

which all Federal departments and agencies were required to make available to State agencies or to the Secretary, prior to repeal by section 1(a) of Pub. L. 87-675.

Prior sections 2004A and 2005 were renumbered sections 4104A and 4105 of this title, respectively.

Another prior section 2005, Pub. L. 85-837, Sept. 2, 1958, 72 Stat. 1219, related to penalties for making false statements or representations, or for knowledgeable failure to disclose material facts in order to obtain or increase payments under chapter 41 of this title, prior to repeal by section 1(a) of Pub. L. 87-675.

Prior section 2006 was renumbered section 4106 of this title.

Another prior section 2006, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1219, authorized the Secretary to make rules and regulations necessary to carry out the provisions of chapter 41 of this title, and required him to consult with representatives of the State unemployment compensation agencies before prescribing any rules which could affect the performance of such agencies, prior to repeal by Pub. L. 87-675, §1(a), Sept. 19, 1962, 76 Stat. 558.

Prior section 2007 was renumbered section 4107 of this title.

Another prior section 2007, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1220; Pub. L. 86-70, §29(b), June 25, 1959, 73 Stat. 148; Pub. L. 86-624, §25(c), July 12, 1960, 74 Stat. 418, defined "Korean conflict veterans", "unemployment compensation", and "State", prior to repeal by Pub. L. 87-675, §1(a), Sept. 19, 1962, 76 Stat. 558.

Prior section 2008 was renumbered section 4108 of this title.

Another prior section 2008, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1220, enumerated provisions which forbade duplication of benefits, prior to repeal by Pub. L. 87-675, §1(a), Sept. 19, 1962, 76 Stat. 558.

Prior section 2009 was renumbered section 4109 of this title.

Another prior section 2009, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1221, provided termination dates for the payment of benefits under chapter 41 of this title, prior to repeal by Pub. L. 87-675, §1(a), Sept. 19, 1962, 76 Stat. 558.

Prior section 2010 was renumbered section 4110 of this title.

Another prior section 2010 was renumbered section 4101 of this title.

Prior section 2010A was renumbered section 4110A of this title.

#### AMENDMENTS

2021—Subsec. (b). Pub. L. 116-283 inserted at end "In the case of vouchers provided under the HUD-VASH program under section 8(o)(19) of such Act, for purposes of the preceding sentence, the term 'veteran' shall have the meaning given such term in section 2002(b) of this title."

Subsec. (c). Pub. L. 116-315 added subsec. (c).

#### Statutory Notes and Related Subsidiaries

##### REPORT ON STAFFING OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-DEPARTMENT OF VETERANS AFFAIRS SUPPORTED HOUSING PROGRAM

Pub. L. 116-315, title IV, §4208, Jan. 5, 2021, 134 Stat. 5015, provided that: "Not later than 180 days after the date of the enactment of this Act [Jan. 5, 2021], and every three years thereafter, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that includes the following:

"(1) An assessment of the hiring needs of the program carried out under section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) (in this section referred to as the 'HUD-VASH program'), including—

"(A) an identification of the number of case managers of the HUD-VASH program as of the date of the report including—

"(i) the total number of vacancies; and

"(ii) the vacancies at each medical center of the Department of Veterans Affairs;

"(B) the number of case managers of the HUD-VASH program that the Secretary of Veterans Affairs and the Secretary of Housing and Urban Development jointly determine necessary to meet the needs of the Department and the program; and

"(C) the amount of turnover among case managers of the HUD-VASH program and whether the turnover was planned or unexpected.

"(2) An assessment of how compensation, including recruitment and retention incentives, for case managers of the HUD-VASH program affects turnover, and what percentage of retention compensation is provided to such case managers at each medical center of the Department of Veterans Affairs (compared to other positions).

"(3) A comparison of compensation described in paragraph (2) with the compensation provided to State, local, and nongovernmental housing employees at comparable training and experience levels.

"(4) Examples of how the Department of Veterans Affairs and the Department of Housing and Urban Development have worked with non-Federal partners (such as local governments, nongovernmental organizations, veterans service organizations, and employee unions) to meet the staffing needs of the HUD-VASH program.

