

118TH CONGRESS
1ST SESSION

H. R. 542

AN ACT

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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Elizabeth Dole Home- and Community-Based Services
 4 for Veterans and Caregivers Act of 2023” or the “Eliza-
 5 beth Dole Home Care Act of 2023”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Increase of expenditure cap for noninstitutional care alternatives to nursing 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.

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

11 (a) **INCREASE OF EXPENDITURE CAP.**—Section
 12 1720C(d) of title 38, United States Code, is amended—

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

16 (2) by striking “65 percent” and inserting “100
 17 percent”; and

18 (3) by adding at the end the following new
 19 paragraph:

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

10 “(B) A veteran described in this subparagraph is a
11 veteran with amyotrophic lateral sclerosis, a spinal cord
12 injury, or a condition the Secretary determines to be simi-
13 lar to such conditions.”.

14 (b) APPLICABILITY.—The amendments made by sub-
15 section (a) shall apply with respect to fiscal years begin-
16 ning on or after the date of the enactment of this Act.

17 **SEC. 3. COORDINATION WITH PROGRAM OF ALL-INCLUSIVE**
18 **CARE FOR THE ELDERLY.**

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

22 “(f) In furnishing services to a veteran under the pro-
23 gram conducted pursuant to subsection (a), if a medical
24 center of the Department through which such program is
25 administered is located in a geographic area in which serv-

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

7 **SEC. 4. HOME- AND COMMUNITY-BASED SERVICES: PRO-**
8 **GRAMS.**

9 (a) PROGRAMS.—Chapter 17 of title 38, United
10 States Code, is amended by inserting after section 1720J
11 the following new section (and conforming the table of sec-
12 tions at the beginning of such chapter accordingly):

13 **“§ 1720K. Home- and community-based services: pro-**
14 **grams**

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

23 “(b) VETERAN-DIRECTED CARE PROGRAM.—(1) The
24 Secretary of Veterans Affairs, in collaboration with the
25 Secretary of Health and Human Services, shall carry out

1 a program to be known as the ‘Veteran-Directed Care pro-
2 gram’. Under such program, the Secretary of Veterans Af-
3 fairs may enter into agreements with the providers de-
4 scribed in paragraph (2) to provide to eligible veterans
5 funds, to the extent practicable, to obtain such in-home
6 care services and related items as may be determined ap-
7 propriate by the Secretary of Veterans Affairs and selected
8 by the veteran, including through the veteran hiring indi-
9 viduals to provide such services and items or directly pur-
10 chasing such services and items.

11 “(2) The providers described in this paragraph are
12 the following:

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

15 “(B) A center for independent living.

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

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

21 “(A) administer such program through each
22 medical center of the Department of Veterans Af-
23 fairs;

24 “(B) seek to ensure the availability of such pro-
25 gram in American Samoa, Guam, the Common-

1 wealth of the Northern Mariana Islands, the Com-
2 monwealth of Puerto Rico, the Virgin Islands of the
3 United States, and any other territory or possession
4 of the United States, to the extent practicable; and

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

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

18 “(c) **HOMEMAKER AND HOME HEALTH AIDE PRO-**
19 **GRAM.**—(1) The Secretary shall carry out a program to
20 be known as the ‘Homemaker and Home Health Aide pro-
21 gram’ under which the Secretary may enter into agree-
22 ments with home health agencies to provide to eligible vet-
23 erans such home health aide services as may be deter-
24 mined appropriate by the Secretary.

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

4 “(A) in the locations specified in subparagraph
5 (B) of subsection (b)(3); and

6 “(B) for the veteran populations specified in
7 subparagraph (C) of such subsection.

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

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

20 “(f) CAREGIVER SUPPORT.—(1) With respect to a
21 resident eligible caregiver of a veteran participating in a
22 program under this section, the Secretary shall—

23 “(A) if the veteran meets the requirements of
24 a covered veteran under section 1720G(b) of this
25 title, provide to such caregiver the option of enroll-

1 ing in the program of general caregiver support serv-
2 ices under such section;

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

5 “(C) conduct on an annual basis (and, to the
6 extent practicable, in connection with in-person serv-
7 ices provided under the program in which the vet-
8 eran is participating), a wellness contact of such
9 caregiver.

10 “(2) Covered respite care provided to a resident eligi-
11 ble caregiver of a veteran under paragraph (1) may exceed
12 30 days annually if such extension is requested by the resi-
13 dent eligible caregiver or veteran and determined medi-
14 cally appropriate by the Secretary.

