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(Original Signature of Member)

113TH CONGRESS
2D SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

Mr. YOUNG of Alaska (for himself and [see ATTACHED LIST of cosponsors]) introduced the following bill; which was referred to the Committee on

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. Treatment of labor standards.
- Sec. 104. Environmental review.
- Sec. 105. 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. Public and Assisted Housing Drug Elimination Act of 1990.
- Sec. 503. 50-year leasehold interest in trust or restricted lands for housing purposes.
- Sec. 504. Training and technical assistance.
- Sec. 505. Loan guarantees for Indian housing.
- Sec. 506. Loan guarantees for Native Hawaiian housing.

TITLE VI—MISCELLANEOUS

- Sec. 601. Reauthorization of Native Hawaiian Homeownership Act.
- Sec. 602. Native hiring and appointment in HUD Office of Native American Programs.
- Sec. 603. Lands Title Report Commission.
- Sec. 604. Limitation on use of funds for Cherokee Nation.
- Sec. 605. Clerical amendment.

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-

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

5 **TITLE I—BLOCK GRANTS AND** 6 **GRANT REQUIREMENTS**

7 **SEC. 101. BLOCK GRANTS.**

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

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

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

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

19 **SEC. 102. INDIAN HOUSING PLANS.**

20 Section 102(a)(1)(B) (25 U.S.C. 4112(a)(1)(B)) is
21 amended by inserting before the semicolon the following:
22 “, except that the Secretary may grant a waiver of the
23 submission requirements upon meeting certain factors to
24 be set out by regulation, and provided further that a re-
25 quest for such waiver shall be deemed approved if the Sec-

1 retary does not act on such request within 60 days of re-
2 ceipt”.

3 **SEC. 103. TREATMENT OF LABOR STANDARDS.**

4 Section 104(b)(3) (25 U.S.C. 4114(b)(3)) is amended
5 by adding after the period at the end the following: “Not-
6 withstanding any other provision of law, tribally-deter-
7 mined wages adopted in accordance with this paragraph
8 shall apply to the administration of all Federal funding
9 for projects funded in whole or in part by funds provided
10 under this Act.”.

11 **SEC. 104. ENVIRONMENTAL REVIEW.**

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

13 (1) in subsection (d)—

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

16 (B) by adding after and below paragraph
17 (4) the following:

18 “If the Secretary fails to act on a waiver request sub-
19 mitted under this subsection by a recipient within 60 days
20 after receipt of such request, the waiver shall be deemed
21 approved.”.

22 (2) by adding at the end the following new sub-
23 section:

24 “(e) **CONSOLIDATION OF ENVIRONMENTAL REVIEW**
25 **REQUIREMENTS.**—If a recipient is using one or more

1 sources of Federal funds in addition to grant amounts
2 under this Act in carrying out a project that qualifies as
3 an affordable housing activity under section 202 and the
4 recipient's tribe has assumed all of the responsibilities for
5 environmental review, decision-making, and action pursu-
6 ant to this section, the recipient's compliance with the Na-
7 tional Environmental Policy Act of 1969 review require-
8 ments under this section with regard to such project shall
9 be deemed to fully comply with and discharge any applica-
10 ble environmental review requirements that might apply
11 to the use of such additional Federal funding sources for
12 that project.”.

13 **SEC. 105. FAILURE TO ACT ON REQUEST FOR APPROVAL**
14 **REGARDING EXCEEDING TDC MAXIMUM COST**
15 **FOR PROJECT.**

16 A request for approval by the Secretary of Housing
17 and Urban Development to exceed by more than 10 per-
18 cent the total development cost maximum cost for a
19 project shall be deemed to be approved if the Secretary
20 fails to take action on the request during the 60-day pe-
21 riod that begins on the date that the Secretary receives
22 the request.

1 **TITLE II—AFFORDABLE**
2 **HOUSING ACTIVITIES**

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

4 Paragraph (6) of section 201(b) (25 U.S.C.
5 4131(b)(6); relating to exemption) is amended—

6 (1) by striking “1964 and” and inserting
7 “1964,”; and

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

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

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

14 (1) by striking “only”;

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

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

19 **SEC. 203. PROGRAM REQUIREMENTS.**

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

21 (1) in subsection (a)—

22 (A) in paragraph (1), by striking “para-
23 graph (2)” and inserting “paragraphs (2) and

24 (3)”;

1 (B) by adding at the end the following new
2 paragraph:

3 “(3) APPLICATION OF TRIBAL POLICIES.—
4 Paragraph (2) shall not apply if the recipient has a
5 written policy governing rents and homebuyer pay-
6 ments charged for dwelling units and such policy
7 does not include a provision governing maximum
8 rents or homebuyer payments.”;

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

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

14 **SEC. 204. LOW-INCOME REQUIREMENT AND INCOME TAR-**
15 **GETING.**

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

17 (1) in subsection (a)—

18 (A) in paragraph (1)—

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

21 (ii) in subparagraph (D), by striking
22 the period at the end and inserting “;
23 and”; and

24 (iii) by adding at the end the fol-
25 lowing new subsection:

1 “(E) notwithstanding any other provision
2 of this paragraph, in the case of rental housing
3 that is made available to a current rental ten-
4 ant for conversion to a homebuyer or a lease-
5 purchase unit, that the current rental tenant
6 can purchase through a contract of sale, lease-
7 purchase agreement, or any other sales agree-
8 ment, is made available for occupancy only by
9 a family that is a low-income family at the time
10 of their initial occupancy of such unit; and”.