"(5) Examples of how medical centers of the Department of Veterans Affairs with high retention rates for case managers of the HUD-VASH program have been able to maintain staffing levels."

#### SUBCHAPTER II—COMPREHENSIVE SERVICE PROGRAMS

##### § 2011. Grants

(a) **AUTHORITY TO MAKE GRANTS.**—Subject to the availability of appropriations provided for such purpose, the Secretary shall make grants to assist eligible entities in establishing programs to furnish, and expanding or modifying existing programs for furnishing, the following to homeless veterans:

- (1) Outreach.
- (2) Rehabilitative services.
- (3) Vocational counseling and training.
- (4) Transitional housing assistance.

(b) **CRITERIA FOR GRANTS.**—The Secretary shall establish criteria and requirements for grants under this section, including criteria for entities eligible to receive grants, and shall publish such criteria and requirements in the Federal Register. The criteria established under this subsection shall include the following:

(1) Specification as to the kinds of projects for which grants are available, which shall include—

(A) new construction of facilities, expansion, remodeling, or alteration of existing facilities, or acquisition of facilities, for use as service centers, transitional housing, or other facilities to serve homeless veterans; and

(B) procurement of vans for use in outreach to and transportation for homeless veterans for purposes of a program referred to in subsection (a).

(2) Specification as to the number of projects for which grants are available.

(3) Criteria for staffing for the provision of services under a project for which grants are made.

(4) Provisions to ensure that grants under this section—

(A) shall not result in duplication of ongoing services; and

(B) to the maximum extent practicable, shall reflect appropriate geographic dispersion and an appropriate balance between urban and other locations.

(5) Provisions to ensure that an entity receiving a grant shall meet fire and safety requirements established by the Secretary, which shall include—

(A) such State and local requirements that may apply; and

(B) fire and safety requirements applicable under the Life Safety Code of the National Fire Protection Association or such other comparable fire and safety requirements as the Secretary may specify.

(6) Specification as to the means by which an entity receiving a grant may contribute in-kind services to the start-up costs of a project for which a grant is sought and the methodology for assigning a cost to that contribution for purposes of subsection (c).

(c) FUNDING LIMITATIONS.—(1) A grant under this section may not be used to support operational costs.

(2)(A) The Secretary may not deny an application from an entity that seeks a grant under this section to carry out a project described in subsection (b)(1)(A) solely on the basis that the entity proposes to use funding from other private or public sources, if the entity demonstrates that a private nonprofit organization will provide oversight and site control for the project.

(B) In this paragraph, the term “private nonprofit organization” means the following:

(i) An incorporated private institution, organization, or foundation—

(I) that has received, or has temporary clearance to receive, tax-exempt status under paragraph (2), (3), or (19) of section 501(c) of the Internal Revenue Code of 1986;

(II) for which no part of the net earnings of the institution, organization, or foundation inures to the benefit of any member, founder, or contributor of the institution, organization, or foundation; and

(III) that the Secretary determines is financially responsible.

(ii) A for-profit limited partnership or limited liability company, the sole general partner or manager of which is an organization that is described by subclauses (I) through (III) of clause (i).

(iii) A corporation wholly owned and controlled by an organization that is described by subclauses (I) through (III) of clause (i).

(d) ELIGIBLE ENTITIES.—The Secretary may make a grant under this section to an entity applying for such a grant only if the applicant for the grant—

(1) is a public or nonprofit private entity with the capacity (as determined by the Secretary) to effectively administer a grant under this section;

(2) demonstrates that adequate financial support will be available to carry out the

project for which the grant is sought consistent with the plans, specifications, and schedule submitted by the applicant; and

(3) agrees to meet the applicable criteria and requirements established under subsections (b) and (g) and has, as determined by the Secretary, the capacity to meet such criteria and requirements.

(e) APPLICATION REQUIREMENT.—An entity seeking a grant for a project under this section shall submit to the Secretary an application for the grant. The application shall set forth the following:

(1) The amount of the grant sought for the project.

(2) A description of the site for the project.

