

Calendar No. 289

115TH CONGRESS
1ST SESSION

S. 1333

[Report No. 115–198]

To provide for rental assistance for homeless or at-risk Indian veterans.

IN THE SENATE OF THE UNITED STATES

JUNE 12, 2017

Mr. TESTER (for himself, Mr. HOEVEN, Mr. UDALL, Mr. ISAKSON, Ms. MURKOWSKI, Ms. CANTWELL, Ms. HEITKAMP, and Mr. FRANKEN) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

DECEMBER 20, 2017

Reported by Mr. HOEVEN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To provide for rental assistance for homeless or at-risk
Indian veterans.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “~~Tribal HUD-VASH~~
5 ~~Act of 2017~~”.

1 **SEC. 2. RENTAL ASSISTANCE FOR HOMELESS OR AT-RISK**
 2 **INDIAN VETERANS.**

3 Section 8(o)(19) of the United States Housing Act
 4 of 1937 (42 U.S.C. 1437f(o)(19)) is amended by adding
 5 at the end the following:

6 “(D) INDIAN VETERANS HOUSING RENTAL
 7 ASSISTANCE PROGRAM.—

8 “(i) DEFINITIONS.—In this subpara-
 9 graph:

10 “(I) ELIGIBLE INDIAN VET-
 11 ERAN.—The term ‘eligible Indian vet-
 12 eran’ means an Indian veteran who
 13 is—

14 “(aa) homeless or at risk of
 15 homelessness; and

16 “(bb) residing in or near an
 17 Indian area.

18 “(II) ELIGIBLE RECIPIENT.—
 19 The term ‘eligible recipient’ means a
 20 recipient eligible to receive a grant
 21 under section 101 of the Native
 22 American Housing Assistance and
 23 Self-Determination Act of 1996 (25
 24 U.S.C. 4111).

25 “(III) INDIAN.—The term ‘In-
 26 dian’ has the meaning given the term

1 in section 4 of the Indian Self-Deter-
2 mination and Education Assistance
3 Act (25 U.S.C. 5304).

4 “(IV) INDIAN AREA.—The term
5 ‘Indian area’ has the meaning given
6 the term in section 4 of the Native
7 American Housing Assistance and
8 Self-Determination Act of 1996 (25
9 U.S.C. 4103).

10 “(V) INDIAN VETERAN.—The
11 term ‘Indian veteran’ means an In-
12 dian who is a veteran.

13 “(VI) TRIBAL ORGANIZATION.—
14 The term ‘tribal organization’ has the
15 meaning given the term in section 4
16 of the Indian Self-Determination and
17 Education Assistance Act (25 U.S.C.
18 5304).

19 “(ii) PROGRAM SPECIFICATIONS.—
20 The Secretary shall use not less than 5
21 percent of the amounts made available for
22 rental assistance under this subsection to
23 carry out a rental assistance and sup-
24 ported housing program (in this subpara-
25 graph referred to as the ‘Program’), in

1 conjunction with the Secretary of Veterans
2 Affairs, for the benefit of eligible Indian
3 veterans.

4 “(iii) MODEL.—

5 “(I) IN GENERAL.—Except as
6 provided in subclause (II), the Sec-
7 retary shall model the Program on the
8 rental assistance and supported hous-
9 ing program authorized under sub-
10 paragraph (A) and applicable appro-
11 priations Acts, including administra-
12 tion in conjunction with the Secretary
13 of Veterans Affairs.

14 “(II) EXCEPTIONS.—

15 “(aa) SECRETARY OF HOUS-
16 ING AND URBAN DEVELOP-
17 MENT.—After consultation with
18 Indian tribes, eligible recipients,
19 and any other appropriate tribal
20 organizations, the Secretary may
21 make necessary and appropriate
22 modifications to facilitate the use
23 of the Program by eligible recipi-
24 ents to serve eligible Indian vet-
25 erans.

1 “(bb) SECRETARY OF VET-
2 ERANS AFFAIRS.—After consulta-
3 tion with Indian tribes, eligible
4 recipients, and any other appro-
5 priate tribal organizations, the
6 Secretary of Veterans Affairs
7 may make necessary and appro-
8 priate modifications to facilitate
9 the use of the Program by eligi-
10 ble recipients to serve eligible In-
11 dian veterans.

12 “(iv) ELIGIBLE RECIPIENTS.—The
13 Secretary shall make amounts for rental
14 assistance and associated administrative
15 costs under the Program available to eligi-
16 ble recipients.

