

Calendar No. 197

113TH CONGRESS
1ST SESSION

S. 287

[Report No. 113-110]

To amend title 38, United States Code, to expand the definition of homeless veteran for purposes of benefits under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2013

Mr. BEGICH (for himself, Mr. TESTER, Mr. BLUMENTHAL, Mr. PRYOR, Mr. BOOZMAN, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

SEPTEMBER 23, 2013

Reported by Mr. SANDERS, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To amend title 38, United States Code, to expand the definition of homeless veteran for purposes of benefits under the laws administered by the Secretary of Veterans Affairs, 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,*

1 **SECTION 1. EXPANSION OF DEFINITION OF HOMELESS**
2 **VETERAN FOR PURPOSES OF BENEFITS**
3 **UNDER THE LAWS ADMINISTERED BY THE**
4 **SECRETARY OF VETERANS AFFAIRS.**

5 Section 2002(1) of title 38, United States Code, is
6 amended by striking “in section 103(a) of the McKinney-
7 Vento Homeless Assistance Act (42 U.S.C. 11302(a))”
8 and inserting “in subsection (a) or (b) of section 103 of
9 the McKinney-Vento Homeless Assistance Act (42 U.S.C.
10 11302)”.

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “Helping Homeless Vet-*
13 *erans Act of 2013”.*

14 **SEC. 2. EXPANSION OF DEFINITION OF HOMELESS VET-**
15 **ERAN FOR PURPOSES OF BENEFITS UNDER**
16 **THE LAWS ADMINISTERED BY THE SEC-**
17 **RETARY OF VETERANS AFFAIRS.**

18 *Section 2002(1) of title 38, United States Code, is*
19 *amended by striking “in section 103(a) of the McKinney-*
20 *Vento Homeless Assistance Act (42 U.S.C. 11302(a))” and*
21 *inserting “in subsection (a) or (b) of section 103 of the*
22 *McKinney-Vento Homeless Assistance Act (42 U.S.C.*
23 *11302)”.*

1 **SEC. 3. IMPROVEMENTS TO GRANT PROGRAM FOR COM-**
2 **PREHENSIVE SERVICE PROGRAMS FOR HOME-**
3 **LESS VETERANS.**

4 (a) *MODIFICATION OF AUTHORITY TO PROVIDE CAP-*
5 *ITAL IMPROVEMENT GRANTS FOR PROGRAMS THAT ASSIST*
6 *HOMELESS VETERANS.*—Subsection (a) of section 2011 of
7 title 38, United States Code, is amended, in the matter be-
8 fore paragraph (1)—

9 (1) by striking “or modifying” and inserting “,
10 modifying, or maintaining”; and

11 (2) by inserting “privately, safely, and securely,”
12 before “the following”.

13 (b) *REQUIREMENT THAT RECIPIENTS OF GRANTS*
14 *MEET PHYSICAL PRIVACY, SAFETY, AND SECURITY NEEDS*
15 *OF HOMELESS VETERANS.*—Subsection (f) of such section
16 is amended by adding at the end the following new para-
17 graph:

18 “(6) To meet the physical privacy, safety, and
19 security needs of homeless veterans receiving services
20 through the project.”.

21 **SEC. 4. INCREASED PER DIEM PAYMENTS FOR TRANSI-**
22 **TIONAL HOUSING ASSISTANCE THAT BE-**
23 **COMES PERMANENT HOUSING FOR HOME-**
24 **LESS VETERANS.**

25 Section 2012(a)(2) of title 38, United States Code, is
26 amended—

1 (1) *by redesignating subparagraphs (B) through*
 2 *(D) as subparagraphs (C) through (E), respectively;*

3 (2) *in subparagraph (C), as redesignated, by*
 4 *striking “in subparagraph (D)” and inserting “in*
 5 *subparagraph (E)”;*

6 (3) *in subparagraph (D), as redesignated, by*
 7 *striking “under subparagraph (B)” and inserting*
 8 *“under subparagraph (C)”;*

