

**Calendar No. 188**112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**S. 914****[Report No. 112-88]**

To amend title 38, United States Code, to authorize the waiver of the collection of copayments for telehealth and telemedicine visits of veterans, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

MAY 9, 2011

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

OCTOBER 11, 2011

Reported by Mrs. MURRAY, with an amendment

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

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**A BILL**

To amend title 38, United States Code, to authorize the waiver of the collection of copayments for telehealth and telemedicine visits of 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. AUTHORITY TO WAIVE COLLECTION OF COPAY-**  
 2 **MENTS FOR TELEHEALTH AND TELEMEDI-**  
 3 **CINE VISITS OF VETERANS.**

4 (a) **IN GENERAL.**—Subchapter III of chapter 17 of  
 5 title 38, United States Code, is amended by inserting after  
 6 section 1722A the following new section:

7 **“§ 1722B. Copayments: waiver of collection of copay-**  
 8 **ments for telehealth and telemedicine**  
 9 **visits of veterans**

10 “The Secretary may waive the imposition or collec-  
 11 tion of copayments for telehealth and telemedicine visits  
 12 of veterans under the laws administered by the Sec-  
 13 retary.”.

14 (b) **CLERICAL AMENDMENT.**—The table of sections  
 15 at the beginning of chapter 17 of such title is amended  
 16 by inserting after the item relating to section 1722A the  
 17 following new item:

“1722B. Copayments: waiver of collection of copayments for telehealth and tele-  
 medicine visits of veterans.”.

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

19 (a) **SHORT TITLE.**—*This Act may be cited as the “Vet-*  
 20 *erans Programs Improvement Act of 2011”.*

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

*Sec. 1. Short title; table of contents.*

*Sec. 2. References to title 38, United States Code.*

*TITLE I—HEALTH CARE MATTERS*

- Sec. 101. Authority to waive collection of copayments for telehealth and telemedicine visits of veterans.*
- Sec. 102. Teleconsultation, teleretinal imaging, and telemedicine.*
- Sec. 103. Payments and allowances for beneficiary travel in connection with veterans receiving care from Vet Centers.*
- Sec. 104. Use of service dogs on property of the Department of Veterans Affairs.*
- Sec. 105. Rehabilitative services for veterans with traumatic brain injury.*
- Sec. 106. Centers of excellence for rural health research, education, and clinical activities.*
- Sec. 107. Provision of chiropractic services to veterans enrolled in health care system of Department of Veterans Affairs.*
- Sec. 108. Reimbursement rate for ambulance services.*
- Sec. 109. Increased flexibility in establishing payment rates for nursing home care provided by State homes.*
- Sec. 110. Access to State prescription monitoring programs.*
- Sec. 111. Improvements for recovery and collection of amounts for Department of Veterans Affairs Medical Care Collections Fund.*

*TITLE II—HOMELESS VETERANS MATTERS*

- Sec. 201. Enhancement of comprehensive service programs.*
- Sec. 202. Modification of grant program for homeless veterans with special needs.*
- Sec. 203. Modification of authority for provision of treatment and rehabilitation to certain veterans to include provision of treatment and rehabilitation to homeless veterans who are not seriously mentally ill.*
- Sec. 204. Plan to end veteran homelessness.*
- Sec. 205. Extension of certain authorities relating to homeless veterans.*
- Sec. 206. Reauthorization of appropriations for homeless veterans reintegration program.*
- Sec. 207. Reauthorization of appropriations for financial assistance for supportive services for very low-income veteran families in permanent housing.*
- Sec. 208. Reauthorization of appropriations for grant program for homeless veterans with special needs.*
- Sec. 209. Collaboration in provision of case management services to homeless veterans in supported housing program.*

*TITLE III—HOUSING MATTERS*

- Sec. 301. Short title.*
- Sec. 302. Extended period of protections for members of uniformed services relating to mortgages, mortgage foreclosure, and eviction.*
- Sec. 303. Occupancy of property by dependent child of veteran for purposes of meeting occupancy requirement for Department of Veterans Affairs housing loans.*
- Sec. 304. Waiver of loan fee for individuals with disability ratings issued during pre-discharge programs.*
- Sec. 305. Improvements to assistance for disabled veterans residing in housing owned by a family member.*
- Sec. 306. Expansion of eligibility for specially adapted housing assistance for veterans with vision impairment.*
- Sec. 307. Revised limitations on assistance furnished for acquisition and adaptation of housing for disabled veterans.*

*TITLE IV—COMPENSATION AND PENSION MATTERS*

- Sec. 401. Increase in rate of pension for disabled veterans married to one another and both of whom require regular aid and attendance.*
- Sec. 402. Authority for retroactive effective date for awards of disability compensation in connection with applications that are fully-developed at submittal.*
- Sec. 403. Modification of month of death benefit for surviving spouses of veterans who die while entitled to compensation or pension.*
- Sec. 404. Automatic waiver of agency of original jurisdiction review of new evidence.*

