



MEMORANDUM

September 21, 2022

To: TRIBAL HOUSING CLIENTS

From: Ed Clay Goodman & Cari Baermann
HOBBS, STRAUS, DEAN & WALKER, LLP

Re: *NAIHC Legislative Committee Meeting & Legislative Conference*

This memorandum provides a synthesis of information presented during the Native American Indian Housing Council (NAIHC) Legislative Conference held on September 19–20, 2022.

I. NAIHC Legislative Committee Meeting

The NAIHC Legislative Committee met in the afternoon of September 19, 2022. NAIHC Executive Director Tony Walters presided and gave a detailed report. Mr. Walters encouraged tribes to focus on the following priorities when advocating to their Congressmembers this fall:

1. Native American Housing Assistance and Self-Determination Reauthorization Act (NAHASDA) reauthorization
2. Resources/funding increases for tribes
3. Emergency Rental Assistance Program (ERA Program) deadline extension
4. United States Department of Agriculture (USDA) 502 Relending Bill
5. Veterans VA Native American Direct Loan Improvement Act (NADL)

These priorities are discussed in further detail below.

a. *Legislative Update*

NAHASDA reauthorization efforts are continuing. Two versions of the NAHASDA bill have been introduced: S. 2264 and H.R. 5195. Key provisions of the Senate version of the bill (S. 2264) include:

- Authorizing Native American Housing Assistance and Self-Determination Reauthorization Act (NAHASDA) programs through 2032;
- Creating an Assistant Secretary for Indian Housing at U.S. Department of Housing and Urban development (HUD);
- Re-establishing a Drug Elimination Program for tribal communities;
- Consolidating the environmental review requirements for housing;

- Recognizing tribal sovereignty to govern maximum rent requirements;
- Allowing tribal housing programs to access the Indian Health Service (IHS) sanitation funding;
- Making tribes eligible for HUD Housing Counseling grants;
- Including HUD-Veterans Affairs Supportive Housing (HUD-VASH) provisions; and
- Leveraging/using NAHASDA funding as a match for other federal grants.

The Senate bill (S. 2264) has ten, bipartisan co-sponsors. It has passed out of the Senate Committee on Indian Affairs (SCIA), and the next step is a vote by the full Senate. Additionally, the S. 2264 bill version of NAHASDA was included in the Senate's draft fiscal year (FY) 2023 Transportation, Housing and Urban Development, and Related Agencies (THUD) appropriations, which was released on July 27, 2022. Mr. Walters encouraged everyone to urge Congress to reauthorize the version of NAHASDA included in the THUD Appropriations bill.

If the Senate NAHASDA bill passes the Senate, it would still then have to pass the House. However, the House has expressed concerns with S. 2264. For example, the House leadership wants any NAHASDA bill to include language that targets five tribes ("Five Tribes") in Oklahoma (Cherokee Nation, Seminole Nation, Muscogee (Creek) Nation, Chickasaw Nation, and Choctaw Nation), withholding NAHASDA funding from the Five Tribes unless they provide housing assistance to Freedmen descendants.

The House NAHASDA bill, H.R. 5195, has one sponsor: Financial Services Committee Chair Maxine Waters (D-CA). This bill was not included in the House THUD appropriations. H.R. 5195 includes the following key provisions:

- Creating an Assistant Secretary for Indian Housing at HUD;
- Total Development Cost (TDC) allowances for energy efficiency upgrades;
- Five percent (5%) tribal set-aside for USDA programs;
- Making tribes eligible for HUD Housing Counseling grants;
- HUD-VASH provisions;
- Exemption from the Flood Insurance Program; and
- Providing for tribal court jurisdiction over Section 184 loan foreclosures.

However, H.R. 5195 also contains concerning provisions that NAIHC does not support. First, it caps the annual Indian Housing Block Grant Program (IHBG) appropriations at \$680 million per year. This amount is lower than what the Biden Administration included in its budget proposal, and is of general concern because it could set what becomes perceived as a hard cap in subsequent appropriations cycles. Second, as discussed above, H.R. 5195 targets the Five Tribes, withholding NAHASDA funding unless they provide housing assistance to Freedmen descendants.

