

Union Calendar No. 228

118TH CONGRESS
1ST SESSION

H. R. 542

[Report No. 118-284]

To amend title 38, United States Code, to improve certain programs of the Department of Veterans Affairs for home and community based services for veterans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2023

Ms. BROWNLEY (for herself and Mr. BERGMAN) introduced the following bill;
which was referred to the Committee on Veterans' Affairs

NOVEMBER 29, 2023

Additional sponsors: Ms. DAVIDS of Kansas, Ms. DEAN of Pennsylvania, Mr. MCGOVERN, Ms. KUSTER, Ms. LOIS FRANKEL of Florida, Mr. KILMER, Ms. BARRAGÁN, Mr. GOTTHEIMER, Mr. LIEU, Mrs. DINGELL, Mrs. CHERFILUS-MCCORMICK, Mr. KILDEE, Ms. MATSUI, Mr. TRONE, Mr. SABLAN, Ms. UNDERWOOD, Mr. LYNCH, Mr. CICILLINE, Mr. CASAR, Mr. SWALWELL, Ms. SHERRILL, Ms. BUDZINSKI, Ms. NORTON, Mr. MRVAN, Ms. CARAVEO, Mr. MORELLE, Ms. WILD, Mrs. NAPOLITANO, Ms. STRICKLAND, Mr. LATURNER, Mr. EVANS, Mr. LANDSMAN, Mr. LEVIN, Mrs. HAYES, Ms. DELBENE, Mr. DELUZIO, Ms. SCHAKOWSKY, Ms. TITUS, Ms. ROSS, Mr. MAGAZINER, Mr. LARSEN of Washington, Ms. WILLIAMS of Georgia, Ms. ESCOBAR, Mr. CASTRO of Texas, Mr. MOSKOWITZ, Ms. SALINAS, Mr. MCGARVEY, Mrs. GONZÁLEZ-COLÓN, Ms. JACOBS, Mr. FROST, Mr. CROW, Mrs. RADEWAGEN, Mr. RYAN, Mr. VAN DREW, Mr. CARBAJAL, Ms. MOORE of Wisconsin, Mr. VAN ORDEN, Mr. VALADAO, Mrs. KIGGANS of Virginia, Ms. WEXTON, Ms. TOKUDA, Mr. ALLRED, Mrs. RAMIREZ, Mr. STANTON, Mr. MIKE GARCIA of California, Mr. HUIZENGA, Mr. MOULTON, Mr. FITZPATRICK, Mr. NEGUSE, Mr. ROUZER, Mr. KEATING, Mr. TONKO, Mr. CARL, Mr. TAKANO, and Mrs. FLETCHER

NOVEMBER 29, 2023

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on January 26, 2023]

A BILL

To amend title 38, United States Code, to improve certain programs of the Department of Veterans Affairs for home and community based services for veterans, 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 *“Elizabeth Dole Home- and Community-Based Services for*
 6 *Veterans and Caregivers Act of 2023” or the “Elizabeth*
 7 *Dole Home Care Act of 2023”.*

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

Sec. 1. Short title; table of contents.

Sec. 2. Increase of expenditure cap for noninstitutional care alternatives to nurs-
ing home care.

Sec. 3. Coordination with Program of All-Inclusive Care for the Elderly.

Sec. 4. Home- and community-based services: programs.

Sec. 5. Coordination with assistance and support services for caregivers.

Sec. 6. Development of centralized website for program information.

Sec. 7. Improvements relating to Homemaker and Home Health Aide program.

Sec. 8. Reviews and other improvements relating to home- and community-based
services.

Sec. 9. Modification of certain housing loan fees.

Sec.10. Definitions.

10 **SEC. 2. INCREASE OF EXPENDITURE CAP FOR NONINSTITU-**
 11 **TIONAL CARE ALTERNATIVES TO NURSING**
 12 **HOME CARE.**

13 (a) *INCREASE OF EXPENDITURE CAP.*—*Section*
 14 *1720C(d) of title 38, United States Code, is amended—*

15 (1) *by striking “The total cost” and inserting*
 16 *“(1) Except as provided in paragraph (2), the total*
 17 *cost”;*

