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Eric Schatz

AMENDMENT NO. _____ Calendar No. _____

Purpose: To reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 2226

AMENDMENT N^o 1078

By *Schatz*

To: _____

S. 2226

43

Page(s)

GPO: 2022 50-123 (mac)

for military
e, for military
of the Depart-
ary personnel
other purposes.

_____ and

printed

: SCHATZ (for

himself and Ms. MURKOWSKI)

Viz:

1 At the end, add the following:

2 **DIVISION I—NATIVE AMERICAN**
3 **HOUSING ASSISTANCE AND**
4 **SELF-DETERMINATION REAU-**
5 **THORIZATION ACT OF 2023**

6 **SEC. 11001. SHORT TITLE.**

7 This division may be cited as the “Native American
8 Housing Assistance and Self-Determination Reauthoriza-
9 tion Act of 2023”.

1 **SEC. 11002. CONSOLIDATION OF ENVIRONMENTAL REVIEW**
2 **REQUIREMENTS.**

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

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

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

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

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

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

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

20 “(4) LIABILITY.—

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

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

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

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

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

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

5 **SEC. 11003. AUTHORIZATION OF APPROPRIATIONS.**

6 Section 108 of the Native American Housing Assist-
7 ance and Self-Determination Act of 1996 (25 U.S.C.
8 4117) is amended, in the first sentence, by striking “2009
9 through 2013” and inserting “2024 through 2030”.

10 **SEC. 11004. STUDENT HOUSING ASSISTANCE.**

11 Section 202(3) of the Native American Housing As-
12 sistance and Self-Determination Act of 1996 (25 U.S.C.
13 4132(3)) is amended by inserting “including college hous-
14 ing assistance” after “self-sufficiency and other services,”.

15 **SEC. 11005. APPLICATION OF RENT RULE ONLY TO UNITS**

16 **OWNED OR OPERATED BY INDIAN TRIBE OR**
17 **TRIBALLY DESIGNATED HOUSING ENTITY.**

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

22 **SEC. 11006. DE MINIMIS EXEMPTION FOR PROCUREMENT**
23 **OF GOODS AND SERVICES.**

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

1 4133(g)) is amended by striking “\$5,000” and inserting
2 “\$7,000”.

3 **SEC. 11007. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-IN-**
4 **COME REQUIREMENT AND INCOME TAR-**
5 **GETING.**

6 Section 205 of the Native American Housing Assist-
7 ance and Self-Determination Act of 1996 (25 U.S.C.
8 4135) is amended—

9 (1) in subsection (a)(1)—

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

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

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)—

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

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

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

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

12 **SEC. 11008. LEASE REQUIREMENTS AND TENANT SELEC-**
13 **TION.**

14 Section 207 of the Native American Housing Assist-
15 ance and Self-Determination Act of 1996 (25 U.S.C.
16 4137) is amended by adding at the end the following:

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

21 **SEC. 11009. INDIAN HEALTH SERVICE.**

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

1 **"SEC. 211. IHS SANITATION FACILITIES CONSTRUCTION.**

2 "Notwithstanding any other provision of law, the Di-
3 rector of the Indian Health Service, or a recipient receiv-
4 ing funding for a housing construction or renovation
5 project under this title, may use funding from the Indian
6 Health Service for the construction of sanitation facilities
7 under that project."

8 (b) CLERICAL AMENDMENT.—The table of contents
9 in section 1(b) of the Native American Housing Assistance
10 and Self-Determination Act of 1996 (Public Law 104—
11 330; 110 Stat. 4016) is amended by inserting after the
12 item relating to section 210 the following:

"Sec. 211. IHS sanitation facilities construction."

13 **SEC. 11010. STATUTORY AUTHORITY TO SUSPEND GRANT**
14 **FUNDS IN EMERGENCIES.**

15 Section 401(a)(4) of the Native American Housing
16 Assistance and Self-Determination Act of 1996 (25 U.S.C.
17 4161(a)(4)) is amended—

18 (1) in subparagraph (A), by striking "may take
19 an action described in paragraph (1)(C)" and insert-
20 ing "may immediately take an action described in
21 paragraph (1)(C)"; and

22 (2) by striking subparagraph (B) and inserting
23 the following:

24 **"(B) PROCEDURAL REQUIREMENTS.—**

1 “(i) IN GENERAL.—If the Secretary
2 takes an action described in subparagraph
3 (A), the Secretary shall provide notice to
4 the recipient at the time that the Secretary
5 takes that action.

