

NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-
DETERMINATION ACT OF 1996

—————
AUGUST 28, 2002.—Ordered to be printed

Filed under authority of the order of the Senate of July 29, 2002

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Mr. INOUE, from the Committee on Indian Affairs,
submitted the following

R E P O R T

[To accompany S. 1210]

The Committee on Indian Affairs, to which was referred the bill (S. 1210) to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, having considered the same, reports favorably thereon with amendment and recommends that the bill as amended do pass.

PURPOSES

The purpose of S. 1210 is to re-authorize the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes.

BACKGROUND

The United States Housing Act of 1937 created the Public Housing Program in order to provide decent and safe housing for low-income families. For many years, this act was interpreted to exclude Native Americans living in or near tribal areas. It was not until the 1960's that Indian housing programs were undertaken by the Public Housing Administration, the predecessor of the Department of Housing and Urban Development (HUD). Eventually, HUD assumed responsibility for Indian housing programs and in 1988 the Indian Housing Act established a separate Indian housing program with regulations specific to this program.

Native American housing stock is often characterized as “poor” and substandard. In fact, Native American housing has been found

to be the worst in the nation and has been compared to that of Third World countries.

The following statistics demonstrate the dire need for additional housing stock and improvements in current housing stock. As determined by the 1990 census, one out of every five Indian homes lacks complete plumbing facilities. In addition, a full forty percent (40%) of Native Americans residing on trust land live in overcrowded or physically inadequate housing, compared to six percent (6%) of the overall United States population.¹ Finally, the demand for Indian housing is increasing as the Native American population continues to grow.

In 1996, the NAHASDA² was enacted and became effective on October 1, 1997. Building on the highly successful Indian Self Determination and Education Assistance Act (ISDEAA) of 1975, as amended, 25 U.S.C. 450 *et seq.*, which authorized Indian tribes to assume responsibility for the administration of many Federal programs and services, NAHASDA reflects the unique government-to-government relationship between Indian tribes and the Federal government.

Before passage of the NAHASDA, the planning, financing, and building of Indian housing was largely determined by Federal officials with scant input from the affected parties—the Indians. NAHASDA was groundbreaking in that it established a single, flexible block grant for Indian tribes or their tribally-designated housing entities (TDHEs) to design and administer housing assistance to tribal members. Tribes must file annual audits and monitoring and oversight of the block grant funding continues to be provided by HUD.

SECTION-BY-SECTION ANALYSIS

As introduced, S. 1210 provided a routine re-authorization of the 1996 Act, as amended, through FY 2007. A section-by-section description of the changes contained in the substitute amendment is set out below.

Section 1. Short title

The short title for this legislation is the Native American Housing and Self-Determination Reauthorization Act of 2001.

Sec. 2. Reauthorization

This legislation tracks the letter and spirit of the NAHASDA in large part. In the findings of the original Act, Congress found that the Federal government has a trust responsibility for the protection and preservation of Indian tribes; that there is a need for affordable homes in safe and healthy environments; and that Congress should assist in the goals of achieving economic self-sufficiency and self-determination for tribes and their members. With this legislation, the goals of the NAHASDA will be furthered with a renewed emphasis on infrastructure and community development.

¹Assessment of American Indian Housing Needs and Programs, Urban Institute, May 1996.

²Native American Housing Assistance and Self-Determination Act of 1996, Pub. L. 104-330, 25 U.S.C. Sec. 4104-4195 (Supp. 1996).

Sec. 3. Definitions

Section 4 of the Act is amended to include the following definition:

“(22) HOUSING RELATED COMMUNITY DEVELOPMENT.—The term “housing related community development” means a tribally-owned and operated facility, business activity, or infrastructure that is necessary to the direct construction of reservation housing, and that would help the Indian tribe or its tribally-designated housing authority reduce the cost of construction of Indian housing or otherwise promote the findings of this act. For purposes of this section, the term “housing related community development” shall not include activities conducted by any Indian tribe under the provisions of the Indian Gaming Regulatory Act 25 U.S.C. 2710 *et seq.* as amended.

