



December 16, 1998

TO: All Tribal Government Leaders and Tribally Designated Housing Entities (TDHE)

FROM: Jacqueline Johnson, Deputy Assistant Secretary, PI

TOPIC: Native American Housing Assistance and Self-Determination Act of 1996

SUBJECT: Legislation Amended October 21, 1998

In October, Congress passed HUD's Appropriations Act for Federal Fiscal Year (FFY) 1999 (P.L. 105-276), the purpose of which is to provide funding for the Department. However, Congress attached to this appropriations act a number of technical amendments to the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) and four other public laws which will effect the Department's Indian Housing Block Grant (IHBG) program. The effective date for these amendments was Wednesday, October 21, 1998.

Accompanying this NAHASDA Guidance is a copy of the amended NAHASDA statute. The technical amendments are shown through the use of highlight shading of the language that has been added to and by striking through the language that has been deleted from the original statute. The sections of the NAHASDA statute that have been amended are: the Table of Contents, sections 4, 101, 102, 103, 201, 205, 206, 207, 208, 209 and 408.

In addition to the amendments to NAHASDA, the following statutes were also amended as indicated below. The amendments to these other public laws also effect the IHBG program, but are not shown or referenced in the amended NAHASDA statute.

1. Amendment to United States Housing Act of 1937.--Section 7 of the United States Housing Act of 1937 (42 U.S.C. 1437e) is amended by striking subsection (h).

2. IHP requirement.--Section 184(b)(2) of the Housing and Community

Development Act of 1992 (12 U.S.C. 1715z-13a(b)(2)) is amended by striking ``that is under the jurisdiction of an Indian tribe'' and all that follows before the period at the end.

3. Authorization of Appropriations.--Section 184(i)(5)(C) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a(i)(5)(C)) is amended by striking ``note'' and inserting ``not''.

4. Environmental review under the Indian housing loan guarantee program.— Section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a) is amended -- (A) by redesignating subsection (k) as subsection (l); and (B) by inserting after subsection (j) the following: ``(k) Environmental Review.--For purposes of environmental, review, decisionmaking, and action under the National Environmental

Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other law that furthers the purposes of that Act, a loan guarantee under this section shall -- ``(1) be treated as a grant under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and ``(2) be subject to the regulations promulgated by the Secretary to carry out section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115).".

5. Ineligibility of Indian Tribes. -- Section 460 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899h-1) is amended by striking ``fiscal year 1997" and inserting ``fiscal year 1998".

6. Treatment of previous amendments.--Section 402 of The Balanced Budget Downpayment Act, I (42 U.S.C. 1437a note) is amended by striking subsection (e).

This highlighted/strikeout version of the amended NAHASDA statute was posted to the NAHASDA Home Page's (<http://www-domino.hud.gov/ihp/newhome.nsf?>) NAHASDA Discussion (Tribe Discussion or Internet Recipient Discussion) group on October 18, 1998, by Peter J. Petrunich under the subject: NAHASDA Statute and the topic: Amendments. The individual amendments and the amended NAHASDA statute can also both be found in the Reference Documents section of the NAHASDA Home Page.