18 (2) *by striking “65 percent” and inserting “100*
 19 *percent”;* and

1 (3) *by adding at the end the following new para-*
2 *graph:*

3 “(2)(A) *The total cost of providing services or in-kind*
4 *assistance in the case of any veteran described in subpara-*
5 *graph (B) for any fiscal year under the program may ex-*
6 *ceed 100 percent of the cost that would otherwise have been*
7 *incurred as specified in paragraph (1) if the Secretary de-*
8 *termines, based on a consideration of clinical need, geo-*
9 *graphic market factors, and such other matters as the Sec-*
10 *retary may prescribe through regulation, that such higher*
11 *total cost is in the best interest of the veteran.*

12 “(B) *A veteran described in this subparagraph is a*
13 *veteran with amyotrophic lateral sclerosis, a spinal cord in-*
14 *jury, or a condition the Secretary determines to be similar*
15 *to such conditions.”.*

16 (b) *APPLICABILITY.—The amendments made by sub-*
17 *section (a) shall apply with respect to fiscal years beginning*
18 *on or after the date of the enactment of this Act.*

19 **SEC. 3. COORDINATION WITH PROGRAM OF ALL-INCLUSIVE**
20 **CARE FOR THE ELDERLY.**

21 *Section 1720C of title 38, United States Code, as*
22 *amended by section 2, is further amended by adding at the*
23 *end the following new subsection:*

24 “(f) *In furnishing services to a veteran under the pro-*
25 *gram conducted pursuant to subsection (a), if a medical*

1 center of the Department through which such program is
 2 administered is located in a geographic area in which serv-
 3 ices are available to the veteran under a PACE program
 4 (as such term is defined in sections 1894(a)(2) and
 5 1934(a)(2) of the Social Security Act (42 U.S.C.
 6 1395eee(a)(2); 1396u-4(a)(2))), the Secretary shall seek to
 7 enter into an agreement with the PACE program operating
 8 in that area for the furnishing of such services.”.

9 **SEC. 4. HOME- AND COMMUNITY-BASED SERVICES: PRO-**
 10 **GRAMS.**

11 (a) *PROGRAMS.*—Chapter 17 of title 38, United States
 12 Code, is amended by inserting after section 1720J the fol-
 13 lowing new section (and conforming the table of sections
 14 at the beginning of such chapter accordingly):

15 **“§ 1720K. Home- and community-based services: pro-**
 16 **grams**

17 “(a) *IN GENERAL.*—In furnishing noninstitutional al-
 18 ternatives to nursing home care pursuant to the authority
 19 of section 1720C of this title (or any other authority under
 20 this chapter or other provision of law administered by the
 21 Secretary of Veterans Affairs), the Secretary shall carry out
 22 each of the programs specified in this section in accordance
 23 with such relevant authorities except as otherwise provided
 24 in this section.

1 “(b) *VETERAN-DIRECTED CARE PROGRAM.*—(1) *The*
2 *Secretary of Veterans Affairs, in collaboration with the Sec-*
3 *retary of Health and Human Services, shall carry out a*
4 *program to be known as the ‘Veteran-Directed Care pro-*
5 *gram’.* *Under such program, the Secretary of Veterans Af-*
6 *fairs may enter into agreements with the providers de-*
7 *scribed in paragraph (2) to provide to eligible veterans*
8 *funds, to the extent practicable, to obtain such in-home care*
9 *services and related items as may be determined appro-*
10 *priate by the Secretary of Veterans Affairs and selected by*
11 *the veteran, including through the veteran hiring individ-*
12 *uals to provide such services and items or directly pur-*
13 *chasing such services and items.*

14 “(2) *The providers described in this paragraph are the*
15 *following:*

16 “(A) *An Aging and Disability Resource Center,*
17 *an area agency on aging, or a State agency.*

18 “(B) *A center for independent living.*

19 “(C) *An Indian tribe or tribal organization re-*
20 *ceiving assistance under title VI of the Older Ameri-*
21 *cans Act of 1965 (42 U.S.C. 3057 et seq.).*

22 “(3) *In carrying out the Veteran-Directed Care pro-*
23 *gram, the Secretary of Veterans Affairs shall—*

24 “(A) *administer such program through each*
25 *medical center of the Department of Veterans Affairs;*

1 “(B) seek to ensure the availability of such pro-
2 gram in American Samoa, Guam, the Commonwealth
3 of the Northern Mariana Islands, the Commonwealth
4 of Puerto Rico, the Virgin Islands of the United
5 States, and any other territory or possession of the
6 United States, to the extent practicable; and

7 “(C) seek to ensure the availability of such pro-
8 gram for eligible veterans who are Native American
9 veterans receiving care and services furnished by the
10 Indian Health Service, a tribal health program, an
11 Urban Indian organization, or (in the case of a Na-
12 tive Hawaiian veteran) a Native Hawaiian health
13 care system, to the extent practicable.