(3) Plans, specifications, and the schedule for implementation of the project in accordance with criteria and requirements prescribed by the Secretary under subsection (b).

(4) Reasonable assurance that upon completion of the work for which the grant is sought, the project will become operational and the facilities will be used principally to provide to veterans the services for which the project was designed, and that not more than 25 percent of the services provided under the project will be provided to individuals who are not veterans.

(f) PROGRAM REQUIREMENTS.—The Secretary may not make a grant for a project to an applicant under this section unless the applicant in the application for the grant agrees to each of the following requirements:

(1) To provide the services for which the grant is made at locations accessible to homeless veterans.

(2) To maintain referral networks for homeless veterans for establishing eligibility for assistance and obtaining services, under available entitlement and assistance programs, and to aid such veterans in establishing eligibility for and obtaining such services.

(3) To ensure the confidentiality of records maintained on homeless veterans receiving services through the project.

(4) To establish such procedures for fiscal control and fund accounting as may be necessary to ensure proper disbursement and accounting with respect to the grant and to such payments as may be made under section 2012 of this title.

(5) To seek to employ homeless veterans and formerly homeless veterans in positions created for purposes of the grant for which those veterans are qualified.

(g) SERVICE CENTER REQUIREMENTS.—In addition to criteria and requirements established under subsection (b), in the case of an application for a grant under this section for a service center for homeless veterans, the Secretary shall require each of the following:

(1) That such center provide services to homeless veterans during such hours as the Secretary may specify and be open to such veterans on an as-needed, unscheduled basis.

(2) That space at such center be made available, as mutually agreeable, for use by staff of the Department of Veterans Affairs, the Department of Labor, and other appropriate agencies and organizations in assisting homeless veterans served by such center.

(3) That such center be equipped and staffed to provide or to assist in providing health care, mental health services, hygiene facilities, benefits and employment counseling, meals, transportation assistance, and such other services as the Secretary determines necessary.

(4) That such center be equipped and staffed to provide, or to assist in providing, job training, counseling, and placement services (including job readiness and literacy and skills training), as well as any outreach and case management services that may be necessary to carry out this paragraph.

(h) RECOVERY OF UNUSED GRANT FUNDS.—(1) If a grant recipient under this section does not establish a program in accordance with this section or ceases to furnish services under such a program for which the grant was made, the United States shall be entitled to recover from such recipient the total of all unused grant amounts made under this section to such recipient in connection with such program.

(2) Any amount recovered by the United States under paragraph (1) may be obligated by the Secretary without fiscal year limitation to carry out provisions of this subchapter.

(3) An amount may not be recovered under paragraph (1) as an unused grant amount before the end of the three-year period beginning on the date on which the grant is made.

(Added Pub. L. 107–95, § 5(a)(1), Dec. 21, 2001, 115 Stat. 906; amended Pub. L. 109–444, §§ 2(b), 8(a)(4), Dec. 21, 2006, 120 Stat. 3304, 3313; Pub. L. 109–461, title VII, § 703(a), title X, §§ 1004(a)(4), 1006(b), Dec. 22, 2006, 120 Stat. 3440, 3465, 3468; Pub. L. 112–154, title III, § 301(a), Aug. 6, 2012, 126 Stat. 1182; Pub. L. 117–328, div. U, title III, § 301(a)(1), Dec. 29, 2022, 136 Stat. 5466.)

### Editorial Notes

#### REFERENCES IN TEXT

Section 501(c) of the Internal Revenue Code of 1986, referred to in subsec. (c)(3)(B)(i)(I), is classified to section 501(c) of Title 26, Internal Revenue Code.

#### PRIOR PROVISIONS

A prior section 2011 was renumbered section 4211 of this title.

Another prior section 2011 was renumbered section 4102 of this title.

#### AMENDMENTS

2022—Subsec. (c)(2), (3). Pub. L. 117–328 redesignated par. (3) as (2) and struck out former par. (2) which read as follows: “The amount of a grant under this section may not exceed 65 percent of the estimated cost of the project concerned.”

