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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

# H. R. 5195

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

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## IN THE HOUSE OF REPRESENTATIVES

Ms. WATERS introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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## 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

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

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

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

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

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

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

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

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

23 (b) PAY RATE.—Section 5315 of title 5, United  
24 States Code is amended, in the item relating to Assistant

1 Secretaries of Housing and Urban Development, by strik-  
2 ing “(8)” and inserting “(9)”.

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

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

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

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

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

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

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

1 ing Assistance and Self-Determination Act of 1996 (25  
2 U.S.C. 4112(a)) for annual submission of one-year hous-  
3 ing plans for an Indian tribe. Such recommendations shall  
4 include a description of any legislative and regulatory  
5 changes necessary to implement such recommendations.

6 **SEC. 103. ENVIRONMENTAL REVIEW.**

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

8 (1) in subsection (d)—

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

11 (B) by adding after and below paragraph  
12 (4) the following:

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

16 (2) by adding at the end the following new sub-  
17 section:

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

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

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

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

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

22 (b) DEFINITION.—Section 4 (25 U.S.C. 4103) is  
23 amended—

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

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

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

17                           **TITLE II—AFFORDABLE**  
18                           **HOUSING ACTIVITIES**

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

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

22                   (1) by striking “1964 and” and inserting  
23           “1964,”; and

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

4 **SEC. 202. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-IN-**  
5                           **COME REQUIREMENT AND INCOME TAR-**  
6                           **GETING.**

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

8           (1) in subsection (a)(1)—

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

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

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

24           (2) in subsection (c), by adding after the period  
25           at the end the following: “The provisions of such



1 paragraph regarding binding commitments for the  
2 remaining useful life of the property shall not apply  
3 to improvements of privately owned homes if the  
4 cost of such improvements do not exceed 10 percent  
5 of the maximum total development cost for such  
6 home.”.

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

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

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

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

18 (a) IN GENERAL.—Subtitle A of title II (25 U.S.C.  
19 4131 et seq.) is amended by adding at the end the fol-  
20 lowing new section:

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

22 “Notwithstanding any other provision of law, a re-  
23 cipient authorized to receive funding under this Act may,  
24 in its discretion, use funding from the Indian Health Serv-  
25 ices of the Department of Health and Human Services for

1 construction of sanitation facilities for housing construc-  
2 tion and renovation projects that are funded in part by  
3 funds provided under this Act.”.

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

“Sec. 211. IHS sanitation facilities construction.”

7 **SEC. 205. EXCEPTION TO MAXIMUM TOTAL DEVELOPMENT**  
8 **COST FOR ENERGY EFFICIENT HOUSING.**

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

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

19 **TITLE III—ALLOCATION OF**  
20 **GRANT AMOUNTS**

21 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

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

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

2 “There is authorized to be appropriated for grants  
3 under this title—

4 “(1) \$680,000,000 for fiscal year 2022;

5 “(2) \$713,000,000 for fiscal year 2023;

6 “(3) \$747,000,000 for fiscal year 2024;

7 “(4) \$783,000,000 for fiscal year 2025; and

8 “(5) \$820,000,000 for fiscal year 2026.”.

9 **SEC. 302. EFFECT OF UNDISBURSED BLOCK GRANT**  
10 **AMOUNTS ON ANNUAL ALLOCATIONS.**

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

13 **“SEC. 303. EFFECT OF UNDISBURSED GRANT AMOUNTS ON**  
14 **ANNUAL ALLOCATIONS.**

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

23 “(1) before October 31 of such year, notify the  
24 Indian tribe allocated the grant amounts and any  
25 tribally designated housing entity for the tribe of the  
26 undisbursed funds; and

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

4           “(A) notify the Secretary in writing of the  
5 reasons why the recipient has not requested the  
6 disbursement of such amounts; and

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

13       “(b) ALLOCATION AMOUNT.—Notwithstanding sec-  
14 tions 301 and 302, the allocation for such fiscal year for  
15 a recipient described in subsection (a) shall be the amount  
16 initially calculated according to the formula minus the dif-  
17 ference between the recipient’s total amount of  
18 undisbursed block grants in the Department’s line of cred-  
19 it control system on such January 1 and three times the  
20 initial formula amount for such fiscal year.

21       “(c) REALLOCATION.—Notwithstanding any other  
22 provision of law, any grant amounts not allocated to a re-  
23 cipient pursuant to subsection (b) shall be allocated under  
24 the need component of the formula proportionately

1 amount all other Indian tribes not subject to such an ad-  
2 justment.

3 “(d) INAPPLICABILITY.—Subsections (a) and (b)  
4 shall not apply to an Indian tribe with respect to any fiscal  
5 year for which the amount allocated for the tribe for block  
6 grants under this Act is less than \$5,000,000.