*TITLE V—MEMORIAL, BURIAL, AND CEMETERY MATTERS*

- Sec. 501. Prohibition on disruptions of funerals of members or former members of the Armed Forces.*
- Sec. 502. Codification of prohibition against reservation of gravesites at Arlington National Cemetery.*
- Sec. 503. Expansion of eligibility for presidential memorial certificates to persons who died in the active military, naval, or air service.*

*TITLE VI—CONSTRUCTION MATTERS*

- Sec. 601. Authorization of fiscal year 2012 major medical facility projects.*
- Sec. 602. Modification of authorization for certain major medical facility construction projects previously authorized.*
- Sec. 603. Authorization of fiscal year 2012 major medical facility leases.*
- Sec. 604. Authorization of appropriations.*
- Sec. 605. Limitation on authority of Secretary of Veterans Affairs to use bid savings on major medical facility projects to expand purpose of major medical facility projects.*
- Sec. 606. Designation of George H. O'Brien, Jr., Department of Veterans Affairs Medical Center.*
- Sec. 607. Designation of Major William Edward Adams Department of Veterans Affairs Clinic.*

*TITLE VII—OTHER ADMINISTRATIVE AND BENEFITS MATTERS*

- Sec. 701. Assistance to veterans affected by natural disasters.*
- Sec. 702. Aggregate amount of educational assistance available to individuals who receive both survivors' and dependents educational assistance and other veterans and related educational assistance.*
- Sec. 703. Department of Veterans Affairs enforcement penalties for misrepresentation of a business concern as a small business concern owned and controlled by veterans or as a small business concern owned and controlled by service-disabled veterans.*
- Sec. 704. Authority for certain persons to sign claims filed with Secretary of Veterans Affairs on behalf of claimants.*
- Sec. 705. Improvement of process for filing jointly for social security and dependency and indemnity compensation.*
- Sec. 706. Parity between part-time and full-time students under employee incentive scholarship program.*
- Sec. 707. Report on pay-for-performance compensation under health care services contracts.*
- Sec. 708. Extension of authority to obtain information from Secretary of Treasury and Commissioner of Social Security for income verification purposes.*

*Sec. 709. Extension of authority for regional office of Department of Veterans Affairs in Republic of the Philippines.*

*Sec. 710. Report on establishment of a Polytrauma Rehabilitation Center or Polytrauma Network Site of the Department of Veterans Affairs in the northern Rockies or Dakotas.*

*Sec. 711. Modification of loan guaranty fee for certain initial loans.*

1 **SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

2 *Except as otherwise expressly provided, whenever in*  
 3 *this Act an amendment or repeal is expressed in terms of*  
 4 *an amendment to, or repeal of, a section or other provision,*  
 5 *the reference shall be considered to be made to a section or*  
 6 *other provision of title 38, United States Code.*

7 **TITLE I—HEALTH CARE**  
 8 **MATTERS**

9 **SEC. 101. AUTHORITY TO WAIVE COLLECTION OF COPAY-**  
 10 **MENTS FOR TELEHEALTH AND TELEMEDI-**  
 11 **CINE VISITS OF VETERANS.**

12 *(a) IN GENERAL.—Subchapter III of chapter 17 is*  
 13 *amended by inserting after section 1722A the following new*  
 14 *section:*

15 **“§ 1722B. Copayments: waiver of collection of copay-**  
 16 **ments for telehealth and telemedicine vis-**  
 17 **its of veterans**

18 *“The Secretary may waive the imposition or collection*  
 19 *of copayments for telehealth and telemedicine visits of vet-*  
 20 *erans under the laws administered by the Secretary.”.*

1       (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
 2 *the beginning of such chapter is amended by inserting after*  
 3 *the item relating to section 1722A the following new item:*

*“1722B. Copayments: waiver of collection of copayments for telehealth and tele-  
 medicine visits of veterans.”.*

4   **SEC. 102. TELECONSULTATION, TELERETINAL IMAGING,**  
 5                                   **AND TELEMEDICINE.**

6       (a) *TELECONSULTATION.*—

7               (1) *IN GENERAL.*—*Subchapter I of chapter 17 is*  
 8 *amended by adding at the end the following new sec-*  
 9 *tion:*

10   **“§ 1709. Teleconsultation**

11       “(a) *TELECONSULTATION.*—(1) *The Secretary shall*  
 12 *carry out a program of teleconsultation for the provision*  
 13 *of remote mental health and traumatic brain injury assess-*  
 14 *ments in facilities of the Department that are not otherwise*  
 15 *able to provide such assessments without contracting with*  
 16 *third party providers or reimbursing providers through a*  
 17 *fee basis system.*

18       “(2) *The Secretary shall, in consultation with appro-*  
 19 *priate professional societies, promulgate technical and clin-*  
 20 *ical care standards for the use of teleconsultation services*  
 21 *within facilities of the Department.*

22       “(b) *TELECONSULTATION DEFINED.*—*In this section,*  
 23 *the term ‘teleconsultation’ means the use by a health care*

1 *specialist of telecommunications to assist another health*  
 2 *care provider in rendering a diagnosis or treatment.”.*

3 (2) *CLERICAL AMENDMENT.*—*The table of sec-*  
 4 *tions at the beginning of such chapter 17 is amended*  
 5 *by inserting after the item related to section 1708 the*  
 6 *following new item:*