Sec. 4. Block grants and grant requirements

With regard to comprehensive housing and community development planning, changes to this section would authorize community development planning activities as part of NAHASDA’s administrative and planning expense category. The intent of the Committee is to make NAHASDA funds available for purposes of development a community master plan consisting of roads, schools, businesses and recreational areas.

Sec. 5. Treatment of program income and labor standards

Currently, HUD views any revenue or income derived from housing built using NAHASDA funds as “program income”. In turn, all program income must be expended before a tribe may make further use of its NAHASDA funds.

Changes included in section 5 clarify that tribes or their tribally-designated housing entities may expend NAHASDA funds even if they are receiving program income from their residential projects built using prior Indian housing funds.

Sec. 6. Regulations

This section clarifies NAHASDA as requiring that negotiated rule-making procedures are applicable to regulations issued pursuant to the 1996 Act as well as all amendments made to the Act subsequent to 1996.

Sec. 7. Federal guarantees or financing for tribal housing activities

Changes included in section 7 remove the current restriction that requires tribes or their TDHEs to seek alternative financing before utilizing Title VI guaranteed loan funds. These changes would similarly authorize Title VI funding to be used for “housing related or community development”.

Sec. 8. Feasibility studies to improve the delivery of housing assistance in native communities

Section 8 requires that the Secretary undertake and complete two feasibility studies: first, to determine whether a community development demonstration project using NAHASDA funds for strictly economic development purposes is feasible; and second, whether NAHASDA funding should be made available to tribes and tribal organizations in a manner consistent with the provisions of the In-

dian Self Determination and Education Assistance Act, 25 U.S.C. 450 *et seq.*, in order to maximize tribal authority and decision-making in the design and implementation of housing activities.

Sec. 9. Insurance and housing contingencies

Section 9 amends the NAHASDA to provide an effective Federal response to the life-threatening problems of black mold which have rendered and may continue to render NAHASDA-assisted housing uninhabitable. Section 9 proposes relief to address black mold remediation and repair. This section authorizes the development of appropriate protocols and construction practices to be required in all NAHASDA-assisted housing to eliminate the conditions that give rise to black mold. A report to Congress on the effectiveness of the protocol implementation and construction practices is required within one year of enactment of this legislation.

Sec. 10. Native Hawaiian housing

Section 10 amends NAHASDA to authorize the Secretary of HUD to enter into negotiated rulemaking with representatives of the Office of Hawaiian Affairs (OHA) to determine the conditions under which OHA may participate in the block grant assistance program to provide affordable housing for low income Native Hawaiians. The amendment also authorizes the Secretary to make grants to OHA to carry out affordable housing activities for Native Hawaiians and to require the submission of housing plans by OHA to the Secretary.

LEGISLATIVE HISTORY

The Native American Housing Assistance and Self-Determination Reauthorization Act of 2002 (S. 1210) was introduced on July 20, 2001, by Senator Campbell, for himself, and for Senators Inouye, Burns and Johnson. Subsequent to July 20, Senators Akaka, Bingaman, Cantwell, Domenici, Inhofe, Baucus, Daschle, Feingold and McCain were added as co-sponsors. S. 1210 was referred to the Committee on Indian Affairs and a hearing was held on the bill on February 13, 2002. On July 18, 2002, the Committee on Indian Affairs convened a business meeting to consider S. 1210 and other measures that had been referred to it, and on that date, the Committee favorably reported a substitute amendment to S. 1210.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTE

On July 18, 2002, the Committee on Indian Affairs, in an open business session, adopted an amendment in the nature of a substitute to S. 1210 by voice vote and ordered the bill, as amended, reported favorably to the Senate.

COST AND BUDGETARY CONSIDERATION

The cost estimate for S. 1210 as calculated by the Congressional Budget Office, is set forth below:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 31, 2002.