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

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

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

## 14 **TITLE IV—AUDITS AND REPORTS**

### 15 **SEC. 401. REVIEW AND AUDIT BY SECRETARY.**

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

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

### 22 **SEC. 402. REPORTS TO CONGRESS.**

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

24 (1) in subsection (a), by striking “Congress”  
25 and inserting “Committee on Financial Services and

1 the Committee on Natural Resources of the House  
2 of Representatives, to the Committee on Indian Af-  
3 fairs and the Committee on Banking, Housing, and  
4 Urban Affairs of the Senate, and to any subcommit-  
5 tees of such committees having jurisdiction with re-  
6 spect to Native American and Alaska Native af-  
7 fairs,”; and

8 (2) by adding at the end the following new sub-  
9 section:

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

13 **TITLE V—OTHER HOUSING AS-**  
14 **SISTANCE FOR NATIVE AMER-**  
15 **ICANS**

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

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

22 “(E) INDIAN VETERANS HOUSING RENTAL  
23 ASSISTANCE PROGRAM.—

24 “(i) DEFINITIONS.—In this subpara-  
25 graph:

1           “(I) ELIGIBLE INDIAN VET-  
2 ERAN.—The term ‘eligible Indian vet-  
3 eran’ means an Indian veteran who  
4 is—

5                   “(aa) homeless or at risk of  
6 homelessness; and

7                   “(bb) living—

8                           “(AA) on or near a res-  
9 ervation; or

10                           “(BB) in or near any  
11 other Indian area.

12           “(II) ELIGIBLE RECIPIENT.—  
13 The term ‘eligible recipient’ means a  
14 recipient eligible to receive a grant  
15 under section 101 of the Native  
16 American Housing Assistance and  
17 Self-Determination Act of 1996 (25  
18 U.S.C. 4111).

19           “(III) INDIAN; INDIAN AREA.—  
20 The terms ‘Indian’ and ‘Indian area’  
21 have the meanings given such terms  
22 in section 4 of the Native American  
23 Housing Assistance and Self-Deter-  
24 mination Act of 1996 (25 U.S.C.  
25 4103).

1                   “(IV) INDIAN VETERAN.—The  
2                   term ‘Indian veteran’ means an In-  
3                   dian who is a veteran.

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

7                   “(VI) TRIBAL ORGANIZATION.—  
8                   The term ‘tribal organization’ has the  
9                   meaning given such term in section 4  
10                  of the Indian Self-Determination and  
11                  Education Assistance Act (25 U.S.C.  
12                  5304).

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

23                  “(iii) MODEL.—

24                  “(I) IN GENERAL.—Except as  
25                  provided in subclause (II), the Sec-



1           retary shall model the Program on the  
2           rental assistance and supported hous-  
3           ing program authorized under sub-  
4           paragraph (A) and applicable appro-  
5           priations Acts, including administra-  
6           tion in conjunction with the Secretary  
7           of Veterans Affairs.

8                           “(II) EXCEPTIONS.—

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

20                                   “(bb) SECRETARY OF VET-  
21                                   ERANS AFFAIRS.—After consulta-  
22                                   tion with Indian tribes, eligible  
23                                   recipients, and any other appro-  
24                                   priate tribal organizations, the  
25                                   Secretary of Veterans Affairs

1                   may make necessary and appro-  
2                   priate modifications to facilitate  
3                   the use of the Program by eligi-  
4                   ble recipients to serve eligible In-  
5                   dian veterans.

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

11                  “(v) FUNDING CRITERIA.—The Sec-  
12                  retary shall award grants under the Pro-  
13                  gram based on—

14                         “(I) need;

15                         “(II) administrative capacity; and

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

21                  “(vi) ADMINISTRATION.—Grants  
22                  awarded under the Program shall be ad-  
23                  ministered in accordance with the Native  
24                  American Housing Assistance and Self-De-

1 termination Act of 1996 (25 U.S.C. 4101  
2 et seq.), except that recipients shall—

3 “(I) submit to the Secretary, in a  
4 manner prescribed by the Secretary,  
5 reports on the utilization of rental as-  
6 sistance provided under the Program;  
7 and

8 “(II) provide to the Secretary in-  
9 formation specified by the Secretary  
10 to assess the effectiveness of the Pro-  
11 gram in serving eligible Indian vet-  
12 erans.

13 “(vii) CONSULTATION.—

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

24 “(II) INDIAN HEALTH SERV-  
25 ICE.—The Director of the Indian

1 Health Service shall provide any as-  
2 sistance requested by the Secretary or  
3 the Secretary of Veterans Affairs in  
4 carrying out the Program.

5 “(viii) WAIVER.—

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

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

1                   “(ix) RENEWAL GRANTS.—The Sec-  
2                   retary may—

3                               “(I) set aside, from amounts  
4                               made available for tenant-based rental  
5                               assistance under this subsection and  
6                               without regard to the amounts used  
7                               for new grants under clause (ii), such  
8                               amounts as may be necessary to  
9                               award renewal grants to eligible re-  
10                              cipients that received a grant under  
11                              the Program in a previous year; and

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

19                   “(x) REPORTING.—

20                              “(I) IN GENERAL.—Not later  
21                              than 1 year after the date of enact-  
22                              ment of the Tribal HUD–VASH Act  
23                              of 2021, and every 5 years thereafter,  
24                              the Secretary, in coordination with the  
25                              Secretary of Veterans Affairs and the

