

110TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, 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 2007”.

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. Congressional findings.
- Sec. 3. Definitions.

TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS

- Sec. 101. Block grants.
- Sec. 102. Indian housing plans.
- Sec. 103. Review of plans.
- Sec. 104. Treatment of program income and labor standards.
- Sec. 105. Regulations.
- Sec. 106. Authorization of appropriations.

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. Treatment of funds.
- Sec. 206. Availability of records.
- Sec. 207. Investment of grant funds; regional tribally designated housing entity programs.
- Sec. 208. Self-determined housing activities for tribal communities program.

TITLE III—ALLOCATION OF GRANT AMOUNTS

- Sec. 301. Allocation formula.

TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

- Sec. 401. Remedies for noncompliance.
- Sec. 402. Monitoring of compliance.
- Sec. 403. Performance reports.

TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES
UNDER INCORPORATED PROGRAMS

- Sec. 501. Effect on Home Investment Partnerships Act.

TITLE VI—FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL
HOUSING AND COMMUNITY DEVELOPMENT ACTIVITIES

- Sec. 601. Title heading.
- Sec. 602. Authority and requirements.
- Sec. 603. Training and information.
- Sec. 604. Limitations on amount of guarantees.

TITLE VII—OTHER HOUSING ASSISTANCE FOR NATIVE
AMERICANS

- Sec. 701. Training and technical assistance.

1 SEC. 2. CONGRESSIONAL FINDINGS.

2 Section 2 of the Native American Housing Assistance
3 and Self-Determination Act of 1996 (25 U.S.C. 4101) is

1 amended in paragraphs (6) and (7) by striking “should”
2 each place it appears and inserting “shall”.

3 **SEC. 3. DEFINITIONS.**

4 Section 4 of the Native American Housing Assistance
5 and Self-Determination Act of 1996 (25 U.S.C. 4103) is
6 amended—

7 (1) by striking paragraph (22);

8 (2) by redesignating paragraphs (8) through
9 (21) as paragraphs (9) through (22), respectively;
10 and

11 (3) by inserting after paragraph (7) the fol-
12 lowing:

13 “(8) HOUSING RELATED COMMUNITY DEVELOP-
14 MENT.—

15 “(A) IN GENERAL.—The term ‘housing re-
16 lated community development’ means any facil-
17 ity, community building, business, activity, or
18 infrastructure that—

19 “(i) is owned by an Indian tribe or a
20 tribally designated housing entity;

21 “(ii) is necessary to the provision of
22 housing in an Indian area; and

23 “(iii)(I) would help an Indian tribe or
24 tribally designated housing entity to reduce
25 the cost of construction of Indian housing;

1 “(II) would make housing more af-
2 fordable, accessible, or practicable in an
3 Indian area; or

4 “(III) would otherwise advance the
5 purposes of this Act.

6 “(B) EXCLUSION.—The term ‘housing and
7 community development’ does not include any
8 activity conducted by any Indian tribe under
9 the Indian Gaming Regulatory Act (25 U.S.C.
10 2701 et seq.).”.

11 **TITLE I—BLOCK GRANTS AND** 12 **GRANT REQUIREMENTS**

13 **SEC. 101. BLOCK GRANTS.**

14 Section 101 of the Native American Housing Assist-
15 ance and Self-Determination Act of 1996 (25 U.S.C.
16 4111) is amended—

17 (1) in subsection (a)—

18 (A) in the first sentence—

19 (i) by striking “For each” and insert-
20 ing the following:

21 “(1) IN GENERAL.—For each”;

22 (ii) by striking “tribes to carry out af-
23 fordable housing activities.” and inserting
24 the following: “tribes—

1 “(A) to carry out affordable housing activi-
2 ties under subtitle A of title II; and”;

3 (iii) by adding at the end the fol-
4 lowing:

5 “(B) to carry out self-determined housing
6 activities for tribal communities programs
7 under subtitle B of that title.”; and

8 (B) in the second sentence, by striking
9 “Under” and inserting the following:

10 “(2) PROVISION OF AMOUNTS.—Under”;

11 (2) in subsection (g), by inserting “of this sec-
12 tion and subtitle B of title II” after “subsection
13 (h)”;

14 (3) by adding at the end the following:

15 “(j) FEDERAL SUPPLY SOURCES.—For purposes of
16 section 501 of title 40, United States Code—

17 “(1) each Indian tribe or tribally designated
18 housing entity shall be considered to be an Executive
19 agency in carrying out any program, service, or
20 other activity under this Act; and

21 “(2) each Indian tribe or a tribally designated
22 housing entity and each employee of the Indian tribe
23 or tribally designated housing entity shall have ac-
24 cess to sources of supply on the same basis as em-
25 ployees of an Executive agency.

1 “(k) TRIBAL PREFERENCE IN EMPLOYMENT AND
2 CONTRACTING.—Notwithstanding any other provision of
3 law, with respect to any grant (or portion of a grant) made
4 on behalf of an Indian tribe under this Act that is in-
5 tended to benefit 1 Indian tribe, the tribal employment
6 and contract preference laws (including regulations and
7 tribal ordinances) adopted by the Indian tribe that re-
8 ceives the benefit shall apply with respect to the adminis-
9 tration of the grant (or portion of a grant).”.