Hon. DANIEL K. INOUE,
*Chairman, Committee on Indian Affairs,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1210, the Native American Housing Assistance and Self-Determination Reauthorization Act of 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Chad Chirico.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

S. 1210—Native American Housing Assistance and Self-Determination Reauthorization Act of 2002

Summary: Programs under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) were authorized through 2001 and were continued in 2002 by the Departments of Veterans Affairs and Housing and Urban Development (HUD), and Independent Agencies Appropriations Act, 2002. Enacting S. 1210 would reauthorize these programs through 2007 and would authorize appropriations for HUD to develop protocols and construction standards to eliminate black mold in NAHASDA assisted properties.

CBO estimates that the bill would authorize total appropriations of \$669 million in 2003 and about \$3.5 billion over the 2003–2007 period, assuming that annual levels are adjusted to keep pace with inflation. CBO estimates that appropriations of those amounts would result in additional outlays of \$2.3 billion over the 2003–2007 period.

Enacting the bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 1210 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1210 is shown in the following table. The costs of this legislation fall within budget functions 600 (income security) and 370 (commerce and housing credit).

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2007
SPENDING SUBJECT TO APPROPRIATION						
Spending under current law:						
Budget authority ¹	655	0	0	0	0	0
Estimated outlays	695	443	306	210	133	56
Proposed changes:						
Block grants, Title VI loan guarantees, and technical assistance:						
Estimated authorization level	0	661	675	689	702	716

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2007
Estimated outlays	0	240	380	482	568	647
Indian housing loan guarantees:						
Estimated authorization level	0	6	6	6	6	6
Estimated outlays	0	6	6	6	6	6
Develop protocols and construction practices:						
Estimated authorization level	0	2	0	0	0	0
Estimated outlays	0	2	0	0	0	0
Total proposed changes:						
Estimated authorization level	0	669	681	695	708	722
Estimated outlays	0	248	386	488	574	653
Spending under S. 1210:						
Estimated authorization level	655	669	681	695	708	722
Estimated outlays	695	691	692	698	707	709

¹The 2002 level is the amount appropriated for that year for all programs authorized under NAHASDA, including Native American Housing Block Grants, Title VI Loan Guarantees, Technical Assistance, and Title I Indian Housing Loan Guarantees.

Basis of estimate: Block Grants, Title VI Loan Guarantees, and Technical Assistance. Section 2 would authorize the appropriation of such sums as necessary through 2007 for Native American Housing Block Grants, Title VI loan guarantees, and training and technical assistance. For 2002, \$649 million was appropriated for these purposes. Assuming inflation-adjusted appropriations, CBO estimates that the bill would authorize \$3.4 billion for the 2003–2007 period, with outlays of \$2.3 billion (from the new funding) over the same period.

Indian Housing Loan Guarantees. Section 2 also would authorize the appropriation of such sums as necessary through 2007 for loan guarantees for Indian families, housing authorities, and tribes. For 2002, \$6 million was appropriated for such loan guarantees. Assuming funded activities would remain at similar levels, CBO estimates that implementing these provisions would cost \$6 million in 2003 and \$30 million over the next five years.

Develop Protocols and Construction Practices. Section 9 would authorize the appropriation of such sums as necessary to develop and implement appropriate protocols and construction practices to eliminate the conditions that give rise to black mold and other cumulative maladies that render housing assisted under NAHASDA dangerous or uninhabitable. This section would also require HUD to complete and submit two reports to the Congress on the extent of black mold infestation of Native American housing and the effectiveness of the implementation of the new protocols. Based on information from HUD, CBO estimates that implementing this section would cost \$2 million in 2003.

Pay as you go considerations: None.

Intergovernmental and private-sector impact: S. 1210 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. The bill would benefit any tribal government receiving grants under this bill, and any costs they incur would be voluntary.

Estimate prepared by: Federal costs: Chad Chirico and Susanne S. Mehlman; impact on State, local, and tribal governments: Greg Waring; impact on the private sector: Cecil McPherson.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires that each report accompanying a bill to evaluate the regulatory paperwork impact that would be incurred in implementing the legislation. The Committee has concluded that enactment of S. 1210 will create only *de minimis* regulatory or paperwork burdens.

EXECUTIVE COMMUNICATIONS

The Committee has received no official communication from the Administration on the provisions of the bill.