2012—Subsec. (b)(1)(A). Pub. L. 112–154, § 301(a)(1), substituted “new construction of facilities, expansion, remodeling, or alteration of existing facilities, or acquisition of facilities,” for “expansion, remodeling, or alteration of existing buildings, or acquisition of facilities.”

Subsec. (c). Pub. L. 112–154, § 301(a)(2), designated first sentence as par. (1) and second sentence as par. (2) and added par. (3).

2006—Subsec. (a). Pub. L. 109–461, § 1006(b), provided that as of the enactment of Pub. L. 109–461, the amendments made by Pub. L. 109–444 were deemed for all purposes not to have taken effect and that Pub. L. 109–444 ceased to be in effect. See Amendment notes below and

section 1006(b) of Pub. L. 109–461, set out as a Coordination of Provisions With Pub. L. 109–444 note under section 101 of this title.

Pub. L. 109–461, § 1004(a)(4), which directed insertion of a period at end of subpar. (C) of par. (1), was executed to par. (3) to reflect the probable intent of Congress and the redesignation of par. (1)(C) as (3) by Pub. L. 109–461, § 703(a). See below.

Pub. L. 109–461, § 703(a), struck out par. (1) designation before “Subject”, redesignated subpars. (A) to (D) of former par. (1) as pars. (1) to (4), respectively, and struck out former par. (2), which read as follows: “The authority of the Secretary to make grants under this section expires on September 30, 2005.”

Pub. L. 109–444, § 8(a)(4), which inserted period at end of subpar. (C) of par. (1), was terminated by Pub. L. 109–461, § 1006(b). See Amendment notes above.

Subsec. (a)(2). Pub. L. 109–444, § 2(b), which substituted “September 30, 2007” for “September 30, 2005”, was terminated by Pub. L. 109–461, § 1006(b). See Amendment notes above.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2022 AMENDMENT

Pub. L. 117–328, div. U, title III, § 301(a)(2), Dec. 29, 2022, 136 Stat. 5466, provided that: “The amendments made by paragraph (1) [amending this section] shall apply with respect to any grant awarded under section 2011 of title 38, United States Code, on or after the date of the enactment of this Act [Dec. 29, 2022].”

#### DETERMINATION OF AMOUNT OF GRANT

Pub. L. 117–328, div. U, title III, § 301(a)(3), Dec. 29, 2022, 136 Stat. 5466, provided that: “On or after the date that is five years after the date of the enactment of this Act [Dec. 29, 2022], the Secretary of Veterans Affairs may determine the maximum amount of a grant under section 2011 of title 38, United States Code, which shall be not less than 70 percent of the estimated cost of the project concerned.”

#### ELIMINATION OF PROPERTY DISPOSITION REQUIREMENTS

Pub. L. 117–328, div. U, title III, § 301(b)(1), Dec. 29, 2022, 136 Stat. 5466, provided that: “A recipient of a grant awarded under section 2011 of title 38, United States Code, on or after the date of the enactment of this Act [Dec. 29, 2022] for a project described in subsection (b)(1) of such section shall not be subject to any real property or equipment disposition requirements relating to the grant under section 61.67 of title 38, Code of Federal Regulations, sections 200.311(c) and 200.313(e) of title 2, Code of Federal Regulations, or successor regulations.”

#### FLEXIBILITY FOR THE SECRETARY OF VETERANS AFFAIRS IN CARING FOR HOMELESS VETERANS DURING A COVERED PUBLIC HEALTH EMERGENCY

Pub. L. 116–315, title IV, § 4201, Jan. 5, 2021, 134 Stat. 5008, as amended by Pub. L. 117–328, div. U, title III, § 301(a)(4), (b)(2), Dec. 29, 2022, 136 Stat. 5466, provided that:

“(a) GENERAL SUPPORT.—

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

“(A) Assistance required for safety and survival (such as food, shelter, clothing, blankets, and hygiene items).

“(B) Transportation required to support stability and health (such as for appointments with service

providers, conducting housing searches, and obtaining food and supplies).

“(C) Communications equipment and services (such as tablets, smartphones, disposable phones, and related service plans) required to support stability and health (such as maintaining contact with service providers, prospective landlords, and family).