14 “(4) If a veteran participating in the Veteran-Directed
15 Care program is catastrophically disabled, the veteran may
16 continue to use funds under the program during a period
17 of hospitalization in the same manner that the veteran
18 would be authorized to use such funds under the program
19 if the veteran were not hospitalized.

20 “(c) *HOMEMAKER AND HOME HEALTH AIDE PRO-*
21 *GRAM.*—(1) The Secretary shall carry out a program to be
22 known as the ‘Homemaker and Home Health Aide program’
23 under which the Secretary may enter into agreements with
24 home health agencies to provide to eligible veterans such

1 *home health aide services as may be determined appropriate*
2 *by the Secretary.*

3 “(2) *In carrying out the Homemaker and Home*
4 *Health Aide program, the Secretary shall, to the extent*
5 *practicable, ensure the availability of such program—*

6 “(A) *in the locations specified in subparagraph*
7 *(B) of subsection (b)(3); and*

8 “(B) *for the veteran populations specified in sub-*
9 *paragraph (C) of such subsection.*

10 “(d) *HOME-BASED PRIMARY CARE PROGRAM.—The*
11 *Secretary shall carry out a program to be known as the*
12 *‘Home-Based Primary Care program’ under which the Sec-*
13 *retary may furnish to eligible veterans in-home health care,*
14 *the provision of which is overseen by a provider of the De-*
15 *partment.*

16 “(e) *PURCHASED SKILLED HOME CARE PROGRAM.—*
17 *The Secretary shall carry out a program to be known as*
18 *the ‘Purchased Skilled Home Care program’ under which*
19 *the Secretary may furnish to eligible veterans such in-home*
20 *care services as may be determined appropriate and selected*
21 *by the Secretary for the veteran.*

22 “(f) *CAREGIVER SUPPORT.—(1) With respect to a resi-*
23 *dent eligible caregiver of a veteran participating in a pro-*
24 *gram under this section, the Secretary shall—*

1 “(A) if the veteran meets the requirements of a
2 covered veteran under section 1720G(b) of this title,
3 provide to such caregiver the option of enrolling in
4 the program of general caregiver support services
5 under such section;

6 “(B) provide to such caregiver covered respite
7 care of not less than 30 days annually; and

8 “(C) conduct on an annual basis (and, to the ex-
9 tent practicable, in connection with in-person services
10 provided under the program in which the veteran is
11 participating), a wellness contact of such caregiver.

12 “(2) Covered respite care provided to a resident eligible
13 caregiver of a veteran under paragraph (1) may exceed 30
14 days annually if such extension is requested by the resident
15 eligible caregiver or veteran and determined medically ap-
16 propriate by the Secretary.

17 “(g) *RULE OF CONSTRUCTION.*—Nothing in this sec-
18 tion shall be construed to limit the authority of the Sec-
19 retary to carry out programs providing home- and commu-
20 nity-based services under any other provision of law.

21 “(h) *DEFINITIONS.*—In this section:

22 “(1) The terms ‘Aging and Disability Resource
23 Center’, ‘area agency on aging’, and ‘State agency’
24 have the meanings given those terms in section 102 of
25 the Older Americans Act of 1965 (42 U.S.C. 3002).

1 “(2) *The terms ‘caregiver’ and ‘family caregiver’,*
2 *with respect to a veteran, have the meanings given*
3 *those terms, respectively, under subsection (e) of sec-*
4 *tion 1720G of this title with respect to an eligible vet-*
5 *eran under subsection (a) of such section or a covered*
6 *veteran under subsection (b) of such section, as the*
7 *case may be.*

8 “(3) *The term ‘center for independent living’ has*
9 *the meaning given that term in section 702 of the Re-*
10 *habilitation Act of 1973 (29 U.S.C. 796a).*

11 “(4) *The term ‘covered respite care’ has the*
12 *meaning given such term in section 1720G(d) of this*
13 *title.*

14 “(5) *The term ‘eligible veteran’ means any vet-*
15 *eran—*

16 “(A) *for whom the Secretary determines*
17 *participation in a specific program under this*
18 *section is medically necessary to promote, pre-*
19 *serve, or restore the health of the veteran; and*

