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March 31, 2026

GENERAL MEMORANDUM 26-014

House and Senate Introduce NAHASDA Reauthorization Bills

The Native American Housing Assistance and Self-Determination Act (NAHASDA) was originally enacted in 1996. The original bill had a five-year sunset period, and was reauthorized initially in 2002 and then again in 2008. However, since the 2008 reauthorization expired in 2013, NAHASDA has not been reauthorized. Tribal housing advocates have been attempting to move reauthorization through Congress ever since 2013, with much needed updates and reforms.

On March 26, bipartisan NAHASDA reauthorization bills were introduced in both the Senate and House of Representatives. The House bill (H.R. 8092) was introduced by Representative Downing (R-MT-02) and Representative Bynum (D-OR-05), with thirty-three co-sponsors. The Senate bill (S. 4276) was introduced by Senate Committee on Indian Affairs Chair Senator Murkowski (R-AK) and Vice Chair Senator Schatz (D-HI), with five co-sponsors.

The two bills are similar: they share foundational provisions and intend to achieve the same primary goals. Both bills reauthorize NAHASDA appropriations, namely Indian Housing Block Grants (IHBG), for seven years. Additionally, both bills include provisions to:

(i) consolidate the federally-required environmental review process for tribal housing projects, permitting one review per project;

(ii) create additional pathways for homeownership by allowing families living in NAHASDA-assisted rental units to purchase their units, requiring only that the family qualified as "low income" when it first occupied the unit;

(iii) increase the maximum duration for leases on trust and restricted lands from 50 years to 99 years;

(iv) reauthorize and update the Indian Loan Home Guarantee Program (Section 184), expanding its applicability and increasing private financing options for mortgages;

(v) facilitate tribal participation in the Continuum of Care program, the largest federal grant program assisting people experiencing homelessness;

(vi) streamline and minimize tribes' annual HUD reporting requirements; and

(vii) exempt tribal housing projects from the Build America, Buy America Act, to keep building costs low and completion timely.

Both bills also codify the use of NAHASDA funds for student and veteran housing assistance, reduce tribes' administrative burdens, and protect and promote tribal sovereignty and self-determination.

But the bills are not identical. The Senate bill also includes several provisions not contained in the House bill. These additional provisions would:

(i) increase the threshold amount for the procurement de minimis exception—the amount paid for goods and services under which an acquisition is exempt from NAHASDA's procurement regulations;

(ii) authorize tribes and tribal entities to establish their own procurement policies;

(iii) amend NAHASDA to put Native Hawaiians on equal footing with American Indians and Alaska Natives;

(iv) facilitate coordination with the Department of Defense's Innovative Readiness Training Program for assistance with grant recipients' civil engineering needs and construction activities;

(v) increase tribal self-determination and discretion in the use of NAHASDA funds for homeownership activities, by expanding the family income eligibility ceiling for such activities to 120% of the area median income (AMI), so long as at least 50% of the funds assist families at or below the current ceiling of 80% AMI;

(vi) create the "Tribal Homeless Assistance Program," a pilot program providing housing assistance and support services to American Indians, Alaska Natives, and Hawaiian Natives at risk of, or are currently experiencing, homelessness;

(vii) codify the Tribal Intergovernmental Advisory Committee (TIAC) at HUD in its current form; and

(viii) exclude consideration of the IHBG formula from the Act's negotiated rulemaking, giving HUD full discretion to unilaterally amend the formula regulations.

Congressional staffers welcome tribal feedback on both bills. Please let us know if you would like our assistance in developing comments on the bills to submit to the Senate Committee on Indian Affairs or the House Committee on Financial Services, or if you would like our help reaching out to your Members of Congress.

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