10 **SEC. 102. INDIAN HOUSING PLANS.**

11 Section 102 of the Native American Housing Assist-
12 ance and Self-Determination Act of 1996 (25 U.S.C.
13 4112) is amended—

14 (1) in subsection (a)(1)—

15 (A) by striking “(1)(A) for” and all that
16 follows through the end of subparagraph (A)
17 and inserting the following:

18 “(1)(A) for an Indian tribe to submit to the
19 Secretary, by not later than 75 days before the be-
20 ginning of each tribal program year, a 1-year hous-
21 ing plan for the Indian tribe; or”; and

22 (B) in subparagraph (B), by striking “sub-
23 section (d)” and inserting “subsection (c)”;

24 (2) by striking subsections (b) and (c) and in-
25 serting the following:

1 “(b) 1-YEAR PLAN REQUIREMENT.—

2 “(1) IN GENERAL.—A housing plan of an In-
3 dian tribe under this section shall—

4 “(A) be in such form as the Secretary may
5 prescribe; and

6 “(B) contain the information described in
7 paragraph (2).

8 “(2) REQUIRED INFORMATION.—A housing
9 plan shall include the following information with re-
10 spect to the tribal program year for which assistance
11 under this Act is made available:

12 “(A) DESCRIPTION OF PLANNED ACTIVI-
13 TIES.—A statement of planned activities, in-
14 cluding—

15 “(i) the types of household to receive
16 assistance;

17 “(ii) the types and levels of assistance
18 to be provided;

19 “(iii) the number of units planned to
20 be produced;

21 “(iv)(I) a description of any housing
22 to be demolished or disposed of;

23 “(II) a timetable for the demolition or
24 disposition; and

1 “(III) any other information required
2 by the Secretary with respect to the demo-
3 lition or disposition;

4 “(v) a description of the manner in
5 which the recipient will protect and main-
6 tain the viability of housing owned and op-
7 erated by the recipient that was developed
8 under a contract between the Secretary
9 and an Indian housing authority pursuant
10 to the United States Housing Act of 1937
11 (42 U.S.C. 1437 et seq.); and

12 “(vi) outcomes anticipated to be
13 achieved by the recipient.

14 “(B) STATEMENT OF NEEDS.—A state-
15 ment of the housing needs of the low-income In-
16 dian families residing in the jurisdiction of the
17 Indian tribe, and the means by which those
18 needs will be addressed during the applicable
19 period, including—

20 “(i) a description of the estimated
21 housing needs and the need for assistance
22 for the low-income Indian families in the
23 jurisdiction, including a description of the
24 manner in which the geographical distribu-
25 tion of assistance is consistent with the

1 geographical needs and needs for various
2 categories of housing assistance; and

3 “(ii) a description of the estimated
4 housing needs for all Indian families in the
5 jurisdiction.

6 “(C) FINANCIAL RESOURCES.—An oper-
7 ating budget for the recipient, in such form as
8 the Secretary may prescribe, that includes—

9 “(i) an identification and description
10 of the financial resources reasonably avail-
11 able to the recipient to carry out the pur-
12 poses of this Act, including an explanation
13 of the manner in which amounts made
14 available will leverage additional resources;
15 and

16 “(ii) the uses to which those resources
17 will be committed, including eligible and
18 required affordable housing activities
19 under title II and administrative expenses.

20 “(D) CERTIFICATION OF COMPLIANCE.—
21 Evidence of compliance with the requirements
22 of this Act, including, as appropriate—

23 “(i) a certification that, in carrying
24 out this Act, the recipient will comply with
25 the applicable provisions of title II of the

1 Civil Rights Act of 1968 (25 U.S.C. 1301
2 et seq.) and other applicable Federal laws
3 and regulations;

4 “(ii) a certification that the recipient
5 will maintain adequate insurance coverage
6 for housing units that are owned and oper-
7 ated or assisted with grant amounts pro-
8 vided under this Act, in compliance with
9 such requirements as the Secretary may
10 establish;

11 “(iii) a certification that policies are
12 in effect and are available for review by the
13 Secretary and the public governing the eli-
14 gibility, admission, and occupancy of fami-
15 lies for housing assisted with grant
16 amounts provided under this Act;

17 “(iv) a certification that policies are
18 in effect and are available for review by the
19 Secretary and the public governing rents
20 and homebuyer payments charged, includ-
21 ing the methods by which the rents or
22 homebuyer payments are determined, for
23 housing assisted with grant amounts pro-
24 vided under this Act;

1 “(v) a certification that policies are in
2 effect and are available for review by the
3 Secretary and the public governing the
4 management and maintenance of housing
5 assisted with grant amounts provided
6 under this Act; and

7 “(vi) a certification that the recipient
8 will comply with section 104(b).”;

9 (3) by redesignating subsections (d) through (f)
10 as subsections (c) through (e), respectively; and

11 (4) in subsection (d) (as redesignated by para-
12 graph (3)), by striking “subsection (d)” and insert-
13 ing “subsection (c)”.