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

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

“(A) COLLABORATION.—During a covered public health emergency, to the extent possible, the Secretary may collaborate with one or more organizations to manage use of land of the Department for homeless veterans for living and sleeping.

“(B) ELEMENTS.—Collaboration under subparagraph (A) may include the provision by either the Secretary or the organization of food services and security for property, buildings, and other facilities owned or controlled by the Department.

“(b) GRANT AND PER DIEM PROGRAM.—

“(1) LIMITS ON RATES FOR PER DIEM PAYMENTS.—[Amended section 20013(b) of Pub. L. 116-136, set out as a note below.]

“(2) MODIFICATION OF FUNDING LIMITS FOR GRANTS.—

“(A) IN GENERAL.—Subsection (c)(2) of section 2011 of title 38, United States Code, shall not apply to any grant awarded during a covered public health emergency under such section for a project described in subsection (b)(1) of such section.

“(B) SUNSET.—Subparagraph (A) shall cease to be effective on the date of the enactment of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022 [Dec. 29, 2022].

“(3) USE OF PER DIEM PAYMENTS.—During a covered public health emergency, a recipient of a grant or an eligible entity under the grant and per diem program of the Department (in this subsection referred to as the ‘program’) may use per diem payments under sections 2012 and 2061 of title 38, United States Code, to provide assistance required for safety and survival (such as food, shelter, clothing, blankets, and hygiene items) for—

“(A) homeless veterans; and

“(B) formerly homeless veterans residing in a facility operated wholly or in part by such a recipient or eligible entity receiving per diem payments under section 2012 of such title.

“(4) ADDITIONAL TRANSITIONAL HOUSING.—

“(A) IN GENERAL.—During a covered public health emergency, under the program, the Secretary may provide amounts for additional transitional housing beds to facilitate access to housing and services provided to homeless veterans.

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

“(i) without notice or competition; and

“(ii) for a period of performance determined by the Secretary.

“(5) INSPECTIONS AND LIFE SAFETY CODE REQUIREMENTS.—

“(A) IN GENERAL.—During a covered public health emergency, the Secretary may waive any requirement under subsection (b) or (c) of section 2012 of title 38, United States Code, in order to allow the recipient of a grant or an eligible entity under the program—

“(i) to quickly identify temporary alternate sites of care for homeless veterans that are suitable for habitation;

“(ii) to facilitate social distancing or isolation needs; or

“(iii) to facilitate activation or continuation of a program for which a grant has been awarded.

“(B) LIMITATION.—The Secretary may waive a requirement pursuant to the authority provided by

subparagraph (A) with respect to a facility of a recipient of a grant or an eligible entity under the program only if the facility meets applicable local safety requirements, including fire safety requirements.

“(6) DISPOSITION OF PROPERTY RELATING TO GRANTS.—

“(A) IN GENERAL.—During a covered public health emergency, if the recipient of a grant awarded before or during such emergency under section 2011 of title 38, United States Code, for a project described in subsection (b)(1) of such section is no longer providing services in accordance with the terms of the grant, the recipient shall not be subject during such emergency to any property disposition requirements relating to the grant under subsection (c) or (f) of section 61.67 of title 38, Code of Federal Regulations, section 200.311(c) of title 2, Code of Federal Regulations, or successor regulations.

“(B) SUNSET.—Subparagraph (A) shall cease to be effective on the date of the enactment of the Joseph Maxwell Cleland and Robert Joseph Dole Memorial Veterans Benefits and Health Care Improvement Act of 2022 [Dec. 29, 2022].

“(c) INSPECTION AND LIFE SAFETY CODE REQUIREMENTS FOR THERAPEUTIC HOUSING.—

“(1) IN GENERAL.—During a covered public health emergency, the Secretary may waive any inspection or life safety code requirement under subsection (c) of section 2032 of title 38, United States Code—

“(A) to allow quick identification of temporary alternate sites of care for homeless veterans that are suitable for habitation;

“(B) to facilitate social distancing or isolation needs; or

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

“(2) LIMITATION.—The Secretary may waive a requirement pursuant to the authority provided by paragraph (1) with respect to a residence or facility referred to in such section 2032 only if the residence or facility, as the case may be, meets applicable local safety requirements, including fire safety requirements.