20 “(B) *who absent such participation would*
21 *be at increased risk for hospitalization, place-*
22 *ment in a nursing home, or emergency room*
23 *care.*

1 “(6) *The term ‘home health aide’ means an indi-*
2 *vidual employed by a home health agency to provide*
3 *in-home care services.*

4 “(7) *The term ‘in-home care service’ means any*
5 *service, including a personal care service, provided to*
6 *enable the recipient of such service to live at home.*

7 “(8) *The terms ‘Indian tribe’ and ‘tribal organi-*
8 *zation’ have the meanings given those terms in section*
9 *4 of the Indian Self-Determination and Education*
10 *Assistance Act (25 U.S.C. 5304).*

11 “(9) *The terms ‘Native American’ and ‘Native*
12 *American veteran’ have the meanings given those*
13 *terms in section 3765 of this title.*

14 “(10) *The terms ‘Native Hawaiian’ and ‘Native*
15 *Hawaiian health care system’ have the meanings*
16 *given those terms in section 12 of the Native Hawai-*
17 *ian Health Care Improvement Act (42 U.S.C. 11711).*

18 “(11) *The terms ‘tribal health programs’ and*
19 *‘Urban Indian organizations’ have the meanings*
20 *given those terms in section 4 of the Indian Health*
21 *Care Improvement Act (25 U.S.C. 1603).*

22 “(12) *The term ‘resident eligible caregiver’*
23 *means an individual who—*

24 “(A) *is a caregiver, or a family caregiver,*
25 *of a veteran and resides with that veteran; and*

1 *discharged from the program under this subsection, the Sec-*
2 *retary shall—*

3 “(i) *if the veteran meets the requirements of a*
4 *covered veteran under subsection (b), provide to such*
5 *caregiver the option of enrolling in the program of*
6 *general caregiver support services under such sub-*
7 *section;*

8 “(ii) *assess the veteran or caregiver for partici-*
9 *pation in any other available program of the Depart-*
10 *ment for home- and community-based services (in-*
11 *cluding the programs specified in section 1720K of*
12 *this title) for which the veteran or caregiver may be*
13 *eligible and, with respect to the veteran, store (and*
14 *make accessible to the veteran) the results of such as-*
15 *essment in the electronic medical record of the vet-*
16 *eran; and*

17 “(iii) *provide to the veteran or caregiver written*
18 *information on any such program identified pursuant*
19 *to the assessment under clause (ii), including infor-*
20 *mation about facilities, eligibility requirements, and*
21 *relevant contact information for each such program.*

22 “(B) *For each veteran or family caregiver who is dis-*
23 *charged from the program under this subsection, a caregiver*
24 *support coordinator shall provide for a smooth and person-*
25 *alized transition from such program to an appropriate pro-*

1 *gram of the Department for home- and community-based*
2 *services (including the programs specified in section 1720K*
3 *of this title), including by integrating caregiver support*
4 *across programs.”.*

5 (2) *APPLICABILITY.—The amendments made by*
6 *paragraph (1) shall apply with respect to denials and*
7 *discharges occurring on or after the date that is 180*
8 *days after the date of the enactment of this Act.*

9 (3) *TECHNICAL AND CONFORMING AMEND-*
10 *MENTS.—Section 1720G(d) of such title is amended—*

11 (A) *by striking “or a covered veteran” each*
12 *place it appears and inserting “, a veteran de-*
13 *nied or discharged as specified in paragraph*
14 *(14) of such subsection, or a covered veteran”;*
15 *and*

16 (B) *by striking “under subsection (a),*
17 *means” each place it appears and inserting*
18 *“under subsection (a) or a veteran denied or dis-*
19 *charged as specified in paragraph (14) of such*
20 *subsection, means”.*

21 (b) *CONFORMITY OF RESPITE CARE ACROSS PRO-*
22 *GRAMS.—Section 1720G of title 38, United States Code, as*
23 *amended by subsection (a)(3), is further amended—*

24 (1) *in subsection (a)(3)—*

1 (A) by amending subparagraph (A)(ii)(III)
2 to read as follows:

3 “(III) covered respite care of not less than
4 30 days annually;” and

5 (B) by striking subparagraph (B) and re-
6 designating subparagraphs (C) and (D) as sub-
7 paragraphs (B) and (C), respectively; and

8 (2) by amending subsection (b)(3)(A)(iii) to read
9 as follows:

10 “(iii) Covered respite care of not less than 30
11 days annually.”; and

12 (3) in subsection (d)—

13 (A) by redesignating paragraphs (2)
14 through (4) as paragraphs (3) through (5), re-
15 spectively; and

16 (B) by inserting after paragraph (1) the fol-
17 lowing new paragraph:

18 “(2) The term ‘covered respite care’ means, with
19 respect to a caregiver of a veteran, respite care under
20 section 1720B of this title that—

21 “(A) is medically and age appropriate for
22 the veteran (including 24-hour per day care of
23 the veteran commensurate with the care provided
24 by the caregiver); and

25 “(B) includes in-home care.”.

