

116TH CONGRESS  
2D SESSION

# S. 3898

To provide flexibility for the Secretary of Veterans Affairs in caring for homeless veterans during a covered public health emergency, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 4, 2020

Mr. SULLIVAN (for himself, Ms. SINEMA, Mr. MORAN, Mr. TESTER, Mr. CRAPO, Mrs. FEINSTEIN, Mrs. LOEFFLER, Mr. BLUMENTHAL, Mr. TILLIS, Ms. HIRONO, Mrs. CAPITO, Mr. KAINE, Mr. CRUZ, Mrs. GILLIBRAND, Mr. RISCH, Mrs. SHAHEEN, Mr. HOEVEN, Ms. HASSAN, Ms. ERNST, Ms. COLLINS, Mr. CRAMER, and Ms. MCSALLY) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To provide flexibility for the Secretary of Veterans Affairs in caring for homeless veterans during a covered public health emergency, 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 “Homeless Veterans  
5 Coronavirus Response Act of 2020”.

1 **SEC. 2. FLEXIBILITY FOR THE SECRETARY OF VETERANS**  
2 **AFFAIRS IN CARING FOR HOMELESS VET-**  
3 **ERANS DURING A COVERED PUBLIC HEALTH**  
4 **EMERGENCY.**

5 (a) GENERAL SUPPORT.—

6 (1) USE OF FUNDS.—During a covered public  
7 health emergency, the Secretary of Veterans Affairs  
8 may use amounts appropriated or otherwise made  
9 available to the Department of Veterans Affairs to  
10 carry out sections 2011, 2012, 2031, and 2061 of  
11 title 38, United States Code, to provide to homeless  
12 veterans and veterans participating in the program  
13 carried out under section 8(o)(19) of the United  
14 States Housing Act of 1937 (42 U.S.C.  
15 1437f(o)(19)) (commonly referred to as “HUD–  
16 VASH”), as the Secretary determines is needed, the  
17 following:

18 (A) Assistance required for safety and sur-  
19 vival (such as food, shelter, clothing, blankets,  
20 and hygiene items).

21 (B) Transportation required to support  
22 stability and health (such as for appointments  
23 with service providers, conducting housing  
24 searches, and obtaining food and supplies).

25 (C) Communications equipment and serv-  
26 ices (such as tablets, smartphones, disposable

1 phones, and related service plans) required to  
2 support stability and health (such as maintain-  
3 ing contact with service providers, prospective  
4 landlords, and family).

5 (D) Such other assistance as the Secretary  
6 determines is needed.

7 (2) HOMELESS VETERANS ON LAND OF THE  
8 DEPARTMENT.—

9 (A) COLLABORATION.—During a covered  
10 public health emergency, to the extent possible,  
11 the Secretary may collaborate with one or more  
12 organizations to manage use of land of the De-  
13 partment for homeless veterans for living and  
14 sleeping.

15 (B) ELEMENTS.—Collaboration under sub-  
16 paragraph (A) may include the provision by ei-  
17 ther the Secretary or the organization of food  
18 services and security for property, buildings,  
19 and other facilities owned or controlled by the  
20 Department.

21 (b) GRANT AND PER DIEM PROGRAM.—

22 (1) LIMITS ON RATES FOR PER DIEM PAY-  
23 MENTS.—Section 20013(b) of the Coronavirus Aid,  
24 Relief, and Economic Security Act (Public Law  
25 116–136) is amended—

1 (A) by redesignating paragraphs (1) and  
2 (2) as subparagraphs (A) and (B), respectively;  
3 (B) in the matter preceding subparagraph  
4 (A), as so redesignated, by inserting “(1)” be-  
5 fore “In the case”; and

6 (C) by adding at the end the following:

7 “(2) If the Secretary waives any limit on grant  
8 amounts or rates for per diem payments under paragraph  
9 (1), notwithstanding section 2012(a)(2)(B) of such title,  
10 the maximum rate for per diem payments described in  
11 paragraph (1)(B) shall be three times the rate authorized  
12 for State homes for domiciliary care under section 1741  
13 of such title.”.

14 (2) USE OF PER DIEM PAYMENTS.—During a  
15 covered public health emergency, a recipient of a  
16 grant or an eligible entity under the grant and per  
17 diem program of the Department (in this subsection  
18 referred to as the “program”) may use per diem  
19 payments under sections 2012 and 2061 of title 38,  
20 United States Code, to provide assistance required  
21 for safety and survival (such as food, shelter, cloth-  
22 ing, blankets, and hygiene items) for—

23 (A) homeless veterans; and

24 (B) formerly homeless veterans residing in  
25 a facility operated wholly or in part by such a

1 recipient or eligible entity receiving per diem  
2 payments under section 2012 of such title.

