

118TH CONGRESS
1ST SESSION

S. 1436

To expand and extend benefits available to veterans in response to the COVID–19 pandemic, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 3, 2023

Mr. TESTER (for himself and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To expand and extend benefits available to veterans in response to the COVID–19 pandemic, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Critical Health Access Resource and Grant Extensions
6 Act of 2023” or the “CHARGE Act of 2023”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HOMELESSNESS MATTERS

- Sec. 101. Grants and per diem payments provided by the Secretary of Veterans Affairs for services furnished to homeless veterans.
- Sec. 102. Authorization for use of certain funds for improved flexibility in provision of assistance to homeless veterans.
- Sec. 103. Access to Department of Veterans Affairs telehealth services.

TITLE II—MATTERS RELATING TO CAREGIVERS

- Sec. 201. Authorized virtual visits under caregiver programs of Department of Veterans Affairs.

TITLE III—STATE VETERANS HOMES

- Sec. 301. State home defined.
- Sec. 302. Temporary waiver of occupancy rate requirements for receipt of per diem payments.
- Sec. 303. Provision of medicine, equipment, and supplies.

TITLE I—HOMELESSNESS MATTERS

SEC. 101. GRANTS AND PER DIEM PAYMENTS PROVIDED BY THE SECRETARY OF VETERANS AFFAIRS FOR SERVICES FURNISHED TO HOMELESS VET- ERANS.

(a) LIMITATION ON TRANSITIONAL HOUSING BEDS.—Section 2011 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(i) LIMITATION ON TRANSITIONAL HOUSING BEDS.—The Secretary may not make grants under this section or provide per diem payments under section 2012 of this title for more than 12,000 transitional housing beds for homeless veterans furnished by grant recipients or eligible entities under such sections on average each year.”.

1 (b) REPORTS REQUIRED.—Section 2012 of such title
2 is amended by adding at the end the following new sub-
3 section:

4 “(f) REPORTS REQUIRED.—Not later than 90 days
5 after the date of the enactment of the CHARGE Act of
6 2023, and not less frequently than twice each year there-
7 after, the Secretary shall submit to the Committee on Vet-
8 erans’ Affairs of the Senate and the Committee on Vet-
9 erans’ Affairs of the House of Representatives a report
10 on the rate for per diem payments under this section that
11 includes, for each Veterans Integrated Service Network of
12 the Department, the following data:

13 “(1) The average rate for such payments.

14 “(2) A list of locations where the rate for such
15 payments is within 10 percent of the maximum rate
16 for such payments authorized under this section.

17 “(3) The average length of stay by veterans
18 participating in programs described in section
19 2011(a) of this title.”.

20 (c) MAXIMUM RATE.—During the three-year period
21 beginning on the date of the enactment of this Act, section
22 2012(a)(2)(B)(i)(II)(aa)(BB) of title 38, United States
23 Code, shall be applied and administered by substituting
24 “200” for “115”.

25 (d) STRATEGIC PLAN.—

1 (1) IN GENERAL.—Not later than 540 days
2 after the date of the enactment of this Act, the Sec-
3 retary of Veterans Affairs shall submit to the Com-
4 mittee on Veterans' Affairs of the Senate and the
5 Committee on Veterans' Affairs of the House of
6 Representatives a strategic plan for the provision of
7 grants and per diem payments for services furnished
8 to homeless veterans under sections 2011 and 2012
9 of title 38, United States Code.

10 (2) ELEMENTS.—The plan required by para-
11 graph (1) shall include the following:

12 (A) A method for administering grant
13 funding equitably without using the rate au-
14 thorized for State homes for domiciliary care
15 under subsection (a)(1)(A) of section 1741 of
16 title 38, United States Code, as the Secretary
17 may increase from time to time under sub-
18 section (c) of that section, that takes into ac-
19 count—

20 (i) the wide variety of services fur-
21 nished by grant recipients and eligible enti-
22 ties under sections 2011 and 2012 of title
23 38, United States Code;

24 (ii) varying costs of living across dif-
25 ferent geographic locations;

1 (iii) varying availability of affordable
2 housing in different geographic locations;

3 (iv) circumstances of housing insecu-
4 rity in rural and Tribal communities;

5 (v) veterans with significant medical
6 care needs; and

7 (vi) the changing dynamic of the vet-
8 eran population nationwide.

9 (B) A plan and timeline for implementa-
10 tion of the method included under subpara-
11 graph (A).

12 (C) An estimate of increased costs or sav-
13 ings per year under the plan.

14 (D) An overview of the different grants
15 that will be available once the plan is imple-
16 mented.