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

19 “(h) DEFINITIONS.—In this section:

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

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

8 “(3) The term ‘center for independent living’
9 has the meaning given that term in section 702 of
10 the Rehabilitation 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 in-
2 dividual employed by a home health agency to pro-
3 vide 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 sec-
9 tion 4 of the Indian Self-Determination and Edu-
10 cation 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.
18 11711).

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

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

1 services, or a veteran or the family caregiver of a veteran
2 who is discharged from the program under this subsection,
3 the Secretary shall—

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

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

18 “(iii) provide to the veteran or caregiver written
19 information on any such program identified pursu-
20 ant to the assessment under clause (ii), including in-
21 formation about facilities, eligibility requirements,
22 and relevant contact information for each such pro-
23 gram.

24 “(B) For each veteran or family caregiver who is dis-
25 charged from the program under this subsection, a care-

1 giver support coordinator shall provide for a smooth and
2 personalized transition from such program to an appro-
3 priate program of the Department for home- and commu-
4 nity-based services (including the programs specified in
5 section 1720K of this title), including by integrating care-
6 giver support across programs.”.

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

12 (3) TECHNICAL AND CONFORMING AMEND-
13 MENTS.—Section 1720G(d) of such title is amend-
14 ed—

15 (A) by striking “or a covered veteran”
16 each place it appears and inserting “, a veteran
17 denied or discharged as specified in paragraph
18 (14) of such subsection, or a covered veteran”;
19 and

20 (B) by striking “under subsection (a),
21 means” each place it appears and inserting
22 “under subsection (a) or a veteran denied or
23 discharged as specified in paragraph (14) of
24 such subsection, means”.

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

4 (1) in subsection (a)(3)—

5 (A) by amending subparagraph (A)(ii)(III)
6 to read as follows:

7 “(III) covered respite care of not less than
8 30 days annually;” and

9 (B) by striking subparagraph (B) and re-
10 designating subparagraphs (C) and (D) as sub-
11 paragraphs (B) through (C), respectively; and

12 (2) by amending subsection (b)(3)(A)(iii) to
13 read as follows:

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

16 (3) in subsection (d)—

17 (A) by redesignating paragraphs (2)
18 through (4) as paragraphs (3) through (5), re-
19 spectively; and

20 (B) by inserting after paragraph (1) the
21 following new paragraph:

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

1 “(A) is medically and age appropriate for
2 the veteran (including 24-hour per day care of
3 the veteran commensurate with the care pro-
4 vided by the caregiver); and

5 “(B) includes in-home care.”.

6 (c) REVIEW RELATING TO CAREGIVER CONTACT.—
7 The Secretary shall conduct a review of the capacity of
8 the Department to establish a streamlined system for con-
9 tacting all caregivers enrolled in the program of general
10 caregiver support services under section 1720G(b) of title
11 38, United States Code, to provide to such caregivers pro-
12 gram updates and alerts relating to emerging services for
13 which such caregivers may be eligible.

14 **SEC. 6. DEVELOPMENT OF CENTRALIZED WEBSITE FOR**
15 **PROGRAM INFORMATION.**

16 (a) CENTRALIZED WEBSITE.—The Secretary shall
17 develop and maintain a centralized and publically acces-
18 sible internet website of the Department as a clearing-
19 house for information and resources relating to covered
20 programs.

21 (b) CONTENTS.—The website under subsection (a)
22 shall contain the following:

23 (1) A description of each covered program.

24 (2) An informational assessment tool that—

1 (A) explains the administrative eligibility,
2 if applicable, of a veteran, or a caregiver of a
3 veteran, for any covered program; and

4 (B) provides information, as a result of
5 such explanation, on any covered program for
6 which the veteran or caregiver (as the case may
7 be) may be eligible.

8 (3) A list of required procedures for the direc-
9 tors of the medical facilities of the Department to
10 follow in determining the eligibility and suitability of
11 veterans for participation in a covered program, in-
12 cluding procedures applicable to instances in which
13 the resource constraints of a facility (or of a commu-
14 nity in which a facility is located) may result in the
15 inability to address the health needs of a veteran
16 under a covered program in a timely manner.

17 (c) UPDATES.—The Secretary shall ensure the
18 website under subsection (a) is updated on a periodic
19 basis.