9 (4) *in subparagraph (E), as redesignated, by*
 10 *striking “in subparagraphs (B) and (C)” and insert-*
 11 *ing “in subparagraphs (C) and (D)”;* and

12 (5) *in subparagraph (A)—*

13 (A) *by striking “The rate” and inserting*
 14 *“Except as otherwise provided in subparagraph*
 15 *(B), the rate”;* and

16 (B) *by striking “under subparagraph (B)”*
 17 *and all that follows through the end and insert-*
 18 *ing the following: “under subparagraph (C).*

19 “(B)(i) *Except as provided in clause (ii), in no case*
 20 *may the rate determined under this paragraph exceed the*
 21 *rate authorized for State homes for domiciliary care under*
 22 *subsection (a)(1)(A) of section 1741 of this title, as the Sec-*
 23 *retary may increase from time to time under subsection (c)*
 24 *of that section.*

1 “(ii) In the case of services furnished to a homeless
 2 veteran who is placed in housing that will become perma-
 3 nent housing for the veteran upon termination of the fur-
 4 nishing of such services to such veteran, the maximum rate
 5 of per diem authorized under this section is 150 percent
 6 of the rate described in clause (i).”.

7 **SEC. 5. AUTHORIZATION OF PER DIEM PAYMENTS FOR FUR-**
 8 **NISHING CARE TO DEPENDENTS OF CERTAIN**
 9 **HOMELESS VETERANS.**

10 Subsection (a) of section 2012 of title 38, United States
 11 Code, is amended by adding at the end the following new
 12 paragraph:

13 “(4) Services for which a recipient of a grant under
 14 section 2011 of this title (or an entity described in para-
 15 graph (1)) may receive per diem payments under this sub-
 16 section may include furnishing care for a dependent of a
 17 homeless veteran who is under the care of such homeless vet-
 18 eran while such homeless veteran receives services from the
 19 grant recipient (or entity).”.

20 **SEC. 6. REQUIREMENT FOR DEPARTMENT OF VETERANS AF-**
 21 **FAIRS TO ASSESS COMPREHENSIVE SERVICE**
 22 **PROGRAMS FOR HOMELESS VETERANS.**

23 (a) *IN GENERAL.*—Not later than one year after the
 24 date of the enactment of this Act, the Secretary of Veterans
 25 Affairs shall assess and measure the capacity of programs

1 *for which entities receive grants under section 2011 of title*
2 *38, United States Code, or per diem payments under section*
3 *2012 or 2061 of such title.*

4 *(b) ASSESSMENT AT NATIONAL AND LOCAL LEVELS.—*
5 *In assessing and measuring under subsection (a), the Sec-*
6 *retary shall develop and use tools to examine the capacity*
7 *of programs described in such subsection at both the na-*
8 *tional and local level in order to assess the following:*

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

11 *(2) Whether existing capacity meets the needs of*
12 *the subpopulations of homeless veterans located in*
13 *each geographic area.*

14 *(3) The amount of capacity that recipients of*
15 *grants under sections 2011 and 2061 and per diem*
16 *payments under section 2012 of such title have to*
17 *provide services for which the recipients are eligible to*
18 *receive per diem under section 2012(a)(2)(B)(ii) of*
19 *title 38, United States Code, as added by section*
20 *4(5)(B).*

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

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

1 (2) *To assess whether programs described in sub-*
2 *section (a) are meeting goals set under paragraph (1).*

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

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

7 (d) *REPORT.—Not later than 180 days after the date*
8 *on which the assessment required by subsection (b) is com-*
9 *pleted, the Secretary shall submit to the Committee on Vet-*
10 *erans' Affairs of the Senate and the Committee on Veterans'*
11 *Affairs of the House of Representatives a report on such*
12 *assessment and such recommendations for legislative and*
13 *administrative action as the Secretary may have to im-*
14 *prove the programs and per diem payments described in*
15 *subsection (a).*

