



MEMORANDUM

June 18, 2019

To: HOUSING CLIENTS

From: HOBBS, STRAUS, DEAN & WALKER, LLP

Re: ***NAIHC Legislative Committee Meeting: HUD Extends Comment Deadline for New Draft of Section 184 Loan Guarantee Regulations; House to Consider FY 2020 Transportation-Housing and Urban Development Appropriations***

This memo reports on the monthly NAIHC Legislative Committee meeting, which was held on June 13, 2019 (by teleconference) and presided over by NAIHC Executive Director Tony Walters. Among the topics discussed were the news that HUD has extended the comment deadline to June 30, 2019, on the draft of the Section 184 Loan Guarantee Program Regulations and that the House will be taking up the House Appropriations Committee's FY 2020 recommendations for tribal Housing and Urban Development programs as part of a larger package of appropriations bills.

a. FY 2020 Appropriations

Timing and Context. Mr. Walters reported that the House FY 2020 Transportation-Housing and Urban Development (T-HUD) appropriations bill has been approved by the House Appropriations Committee. This week it will be packaged with other House Appropriations Committee-approved bills and considered on the House Floor. As of this writing, the House Democrats' strategy is to bundle groups of appropriations bills together with the intent of passing all 12 bills before the August Recess, in order to leave enough time to negotiate with the Senate before the start of the new fiscal year (Oct. 1). The House will first continue considering the Defense and the Labor-Health and Human Services-Education appropriations bills packaged together with two other appropriations bills and then move to T-HUD packaged with the Commerce, Justice, Science; Agriculture, Rural Development and Food and Drug Administration; Interior, Environment; and Military Construction, Veterans Affairs appropriations bills. A complicating factor is that the House has "deemed" discretionary spending levels higher than the discretionary spending levels set by the Budget Control Act for FY 2020. As of this writing, the Senate has not yet "deemed" a higher discretionary spending level and the Trump Administration is signaling a reluctance to agree to increased discretionary domestic spending levels. Despite the Administration's opposition, we understand that some Senators are considering taking steps to "deem" higher spending levels after the July 4th Recess in order to move forward with their own versions of appropriations bills.

Content. The funding levels for tribal programs in the version of the T-HUD appropriations bill to be considered on the House Floor this week have not changed from when we reported to you in May on the House Appropriations Committee's release of their draft T-HUD appropriations bill and report. On the call, attendees mentioned that some Congressional offices had expressed interest in increasing the Indian Community Development Block Grant

(ICDBG) program to \$100 million but were running into pushback because that amount would bump up against the overall spending limit set for the T-HUD appropriations bill. One attendee inquired about the best way to increase Senate support for the \$100 million in competitive funds to ensure it would continue. Others on the call said that HUD's publication of the Notice of Funding Opportunity (NOFO) for the competitive funds has helped reassure Senate appropriators who had been concerned that HUD was moving too slowly. Mr. Walters affirmed that he would follow up with Senate offices to ensure it is understood that the NOFO went out and the funds are very much needed.

b. NAHASDA Reauthorization and Other Housing Bills

NAHASDA. Mr. Walters reported that Representative Heck (D-WA) is working with House Financial Services Chairwoman Waters (D-CA) to iron out issues relating to the Cherokee Freedman issue and regarding certain public housing language. He said Representative Heck's version will roughly use Former-Representative Pearce's (R-NM) bill as a base and that hopefully other provisions will be added which have been discussed in legislative committee meetings, such as a fix for the Indian Health Service (IHS) sanitation infrastructure restriction. He said that Representative Heck's office has also been discussing wrapping in provisions relating to housing counseling and to programs at the U.S. Department of Agriculture (USDA) in order to craft a tribal housing bill that is "as robust as possible." Mr. Walters said that the idea is to get the language to be "as good as it can be" for tribes while also able to get through the Financial Services Committee "with as little hassle as possible." Mr. Walters said there will likely be a Financial Services Committee hearing on NAHASDA in either June or July.