11 (B) in paragraph (2)—

12 (i) by striking “satisfactory to the
13 Secretary” and inserting “in such form as
14 the Secretary shall, by regulation, re-
15 quire”; and

16 (ii) by striking “Secretary)” and in-
17 serting “recipient)”; and

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

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

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

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

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

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

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

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

22 **TITLE III—ALLOCATION OF**
23 **GRANT AMOUNTS**

24 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

25 The first sentence of section 108 (25 U.S.C. 4117)
26 is amended by striking “such sums as may be necessary

1 for each of fiscal years 2009 through 2013” and inserting
2 “\$650,000,000 for each of fiscal years 2015 through
3 2019”.

4 **TITLE IV—AUDITS AND REPORTS**

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

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

8 “(3) FAILURE TO ISSUE FINAL REPORT.—The
9 Secretary shall issue a final report within 60 days
10 after receiving comments under paragraph (1) from
11 a recipient.”.

12 **SEC. 402. REPORTS TO CONGRESS.**

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

14 (1) in subsection (a), by striking “Congress”
15 and inserting “Committee on Financial Services and
16 the Committee on Natural Resources of the House
17 of Representatives, to the Committee on Indian Af-
18 fairs and the Committee on Banking, Housing, and
19 Urban Affairs of the Senate, and to any subcommit-
20 tees of such committees having jurisdiction with re-
21 spect to Native American and Alaska Native af-
22 fairs,”; and

23 (2) by adding at the end the following new sub-
24 section:

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

4 **TITLE V—OTHER HOUSING AS-**
5 **SISTANCE FOR NATIVE AMER-**
6 **ICANS**

7 **SEC. 501. HUD-VETERANS AFFAIRS SUPPORTIVE HOUSING**
8 **PROGRAM FOR NATIVE AMERICAN VET-**
9 **ERANS.**

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

13 “(D) NATIVE AMERICAN VETERANS.—

14 “(i) AUTHORITY.—Of the funds made
15 available for rental assistance under this
16 subsection for fiscal year 2015 and each
17 fiscal year thereafter, the Secretary shall
18 set aside 0.1 percent for a supported hous-
19 ing and rental assistance program modeled
20 on the HUD–Veterans Affairs Supportive
21 Housing (HUD-VASH) program, to be ad-
22 ministered in conjunction with the Depart-
23 ment of Veterans Affairs, for the benefit of
24 homeless Native American veterans and
25 veterans at-risk of homelessness.

1 “(ii) RECIPIENTS.—Such rental as-
2 sistance shall be made available to recipi-
3 ents eligible to receive block grants under
4 the Native American Housing Assistance
5 and Self-Determination Act of 1996 (25
6 U.S.C. 4101 et seq.).

7 “(iii) FUNDING CRITERIA.—Funds
8 shall be awarded based on need, adminis-
9 trative capacity, and any other funding cri-
10 teria established by the Secretary in a no-
11 tice published in the Federal Register,
12 after consultation with the Secretary of
13 Veterans Affairs, by a date sufficient to
14 provide for implementation of the program
15 under this subparagraph in accordance
16 with clause (i).

17 “(iv) PROGRAM REQUIREMENTS.—
18 Such funds shall be administered by block
19 grant recipients in accordance with pro-
20 gram requirements under Native American
21 Housing Assistance and Self-Determina-
22 tion Act of 1996 in lieu of program re-
23 quirements under this Act.

24 “(v) WAIVER.—The Secretary may
25 waive, or specify alternative requirements

1 for any provision of any statute or regula-
2 tion that the Secretary administers in con-
3 nection with the use of funds made avail-
4 able under this subparagraph, but only
5 upon a finding by the Secretary that such
6 waiver or alternative requirement is nec-
7 essary to promote administrative efficiency,
8 eliminate delay, consolidate or eliminate
9 duplicative or ineffective requirements or
10 criteria, or otherwise provide for the effec-
11 tive delivery and administration of such
12 supportive housing assistance to Native
13 American veterans.

14 “(vi) CONSULTATION.—The Secretary
15 and the Secretary of Veterans Affairs shall
16 jointly consult with block grant recipients
17 and any other appropriate tribal organiza-
18 tions to—

19 “(I) ensure that block grant re-
20 cipients administering funds made
21 available under the program under
22 this subparagraph are able to effec-
23 tively coordinate with providers of
24 supportive services provided in con-
25 nection with such program; and

1 “(II) ensure the effective delivery
2 of supportive services to Native Amer-
3 ican veterans that are homeless or at-
4 risk of homelessness eligible to receive
5 assistance under this subparagraph.