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

12 “(iii) HEARING REQUIREMENTS.—A
13 hearing requested under clause (ii) shall be
14 conducted—

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

19 “(II) to the maximum extent
20 practicable, on an expedited basis.

21 “(iv) FAILURE TO CONDUCT A HEAR-
22 ING.—If a hearing requested under clause
23 (ii) is not completed by the date that is
24 180 days after the date on which the re-
25 cipient requests the hearing, the action of

1 the Secretary to limit the availability of
2 payments shall no longer be effective.”.

3 **SEC. 11011. REPORTS TO CONGRESS.**

4 Section 407 of the Native American Housing Assist-
5 ance and Self-Determination Act of 1996 (25 U.S.C.
6 4167) is amended—

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

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

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

16 **SEC. 11012. 99-YEAR LEASEHOLD INTEREST IN TRUST OR**
17 **RESTRICTED LANDS FOR HOUSING PUR-**
18 **POSES.**

19 Section 702 of the Native American Housing Assist-
20 ance and Self-Determination Act of 1996 (25 U.S.C.
21 4211) is amended—

22 (1) in the section heading, by striking “50-
23 YEAR” and inserting “99-YEAR”;

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

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

3 **SEC. 11013. AMENDMENTS FOR BLOCK GRANTS FOR AF-**
4 **FORDABLE HOUSING ACTIVITIES.**

5 Section 802(e) of the Native American Housing As-
6 sistance and Self-Determination Act of 1996 (25 U.S.C.
7 4222(e)) is amended by—

8 (1) by striking “The Director” and inserting
9 the following:

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

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

12 “(2) SUBAWARDS.—Notwithstanding any other
13 provision of law, including provisions of State law
14 requiring competitive procurement, the Director may
15 make subawards to subrecipients, except for for-
16 profit entities, using amounts provided under this
17 title to carry out affordable housing activities upon
18 a determination by the Director that such subrecipi-
19 ents have adequate capacity to carry out activities in
20 accordance with this Act.”.

21 **SEC. 11014. REAUTHORIZATION OF NATIVE HAWAIIAN**
22 **HOMEOWNERSHIP PROVISIONS.**

23 Section 824 of the Native American Housing Assist-
24 ance and Self-Determination Act of 1996 (25 U.S.C.
25 4243) is amended by striking “such sums as may be nec-

1 essary” and all that follows through the period at the end
2 and inserting “such sums as may be necessary for each
3 of fiscal years 2024 through 2030.”.

4 **SEC. 11015. TOTAL DEVELOPMENT COST MAXIMUM**
5 **PROJECT COST.**

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

17 **SEC. 11016. COMMUNITY-BASED DEVELOPMENT ORGANIZA-**
18 **TIONS AND SPECIAL ACTIVITIES BY INDIAN**
19 **TRIBES.**

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

23 “(i) INDIAN TRIBES AND TRIBALLY DESIGNATED
24 HOUSING ENTITIES AS COMMUNITY-BASED DEVELOP-
25 MENT ORGANIZATIONS.—

1 “(1) DEFINITION.—In this subsection, the term
2 ‘tribally designated housing entity’ has the meaning
3 given the term in section 4 of the Native American
4 Housing Assistance and Self-Determination Act of
5 1996 (25 U.S.C. 4103).

6 “(2) QUALIFICATION.—An Indian tribe, a trib-
7 ally designated housing entity, or a tribal organiza-
8 tion shall qualify as a community-based development
9 organization for purposes of carrying out new hous-
10 ing construction under this subsection under a grant
11 made under section 106(a)(1).

12 “(j) SPECIAL ACTIVITIES BY INDIAN TRIBES.—An
13 Indian tribe receiving a grant under paragraph (1) of sec-
14 tion 106(a)(1) shall be authorized to directly carry out ac-
15 tivities described in paragraph (15) of such section
16 106(a)(1).”.