14 **SEC. 103. REVIEW OF PLANS.**

15 Section 103 of the Native American Housing Assist-
16 ance and Self-Determination Act of 1996 (25 U.S.C.
17 4113) is amended—

18 (1) in subsection (d)—

19 (A) in the first sentence—

20 (i) by striking “fiscal” each place it
21 appears and inserting “tribal program”;
22 and

23 (ii) by striking “(with respect to” and
24 all that follows through “section 102(c))”;
25 and

1 (B) by striking the second sentence; and
2 (2) by striking subsection (e) and inserting the
3 following:

4 “(e) SELF-DETERMINED ACTIVITIES PROGRAM.—
5 Notwithstanding any other provision of this section, the
6 Secretary—

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

12 “(2) may not approve or disapprove an Indian
13 housing plan based on the content of the particular
14 benefits, activities, or results included pursuant to
15 subsections (b)(4) and (c)(7).”.

16 **SEC. 104. TREATMENT OF PROGRAM INCOME AND LABOR**
17 **STANDARDS.**

18 Section 104(a) of the Native American Housing As-
19 sistance and Self-Determination Act of 1996 (25 U.S.C.
20 4114(a)) is amended by adding at the end the following:

21 “(4) EXCLUSION FROM PROGRAM INCOME OF
22 REGULAR DEVELOPER’S FEES FOR LOW-INCOME
23 HOUSING TAX CREDIT PROJECTS.—Notwithstanding
24 any other provision of this Act, any income derived
25 from a regular and customary developer’s fee for

1 any project that receives a low-income housing tax
2 credit under section 42 of the Internal Revenue
3 Code of 1986, and that is initially funded using a
4 grant provided under this Act, shall not be consid-
5 ered to be program income if the developer’s fee is
6 approved by the State housing credit agency.”.

7 **SEC. 105. REGULATIONS.**

8 Section 106(b)(2) of the Native American Housing
9 Assistance and Self-Determination Act of 1996 (25 U.S.C.
10 4116(b)(2)) is amended—

11 (1) in subparagraph (B)(i), by striking “The
12 Secretary” and inserting “Not later than 180 days
13 after the date of enactment of the Native American
14 Housing Assistance and Self-Determination Reau-
15 thorization Act of 2007 and any other Act to reau-
16 thorize this Act, the Secretary”; and

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

18 “(C) SUBSEQUENT NEGOTIATED RULE-
19 MAKING.—The Secretary shall—

20 “(i) initiate a negotiated rulemaking
21 in accordance with this section by not later
22 than 90 days after the date of enactment
23 of the Native American Housing Assist-
24 ance and Self-Determination Reauthoriza-

1 tion Act of 2007 and any other Act to re-
2 authorize this Act; and

3 “(ii) promulgate regulations pursuant
4 to this section by not later than 18 months
5 after the date of enactment of the Native
6 American Housing Assistance and Self-De-
7 termination Reauthorization Act of 2007
8 and any other Act to reauthorize this Act.

9 “(D) REVIEW.—Not less frequently than
10 once every 7 years, the Secretary, in consulta-
11 tion with Indian tribes, shall review the regula-
12 tions promulgated pursuant to this section in
13 effect on the date on which the review is con-
14 ducted.”.

15 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

16 Section 108 of the Native American Housing Assist-
17 ance and Self-Determination Act of 1996 (25 U.S.C.
18 4117) is amended by striking “1998 through 2007” and
19 inserting “2008 through 2012”.

20 **TITLE II—AFFORDABLE**
21 **HOUSING ACTIVITIES**

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

23 Section 201(b) of the Native American Housing As-
24 sistance and Self-Determination Act of 1996 (25 U.S.C.
25 4131(b)) is amended—

1 (1) in paragraph (1), by inserting “and except
2 with respect to loan guarantees under title VI,”
3 after “paragraphs (2) and (4),”;

4 (2) in paragraph (2)—

5 (A) by striking the first sentence and in-
6 serting the following:

7 “(A) EXCEPTION TO REQUIREMENT.—Not-
8 withstanding paragraph (1), a recipient may
9 provide housing or housing assistance through
10 affordable housing activities for which a grant
11 is provided under this Act to any family that is
12 not a low-income family, to the extent that the
13 Secretary approves the activities due to a need
14 for housing for those families that cannot rea-
15 sonably be met without that assistance.”; and

16 (B) in the second sentence, by striking
17 “The Secretary” and inserting the following:

18 “(B) LIMITS.—The Secretary”;

19 (3) in paragraph (3)—

20 (A) in the paragraph heading, by striking
21 “NON-INDIAN” and inserting “ESSENTIAL”;

22 and

23 (B) by striking “non-Indian family” and
24 inserting “family”; and

1 (4) in paragraph (4)(A)(i), by inserting “or
2 other unit of local government,” after “county,”.

