

441 G St. N.W.
Washington, DC 20548

B-333759

November 19, 2021

The Honorable Jon Tester
Chairman
The Honorable Jerry Moran
Ranking Member
Committee on Veterans' Affairs
United States Senate

The Honorable Mark Takano
Chairman
The Honorable Mike Bost
Ranking Member
Committee on Veterans' Affairs
House of Representatives

Subject: Department of Veterans Affairs: Supportive Services for Veterans Families

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of Veterans Affairs (VA) entitled "Supportive Services for Veterans Families" (RIN: 2900-AR15). We received the rule on November 10, 2021. It was published in the *Federal Register* as an interim final rule (IFR) on November 10, 2021. 86 Fed. Reg. 62482. The effective date of this IFR is November 10, 2021.

According to VA, it is amending the regulations that govern the Supportive Services for Veteran Families (SSVF) Program. VA stated that this IFR will provide a more effective subsidy to veterans in high-cost rental markets; increase the cap on general housing assistance to reflect increased costs; and extend the ability of SSVF grantees to provide emergency housing for the most vulnerable, unsheltered veterans and their families.

The Congressional Review Act (CRA) requires a 60-day delay in the effective date of a major rule from the date of publication in the *Federal Register* or receipt of the rule by Congress, whichever is later. 5 U.S.C. § 801(a)(3)(A). The 60-day delay in effective date requirement can be waived, however, if the agency finds for good cause that delay is impracticable, unnecessary, or contrary to the public interest, and the agency incorporates a statement of the findings and its reasons in the rule issued. 5 U.S.C. §§ 553(b)(3)(B), 808(2). VA stated that it found good cause to waive the 60-day delay in effective date for this IFR, and incorporated a statement explaining why. Specifically, VA stated that a delay would be impracticable and contrary to the public interest because a delay would have significant negative health consequences to homeless and at-risk veterans.

Enclosed is our assessment of VA's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to the

subject matter of the rule, please contact Shari Brewster, Assistant General Counsel, at (202) 512-6398.

A handwritten signature in black ink that reads "Shirley A. Jones". The signature is written in a cursive style with a large initial 'S' and a long, sweeping tail on the 'J'.

Shirley A. Jones
Managing Associate General Counsel

Enclosure

cc: Luvenia Potts
Reg. Dev. Coord., Ofc. of Reg. Pol. & Mgmt
Office of General Counsel

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
DEPARTMENT OF VETERANS AFFAIRS
ENTITLED
“SUPPORTIVE SERVICES FOR VETERANS FAMILIES”
(RIN: 2900-AR15)

(i) Cost-benefit analysis

The Department of Veterans Affairs (VA) has determined that there are costs and transfers associated with the provisions of this interim final rule (IFR). VA stated that the costs associated with 32 C.F.R. § 62.34(a)(8) are estimated to be between a lower bound of \$204.2 million in fiscal year (FY) 2022 and \$895 million over a five-year period (FY2022–FY2026) and an upper bound of \$291.8 million in FY2022 and \$1.65 billion over a five-year period. VA also stated that the costs associated with 32 C.F.R. § 62.34(e)(2) are estimated to be \$720,000 in FY2022 and \$3.8 million over a five-year period.

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603–605, 607, and 609

VA stated that the Secretary certifies that this IFR will not have a significant economic impact on a substantial number of small entities.

(iii) Agency actions relevant to sections 202–205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532–1535

VA stated that this IFR will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any one year.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act (APA), 5 U.S.C. §§ 551 *et seq.*

VA asserts that there is good cause to waive the notice and comment procedures required by APA. VA stated that such procedures would be impracticable and contrary to the public interest because a delay would have significant negative health consequences to homeless veterans and veterans at imminent risk of homelessness.

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501–3520

VA stated that this IFR contains no provisions constituting a collection of information under the PRA.

Statutory authorization for the rule

VA promulgated this IFR pursuant to sections 501 and 2044 of title 38, United States Code.

Executive Order No. 12866 (Regulatory Planning and Review)

VA stated that the Office of Information and Regulatory Affairs has determined that this IFR is economically significant under the Order.

Executive Order No. 13132 (Federalism)

In its submission to us, VA indicated that it did not discuss the Order in this IFR.