“(d) ACCESS TO DEPARTMENT OF VETERANS AFFAIRS TELEHEALTH SERVICES.—To the extent practicable, during a covered public health emergency, the Secretary shall ensure that veterans participating in or receiving services from a program under chapter 20 of title 38, United States Code, have access to telehealth services to which such veterans are eligible under the laws administered by the Secretary, including by ensuring that telehealth capabilities are available to—

“(1) such veterans;

“(2) case managers of the Department of programs for homeless veterans authorized under such chapter; and

“(3) community-based service providers for homeless veterans receiving funds from the Department through grants or contracts.

“(e) DEFINITIONS.—In this section:

“(1) COVERED PUBLIC HEALTH EMERGENCY.—The term ‘covered public health emergency’ means an emergency with respect to COVID-19 declared by a Federal, State, or local authority.

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

“(3) TELEHEALTH.—

“(A) IN GENERAL.—The term ‘telehealth’ means the use of electronic information and telecommunications technologies to support and promote long-distance clinical health care, patient and professional health-related education, public health, and health administration.

“(B) TECHNOLOGIES.—For purposes of subparagraph (A), ‘telecommunications technologies’ include video conferencing, the internet, streaming

media, and terrestrial and wireless communications.”

**MODIFICATIONS TO COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS DURING A PUBLIC HEALTH EMERGENCY**

Pub. L. 116-136, div. B, title X, §20013, Mar. 27, 2020, 134 Stat. 589, as amended by Pub. L. 116-260, div. J, title V, §516, Dec. 27, 2020, 134 Stat. 1690; Pub. L. 116-315, title IV, §4201(b)(1), Jan. 5, 2021, 134 Stat. 5008; Pub. L. 117-328, div. U, title III, §305(b)(3), Dec. 29, 2022, 136 Stat. 5472, provided that:

“(a) **RULE OF CONSTRUCTION.**—In the case of a public health emergency, no authorization of appropriations in section 2016 of title 38, United States Code, may be construed as limiting amounts that may be appropriated for carrying out subchapter II of chapter 20 of such title.

“(b) **GRANTS AND PER DIEM PAYMENTS.**—(1) In the case of a public health emergency, the Secretary of Veterans Affairs may waive any limits on—

“(A) grant amounts under sections 2011 and 2061 of title 38, United States Code; and

“(B) rates for per diem payments under sections 2012 and 2061 of such title.

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

“(c) **PARTICIPANT ABSENCE.**—Notwithstanding Veterans Health Administration Handbook 1162.01(1), dated July 12, 2013, and amended June 30, 2014, and titled ‘Grant and Per Diem (GPD) Program’, or any other provision of law, for the duration of a public health emergency, the Secretary—

“(1) shall waive any requirement to discharge a veteran from the grant and per diem program of the Veterans Health Administration after the veteran is absent for 14 days; and

“(2) may continue to pay per diem to grant recipients and eligible entities under the program for any additional days of absence when a veteran has already been absent for more than 72 hours.”

[Pub. L. 116-260, div. J, title V, §516, and Pub. L. 116-315, title IV, §4201(b)(1), made identical amendments to section 20013(b) of Pub. L. 116-136, set out above.]

[For definition of “public health emergency” as used in section 20013 of Pub. L. 116-136, set out above, see section 20003 of Pub. L. 116-136, set out as a note under section 303 of this title.]

**REQUIREMENT FOR DEPARTMENT OF VETERANS AFFAIRS TO ASSESS COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS**

Pub. L. 114-315, title VII, §714, Dec. 16, 2016, 130 Stat. 1588, provided that:

“(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act [Dec. 16, 2016], the Secretary of Veterans Affairs shall—

“(1) assess and measure the capacity of programs for which entities receive grants under section 2011 of title 38, United States Code, or per diem payments under section 2012 or 2061 of such title; and

“(2) assess such programs with respect to—

“(A) how well they achieve their stated goals at a national level;

“(B) placements in permanent housing;

“(C) placements in employment; and

“(D) increases in the regular income of participants in the programs.