17 **SEC. 11017. SECTION 184 INDIAN HOME LOAN GUARANTEE**
18 **PROGRAM.**

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

22 (1) by amending subsection (a) to read as fol-
23 lows:

24 “(a) AUTHORITY.—To provide access to sources of
25 private financing to Indian families, Indian housing au-

1 thorities, and Indian Tribes, who otherwise could not ac-
2 quire housing financing because of the unique legal status
3 of Indian lands and the unique nature of tribal economies,
4 and to expand homeownership opportunities to Indian
5 families, Indian housing authorities and Indian tribes on
6 fee simple lands, the Secretary may guarantee not to ex-
7 ceed 100 percent of the unpaid principal and interest due
8 on any loan eligible under subsection (b) made to an In-
9 dian family, Indian housing authority, or Indian Tribe on
10 trust land and fee simple land.”; and

11 (2) in subsection (b)—

12 (A) by amending paragraph (2) to read as
13 follows:

14 “(2) ELIGIBLE HOUSING.—The loan shall be
15 used to construct, acquire, refinance, or rehabilitate
16 1- to 4-family dwellings that are standard housing.”;

17 (B) in paragraph (4)—

18 (i) by redesignating subparagraphs
19 (A) through (D) as clauses (i) through
20 (iv), respectively, and adjusting the mar-
21 gins accordingly;

22 (ii) by striking “The loan” and insert-
23 ing the following:

24 “(A) IN GENERAL.—The loan”;

1 (iii) in subparagraph (A), as so des-
2 ignated, by adding at the end the fol-
3 lowing:

4 “(v) Any other lender that is super-
5 vised, approved, regulated, or insured by
6 any agency of the Federal Government, in-
7 cluding any entity certified as a community
8 development financial institution by the
9 Community Development Financial Insti-
10 tutions Fund established under section
11 104(a) of the Riegle Community Develop-
12 ment and Regulatory Improvement Act of
13 1994 (12 U.S.C. 4703(a)).”; and

14 (iv) by adding at the end the fol-
15 lowing:

16 “(B) DIRECT GUARANTEE PROCESS.—

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

21 “(ii) INDEMNIFICATION.—

22 “(I) IN GENERAL.—If the Sec-
23 retary determines that a mortgage
24 guaranteed through a direct guar-
25 antee process under this subpara-

1 graph was not originated in accord-
2 ance with the requirements estab-
3 lished by the Secretary, the Secretary
4 may require the lender approved
5 under this subparagraph to indemnify
6 the Secretary for the loss, irrespective
7 of whether the violation caused the
8 mortgage default.

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

17
18 “(C) REVIEW OF MORTGAGEES.—

19 “(i) IN GENERAL.—The Secretary
20 may periodically review the mortgagees
21 originating, underwriting, or servicing sin-
22 gle family mortgage loans under this sec-
23 tion.

24 “(ii) REQUIREMENTS.—In conducting
25 a review under clause (i), the Secretary—

1 “(I) shall compare the mortgagee
2 with other mortgagees originating or
3 underwriting loan guarantees for In-
4 dian housing based on the rates of de-
5 faults and claims for guaranteed
6 mortgage loans originated, under-
7 written, or serviced by that mort-
8 gagee;

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

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

23 “(I) may terminate the approval
24 of a mortgagee to originate, under-
25 write, or service loan guarantees for

1 housing under this section if the Sec-
2 retary determines that the mortgage
3 loans originated, underwritten, or
4 serviced by the mortgagee present an
5 unacceptable risk to the Indian Hous-
6 ing Loan Guarantee Fund established
7 under subsection (i)—

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

11 “(bb) by a determination
12 that the mortgagee engaged in
13 fraud or misrepresentation.”; and

14 (C) in paragraph (5)(A), by inserting be-
15 fore the semicolon at the end the following: “ex-
16 cept, as determined by the Secretary, when
17 there is a loan modification under subsection
18 (h)(1)(B), the term of the loan shall not exceed
19 40 years”.

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

24 (1) in subparagraph (B), by inserting after the
25 first sentence the following: “There are authorized

1 to be appropriated for those costs such sums as may
2 be necessary for each of fiscal years 2024 through
3 2030.”; and

4 (2) in subparagraph (C), by striking “2008
5 through 2012” and inserting “2024 through 2030”.

