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MEMORANDUM

March 6, 2025

TO: TRIBAL HOUSING CLIENTS

FROM:  Ed Clay Goodman & Cari L. Baermann
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RE: ***NAIHC March 6, 2025 Legislative Committee Meeting
and Other Housing Updates***

This memorandum provides a synthesis of information presented during the National American Indian Housing Council (NAIHC) Legislative Committee Meeting held on March 6, 2025, and updates on other housing matters.

I. NAIHC Legislative Committee

NAIHC Executive Director Rudy Soto, NAIHC Legislative & Program Aide Blythe McWhirter, NAIHC Board Chair Bobby Yandell, and NAIHC Board Member Jacqueline Pata facilitated the Legislative Committee Meeting.

a. New Administration

Ms. McWhirter gave an update on the new Presidential Administration and the new Congress. The unified government (meaning Republicans are in control of both houses of Congress and the White House) presents some opportunities for legislative action that may have been blocked before. Ms. McWhirter commented that NAIHC is actively developing its legislative strategy based on the changes in the new Administration. Part of that strategy is to focus on highlighting the successes in tribal housing when advocating to Congressmembers.

Ms. McWhirter remarked that the House Appropriations Subcommittee on Interior, Environment, and Related Agencies hosted public witness hearings on February 25–27, 2025. While the main discussions were on other topics, Ms. McWhirter reported that tribal housing came up in conversations during those hearings. Those conversations included discussions on funding sources for tribal housing, lack of infrastructure, and the regulatory hurdles that tribal housing faces in implementing programs.

The Legislative Committee participants discussed various strategies for addressing tribal housing concerns during the new Administration. They remarked on the benefits of taking a proactive rather than reactive approach. Mr. Yandell noted that NAIHC has been taking a cautious approach so that it does not become mired in the day-to-day chaos that has taken place in the last

few months. He noted that NAIHC is concerned that taking a proactive stance might provoke an adversarial response by the new Administration and could have a detrimental effect on tribal housing. Ms. Pata further commented that NAIHC is taking a proactive approach, but in a manner that has involved a lot of meetings with HUD and Congressional members supportive of tribal housing rather than directly challenging the new Administration. Mr. Yandell remarked that NAIHC has participated in conversations with HUD staff about which housing programs tribes could take over, as the Administration continues to cut funding for HUD. Participants discussed having NAIHC provide more frequent updates on the efforts it is taking on so that members are informed of those efforts.

b. Budget and Appropriations

Ms. McWhirter provided a brief update on the Fiscal Year (FY) 2025 appropriations. As we have discussed in previous memoranda, Congress was not able to pass any full-year appropriations bills for FY 2025 before the end of FY 2024. In order to avoid a government shutdown, Congress passed multiple continuing resolutions (CRs) to fund the Federal Government at FY 2024 levels through March 14, 2025. Currently, House and Senate leadership have reached an impasse over FY 2025 appropriations. Democrats are demanding a provision that would require the President to spend all funds appropriated (to avoid any attempts at impoundment), but Republicans are refusing to agree to this demand. Ms. McWhirter indicated she thinks that another CR is probable, which would likely fund the Federal Government at FY 2024 levels through September 30, 2025. Below is a chart showing the FY 2024 appropriations.

Native American Programs	FY 2024
Tribal HUD-VASH	\$7.5 million
Indian Housing Block Grant (IHBG)	\$1.11 billion
IHBG Competitive Grants	\$150 million
Title VI Loans	\$1 million
Indian Community Development Block Grant (ICDBG)	\$75 million
Training and Technical Assistance	\$7 million
National Organization Funding (per Sec.703 of NAHASDA)	\$2 million
Section 184 Loans	\$1.5 million
Imminent threats to health and safety	\$5 million
Native Hawaiian Program	
Native Hawaiian Housing Block Grant (NHHBG)	\$22.3 million
Native Hawaiian Housing Loan Guarantee Program (Section 184A)	\$28 million
Native Hawaiian Training and Technical Assistance	\$1 million

c. Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) Reauthorization

As we have reported previously, the Senate passed a NAHASDA reauthorization bill in 2024, but the bill did not make it past the House. The Senate Committee on Indian Affairs (SCIA) Chair Brian Schatz (D-HI) and Vice Chair Lisa Murkowski (R-AK) have communicated that they are committed to passing NAHASDA again this year. Ms. McWhirter remarked that NAIHC will