16 **SEC. 7. EXPANSION OF DEPARTMENT OF VETERANS AF-**
17 **FAIRS AUTHORITY TO PROVIDE DENTAL CARE**
18 **TO HOMELESS VETERANS.**

19 (a) *IN GENERAL.—Section 2062(b) of title 38, United*
20 *States Code, is amended to read as follows:*

21 “(b) *ELIGIBLE VETERANS.—(1) Subsection (a) applies*
22 *to a veteran who—*

23 *“(A) is enrolled for care under section 1705(a) of*
24 *this title; and*

1 “(B) for a period of 60 consecutive days, is re-
2 ceiving—

3 “(i) assistance under section 8(o) of the
4 United States Housing Act of 1937 (42 U.S.C.
5 1437f(o)); or

6 “(ii) care (directly or by contract) in any
7 of the following settings:

8 “(I) A domiciliary under section 1710
9 of this title.

10 “(II) A therapeutic residence under
11 section 2032 of this title.

12 “(III) Community residential care co-
13 ordinated by the Secretary under section
14 1730 of this title.

15 “(IV) A setting for which the Secretary
16 provides funds for a grant and per diem
17 provider.

18 “(V) A setting—

19 “(aa) in which the veteran is re-
20 ceiving transitional housing assistance;

21 “(bb) for which funding is not
22 provided for transitional housing as-
23 sistance under the laws administered
24 by the Secretary;

1 “(cc) for which the Secretary re-
2 ceives verification from the provider of
3 care that the veteran is receiving care
4 for a period of 60 consecutive days;
5 and

6 “(dd) from which the Secretary
7 determines that the veteran cannot rea-
8 sonably access comparable dental serv-
9 ices at no cost and in a reasonable pe-
10 riod of time.

11 “(2) For purposes of paragraph (1), in determining
12 whether a veteran has received assistance or care for a pe-
13 riod of 60 consecutive days, the Secretary may disregard
14 breaks in the continuity of assistance or care for which the
15 veteran is not responsible.”.

16 (b) *EFFECTIVE DATE.*—The amendment made by sub-
17 section (a) shall take effect on the date that is one year after
18 the date of the enactment of this Act.

19 **SEC. 8. PARTNERSHIPS WITH PUBLIC AND PRIVATE ENTI-**
20 **TIES TO PROVIDE LEGAL SERVICES TO HOME-**
21 **LESS VETERANS AND VETERANS AT RISK OF**
22 **HOMELESSNESS.**

23 (a) *IN GENERAL.*—Chapter 20 of title 38, United
24 States Code, is amended by inserting after section 2022 the
25 following new section:

1 **“§2022A. Partnerships with public and private enti-**
2 **ties to provide legal services to homeless**
3 **veterans and veterans at risk of homeless-**
4 **ness**

5 “(a) *PARTNERSHIPS AUTHORIZED.*—Subject to the
6 availability of funds for that purpose, the Secretary may
7 enter into partnerships with public or private entities to
8 fund a portion of the general legal services specified in sub-
9 section (c) that are provided by such entities to homeless
10 veterans and veterans at risk of homelessness.

11 “(b) *LOCATIONS.*—The Secretary shall ensure that, to
12 the extent practicable, partnerships under this section are
13 made with entities equitably distributed across the geo-
14 graphic regions of the United States, including rural com-
15 munities, tribal lands of the United States, Native Ameri-
16 cans, and tribal organizations (as defined in section 3765
17 of title 38, United States Code).

