

former par. (1) as pars. (1) to (4), respectively, and struck out former par. (2), which read as follows: "The authority of the Secretary to make grants under this section expires on September 30, 2005."

Pub. L. 109-444, §8(a)(4), which inserted period at end of subpar. (C) of par. (1), was terminated by Pub. L. 109-461, §1006(b). See Amendment notes above.

Subsec. (a)(2). Pub. L. 109-444, §2(b), which substituted "September 30, 2007" for "September 30, 2005", was terminated by Pub. L. 109-461, §1006(b). See Amendment notes above.

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) 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 (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.

(B) 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 (D) that the grant recipient or eligible entity certifies to be correct.

(C) 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 (B).

(D) The other sources of income referred to in subparagraphs (B) and (C) 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.

(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,

¹ See References in Text note below.

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.

(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.)

REFERENCES IN TEXT

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

2010—Subsec. (d). Pub. L. 111-163 added subsec. (d).

§ 2013. Authorization of appropriations

There is authorized to be appropriated to carry out this subchapter amounts as follows:

- (1) \$150,000,000 for each of fiscal years 2007 through 2009.
- (2) \$175,100,000 for fiscal year 2010.
- (3) \$217,700,000 for fiscal year 2011.
- (4) \$250,000,000 for fiscal year 2012.
- (5) \$150,000,000 for fiscal year 2013 and each subsequent fiscal year.

(Added Pub. L. 107-95, § 5(a)(1), Dec. 21, 2001, 115 Stat. 909; amended Pub. L. 108-422, title I, § 101, Nov. 30, 2004, 118 Stat. 2380; Pub. L. 109-461, title VII, § 703(b), Dec. 22, 2006, 120 Stat. 3440; Pub. L. 110-387, title VI, § 601, Oct. 10, 2008, 122 Stat. 4131; Pub. L. 112-37, § 11, Oct. 5, 2011, 125 Stat. 397.)

PRIOR PROVISIONS

A prior section 2013 was renumbered section 4213 of this title.

Another prior section 2013 was renumbered section 4104 of this title.

A prior section 2014 was renumbered section 4214 of this title.

Another prior section 2014 was renumbered section 4105 of this title.

AMENDMENTS

2011—Pub. L. 112-37 substituted “subchapter amounts as follows:” for “subchapter \$150,000,000 for fiscal year

2007 and each fiscal year thereafter.” and added at end pars. (1) to (5).

2008—Pub. L. 110-387 substituted “\$150,000,000” for “\$130,000,000”.

2006—Pub. L. 109-461 amended text generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this subchapter amounts as follows:

“(1) \$60,000,000 for fiscal year 2002.

“(2) \$75,000,000 for fiscal year 2003.

“(3) \$75,000,000 for fiscal year 2004.

“(4) \$99,000,000 for fiscal year 2005.”

2004—Par. (4). Pub. L. 108-422 substituted “\$99,000,000” for “\$75,000,000”.

SUBCHAPTER III—TRAINING AND OUTREACH

§ 2021. Homeless veterans reintegration programs

(a) IN GENERAL.—Subject to the availability of appropriations provided for such purpose, the Secretary of Labor shall conduct, directly or through grant or contract, such programs as the Secretary determines appropriate to provide job training, counseling, and placement services (including job readiness and literacy and skills training) to expedite the reintegration of homeless veterans into the labor force.

(b) REQUIREMENT TO MONITOR EXPENDITURES OF FUNDS.—(1) The Secretary of Labor shall collect such information as that Secretary considers appropriate to monitor and evaluate the distribution and expenditure of funds appropriated to carry out this section. The information shall include data with respect to the results or outcomes of the services provided to each homeless veteran under this section.

(2) Information under paragraph (1) shall be furnished in such form and manner as the Secretary of Labor may specify.

(c) ADMINISTRATION THROUGH THE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.—The Secretary of Labor shall carry out this section through the Assistant Secretary of Labor for Veterans' Employment and Training.

(d) BIENNIAL REPORT TO CONGRESS.—Not less than every two years, the Secretary of Labor shall submit to Congress a report on the programs conducted under this section. The Secretary of Labor shall include in the report an evaluation of services furnished to veterans under this section and an analysis of the information collected under subsection (b).

(e) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to carry out this section amounts as follows:

(A) \$50,000,000 for fiscal year 2002.

(B) \$50,000,000 for fiscal year 2003.

(C) \$50,000,000 for fiscal year 2004.

(D) \$50,000,000 for fiscal year 2005.

(E) \$50,000,000 for fiscal year 2006.

(F) \$50,000,000 for each of fiscal years 2007 through 2012.

(2) Funds appropriated to carry out this section shall remain available until expended. Funds obligated in any fiscal year to carry out this section may be expended in that fiscal year and the succeeding fiscal year.

(Added Pub. L. 107-95, § 5(a)(1), Dec. 21, 2001, 115 Stat. 909; amended Pub. L. 109-233, title II, § 203,