6 **SEC. 11018. LOAN GUARANTEES FOR NATIVE HAWAIIAN**
7 **HOUSING.**

8 Section 184A of the Housing and Community Devel-
9 opment Act of 1992 (12 U.S.C. 1715z-13b) is amended—

10 (1) in subsection (b), by inserting “, and to ex-
11 pand homeownership opportunities to Native Hawai-
12 ian families who are eligible to receive a homestead
13 under the Hawaiian Homes Commission Act, 1920
14 (42 Stat. 108) on fee simple lands in the State of
15 Hawaii” after “markets”;

16 (2) in subsection (c)—

17 (A) by amending paragraph (2) to read as
18 follows:

19 “(2) ELIGIBLE HOUSING.—The loan shall be
20 used to construct, acquire, refinance, or rehabilitate
21 1- to 4-family dwellings that are standard housing.”;

22 (B) in paragraph (4)—

23 (i) in subparagraph (B)—

24 (I) by redesignating clause (iv) as
25 clause (v); and

1 (II) by adding after clause (iii)
2 the following:

3 “(iv) Any other lender that is super-
4 vised, approved, regulated, or insured by
5 any agency of the Federal Government, in-
6 cluding any entity certified as a community
7 development financial institution by the
8 Community Development Financial Insti-
9 tutions Fund established under section
10 104(a) of the Riegle Community Develop-
11 ment and Regulatory Improvement Act of
12 1994 (12 U.S.C. 4703(a)).”; and

13 (ii) by adding at the end the fol-
14 lowing:

15 “(C) INDEMNIFICATION.—

16 “(i) IN GENERAL.—If the Secretary
17 determines that a mortgage guaranteed
18 through a direct guarantee process under
19 this section was not originated in accord-
20 ance with the requirements established by
21 the Secretary, the Secretary may require
22 the lender approved under this section to
23 indemnify the Secretary for the loss, irre-
24 spective of whether the violation caused the
25 mortgage default.

1 “(ii) DIRECT GUARANTEE ENDORSE-
2 MENT.—The Secretary may, dependent on
3 the availability of systems development and
4 staffing resources, delegate to eligible lend-
5 ers the authority to directly endorse loans
6 under this section.

7 “(iii) FRAUD OR MISREPRESENTA-
8 TION.—If fraud or misrepresentation was
9 involved in the direct guarantee endorse-
10 ment process by a lender under this sec-
11 tion, the Secretary shall require the ap-
12 proved direct guarantee endorsement lend-
13 er to indemnify the Secretary for any loss
14 or potential loss, regardless of whether the
15 fraud or misrepresentation caused or may
16 cause the loan default.

17 “(iv) IMPLEMENTATION.—The Sec-
18 retary may implement any requirements
19 described in this subparagraph by regula-
20 tion, notice, or Dear Lender Letter.”.

21 (C) in paragraph (5)(A), by inserting be-
22 fore the semicolon at the end the following: “ex-
23 cept, as determined by the Secretary, when
24 there is a loan modification under subsection

1 (i)(1)(B), the term of the loan shall not exceed
2 40 years”;

3 (3) in subsection (d)—

4 (A) in paragraph (1), by adding at the end
5 the following:

6 “(C) EXCEPTION.—When the Secretary
7 exercises its discretion to delegate direct guar-
8 antee endorsement authority pursuant to sub-
9 section (c)(4)(C)(ii), subparagraphs (A) and
10 (B) of this paragraph shall not apply.”;

11 (B) by amending paragraph (2) to read as
12 follows:

13 “(2) STANDARD FOR APPROVAL.—

14 “(A) APPROVAL.—The Secretary may ap-
15 prove a loan for guarantee under this section
16 and issue a certificate under this subsection
17 only if the Secretary determines that there is a
18 reasonable prospect of repayment of the loan.

19 “(B) EXCEPTIONS.—When the Secretary
20 exercises its discretion to delegate direct guar-
21 antee endorsement authority pursuant to sub-
22 section (c)(4)(C)(ii)—

23 “(i) subparagraph (A) shall not apply;

24 and

1 “(ii) the direct guarantee endorsement
2 lender may issue a certificate under this
3 paragraph as evidence of the guarantee in
4 accordance with requirements prescribed
5 by the Secretary.”; and

6 (C) in paragraph (3)(A), by inserting “or,
7 where applicable, the direct guarantee endorse-
8 ment lender,” after “Secretary” and

9 (4) in subsection (j)(5)(B), by inserting after
10 the first sentence the following: “There are author-
11 ized to be appropriated for those costs such sums as
12 may be necessary for each of fiscal years 2024
13 through 2030.”.