1 (c) *REVIEW RELATING TO CAREGIVER CONTACT.*—The
2 Secretary shall conduct a review of the capacity of the De-
3 partment to establish a streamlined system for contacting
4 all caregivers enrolled in the program of general caregiver
5 support services under section 1720G(b) of title 38, United
6 States Code, to provide to such caregivers program updates
7 and alerts relating to emerging services for which such care-
8 givers may be eligible.

9 **SEC. 6. DEVELOPMENT OF CENTRALIZED WEBSITE FOR**
10 **PROGRAM INFORMATION.**

11 (a) *CENTRALIZED WEBSITE.*—The Secretary shall de-
12 velop and maintain a centralized and publically accessible
13 internet website of the Department as a clearinghouse for
14 information and resources relating to covered programs.

15 (b) *CONTENTS.*—The website under subsection (a) shall
16 contain the following:

17 (1) *A description of each covered program.*

18 (2) *An informational assessment tool that—*

19 (A) *explains the administrative eligibility,*
20 *if applicable, of a veteran, or a caregiver of a*
21 *veteran, for any covered program; and*

22 (B) *provides information, as a result of*
23 *such explanation, on any covered program for*
24 *which the veteran or caregiver (as the case may*
25 *be) may be eligible.*

1 (3) *A list of required procedures for the directors*
2 *of the medical facilities of the Department to follow*
3 *in determining the eligibility and suitability of vet-*
4 *erans for participation in a covered program, includ-*
5 *ing procedures applicable to instances in which the*
6 *resource constraints of a facility (or of a community*
7 *in which a facility is located) may result in the in-*
8 *ability to address the health needs of a veteran under*
9 *a covered program in a timely manner.*

10 (c) *UPDATES.—The Secretary shall ensure the website*
11 *under subsection (a) is updated on a periodic basis.*

12 **SEC. 7. IMPROVEMENTS RELATING TO HOMEMAKER AND**
13 **HOME HEALTH AIDE PROGRAM.**

14 (a) *PILOT PROGRAM FOR COMMUNITIES WITH SHORT-*
15 *AGE OF HOME HEALTH AIDES.—*

16 (1) *PROGRAM.—Beginning not later than 18*
17 *months after the date of the enactment of this Act, the*
18 *Secretary shall carry out a three-year pilot program*
19 *under which the Secretary shall provide homemaker*
20 *and home health aide services to veterans who reside*
21 *in communities with a shortage of home health aides.*

22 (2) *LOCATIONS.—The Secretary shall select not*
23 *fewer than five geographic locations in which the Sec-*
24 *retary determines there is a shortage of home health*

1 *aides at which to carry out the pilot program under*
2 *paragraph (1).*

3 (3) *NURSING ASSISTANTS.*—

4 (A) *IN GENERAL.*—*In carrying out the pilot*
5 *program under paragraph (1), the Secretary*
6 *may hire nursing assistants as new employees of*
7 *the Department of Veterans Affairs, or reassign*
8 *nursing assistants who are existing employees of*
9 *the Department, to provide to veterans in-home*
10 *care services (including basic tasks authorized by*
11 *the State certification of the nursing assistant)*
12 *under the pilot program, in lieu of or in addi-*
13 *tion to the provision of such services through*
14 *non-Department home health aides.*

15 (B) *RELATIONSHIP TO HOME-BASED PRI-*
16 *MARY CARE PROGRAM.*—*Nursing assistants hired*
17 *or reassigned under subparagraph (A) may pro-*
18 *vide services to a veteran under the pilot pro-*
19 *gram under paragraph (1) while serving as part*
20 *of a health care team for the veteran under the*
21 *Home-Based Primary Care program.*

22 (4) *REPORT TO CONGRESS.*—*Not later than one*
23 *year after the date on which the Secretary determines*
24 *the pilot program under paragraph (1) has termi-*
25 *nated, the Secretary shall submit to the Committees*