6 Consultation pursuant to this clause shall
7 be completed by a date sufficient to pro-
8 vide for implementation of the program
9 under this subparagraph in accordance
10 with clause (i).

11 “(vii) RULEMAKING.—The first nego-
12 tiated rulemaking committee established
13 pursuant to subchapter III of chapter 5 of
14 title 5, United States Code, for rulemaking
15 relating to the Native American Housing
16 Assistance and Self-Determination Act of
17 1996, or any amendments to such Act, but
18 that is not established to consider matters
19 relating to the allocation formula under
20 section 302 of such Act (25 U.S.C. 4152),
21 shall review the requirements and criteria
22 for the supported housing and rental as-
23 sistance program under this subparagraph
24 and may report to the Secretary a pro-

1 posed rule revising such requirements and
2 criteria.”.

3 **SEC. 502. PUBLIC AND ASSISTED HOUSING DRUG ELIMI-**
4 **NATION ACT OF 1990.**

5 Section 5124(a) of the Public and Assisted Housing
6 Drug Elimination Act of 1990 (42 U.S.C. 11903(a)) is
7 amended—

8 (1) in paragraph (7), by striking “and” at the
9 end;

10 (2) in paragraph (8), by striking the period at
11 the end and inserting “; and”; and

12 (3) by adding at the end the following new
13 paragraph:

14 “(9) the physical clean-up and remediation of
15 structures and related infrastructure damaged and
16 rendered unfit for human habitation or other use
17 due to the previous conduct of methamphetamine-re-
18 lated activities in such structures.”.

19 **SEC. 503. 50-YEAR LEASEHOLD INTEREST IN TRUST OR RE-**
20 **STRICTED LANDS FOR HOUSING PURPOSES.**

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

24 **SEC. 504. TRAINING AND TECHNICAL ASSISTANCE.**

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

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

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

7 **SEC. 505. LOAN GUARANTEES FOR INDIAN HOUSING.**

8 Section 184(i)(5) of the Housing and Community De-
9 velopment Act of 1992 (12 U.S.C. 1715z–13a(i)(5)) is
10 amended—

11 (1) in subparagraph (B), by inserting after the
12 period at the end of the first sentence the following:
13 “There are authorized to be appropriated for such
14 costs \$12,200,00 for each of fiscal years 2015
15 through 2019.”; and

16 (2) in subparagraph (5)—

17 (A) by striking “2008 through 2012” and
18 inserting “2015 through 2019”; and

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

1 **SEC. 506. LOAN GUARANTEES FOR NATIVE HAWAIIAN**
2 **HOUSING.**

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

6 (1) in subparagraph (B), by inserting after the
7 period at the end of the first sentence the following:
8 “There are authorized to be appropriated for such
9 costs \$386,000 for each of fiscal years 2015 through
10 2019.”; and

11 (2) in subparagraph (5), by striking “for each
12 of fiscal years” and all that follows through the pe-
13 riod at the end and inserting “for each of fiscal
14 years 2015 through 2019 with an aggregate out-
15 standing principal amount not exceeding
16 \$41,504,000 for each such fiscal year.”.

17 **TITLE VI—MISCELLANEOUS**

18 **SEC. 601. REAUTHORIZATION OF NATIVE HAWAIIAN HOME-**
19 **OWNERSHIP ACT.**

20 Section 824 (25 U.S.C. 4243) is amended by striking
21 “such sums as may be necessary” and all that follows
22 through the period at the end and inserting “\$13,000,000
23 for each fiscal years 2015 through 2019.”

24 **SEC. 602. NATIVE HIRING AND APPOINTMENT IN HUD OF-**
25 **FICE OF NATIVE AMERICAN PROGRAMS.**

26 Section 3 (25 U.S.C. 4102) is amended—

1 (1) by designating the first sentence as sub-
2 section (a); and

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

5 “(b) NATIVE HIRING AND APPOINTMENT.—The Sec-
6 retary shall develop and implement a policy that promotes
7 increased hiring and appointment of Indians and Native
8 Hawaiians (as such term is defined in section 801) to va-
9 cancies in any positions in the Department of House and
10 Urban Development’s Office of Native American Pro-
11 grams that involve the administration of functions or serv-
12 ices affecting Indians or Native Hawaiians.”.

13 **SEC. 603. LANDS TITLE REPORT COMMISSION.**

14 Section 501 of the American Homeownership and
15 Economic Opportunity Act of 2000 (25 U.S.C. 4043 note)
16 is amended—

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

20 (2) in subsection (b)(1) by striking “this Act”
21 and inserting “the Native American Housing Assist-
22 ance and Self-Determination Reauthorization Act of
23 2014”.

1 **SEC. 604. LIMITATION ON USE OF FUNDS FOR CHEROKEE**
2 **NATION.**

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

10 **SEC. 605. CLERICAL AMENDMENT.**

11 The table of contents in section 1(b) of the Native
12 American Housing Assistance and Self–Determination Act
13 of 1996 (25 U.S.C. 4101 note) is amended by striking
14 the item relating to section 206 (treatment of funds).