

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.

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

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

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.—Section 20013(b) of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 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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