14 **SEC. 11019. DRUG ELIMINATION PROGRAM.**

15 (a) **DEFINITIONS.**—In this section:

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

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

25 (3) **RECIPIENT.**—The term “recipient”—

1 (A) has the meaning given the term in sec-
2 tion 4 of the Native American Housing Assist-
3 ance and Self-Determination Act of 1996 (25
4 U.S.C. 4103); and

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

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

9 (b) ESTABLISHMENT.—The Secretary may, in con-
10 sultation with the Bureau of Indian Affairs and relevant
11 Tribal law enforcement agencies, make grants under this
12 section to recipients of assistance under the Native Amer-
13 ican Housing Assistance and Self-Determination Act of
14 1996 (25 U.S.C. 4101 et seq.) for use in eliminating drug-
15 related and violent crime.

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

18 (1) the employment of security personnel;

19 (2) reimbursement of State, local, Tribal, or
20 Bureau of Indian Affairs law enforcement agencies
21 for additional security and protective services;

22 (3) physical improvements which are specifically
23 designed to enhance security;

24 (4) the employment of 1 or more individuals—

1 (A) to investigate drug-related or violent
2 crime in and around the real property com-
3 prising housing assisted under the Native
4 American Housing Assistance and Self-Deter-
5 mination Act of 1996 (25 U.S.C. 4101 et seq.);
6 and

7 (B) to provide evidence relating to such
8 crime in any administrative or judicial pro-
9 ceeding;

10 (5) the provision of training, communications
11 equipment, and other related equipment for use by
12 voluntary tenant patrols acting in cooperation with
13 law enforcement officials;

14 (6) programs designed to reduce use of drugs
15 in and around housing communities funded under
16 the Native American Housing Assistance and Self-
17 Determination Act of 1996 (25 U.S.C. 4101 et
18 seq.), including drug-abuse prevention, intervention,
19 referral, and treatment programs;

20 (7) providing funding to nonprofit resident
21 management corporations and resident councils to
22 develop security and drug abuse prevention pro-
23 grams involving site residents;

24 (8) sports programs and sports activities that
25 serve primarily youths from housing communities

1 funded through and are operated in conjunction
2 with, or in furtherance of, an organized program or
3 plan designed to reduce or eliminate drugs and
4 drug-related problems in and around those commu-
5 nities; and

6 (9) other programs for youth in school settings
7 that address drug prevention and positive alter-
8 natives for youth, including education and activities
9 related to science, technology, engineering, and
10 math.

11 (d) APPLICATIONS.—

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

16 (A) a plan for addressing the problem of
17 drug-related or violent crime in and around of
18 the housing administered or owned by the appli-
19 cant for which the application is being sub-
20 mitted; and

21 (B) such additional information as the Sec-
22 retary may reasonably require.

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

1 (A) the extent of the drug-related or vio-
2 lent crime problem in and around the housing
3 or projects proposed for assistance;

4 (B) the quality of the plan to address the
5 crime problem in the housing or projects pro-
6 posed for assistance, including the extent to
7 which the plan includes initiatives that can be
8 sustained over a period of several years;

9 (C) the capability of the applicant to carry
10 out the plan; and

11 (D) the extent to which tenants, the Tribal
12 government, and the Tribal community support
13 and participate in the design and implementa-
14 tion of the activities proposed to be funded
15 under the application.

16 (e) HIGH INTENSITY DRUG TRAFFICKING AREAS.—
17 In evaluating the extent of the drug-related crime problem
18 pursuant to subsection (d)(2), the Secretary may consider
19 whether housing or projects proposed for assistance are
20 located in a high intensity drug trafficking area designated
21 pursuant to section 707(b) of the Office of National Drug
22 Control Policy Reauthorization Act of 1998 (21 U.S.C.
23 1706(b)).

24 (f) REPORTS.—

1 (1) GRANTEE REPORTS.—The Secretary shall
2 require grantees under this section to provide peri-
3 odic reports that include the obligation and expendi-
4 ture of grant funds, the progress made by the grant-
5 ee in implementing the plan described in subsection
6 (d)(1)(A), and any change in the incidence of drug-
7 related crime in projects assisted under section.

8 (2) HUD REPORTS.—Not later than 1 year
9 after the date of enactment of this Act, the Sec-
10 retary shall submit to Congress a report describing
11 the system used to distribute funding to grantees
12 under this section, which shall include descriptions
13 of—

14 (A) the methodology used to distribute
15 amounts made available under this section; and

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

20 (g) NOTICE OF FUNDING AWARDS.—The Secretary
21 shall publish on the website of the Department a notice
22 of all grant awards made pursuant to section, which shall
23 identify the grantees and the amount of the grants.

