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## MEMORANDUM

October 5, 2017

To: Housing Clients

From: Hobbs, Straus, Dean & Walker, LLP

Re: *NAIHC Legislative Committee Meeting*

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This memo reports on the monthly NAIHC Legislative Committee meeting, which was held on October 5, 2017 (by teleconference). The Chairman of the Legislative Committee, Gary Cooper and NAIHC Executive Director, Tony Walters, presided over the call.

### **Announcements:**

Tony Walters made two announcements. NAIHC sends out a Native Housing update every two weeks. If you do not receive that document, you can subscribe on the NAIHC website.

One of the issues in the most recent update is the call for presentations for the Legal Symposium. The deadline for submitting proposals is Friday, October 6, 2017. The website has an interactive page where you can submit your proposal, and it is very user friendly. The Legal Symposium is December 3 – 5, 2017 at the Venetian in Las Vegas. Registration is now open. The Legislative Committee will meet in person on December 3, 2017 at the beginning of the Symposium.

### **Census Bureau:**

Jennifer Holland, the Partnership Communication and Outreach Branch Chief, Geography Division at U.S. Census Bureau, gave a short presentation. She and some of her staff are planning to come to the Legal Symposium to discuss their geographic programs. They are in the process of LUCA (local update of census addresses). LUCA is a once a decade opportunity for governments around the country to review and update their address lists in advance of the decennial census. This list is key for getting an accurate count for the census and American Community Survey. Letters were sent out to tribal leaders over the summer to ask them to have their tribes participate in the update, and last week reminder letters and post cards went out to the governments the Census has not heard from yet. LUCA is a key opportunity to get your tribal government to provide information to make sure the census gets accurate information. For more details on LUCA, please see the attached LUCA flyer. Ms. Holland asked participants on the call to

reach out to their tribal governments to make sure they are participating in this program. The registration deadline to get paperwork in is December 15, 2017, so they will make one last push at the NAIHC Legal Symposium.

In addition, at the Legal Symposium Ms. Holland and her staff will be talking about their boundary and survey program. This program is critical for getting tribal boundaries correct.

#### **NAIHC White Papers on Legislative Priorities:**

NAIHC has received several of the white papers drafted by volunteers and is reviewing and revising those. There are still several outstanding and Mr. Walters asked that those volunteers submit those as soon as they can. These white papers will address the various legislative priorities identified by NAIHC, and they will be made available as they are completed on the NAIHC website. These can be used as you advocate with your Congressional delegation about issues of importance to Indian Country housing.

#### **NAHASDA Bills Recently Introduced:**

In our last housing update memo, we provided an update and brief summary of the NAHASDA reauthorization bills introduced in both the House and the Senate late last week. Mr. Walters went through the two bills in brief, summary fashion. He noted that Congressman Pearce intends to be the lead in bringing this through the House yet again (he shepherded the last two bills to passage through the House), but that this will likely be his last chance to do so. He is running for Governor of New Mexico, and will not be running for re-election to his House seat in 2018.

Mr. Walters noted that the \$650 million IHBG amount in the House bill has been included in that bill because House Republican leadership rules require that bills that provide for appropriations must identify and set an appropriations amount. The Senate bill does not contain that language. The Senate bill has different language regarding the HUD-VASH program that tracks the language in the bill already introduced in the Senate. The Senate bill also has a reporting requirement, which one participant indicated was added by Senator Udall because the sponsors had not received feedback from the tribes on these provisions.

Another participant asked about the language in both bills regarding environmental assessments. Mr. Walters explained that the purpose of this language is to allow for one environmental assessment under the HUD requirements, if there is more than 51% NAHASDA funding in the project (and thus would not require multiple EAs to satisfy the environmental review requirements of the other agency funding in the project).

Congressman Pearce is trying to move the House bill through the House without a hearing, since it is the same bill that was adopted by the House in the last two sessions.

There is no guarantee that this process will work, but Congressman Pearce is trying to get this done in as expedited a manner as possible.

The Senate bill, which as we reported is nearly identical to the House bill, was introduced in order to try and move it through in an expedited manner as well. However, the bill has been introduced and sponsored only by Democratic Senators. Thus, given that the Senate is controlled by the Republican majority, and there is already a bill (the BUIILD Act) sponsored by a Republican Senator (John Hoeven - ND), the prospects of this bill moving forward are challenging. I asked whether NAIHC had heard any feedback from the Republican Senators who had sponsored the BUIILD Act on their position regarding Senator Udall's bill. Mr. Walters said that they had not heard any feedback yet.

Mr. Walters said that NAIHC intends to continue working with the sponsors of the two bills to develop and refine the strategy for moving the bills through Congress. He emphasized that NAHASDA reauthorization has been a bi-partisan issue, and that the goal is to keep it that way. He will continue to update the Committee on the progress or reauthorization.

**Final Announcements:**

NCAI will hold its Annual Convention and Marketplace in Milwaukie, WI, October 15-20, 2017.

The next NAIHC in-person event is the Legal Symposium, to be held at the Palazzo/Venetian hotel in Las Vegas, NV, December 3-5, 2017.

The next NAIHC Legislative Committee meeting will be held via teleconference on November 2, 2017 at 1:30 PM Eastern.

**Conclusion:**

If you have any questions about the items in this memorandum, please do not hesitate to contact Edmund Clay Goodman at [EGoodman@hobbsstrauss.com](mailto:EGoodman@hobbsstrauss.com) or by phone at (503) 242-1745.