One of the participants asked what the message should be to ask Congress regarding the two NAHASDA bills. Mr. Walters responded that because the Senate THUD version has more tribal funding, does not set a low cap on funding, and does not contain the provisions on the Five Tribes, it makes sense to advocate to the House that they pass the Senate THUD version.

The American Housing and Economic Mobility Act (S. 1368, H.R. 2768) (AHEM Act), if passed, would also reauthorize NAHASDA through 2031 and would provide \$2.5 billion for NAHASDA in the first year. The AHEM Act would also allow tribes to access Section 8 housing vouchers, which provide additional housing assistance to eligible families. Tribes are not currently eligible to access Section 8 housing vouchers. However, Mr. Walters commented that it is very unlikely to pass in its current form because it does not have bipartisan support.

Native American Rural Homeownership Improvement Act (NARHI Act). The NARHI Act has nine bipartisan cosponsors in the Senate (S. 2092) and three in the House (H.R. 6331). The NARHI Act would provide \$50 million from the USDA Single Family Home Loan Program to Native Community Development Financial Institutions (CDFIs) to provide home loans in tribal communities. It would also expand a demonstration project currently operating only in South Dakota, which was able to help 19 individuals become homeowners in two years. To prioritize lending on trust land, it would waive the 20% match requirement for loans on tribal land. In addition, it authorizes an operating grant for Native CDFIs who relend under this program and appropriates \$1 million annually for technical assistance to Native CDFIs. The bills were introduced in June 2021, and there were subcommittee hearings in July 2021 and February 2022.

Joanna Donohoe (with the Seven Sisters Community Development Group, LLC) encouraged tribes from Minnesota, Montana, North Dakota, South Dakota, Hawaii, Nevada, Maryland, and New Mexico to thank their Congressmembers for sponsoring the bill. She also encouraged tribes to advocate to their Congressmembers who are not sponsors that they should support the NARHI bill.

Tribal Trust Land Homeownership Act, S. 3381, would establish timelines for the Realty/Land Title process at the Bureau of Indian Affairs (BIA), and would create a Realty Ombudsman in BIA to hold BIA accountable for meeting these timelines. The bill has bipartisan support. There was a hearing in February 2022, and the bill was voted out of the SCIA in May, 2022.

Native American Direct Loan Improvement Act, S.4505. On July 12, 2022, Senator Mike Rounds (R-SD) introduced a bill involving the VA Native American Direct Loan (NADL) program in the Senate. The NADL program allows eligible Native American Veterans to buy, build, or improve a home on federal trust land. The NADL may also be used to refinance an existing loan to reduce the interest rate. Last year, Senator Rounds requested a Report (#GAO-22-104627) by the U.S. Government Accountability Office (GAO) on the effectiveness of the NADL program, which can be found [here](#). The new bill addresses some of the issues found in the GAO Report and would provide funding for Native CDFIs to do more outreach for the program to increase veteran participation. Additionally, the bill would adopt the relending model through Native CDFIs, which would provide Native CDFIs with more flexibility to use the funding in a way that fits Native

communities. The next step is for the Senate Veteran’s Affairs Committee (SVAC) to report the bill out of SVAC to be considered by the full Senate, which will likely occur in September, 2022.

b. Budget and Appropriations

In March 2022, Congress passed and President Biden signed a \$1.5 trillion omnibus appropriations bill for FY 2022. This bill was the first major increase in IHBG funding in years. However, the appropriations have not kept up with inflation from the initial NAHASDA appropriations in 1996, meaning that while it does provide more money for tribal housing, that money has less purchasing power. It is also a smaller percentage overall of the HUD budget than in years past. In 1998, NAHASDA provided \$600 million. If that amount had kept pace with inflation, it would equal \$1.083 billion today. In 2001, 2.5% of the \$26 million HUD budget was set aside for tribal housing. Today, the tribal set aside is just 1.17% of the HUD budget. If the percentage of the HUD budget set aside for tribes had remained the same, in FY 22, 2.5% of the \$65.6 billion HUD budget would equal \$1.62 billion.