24 (h) MONITORING.—

1 (1) IN GENERAL.—The Secretary shall audit
2 and monitor the program funded under this sub-
3 section to ensure that assistance provided under this
4 subsection is administered in accordance with the
5 provisions of section.

6 (2) PROHIBITION OF FUNDING BASELINE SERV-
7 ICES.—

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

20 (B) DESCRIPTION.—Each grantee under
21 this section shall describe, in the report under
22 subsection (f)(1), such baseline of services for
23 the unit of Tribal government in which the ju-
24 risdiction of the grantee is located.

1 (3) ENFORCEMENT.—The Secretary shall pro-
2 vide for the effective enforcement of this section, as
3 specified in the program requirements published in
4 a notice by the Secretary, which may include—

5 (A) the use of on-site monitoring, inde-
6 pendent public audit requirements, certification
7 by Tribal or Federal law enforcement or Tribal
8 government officials regarding the performance
9 of baseline services referred to in paragraph
10 (2);

11 (B) entering into agreements with the At-
12 torney General to achieve compliance, and
13 verification of compliance, with the provisions of
14 this section; and

15 (C) adopting enforcement authority that is
16 substantially similar to the authority provided
17 to the Secretary under the Native American
18 Housing Assistance and Self-Determination Act
19 of 1996 (25 U.S.C. 4101 et seq.)

20 (i) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated such sums as may be
22 necessary for each fiscal years 2024 through 2030 to carry
23 out this section.

1 **SEC. 11020. RENTAL ASSISTANCE FOR HOMELESS OR AT-**
2 **RISK INDIAN VETERANS.**

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

6 “(E) INDIAN VETERANS HOUSING RENTAL
7 ASSISTANCE PROGRAM.—

8 “(i) DEFINITIONS.—In this subpara-
9 graph:

10 “(I) ELIGIBLE INDIAN VET-
11 ERAN.—The term ‘eligible Indian vet-
12 eran’ means an Indian veteran who
13 is—

14 “(aa) homeless or at risk of
15 homelessness; and

16 “(bb) living—

17 “(AA) on or near a res-
18 ervation; or

19 “(BB) in or near any
20 other Indian area.

21 “(II) ELIGIBLE RECIPIENT.—

22 The term ‘eligible recipient’ means a
23 recipient eligible to receive a grant
24 under section 101 of the Native
25 American Housing Assistance and

1 Self-Determination Act of 1996 (25
2 U.S.C. 4111).

3 “(III) INDIAN; INDIAN AREA.—
4 The terms ‘Indian’ and ‘Indian area’
5 have the meanings given those terms
6 in section 4 of the Native American
7 Housing Assistance and Self-Deter-
8 mination Act of 1996 (25 U.S.C.
9 4103).

10 “(IV) INDIAN VETERAN.—The
11 term ‘Indian veteran’ means an In-
12 dian who is a veteran.

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

16 “(VI) TRIBAL ORGANIZATION.—
17 The term ‘tribal organization’ has the
18 meaning given the term in section 4
19 of the Indian Self-Determination and
20 Education Assistance Act (25 U.S.C.
21 5304).

22 “(ii) PROGRAM SPECIFICATIONS.—
23 The Secretary shall use not less than 5
24 percent of the amounts made available for
25 rental assistance under this paragraph to

1 carry out a rental assistance and sup-
2 ported housing program, to be known as
3 the 'Tribal HUD-VASH program', in con-
4 junction with the Secretary of Veterans Af-
5 fairs, by awarding grants for the benefit of
6 eligible Indian veterans.

7 "(iii) MODEL.—

8 "(I) IN GENERAL.—Except as
9 provided in subclause (II), the Sec-
10 retary shall model the Program on the
11 rental assistance and supported hous-
12 ing program authorized under sub-
13 paragraph (A) and applicable appro-
14 priations Acts, including administra-
15 tion in conjunction with the Secretary
16 of Veterans Affairs.

17 "(II) EXCEPTIONS.—

18 "(aa) SECRETARY OF HOUS-
19 ING AND URBAN DEVELOP-
20 MENT.—After consultation with
21 Indian tribes, eligible recipients,
22 and any other appropriate tribal
23 organizations, the Secretary may
24 make necessary and appropriate
25 modifications to facilitate the use

1 of the Program by eligible recipi-
2 ents to serve eligible Indian vet-
3 erans.