20 **SEC. 7. IMPROVEMENTS RELATING TO HOMEMAKER AND**
21 **HOME HEALTH AIDE PROGRAM.**

22 (a) PILOT PROGRAM FOR COMMUNITIES WITH
23 SHORTAGE OF HOME HEALTH AIDES.—

24 (1) PROGRAM.—Beginning not later than 18
25 months after the date of the enactment of this Act,

1 the Secretary shall carry out a three-year pilot pro-
2 gram under which the Secretary shall provide home-
3 maker and home health aide services to veterans
4 who reside in communities with a shortage of home
5 health aides.

6 (2) LOCATIONS.—The Secretary shall select not
7 fewer than five geographic locations in which the
8 Secretary determines there is a shortage of home
9 health aides at which to carry out the pilot program
10 under paragraph (1).

11 (3) NURSING ASSISTANTS.—

12 (A) IN GENERAL.—In carrying out the
13 pilot program under paragraph (1), the Sec-
14 retary may hire nursing assistants as new em-
15 ployees of the Department of Veterans Affairs,
16 or reassign nursing assistants who are existing
17 employees of the Department, to provide to vet-
18 erans in-home care services (including basic
19 tasks authorized by the State certification of
20 the nursing assistant) under the pilot program,
21 in lieu of or in addition to the provision of such
22 services through non-Department home health
23 aides.

24 (B) RELATIONSHIP TO HOME-BASED PRI-
25 MARY CARE PROGRAM.—Nursing assistants

1 hired or reassigned under subparagraph (A)
2 may provide services to a veteran under the
3 pilot program under paragraph (1) while serv-
4 ing as part of a health care team for the vet-
5 eran under the Home-Based Primary Care pro-
6 gram.

7 (4) REPORT TO CONGRESS.—Not later than one
8 year after the date on which the Secretary deter-
9 mines the pilot program under paragraph (1) has
10 terminated, the Secretary shall submit to the Com-
11 mittees on Veterans' Affairs of the House of Rep-
12 resentatives and the Senate a report on the result of
13 the pilot program.

14 (b) REPORT ON USE OF FUNDS.—Not later than one
15 year after the date of the enactment of this Act, the Sec-
16 retary of Veterans Affairs shall submit to the Committees
17 on Veterans' Affairs of the House of Representatives and
18 the Senate a report containing, with respect to the period
19 beginning in fiscal year 2012 and ending in fiscal year
20 2023, the following:

21 (1) An identification of the amount of funds
22 that were included in a budget of the Department of
23 Veterans Affairs during such period for the provision
24 of in-home care to veterans under the Homemaker
25 and Home Health Aide program but were not ex-

1 pended for such provision, disaggregated by medical
2 center of the Department for which such unex-
3 pended funds were budgeted (if such disaggregation
4 is possible).

5 (2) To the extent practicable, an identification
6 of the number of veterans for whom, during such pe-
7 riod, the hours during which a home health aide was
8 authorized to provide services to the veteran under
9 the Homemaker and Home Health Aide program
10 were reduced for a reason other than a change in
11 the health care needs of the veteran, and a detailed
12 description of the reasons why any such reductions
13 may have occurred.

14 (c) UPDATED GUIDANCE ON PROGRAM.—Not later
15 than one year after the date of the enactment of this Act,
16 the Secretary shall issue updated guidance for the Home-
17 maker and Home Health Aide program. Such updated
18 guidance shall include the following:

19 (1) A process for the transition of veterans
20 from the Homemaker and Home Health Aide pro-
21 gram to other covered programs.

22 (2) A requirement for the directors of the med-
23 ical facilities of the Department to complete such
24 process whenever a veteran with care needs has been
25 denied services from home health agencies under the

1 Homemaker and Home Health Aide program as a
2 result of the clinical needs or behavioral issues of the
3 veteran.

4 **SEC. 8. REVIEWS AND OTHER IMPROVEMENTS RELATING**
5 **TO HOME- AND COMMUNITY-BASED SERV-**
6 **ICES.**

7 (a) OFFICE OF GERIATRIC AND EXTENDED CARE.—

8 (1) REVIEW OF PROGRAMS.—The Under Sec-
9 retary for Health of the Department of Veterans Af-
10 fairs shall conduct a review of each program admin-
11 istered through the Office of Geriatric and Extended
12 Care of the Department, or successor office, to—

13 (A) ensure consistency in program man-
14 agement;

15 (B) eliminate service gaps at the medical
16 center level; and

17 (C) ensure the availability of, and the ac-
18 cess by veterans to, home- and community-
19 based services.

