

117TH CONGRESS  
2D SESSION

# S. 5140

To provide for rental assistance for homeless or at-risk Indian veterans,  
and for other purposes.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 29, 2022

Mr. TESTER (for himself, Mr. HOEVEN, Mr. LUJÁN, and Mr. CRAMER) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To provide for rental assistance for homeless or at-risk  
Indian veterans, and for other purposes.

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. RENTAL ASSISTANCE FOR HOMELESS OR AT-**  
4 **RISK INDIAN VETERANS.**

5 Section 8(o)(19) of the United States Housing Act  
6 of 1937 (42 U.S.C. 1437f(o)(19)) is amended—

7 (1) by redesignating subparagraph (D) as sub-  
8 paragraph (E); and

9 (2) by inserting after subparagraph (C) the fol-  
10 lowing new subparagraph (D):

1                   “(D) INDIAN VETERANS HOUSING RENTAL  
2 ASSISTANCE PROGRAM.—

3                   “(i) DEFINITIONS.—In this subpara-  
4 graph:

5                   “(I) ELIGIBLE INDIAN VET-  
6 ERAN.—The term ‘eligible Indian vet-  
7 eran’ means an Indian veteran who  
8 is—

9                   “(aa) homeless or at risk of  
10 homelessness; and

11                   “(bb) living—

12                   “(AA) on or near a res-  
13 ervation; or

14                   “(BB) in or near any  
15 other Indian area.

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

23                   “(III) INDIAN; INDIAN AREA.—  
24 The terms ‘Indian’ and ‘Indian area’  
25 have the meanings given those terms

1 in section 4 of the Native American  
2 Housing Assistance and Self-Deter-  
3 mination Act of 1996 (25 U.S.C.  
4 4103).

5 “(IV) INDIAN VETERAN.—The  
6 term ‘Indian veteran’ means an In-  
7 dian who is a veteran.

8 “(V) PROGRAM.—The term ‘Pro-  
9 gram’ means the Tribal HUD–VASH  
10 program carried out under clause (ii).

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

17 “(ii) PROGRAM SPECIFICATIONS.—  
18 The Secretary shall use not less than 5  
19 percent of the amounts made available for  
20 rental assistance under this paragraph to  
21 carry out a rental assistance and sup-  
22 ported housing program, to be known as  
23 the ‘Tribal HUD–VASH program’, in con-  
24 junction with the Secretary of Veterans Af-

1           fairs, by awarding grants for the benefit of  
2           eligible Indian veterans.

3           “(iii) MODEL.—

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

13                  “(II) EXCEPTIONS.—

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

17                  “(v) FUNDING CRITERIA.—The Sec-  
18                  retary shall award grants under the Pro-  
19                  gram 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.—Grants  
4 awarded under the Program shall be ad-  
5 ministered in accordance with the Native  
6 American Housing Assistance and Self-De-  
7 termination Act of 1996 (25 U.S.C. 4101  
8 et seq.), except that recipients shall—

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

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

19 “(vii) CONSULTATION.—

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

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

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

11 “(viii) WAIVER.—

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

1                   “(II) 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) RENEWAL GRANTS.—The Sec-  
8                   retary may—

9                   “(I) set aside, from amounts  
10                  made available for tenant-based rental  
11                  assistance under this subsection and  
12                  without regard to the amounts used  
13                  for new grants under clause (ii), such  
14                  amounts as may be necessary to  
15                  award renewal grants to eligible re-  
16                  cipients that received a grant under  
17                  the Program in a previous year; and

18                  “(II) specify criteria that an eli-  
19                  gible recipient must satisfy to receive  
20                  a renewal grant under subclause (I),  
21                  including providing data on how the  
22                  eligible recipient used the amounts of  
23                  any grant previously received under  
24                  the Program.

25                  “(x) REPORTING.—



1           “(I) IN GENERAL.—Not later  
2 than 1 year after the date of the en-  
3 actment of this subparagraph, and  
4 every 5 years thereafter, the Sec-  
5 retary, in coordination with the Sec-  
6 retary of Veterans Affairs and the Di-  
7 rector of the Indian Health Service,  
8 shall—

9           “(aa) conduct a review of  
10 the implementation of the Pro-  
11 gram, including any factors that  
12 may have limited its success; and

13           “(bb) submit a report de-  
14 scribing the results of the review  
15 under item (aa) to—

16           “(AA) the Committee  
17 on Indian Affairs, the Com-  
18 mittee on Banking, Housing,  
19 and Urban Affairs, the  
20 Committee on Veterans’ Af-  
21 fairs, and the Committee on  
22 Appropriations of the Sen-  
23 ate; and

24           “(BB) the Sub-  
25 committee for Indigenous

1 Peoples of the United States  
2 of the Committee on Nat-  
3 ural Resources, the Com-  
4 mittee on Financial Services,  
5 the Committee on Veterans'  
6 Affairs, and the Committee  
7 on Appropriations of the  
8 House of Representatives.

9 “(II) ANALYSIS OF HOUSING  
10 STOCK LIMITATION.—The Secretary  
11 shall include in the initial report sub-  
12 mitted under subclause (I) a descrip-  
13 tion of—

14 “(aa) any regulations gov-  
15 erning the use of formula current  
16 assisted stock (as defined in sec-  
17 tion 1000.314 of title 24, Code of  
18 Federal Regulations (or any suc-  
19 cessor regulation)) within the  
20 Program;

21 “(bb) the number of recipi-  
22 ents of grants under the Pro-  
23 gram that have reported the reg-  
24 ulations described in item (aa) as

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a barrier to implementation of  
the Program; and

“(cc) proposed alternative  
legislation or regulations devel-  
oped by the Secretary in con-  
sultation with recipients of  
grants under the Program to  
allow the use of formula current  
assisted stock within the Pro-  
gram.”.

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