4 “(bb) SECRETARY OF VET-
5 ERANS AFFAIRS.—After consulta-
6 tion with Indian tribes, eligible
7 recipients, and any other appro-
8 priate tribal organizations, the
9 Secretary of Veterans Affairs
10 may make necessary and appro-
11 priate modifications to facilitate
12 the use of the Program by eligi-
13 ble recipients to serve eligible In-
14 dian veterans.

15 “(iv) ELIGIBLE RECIPIENTS.—The
16 Secretary shall make amounts for rental
17 assistance and associated administrative
18 costs under the Program available in the
19 form of grants to eligible recipients.

20 “(v) FUNDING CRITERIA.—The Sec-
21 retary shall award grants under the Pro-
22 gram based on—

23 “(I) need;

24 “(II) administrative capacity; and

1 “(III) any other funding criteria
2 established by the Secretary in a no-
3 tice published in the Federal Register
4 after consulting with the Secretary of
5 Veterans Affairs.

6 “(vi) ADMINISTRATION.—Grants
7 awarded under the Program shall be ad-
8 ministered in accordance with the Native
9 American Housing Assistance and Self-De-
10 termination Act of 1996 (25 U.S.C. 4101
11 et seq.), except that recipients shall—

12 “(I) submit to the Secretary, in a
13 manner prescribed by the Secretary,
14 reports on the utilization of rental as-
15 sistance provided under the Program;
16 and

17 “(II) provide to the Secretary in-
18 formation specified by the Secretary
19 to assess the effectiveness of the Pro-
20 gram in serving eligible Indian vet-
21 erans.

22 “(vii) CONSULTATION.—

23 “(I) GRANT RECIPIENTS; TRIBAL
24 ORGANIZATIONS.—The Secretary, in
25 coordination with the Secretary of

1 Veterans Affairs, shall consult with el-
2 igible recipients and any other appro-
3 priate tribal organization on the de-
4 sign of the Program to ensure the ef-
5 fective delivery of rental assistance
6 and supportive services to eligible In-
7 dian veterans under the Program.

8 “(II) INDIAN HEALTH SERV-
9 ICE.—The Director of the Indian
10 Health Service shall provide any as-
11 sistance requested by the Secretary or
12 the Secretary of Veterans Affairs in
13 carrying out the Program.

14 “(viii) WAIVER.—

15 “(I) IN GENERAL.—Except as
16 provided in subclause (II), the Sec-
17 retary may waive or specify alter-
18 native requirements for any provision
19 of law (including regulations) that the
20 Secretary administers in connection
21 with the use of rental assistance made
22 available under the Program if the
23 Secretary finds that the waiver or al-
24 ternative requirement is necessary for
25 the effective delivery and administra-

1 tion of rental assistance under the
2 Program to eligible Indian veterans.

3 “(II) EXCEPTION.—The Sec-
4 retary may not waive or specify alter-
5 native requirements under subclause
6 (I) for any provision of law (including
7 regulations) relating to labor stand-
8 ards or the environment.

9 “(ix) RENEWAL GRANTS.—The Sec-
10 retary may—

11 “(I) set aside, from amounts
12 made available for tenant-based rental
13 assistance under this subsection and
14 without regard to the amounts used
15 for new grants under clause (ii), such
16 amounts as may be necessary to
17 award renewal grants to eligible re-
18 cipients that received a grant under
19 the Program in a previous year; and

20 “(II) specify criteria that an eli-
21 gible recipient must satisfy to receive
22 a renewal grant under subclause (I),
23 including providing data on how the
24 eligible recipient used the amounts of

1 any grant previously received under
2 the Program.

3 “(x) REPORTING.—

4 “(I) IN GENERAL.—Not later
5 than 1 year after the date of enact-
6 ment of this subparagraph, and every
7 5 years thereafter, the Secretary, in
8 coordination with the Secretary of
9 Veterans Affairs and the Director of
10 the Indian Health Service, shall—

11 “(aa) conduct a review of
12 the implementation of the Pro-
13 gram, including any factors that
14 may have limited its success; and

15 “(bb) submit a report de-
16 scribing the results of the review
17 under item (aa) to—

18 “(AA) the Committee
19 on Indian Affairs, the Com-
20 mittee on Banking, Housing,
21 and Urban Affairs, the
22 Committee on Veterans’ Af-
23 fairs, and the Committee on
24 Appropriations of the Sen-
25 ate; and

1 “(BB) the Sub-
2 committee on Indian, Insu-
3 lar and Alaska Native Af-
4 fairs of the Committee on
5 Natural Resources, the
6 Committee on Financial
7 Services, the Committee on
8 Veterans’ Affairs, and the
9 Committee on Appropria-
10 tions of the House of Rep-
11 resentatives.