CHANGES IN EXISTING LAW

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the enactment of S. 1210 will result in the following changes in 25 U.S.C. Sec. 4101 et seq., with existing language which is to be deleted in black brackets and the new language to be added in italic:

SHORT TITLE.—This Act may be cited as the Native American Housing Assistance and Self-Determination *Reauthorization Act of 2002*.

* * * * *

25 U.S.C. 4117

AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this title such sums as may be necessary for each of fiscal years [1998, 1999, 2000, and 2001.] *1998 through 2007*. This section shall take effect on the date of the enactment of this Act.

* * * * *

25 U.S.C. 4195(a)

(a) AGGREGATE FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law and subject only to the absence of qualified applicants or proposed activities and to the authority provided in this title, to the extent approved or provided in appropriations Acts, the Secretary may enter into commitments to guarantee notes and obligations under this title with an aggregate principal amount not to exceed \$400,000,000 for each of fiscal years [1997, 1998, 1999, 2000, and 2001.] *1997 through 2007*.

25 U.S.C. 4195(b)

(b) AUTHORIZATION OF APPROPRIATIONS FOR CREDIT SUBSIDY.—There are authorized to be appropriated to cover the costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guarantees under this title such sums as may be necessary for each of fiscal years [1997, 1998, 1999, 2000, and 2001.] *1997 through 2007*.

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25 U.S.C. 4212

TRAINING AND TECHNICAL ASSISTANCE.—There are authorized to be appropriated for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities such sums as may be necessary for each of fiscal years [1997, 1998, 1999, 2000, and 2001.] *1997 through 2007.*

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12 U.S.C. 1715z–13a(i)(5)(C)

(z–13a(i)(5)(C)) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section in each fiscal year with an aggregate outstanding principal amount not exceeding such amount as may be provided in appropriation Acts for [such fiscal year.] *each of fiscal years 1997 through 2007.*

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12 U.S.C. 1715z–13a(i)(7)

(z–13a(i)(7)) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Guarantee Fund to carry out this section such sums as may be necessary for [each fiscal year.] *each of fiscal years 1997 through 2007.*

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25 U.S.C. 4103

- (22) HOUSING RELATED COMMUNITY DEVELOPMENT.—
- (A) *IN GENERAL.*—*The term “housing related community development” means any tribally-owned and operated facility, business, activity, or infrastructure that—*
- (i) is necessary to the direct construction of reservation housing; and*
- (ii) would help an Indian tribe or its tribally-designated housing authority reduce the cost of construction of Indian housing or otherwise promote the findings of this Act.*
- (B) *EXCLUSION.*—*The term “housing and community development” does not include any activity conducted by any Indian tribe under the Indian Gaming Regulatory Act (25 U.S.C. 2710 et seq.)*

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25 U.S.C. 4111(h)

(h) ADMINISTRATIVE AND PLANNING EXPENSES.—The Secretary shall, by regulation, authorize each recipient to use a percentage of any grant amounts received under this Act *for comprehensive housing and community development planning activities and for any reasonable administrative and planning expenses of the recipi-*

ent relating to carrying out this Act and activities assisted with such amounts, which may include costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts provided under this Act and expenses of preparing an Indian housing plan under section 102.

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25 U.S.C. 4114(a)(1)

(a)(1) AUTHORITY TO RETAIN.—**[A recipient]** *Notwithstanding any other provisions of this Act, a recipient may retain any program income that is realized from any grant amounts under this Act if—*

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25 U.S.C. 4114(a)(1)(B)

(a)(1)(B).—**[(B) the recipient has agreed that it will utilize the program income for affordable housing activities in accordance with the provisions of this Act.]** *(B) the recipient has agreed that it will utilize such income for housing related activities in accordance with this Act.*

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25 U.S.C. 4114(a)(2)

(a)(2) PROHIBITION OF RESTRICTED ACCESS OR REDUCTION OF GRANT.—The Secretary may not reduce the grant amount for any Indian tribe based solely on—

(A) whether the recipient for the tribe retains program income under paragraph (1);

(B) the amount of any such program income retained; **[or]**

(C) whether the recipients retains amounts described in section 210**[.];** or

(C) whether the recipient has expanded retained program income for housing-related activities.