1 Director of the Indian Health Service,  
2 shall—

3 “(aa) conduct a review of  
4 the implementation of the Pro-  
5 gram, including any factors that  
6 may have limited its success; and

7 “(bb) submit a report de-  
8 scribing the results of the review  
9 under item (aa) to—

10 “(AA) the Committee  
11 on Indian Affairs, the Com-  
12 mittee on Banking, Housing,  
13 and Urban Affairs, the  
14 Committee on Veterans’ Af-  
15 fairs, and the Committee on  
16 Appropriations of the Sen-  
17 ate; and

18 “(BB) the Sub-  
19 committee on Indian, Insu-  
20 lar and Alaska Native Af-  
21 fairs of the Committee on  
22 Natural Resources, the  
23 Committee on Financial  
24 Services, the Committee on  
25 Veterans’ Affairs, and the

1                   Committee on Appropria-  
2                   tions of the House of Rep-  
3                   resentatives.

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

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

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

22                  “(cc) proposed alternative  
23                  legislation or regulations devel-  
24                  oped by the Secretary in con-  
25                  sultation with recipients of

1 grants under the Program to  
2 allow the use of formula current  
3 assisted stock within the Pro-  
4 gram.”.

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

6 (a) AUTHORIZATION OF APPROPRIATIONS.—Section  
7 184(i) of the Housing and Community Development Act  
8 of 1992 (12 U.S.C. 1715z–13a(i)) is amended—

9 (1) in paragraph (5)—

10 (A) in subparagraph (C), by striking  
11 “2008 through 2012” and inserting “2022  
12 through 2026”; 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) \$12,200,000 for fiscal year 2022;

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

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

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

22 and

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

24 (b) FORECLOSURE PROCEEDINGS.—



1           (1) JURISDICTION.—Paragraph (1) of section  
2           184(h) of the Housing and Community Development  
3           Act of 1992 (12 U.S.C. 1715z–13a(h)(1)) is amend-  
4           ed—

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

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

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

1 and use the services of private attorneys in handling  
2 such foreclosure proceedings if the Attorney General  
3 determines use of such attorneys will facilitate com-  
4 petent and cost-effective representation.”.

5 **SEC. 503. SET-ASIDE OF USDA RURAL HOUSING FUNDING**  
6 **FOR INDIAN TRIBES.**

7 Section 509 of the Housing Act of 1949 (42 U.S.C.  
8 1479) is amended by adding at the end the following new  
9 subsection:

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

1 laws and regulations relating to such assistance, notwith-  
2 standing this subsection.”.

3 **SEC. 504. INDIAN TRIBE ELIGIBILITY FOR HUD HOUSING**  
4 **COUNSELING.**

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

8 (1) in subparagraph (A)—

9 (A) by striking “and” and inserting a  
10 comma; and

11 (B) by inserting before the period at the  
12 end the following: “, Indian tribes, and tribally  
13 designated housing entities. For purposes of  
14 this paragraph, the terms ‘Indian tribe’ and  
15 ‘tribally designated housing entity’ shall have  
16 the same meanings given such terms in section  
17 4 of the Native American Housing Assistance  
18 and Self-Determination Act of 1996 (25 U.S.C.  
19 4103)”;

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

23 **SEC. 505. COMPETITIVE GRANTS.**

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

1 **“SEC. 706. COMPETITIVE GRANTS.**

2 “(a) **AUTHORITY.**—To the extent amounts are made  
3 available pursuant to subsection (d), the Secretary shall  
4 make grants under this section, pursuant to a competition  
5 for such grants, to eligible recipients of block grants under  
6 title I that apply for grants under this section for use only  
7 for carrying out eligible affordable housing activities under  
8 section 202 (25 U.S.C. 4132).

9 “(b) **PRIORITY; CONSIDERATIONS.**—In awarding  
10 grants under this section, the Secretary shall—

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

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

18 “(3) encourage necessary affordable housing-re-  
19 lated infrastructure projects that will enable future  
20 construction or rehabilitation; and

21 “(4) consider need and administrative capacity  
22 of applicants.

23 “(c) **ADMINISTRATIVE COSTS.**—Of any amounts  
24 made available pursuant to subsection (d) for any fiscal  
25 year, not more than 1 percent may be used by the Sec-  
26 retary for necessary costs of administering and overseeing

1 the obligation and expenditure of amounts made available  
2 for grants under this section.

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

6 “(1) \$100,000,000 for fiscal year 2022;

7 “(2) \$105,000,000 for fiscal year 2023;

8 “(3) \$110,000,000 for fiscal year 2024;

9 “(4) \$115,000,000 for fiscal year 2025; and

10 “(5) \$120,000,000 for fiscal year 2026.”.

## 11 **TITLE VI—MISCELLANEOUS**

### 12 **SEC. 601. LANDS TITLE REPORT COMMISSION.**

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

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

19 (2) in subsection (b)(1) by striking “this Act”  
20 and inserting “the Native American Housing Assist-  
21 ance and Self-Determination Reauthorization Act of  
22 2021”.

### 23 **SEC. 602. LEASEHOLD INTEREST IN TRUST OR RESTRICTED** 24 **LANDS FOR HOUSING PURPOSES.**

25 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.”.