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

4 Section 202 of the Native American Housing Assist-
5 ance and Self-Determination Act of 1996 (25 U.S.C.
6 4132) is amended—

7 (1) in the matter preceding paragraph (1), by
8 striking “to develop or to support” and inserting “to
9 develop, operate, maintain, or support”;

10 (2) in paragraph (2)—

11 (A) by striking “development of utilities”
12 and inserting “development and rehabilitation
13 of utilities, necessary infrastructure,”; and

14 (B) by inserting “mold remediation,” after
15 “energy efficiency,”;

16 (3) in paragraph (4), by inserting “the costs of
17 operation and maintenance of units developed with
18 funds provided under this Act,” after “rental assist-
19 ance,”; and

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

21 “(9) RESERVE ACCOUNTS.—

22 “(A) IN GENERAL.—Subject to subpara-
23 graph (B), the deposit of amounts, including
24 grant amounts under section 101, in a reserve
25 account established for an Indian tribe only for

1 the purpose of accumulating amounts for ad-
2 ministration and planning relating to affordable
3 housing activities under this section, in accord-
4 ance with the Indian housing plan of the Indian
5 tribe.

6 “(B) MAXIMUM AMOUNT.—A reserve ac-
7 count established under subparagraph (A) shall
8 consist of not more than an amount equal to $\frac{1}{4}$
9 of the 5-year average of the annual amount
10 used by a recipient for administration and plan-
11 ning under paragraph (2).”.

12 **SEC. 203. PROGRAM REQUIREMENTS.**

13 Section 203 of the Native American Housing Assist-
14 ance and Self-Determination Act of 1996 (25 U.S.C.
15 4133) is amended by adding at the end the following:

16 “(f) USE OF GRANT AMOUNTS OVER EXTENDED PE-
17 RIODS.—To the extent that the Indian housing plan for
18 an Indian tribe provides for the use of amounts of a grant
19 under section 101 for a period of more than 1 fiscal year,
20 or for affordable housing activities for which the amounts
21 will be committed for use or expended during a subsequent
22 fiscal year, the Secretary shall not require those amounts
23 to be used or committed for use at any time earlier than
24 otherwise provided for in the Indian housing plan.

1 “(g) DE MINIMIS EXEMPTION FOR PROCUREMENT
2 OF GOODS AND SERVICES.—Notwithstanding any other
3 provision of law, a recipient shall not be required to act
4 in accordance with any otherwise applicable competitive
5 procurement rule or procedure with respect to the procure-
6 ment, using a grant provided under this Act, of goods and
7 services the value of which is less than \$5,000.”.

8 **SEC. 204. LOW-INCOME REQUIREMENT AND INCOME TAR-**
9 **GETING.**

10 Section 205 of the Native American Housing Assist-
11 ance and Self-Determination Act of 1996 (25 U.S.C.
12 4135) is amended by adding at the end the following:

13 “(c) APPLICABILITY.—This section applies only to
14 rental and homeownership units that are owned or oper-
15 ated by a recipient.”.

16 **SEC. 205. TREATMENT OF FUNDS.**

17 The Native American Housing Assistance and Self-
18 Determination Act of 1996 is amended by inserting after
19 section 205 (25 U.S.C. 4135) the following:

20 **“SEC. 206. TREATMENT OF FUNDS.**

21 “Notwithstanding any other provision of law, tenant-
22 and project-based rental assistance provided using funds
23 made available under this Act shall not be considered to
24 be Federal funds for purposes of section 42 of the Internal
25 Revenue Code of 1986.”.

1 **SEC. 206. AVAILABILITY OF RECORDS.**

2 Section 208(a) of the Native American Housing As-
3 sistance and Self-Determination Act of 1996 (25 U.S.C.
4 4138(a)) is amended by inserting “applicants for employ-
5 ment, and of” after “records of”.

6 **SEC. 207. INVESTMENT OF GRANT FUNDS; REGIONAL TRIB-**
7 **ALLY DESIGNATED HOUSING ENTITY PRO-**
8 **GRAMS.**

9 The Native American Housing Assistance and Self-
10 Determination Act of 1996 is amended by inserting after
11 section 210 (25 U.S.C. 4140) the following:

12 **“SEC. 211. INVESTMENT OF GRANT FUNDS.**

13 “(a) IN GENERAL.—A recipient may invest amounts
14 received under this title for the purposes of carrying out
15 affordable housing activities in investment securities and
16 other obligations in accordance with this section.

17 “(b) REQUIREMENTS.—A recipient may invest
18 amounts only if the recipient demonstrates to the satisfac-
19 tion of the Secretary that—

20 “(1) there are no unresolved significant and
21 material audit findings or exceptions in the most re-
22 cent annual audit completed under chapter 75 of
23 title 31, United States Code (commonly known as
24 the ‘Single Audit Act’) or an independent financial
25 audit prepared in accordance with generally accepted
26 auditing principles; and

1 “(2) the recipient—

2 “(A) is an Indian tribe that participates in
3 tribal self-governance pursuant to the Indian
4 Self-Determination and Education Assistance
5 Act (25 U.S.C. 450 et seq.); or

6 “(B) has the administrative capacity and
7 controls to responsibly manage the investment.

