



MEMORANDUM

February 8, 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 February 7, 2019 (by teleconference). NAIHC Executive Director Tony Walters presided over the brief call.

I. 116th Congress

Mr. Walters began with a discussion of the recently-ended partial government shutdown. NAIHC gathered information from its members in a survey, asking about the impacts of the shutdown on Indian housing. NAIHC shared that information with members of Congress, and urged them to find a solution to the impasse. While the last shutdown is over, Congress and the Administration have until the end of next week to reach an agreement on the remaining appropriations for FY2019, or there will be another shutdown. Mr. Walters said that there is a bi-partisan group working on a solution. He was asked whether he thought they would get it done. He said that he thinks that the Congressional negotiators are working hard and in earnest to reach a solution, and he thinks that they plan to have something to present by this weekend. However, ultimately, it will take the President to agree as well, and Mr. Walters said he was “unwilling to hazard a guess” as to the President’s ultimate position. I advised the group that they should get in any LOCCS draw requests soon, in advance of the potential shutdown next week.

One of the questions that came up during the shutdown was whether HUD would extend the January 7, 2019 ICDBG application deadline. He said that NAIHC did not hear from its members that an extension was a priority, and communicated to HUD that they should focus on getting out the NOFA for the \$100 million in competitive IHBG funds for FY 2018. He urged HUD to get that out before any potential shutdown, so that tribes/TDHEs could get to work on putting together applications. HUD has not yet released any timeline as to when they will have the competitive funds NOFA released.

Senate Committee on Indian Affairs. Even though the 116th Congress has just begun work, the Senate Committee on Indian Affairs has been very busy, passing 12 bills out of committee in its first session (on January 29). Those bills are:

- S. 46 Klamath Tribes Judgment Fund Repeal Act
- S. 50 Columbia River In-Lieu and Treaty Fishing Access Sites Improvement Act
- S. 51 Little Shell Tribe of Chippewa Indians Restoration Act of 2019
- S. 199 Leech Lake Band Of Ojibwe Reservation Restoration Act
- S. 207 A bill to enhance Tribal Road Safety, and for other purposes
- S. 209 PROGRESS for Indian Tribes Act
- S. 210 Tribal Law and Order Act Reauthorization and Amendments Act of 2019
- S. 211 SURVIVE Act
- S. 212 Indian Community Economic Enhancement Act
- S. 216 Spokane Tribe of Indians of the Spokane Reservation Equitable Compensation Act
- S. 224 A bill to provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, Alaska, and to the Bristol Bay Area Health Corporation located in Dillingham, Alaska, and for other purposes
- S. 226 Tribal Labor Sovereignty Act of 2019

Tribal HUD-VASH. On February 6, 2019, the SCIA passed the Tribal HUD-VASH legislation. It is the same exact bill that the Senate passed last year. Mr. Walters expects that it will go to the floor relatively soon (and won't be referred to the Veterans Affairs Committee), and should pass the Senate without controversy. As you may recall, it appeared that this bill would pass the House in December, but was then held up over a demand by certain members of the House Financial Services Committee that it should contain an expiration date. Rather than agree to that demand, the sponsors decided to wait for this session, where they are hopeful that the new House majority will pass the bill without an expiration date. Mr. Walter said that while this is not a perfect bill (it does not address the issue of using vouchers for tribally-managed homes), it does make the Tribal HUD-VASH program permanent, and NAIHC is actively advocating for passage.

A representative of the Tohono O'odham Nation gave a brief update on their successful Tribal HUD-VASH program. She noted that while the program has been successful, they have more funding for vouchers than they are able to use at this time, because there is insufficient funding for the case management work needed to serve additional veterans. She noted that her program has contracted with the Department of Veterans Affairs (similar to a Public Law 93-638 Contract) to take over certain VA functions to be managed by the Tribe in-house. But she urged that additional funds be made available for the case management side.

The Tribal Affairs liaison for the VA was on the phone, and spoke briefly about the Native American Direct Loan program. There was discussion about the need for additional funding or staff on the ground to manage applications and packaging of loans in Indian Country, and that the lack thereof was impeding implementation of the program. There will be an effort at some administrative and possibly legislative changes to facilitate the program by giving tribes a bigger role. One of the options is to allow tribal CDFIs to participate in the program.

II. FY 2019 Appropriations Update

The FY 2019 appropriations for HUD (as well as for the Bureau of Indian Affairs and the Indian Health Service) are part of the negotiations for the remaining funding bills for FY 2019. While we have not seen anything come from the negotiations, it is encouraging that both the House and the Senate bills being considered at the end of 2018 included \$655 million for the general IHBG as well as another \$100 million in competitive IHBG funding. The funding in the House bill for the Tribal HUD VASH was lower than what tribes wanted (only \$4 million), but NAIHC is working to see if that number can be increased as part of the final funding package.

III. FY 2020 Appropriations

Mr. Walters noted that we should be at the beginning of the FY 2020 appropriations process, which starts with the Administration issuing a proposed budget. That usually comes out in February, but we have heard no timeline yet from the Administration. It is not likely that work will get started on FY 2020 until the final issues are resolved for FY 2019 funding.

IV. NAHASDA Reauthorization

Mr. Walters began the discussion of NAHASDA reauthorization by saying that NAIHC is looking for sponsors in Congress to introduce the bill. The initial plan was to have Gwen Moore (D-WI), who has long been an advocate and an ally of Indian Country housing. However, Representative Moore has been reassigned from the House Financial Services Committee to the Ways and Means Committee, so NAIHC is looking for a new sponsor.

NAIHC does not yet have draft bill language. They are still taking input from the various regions on language that should be in the new bill. NAIHC is working on the process for getting input and developing a bill, and that process will continue with meetings during the Legislative Conference as well as at the Annual Meeting. At this juncture, Mr. Walters is not focusing his Hill meetings on the specifics of a new NAHASDA bill. 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.

V. Section 184

HUD is still working on the Section 184 regulations. Deputy Assistant Secretary Heidi Frechette plans to attend the Legislative Conference to conduct additional consultation, assuming that there is no government shutdown. That listening session is scheduled to take place on Monday, February 25.

VI. NAIHC Legislative Conference

The NAIHC Legislative Conference is scheduled for February 25-27, 2019 in Washington, DC, at the Washington Court Hotel. The Conference is just a few blocks from the NAIHC offices, and Mr. Walters urged NAIHC members to drop in for a visit. At this point, even if the government shutdown is renewed, NAIHC is going to go forward with the Conference. Over 100 people have signed up to attend, and NAIHC has a good line up of speakers to address the group.

An in-person Legislative Committee meeting is set to be held during the Legislative Conference on Monday, February 25, at 3:30 PM Eastern. 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.

VII. 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.