

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 Representa-

tives 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 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.

(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.

(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 Veterans Comprehensive Service Programs Act of 1992 (Public Law 102-590; 38 U.S.C. 7721 note)¹ before that date if the entity meets fire and safety requirements established by the Secretary.

(3) From amounts available for purposes of this section, not less than \$5,000,000 shall be used only for grants to assist entities covered by paragraph (2) in meeting the Life Safety Code of the National Fire Protection Association or such other comparable fire and safety requirements as the Secretary may specify.

(d) PER DIEM PAYMENTS TO NONCONFORMING ENTITIES.—(1) The Secretary may make funds available for per diem payments under this section to the following grant recipients or eligible entities:

(A) Grant recipients or eligible entities that—

- (i) meet each of the transitional and supportive services criteria prescribed by the Secretary pursuant to subsection (a)(1); and
- (ii) furnish services to homeless individuals, of which less than 75 percent are veterans.

(B) Grant recipients or eligible entities that—

- (i) meet at least one, but not all, of the transitional and supportive services criteria prescribed by the Secretary pursuant to subsection (a)(1); and
- (ii) furnish services to homeless individuals, of which not less than 75 percent are veterans.

(C) Grant recipients or eligible entities that—

- (i) meet at least one, but not all, of the transitional and supportive services criteria prescribed by the Secretary pursuant to subsection (a)(1); and
- (ii) furnish services to homeless individuals, of which less than 75 percent are veterans.

(2) Notwithstanding subsection (a)(2), in providing per diem payments under this subsection, the Secretary shall determine the rate of such per diem payments in accordance with the following order of priority:

(A) Grant recipients or eligible entities described by paragraph (1)(A).

¹ See References in Text note below.

(B) Grant recipients or eligible entities described by paragraph (1)(B).

(C) Grant recipients or eligible entities described by paragraph (1)(C).

(3) For purposes of this subsection, an eligible entity is a nonprofit entity and may be an entity that is ineligible to receive a grant under section 2011 of this title, but whom the Secretary determines carries out the purposes described in that section.

(e) REIMBURSEMENT OF ENTITIES FOR CERTAIN FEES.—The Secretary may reimburse a recipient of a grant under section 2011, 2013, or 2061 of this title or a recipient of per diem payments under this section for fees charged to that grant or per diem payment recipient for the use of the homeless management information system described in section 402(f) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360a(f))—

(1) in amounts the Secretary determines to be reasonable; and

(2) if the Secretary determines that the grant or per diem payment recipient is unable to obtain information contained in such system through other means and at no cost to the grant or per diem payment recipient.

(Added Pub. L. 107-95, §5(a)(1), Dec. 21, 2001, 115 Stat. 908; amended Pub. L. 111-163, title VII, §701, May 5, 2010, 124 Stat. 1174; Pub. L. 114-315, title VII, §711, Dec. 16, 2016, 130 Stat. 1586; Pub. L. 116-315, title IV, §4204, Jan. 5, 2021, 134 Stat. 5013.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Navy SEAL Bill Mulder Act of 2020, referred to in subsec. (a)(2)(B)(i)(II)(aa)(AA), is the date of enactment of title IV of Pub. L. 116-315, which was approved Jan. 5, 2021.

The date of the enactment of this section, referred to in subsec. (c)(2), is the date of enactment of Pub. L. 107-95, which was approved Dec. 21, 2001.

Section 3 of the Homeless Veterans Comprehensive Service Programs Act of 1992, referred to in subsec. (c)(2), is section 3 of Pub. L. 102-590, Nov. 10, 1992, 106 Stat. 5136, which was set out in a note under former section 7721 of this title, which note was repealed and restated in sections 2011 and 2012 of this title by Pub. L. 107-95, §5(a)(1), (e)(1), Dec. 21, 2001, 115 Stat. 906, 918. Section 7721 of this title was repealed by Pub. L. 109-233, title IV, §402(c), June 15, 2006, 120 Stat. 411.

PRIOR PROVISIONS

A prior section 2012 was renumbered section 4212 of this title.

Another prior section 2012 was renumbered section 4103 of this title.

AMENDMENTS

2021—Subsec. (a)(2). Pub. L. 116-315, §4204(a), amended par. (2) generally. Prior to amendment, text read as follows:

“(2)(A) 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 subparagraph (C).

“(B)(i) Except as provided in clause (ii), in no case may the rate determined under this paragraph exceed 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.

“(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.

“(C) The Secretary shall adjust the rate estimated by the grant recipient or eligible entity under subparagraph (A) to exclude other sources of income described in subparagraph (E) that the grant recipient or eligible entity certifies to be correct.

“(D) 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 subparagraph (C).

“(E) The other sources of income referred to in subparagraphs (C) and (D) 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.”

Subsec. (e). Pub. L. 116-315, §4204(b), added subsec. (e).

2016—Subsec. (a)(2)(A). Pub. L. 114-315, §711(5), substituted “Except as otherwise provided in subparagraph (B), the rate” for “The rate” and “under subparagraph (C)” for “under subparagraph (B). In no case may the rate determined under this paragraph exceed 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.”

Subsec. (a)(2)(B). Pub. L. 114-315, §711(6), added subpar. (B). Former subpar. (B) redesignated (C).

Subsec. (a)(2)(C). Pub. L. 114-315, §711(1), (2), redesignated subpar. (B) as (C) and substituted “in subparagraph (E)” for “in subparagraph (D)”. Former subpar. (C) redesignated (D).

Subsec. (a)(2)(D). Pub. L. 114-315, §711(1), (3), redesignated subpar. (C) as (D) and substituted “under subparagraph (C)” for “under subparagraph (B)”. Former subpar. (D) redesignated (E).

Subsec. (a)(2)(E). Pub. L. 114-315, §711(1), (4), redesignated subpar. (D) as (E) and substituted “in subparagraphs (C) and (D)” for “in subparagraphs (B) and (C)”. 2010—Subsec. (d). Pub. L. 111-163 added subsec. (d).

§ 2013. Program to improve retention of housing by formerly homeless veterans and veterans at risk of becoming homeless

(a) PROGRAM REQUIRED.—The Secretary shall carry out a program under which the Secretary shall provide case management services to improve the retention of housing by veterans who were previously homeless and are transitioning to permanent housing and veterans who are at risk of becoming homeless.

(b) SERVICES.—Services provided under the program shall include services to assist veterans described in subsection (a) with navigating resources provided by the Federal Government and State, local, and Tribal governments.

(c) STAFFING.—In geographic areas where individuals who meet the licensure and certification requirements to provide services under the program are in high demand as determined by the Secretary, such services may be provided through one or more individuals with a master's degree in social work who are undergoing training to meet such requirements, if such individuals are under the supervision of an individual who meets such requirements.