

113TH CONGRESS  
1ST SESSION

# S. 1580

To amend title 38, United States Code, to require recipients of per diem payments from the Secretary of Veterans Affairs for the provision of services for homeless veterans to comply with codes relevant to operations and level of care provided, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 28, 2013

Mr. BEGICH introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to require recipients of per diem payments from the Secretary of Veterans Affairs for the provision of services for homeless veterans to comply with codes relevant to operations and level of care provided, 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. SHORT TITLE.**

4 This Act may be cited as the “Ensuring Safe Shelter  
5 for Homeless Veterans Act of 2013”.

1 **SEC. 2. CONDITIONS ON AWARD OF PER DIEM PAYMENTS**  
2 **BY SECRETARY OF VETERANS AFFAIRS FOR**  
3 **PROVISION OF HOUSING OR SERVICES TO**  
4 **HOMELESS VETERANS.**

5 (a) CONDITION.—

6 (1) IN GENERAL.—Section 2012(c)(1) of title  
7 38, United States Code, is amended by striking “un-  
8 less the facilities” and all that follows through “may  
9 specify.” and inserting the following: “unless the  
10 Secretary certifies the following:

11 “(A) That the building where the entity pro-  
12 vides housing or services for which the entity would  
13 receive such payment is in compliance with the codes  
14 relevant to the operations and level of care provided,  
15 including applicable provisions of the most recently  
16 published version of the Life Safety Code of the Na-  
17 tional Fire Protection Association or such other  
18 comparable fire and safety requirements as the Sec-  
19 retary may specify.

20 “(B) That such building and such housing or  
21 services are in compliance with licensing require-  
22 ments, fire and safety requirements, and any other  
23 requirements in the jurisdiction in which the build-  
24 ing is located regarding the condition of the building  
25 and the provision of such housing or services.”.

1           (2) EFFECTIVE DATE.—The amendment made  
2           by paragraph (1) shall apply with respect to an ap-  
3           plication for a per diem payment under section 2012  
4           of title 38, United States Code, submitted on or  
5           after the date of the enactment of this Act.

6           (b) ANNUAL INSPECTIONS REQUIRED.—Section  
7           2012 of such title is amended by striking subsection (b)  
8           and inserting the following new subsection (b):

9           “(b)(1) Not less frequently than once each fiscal year,  
10          the Secretary shall inspect each facility of each grant re-  
11          cipient or entity eligible for payments under subsection (a)  
12          at which the recipients and entities provide services under  
13          section 2011 of this title or this section.

14          “(2) Except as provided in paragraph (1), inspections  
15          made under such paragraph shall be made at such times  
16          as the Secretary considers necessary.

17          “(3) An inspection of a facility of a recipient or entity  
18          described in paragraph (1) made under such paragraph  
19          may be made with or without prior notice to the recipient  
20          or entity, as the Secretary considers appropriate.

21          “(4) No per diem payment may be provided to a  
22          grant recipient or eligible entity under this section unless  
23          the facilities of the grant recipient or eligible entity meet  
24          such standards as the Secretary shall prescribe.”.

1 (c) REVOCATION OF CERTIFICATION AUTHORIZED.—

2 Subsection (c) of such section is amended—

3 (1) by redesignating paragraphs (2) and (3) as  
4 paragraphs (4) and (5), respectively;

5 (2) in paragraph (1), as amended by subsection  
6 (a)(1), by striking “in paragraph (2)” and inserting  
7 “in paragraph (4)”; and

8 (3) by inserting after paragraph (1) the fol-  
9 lowing new paragraph (2):

10 “(2) The Secretary may revoke any certification  
11 made under paragraph (1) if the Secretary determines  
12 that such certification is no longer accurate.”.

13 (d) CONGRESSIONAL NOTIFICATION OF TERMI-  
14 NATION OF PER DIEM REQUIRED.—Such subsection is  
15 further amended by inserting after paragraph (2) the fol-  
16 lowing new paragraph (3):

17 “(3) Not later than 30 days after the date on which  
18 the Secretary terminates provision of per diem payment  
19 under this section because the Secretary has revoked a  
20 certification under paragraph (2), the Secretary shall sub-  
21 mit to the Committee on Veterans’ Affairs of the Senate  
22 and the Committee on Veterans’ Affairs of the House of  
23 Representatives notice of such termination.”.

24 (e) ANNUAL REPORT.—Section 2065(b) of such title  
25 is amended—

1 (1) by redesignating paragraph (6) as para-  
2 graph (7); and

3 (2) by inserting after paragraph (5) the fol-  
4 lowing new paragraph (6):

5 “(6) The Secretary’s evaluation of the safety  
6 and accessibility of facilities used to provide services  
7 under programs established by grant recipients or el-  
8 igible entities under section 2011 and 2012 of this  
9 title, including the number of such grant recipients  
10 or eligible entities who have been certified by the  
11 Secretary under section 2012(c)(1) of this title.”.

12 (f) TREATMENT OF CURRENT RECIPIENTS OF PER  
13 DIEM PAYMENTS.—

14 (1) ASSESSMENT.—In the case of the recipient  
15 of a per diem payment under section 2012 of title  
16 38, United States Code, that receives such a pay-  
17 ment during the year in which this Act is enacted  
18 for the provision of housing or services, the Sec-  
19 retary of Veterans Affairs shall assess whether the  
20 building where such housing or services are provided  
21 is and whether the housing and services are in com-  
22 pliance as required by section 2012(c)(1) of such  
23 title, as amended by subsection (a)(1).

24 (2) FAILURE TO COMPLY.—In the case de-  
25 scribed in paragraph (1), if the Secretary does not

1 certify the compliance of the building and the hous-  
2 ing or services under such section before the date  
3 that is two years after the date of the enactment of  
4 this Act, the Secretary may not make any additional  
5 per diem payments to the recipient for the provision  
6 of such housing or services under section 2012 of  
7 such title until the Secretary certifies that such  
8 building is and such housing or services are in com-  
9 pliance.

10 (g) CONFORMING CONDITION ON AWARD OF GRANTS  
11 BY SECRETARY OF VETERANS AFFAIRS FOR COMPREHEN-  
12 SIVE SERVICE PROGRAMS.—Section 2011(b)(5)(A) of title  
13 38, United States Code, is amended by inserting “, includ-  
14 ing housing and building codes,”.

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