The Biden Administration released its FY 2023 budget in March 2022, and the numbers are nearly identical to the FY 2022 IHBG budget. The budget requests \$1 billion for tribal housing, including \$772 million for IHBG grants, \$150 million for IHBG Competitive grants, \$70 million for Indian Community Development Block Grant (ICDBG) Program grants, \$7 million for training and technical assistance (T/TA), and \$1 million for Title VI loan guarantees. The budget request also contains some additional provisions: a waiver of various housing nondiscrimination laws for tribal continuum of care projects; inclusion of the USDA 502 Pilot; and \$14 million in funding for the BIA Housing Improvement Program (HIP).

On June 30, 2022, the House Appropriations Committee approved the draft FY 2023 THUD Appropriations Subcommittee bill. The bill proposes \$62.7 billion for HUD’s affordable housing, homelessness, and community development programs, which is a \$9 billion (or 17%) increase over FY22-enacted levels. Below is a breakdown of how the House draft THUD bill compares to the Senate draft THUD bill.

House THUD	Senate THUD
<p>\$1 billion – Total for Tribal Housing</p> <ul style="list-style-type: none"> • \$772 million – IHBG • \$150 million – IHBG Competitive • \$70 million – ICDBG • \$7 million – Training/TA • \$1 million – Title VI Loan Guarantees 	<p>\$1.052 billion – Total for Tribal Housing</p> <ul style="list-style-type: none"> • \$819 million – IHBG • \$150 million – IHBG Competitive • \$70 million – ICDBG • \$7 million – Training/TA • \$1 million – Title VI Loan Guarantees

Mr. Walters remarked that Congress is already starting to prepare its FY 2024 budget. The U.S. Office of Management and Budget (OMB) is working with agencies to determine necessary funding amounts. Mr. Walters therefore encouraged tribes to start advocating now for increased funding for the FY 2024 budget.

c. HUD Funding Opportunities Update

The FY 2022 IHBG competitive grant will provide \$130 million nationally this year. Tribes and TDHEs are encouraged to apply, even if they already have an IHBG grant. Awards will range from \$500,000 to \$7,500,000. Applications can be submitted through [grants.gov](https://www.grants.gov) and are due by **November 17, 2022**.

On July 29, 2022, HUD issued a Notice of Funding Opportunity (NOFO) to invite applications for the ICDBG grant program. HUD will award approximately \$92 million for the ICDBG Program. Awards will range from \$500,000 to \$7,500,000. Applications are due by **October 24, 2022**.

The HUD Continuum of Care (CoC) Program is designed to empower and engage with communities to end homelessness HUD Continuum of Care. The deadline to apply for FY 2022 CoC Annual Program Funding is **September 30, 2022**. Through a special Notice of Funding Opportunity (“Special NOFO”) under the CoC Program, HUD released resources to address homelessness, including funds set aside to address homelessness in rural communities. The funding under the Special NOFO is intended to enhance communities’ capacity to address homelessness by connecting vulnerable individuals and families to housing, healthcare, and supportive services. CoCs can submit projects for two funding opportunities through this Special NOFO: (1) Unsheltered Homelessness Set Aside and (2) Rural Set Aside. Applications for the Special NOFO are due to HUD on **October 20, 2022**. Additional information can be found [here](#).

d. Treasury Programs Update

1. ERA Program

As we have reported in prior memos, Tribes received an \$800 million set-aside from the ERA Program funds to assist eligible households who are facing eviction due to unpaid rents and utilities, or the inability to pay prospective rents and utilities.

On July 18, 2022, Treasury released a “Notice Regarding Recapture and Reallocation of Tribal ERA1 Funds” (“Treasury Notice”) states that “any funds from the initial ERA1 disbursement (not including funds received through reallocation) that are unobligated on September 30, 2022 must be returned to Treasury at that time. This is a statutory requirement, and Treasury cannot provide flexibility on this deadline.” As of June 30, 2022, tribal ERA programs have only spent \$411,607,397 out of \$800 million (51.5%). The Treasury Notice further states that tribes and TDHEs may be permitted to use reallocated funds through December 29, 2022, if the funds qualify for this 90-day extension. Treasury will provide guidance on the extension in the future.