3 (3) ADDITIONAL TRANSITIONAL HOUSING.—

4 (A) IN GENERAL.—During a covered pub-  
5 lic health emergency, under the program, the  
6 Secretary may provide amounts for additional  
7 transitional housing beds to facilitate access to  
8 housing and services provided to homeless vet-  
9 erans.

10 (B) NOTICE; COMPETITION; PERIOD OF  
11 PERFORMANCE.—The Secretary may provide  
12 amounts under subparagraph (A)—

13 (i) without notice or competition; and

14 (ii) for a period of performance deter-  
15 mined by the Secretary.

16 (4) INSPECTIONS AND LIFE SAFETY CODE RE-  
17 QUIREMENTS.—

18 (A) IN GENERAL.—During a covered pub-  
19 lic health emergency, the Secretary may waive  
20 any requirement under subsection (b) or (c) of  
21 section 2012 of title 38, United States Code, in  
22 order to allow the recipient of a grant or an eli-  
23 gible entity under the program—

1 (i) to quickly identify temporary alter-  
2 nate sites of care for homeless veterans  
3 that are suitable for habitation;

4 (ii) to facilitate social distancing or  
5 isolation needs; or

6 (iii) to facilitate activation or continu-  
7 ation of a program for which a grant has  
8 been awarded.

9 (B) LIMITATION.—The Secretary may  
10 waive a requirement pursuant to the authority  
11 provided by subparagraph (A) with respect to a  
12 facility of a recipient of a grant or an eligible  
13 entity under the program only if the facility  
14 meets applicable local safety requirements, in-  
15 cluding fire safety requirements.

16 (c) INSPECTION AND LIFE SAFETY CODE REQUIRE-  
17 MENTS FOR THERAPEUTIC HOUSING.—

18 (1) IN GENERAL.—During a covered public  
19 health emergency, the Secretary may waive any in-  
20 spection or life safety code requirement under sub-  
21 section (c) of section 2032 of title 38, United States  
22 Code—

23 (A) to allow quick identification of tem-  
24 porary alternate sites of care for homeless vet-  
25 erans that are suitable for habitation;

1 (B) to facilitate social distancing or isola-  
2 tion needs; or

3 (C) to facilitate the operation of housing  
4 under such section.

5 (2) LIMITATION.—The Secretary may waive a  
6 requirement pursuant to the authority provided by  
7 paragraph (1) with respect to a residence or facility  
8 referred to in such section 2032 only if the residence  
9 or facility, as the case may be, meets applicable local  
10 safety requirements, including fire safety require-  
11 ments.

12 (d) ACCESS TO DEPARTMENT OF VETERANS AF-  
13 FAIRS TELEHEALTH SERVICES.—To the extent prac-  
14 ticable, during a covered public health emergency, the Sec-  
15 retary shall ensure that veterans participating in or receiv-  
16 ing services from a program under chapter 20 of title 38,  
17 United States Code, have access to telehealth services to  
18 which such veterans are eligible under the laws adminis-  
19 tered by the Secretary, including by ensuring that tele-  
20 health capabilities are available to—

21 (1) such veterans;

22 (2) case managers of the Department of pro-  
23 grams for homeless veterans authorized under such  
24 chapter; and

1           (3) community-based service providers for  
2 homeless veterans receiving funds from the Depart-  
3 ment through grants or contracts.

4 (e) DEFINITIONS.—In this section:

5           (1) COVERED PUBLIC HEALTH EMERGENCY.—  
6 The term “covered public health emergency” means  
7 an emergency with respect to COVID–19 declared  
8 by a Federal, State, or local authority.

9           (2) HOMELESS VETERAN; VETERAN.—The  
10 terms “homeless veteran” and “veteran” have the  
11 meanings given those terms in section 2002 of title  
12 38, United States Code.

13           (3) TELEHEALTH.—

14           (A) IN GENERAL.—The term “telehealth”  
15 means the use of electronic information and  
16 telecommunications technologies to support and  
17 promote long-distance clinical health care, pa-  
18 tient and professional health-related education,  
19 public health, and health administration.

20           (B) TECHNOLOGIES.—For purposes of  
21 subparagraph (A), “telecommunications tech-  
22 nologies” include video conferencing, the inter-  
23 net, streaming media, and terrestrial and wire-  
24 less communications.



1 **SEC. 3. EMERGENCY DESIGNATIONS.**

2 (a) IN GENERAL.—This Act is designated as an  
3 emergency requirement pursuant to section 4(g) of the  
4 Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

5 (b) DESIGNATION IN SENATE.—In the Senate, this  
6 Act is designated as an emergency requirement pursuant  
7 to section 4112(a) of H. Con. Res. 71 (115th Congress),  
8 the concurrent resolution on the budget for fiscal year  
9 2018.

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