

## Calendar No. 49

116TH CONGRESS }  
1st Session }

SENATE

{ REPORT  
{ 116-21

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### TO PROVIDE FOR RENTAL ASSISTANCE FOR HOMELESS OR AT-RISK INDIAN VETERANS, AND FOR OTHER PUR- POSES

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MARCH 28, 2019.—Ordered to be printed

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Mr. HOEVEN, from the Committee on Indian Affairs,  
submitted the following

### R E P O R T

[To accompany S. 257]

[Including cost estimate of the Congressional Budget Office]

The Committee on Indian Affairs, to which was referred the bill (S. 257) to provide for rental assistance for homeless or at-risk Indian Veterans, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE

The bill, S. 257, would improve case management services and provide housing for eligible Native American veterans who are homeless or at risk of homelessness by mandating federal agencies to work cooperatively and ensure program accountability through Congressional reporting.

#### BACKGROUND

Congress established the Department of Housing and Urban Development Veterans Affairs Supportive Housing (HUD VASH) program as part of the *Consolidated Appropriations Act, 2008*.<sup>1</sup> The program combines Housing Choice Voucher (HCV) rental assistance for homeless veterans with case management and clinical services provided by the Department of Veterans Affairs (VA) through Veterans Administration Medical Centers (VAMCs). Tribes

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<sup>1</sup>Pub. L. No. 110-161, 121 Stat. 1884 (2007).

and Tribally Designated Housing Entities (TDHEs), which do not participate in federal public housing rental assistance programs, were unable to participate in the HUD VASH program at that time.

In the *Consolidated and Further Continuing Appropriations Act, 2015*<sup>2</sup> (2015 Appropriations Act), Congress authorized funding for a demonstration program in order to expand the HUD VASH program into Tribal communities. The 2015 Appropriations Act directed the Secretary of HUD to coordinate with Indian tribes, TDHEs, and other appropriate tribal organizations on the design of this program and to ensure the effective delivery of housing assistance and supportive services to Native American veterans who are homeless or at risk of homelessness.

Since enactment of the 2015 Appropriations Act, the Tribal HUD VASH demonstration project has allowed 25 Tribes to house over 100 Native veterans. However, Tribes, HUD, and the VA have encountered unique issues in the application of this project on Indian lands. Most notably, the VA has not been able to recruit case workers to provide necessary support services to veterans in some remote tribal community locations. Increased coordination with additional federal agencies with unique, existing footprints in Indian Country, like the Indian Health Service, need the authority to be able to participate in and could address the VA case worker recruitment challenges and would improve implementation of the program. S. 257 would address these issues and provide programmatic stability for the continued expansion of the Tribal HUD VASH program to serve more Tribes and Native veterans experiencing homelessness on Indian lands.

#### LEGISLATIVE HISTORY

*116th Congress.* Senator Tester introduced S. 257 with Senators Hoeven, Udall, and Isakson on January 29, 2019. The bill as introduced reflects refinements incorporated via amendment into a related bill from the 115th Congress. The Senate referred S. 257 to the Committee the same day. Senators Cantwell and Daines joined as co-sponsors on February 5, 2019. On February 6, 2019 the Committee held a duly called business meeting to consider S. 257 and ordered the bill reported favorably to the Senate by voice vote. Senator Warren joined as a co-sponsor on February 7, 2019. Senator Cramer joined as a co-sponsor on February 12, 2019. No House companion bill has been introduced to date.

*115th Congress.* Senators Tester, Hoeven, Udall, and Isakson introduced S. 1333, a predecessor bill similarly referred to the Committee, on June 12, 2017. Senators Murkowski, Cantwell, Heitkamp, Franken, Daines, and Smith joined as co-sponsors between November 1, 2017, and May 23, 2018.

On June 13, 2017 the Committee held a legislative hearing on S. 1333. At that hearing the Director of the HUD's Office of Native American Programs testified in favor of S. 1333. The VA's National Director of Clinical Operations—Homeless Program Office provided testimony on the clinical implementation of the Program to date.

Two national tribal organizations testified at the hearing. The National Congress of American Indians testified in favor of S. 1333

<sup>2</sup>Pub. L. 113–235, 128 Stat. 2130 (2014).

and the National American Indian Housing Council provided testimony in favor of continuing the tribal HUD VASH program. Finally, the President/Chief Executive Officer of the Association of Village Council Presidents Regional Housing Authority provided testimony in support of S. 1333.

On September 13, 2017, the Committee held a duly called business meeting to consider S. 1333. Senator Tester offered an amendment in the nature of a substitute to S. 1333. The Committee adopted the substitute amendment and ordered the bill, as amended, reported favorably by voice vote.