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25 U.S.C. 4116(b)(2)(A)

(b)(2)(A) IN GENERAL.—Notwithstanding sections 563(a) and 565(a) of title 5, United States Code, all regulations required under this Act, *including any regulations that may be required pursuant to amendments made to this Act after the date of enactment of this Act,* shall be issued according to a negotiated rulemaking procedure under subchapter III of chapter 5 of title 5, United States Code.

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25 U.S.C. 4191

AUTHORITY AND REQUIREMENTS.

(a) AUTHORITY.—To such extent or in such amounts as provided in appropriations Acts, the Secretary may, subject to the limitations of this title (including limitations designed to protect and maintain the viability of rental housing units owned or operated by the recipient that were developed under a contract between the

Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937), and upon such terms and conditions as the Secretary may prescribe, guarantee and make commitments to guarantee, the notes or other obligations issued by Indian tribes or tribally designed housing entities with tribal approval, for the purposes of financing affordable housing activities described in section 202 and housing related community development activity as consistent with the purposes of this Act.

[(b) LACK OF FINANCING ELSEWHERE.—A guarantee under this title may be used to assist an Indian tribe or housing entity in obtaining financing only if the Indian tribe or housing entity has made efforts to obtain such financing without the use of such guarantee and cannot complete such financing consistent with the timely execution of the program plans without such guarantee.]

[(c) (b) TERMS OF LOANS.—Notes or other obligations guaranteed pursuant to this title shall be in such form and denominations, have such maturities, and be subject to such conditions as may be prescribed by regulations issued by the Secretary. The Secretary may not deny a guarantee under this title on the basis of the proposed repayment period for the note or other obligation, unless the period is more than 20 years or the Secretary determines that the period causes the guarantee to constitute an unacceptable financial risk.

[(d) (c) LIMITATION ON OUTSTANDING GUARANTEES.—No guarantee or commitment to guarantee shall be made with respect to any note or other obligation if the total outstanding notes or obligations of the issuer guaranteed under this title (excluding any amount defeased under the contract entered into under section 602(a)(1)) would thereby exceed an amount equal to 5 times the amount of the grant approval for the issuer pursuant to title III.

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25 U.S.C. 4132

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(7) COMMUNITY DEVELOPMENT DEMONSTRATION PROJECT.—

(A) IN GENERAL.—*Consistent with principles of Indian self-determination and the findings of this Act, the Secretary shall conduct and submit to Congress a study of the feasibility of establishing a demonstration project in which Indian tribes, tribal organizations, or tribal consortia are authorized to expend amounts received pursuant to the Native American Housing Assistance and Self-Determination Reauthorization Act of 2002 in order to design, implement, and operate community development demonstration projects.*

(B) STUDY.—*Not later than 1 year after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2002, the Secretary shall submit the study conducted under subparagraph (A) to the Committee on Banking, Housing, and Urban Affairs and the Committee on Indian Affairs of the Senate, and the Committee on Financial Services and the Committee on Resources of the House of Representatives.*

(8) SELF-DETERMINATION ACT DEMONSTRATION PROJECT.—

(A) *IN GENERAL.*—Consistent with the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Secretary shall conduct and submit to Congress a study of the feasibility of establishing a demonstration project in which Indian tribes and tribal organizations are authorized to receive assistance in a manner that maximizes tribal authority and decision-making in the design and implementation of Federal housing and related activity funding.

(B) *STUDY.*—Not later than 1 year after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2002, the Secretary shall submit the study conducted under subparagraph (A) to the Committee on Banking, Housing, and Urban Affairs and the Committee on Indian Affairs of the Senate, and the Committee on Financial Services and the Committee on Resources of the House of Representatives.