1 *on Veterans' Affairs of the House of Representatives*
2 *and the Senate a report on the result of the pilot pro-*
3 *gram.*

4 *(b) REPORT ON USE OF FUNDS.—Not later than one*
5 *year after the date of the enactment of this Act, the Sec-*
6 *retary of Veterans Affairs shall submit to the Committees*
7 *on Veterans' Affairs of the House of Representatives and*
8 *the Senate a report containing, with respect to the period*
9 *beginning in fiscal year 2012 and ending in fiscal year*
10 *2023, the following:*

11 *(1) An identification of the amount of funds that*
12 *were included in a budget of the Department of Vet-*
13 *erans Affairs during such period for the provision of*
14 *in-home care to veterans under the Homemaker and*
15 *Home Health Aide program but were not expended*
16 *for such provision, disaggregated by medical center of*
17 *the Department for which such unexpended funds*
18 *were budgeted (if such disaggregation is possible).*

19 *(2) To the extent practicable, an identification of*
20 *the number of veterans for whom, during such period,*
21 *the hours during which a home health aide was au-*
22 *thorized to provide services to the veteran under the*
23 *Homemaker and Home Health Aide program were re-*
24 *duced for a reason other than a change in the health*
25 *care needs of the veteran, and a detailed description*

1 *of the reasons why any such reductions may have oc-*
2 *curred.*

3 (c) *UPDATED GUIDANCE ON PROGRAM.*—*Not later*
4 *than one year after the date of the enactment of this Act,*
5 *the Secretary shall issue updated guidance for the Home-*
6 *maker and Home Health Aide program. Such updated*
7 *guidance shall include the following:*

8 (1) *A process for the transition of veterans from*
9 *the Homemaker and Home Health Aide program to*
10 *other covered programs.*

11 (2) *A requirement for the directors of the medical*
12 *facilities of the Department to complete such process*
13 *whenever a veteran with care needs has been denied*
14 *services from home health agencies under the Home-*
15 *maker and Home Health Aide program as a result of*
16 *the clinical needs or behavioral issues of the veteran.*

17 **SEC. 8. REVIEWS AND OTHER IMPROVEMENTS RELATING**
18 **TO HOME- AND COMMUNITY-BASED SERV-**
19 **ICES.**

20 (a) *OFFICE OF GERIATRIC AND EXTENDED CARE.*—

21 (1) *REVIEW OF PROGRAMS.*—*The Under Sec-*
22 *retary for Health of the Department of Veterans Af-*
23 *airs shall conduct a review of each program adminis-*
24 *tered through the Office of Geriatric and Extended*
25 *Care of the Department, or successor office, to—*

1 (A) ensure consistency in program manage-
2 ment;

3 (B) eliminate service gaps at the medical
4 center level; and

5 (C) ensure the availability of, and the access
6 by veterans to, home- and community-based serv-
7 ices.

8 (2) *ASSESSMENT OF STAFFING NEEDS.*—*The Sec-*
9 *retary of Veterans Affairs shall conduct an assessment*
10 *of the staffing needs of the Office of Geriatric and Ex-*
11 *tended Care of the Department of Veterans Affairs, or*
12 *successor office.*

13 (3) *GOALS FOR GEOGRAPHIC ALIGNMENT OF*
14 *CARE.*—

15 (A) *ESTABLISHMENT OF GOALS.*—*The Di-*
16 *rector of the Office of Geriatric and Extended*
17 *Care, or successor office, shall establish quan-*
18 *titative goals to enable aging or disabled veterans*
19 *who are not located near medical centers of the*
20 *Department to access extended care services (in-*
21 *cluding by improving access to home- and com-*
22 *munity-based services for such veterans).*

23 (B) *IMPLEMENTATION TIMELINE.*—*Each*
24 *goal established under subparagraph (A) shall*

1 include a timeline for the implementation of the
2 goal at each medical center of the Department.

