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MEMORANDUM

January 12, 2018

To: Housing Clients

From: Hobbs, Straus, Dean & Walker, LLP

Re: *NAIHC Legislative Committee Meeting*

This memo reports on the monthly NAIHC Legislative Committee meeting, which was held on January 11, 2018, (by teleconference). The Chairman of the Legislative Committee, Gary Cooper and NAIHC Executive Director, Tony Walters, presided over the call.

Status of NAHASDA Reauthorization Bills:

House Bill. As reported in our memorandum of December 14, 2017, Rep. Steve Pearce's (R-NM) NAHASDA reauthorization bill (HR 3864) was approved by the House Financial Services Committee, clearing it for consideration on the House Floor. However, since this time, there have not been any developments to indicate *when* it might be taken up. This leaves time to refine amendments for any outstanding issues that may still need to be resolved. As of this writing, Denise Zuni is working with Rep. Pearce on two amendments to the bill, one relating to floodplain mapping and another relating to the Section 184 program—particularly to allow tribal court jurisdiction. We understand that these draft amendments should be ready to be circulated for comment later in the month.

Senate Bills. Both Senate NAHASDA reauthorization bills, S 1895: Vice Chairman Tom Udall's (D-NM) bill) and S 1275: Chairman John Hoeven's (R-ND) bill (the slimmed down version or "BUIILD Act") are still pending before the Senate Committee on Indian Affairs. Mr. Cooper and Mr. Walters did not expect action on either bill anytime soon. They suggested, however, that Sen. Jon Tester's (D-MT) Tribal HUD-VASH bill (S 1333) which has already been approved by the Committee, would be the most likely to move forward.

Status of FY 2018 Appropriations:

The federal government is currently operating under a Continuing Resolution (CR) which, by and large, continues FY 2017 terms and spending levels on a pro rata basis. The CR runs through January 19, 2018. As of this writing, Congress is expected

to pass another CR—this time into mid-February—while work continues on a broader budget deal to increase discretionary spending caps.

Tribal Opportunities in the Upcoming Farm Bill Reauthorization

The Farm Bill is up for reauthorization in 2018. USDA, particularly Rural Development, encompasses a number of programs that support the development of utility services and housing in rural areas (including the 502 program). As Congress gears up to draft a reauthorization bill, it is an opportunity for tribes.

Legislation Introduced to Provide Tribes with Access to Opioid and Meth Prevention and Response Grants:

The 21st Century Cures Act (PL 114-255) includes funding for states for opioid prevention and response but does not include any direct funding for tribes for this purpose. On December 21, 2017, Sen. Steve Daines (R-MT) introduced S 2270, the Mitigating the Methamphetamine Epidemic and Promoting Tribal Health Act to make tribes eligible for such grant funding and to expand the purpose of the grants to include other substances such as methamphetamine (if such substances are having a substantial impact on the tribe or state). The bill was referred to the Senate Health, Education, Labor and Pensions Committee. The bill would increase the current \$500 million allocation to \$525 million and specifically make tribes/tribal organizations eligible applicants. There is no specific tribal allocation amount; applications would be made to the Substance Abuse and Mental Health Administration (SAMHSA). One caller suggested that during the rule-making process this could be expanded to include grants for meth *cleanup*. While this would be useful to tribes and TDHE's, this would be outside the scope of the bill as currently written.

Upcoming NAIHC Legislative Conference:

NAIHC will be holding their legislative conference in Washington, DC in the Washington Court Hotel from March 5-7, 2018. March 5 will be the Legislative Committee Meeting and Welcome Reception, March 6 will be Updates from Capitol Hill and March 7 will be Hill Meetings with Members of Congress. Further information is available here: <http://naihc.net/legislative-conference/>

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 or by phone at (503) 242-1745.