18 “(c) *LEGAL SERVICES.*—Legal services specified in
19 this subsection include legal services provided by public or
20 private entities that address the needs of homeless veterans
21 and veterans at risk of homelessness as follows:

22 “(1) *Legal services related to housing, including*
23 *eviction defense and representation in landlord-tenant*
24 *cases.*

1 “(2) *Legal services related to family law, includ-*
2 *ing assistance in court proceedings for child support,*
3 *divorce, and estate planning.*

4 “(3) *Legal services related to income support, in-*
5 *cluding assistance in obtaining public benefits.*

6 “(4) *Legal services related to criminal defense,*
7 *including defense in matters symptomatic of home-*
8 *lessness, such as outstanding warrants, fines, and*
9 *driver’s license revocation, to reduce recidivism and*
10 *facilitate the overcoming of reentry obstacles in em-*
11 *ployment or housing.*

12 “(d) *CONSULTATION.—In developing and carrying out*
13 *partnerships under this section, the Secretary shall, to the*
14 *extent practicable, consult with public and private enti-*
15 *ties—*

16 “(1) *for assistance in identifying and contacting*
17 *organizations capable of providing the legal services*
18 *described in subsection (c); and*

19 “(2) *to coordinate appropriate outreach relation-*
20 *ships with such organizations.*

21 “(e) *REPORTS.—The Secretary may require entities*
22 *that have entered into partnerships under this section to*
23 *submit to the Secretary periodic reports on legal services*
24 *provided to homeless veterans and veterans at risk of home-*
25 *lessness pursuant to such partnerships.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of chapter 20 of such title is amended by add-*
 3 *ing after the item relating to section 2022 the following new*
 4 *item:*

 “2022A. *Partnerships with public and private entities to provide legal services to homeless veterans and veterans at risk of homelessness.*”.

5 **SEC. 9. REQUESTS FOR DATA TO EVALUATE AND IMPROVE**
 6 **SERVICES PROVIDED TO VETERANS AT RISK**
 7 **OF HOMELESSNESS.**

8 *Section 2022 of title 38, United States Code, is amend-*
 9 *ed—*

10 (1) *by redesignating subsection (f) as subsection*
 11 (i);

12 (2) *by inserting after subsection (e) the following*
 13 *new subsection (f):*

14 “(f) *REQUESTS FOR DATA TO EVALUATE AND IM-*
 15 *PROVE SERVICES PROVIDED TO VETERANS AT RISK OF*
 16 *HOMELESSNESS.*—(1) *The Secretary shall from time to*
 17 *time request from the Federal Bureau of Investigation, the*
 18 *Bureau of Prisons, the Bureau of Justice Statistics, and*
 19 *other appropriate Federal law enforcement agencies data*
 20 *in the possession of such agencies useful for the evaluation*
 21 *and improvement of the services provided to veterans at risk*
 22 *of homelessness under this section and section 2023 of this*
 23 *title.*

1 “(2) Such agencies shall make reasonable efforts to
2 comply with any such request by the Secretary.”.

3 **SEC. 10. REPEAL OF SUNSET ON AUTHORITY TO CARRY OUT**
4 **PROGRAM OF REFERRAL AND COUNSELING**
5 **SERVICES FOR VETERANS AT RISK OF HOME-**
6 **LESSNESS WHO ARE TRANSITIONING FROM**
7 **CERTAIN INSTITUTIONS.**

8 Section 2023 of title 38, United States Code, is amend-
9 ed—

10 (1) by striking subsection (b);

11 (2) in subsection (c)(1), by striking “To the ex-
12 tent practical, the program” and inserting “The pro-
13 gram”;

14 (3) by striking subsection (d);

15 (4) in subsection (e)(2), by striking “provided
16 under the demonstration program”; and

17 (5) by redesignating subsections (c) and (e) as
18 subsections (b) and (c), respectively.

19 **SEC. 11. REPEAL OF REQUIREMENT FOR ANNUAL REPORTS**
20 **ON ASSISTANCE TO HOMELESS VETERANS.**

21 (a) *IN GENERAL.*—Section 2065 of title 38, United
22 States Code, is hereby repealed.

23 (b) *CLERICAL AMENDMENT.*—The table of sections at
24 the beginning of chapter 20 of such title is amended by
25 striking the item relating to section 2065.

1 **SEC. 12. EXTENSIONS OF AUTHORITIES.**

2 (a) *COMPREHENSIVE SERVICE PROGRAMS.*—Section
3 2013 of title 38, United States Code, is amended by striking
4 paragraphs (4) through (6) and inserting the following:

5 “(4) \$250,000,000 for each of fiscal years 2012
6 through 2014.