Tribal HUD-VASH. Mr. Walters reported that on May 23, 2019, the House version of the Tribal HUD VASH Act was introduced as H.R. 2999 by Representative Lujan (D-NM). The Senate companion bill (S. 257) is sponsored by Senator Tester (D-MT) and was reported out of the Senate Committee on Indian Affairs without amendment on March 28, 2019 (thus clearing it for Senate Floor consideration). He reported that NAIHC and others are talking to various Senate offices about bringing up a package of tribal bills in the Senate in June under an expedited procedure called "Unanimous Consent." One caller reported that discussions are also underway to add on a package of tribal bills as a floor amendment to the Senate's consideration of their FY 2020 National Defense Authorization bill—which could be another option for S. 257.

c. NAIHC Using New Advocacy Software (Phone 2 Action)

Mr. Walters said that individuals will be able to sign up by text and email and then prompted to type in their zip code and prompted to enter information to customize their letter. The letter will then automatically be sent to the correct House and Senate offices just by following these steps--which can be taken on a smartphone. He said that NAIHC will create alerts and campaigns around NAHASDA, Appropriations, and Tribal HUD-VASH, among other topics.

d. NAIHC Announcements

Section 184 Loan Guarantee Program Regulations. Mr. Walters reported that the deadline for tribal comments on the draft of the Section 184 Loan Guarantee Program Regulations has been extended to June 30, 2019. He said that NAIHC will submit comments but make clear that these are just on some of the main points and that there will be many more comments from other tribal entities to consider. He said that the next opportunity to comment

will be when the proposed rule is published in the FEDERAL REGISTER but HUD's aim is to incorporate as many tribal comments as possible into the proposed rule prior to its FEDERAL REGISTER publication. *Please let us know if you would like assistance in drafting comments.*

HUD Asset Building Conference. Mr. Walters reported that the HUD Asset Building Conference scheduled for September 17-18, in Niagara, NY at Seneca is now approved by HUD. The title is "Asset Building: A Pathway to Economic Self-Determination IV" and further information is available here:

<https://www.hud.gov/sites/dfiles/PIH/documents/Asset%20Building%202019%20flyer.pdf>

NAIHC Legal Symposium. Mr. Walters provided the following update on the NAIHC Legal Symposium scheduled for the December 11-12 at Bally's in Las Vegas, NV: the Legislative Committee will be held the afternoon of December 10 with the Opening and Closing Assemblies and Breakout sessions held December 11-12.

Legislative Committee Calls. Mr. Walters reported that the next calls are scheduled for July 11 and August 1.

ONAP to Hold Multiple Trainings for \$200 Million NOFO. Mr. Walters reported that each Office of Native American Programs (ONAP) regional office is holding a training on this competitive funding opportunity. He noted that this funding opportunity is in some ways similar to ICDBG but that there are key differences such as "threshold factors" which may disqualify certain applicants. Dates, locations and sign up information are as follows:

Southwest	Phoenix	AZ	June 19-20, 2019	Skype registration or In-person registration
Northwest	Seattle	WA	June 18-19, 2019	Contact David Boyd at david.p.boyd@hud.gov
Southern Plains	Oklahoma City	OK	June 25-26, 2019	Register HERE
Eastern Woodlands	Chicago	IL	June 25-26, 2019	Contact Mary White at Mary.White@hud.gov

e. Member Announcements

ICDBG Awards Coming Soon. One caller reported that they had heard that HUD will notify ICDBG awardees within the next two weeks.

VA Native American Direct Loan program. One caller reported that Senator Rounds (R-SD) continues to be interested in Veterans Administration's Native American Direct Loan (NADL) program and that the entire South Dakota Congressional Delegation recently visited the Rosebud Sioux Tribe and discussed the program. Mr. Walters noted that there is an NAIHC

resolution in support of the NADL and that a resolution of support will be considered at NCAI's next meeting.

USDA 502 Program. One caller reported that the USDA Office of Rural Development in South Dakota trying to get loans to CDFIs approved so they can make an announcement about it before the end of June.

HUD Tribal Advisory Committee. One caller inquired about the status of HUD creating a Tribal Advisory Committee (TAC). Mr. Walters reported that NAIHC has sent letters urging that HUD create a TAC but that the response has always been that funding is needed to do this.

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.