



## MEMORANDUM

November 8, 2018

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 November 8, 2018 (by teleconference). NAIHC Executive Director Tony Walters presided over the brief call.

### **I. Mid-Term Election Results**

#### *New Congressional Composition*

Democrats won the majority in the House for the 116<sup>th</sup> Congress. Maxine Waters (D- CA) will likely take over as Chairwoman of the House Financial Services Committee. NAIHC has a strong relationship with Representative Water's office, and has worked with them in the past on NAHASDA issues. Two native women were elected to the House: Deb Haaland (Laguna Pueblo) (D-New Mexico); and Sharice Davids (Ho-Chunk Nation) (D-Kansas). NAIHC is unsure whether either of them have announced preferences for committees, although Congresswoman Davis may be interested in serving on the House Transportation and Infrastructure Committee.

The Republicans will remain in control of the Senate, and picked up a few additional seats. Senator John Hoeven (R- ND) will likely remain as chair of the Senate Committee on Indian Affairs. It is unclear whether Mike Crapo (R- ID) will remain as Chairman of the Committee on Banking, Housing, and Urban Affairs. Committee chairs are usually determined in lame duck session, and so NAIHC should be able to share chair appointments by the time that the Legal Symposium convenes on December 11.

It will be the first time in years that Congress has split House and Senate control between the Democrats and Republicans. Mr. Walters noted that a split can lead to increased negotiation between the parties. NAIHC hopes to get an improved NAHASDA bill quickly in front of the new Congress.

## **II. Update on 115th Congress & Pending Legislation**

The 115th Congress will only be in session again for about one week before the Thanksgiving break, and then will be in session until Christmas. A final appropriations bill must be passed by December 7, unless that deadline is extended.

HUD-VASH. NAIHC has provided the attached letter that members may send to their representatives to authorize the Tribal HUD-VASH program. Mr. Walters is hopeful that Congress can get a bill passed in the final weeks before Christmas, as there are two bi-partisan efforts to authorize the Tribal HUD-VASH program moving forward with support in the House and Senate. The Senate version, S.1333, has been passed out of the Senate by unanimous consent. The House Financial Services Committee has not voted this legislation out of Committee. In both versions, the tribal set aside language requires no less than 5% of total HUD-VASH funding to be available for the tribal HUD-VASH program. Participants raised the concern that 5% of the currently allocated \$40 million in funding would be \$2 million, less than the prior \$7 million available in the program. Mr. Walters explained that NAIHC reads the proposed legislation to allow unused vouchers to roll over in addition to newly allocated funds, and has not heard any other interpretation. However, Mr. Walters agreed to confirm this understanding.

NEXT YEAR'S NAHASDA REAUTHORIZATION BILL. NAIHC is preparing for a discussion at December's Legal Symposium, so that the membership can identify its priorities for a new NAHASDA reauthorization bill, and ultimately develop a draft NAIHC bill. While NAIHC went through this exercise prior to the expiration of NAHASDA in 2013, that priority-setting information is now six years old, and it is time to re-evaluate. Mr. Walters said that NAIHC is working on and will shortly be offering a submissions form on the NAIHC website that may be used to suggest priorities. After discussion, Mr. Walters determined that NAIHC's initial list of priorities will be based off of the consensus items from prior years that are still outstanding. NAIHC would like members to review and add their submissions prior to November 30, so that NAIHC can prepare feedback and conduct research, and so that members have time to review prior to traveling to the Legal Symposium in December.

SECTION 184 DRAFT PROPOSAL. Earlier this week we sent out the Tribal discussion draft of the new Section 184 regulations released by HUD ONAP at the NCAI meeting last month. The draft is for tribal comment only; they have not been released as a proposed rule for public comment. The Section 184 draft regulations released by HUD are still not in the proposed rule stage. NAIHC has not yet drafted comments. HUD held a listening session at NCAI's 2018 Executive Council Winter Session, and will hold another at NAIHC's Legal Symposium, likely as part of a break out session.

## **III. NAIHC Legal Symposium, Venetian Hotel, Las Vegas, December 10-12**

NAIHC's Legislative Committee will meet in person on December 10 at 1:30 PM, and the NAIHC Legal Symposium will convene on December 11-12. An update

went out today with information on keynote speakers and breakout sessions. There is a block of rooms at conference rates.

#### **IV. 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.