

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

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).

(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.

(f) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of the HOME Act of 2024, and not less frequently than twice each year thereafter, 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 the rate for per diem payments under this section that includes, for each Veterans Integrated Service Network of the Department, the following data:

(1) The average rate for such a payment.

(2) A list of locations where the rate for such a payment is within 10 percent of the maximum rate for such a payment authorized under this section.

(3) The average length of stay by a veteran participating in a program described in section 2012(a) of this title.

(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; Pub. L. 118-210, title IV, §402(a), Jan. 2, 2025, 138 Stat. 2794.)

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 the Housing our Military Veterans Effectively Act of 2024, referred to in subsec. (a)(2)(B)(i)(II)(aa)(BB), is the date of enactment of Pub. L. 118-210, which was approved Jan. 2, 2025.

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.

The date of the enactment of the HOME Act of 2024, referred to in subsec. (f), is the date of enactment of Pub. L. 118-210, which was approved Jan. 2, 2025.

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

2025—Subsec. (a)(2)(B)(i)(II)(aa)(BB). Pub. L. 118-210, §402(a)(1)(A)(i), substituted “115 percent (or, during the period beginning on the date of the enactment of the

¹ See References in Text note below.

Housing our Military Veterans Effectively Act of 2024 and ending on September 30, 2027, 133 percent)" for "115 percent".

Subsec. (a)(2)(B)(iii), (iv). Pub. L. 118-210, § 402(a)(1)(A)(ii), added cls. (iii) and (iv).

Subsec. (a)(4). Pub. L. 118-210, § 402(a)(1)(B), added par. (4).

Subsec. (f). Pub. L. 118-210, § 402(a)(2), added subsec. (f).

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 other 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).

Statutory Notes and Related Subsidiaries

REGULATORY AUTHORITY

Pub. L. 118-210, title IV, § 402(b), Jan. 2, 2025, 138 Stat. 2795, provided that: "The Secretary of Veterans Affairs

may carry out the amendments made by subsection (a) [amending this section] through interim guidance in advance of the issuance of regulations for such purpose."

§ 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.

(d) GRANTS.—(1) The Secretary shall carry out the program through the award of grants.

(2)(A) In awarding grants under paragraph (1), the Secretary shall give priority to organizations that demonstrate a capability to provide case management services as described in subsection (a), particularly organizations that are successfully providing or have successfully provided transitional housing services using amounts provided by the Secretary under sections 2012 and 2061 of this title.

(B) In giving priority under subparagraph (A), the Secretary shall give extra priority to an organization described in such subparagraph that—

(i) voluntarily stops receiving amounts provided by the Secretary under sections 2012 and 2061 of this title; and

(ii) converts a facility that the organization used to provide transitional housing services into a facility that the organization uses to provide permanent housing that meets housing quality standards established under section 8(o)(8)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(8)(B)).

(C) In any case in which a facility, with respect to which a person received a grant for construction, rehabilitation, or acquisition under section 2011 of this title, is converted as described in subparagraph (B)(ii), such conversion shall be considered to have been carried out pursuant to the needs of the Department and such person shall not be considered in noncompliance with the terms of such grant by reason of such conversion.

(3) The Secretary shall require each recipient of a grant awarded under this subsection to submit to the Secretary a report that describes the services provided or coordinated with amounts under such grant.

(Added Pub. L. 114-315, title VII, § 712(a)(1)(B), Dec. 16, 2016, 130 Stat. 1586; amended Pub. L.