3 (4) *GOALS FOR IN-HOME SPECIALTY CARE.*—The
4 Director of the Office of Geriatric and Extended Care,
5 or successor office, shall establish quantitative goals to
6 address the specialty care needs of veterans through
7 in-home care, including by ensuring the education of
8 home health aides and caregivers of veterans in the
9 following areas:

10 (A) *Dementia care.*

11 (B) *Care for spinal cord injuries and dis-*
12 *eases.*

13 (C) *Ventilator care.*

14 (D) *Other speciality care areas as deter-*
15 *mined by the Secretary.*

16 (5) *REPORT TO CONGRESS.*—Not later than one
17 year after the date of the enactment of this Act, the
18 Secretary shall submit to the Committees on Veterans'
19 Affairs of the House of Representatives and the Senate
20 a report containing the findings of the review under
21 paragraph (1), the results of the assessment under
22 paragraph (2), and the goals established under para-
23 graphs (3) and (4).

24 (b) *REVIEW OF INCENTIVES AND EFFORTS RELATING*
25 *TO HOME- AND COMMUNITY-BASED SERVICES.*—

1 (1) *REVIEW.*—*The Secretary of Veterans Affairs*
2 *shall conduct a review of the following:*

3 (A) *The financial and organizational incen-*
4 *tives for the directors of medical centers of the*
5 *Department to establish or expand covered pro-*
6 *grams at such medical centers.*

7 (B) *Any incentives for such directors to pro-*
8 *vide to veterans home- and community-based*
9 *services in lieu of institutional care.*

10 (C) *The efforts taken by the Secretary to en-*
11 *hance spending of the Department for extended*
12 *care by shifting the balance of such spending*
13 *from institutional care to home- and commu-*
14 *nity-based services.*

15 (D) *The plan of the Under Secretary for*
16 *Health of the Department to accelerate efforts to*
17 *enhance spending as specified in subparagraph*
18 *(C), to match the progress of similar efforts taken*
19 *by the Administrator of the Centers for Medicare*
20 *& Medicaid Services with respect to spending of*
21 *the Centers for Medicare & Medicaid Services for*
22 *extended care.*

23 (2) *REPORT TO CONGRESS.*—*Not later than one*
24 *year after the date of the enactment of this Act, the*
25 *Secretary shall submit to the Committees on Veterans'*

1 *Affairs of the House of Representatives and the Senate*
2 *a report on the findings of the review under para-*
3 *graph (1).*

4 *(c) REVIEW OF RESPITE CARE SERVICES.—Not later*
5 *than two years after the date of the enactment of this Act,*
6 *the Secretary of Veterans Affairs shall conduct a review of*
7 *the use, availability, and effectiveness, of the respite care*
8 *services furnished by the Secretary under chapter 17 of title*
9 *38, United States Code.*

10 *(d) COLLABORATION TO IMPROVE HOME- AND COMMU-*
11 *NITY-BASED SERVICES.—*

12 *(1) REPORT ON EXPANSION OF CERTAIN MENTAL*
13 *HEALTH SERVICES.—*

14 *(A) REPORT.—Not later than two years*
15 *after the date of the enactment of this Act, the*
16 *Secretary of Veterans Affairs, in collaboration*
17 *with the Secretary of Health and Human Serv-*
18 *ices, shall submit to the Committees on Veterans’*
19 *Affairs of the House of Representatives and the*
20 *Senate a report containing recommendations for*
21 *the expansion of mental health services and re-*
22 *lated support to the caregivers of veterans.*

23 *(B) MATTERS INCLUDED.—The report*
24 *under subparagraph (A) shall include an assess-*

1 *ment of the feasibility and advisability of au-*
2 *thorizing access to Vet Centers by—*

3 *(i) family caregivers enrolled in a pro-*
4 *gram under section 1720G of title 38,*
5 *United States Code; and*

6 *(ii) family caregivers of veterans par-*
7 *ticipating in a program specified in section*
8 *1720K of such title, as added by section 4.*

9 (2) *RECOMMENDATIONS.—*

10 (A) *DEVELOPMENT.—The Secretary of Vet-*
11 *erans Affairs shall develop recommendations as*
12 *follows:*

13 *(i) With respect to home- and commu-*
14 *nity-based services for veterans, the Sec-*
15 *retary of Veterans Affairs shall develop rec-*
16 *ommendations regarding new services (in*
17 *addition to those furnished as of the date of*
18 *the enactment of this Act) in collaboration*
19 *with the Secretary of Health and Human*
20 *Services.*

21 *(ii) With respect to the national short-*
22 *age of home health aides, the Secretary of*
23 *Veterans Affairs shall develop recommenda-*
24 *tions regarding methods to address such*
25 *shortage in collaboration with the Secretary*

