available
25 for grants under this section.

1 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated for grants under this sec-
3 tion—

4 “(1) \$100,000,000 for fiscal year 2022;

5 “(2) \$105,000,000 for fiscal year 2023;

6 “(3) \$110,000,000 for fiscal year 2024;

7 “(4) \$115,000,000 for fiscal year 2025; and

8 “(5) \$120,000,000 for fiscal year 2026.”.

9 **TITLE VI—MISCELLANEOUS**

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

11 Section 501 of the American Homeownership and
12 Economic Opportunity Act of 2000 (25 U.S.C. 4043 note)
13 is amended—

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

17 (2) in subsection (b)(1) by striking “this Act”
18 and inserting “the Native American Housing Assist-
19 ance and Self-Determination Reauthorization Act of
20 2021”.

21 **SEC. 602. LEASEHOLD INTEREST IN TRUST OR RESTRICTED**

22 **LANDS FOR HOUSING PURPOSES.**

23 Section 702 (25 U.S.C. 4211) is amended—

1 (1) in subsection (c)(1), by inserting “, whether
2 enacted before, on, or after the date of the enact-
3 ment of this section” after “law”; and

4 (2) by striking “50 years” each place such term
5 appears and inserting “99 years”.

6 **SEC. 603. EXEMPTION FOR INDIAN TRIBES FROM NATIONAL**
7 **FLOOD INSURANCE PROGRAM PARTICIPA-**
8 **TION REQUIREMENT.**

9 Paragraph (3) of section 3(a) of the Flood Disaster
10 Protection Act of 1973 (42 U.S.C. 4003(a)(3)) is amend-
11 ed by inserting before the semicolon at the end the fol-
12 lowing: “or for any Indian tribe that has in effect a plan
13 for mitigating damage resulting from flooding that has
14 been approved by the tribal government for the tribe”.

15 **SEC. 604. COMPLIANCE WITH TREATY OBLIGATIONS.**

16 The Secretary of Housing and Urban Development
17 shall withhold all or partial funds to a tribe or tribal entity
18 under this Act if, after consultation with the Secretary of
19 the Interior and the tribe, the Secretary determines prior
20 to disbursement that the tribe is not in compliance with
21 obligations under its 1866 treaty with the United States
22 as it relates to the inclusion of persons who are lineal de-
23 scendants of Freedmen as having the rights of the citizens
24 of such tribes, unless a federal court has issued a final
25 order that determines the treaty obligations with respect

1 to including Freedmen as citizens. For purposes of this
2 subparagraph, a court order is not considered final if time
3 remains for an appeal or application for discretionary re-
4 view with respect to the order.

5 **SEC. 605. CLERICAL AMENDMENT.**

6 The table of contents in section 1(b) is amended by
7 striking the item relating to section 206 (treatment of
8 funds).

9 **TITLE VII—HOUSING FOR**
10 **NATIVE HAWAIIANS**

11 **SEC. 701. REAUTHORIZATION OF NATIVE HAWAIIAN HOME-**
12 **OWNERSHIP ACT.**

13 Section 824 (25 U.S.C. 4243) is amended to read as
14 follows:

15 **“SEC. 824. AUTHORIZATION OF APPROPRIATIONS.**

16 “There are authorized to be appropriated to the De-
17 partment of Housing and Urban Development for grants
18 under this title—

19 “(1) \$13,000,000 for fiscal year 2022;

20 “(2) \$13,620,000 for fiscal year 2023;

21 “(3) \$14,280,000 for fiscal year 2024;

22 “(4) \$14,960,000 for fiscal year 2025; and

23 “(5) \$15,680,000 for fiscal year 2026.”.

1 **SEC. 702. REAUTHORIZATION OF LOAN GUARANTEES FOR**
2 **NATIVE HAWAIIAN HOUSING.**

3 Section 184A(j) of the Housing and Community De-
4 velopment Act of 1992 (12 U.S.C. 1715z–13b(j)) is
5 amended—

6 (1) in paragraph (5)(C), by striking “for each
7 of fiscal years” and all that follows through the pe-
8 riod at the end and inserting “for each of fiscal
9 years 2022 through 2026 with an aggregate out-
10 standing principal amount not exceeding such
11 amount as may be provided in appropriation Acts
12 for such fiscal year.”; and

13 (2) by striking paragraph (7) and inserting the
14 following new paragraph:

15 “(7) **AUTHORIZATION OF APPROPRIATIONS.—**
16 There are authorized to be appropriated to the
17 Guarantee Fund to carry out this section—

18 “(A) \$386,000 for fiscal year 2022;

19 “(B) \$405,000 for fiscal year 2023;

20 “(C) \$424,000 for fiscal year 2024;

21 “(D) \$444,000 for fiscal year 2025; and

22 “(E) \$466,000 for fiscal year 2026.”.

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