8 “(c) ELIGIBLE INVESTMENTS.—A recipient shall in-
9 vest amounts only in—

10 “(1)(A) obligations of the United States;

11 “(B) obligations issued by Federal Government-
12 sponsored agencies;

13 “(C) securities that are guaranteed or insured
14 by the United States; or

15 “(D) mutual (or other) funds that are reg-
16 istered with the Securities and Exchange Commis-
17 sion and that invest only in obligations of the United
18 States or securities that are guaranteed or insured
19 by the United States; or

20 “(2) accounts that are insured by an agency or
21 instrumentality of the United States or fully
22 collateralized to ensure protection of the funds, even
23 in the event of bank failure.

24 “(d) ACCOUNTS.—

1 “(1) IN GENERAL.—Amounts received under
2 this title shall be held in 1 or more accounts separate
3 from other funds of the recipient.

4 “(2) AGREEMENT.—Each of the accounts described
5 in paragraph (1) shall be subject to an agreement in a form
6 prescribed by the Secretary that is sufficient—

8 “(A) to implement the regulations contained
9 in part 1000 of title 24, Code of Federal Regulations (or successor
10 regulations); and

11 “(B) to permit the Department of Housing
12 and Urban Development to exercise the rights of the Department
13 under 1000.60 of that title (or a successor regulation).

14 “(e) TREATMENT.—An expenditure of amounts for
15 affordable housing activities under section 204(a) shall not
16 be considered to be an investment for purposes of this section.
17
18

19 “(f) ELIGIBLE AMOUNTS.—Of amounts received
20 under this title, a recipient may invest an amount equal
21 to the product obtained by multiplying—

22 “(1) the difference between—

23 “(A) the amount of the annual formula
24 grant; and

1 “(B) any formula grant amounts allocated
2 for the operating subsidy element of the For-
3 mula Current Assisted Housing Stock compo-
4 nent of the formula in accordance with sections
5 1000.316(a) and 1000.320 of title 24, Code of
6 Federal Regulations (or successor regulations);
7 and

8 “(2)(A) for each of fiscal years **【2008 and**
9 **2009】**, 50 percent;

10 “(B) for fiscal year **【2010】**, 75 percent; and

11 “(C) for fiscal year **【2011 and each fiscal year**
12 **thereafter】**, 100 percent.

13 “(g) **TERM.**—An investment under this section may
14 be for a period no more than 2 years.

15 **“SEC. 212. REGIONAL TRIBALLY DESIGNATED HOUSING EN-**
16 **TITY PROGRAMS.**

17 “(a) **ESTABLISHMENT.**—Any group of 2 or more In-
18 dian tribes that, as determined by the governing bodies
19 of the Indian tribes, do not possess sufficient resources
20 to operate a tribally designated housing entity or otherwise
21 carry out large-scale activities using grants provided under
22 this Act may establish a regional tribally designated hous-
23 ing entity to consolidate resources and facilitate collabora-
24 tion among those Indian tribes.

1 “(b) MEMORANDUM OF UNDERSTANDING.—On es-
2 tablishing a regional tribally designated housing entity
3 under subsection (a), each member Indian tribe shall enter
4 into a memorandum of understanding relating to the de-
5 velopment and rehabilitation projects and operation and
6 maintenance activities to be carried out by the regional
7 tribally designated housing entity that includes—

8 “(1) a description of each project and activity;

9 “(2) a timeline for completion of each project
10 and activity;

11 “(3) a description of the manner in which funds
12 and other resources of each member Indian tribe will
13 be used to carry out the projects and activities; and

14 “(4) the sequence in which the projects and ac-
15 tivities will be carried out to ensure an equitable dis-
16 tribution of benefits to each member Indian tribe, to
17 the maximum extent practicable.

18 “(c) USE OF GRANTS.—A regional tribally designated
19 housing entity may use the total amount of grant funds
20 provided under this Act to each member Indian tribe—

21 “(1) to carry out projects and activities de-
22 scribed in subsection (b);

23 “(2) to purchase necessary equipment and sup-
24 plies relating to those projects and activities; and

1 “(3) to submit bids for construction and reha-
2 bilitation projects to benefit any member Indian
3 tribe.

4 “(d) COLLECTIVE BORROWING.—A regional tribally
5 designated housing entity may submit an application for
6 a loan (including a loan under title VI) on behalf of any
7 member Indian tribe for purposes of carrying out a project
8 or activity to benefit the Indian tribe that the Indian tribe
9 could not carry out absent the assistance of the regional
10 tribally designated housing entity.”.

11 **SEC. 208. SELF-DETERMINED HOUSING ACTIVITIES FOR**
12 **TRIBAL COMMUNITIES PROGRAM.**

13 (a) ESTABLISHMENT OF PROGRAM.—Title II of the
14 Native American Housing Assistance and Self-Determina-
15 tion Act of 1996 (25 U.S.C. 4131 et seq.) is amended—

16 (1) by inserting after the title designation and
17 heading the following:

18 **“Subtitle A—General Block Grant**
19 **Program”;**

20 and

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

1 **“Subtitle B—Self-Determined Hous-**
2 **ing Activities for Tribal Commu-**
3 **nities**

4 **“SEC. 231. PURPOSE.**

5 “The purpose of this subtitle is to establish a pro-
6 gram for self-determined housing activities for the tribal
7 communities to provide Indian tribes with the flexibility
8 to use a portion of the grant amounts under section 101
9 for the Indian tribe in manners that are wholly self-deter-
10 mined by the Indian tribe for housing activities involving
11 construction, acquisition, rehabilitation, or infrastructure
12 relating to housing activities of housing that will benefit
13 the community served by the Indian tribe.