Tribes can only provide financial assistance and housing stability services to eligible households through **September 30, 2022**. According to a Dear Tribal Leader Letter (“[Treasury DTLL](#)”) that Treasury published on June 8, 2022, Treasury emphasized that financial assistance payments may only cover rent, utility and home energy expenses, rental or utility and home energy costs arrears, or other expenses related to housing arising before that date. Tribes and TDHEs may not provide prospective rental or utility assistance or cover costs for other expenses related to

housing, or for housing stability services, for any period beyond September 30, 2022. Please note that we are attempting to persuade Treasury to change its position on this issue.

However, funds can be used for administrative expenses beyond the September 30, 2022 deadline. Further, Tribes that receive reallocated funds have until December 29, 2022 to spend those reallocated funds. When a tribe submits a request for reallocated funds, Treasury will automatically provide an extension.

NAIHC is advocating that Congress extend the deadline to spend all ERA Program funds. NAIHC has drafted letters, available at this [link](#), that tribes can use to send to Congress to advocate for an extension of the deadline. Mr. Walters noted that it is only tribes that are subject to the September 30, 2022 deadline. He also encouraged tribes to emphasize how many tribal families have already been helped through the ERA Program. One participant noted the importance of advocating to Congress that tribes are not asking for more money—they are only asking for an extension to use funds already advocated to tribes.

The Treasury DTLL provides some guidance on timing related to closeout activities for the ERA Program. The Treasury DTLL states that tribes and TDHEs “must submit all final financial, performance, and other reports as required by the ERA1 Award Terms no later than 120 calendar days after the end date of the period of performance.” Treasury has indicated that it will release further closeout guidance in the coming months.

One participant commented that his tribe spent 83% of their ERA Program funds in the first year. He stated that this success can be used to illustrate to Congress how well tribes are using their ERA Program funds. Another participant remarked that tribal members often have a difficult time accessing state ERA funding, while tribal ERA Program funding is more accessible. This further demonstrates the importance of extending the deadline by which tribes can use ERA Program funding.

2. HAF Program

The American Rescue Plan Act of 2021 (“ARP Act”) provides approximately \$498 million in funding to tribes for the HAF Program. This Program provides mortgage assistance to homeowners to prevent the foreclosure or post-foreclosure eviction of a homeowner due to the COVID-19 pandemic. Funding for the HAF Program is allocated through the Treasury for distribution. Allocations are based on the IHBG formula for FY 2021.

Tribes or Tribally Designated Housing Entities (TDHEs) that wished to receive HAF funding were required to submit a Notice of Request for HAF funding by December 15, 2021. At least half of the tribes have now received Treasury approval of their HAF plans. As of September 19, 2022, over 186 tribes have received HAF plan approval and funds. Tribes can contact Treasury about the HAF Program by emailing HAF@Treasury.gov.

NAIHC has training funds available for both the ERA Program and HAF Program. The application form for these training funds is available by contacting training@naihc.net. NAIHC

is also launching a new webpage to help Native homeowners find ERA Program and HAF program resources website. Both of which can be found [here](#).

3. Local Assistance and Tribal Consistency Fund (LATCF)

The LATCF provides \$2 billion to eligible tribal governments and revenue sharing counties as a general revenue enhancement program, with allocations based on a recipient's economic conditions. LATCF monies are distributed in two (2) tranches for each of fiscal years (FY) 2022 and 2023. For tribal governments, the LATCF sets aside \$250 million for each FY 2022 and 2023, for a total set aside of \$500 million. The purpose of the LATCF is to provide support for general revenues for costs incurred by the recipient on or after March 15, 2021.

Recipients have broad discretion on the use of LATCF monies and are permitted under statute to use the monies for "any governmental purpose" other than lobbying activities. Eligible uses include those services and expenditures traditionally provided or made by a government (including, e.g., the provision of health and education services, and capital expenditures in infrastructure and land). There is no requirement that recipients send proposed projects to Treasury for approval.