17 “(v) FUNDING CRITERIA.—The Sec-
18 retary shall award rental assistance under
19 the Program based on—

20 “(I) need;

21 “(II) administrative capacity; and

22 “(III) any other funding criteria
23 established by the Secretary in a no-
24 tice published in the Federal Register

1 after consulting with the Secretary of
2 Veterans Affairs.

3 “(vi) ADMINISTRATION.—Rental as-
4 sistance made available under the Program
5 shall be administered in accordance with
6 the Native American Housing Assistance
7 and Self-Determination Act of 1996 (25
8 U.S.C. 4101 et seq.), except that grantees
9 shall—

10 “(I) submit to the Secretary, in a
11 manner prescribed by the Secretary,
12 reports on the utilization of rental as-
13 sistance provided under the Program;
14 and

15 “(II) provide to the Secretary in-
16 formation specified by the Secretary
17 to assess the effectiveness of the Pro-
18 gram in serving eligible Indian vet-
19 erans.

20 “(vii) CONSULTATION.—

21 “(I) GRANT RECIPIENTS; TRIBAL
22 ORGANIZATIONS.—The Secretary, in
23 coordination with the Secretary of
24 Veterans Affairs, shall consult with el-
25 igible recipients and any other appro-

1 appropriate tribal organization on the de-
2 sign of the Program to ensure the ef-
3 fective delivery of rental assistance
4 and supportive services to eligible In-
5 dian veterans under the Program.

6 “(II) INDIAN HEALTH SERV-
7 ICE.—The Director of the Indian
8 Health Service shall provide any as-
9 sistance requested by the Secretary or
10 the Secretary of Veterans Affairs in
11 carrying out the Program.

12 “(viii) WAIVER.—

13 “(I) IN GENERAL.—Except as
14 provided in subclause (II), the Sec-
15 retary may waive or specify alter-
16 native requirements for any provision
17 of law (including regulations) that the
18 Secretary administers in connection
19 with the use of rental assistance made
20 available under the Program if the
21 Secretary finds that the waiver or al-
22 ternative requirement is necessary for
23 the effective delivery and administra-
24 tion of rental assistance under the
25 Program to eligible Indian veterans.

1 “(H) EXCEPTION.—The Sec-
2 retary may not waive or specify alter-
3 native requirements under subclause
4 (I) for any provision of law (including
5 regulations) relating to labor stand-
6 ards or the environment.

7 “(ix) REPORTING.—Every 5 years, the
8 Secretary, in coordination with the Sec-
9 retary of Veterans Affairs and the Director
10 of the Indian Health Service, shall—

11 “(I) conduct a review of the im-
12 plementation of the Program, includ-
13 ing any factors that may have limited
14 its success; and

15 “(II) submit a report describing
16 the results of the review under sub-
17 clause (I) to—

18 “(aa) the Committee on In-
19 dian Affairs, the Committee on
20 Banking, Housing, and Urban
21 Affairs, the Committee on Vet-
22 erans’ Affairs, and the Com-
23 mittee on Appropriations of the
24 Senate; and

1 “(bb) the Subcommittee on
 2 Indian, Insular and Alaska Na-
 3 tive Affairs of the Committee on
 4 Natural Resources, the Com-
 5 mittee on Financial Services, the
 6 Committee on Veterans’ Affairs,
 7 and the Committee on Appropria-
 8 tions of the House of Representa-
 9 tives.”.

10 **SECTION 1. SHORT TITLE.**

11 *This Act may be cited as the “Tribal HUD-VASH Act*
 12 *of 2017”.*

13 **SEC. 2. RENTAL ASSISTANCE FOR HOMELESS OR AT-RISK**
 14 **INDIAN VETERANS.**

15 *Section 8(o)(19) of the United States Housing Act of*
 16 *1937 (42 U.S.C. 1437f(o)(19)) is amended by adding at the*
 17 *end the following:*

18 “(D) **INDIAN VETERANS HOUSING RENTAL**
 19 **ASSISTANCE PROGRAM.**—

20 “(i) **DEFINITIONS.**—*In this subpara-*
 21 *graph:*

22 “(I) **ELIGIBLE INDIAN VET-**
 23 **ERAN.**—*The term ‘eligible Indian vet-*
 24 *eran’ means an Indian veteran who*
 25 *is—*

1 “(aa) homeless or at risk of
2 homelessness; and

3 “(bb) living—

4 “(AA) on or near a res-
5 ervation; or

6 “(BB) in or near any
7 other Indian area.