14 **“SEC. 232. PROGRAM AUTHORITY.**

15 “(a) DEFINITION OF QUALIFYING INDIAN TRIBE.—
16 In this section, the term ‘qualifying Indian tribe’ means,
17 with respect to a fiscal year, an Indian tribe or tribally
18 designated housing entity—

19 “(1) on behalf of which a grant is made under
20 section 101;

21 “(2) that has complied with the requirements of
22 section 102(b)(6); and

23 “(3) that, during the preceding 3-fiscal-year pe-
24 riod, has no unresolved significant and material
25 audit findings or exceptions, as demonstrated in—

1 “(A) the annual audits of that period com-
2 pleted under chapter 75 of title 31, United
3 States Code (commonly known as the ‘Single
4 Audit Act’); or

5 “(B) an independent financial audit pre-
6 pared in accordance with generally accepted au-
7 diting principles.

8 “(b) **AUTHORITY.**—Under the program under this
9 subtitle, for each of fiscal years 2008 through 2012, the
10 recipient for each qualifying Indian tribe may use the
11 amounts specified in subsection (c) in accordance with this
12 subtitle.

13 “(c) **AMOUNTS.**—With respect to a fiscal year and a
14 recipient, the amounts referred to in subsection (b) are
15 amounts from any grant provided under section 101 to
16 the recipient for the fiscal year, as determined by the re-
17 cipient, but in no case exceeding the lesser of—

18 “(1) an amount equal to 15 percent of the total
19 grant amount for the recipient for that fiscal year;
20 and

21 “(2) \$1,000,000.

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

23 “(a) **ELIGIBLE HOUSING ACTIVITIES.**—Any amounts
24 made available for use under this subtitle by a recipient
25 for an Indian tribe shall be used only for housing activi-

1 ties, as selected at the discretion of the recipient and de-
2 scribed in the Indian housing plan for the Indian tribe
3 pursuant to section 102(b)(6), for the construction, acqui-
4 sition, or rehabilitation of housing or infrastructure to
5 provide a benefit to families described in section
6 201(b)(1).

7 “(b) PROHIBITION ON CERTAIN ACTIVITIES.—
8 Amounts made available for use under this subtitle may
9 not be used for commercial or economic development.

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

11 “(a) IN GENERAL.—Except as otherwise specifically
12 provided in this Act, title I, subtitle A of title II, and titles
13 III through VIII shall not apply to—

14 “(1) the program under this subtitle; or

15 “(2) amounts made available in accordance with
16 this subtitle.

17 “(b) APPLICABLE PROVISIONS.—The following provi-
18 sions of titles I through VIII shall apply to the program
19 under this subtitle and amounts made available in accord-
20 ance with this subtitle:

21 “(1) Section 101(c) (relating to local coopera-
22 tion agreements).

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

1 “(3) Section 102(b)(4) (relating to certification
2 of compliance).

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

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

7 “(6) Section 201(b) (relating to eligible fami-
8 lies).

9 “(7) Section 203(c) (relating to insurance cov-
10 erage).

11 “(8) Section 209 (relating to noncompliance
12 with affordable housing requirement).

13 “(9) Section 401 (relating to remedies for non-
14 compliance).

15 “(10) Section 408 (relating to public avail-
16 ability of information).

17 “(11) Section 702 (relating to 50-year leasehold
18 interests in trust or restricted lands for housing pur-
19 poses).

20 **“SEC. 235. REVIEW AND REPORT.**

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

24 “(1) the housing constructed, acquired, or reha-
25 bilitated under the program;

1 “(2) the effects of the housing described in
2 paragraph (1) on costs to low-income families of af-
3 fordable housing;

4 “(3) the effectiveness of each recipient in
5 achieving the results intended to be achieved, as de-
6 scribed in the Indian housing plan for the Indian
7 tribe; and

8 “(4) the need for, and effectiveness of, extend-
9 ing the duration of the program and increasing the
10 amount of grants under section 101 that may be
11 used under the program.

12 “(b) REPORT.—Not later than December 31, 2011,
13 the Secretary shall submit to Congress a report describing
14 the information obtained pursuant to the review under
15 subsection (a) (including any conclusions and rec-
16 ommendations of the Secretary with respect to the pro-
17 gram under this subtitle), including—

18 “(1) recommendations regarding extension of
19 the program for subsequent fiscal years and increas-
20 ing the amounts under section 232(c) that may be
21 used under the program; and

22 “(2) recommendations for—

23 “(A)(i) specific Indian tribes or recipients
24 that should be prohibited from participating in
25 the program for failure to achieve results; and

1 “(ii) the period for which such a prohibi-
2 tion should remain in effect; or

3 “(B) standards and procedures by which
4 Indian tribes or recipients may be prohibited
5 from participating in the program for failure to
6 achieve results.