Tribes must expend and account for expenditures in accordance with applicable procurement laws that apply to the tribe's expending of and accounting for its own funds. The Build America, Buy America Act (BABAA) generally applies to expenditures funded by LATCF monies. However, BABAA does not apply to (1) non-infrastructure projects or (2) infrastructure expenditures undertaken in response to the COVID-19 public health emergency or in response to, or preparation for, other major disasters or emergencies declared by the President under the Stafford Act.

Allocation and disbursement of funds. Ninety percent (90%) of the funding allocation is based on pro-rata shares of tribal enrollment, and 10% is based on "banded" employment per capita. Both portions of the allocation are based on tribally self-reported data. There is a maximum allocation of \$3 million per FY 2022/2023 per tribal government (i.e., \$6 million total), and a minimum of \$50,000 per FY 2022/2023 for tribes with enrollment of 30 or greater (i.e., \$100,000 total) and \$25,000 per FY 2022/2023 for tribes with enrollment of below 30 (i.e., \$50,000 total). The first disbursement of LATCF monies will be made available immediately to tribes as they apply. The second tranche of funding will be disbursed in FY 2023.

Eligible recipients. Eligible tribal governments include the recognized governing bodies of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation individually identified (including parenthetically) in the list published most recently as of the date of the ARP Act's enactment in the Federal Register.

Applying for funds. As of July 29, 2022, tribes are able to view and apply for their FY 2022 allocation by accessing Treasury's Submission Portal. Tribes will also be able to see their anticipated total allocation in the Portal.

Deadline to request funds. Eligible tribal governments must request payment of their FY 2022 allocation through Treasury's Submission Portal by **October 31, 2022, 11:59 PM AKDT.** **If a tribe does not request funding by this deadline, it will be ineligible to receive both its FY 2022 and 2023 allocations of LATCF monies.** Further information can be found [here](#).

e. Other Matters

4. NAIHC Legislative Committee Meetings

The NAIHC Legislative Committee meetings will continue to be held on the first Thursday of each month on a videoconference platform. Anyone who would like to submit questions prior to the calls may do so through the link provided in the NAIHC email sent out prior to each call. Sending in questions and comments ahead of time allows NAIHC to provide detailed responses during the call. Participants can reach out to NAIHC staff with any questions or comments by sending an email to Twalters@NAIHC.net.

5. NAIHC Legal Symposium

NAIHC will hold its annual Legal Symposium on December 5–7, 2022 in Las Vegas, Nevada. Registration will open next week.

6. Additional Monthly Forums and Other Updates

NAIHC will continue to hold additional monthly forums to focus on more in-depth conversations, which will be held on the second Wednesday of each month. The forums will cover a rotating discussion on a single topic. NAIHC welcomes any topics individuals would like covered during these monthly forums. NAIHC is also asking for volunteers to help lead discussions during the forums.

NAIHC will continue to provide virtual and in-person training and technical assistance. NAIHC sends out a Native housing newsletter every two weeks. Any tribe who does not currently receive the newsletter can go to the NAIHC website [here](#) to sign up.

II. Morning Plenary Session

a. Federal Agency Presentations

NAIHC held a Plenary Session on September 20, 2022. NAIHC Board Chair Thomas D. Lozano and ***Bryan Newland, Assistant Secretary of the Bureau of Indian Affairs***, gave opening remarks.

Assistant Secretary Newland emphasized the importance of tribes being able to provide homes in their tribal communities for all tribal members. He also noted that BIA and the United States Department of Interior (DOI) recognizes the importance of tribal housing and has provided significant funding to support tribal housing and economic development.

DOI is also revisiting the land into trust regulations to make it easier for tribes to place land into trust. Currently, it is a three-year process to put land into trust. DOI's goal is to reduce this timeframe down to one year by redirecting the approval process to go through the regional BIA offices, instead of being funneled solely through the Secretary of Interior. Mr. Newland further remarked that under the revised regulations, for any land that a tribe requests be placed into trust, DOI will presume that the land *should* be placed into trust. The burden will therefore shift to those who do not want the land placed into trust to prove why it should not be.