20 (2) ASSESSMENT OF STAFFING NEEDS.—The
21 Secretary of Veterans Affairs shall conduct an as-
22 sessment of the staffing needs of the Office of Geri-
23 atric and Extended Care of the Department of Vet-
24 erans Affairs, or successor office.

1 (3) GOALS FOR GEOGRAPHIC ALIGNMENT OF
2 CARE.—

3 (A) ESTABLISHMENT OF GOALS.—The Di-
4 rector of the Office of Geriatric and Extended
5 Care, or successor office, shall establish quan-
6 titative goals to enable aging or disabled vet-
7 erans who are not located near medical centers
8 of the Department to access extended care serv-
9 ices (including by improving access to home-
10 and community-based services for such vet-
11 erans).

12 (B) IMPLEMENTATION TIMELINE.—Each
13 goal established under subparagraph (A) shall
14 include a timeline for the implementation of the
15 goal at each medical center of the Department.

16 (4) GOALS FOR IN-HOME SPECIALTY CARE.—
17 The Director of the Office of Geriatric and Extended
18 Care, or successor office, shall establish quantitative
19 goals to address the specialty care needs of veterans
20 through in-home care, including by ensuring the
21 education of home health aides and caregivers of vet-
22 erans in the following areas:

23 (A) Dementia care.

24 (B) Care for spinal cord injuries and dis-
25 eases.

1 (C) Ventilator care.

2 (D) Other speciality care areas as deter-
3 mined by the Secretary.

4 (5) REPORT TO CONGRESS.—Not later than one
5 year after the date of the enactment of this Act, the
6 Secretary shall submit to the Committees on Vet-
7 erans' Affairs of the House of Representatives and
8 the Senate a report containing the findings of the
9 review under paragraph (1), the results of the as-
10 sessment under paragraph (2), and the goals estab-
11 lished under paragraphs (3) and (4).

12 (b) REVIEW OF INCENTIVES AND EFFORTS RELAT-
13 ING TO HOME- AND COMMUNITY-BASED SERVICES.—

14 (1) REVIEW.—The Secretary of Veterans Af-
15 fairs shall conduct a review of the following:

16 (A) The financial and organizational incen-
17 tives for the directors of medical centers of the
18 Department to establish or expand covered pro-
19 grams at such medical centers.

20 (B) Any incentives for such directors to
21 provide to veterans home- and community-based
22 services in lieu of institutional care.

23 (C) The efforts taken by the Secretary to
24 enhance spending of the Department for ex-
25 tended care by shifting the balance of such

1 spending from institutional care to home- and
2 community-based services.

3 (D) The plan of the Under Secretary for
4 Health of the Department to accelerate efforts
5 to enhance spending as specified in subpara-
6 graph (C), to match the progress of similar ef-
7 forts taken by the Administrator of the Centers
8 for Medicare & Medicaid Services with respect
9 to spending of the Centers for Medicare & Med-
10 icaid Services for extended care.

11 (2) REPORT TO CONGRESS.—Not later than one
12 year after the date of the enactment of this Act, the
13 Secretary shall submit to the Committees on Vet-
14 erans' Affairs of the House of Representatives and
15 the Senate a report on the findings of the review
16 under paragraph (1).

17 (c) REVIEW OF RESPITE CARE SERVICES.—Not later
18 than two years after the date of the enactment of this Act,
19 the Secretary of Veterans Affairs shall conduct a review
20 of the use, availability, and effectiveness, of the respite
21 care services furnished by the Secretary under chapter 17
22 of title 38, United States Code.

23 (d) COLLABORATION TO IMPROVE HOME- AND COM-
24 MUNITY-BASED SERVICES.—

1 (1) REPORT ON EXPANSION OF CERTAIN MEN-
2 TAL HEALTH SERVICES.—

3 (A) REPORT.—Not later than two years
4 after the date of the enactment of this Act, the
5 Secretary of Veterans Affairs, in collaboration
6 with the Secretary of Health and Human Serv-
7 ices, shall submit to the Committees on Vet-
8 erans' Affairs of the House of Representatives
9 and the Senate a report containing rec-
10 ommendations for the expansion of mental
11 health services and related support to the care-
12 givers of veterans.

13 (B) MATTERS INCLUDED.—The report
14 under subparagraph (A) shall include an assess-
15 ment of the feasibility and advisability of au-
16 thorizing access to Vet Centers by—

17 (i) family caregivers enrolled in a pro-
18 gram under section 1720G of title 38,
19 United States Code; and

20 (ii) family caregivers of veterans par-
21 ticipating in a program specified in section
22 1720K of such title, as added by section 4.