7 “(5) \$150,000,000 for fiscal year 2015 and each
8 subsequent fiscal year.”.

9 (b) *HOMELESS VETERANS REINTEGRATION PRO-*
10 *GRAMS.*—Section 2021(e)(1)(F) of such title is amended by
11 striking “2013” and inserting “2014”.

12 (c) *TREATMENT AND REHABILITATION FOR SERIOUSLY*
13 *MENTALLY ILL AND HOMELESS VETERANS.*—Section
14 2031(b) of such title is amended by striking “December 31,
15 2013” and inserting “December 31, 2014”.

16 (d) *CENTERS FOR THE PROVISION OF COMPREHEN-*
17 *SIVE SERVICES TO HOMELESS VETERANS.*—Section
18 2033(d) of such title is amended by striking “December 31,
19 2013” and inserting “December 31, 2014”.

20 (e) *HOUSING ASSISTANCE FOR HOMELESS VET-*
21 *ERANS.*—Section 2041(c) of such title is amended by strik-
22 ing “December 31, 2013” and inserting “December 31,
23 2014”.

24 (f) *FINANCIAL ASSISTANCE FOR SUPPORTIVE SERV-*
25 *ICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PER-*
26 *MANENT HOUSING.*—

1 (1) *IN GENERAL.*—Paragraph (1) of section
2 2044(e) of such title is amended by adding at the end
3 the following new subparagraph (F):

4 “(F) \$300,000,000 for fiscal year 2014.”.

5 (2) *TRAINING ENTITIES FOR PROVISION OF SUP-*
6 *PORTIVE SERVICES.*—Paragraph (3) of such section is
7 amended by striking “2012” and inserting “2014”.

8 (g) *GRANT PROGRAM FOR HOMELESS VETERANS*
9 *WITH SPECIAL NEEDS.*—Section 2061(d)(1) of such title is
10 amended by striking “for each of” through “shall be avail-
11 able” and inserting “for each of fiscal years 2007 through
12 2014, \$5,000,000 shall be available”.

13 (h) *TECHNICAL ASSISTANCE GRANTS FOR NONPROFIT*
14 *COMMUNITY-BASED GROUPS.*—Section 2064(b) of such title
15 is amended by striking “2012” and inserting “2014”.

16 (i) *ADVISORY COMMITTEE ON HOMELESS VET-*
17 *ERANS.*—Section 2066(d) of such title is amended by strik-
18 ing “December 31, 2013” and inserting “December 31,
19 2014”.

1 **SEC. 13. EXTENSION OF REDUCED PENSION FOR CERTAIN**
 2 **VETERANS COVERED BY MEDICAID PLANS**
 3 **FOR SERVICES FURNISHED BY NURSING FA-**
 4 **CILITIES.**

5 (a) *IN GENERAL.*—Subsection (d)(7) of section 5503
 6 of title 38, United States Code, is amended by striking “No-
 7 vember 30, 2016” and inserting “March 31, 2018”.

8 (b) *CLERICAL AMENDMENTS.*—

9 (1) *SECTION HEADING.*—The section heading of
 10 such section is amended to read as follows: “**Re-**
 11 **duced pension for certain hospitalized**
 12 **veterans and certain veterans receiving**
 13 **domiciliary, nursing home, or nursing fa-**
 14 **cility care**”.

15 (2) *TABLE OF SECTIONS.*—The table of sections
 16 at the beginning of chapter 55 of such title is amend-
 17 ed by striking the item relating to section 5503 and
 18 inserting the following new item:

“5503. *Reduced pension for certain hospitalized veterans and certain veterans re-*
ceiving domiciliary, nursing home, or nursing facility care.”.

Amend the title so as to read: “A bill to amend title
 38, United States Code, to improve assistance to home-
 less veterans, and for other purposes.”.

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