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

14 (b) TECHNICAL AMENDMENT.—The table of contents
15 in section 1(b) of the Native American Housing Assistance
16 and Self-Determination Act of 1996 (25 U.S.C. 4101
17 note) is amended—

18 (1) by inserting after the item for title II the
19 following:

 “Subtitle A—General Block Grant Program”;

20 (2) by inserting after the item for section 205
21 the following:

 “Sec. 206. Treatment of funds.”;

22 (3) by inserting after the item for section 210
23 the following:

“Sec. 211. Investment of grant funds.

“Sec. 212. Regional tribally designated housing entity programs.”;

1 and

2 (4) by inserting before the item for title III the

3 following:

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

“Sec. 231. Purposes.

“Sec. 232. Program authority.

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

“Sec. 234. Inapplicability of other provisions.

“Sec. 235. Review and report.”.

4 **TITLE III—ALLOCATION OF**
5 **GRANT AMOUNTS**

6 **SEC. 301. ALLOCATION FORMULA.**

7 Section 302 of the Native American Housing Assist-

8 ance and Self-Determination Act of 1996 (25 U.S.C.

9 4152) is amended—

10 (1) in subsection (a)—

11 (A) by striking “The Secretary” and in-
12 serting the following:

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

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

15 “(2) STUDY.—Not later than 2 years after the
16 date of enactment of this paragraph, the Comp-
17 troller General of the United States shall conduct a
18 study on, and submit to Congress a report describ-
19 ing—

20 “(A) the feasibility of using an alternative
21 data set for the need component of the block

1 grant formula established under paragraph (1);
2 and

3 “(B) the feasibility of using an alternative
4 data set to the data set of the most recent de-
5 cennial census in determining the need compo-
6 nent of the block grant formula.”; and

7 (2) in subsection (b)(1), by striking “Sec-
8 retary.” and inserting the following: “Secretary, sub-
9 ject to the condition that such a unit shall not be
10 considered to be a low-income housing dwelling unit
11 for purposes of this section in any case in which—

12 “(A) the recipient ceases to possess the
13 legal right to own, operate, or maintain the
14 unit; or

15 “(B) the unit is lost by conveyance, demo-
16 lition, or another means.”.

17 **TITLE IV—COMPLIANCE,** 18 **AUDITS, AND REPORTS**

19 **SEC. 401. REMEDIES FOR NONCOMPLIANCE.**

20 Section 401(a) of the Native American Housing As-
21 sistance and Self-Determination Act of 1996 (25 U.S.C.
22 4161(a)) is amended—

23 (1) by redesignating paragraphs (2) and (3) as
24 paragraphs (3) and (4), respectively; and

1 (2) by inserting after paragraph (1) the fol-
2 lowing:

3 “(2) SUBSTANTIAL NONCOMPLIANCE.—The
4 failure of a recipient to comply with the require-
5 ments of section 302(b)(1) regarding the reporting
6 of low-income dwelling units shall not, in itself, be
7 considered to be substantial noncompliance for pur-
8 poses of this title.”.

9 **SEC. 402. MONITORING OF COMPLIANCE.**

10 Section 403(b) of the Native American Housing As-
11 sistance and Self-Determination Act of 1996 (25 U.S.C.
12 4163(b)) is amended in the second sentence by inserting
13 “an appropriate level of” after “shall include”.

14 **SEC. 403. PERFORMANCE REPORTS.**

15 Section 404(b) of the Native American Housing As-
16 sistance and Self-Determination Act of 1996 (25 U.S.C.
17 4164(b)) is amended—

18 (1) in paragraph (2)—

19 (A) by striking “goals” and inserting
20 “planned activities”; and

21 (B) by adding “and” after the semicolon
22 at the end;

23 (2) in paragraph (3), by striking “; and” at the
24 end and inserting a period; and

25 (3) by striking paragraph (4).

1 **TITLE V—TERMINATION OF AS-**
2 **SISTANCE FOR INDIAN**
3 **TRIBES UNDER INCOR-**
4 **PORATED PROGRAMS**

5 **SEC. 501. EFFECT ON HOME INVESTMENT PARTNERSHIPS**
6 **ACT.**

7 (a) IN GENERAL.—Title V of the Native American
8 Housing Assistance and Self-Determination Act of 1996
9 (25 U.S.C. 4181 et seq.) is amended by adding at the end
10 the following:

11 **“SEC. 509. EFFECT ON HOME INVESTMENT PARTNERSHIPS**
12 **ACT.**

13 “Nothing in this Act or an amendment made by this
14 Act prohibits or prevents any participating jurisdiction
15 (within the meaning of the HOME Investment Partner-
16 ships Act (42 U.S.C. 12721 et seq.)) from providing any
17 amounts made available to the participating jurisdiction
18 under that Act (42 U.S.C. 12721 et seq.) to an Indian
19 tribe or a tribally designated housing entity for use in ac-
20 cordance with that Act (42 U.S.C. 12721 et seq.).”.

