



215 SW Washington Street, Suite 200
Portland, OR 97204

T 503.242.1745
F 503.242.1072

HOBBSSTRAUS.COM

MEMORANDUM

September 5, 2025

TO: TRIBAL HOUSING CLIENTS

FROM: ~~Ed Clay~~ Goodman & Cari L. Baermann
HOBBS, STRAUS, DEAN & WALKER, LLP

RE: ***Opportunity to Comment on Native Child Welfare Legislation/NAIHC
September 4, 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 September 4, 2025, and updates on other housing matters.

I. Opportunity to Comment on Senator Murkowski’s Native Child Welfare Legislation

Senator Lisa Murkowski (R-AK) has released a draft legislative package to support Native children and families, targeting improvements in areas like child welfare, justice, physical, behavioral, and environmental health, **housing**, homelessness, education, child care, and expanded research and data infrastructure. The Senate Committee on Indian Affairs (SCIA) is seeking public input on this discussion draft by **September 12, 2025**, via email to Murkowski_Outreach@Indian.Senate.Gov. The package builds upon recommendations from “The Way Forward” report by the Alyce Spotted Bear and Walter Soboleff Commission on Native Children. Learn more [here](#).

Both Republican and Democratic staff on the Committee have encouraged Tribes and tribally designated housing entities (TDHEs) to submit comments. Staff noted that because the bill is very broad, it could be a good vehicle for many legislative improvements that Indian Country has long been seeking, including those related to Tribal housing. Staff indicated that if the policy can be tied to child welfare, it stands a chance of making it into the bill. Staff specifically brought up various provisions in Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), such as the re-establishment of the Drug Elimination Program, because drug-free homes are critically important to maintaining family well-being. Please let us know if you would like any more information or assistance in drafting comments.

II. NAIHC Legislative Committee

NAIHC Executive Director Rudy Soto and NAIHC Federal Affairs Associate Blythe McWhirter facilitated the Legislative Committee Meeting.

a. *NAHASDA Reauthorization*

Mr. Soto began the discussion by remarking that it has been an eventful week in Washington D.C., with Congress' return to session after Labor Day weekend. Mr. Soto remarked that NAIHC had a busy summer, meeting with both Republican and Democratic members on the House Financial Services Committee. NAIHC recently hired Samuel Marquez as the NAIHC Chief of Staff (formerly the Deputy Chief of Staff of the United States Department of Agriculture's (USDA) Rural Housing Service). NAIHC also recently brought on Alex Ortiz (formerly the Chief of Staff of Congressman Don Young (R-AK)) as a lobbying consultant. Mr. Soto commented that Mr. Ortiz's and Mr. Marquez's connections and experience will help NAIHC strengthen its advocacy efforts and the impact that it can make for tribal housing.

Mr. Soto stated that NAIHC recently met with new Congressmembers to inform them of the importance of reauthorizing the NAHASDA. Mr. Soto further remarked that Representative Troy Downing (R-MT) has indicated a willingness to introduce the NAHASDA reauthorization bill in the House. Additionally, Representative Janelle Bynum (D-OR) has indicated that she is willing to co-sponsor the bill in the House once it is introduced. Ed Clay Goodman worked with Oregon tribes to advocate with Representative Bynum to champion NAHASDA, and Mr. Soto stated that NAIHC was able to build off that advocacy in their conversations with Representative Bynum.

On July 30, 2025, the SCIA Chair, Brian Schatz (D-HI), and Vice Chair Lisa Murkowski (R-AK) introduced an amendment (S.Amdt.3120 to S.2296) to the National Defense Authorization Act (NDAA) to reauthorize NAHASDA. Ms. McWhirter stated that the NAHASDA reauthorization bill in the NDAA amendment is very similar to the version of NAHASDA that the Senate passed in 2024. Here are some of the key provisions:

- **Authorization of Appropriations:** The NDAA amendment reauthorizes NAHASDA for fiscal years 2026 through 2032.
- **De Minimis Exemption for Procurement:** The NDAA amendment increases this exemption for the procurement of goods and services from \$5,000 to \$7,000.
- **Continuum of Care:** The NDAA amendment makes several amendments to the McKinney-Vento Homeless Assistance Act, including adding a definition for TDHES and specifying how civil rights laws apply to projects on or off reservation lands.
- **U.S. Department of Housing and Urban Development - Veterans Affairs Supportive Housing (HUD-VASH):** The NDAA amendment says the Secretary "may use up to 5 percent" for HUD-VASH. This language would give more power to HUD over program funding.

We note also that Ms. McWhirter reported that if the NAHASDA reauthorization is not passed as an NDAA amendment, Senator Murkowski was considering that making a push for NAHASDA reauthorization might be better in early 2026, due to her being busy working on the Native Children's Commission Implementation Act.

b. Budget and Appropriations

Ms. McWhirter provided an update on appropriations. After returning from its August recess, Congress now faces a funding battle. Congress has until September 30, 2025 to pass fiscal year (FY) 2026 appropriations. Ms. McWhirter commented that it is unlikely that Congress will be able to pass all of the appropriations bills, so it is likely that we will see another continuing resolution (CR). Ms. McWhirter further noted that House Committee on Appropriations Chair Tom Cole (R-OK) is leading the efforts to pass a CR.

As we have reported previously, in May 2025, the President transmitted his FY 2026 Budget Request to Congress. Ms. McWhirter shared the following chart comparing FY 2024, FY 2025, and numbers proposed for FY 2026.

Program	FY24 (Enacted)	FY25 (Enacted)	FY26 House	FY26 Senate
IHBG – Formula	\$1.11 B	\$1.11 B	\$1.11B	\$1.11B
IHBG – Competitive	\$150 M	\$150 M	\$150 M	\$100 M
ICDBG	\$75 M	\$75 M	\$75 M	\$125 M
NAHASDA T&TA	\$7 M	\$7 M	\$7 M	\$7 M
Title VI Loan Guarantee	\$1 M	\$1 M	\$1 M	\$1 M
Section 184 Loan Guarantee	\$1.8 M	\$1.8 M	\$1.8 M	\$1.2 M
Tribal HUD-VASH	\$7.5 M	\$7.5 M	\$10 M	\$10 M
NHHBG	\$22.3 M	\$22.3 M	\$18.3 M	\$22.3 M
Total Native Programs	\$1.34 B	\$1.34 B	\$1.34 B	\$1.35 M

Ms. McWhirter remarked that NAIHC is monitoring these funding amounts, as well as funding for other tribal programs.

c. ROAD to Housing Act

Recently, the Senate Banking Committee unanimously voted to approve the Renewing Opportunity in the American Dream (ROAD) to Housing Act of 2025 (S. 2651). The ROAD to Housing Act is a bi-partisan bill, co-sponsored by Senator Tim Scott (R-SC) and Senator Elizabeth Warren (D-MA). It is a sweeping bill that contains a variety of incentives to increase the country's housing supply (including affordable housing), to reduce homelessness, to expand access to homeownership, and to increase oversight and efficiency of federal regulations and housing programs.

S. 2651 includes provisions that would: streamline environmental reviews for HUD-related projects; aim to increase housing in enterprise zones; simplify the construction of manufactured homes; permanently authorize the Community Development Block Grant Disaster Recovery program; authorize financial relief options for low-income and rural homeowners who have USDA direct loan mortgages; offering grants for communities that increase housing; expand financing options for affordable housing and small-dollar mortgages; and addressing appraisal

delays. Further, two provisions supported by NAIHC resolutions are included in the S. 2651: (1) the Rural Housing Service Reform Act, which would authorize appropriations for increased staffing needs and information technology upgrades to support all Rural Housing Service programs, as well as for improvements to the technology of the Rural Housing Service of the Department of Agriculture used to process and manage housing loans; (2) the Whole-Homes Repairs Act, which would establish a pilot program to provide grants to implementing organizations (including Tribes and TDHEs) to administer a whole-home repairs program for eligible homeowners and eligible landlords. However, it does not include the amendments related to Native Community Development Financial Institutions (CDFIs) that tribes have been advocating for.

The ROAD to Housing Act has bi-partisan support as well as the support of the Administration, so it is likely to move quickly.

d. Draft Bill: Native Children's Commission Implementation Act

Ms. McWhirter also discussed another bill beneficial to tribal communities: the Native Children's Commission Implementation Act. This bill is grounded in the recommendations from the report entitled *The Way Forward*, of the Alyce Spotted Bear & Walter Soboleff Commission on Native Children, published February 20, 2024. Ms. McWhirter commented that Title 7 of the draft bill is of particular interest because it discusses tribal housing and related provisions. Section 703 would codify and make permanent the Tribal Intergovernmental Advisory Committee (TIAC) at HUD. Title 7 also includes provisions for a pilot housing program similar to the Tribal HUD-VASH program. The bill would help ensure that there is flexibility for tribes to work with local HUD-VASH providers and case workers. However, Joanna Donohoe remarked that the ROAD to Housing Act did not include language reauthorizing the USDA 502 Native CDFI Relending program. Ms. McWhirter commented that Chairman Murkowski has requested public input on this discussion draft by September 12, 2025. Input can be sent via email to Murkowski_Outreach@Indian.Senate.Gov.

e. OMB Guidance on Delaying and Cancelling Appropriated Funds

Mr. Goodman commented that the Office of Management and Budget (OMB) recently issued guidance asserting that the President has broad authority to delay or cancel spending that Congress appropriates. Many argue that this is in direct conflict with a 1974 law that outlawed impoundment, but OMB disagrees. The guidance deletes the definition of impoundment and instead states the Administration can broadly delay or withhold funds without Congressional approval. This issue relates to the same fight over the Administration's attempts to cancel funding at beginning 2025, and is likely to result in renewed litigation. Ms. Donohoe mentioned that one of the ways that this issue has impacted tribes is that many CDFIs have had trouble accessing funding, due to OMB withholding that funding.

f. USDA Section 502 Native CDFI Relending

Ms. Donohoe commented that there is a possibility that the Senate Banking Committee will introduce an amendment to NDAA that would permanently authorize the USDA Section 502

Native CDFI relending program. Among other things, the amendment would also set aside \$50 million for direct loans to Native CDFIs, which the Native CDFIs would then be able to use to provide home loans in tribal communities.

g. HUD Housing Showcase

HUD's 2025 Innovative Housing Showcase at the National Mall is scheduled for September 6–10, 2025. Details are available at <https://www.huduser.gov/portal/ihs.html>. NAIHC will be an exhibitor and will be participating in a NAHASDA 101 briefing. Ms. McWhirter commented that NAIHC is requesting that tribes advocate that their Congressmembers and other key individuals attend the NAHASDA 101 briefing.

h. HUD Tribal Housing Summit

NAIHC is coordinating HUD's National Tribal Housing Summit that will take place Tuesday, November 4 through Thursday, November 6, 2025, at the DoubleTree by Hilton Washington, D.C.–Crystal City. HUD's National Tribal Housing Summit will provide a forum for training, exchanging ideas, consulting on upcoming issues, and developing best practices for models that implement and sustain effective affordable NAHASDA housing programs. The theme of the National Summit is “Rooted in Tradition: Rising in Resilience”. More information will be released in the coming weeks.

i. NCAI's Tribal Unity Impact Days

The National Congress of American Indians (NCAI) is holding a Tribal Unity Impact Days from September 16–18, 2025, in Washington, D.C., to advocate for tribal priorities. Ms. McWhirter remarked that NAIHC staff will be attending and will have a chance to highlight NAHASDA. More information is available [here](#).

j. 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 Legal Symposium on November 17–20, 2025 at the Choctaw Casino & Resort in Durant, Oklahoma. Registration is now open through the [NAIHC website](#).

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.