“(b) **ASSESSMENT AT NATIONAL AND LOCAL LEVELS.**—In assessing and measuring under subsection (a)(1), the Secretary shall develop and use tools to examine the capacity of programs described in such subsection at both the national and local level in order to assess the following:

“(1) Whether sufficient capacity exists to meet the needs of homeless veterans in each geographic area.

“(2) Whether existing capacity meets the needs of the subpopulations of homeless veterans located in each geographic area.

“(3) The amount of capacity that recipients of grants under sections 2011 and 2061 and per diem payments under section 2012 of such title have to provide services for which the recipients are eligible to receive per diem under section 2012(a)(2)(B)(ii) of title 38, United States Code, as added by section 711(6).

“(c) **CONSIDERATION OF OTHER RESOURCES.**—In assessing and measuring programs under subsection (a)(1), the Secretary shall consider the availability to such programs of resources made available to such programs and to homeless veterans, including resources provided by the Department of Veterans Affairs and by entities other than the Department.

“(d) **USE OF INFORMATION.**—The Secretary shall use the information collected under this section as follows:

“(1) To set specific goals to ensure that programs described in subsection (a) are effectively serving the needs of homeless veterans.

“(2) To assess whether programs described in subsection (a) are meeting goals set under paragraph (1).

“(3) To inform funding allocations for programs described in subsection (a).

“(4) To improve the referral of homeless veterans to programs described in subsection (a).

“(e) **REPORT.**—Not later than 180 days after the date on which the assessment required by subsection (a) is completed, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on such assessment and such recommendations for legislative and administrative action as the Secretary may have to improve the programs and per diem payments described in subsection (a).”

**GRANT AND PER DIEM PAYMENTS**

Pub. L. 112-154, title III, §301(b), Aug. 6, 2012, 126 Stat. 1183, provided that:

“(1) **STUDY AND DEVELOPMENT OF FISCAL CONTROLS AND PAYMENT METHOD.**—Not later than one year after the date of the enactment of this Act [Aug. 6, 2012], the Secretary of Veterans Affairs shall—

“(A) complete a study of all matters relating to the method used by the Secretary to make per diem payments under section 2012(a) of title 38, United States Code, including changes anticipated by the Secretary in the cost of furnishing services to homeless veterans and accounting for costs of providing such services in various geographic areas;

“(B) develop more effective and efficient procedures for fiscal control and fund accounting by recipients of grants under sections 2011, 2012, and 2061 of such title; and

“(C) develop a more effective and efficient method for adequately reimbursing recipients of grants under section 2011 of such title for services furnished to homeless veterans.

“(2) **CONSIDERATION.**—In developing the method required by paragraph (1)(C), the Secretary may consider payments and grants received by recipients of grants described in such paragraph from other departments and agencies of Federal and local governments and from private entities.

“(3) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on—

“(A) the findings of the Secretary with respect to the study required by subparagraph (A) of paragraph (1);

“(B) the methods developed under subparagraphs (B) and (C) of such paragraph; and

“(C) any recommendations of the Secretary for revising the method described in subparagraph (A) of such paragraph and any legislative action the Secretary considers necessary to implement such method.”

## CONTINUATION OF AUTHORITY

Pub. L. 109-114, title II, §230, Nov. 30, 2005, 119 Stat. 2393, provided that: "The authority provided by section 2011 of title 38, United States Code, shall continue in effect through September 30, 2006."

**§ 2012. Per diem payments**

(a) PER DIEM PAYMENTS FOR FURNISHING SERVICES TO HOMELESS VETERANS.—(1) Subject to the availability of appropriations provided for such purpose, the Secretary, pursuant to such criteria as the Secretary shall prescribe, shall provide to a recipient of a grant under section 2011 of this title (or an entity eligible to receive a grant under that section which after November 10, 1992, establishes a program that the Secretary determines carries out the purposes described in that section) per diem payments for services furnished to any homeless veteran—

(A) whom the Secretary has referred to the grant recipient (or entity eligible for such a grant); or

(B) for whom the Secretary has authorized the provision of services.