The substitute amendment incorporated a number of technical corrections proposed by the HUD and VA to clarify that the Secretary of HUD is authorized to continue funding current program recipients and ensure that not less than 5% of Tribal HUD-VASH funds are used to fund new Tribal HUD-VASH program recipients. Additionally, the amendment required HUD, in conjunction with IHS and VA, to provide a report to Congress within one year of the enactment of S. 1333 that identifies program recipients who find the current application of the Indian Housing Block Grant formula funding as a barrier to the application of tribal HUD VASH program.

The Committee reported the bill on December 20, 2017 and the Senate placed it on the legislative calendar. On May 23, 2018, S. 1333 passed the Senate by voice vote. On May 24, 2018, the Senate reported S. 1333 to the House of Representatives, which referred it to the House Financial Services Committee. No further action was taken.

On November 9, 2017, Representative Ben Ray Luján introduced H.R. 4359, a House companion bill with Representative Raul Ruiz as an original co-sponsor. The bill was referred to the Committee on Financial Services. No further action was taken.

*114th Congress.* On November 10, 2015, Senator Tester introduced a similar bill, S. 2274, to provide for rental assistance for homeless or at-risk Indian veterans with Senators Cantwell, Daines, Franken, and Udall as original co-sponsors. The Senate referred the bill to the Committee, which took no further action on the bill. No House companion bill was introduced.

*113th Congress.* On October 30, 2013, Representatives Kilmer and Cole introduced a bill, H.R. 3418, identical to S. 2274 from the 114th Congress. The House of Representatives referred it to the Committee on Financial Services. Representatives Daines and Lujan Grisham joined the bill as co-sponsors on May 29, 2014 and December 11, 2014 respectively. However, the House of Committee on Financial Services took no further action on the bill that Congress.

On November 20, 2014, Senator Tester introduced a companion bill with Senators Franken, Johnson of South Dakota, Murkowski, and Udall as original co-sponsors. The Senate referred it to the Committee, which took no further action on the bill.

## SUMMARY OF THE BILL

S. 257 formally codifies the Tribal HUD VASH Program as part of the underlying HUD VASH statute.<sup>3</sup> It authorizes HUD and the VA to make necessary and appropriate modifications to the administration of the program in order to facilitate its implementation on Indian lands. In the event of any modifications to the program, the bill requires both HUD and VA to conduct consultation with Tribes.

The bill also requires the program to be administered in accordance with the Native American Housing Assistance and Self Determination Act of 1996<sup>4</sup> and mandates that the IHS work cooperatively to provide assistance as requested by the HUD or the VA in carrying out the program.

The bill further requires the HUD, VA, and IHS to conduct a review of the program's implementation and submit a report to the appropriate Committees of the House of Representatives and the Senate as identified in the bill.

Finally, the bill requires that not less than five percent of the amounts made available for rental assistance under the HUD VASH program be used for this program. This amount is consistent with current funding levels for this program.

## SECTION-BY-SECTION ANALYSIS

*Section 1. Short title*

This section cites the short title of the Act as the “Tribal HUD-VASH Act of 2019.”

*Section 2. Rental assistance*

This section of the bill amends Section 8(o)(19) of the *United States Housing Act of 1937* (42 U.S.C. 1437f(o)(9)) by:

- Defining eligible Indian veteran program participants, eligible tribal housing program recipients, eligible Indian areas, and eligible Indian housing organizations.
- Authorizing the Secretary of HUD to allocate not less than five percent of the total HUD VASH program funds for the Tribal HUD VASH program.
- Requiring the Secretary of HUD to model the tribal HUD VASH program after the rental assistance and veteran supported housing program.
- Establishing the funding criteria for the program.
- Requiring the Program to report to the Secretary of HUD on utilization and effectiveness of the Tribal participants.
- Requiring the Secretaries of HUD and VA to consult with Tribes on the design and administration of the Program.
- Instructing the Director of the IHS to provide assistance to HUD and VA as requested by the respective agencies.
- Authorizing the Secretary of HUD to waive or specify alternative requirements for any provision of law, except those relating to labor standards and the environment, that the Secretary deems necessary in order to effectively administer the Program.
- Authorizing the Secretary of HUD to renew Tribal HUD VASH program recipients.

<sup>3</sup> 42 U.S.C. § 1437f(o)(19)(2017).

<sup>4</sup> 25 U.S.C. § 4101 et seq.