8 “(II) *ELIGIBLE RECIPIENT.*—*The*
9 *term ‘eligible recipient’ means a recipi-*
10 *ent eligible to receive a grant under*
11 *section 101 of the Native American*
12 *Housing Assistance and Self-Deter-*
13 *mination Act of 1996 (25 U.S.C.*
14 *4111).*

15 “(III) *INDIAN; INDIAN AREA.*—
16 *The terms ‘Indian’ and ‘Indian area’*
17 *have the meanings given those terms in*
18 *section 4 of the Native American Hous-*
19 *ing Assistance and Self-Determination*
20 *Act of 1996 (25 U.S.C. 4103).*

21 “(IV) *INDIAN VETERAN.*—*The*
22 *term ‘Indian veteran’ means an In-*
23 *dian who is a veteran.*

1 “(V) *PROGRAM.*—*The term ‘Pro-*
2 *gram’ means the Tribal HUD-VASH*
3 *program carried out under clause (ii).*

4 “(VI) *TRIBAL ORGANIZATION.*—
5 *The term ‘tribal organization’ has the*
6 *meaning given the term in section 4 of*
7 *the Indian Self-Determination and*
8 *Education Assistance Act (25 U.S.C.*
9 *5304).*

10 “(ii) *PROGRAM SPECIFICATIONS.*—*The*
11 *Secretary shall use not less than 5 percent*
12 *of the amounts made available for rental as-*
13 *sistance under this paragraph to carry out*
14 *a rental assistance and supported housing*
15 *program, to be known as the ‘Tribal HUD-*
16 *VASH program’, in conjunction with the*
17 *Secretary of Veterans Affairs, by awarding*
18 *grants for the benefit of eligible Indian vet-*
19 *erans.*

20 “(iii) *MODEL.*—

21 “(I) *IN GENERAL.*—*Except as pro-*
22 *vided in subclause (II), the Secretary*
23 *shall model the Program on the rental*
24 *assistance and supported housing pro-*
25 *gram authorized under subparagraph*

1 (A) *and applicable appropriations*
2 *Acts, including administration in con-*
3 *junction with the Secretary of Veterans*
4 *Affairs.*

5 “(II) *EXCEPTIONS.—*

6 “(aa) *SECRETARY OF HOUS-*
7 *ING AND URBAN DEVELOPMENT.—*
8 *After consultation with Indian*
9 *tribes, eligible recipients, and any*
10 *other appropriate tribal organiza-*
11 *tions, the Secretary may make*
12 *necessary and appropriate modi-*
13 *fications to facilitate the use of the*
14 *Program by eligible recipients to*
15 *serve eligible Indian veterans.*

16 “(bb) *SECRETARY OF VET-*
17 *ERANS AFFAIRS.—After consulta-*
18 *tion with Indian tribes, eligible*
19 *recipients, and any other appro-*
20 *priate tribal organizations, the*
21 *Secretary of Veterans Affairs may*
22 *make necessary and appropriate*
23 *modifications to facilitate the use*
24 *of the Program by eligible recipi-*

1 *ents to serve eligible Indian vet-*
2 *erans.*

3 “(iv) *ELIGIBLE RECIPIENTS.*—*The Sec-*
4 *retary shall make amounts for rental assist-*
5 *ance and associated administrative costs*
6 *under the Program available in the form of*
7 *grants to eligible recipients.*

8 “(v) *FUNDING CRITERIA.*—*The Sec-*
9 *retary shall award grants under the Pro-*
10 *gram based on—*

11 “(I) *need;*

12 “(II) *administrative capacity;*

13 *and*

14 “(III) *any other funding criteria*
15 *established by the Secretary in a notice*
16 *published in the Federal Register after*
17 *consulting with the Secretary of Vet-*
18 *erans Affairs.*

19 “(vi) *ADMINISTRATION.*—*Grants*
20 *awarded under the Program shall be ad-*
21 *ministered in accordance with the Native*
22 *American Housing Assistance and Self-De-*
23 *termination Act of 1996 (25 U.S.C. 4101 et*
24 *seq.), except that recipients shall—*

1 “(I) submit to the Secretary, in a
2 manner prescribed by the Secretary,
3 reports on the utilization of rental as-
4 sistance provided under the Program;
5 and

6 “(II) provide to the Secretary in-
7 formation specified by the Secretary to
8 assess the effectiveness of the Program
9 in serving eligible Indian veterans.