(a) *DEVELOPMENT PROTOCOLS AND CONSTRUCTION PRACTICES.*—The Secretary of Housing and Urban Development, in cooperation with Indian tribes, the National American Indian Housing Council, AMERIND, other tribal organizations as appropriate, and experts from the housing and construction sectors, shall develop appropriate protocols and construction practices to eliminate, to the maximum extent feasible, the conditions that give rise to black mold and other cumulative maladies that render housing assisted under this Act, dangerous or uninhabitable.

(b) *IMPLEMENTATION OF PROTOCOLS AND CONSTRUCTION PROJECTS.*—Not later than 180 days after the date of enactment of this Act, the Secretary of Housing and Urban Affairs, acting through the Office of Healthy Homes and the Office of Native American Programs, shall implement the protocols and construction practices developed under subsection (a) in all construction, renovation, and repair of housing assisted with funds provided under this Act.

(c) *REPORT TO CONGRESS.*—Not later than 1 year after the date of enactment of this Act, the Secretary of Housing and Urban Affairs shall complete and submit to Congress a report that details—

(1) the effectiveness of the implementation of the protocols and construction practices; and

(2) whether statutory, regulatory, or administrative changes need to be made to improve the effectiveness of the efforts of the Department of Housing and Urban Affairs to eliminate the conditions that give rise to black mold and other cumulative maladies.

(d) *BLACK MOLD INFESTATION.*—Not later than 180 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall—

(1) complete a study on the extent of black mold infestation of Native American housing in the United States; and

(2) submit to Congress a report that describes recommendations of the Secretary for means by which to address the infestation.

(e) *AUTHORIZATION OF APPROPRIATIONS.*—*There are authorized to be appropriated such sums as are necessary to carry out this section.*

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25 U.S.C. 4221

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(10) *OFFICE OF HAWAIIAN AFFAIRS.*—*The term “Office of Hawaiian Affairs” means the entity of that name established under the Constitution of the State of Hawaii.*

SEC. 825. OFFICE OF HAWAIIAN AFFAIRS.

(a) *IN GENERAL.*—*The Secretary is authorized to enter into negotiated rulemaking with representatives of the Office of Hawaiian Affairs to—*

(1) *determine the conditions under which the Secretary may make block grants under subsection (b) and section 802 for affordable housing activities to the Office of Hawaiian Affairs in the Office’s capacity as a housing entity;*

(2) *establish a process for the submission of a housing plan to the Secretary to serve the needs of low-income families to be served by the Office of Hawaiian Affairs, and the requirements associated with such a plan under subsection (c) and section 803;*

(3) *determine the lands upon which housing will be constructed to serve the needs of low-income families;*

(4) *establish a process for the review of a housing plan under section 804;*

(5) *address the treatment of program income and labor standards consistent with the provisions of section 805;*

(6) *provide a process for environmental review consistent with section 806;*

(7) *develop regulations under section 807;*

(8) *address the means by which the Office of Hawaiian Affairs will carry out affordable housing activities under section 809;*

(9) *establish criteria associated with eligible affordable housing activities consistent with section 810;*

(10) *establish requirements for affordable housing activities consistent with section 811;*

(11) *address the types of investments subject to section 811 and an applicable housing plan approved under section 803, consistent with section 812;*

(12) *establish requirements for low-income and income targeting consistent with section 813;*

(13) *establish requirements for leases and tenant selection consistent with section 814;*

(14) *provide for the conditions of repayment, an annual allocation, and an allocation formula consistent with sections 815, 816, and 817;*

(15) *provide for the monitoring of compliance and the submittal of performance reports consistent with sections 819 and 820;*

(16) *establish the terms and conditions for an annual review and audit conducted by the Secretary consistent with section 821; and*

(17) *provide for audits to be conducted by the General Accounting Office consistent with section 822.*

(b) *GRANT AUTHORITY.—For each fiscal year, the Secretary shall, to the extent that amounts are made available to carry out this section, make a grant under this title to the Office of Hawaiian Affairs to carry out affordable housing activities for Native Hawaiian families.*

(c) *HOUSING PLAN.—The Secretary shall require the office of Hawaiian Affairs to submit a housing plan under this section for each fiscal year and provide for the review of each plan submitted under this section.*