- Requiring the Secretary of HUD, in coordination with the Secretary of VA and the Director of the IHS, to provide a report of the efficacy of the program every 5 years to—
  - the following Committees of the Senate:
    - Indian Affairs,
    - Banking, Housing, and Urban Development,
    - Veterans Affairs, and
    - Appropriations; and
  - the following Committees of the House of Representatives:
    - Subcommittee on Indian, Insular and Alaska Native Affairs of the Committee on Natural Resources,
    - Financial Services,
    - Veterans' Affairs, and
    - Appropriations.

COST AND BUDGETARY CONSIDERATIONS

MARCH 18, 2019.

Hon. JOHN HOEVEN,  
*Chairman, Committee on Indian Affairs,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 257, the Tribal HUD-VASH Act of 2019.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Elizabeth Cove Delisle.  
 Sincerely,

KEITH HALL,  
*Director.*

Enclosure.

| <b>S. 257, Tribal HUD-VASH Act of 2019</b>   |                 |                                     |                    |                                   |
|--|-----------------|-------------------------------------|--------------------|-----------------------------------|
| As on February 6, 2019   |                 |                                     |                    |                                   |
| Millions of Dollars  | Direct Spending | Revenues                            | Net Deficit Effect | Spending Subject to Appropriation |
| 2019   | 0               | 0                                   | 0                  | 0                                 |
| 2019-2024  | 0               | 0                                   | 0                  | 19                                |
| 2019-2029  | 0               | 0                                   | 0                  | n.a.                              |
| Pay-as-you-go procedures apply?  | No              | <b>Mandate Effects</b>              |                    |                                   |
| Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030? | No              | Contains intergovernmental mandate? |                    | No                                |
|  |                 | Contains private-sector mandate?    |                    | No                                |
| n.a. = not applicable.   |                 |                                     |                    |                                   |

The Tribal HUD–VA Supportive Housing (HUD–VASH) program provides rental assistance through grants to Native American veterans who are homeless or at risk of homelessness. The program is jointly operated by the Department of Housing and Urban Development (HUD) and the Department of Veterans Affairs (VA). The Tribal program has received appropriations totaling \$22 million through 2019 but is not authorized after 2019. CBO assumes that the bill will be enacted around the beginning of 2020.

S. 257 would require HUD to allocate 5 percent of the funds made available for the HUD–VASH program to the Tribal HUD–VASH program. The Congress appropriated \$40 million for the HUD–VASH program in 2019 but that program also is not authorized after 2019. Assuming the Congress appropriates \$40 million for HUD–VASH in each year over the 2020–2024 period, CBO estimates that HUD would allocate about \$2 million in each of those years to make new tribal grants. Using information from HUD on the pace at which tribes are drawing grant funds, CBO expects that spending for the Tribal program would occur more slowly than for the HUD–VASH program. Thus, CBO estimates that outlays for new grants would not occur until 2022.

The bill also would permanently authorize HUD to set aside funds made available for the tenant-based voucher program to renew Tribal HUD–VASH grants and would thus effectively authorize additional appropriations for that purpose. The tenant-based voucher program is permanently authorized for whatever amounts are necessary. Based on an analysis of information from HUD about the pace of implementing the program, CBO estimates that the appropriations already provided to date will be sufficient to renew grants through 2021. CBO expects that in 2022 HUD would allocate about \$6 million from the tenant-based account to renew grants. By 2024, that amount would increase to \$7 million. On that basis, CBO estimates that implementing S. 257 would increase spending for the Tribal HUD–VASH program by \$19 million over the 2019–2024 period.

The estimated budgetary effects of S. 257 are detailed in Table 1. The costs of the legislation fall within budget function 600 (income security).

TABLE 1—ESTIMATED CHANGES IN SPENDING SUBJECT TO APPROPRIATION UNDER S. 257

|                               | By fiscal year, millions of dollars— |      |      |      |      |      |               |
|-------------------------------|--------------------------------------|------|------|------|------|------|---------------|
|                               | 2019                                 | 2020 | 2021 | 2022 | 2023 | 2024 | 2019–<br>2024 |
| Authorize Renewals of Grants: |                                      |      |      |      |      |      |               |
| Estimated Authorization ..... | 0                                    | 0    | 0    | 6    | 6    | 7    | 19            |
| Estimated Outlays .....       | 0                                    | 0    | 0    | 6    | 6    | 7    | 19            |

The CBO staff contact for this estimate is Elizabeth Cove Delisle. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

#### EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 257.

## REGULATORY AND PAPERWORK IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 257 will have a minimal impact on regulatory or paperwork requirements.

## CHANGES IN EXISTING LAW (CORDON RULE)

On February 6, 2019, the Committee unanimously approved a motion to waive the Cordon rule. In the opinion of the Committee, it is necessary to dispense with subsection 12 of rule XXVI of the Standing Rules of the Senate to expedite the business of the Senate.

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