10 “(vii) CONSULTATION.—

11 “(I) GRANT RECIPIENTS; TRIBAL
12 ORGANIZATIONS.—The Secretary, in
13 coordination with the Secretary of Vet-
14 erans Affairs, shall consult with eligi-
15 ble recipients and any other appro-
16 priate tribal organization on the de-
17 sign of the Program to ensure the effec-
18 tive delivery of rental assistance and
19 supportive services to eligible Indian
20 veterans under the Program.

21 “(II) INDIAN HEALTH SERVICE.—
22 The Director of the Indian Health
23 Service shall provide any assistance re-
24 quested by the Secretary or the Sec-

1 *retary of Veterans Affairs in carrying*
2 *out the Program.*

3 “(viii) *WAIVER.*—

4 “(I) *IN GENERAL.*—*Except as pro-*
5 *vided in subclause (II), the Secretary*
6 *may waive or specify alternative re-*
7 *quirements for any provision of law*
8 *(including regulations) that the Sec-*
9 *retary administers in connection with*
10 *the use of rental assistance made avail-*
11 *able under the Program if the Sec-*
12 *retary finds that the waiver or alter-*
13 *native requirement is necessary for the*
14 *effective delivery and administration of*
15 *rental assistance under the Program to*
16 *eligible Indian veterans.*

17 “(II) *EXCEPTION.*—*The Secretary*
18 *may not waive or specify alternative*
19 *requirements under subclause (I) for*
20 *any provision of law (including regu-*
21 *lations) relating to labor standards or*
22 *the environment.*

23 “(ix) *RENEWAL GRANTS.*—*The Sec-*
24 *retary may—*

1 “(I) set aside, from amounts made
2 available for tenant-based rental assist-
3 ance under this subsection and without
4 regard to the amounts used for new
5 grants under clause (ii), such amounts
6 as may be necessary to award renewal
7 grants to eligible recipients that re-
8 ceived a grant under the Program in a
9 previous year; and

10 “(II) specify criteria that an eli-
11 gible recipient must satisfy to receive a
12 renewal grant under subclause (I), in-
13 cluding providing data on how the eli-
14 gible recipient used the amounts of any
15 grant previously received under the
16 Program.

17 “(x) REPORTING.—

18 “(I) IN GENERAL.—Not later than
19 1 year after the date of enactment of
20 the Tribal HUD-VASH Act of 2017,
21 and every 5 years thereafter, the Sec-
22 retary, in coordination with the Sec-
23 retary of Veterans Affairs and the Di-
24 rector of the Indian Health Service,
25 shall—

1 “(aa) conduct a review of the
2 implementation of the Program,
3 including any factors that may
4 have limited its success; and

5 “(bb) submit a report de-
6 scribing the results of the review
7 under item (aa) to—

8 “(AA) the Committee on
9 Indian Affairs, the Com-
10 mittee on Banking, Housing,
11 and Urban Affairs, the Com-
12 mittee on Veterans’ Affairs,
13 and the Committee on Ap-
14 propriations of the Senate;
15 and

16 “(BB) the Subcommittee
17 on Indian, Insular and Alas-
18 ka Native Affairs of the Com-
19 mittee on Natural Resources,
20 the Committee on Financial
21 Services, the Committee on
22 Veterans’ Affairs, and the
23 Committee on Appropria-
24 tions of the House of Rep-
25 resentatives.

1 “(II) ANALYSIS OF HOUSING
2 STOCK LIMITATION.—The Secretary
3 shall include in the initial report sub-
4 mitted under subclause (I) a descrip-
5 tion of—

6 “(aa) any regulations gov-
7 erning the use of formula current
8 assisted stock (as defined in sec-
9 tion 1000.314 of title 24, Code of
10 Federal Regulations (or any suc-
11 cessor regulation)) within the Pro-
12 gram;

13 “(bb) the number of recipi-
14 ents of grants under the Program
15 that have reported the regulations
16 described in item (aa) as a bar-
17 rier to implementation of the Pro-
18 gram; and

19 “(cc) proposed alternative
20 legislation or regulations devel-
21 oped by the Secretary in consulta-
22 tion with recipients of grants
23 under the Program to allow the
24 use of formula current assisted
25 stock within the Program.”.

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[Report No. 115-198]

A BILL

To provide for rental assistance for homeless or at-risk Indian veterans.

DECEMBER 20, 2017

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