(2)(A)(i) Except as otherwise provided in subparagraph (B), the rate for such per diem payments shall be the daily cost of care estimated by the grant recipient or eligible entity adjusted by the Secretary under clause (ii).

(ii)(I) The Secretary shall adjust the rate estimated by the grant recipient or eligible entity under clause (i) to exclude other sources of income described in subclause (III) that the grant recipient or eligible entity certifies to be correct.

(II) Each grant recipient or eligible entity shall provide to the Secretary such information with respect to other sources of income as the Secretary may require to make the adjustment under subclause (I).

(III) The other sources of income referred to in subclauses (I) and (II) are payments to the grant recipient or eligible entity for furnishing services to homeless veterans under programs other than under this subchapter, including payments and grants from other departments and agencies of the United States, from departments or agencies of State or local government, and from private entities or organizations.

(iii) For purposes of calculating the rate for per diem payments under clause (i), in the case of a homeless veteran who has care of a minor dependent while receiving services from the grant recipient or eligible entity, the daily cost of care of the homeless veteran shall be the sum of the daily cost of care of the homeless veteran determined under clause (i) plus, for each such minor dependent, an amount that equals 50 percent of such daily cost of care.

(B)(i)(I) Except as provided in clause (ii), and subject to the availability of appropriations, the Secretary may adjust the rate for per diem payments under this paragraph, as the Secretary considers appropriate.

(II) Any adjustment made under this clause—

(aa) may not result in a rate that—

(AA) is lower than the rate in effect under this paragraph as in effect immediately preceding the date of the enactment of the Navy SEAL Bill Mulder Act of 2020; or

(BB) exceeds the rate that is 115 percent (or, during the period beginning on the date of the enactment of the Housing our Military Veterans Effectively Act of 2024 and ending on September 30, 2027, 133 percent) of the rate authorized for State homes for domiciliary care under subsection (a)(1)(A) of section 1741 of this title, as the Secretary may increase from time to time under subsection (c) of that section; and

(bb) may be determined on the basis of locality.

(ii) In the case of services furnished to a homeless veteran who is placed in housing that will become permanent housing for the veteran upon termination of the furnishing of such services to such veteran, the maximum rate of per diem authorized under this section is 150 percent of the rate authorized for State homes for domiciliary care under subsection (a)(1)(A) of section 1741 of this title, as the Secretary may increase from time to time under subsection (c) of that section.

(iii) For each of fiscal years 2025 through 2027, the Secretary may waive the maximum rate for per diem payments under clause (i)(II)(aa)(BB) or (ii) and, subject to the availability of appropriations, provide such payments at a rate that does not exceed 200 percent of the rate authorized for State homes for domiciliary care under subsection (a)(1)(A) of section 1741 of this title, as the Secretary may increase from time to time under subsection (c) of that section, if the Secretary notifies Congress of such waiver.

(iv) The Secretary may not, pursuant to clause (iii), waive the maximum rate described in such clause for more than 50 percent of all grant recipients and eligible entities for a fiscal year.

(3) In a case in which the Secretary has authorized the provision of services, per diem payments under paragraph (1) may be paid retroactively for services provided not more than three days before the authorization was provided.

(4) The Secretary may not provide more than 12,000 per diem payments under this section for a fiscal year.

(b) INSPECTIONS.—The Secretary may inspect any facility of a grant recipient or entity eligible for payments under subsection (a) at such times as the Secretary considers necessary. No per diem payment may be provided to a grant recipient or eligible entity under this section unless the facilities of the grant recipient or eligible entity meet such standards as the Secretary shall prescribe.

(c) LIFE SAFETY CODE.—(1) Except as provided in paragraph (2), a per diem payment may not be provided under this section to a grant recipient or eligible entity unless the facilities of the grant recipient or eligible entity, as the case may be, meet applicable fire and safety requirements under the Life Safety Code of the National Fire Protection Association or such other comparable fire and safety requirements as the Secretary may specify.

(2) During the five-year period beginning on the date of the enactment of this section, paragraph (1) shall not apply to an entity that received a grant under section 3 of the Homeless