closely focus on what it will take to pass NAHASDA this year. That effort may involve streamlining the NAHASDA bill by deciding which NAHASDA provisions are critical and removing those that are not as important. The participants commented that some of NAIHC's priorities for NAHASDA provisions to keep include the consolidation of environmental reviews and removing the more burdensome and costly environmental review procedures. Another priority is to add a provision allowing tribes to establish their own maximum rents in lieu of the current NAHASDA 30% rule. The participants commented on some of the benefits of removing the 30% rent rule. They noted that recertifying households to make sure households are not charged more than 30% of their income takes a lot of time. Therefore, removing the 30% rule would streamline programs and reduce staffing burdens and costs faced by Tribally Designated Housing Entities (TDHEs). Another participant commented that removing the 30% rule would increase TDHEs' control over their own programs.

d. Other Tribal Housing Bills

Ms. McWhirter briefly remarked on a few housing-related bills that could benefit tribal housing programs. Below is a short summary of those bills.

Tribal Trust Land Homeownership Act (S.723). On March 5, 2025, Senate Majority Leader John Thune (R-SD) reintroduced the Tribal Trust Land Homeownership bill. Ms. McWhirter commented that NAIHC will advocate that Congress pass the Tribal Trust Land Homeownership Act (TTLHA) (S.70/H.R.3579). The TTLHA sets forth requirements for the processing of a proposed residential leasehold mortgage, business leasehold mortgage, land mortgage, or right-of-way document by the Bureau of Indian Affairs (BIA). Additionally, the bill sets forth requirements for the BIA regarding: (1) response times for the completion of certified title status reports; (2) notification of delays in processing; and (3) the form of notices and delivery of certain reports.

Home of Your Own Act (H.R.8714). Representative Teresa Leger Fernández (D-NM) previously sponsored this bill in 2024. Ms. McWhirter remarked that it is likely that Rep. Leger Fernández will reintroduce this bill in 2025. The bill would create a national homeownership grant program that would provide grants to first-time homebuyers. NAIHC participants mentioned that this bill is not likely to pass in the current Administration. However, if it is introduced, NAIHC will support it.

e. Build America, Buy America Act

Ms. McWhirter made brief comments about the Build America, Buy America Act (BABA). BABA requires Federal agencies to ensure that none of the funds made available for infrastructure projects may be obligated unless all iron, steel, manufactured products, and construction materials used for the infrastructure project are made in America (i.e., the "Buy America Preference" or "BAP").¹ Infrastructure projects include "the construction, alteration, maintenance, or repair of infrastructure in the United States."² The Buy America Preference applies to all sources of Federal

¹ Build America Buy America (BABA) Pub. L. 117–58 § 70914(a).

² Pub. L. 117–58 § 70912(7).

financial assistance, as defined in 2 C.F.R. Section 200.1, provided to tribes, TDHEs, and other tribal entities involving infrastructure projects. Affordable housing has been determined to be an infrastructure project.

The various Buy America Preference requirements of BABA apply to the procurement of three types of materials used in the construction of infrastructure: (1) iron and steel; (2) construction materials; and (3) manufactured products. Manufactured products probably involve the most difficult compliance issues, as such products often have multiple components and each and every one of those components must be made in America.

NAIHC is asking Tribes and TDHEs to provide information on the impacts of BABA, including rising insurance costs and rising material costs. NAIHC can use this information for its advocacy on the Hill for more appropriations (and for additional waivers of BABA requirements).

f. HUD Tribal Intergovernmental Advisory Committee (TIAC)

Ms. Pata provided an update on HUD's Tribal Intergovernmental Advisory Committee (TIAC). The TIAC is continuing to develop a list of recommendations on various tribal housing priorities, including the need to increase NAHASDA appropriations and the need to address the rising costs of construction.

g. NAIHC Legislative Committee Meetings and Future Conferences

The NAIHC Legislative Committee meetings will continue to be held on the first Thursday of each month via Zoom. Anyone who would like to submit questions prior to the meetings may do so through the link provided in the NAIHC email that is sent out before each call.

NAIHC will hold its Annual Convention on May 26–29, 2025, in Los Angeles, California. Registration is open on the NAIHC website, available [here](#).

Conclusion

If you have any questions about this memorandum or any of the topics discussed within, please contact Ed Clay Goodman (egoodman@hobbsstrauss.com) or Cari Baermann (cbaermann@hobbsstrauss.com). Both may also be reached at 503-242-1745.