17 **SEC. 102. AUTHORIZATION FOR USE OF CERTAIN FUNDS**
18 **FOR IMPROVED FLEXIBILITY IN PROVISION**
19 **OF ASSISTANCE TO HOMELESS VETERANS.**

20 (a) IN GENERAL.—Subtitle VII of chapter 20 of title
21 38, United States Code, is amended by adding at the end
22 the following new section:

1 **“§ 2069. Flexibility in provision of assistance to home-**
2 **less veterans**

3 “(a) USE OF FUNDS.—The Secretary may provide to
4 homeless veterans and veterans participating in the pro-
5 gram carried out under section 8(o)(19) of the United
6 States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)), as
7 the Secretary determines necessary, the following:

8 “(1) Assistance required for the safety and sur-
9 vival of the veteran (such as food, shelter, clothing,
10 blankets, and hygiene items).

11 “(2) Transportation required to support the
12 stability and health of the veteran (such as transpor-
13 tation for appointments with service providers, the
14 conduct of housing searches, and the obtainment of
15 food and supplies).

16 “(3) Communications equipment and services
17 (such as tablets, smartphones, disposable phones,
18 and related service plans) required to support the
19 stability and health of the veteran (such as through
20 the maintenance of contact with service providers,
21 prospective landlords, and family members).

22 “(4) Such other assistance as the Secretary de-
23 termines necessary.

24 “(b) HOMELESS VETERANS ON DEPARTMENT
25 LAND.—(1) The Secretary may collaborate, to the extent
26 practicable, with one or more organizations to manage the

1 use of land of the Department for homeless veterans for
2 living and sleeping.

3 “(2) Collaboration under paragraph (1) may include
4 the provision by either the Secretary or the head of the
5 organization concerned of food services and security for
6 property, buildings, and other facilities owned or con-
7 trolled by the Department.

8 “(c) SUNSET.—The authorities provided by this sec-
9 tion shall terminate on the date that is three years after
10 the date of the enactment of the CHARGE Act of 2023.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of chapter 20 of such title is amended
13 by adding at the end the following new item:

“2069. Flexibility in provision of assistance to homeless veterans.”.

14 **SEC. 103. ACCESS TO DEPARTMENT OF VETERANS AFFAIRS**
15 **TELEHEALTH SERVICES.**

16 (a) IN GENERAL.—Subtitle VII of chapter 20 of title
17 38, United States Code, as amended by section 102(a),
18 is further amended by adding at the end the following new
19 section:

20 **“§ 2070. Access to telehealth services**

21 “To the extent practicable, the Secretary shall ensure
22 that veterans participating in or receiving services from
23 a program under this chapter have access to telehealth
24 services to which such veterans are eligible under the laws

1 administered by the Secretary, including by ensuring that
2 telehealth capabilities are available to—

3 “(1) such veterans;

4 “(2) case managers of the Department of pro-
5 grams for homeless veterans authorized under this
6 chapter; and

7 “(3) community-based service providers for
8 homeless veterans receiving funds from the Depart-
9 ment through grants or contracts.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of chapter 20 of such title, as amended
12 by section 102(b), is further amended by adding at the
13 end the following new item:

“2070. Access to telehealth services.”.

14 **TITLE II—MATTERS RELATING**
15 **TO CAREGIVERS**

16 **SEC. 201. AUTHORIZED VIRTUAL VISITS UNDER CAREGIVER**
17 **PROGRAMS OF DEPARTMENT OF VETERANS**
18 **AFFAIRS.**

19 On or before September 30, 2023, notwithstanding
20 any requirement to the contrary under section 1720G of
21 title 38, United States Code, or part 71 of title 38, Code
22 of Federal Regulations, or successor regulations, the Sec-
23 retary of Veterans Affairs may complete any home visit
24 required under such section with respect to a veteran and
25 their caregiver through video conference or other available

1 telehealth modality, if agreed to by the veteran or care-
2 giver.

3 **TITLE III—STATE VETERANS**
4 **HOMES**

5 **SEC. 301. STATE HOME DEFINED.**

6 In this title, the term “State home” has the meaning
7 given that term in section 101(19) of title 38, United
8 States Code.

9 **SEC. 302. TEMPORARY WAIVER OF OCCUPANCY RATE RE-**
10 **QUIREMENTS FOR RECEIPT OF PER DIEM**
11 **PAYMENTS.**

12 During the period beginning on the date of the enact-
13 ment of this Act and ending on September 30, 2024, occu-
14 pancy rate requirements for State homes for purposes of
15 receiving per diem payments set forth in section 51.40(c)
16 of title 38, Code of Federal Regulations, or successor regu-
17 lations, shall not apply.

18 **SEC. 303. PROVISION OF MEDICINE, EQUIPMENT, AND SUP-**
19 **PLIES.**

20 (a) IN GENERAL.—The Secretary of Veterans Affairs
21 may provide to State homes medicines, personal protective
22 equipment, medical supplies, and any other equipment,
23 supplies, and assistance available to the Department of
24 Veterans Affairs.

1 (b) PERSONAL PROTECTIVE EQUIPMENT DE-
2 FINED.—In this section, the term “personal protective
3 equipment” means any protective equipment required to
4 prevent the wearer from contracting an infectious disease,
5 including gloves, N-95 respirator masks, gowns, goggles,
6 face shields, or other equipment required for safety.

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