12 “(II) ANALYSIS OF HOUSING
13 STOCK LIMITATION.—The Secretary
14 shall include in the initial report sub-
15 mitted under subclause (I) a descrip-
16 tion of—

17 “(aa) any regulations gov-
18 erning the use of formula current
19 assisted stock (as defined in sec-
20 tion 1000.314 of title 24, Code of
21 Federal Regulations (or any suc-
22 cessor regulation)) within the
23 Program;

24 “(bb) the number of recipi-
25 ents of grants under the Pro-

1 gram that have reported the reg-
2 ulations described in item (aa) as
3 a barrier to implementation of
4 the Program; and

5 “(cc) proposed alternative
6 legislation or regulations devel-
7 oped by the Secretary in con-
8 sultation with recipients of
9 grants under the Program to
10 allow the use of formula current
11 assisted stock within the Pro-
12 gram.”.

13 **SEC. 11021. CONTINUUM OF CARE.**

14 (a) **DEFINITIONS.**—In this section—

15 (1) the terms “collaborative applicant” and “el-
16 igible entity” have the meanings given those terms
17 in section 401 of the McKinney-Vento Homeless As-
18 sistance Act (42 U.S.C. 11360); and

19 (2) the terms “Indian tribe” and “tribally des-
20 ignated housing entity” have the meanings given
21 those terms in section 4 of the Native American
22 Housing Assistance and Self-Determination Act of
23 1996 (25 U.S.C. 4103).

24 (b) **NONAPPLICATION OF CIVIL RIGHTS LAWS.**—

25 With respect to the funds made available for the Con-

1 tinuum of Care program authorized under subtitle C of
2 title IV of the McKinney-Vento Homeless Assistance Act
3 (42 U.S.C. 11381 et seq.) under the heading “Homeless
4 Assistance Grants” in the Department of Housing and
5 Urban Development Appropriations Act, 2021 (Public
6 Law 116–260) and under section 231 of the Department
7 of Housing and Urban Development Appropriations Act,
8 2020 (42 U.S.C. 11364a), title VI of the Civil Rights Act
9 of 1964 (42 U.S.C. 2000d et seq.) and title VIII of the
10 Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) shall
11 not apply to applications by or awards for projects to be
12 carried out—

13 (1) on or off reservation or trust lands for
14 awards made to Indian tribes or tribally designated
15 housing entities; or

16 (2) on reservation or trust lands for awards
17 made to eligible entities.

18 (c) CERTIFICATION.—With respect to funds made
19 available for the Continuum of Care program authorized
20 under subtitle C of title IV of the McKinney-Vento Home-
21 less Assistance Act (42 U.S.C. 11381 et seq.) under the
22 heading “Homeless Assistance Grants” under section 231
23 of the Department of Housing and Urban Development
24 Appropriations Act, 2020 (42 U.S.C. 11364a)—

1 (1) applications for projects to be carried out
2 on reservations or trust land shall contain a certifi-
3 cation of consistency with an approved Indian hous-
4 ing plan developed under section 102 of the Native
5 American Housing Assistance and Self-Determina-
6 tion Act (25 U.S.C. 4112), notwithstanding section
7 106 of the Cranston-Gonzalez National Affordable
8 Housing Act (42 U.S.C. 12706) and section 403 of
9 the McKinney-Vento Homeless Assistance Act (42
10 U.S.C. 11361);

11 (2) Indian tribes and tribally designated hous-
12 ing entities that are recipients of awards for projects
13 on reservations or trust land shall certify that they
14 are following an approved housing plan developed
15 under section 102 of the Native American Housing
16 Assistance and Self-Determination Act (25 U.S.C.
17 4112); and

18 (3) a collaborative applicant for a Continuum of
19 Care whose geographic area includes only reserva-
20 tion and trust land is not required to meet the re-
21 quirement in section 402(f)(2) of the McKinney-
22 Vento Homeless Assistance Act (42 U.S.C.
23 11360a(f)(2)).

1 **SEC. 11022. LEVERAGING.**

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