DOI will further be re-examining leasing regulations, in particular the agricultural regulations. DOI is also reviewing taxing regulations for potential revisions to further to support tribal sovereignty.

One participant commented on the high costs of implementing the Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012 ("HEARTH Act") and the need for funds to help implement it. Tribes are also running into obstacles with BIA delays in sending title status reports (TSRs) and lease documentation back. The BIA approval process for the TSRs and lease documentation often takes 18–24 months. Mr. Newland responded that the TSRs are often held up by administration issues, caused in part by a number of vacancies in DOI. DOI is actively working to fill these vacancies to reduce the bottleneck in the approval process.

Larry Wright Jr., Executive Director of National Congress of American Indians (NCAI), joined the meeting virtually to comment on the ongoing need for all tribes to join together to advocate for tribal housing. NCAI continues to partner with NAIHC and all tribes to improve tribal housing.

Chief Lynn Malerba, lifetime Chief of the Mohegan Tribe and Treasurer of the United States Department of Treasury, also joined the meeting to discuss Treasury programs. Chief Malerba will be helping Treasury set up the first Treasury Tribal Advisory Committee. She remarked on the success of the ERA Program in Indian country, highlighting the success of a number of tribes across the country. She also emphasized Treasury's focus on supporting tribal sovereignty and tribal housing. Finally, she also noted that tribes can contact her through email at Marilynn.malerba@treasury.gov.

HUD Secretary Marcia Fudge also joined the meeting in person. Secretary Fudge noted HUD's continuing efforts to support tribal housing. She also discussed HUD's emphasis on supporting tribes' ability to determine what programs and housing are best suited for their own communities. Secretary Fudge remarked that HUD is working with other federal agencies to combine multiple tribal consultations into one, so that tribes can consult with multiple agencies at once instead of needing to attend separate consultations for each federal agency. Increased communications and partnerships between federal agencies will reduce obstacles and conflicting agency requirements for tribal programs.

Lisa Moore, Assistant Regional Census Manager of the U.S. Census Bureau, also joined the meeting. The Census Bureau is currently working on the 2020 census on Native American/Alaska Native populations, the 2020 Census Count Question Resolution (CQR), and the

2030 Federal Register Notice. She noted that the Census Bureau welcomes tribal feedback if any census data on tribal populations is incorrect. The Census Bureau is particularly seeking tribal feedback on how to reduce the persistent undercount of tribal populations. The Census Bureau is further looking for feedback on how it can tailor contact strategies to encourage households to respond to the census and how it can better reach tribal households, including those with disabilities. The Census Bureau will be holding two tribal consultations on October 18 and 31, 2022. Further details will be forthcoming.

One participant commented that it is important that the Census Bureau actually follow through with census counts and surveys. He also noted that many tribes do not have street addresses, which leads to severe undercounting. He remarked that the Census Bureau should either mail the census surveys to post office boxes or go door to door. Another participant commented that the surveys should list “Native American” as an option, as many tribal members do not consider themselves as “American Indian”.

b. 25 Years of NAHASDA

A panel of tribal housing leaders discussed NAHASDA, focusing on innovative successes, challenges, and ways to strengthen NAHASDA support for tribal programs and members. Panelists included Gabe Layman, Chief Operating Officer of Cook Inlet Housing Authority; Floyd Tortalita, Executive Director of the Pueblo of Acoma Housing Authority; and Jody Perez, Executive Director of Salish & Kootenai Housing Authority. Gary Cooper, Associate Deputy Assistant Secretary of HUD ONAP, moderated the panel.

The panelists discussed whether they see any threats to self-determination and tribal housing. The panelists noted that under NAHASDA, tribes can choose the strategies for determining how to meet the housing needs of their communities. The IHBG program comes with a catch, in that tribes do not really get to choose what they use the funds for if they want to be competitive in their IHBG competitive application. The panelists also noted that western ideologies on how to implement NAHASDA funding threatens tribal sovereignty by imposing western norms on how tribal family housing should be structured. They noted the importance of allowing tribes to develop multigenerational housing and integrate tribal priorities into how tribal housing is structured.

