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MEMORANDUM

January 14, 2019

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 10, 2019 (by teleconference). NAIHC Executive Director Tony Walters presided over the brief call.

I. 116th Congress

Mr. Walters said that there are no signs that the government shutdown will end soon. The new Congress is focused on issues related to the shutdown, and drafting funding bills to reopen the government. In the House, Democrats are also working on priority bills to be introduced at a later, post-shutdown date. Mr. Walters met with the Senate Committee on Indian Affairs on January 10, and will meet this week with the House Committee on Financial Services leadership.

Mr. Walters plans to share NAIHC's priorities as developed at December's Legal Symposium, where the membership developed a matrix of issues to focus on with the new Congress. At this juncture, Mr. Walters is not focusing his Hill meetings on the specifics of a new NAHASDA bill. As each of the regions will be meeting in the next 30 to 45 days, NAIHC would like to review the regional consensus priorities for the new bill, and then hold a larger discussion with the membership prior to discussing on the Hill.

NAIHC is currently becoming familiar with new Congressional leadership positions, Committee structures, and anticipated timelines for moving bills forward in this Congress.

Most of HUD is furloughed during the shutdown. Deputy Assistant Secretary Heidi Frechette is not considered to be "excepted personnel," and is not available to answer emails. Outside of Washington, DC, most NAIHC members have not been able to work with their regional ONAP staff.

Federal government contractors are working on case-by-case basis depending on their work status approval prior to the shutdown. Although NAIHC could continue some its training and technical assistance work that was approved prior to the shutdown, this work is not currently practical because many members are dealing with funding and travel-related issues.

Participants asked about the impact the shutdown is having by region to NAIHC members. NAIHC plans to send out a survey in the next several days to tribes requesting information about that impact. Mr. Walters has heard from one or two tribes, who have called in about shutting down programs if funding is not available to draw down from HUD. NAIHC would like to be able to quantify the impact to be able to share with Congress. Mr. Walters recently joined a call with other Native organization, and noted that the impact is affecting tribes differently. For critical tribal programs, tribes are trying to keep services running with other funds, but some tribes have more alternate funding sources than others. HUD has only shared impacts of the shutdown with Congress on the public housing side, such as the potential effects on voucher payments.

II. 115th Congress

A. Final thoughts

Mr. Walters gave his final thoughts on the 115th Congress, which did not technically end until Jan. 2, 2019, as members of Congress were in and out through the holidays. Positives over the past session included the increased \$100 million allocated for competitive grants included for the IHBG. This marks the first sizable increase to the IHBG since 2010, and FY 2018's total funding of \$755 million marks the highest level of regular appropriations since the program was enacted under NAHASDA.

Prior to the shutdown, HUD said the NOFA for applications for this new grant money would be released to grantees soon after the January 7, 2019 ICDBG application deadline. NAIHC is hoping to see the NOFA come out and the money released quickly once the shutdown concludes and HUD is open for business. Mr. Walters said that the \$100 million increase has been included in all draft FY 2019 bills that he has reviewed thus far, so he is optimistic that it will be extended a second year (and disbursed more quickly than FY 2018 awards). This increase in funding is a good sign, but there is still a long way to go to adequately fund housing in Indian Country.

B. NAHASDA Reauthorization

No versions of a NAHASDA reauthorization bill passed in the last Congress. NAIHC will start fresh this year with a new NAHASDA bill proposal. Discussions of the specifics in the bill will occur at the upcoming regional meetings. If the regions would like Mr. Walters to attend in person or by phone to assist with questions on priorities for a new proposed bill or to provide any other resources, please contact him soon at NAIHC. NAIHC also will focus on priorities for the new bill at the upcoming Legislative Conference, discussed in more detail below.

C. Tribal HUD-VASH

Unfortunately, although a Tribal HUD-VASH bill was close to being finalized, NAIHC was unable to get it over the finish line. Certain members of Congress on the Financial Services Committee expressed a concern about the lack of a sunset or expiration

provision, based on their general opposition to permanent authorizations. Further, there wasn't enough time or will to get the bill moving again in light of the impending shutdown.

III. NAIHC Legislative Conference

The NAIHC Legislative Conference is scheduled for February 25-27, 2019 in Washington, DC, at the Washington Court Hotel. Please make hotel reservations by February 1. If the government shutdown continues into the next couple of weeks, NAIHC will look at rescheduling the conference, but they have not yet set a cut-off date to do so. Mr. Walters said he understands that members need to schedule travel arrangements in advance, and that the shutdown uncertainty may cause a dip in attendance this year.

Currently, an in-person Legislative Committee meeting is set to be held during the Legislative Conference on Monday, February 25. A listening session on the Section 184 Loan Guarantee Program is also expected to be scheduled on February 25. On February 26, Agency and Congressional speakers are expected to give presentations. Wednesday is set aside for members to meet with their respective Congressional delegations. NAIHC can assist with setting up meetings upon request, but please contact Erla Sagg at NAIHC soon to do so. Mr. Walter said it will be exciting to see the energy and new ideas from the new members of Congress.

IV. Announcements

A. ICDBG Grant Notice of Funding Availability

To Mr. Walters' knowledge, the ICDBG deadline did close as scheduled on January 7, 2019, during the government shutdown. However, the applications are not yet being actively reviewed. NAIHC called HUD to ask about extending the deadline, but HUD has not yet responded. Members should check in with their regional ONAP offices once the shutdown ends to inquire if there is any flexibility on the deadline.

B. Next Legislative Committee Meeting

The next legislative committee meeting will be held by teleconference on February 7, 2019. During that call, NAIHC will be able to confirm the Legislative Conference information.

V. 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.