1 *of Health and Human Services and the Sec-*
2 *retary of Labor.*

3 (B) *SUBMISSION TO CONGRESS.*—*The Sec-*
4 *retary of Veterans Affairs shall submit to the*
5 *Committees on Veterans' Affairs of the House of*
6 *Representatives and the Senate a report con-*
7 *taining the recommendations developed under*
8 *subparagraph (A) and an identification of any*
9 *changes in existing law or new statutory author-*
10 *ity necessary to implement the recommendations,*
11 *as determined by the Secretary.*

12 (C) *CONSULTATION WITH SECRETARY OF*
13 *LABOR.*—*In carrying out this paragraph, the*
14 *Secretary of Veterans Affairs shall consult with*
15 *the Secretary of Labor.*

16 (3) *FEEDBACK AND RECOMMENDATIONS ON*
17 *CAREGIVER SUPPORT.*—

18 (A) *FEEDBACK AND RECOMMENDATIONS.*—
19 *The Secretary of Veterans Affairs shall solicit*
20 *from the entities described in subparagraph (B)*
21 *feedback and recommendations regarding oppor-*
22 *tunities for the Secretary to enhance home- and*
23 *community-based services for veterans and the*
24 *caregivers of veterans, including through the po-*
25 *tential provision by the entity of care and res-*

1 *pite services to veterans and caregivers who may*
2 *not be eligible for any program under section*
3 *1720G of title 38, United States Code, or section*
4 *1720K of such title (as added by section 4), but*
5 *have a need for assistance.*

6 *(B) COVERED ENTITIES.—The entities de-*
7 *scribed in this subparagraph are veterans service*
8 *organizations and nonprofit organizations with*
9 *a focus on caregiver support (as determined by*
10 *the Secretary).*

11 *(4) COLLABORATION FOR NATIVE AMERICAN VET-*
12 *ERANS.—The Secretary of Veterans Affairs shall col-*
13 *laborate with the Director of the Indian Health Serv-*
14 *ice and representatives from tribal health programs*
15 *and Urban Indian organizations to ensure the avail-*
16 *ability of home- and community-based services for*
17 *Native American veterans, including Native Amer-*
18 *ican veterans receiving health care and medical serv-*
19 *ices under multiple health care systems.*

20 **SEC. 9. MODIFICATION OF CERTAIN HOUSING LOAN FEES.**

21 *The loan fee table in section 3729(b)(2) of title 38,*
22 *United States Code, is amended by striking “November 14,*
23 *2031” each place it appears and inserting “January 26,*
24 *2032”.*

1 **SEC. 10. DEFINITIONS.**

2 *In this Act:*

3 (1) *The terms “caregiver” and “family care-*
4 *giver” have the meanings given those terms under sec-*
5 *tion 1720K(h) of title 38, United States Code (as*
6 *added by section 4).*

7 (2) *The term “covered program”—*

8 (A) *means any program of the Department*
9 *of Veterans Affairs for home- and community-*
10 *based services; and*

11 (B) *includes the programs specified in sec-*
12 *tion 1720K of title 38, United States Code (as*
13 *added by section 4).*

14 (3) *The term “home- and community-based serv-*
15 *ices”—*

16 (A) *means the services referred to in section*
17 *1701(6)(E) of title 38, United States Code; and*

18 (B) *includes services furnished under a pro-*
19 *gram specified in section 1720K of such title (as*
20 *added by section 4).*

21 (4) *The terms “Home-Based Primary Care pro-*
22 *gram”, “Homemaker and Home Health Aide pro-*
23 *gram”, and “Veteran-Directed Care program” mean*
24 *the programs of the Department of Veterans Affairs*
25 *specified in subsection (d), (c), and (b) of such section*
26 *1720K, respectively.*

1 (5) *The terms “home health aide”, “Native*
2 *American”, “Native American veteran”, “tribal*
3 *health programs”, and “Urban Indian organizations”*
4 *have the meanings given those terms in subsection (h)*
5 *of such section 1720K.*

6 (6) *The term “Vet Center” has the meaning*
7 *given that term in section 1712A(h) of title 38,*
8 *United States Code.*

9 (7) *The term “veterans service organization”*
10 *means any organization recognized by the Secretary*
11 *under section 5902 of such title.*

Union Calendar No. 228

118TH CONGRESS
1ST Session

H. R. 542

[Report No. 118-284]

A BILL

To amend title 38, United States Code, to improve certain programs of the Department of Veterans Affairs for home and community based services for veterans, and for other purposes.

NOVEMBER 29, 2023

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed