

# POWERS

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ATTORNEYS AT LAW

## **Federal Legislative and Policy Update**

By Brian Gunn

Affiliated Tribes of Northwest Indians  
2024 Mid-Year Convention

May 20, 2024

# Where We Are by the Numbers

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- We are in the 2nd session of the 118th Congress
- Republicans control the House of Representatives with 217-213 majority
  - Five vacancies
  - Republicans have lost two members since March
    - Rep. Ken Buck (R-CO) resigned March 22nd
    - Rep. Mike Gallagher (R-WI) resigned April 25th
- One of the smallest House majorities in history
- Democrats control the Senate 51-49
- Only 60 bills signed into law so far this Congress

# Appropriations

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- **FY 2024 spending bills enacted into law in March**
  - NAHASDA saw a more than \$1 billion increase to IHBG
  - Tribal courts saw \$24m decrease
  - Most other programs had level funding or slight increases
- **Rep. Tom Cole (R-OK), member of Chickasaw Nation, Chairman of full House Appropriations Committee**
- **FY 2025 appropriations underway**
  - House Interior Approps Subcommittee held Native American public witness hearing May 7-8, 2024
  - House topline funding levels for FY 2025 Interior spending bill will be \$4.3 billion less than FY 2024 Interior spending bill
  - Finale FY 2025 bills like won't be finalized until after Nov. elections

# Indian Related Bills Signed into Law in the 118th Congress

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- *Pala Band of Mission Indians Land Transfer Act of 2023* (Pub. L. 118-11)
- *Grand Ronde Reservation Act Amendment of 2023* (Pub. 118-32)
- Amendment to the Siletz Reservation Act to address the hunting, fishing, trapping, and animal gathering rights of the Confederated Tribes of Siletz Indians (Pub. L. 118-33)
- Grant of federal charter to National American Indian Veterans, Inc.
  - Part of H.R.2670, the FY 2024 National Defense Authorization Act for (Sec. 5103)
- S.1308, *PROGRESS Act* extension for negotiated rulemaking
  - Sec. 2102 the FY 2024 Continuing Appropriations Act
- *Puyallup Tribe of Indians Land Into Trust Confirmation Act of 2023* (Pub. L. 118-48)

# Indian Housing

- Reauthorization of *Native American Housing Assistance and Self-Determination Act of 1996 (S.2285)*
  - NAHASDA last reauthorized in 2008 and authorization expired in 2013
  - In recent years, efforts in House to include provisions related to Freedman have slowed progress
- Includes new provisions authorizing assistance for student housing and allows use of IHS sanitation funding in NAHASDA construction
- Bill was included in Senate version of FY 2024 *National Defense Authorization Act* but was not included in final version signed into law
- Rep. Maxine Waters (D-CA) continues to insist on inclusion of language related to Cherokee Freedman
- Top priority for SCIA Chairman Brian Schatz (D-HI)

# Farm Bill

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- Farm Bill authorizes USDA programs
  - Agriculture, nutrition, forestry, and community development programs
- Tribes have been engaged with various recommendations
- House and Senate Agriculture Committees have released competing frameworks for the 2024 Farm Bill
- House Agriculture Committee expected to mark-up House bill this Thursday
  - House text released May 17, 2024
  - Senate Ag Committee has released framework document

# Farm Bill—House Version

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- **Nutrition title**
  - Extends 638 authority for FDPIR; expands some income exclusions for eligibility
- **Rural Development**
  - Creates a new competitive grant program for broadband
- **Forestry**
  - Includes Good Neighbor Authority fix
  - TPFA prescribed fire demo project

# Farm Bill—Senate Framework

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- **Nutrition title**
  - Makes permanent 638 authority for FDPIR; requires Secretary to pay at least 90 percent of admin costs for FDPIR
- **Rural Development**
  - Adds workforce housing as an eligible project for Business and Industry loan guarantees
  - Expands eligibility for loan guarantees to tribal corporate entities and eligibility to rural business grants to tribes
- **Forestry**
  - Requires incorporation of tribal management plans into land management plans
  - Good Neighbor Authority Fix



# *Parity for Tribal Law Enforcement Act*

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- In both chambers, law enforcement and public safety-related issues remain timely issues with Supreme Court activity in recent years
- *Parity for Tribal Law Enforcement Act (H.R. 4524, S.2695)*
  - Would allow tribal law enforcement officers to access federal pension, retirement, and injury benefits afforded federal law enforcement officers
  - Intended to help tribes with recruitment and retention
  - Washington state has the third highest number of tribal law enforcement officers of any state behind Arizona and Oklahoma
- Colville, Chehalis, Tulalip, and ATNI have testified in support at House and Senate hearings this Congress

# *Parity for Tribal Law Enforcement Act (cont'd)*

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- House Natural Resources Committee passed on March 12, 2024
- Several amendments adopted at Committee
  - Clarifies that benefits are opt-in on an officer-by-officer basis
  - Allows officers to buy-back service credit for prior federal service to the same extent as federal OJS officers
  - Expands eligibility to positions funded by COPS or other DOJ grants
- SCIA held legislative hearing on May 1, 2024
- Working to get on the House floor next month
- Optimistic about chances of passage this year

## Other Pending bills

- **99-year lease authority for Indian tribes**
  - H.R. 1246 would amend 25 U.S.C. § 415(a) to add a reference to trust or restricted lands of all federally recognized tribes as eligible for surface leases with terms of up to 99 years
  - Passed House on April 10, 2024
- **Tribal Trust Land Homeownership Act of 2023 (S.70, H.R. 3579)**
  - Would establish deadlines for LTROs to process Title Status Reports and mortgages and require LTROs to keep lenders informed of status
  - Passed Senate July 18, 2023
- ***Native American Entrepreneurial Opportunity Act (H.R. 7102)***
  - Would establish Office of Native American Affairs within SBA
  - Passed House March 5, 2024
- ***Truth and Healing Commission on Indian Boarding School Policies Act (H.R. 7227, S.1723)***
  - Establishes Commission and subcommittees with 6-year duration to investigate and report to Congress

# Upcoming Consultations

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- **USDA Tribal Consultation and Listening Session on Build America, Buy America Act (BABAA) Purchase Preference**
  - BABAA requires governments that receive funds under the Build Back Better Act to domestically source steel, iron, manufactured products, and construction materials
  - May 22 and 24, 2024, from 3:00pm-5:00pm eastern
  - <https://www.zoomgov.com/meeting/register/vJltdeuspjwpE2vIeHRvjywC-aVZY4GPmfQ#/registration>
- **USDA Consultations on Expanding Tribal Self-Determination Policies**
  - Forestry is June 3, 2024, from 1:00pm-4:00pm eastern
  - Meat inspection is June 3, 2024, from 4:30pm-7:30pm eastern
  - Food and Nutrition programs is June 5, 2024, from 1:00pm-4:00pm.

# Questions?

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Bronson with AS-IA Bryan  
Newland at U. of Maryland  
student powwow, March 2024