The panelists also remarked on innovative ways for NAHASDA funding to be structured and what obstacles stand in the way of implementing those innovative ways. They noted that leveraging adequate funding and attracting outside investors is a significant barrier. The staffing shortages at housing authorities also acts as barriers for implementing programs, particularly complicated ones such as the low-income housing tax credit (LIHTC) program. The panelists also commented on the importance of adapting housing resources to meet the full spectrum of housing needs, from emergency housing for the homeless to full homeownership, and not focusing solely on low-rent housing. Many tribal members also need social services and wrap-around services, and tribes would benefit from focusing on partnerships between housing programs and other tribal services.

III. Afternoon Plenary Session

During the afternoon Plenary Session, **Nickolaus Lewis, Lummi Nation Secretary and Vice Chairperson of the National Indian Health Board**, gave opening remarks. Mr. Lewis noted that substandard housing creates greater risks of health issues, human trafficking, domestic violence, and other issues. He also highlighted a Lummi housing project provided stable, traditional housing for tribal members. NAIHC also shared video messages from **Senator Brian Schatz (D-HI), Senator Tina Smith (D-MN), Senator Kyrsten Sinema (D-AZ), and Senator Steve Daines (R-MT)**. Each of the Senators noted the importance of reauthorizing NAHASDA and thanked tribal members for continuing to improve tribal housing.

Rico Frias, Executive Director of Native American Finance Officers Association (NAFOA), joined the meeting virtually to highlight economic priorities. He noted that currently, tribal general welfare benefits are considered income for Social Security Income. The U.S. Social Security Administration is working to change this. He also noted that NAFOA is working to ensure that tribal tax divisions are included in any new tax bill enacted this year. He highlighted the State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act (S.3011) bill, which provides flexibility to Treasury to move funds between programs to ensure that the programs that need the most help receive greater funding.

Mr. Frias also highlighted the Community Reinvestment Act (CRA), intended to encourage banks to invest in low-income communities to develop affordable housing in low income communities. On May 5, 2022, the Board of Governors of the Federal Reserve System (Board), the Federal Deposit Insurance Corporation (FDIC), and the Office of the Comptroller of the Currency (OCC) issued a joint notice of proposed rulemaking to amend their regulations implementing the CRA. The proposed rulemaking would update how CRA activities qualify for consideration, where CRA activities are considered, and how CRA activities are evaluated.

Representative-Elect Mary Peltola (D-AK) joined the meeting in person. Representative-Elect Peltola will be the first Alaskan Native to serve in Congress for the State and will hold the seat for the four months remaining in the late Congressman Young's term. She will also be running for a full term for the same seat in the November 8, 2022 general election. She emphasized her dedication to advocating for tribal housing during her time in Congress.

Senator Lisa Murkowski (R-AK) also joined the meeting in person. Senator Murkowski recognized the tribal representatives continuing to support and advocate for tribal housing. She noted the impact that housing shortages is having on economic development, employee shortages, and health, among other things. She also emphasized the need to reduce overcrowding, and improve water, sewer, and broadband as part of the effort to improve tribal housing. Senator Murkowski stated that Congress is on track to keep the IHBG funding at \$772 million in FY 2023.

Meredith Raimondi, Vice President of Public Policy of the National Council of Urban Indian Health (NCUIH), discussed work that NCUIH is doing in healthcare to support tribal housing. She noted that that homeless individuals face increased health risks and noted the importance of increasing federal appropriations for U.S. Indian Health Services. NCUIH actively advocates for increased funding for Indian health programs.

Mellor Willie, Director of Native Strategy & Partnerships, and Jonathan Harwitz, Director of Public Policy of the Housing Assistance Council (HAC), commented on various home loan programs and resources available across the country to help individuals obtain homeownership and mortgages. NeighborWorks American is one such program through which natives and tribal communities can obtain grants and loans to help with homeownership.

Conclusion

If you have any questions about this memorandum, please contact Ed Clay Goodman (egoodman@hobbsstrauss.com) or Cari Baermann (cbaermann@hobbsstrauss.com), or by phone at 503-242-1745.