23 (2) RECOMMENDATIONS.—

1 (A) DEVELOPMENT.—The Secretary of
2 Veterans Affairs shall develop recommendations
3 as follows:

4 (i) With respect to home- and commu-
5 nity-based services for veterans, the Sec-
6 retary of Veterans Affairs shall develop
7 recommendations regarding new services
8 (in addition to those furnished as of the
9 date of the enactment of this Act) in col-
10 laboration with the Secretary of Health
11 and Human Services.

12 (ii) With respect to the national short-
13 age of home health aides, the Secretary of
14 Veterans Affairs shall develop rec-
15 ommendations regarding methods to ad-
16 dress such shortage in collaboration with
17 the Secretary of Health and Human Serv-
18 ices and the Secretary of Labor.

19 (B) SUBMISSION TO CONGRESS.—The Sec-
20 retary of Veterans Affairs shall submit to the
21 Committees on Veterans' Affairs of the House
22 of Representatives and the Senate a report con-
23 taining the recommendations developed under
24 subparagraph (A) and an identification of any
25 changes in existing law or new statutory au-

1 thority necessary to implement the rec-
2 ommendations, as determined by the Secretary.

3 (C) CONSULTATION WITH SECRETARY OF
4 LABOR.—In carrying out this paragraph, the
5 Secretary of Veterans Affairs shall consult with
6 the Secretary of Labor.

7 (3) FEEDBACK AND RECOMMENDATIONS ON
8 CAREGIVER SUPPORT.—

9 (A) FEEDBACK AND RECOMMENDA-
10 TIONS.—The Secretary of Veterans Affairs shall
11 solicit from the entities described in subpara-
12 graph (B) feedback and recommendations re-
13 garding opportunities for the Secretary to en-
14 hance home- and community-based services for
15 veterans and the caregivers of veterans, includ-
16 ing through the potential provision by the entity
17 of care and respite services to veterans and
18 caregivers who may not be eligible for any pro-
19 gram under section 1720G of title 38, United
20 States Code, or section 1720K of such title (as
21 added by section 4), but have a need for assist-
22 ance.

23 (B) COVERED ENTITIES.—The entities de-
24 scribed in this subparagraph are veterans serv-
25 ice organizations and nonprofit organizations

1 with a focus on caregiver support (as deter-
2 mined by the Secretary).

3 (4) COLLABORATION FOR NATIVE AMERICAN
4 VETERANS.—The Secretary of Veterans Affairs shall
5 collaborate with the Director of the Indian Health
6 Service and representatives from tribal health pro-
7 grams and Urban Indian organizations to ensure the
8 availability of home- and community-based services
9 for Native American veterans, including Native
10 American veterans receiving health care and medical
11 services under multiple health care systems.

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

13 The loan fee table in section 3729(b)(2) of title 38,
14 United States Code, is amended by striking “November
15 15, 2031” each place it appears and inserting “February
16 4, 2032”.

17 **SEC. 10. DEFINITIONS.**

18 In this Act:

19 (1) The terms “caregiver” and “family care-
20 giver” have the meanings given those terms under
21 section 1720K(h) of title 38, United States Code (as
22 added by section 4).

23 (2) The term “covered program”—

1 (A) means any program of the Department
2 of Veterans Affairs for home- and community-
3 based services; and

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

7 (3) The term “home- and community-based
8 services”—

9 (A) means the services referred to in sec-
10 tion 1701(6)(E) of title 38, United States Code;
11 and

12 (B) includes services furnished under a
13 program specified in section 1720K of such title
14 (as added by section 4).

15 (4) The terms “Home-Based Primary Care pro-
16 gram”, “Homemaker and Home Health Aide pro-
17 gram”, and “Veteran-Directed Care program” mean
18 the programs of the Department of Veterans Affairs
19 specified in subsection (d), (c), and (b) of such sec-
20 tion 1720K, respectively.

21 (5) The terms “home health aide”, “Native
22 American”, “Native American veteran”, “tribal
23 health programs”, and “Urban Indian organiza-
24 tions” have the meanings given those terms in sub-
25 section (h) of such section 1720K.

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

4 (7) The term “veterans service organization”
5 means any organization recognized by the Secretary
6 under section 5902 of such title.

 Passed the House of Representatives December 5,
2023.

Attest:

Clerk.

118TH CONGRESS
1ST SESSION

H. R. 542

AN ACT

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.