21 (b) CONFORMING AMENDMENT.—The table of con-
22 tents in section 1(b) of the Native American Housing As-
23 sistance and Self-Determination Act of 1996 (25 U.S.C.

1 4101 note) is amended by inserting after the item relating
2 to section 508 the following:

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

3 **TITLE VI—FEDERAL GUARAN-**
4 **TEES FOR FINANCING FOR**
5 **TRIBAL HOUSING AND COM-**
6 **MUNITY DEVELOPMENT AC-**
7 **TIVITIES**

8 **SEC. 601. TITLE HEADING.**

9 (a) IN GENERAL.—The heading of title VI of the Na-
10 tive American Housing Assistance and Self-Determination
11 Act of 1996 (25 U.S.C. 4191 et seq.) is amended by in-
12 serting “**AND COMMUNITY DEVELOPMENT**
13 **ACTIVITIES**” after “**TRIBAL HOUSING**”.

14 (b) CONFORMING AMENDMENT.—The table of con-
15 tents in section 1(b) of the Native American Housing As-
16 sistance and Self-Determination Act of 1996 (25 U.S.C.
17 4101 note) is amended by striking the item relating to
18 the heading of title VI and inserting the following:

“TITLE VI—FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL
HOUSING AND COMMUNITY DEVELOPMENT ACTIVITIES”.

19 **SEC. 602. AUTHORITY AND REQUIREMENTS.**

20 Section 601 of the Native American Housing Assist-
21 ance and Self-Determination Act of 1996 (25 U.S.C.
22 4191) is amended—

23 (1) in subsection (a)—

1 (A) by striking “financing affordable hous-
2 ing” and inserting the following: “financing—
3 “(1) affordable housing”;

4 (B) in paragraph (1) (as designated by
5 subparagraph (A)), by striking the period at the
6 end and inserting “; and”; and

7 (C) by adding at the end the following:

8 “(2) activities that, under title I—

9 “(A) are eligible for financing; and

10 “(B) are the subject of a note or other
11 guaranteed obligation.”; and

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

13 “(e) DEMONSTRATION PROGRAM.—

14 “(1) ESTABLISHMENT.—The Secretary shall es-
15 tablish a demonstration program under which the
16 Secretary shall provide loan guarantees under this
17 section to Indian tribes and tribally designated hous-
18 ing entities to support activities that benefit low-in-
19 come families on Indian reservations and in other
20 Indian areas.

21 “(2) APPLICABILITY TO TITLE I.—Of the ag-
22 gregate amount of loan guarantees provided pursu-
23 ant to the demonstration program under this sub-
24 section, not more than 50 percent shall be for activi-
25 ties that are—

1 “(A) eligible to receive a grant under title
2 I; but

3 “(B) not eligible to receive funds (includ-
4 ing through loans or loan guarantees) under
5 this title.

6 “(3) USE OF OTHER FUNDS UNDER THIS
7 ACT.—For purposes of carrying out a project using
8 a loan guarantee provided under this subsection, an
9 Indian tribe or tribally designated housing entity
10 may use funds provided under any other provision of
11 this Act only in the proportion that—

12 “(A) the amount of those funds provided
13 specifically for activities that benefit low-income
14 families on Indian reservations and in other In-
15 dian areas; bears to

16 “(B) the total amount of those funds.

17 “(4) REPORT.—Not later than 4 years after the
18 date on which the demonstration program is estab-
19 lished under paragraph (1), the Secretary shall sub-
20 mit to Congress a report describing—

21 “(A) the activities carried out using loan
22 guarantees provided under the demonstration
23 program; and

24 “(B) the success of the demonstration pro-
25 gram.

1 “(5) TERMINATION.—The authority under this
2 subsection terminates on the date that is 5 years
3 after the date on which the demonstration program
4 is established under paragraph (1).”.

5 **SEC. 603. TRAINING AND INFORMATION.**

6 Section 604 of the Native American Housing Assist-
7 ance and Self-Determination Act of 1996 (25 U.S.C.
8 4194) is amended by inserting “, including by conducting
9 educational seminars with Indian tribes and tribally des-
10 ignated housing entities on methods of using the loan
11 guarantee program under this title” before the period at
12 the end.

13 **SEC. 604. LIMITATIONS ON AMOUNT OF GUARANTEES.**

14 Section 605 of the Native American Housing Assist-
15 ance and Self-Determination Act of 1996 (25 U.S.C.
16 4195) is amended in subsections (a) and (b) by striking
17 “1997 through 2007” each place it appears and inserting
18 “2008 through 2012”.

19 **TITLE VII—OTHER HOUSING AS-**
20 **SISTANCE FOR NATIVE AMER-**
21 **ICANS**

22 **SEC. 701. TRAINING AND TECHNICAL ASSISTANCE.**

23 Section 703 of the Native American Housing Assist-
24 ance and Self-Determination Act of 1996 (25 U.S.C.

- 1 4212) is amended by striking “1997 through 2007” and
- 2 inserting “2008 through 2012”.