*“1709. Teleconsultation.”.*

7 (b) *TRAINING IN TELEMEDICINE.*—*The Secretary of*  
 8 *Veterans Affairs shall offer medical residents opportunities*  
 9 *in training in telemedicine to the extent such facilities offer-*  
 10 *ing residency programs have and utilize telemedicine and*  
 11 *shall make such opportunities available consistent with*  
 12 *standards established by the Accreditation Council for*  
 13 *Graduate Medical Education for medical residency pro-*  
 14 *grams.*

15 (c) *ENHANCEMENT OF VERA.*—

16 (1) *INCENTIVES FOR PROVISION OF TELECON-*  
 17 *SULTATION, TELERETINAL IMAGING, TELEMEDICINE,*  
 18 *AND TELEHEALTH SERVICES.*—

19 (A) *IN GENERAL.*—*The Secretary of Vet-*  
 20 *erans Affairs shall modify the Veterans Equitable*  
 21 *Resource Allocation (VERA) system to include*  
 22 *teleconsultation, teleretinal imaging, telemedi-*  
 23 *cine, and telehealth coordination services.*

24 (B) *ASSESSMENT.*—*Not later than one year*  
 25 *after the date on which the Secretary modifies*

1           *the Veterans Equitable Resource Allocation sys-*  
2           *tem as required by subparagraph (A), the Sec-*  
3           *retary shall assess—*

4                   *(i) the effect of such modification on*  
5                   *the utilization of teleconsultation, teleretinal*  
6                   *imaging, telemedicine, and telehealth co-*  
7                   *ordination services; and*

8                   *(ii) whether additional incentives are*  
9                   *required to promote the utilization of such*  
10                  *services throughout the Department of Vet-*  
11                  *erans Affairs.*

12           (2) *INCLUSION OF TELEMEDICINE VISITS IN*  
13           *WORKLOAD REPORTING.—The Secretary shall modify*  
14           *the Veterans Equitable Resource Allocation system to*  
15           *require the inclusion of all telemedicine visits in the*  
16           *calculation of facility workload.*

17           (d) *DEFINITIONS.—In this section:*

18                   (1) *TELECONSULTATION.—The term “telecon-*  
19                   *sultation” has the meaning given such term in section*  
20                   *1709 of title 38, United States Code, as added by sub-*  
21                   *section (a).*

22                   (2) *TELEHEALTH.—The term “telehealth” means*  
23                   *the use of telecommunications to collect patient data*  
24                   *remotely and send data to a monitoring station for*  
25                   *interpretation.*



1           (3) *TELEMEDICINE.*—The term “telemedicine”  
 2           means the use by a health care provider of tele-  
 3           communications to assist in the diagnosis or treat-  
 4           ment of a patient’s medical condition.

5           (4) *TELERETINAL IMAGING.*—The term “teletret-  
 6           inal imaging” means the use by a health care spe-  
 7           cialist of telecommunications, digital retinal imaging,  
 8           and remote image interpretation to provide eye care.

9   **SEC. 103. PAYMENTS AND ALLOWANCES FOR BENEFICIARY**  
 10                                   **TRAVEL IN CONNECTION WITH VETERANS RE-**  
 11                                   **CEIVING CARE FROM VET CENTERS.**

12           (a) *CLARIFICATION OF EXISTING AUTHORITY.*—The  
 13           Secretary of Veterans Affairs may pay the actual necessary  
 14           expense of travel or an allowance for travel to or from a  
 15           Vet Center under section 111(a) of title 38, United States  
 16           Code.

17           (b) *REPORT.*—

18           (1) *IN GENERAL.*—Not later than one year after  
 19           the date of the enactment of this Act, the Secretary  
 20           shall submit to Congress a report on the feasibility  
 21           and advisability of paying the actual necessary ex-  
 22           penses of travel or allowances for travel to or from Vet  
 23           Centers under such section.

24           (2) *ELEMENTS.*—The report required by para-  
 25           graph (1) shall include the following:

1           (A) *A description of the veterans who ben-*  
2           *efit from payment as described in subsection (a).*

3           (B) *A description of any impediments to*  
4           *the Secretary in paying such expenses or allow-*  
5           *ances.*

6           (C) *A description of any impediments en-*  
7           *countered by veterans in receiving such pay-*  
8           *ments.*

9           (D) *An assessment of the feasibility and ad-*  
10          *visability of paying such expenses or allowances.*

11          (E) *Such recommendations for legislative or*  
12          *administrative action as the Secretary considers*  
13          *appropriate with respect to the payment of such*  
14          *expenses or allowances.*

15          (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
16          *authorized to be appropriated to the Secretary such sums*  
17          *as may be necessary to pay expenses and allowances as de-*  
18          *scribed in subsection (a) during the one-year period begin-*  
19          *ning on the date of the enactment of this Act.*

20          (d) *VET CENTER DEFINED.—In this section, the term*  
21          *“Vet Center” means a center for readjustment counseling*  
22          *and related mental health services for veterans under section*  
23          *1712A of such title.*

1 **SEC. 104. USE OF SERVICE DOGS ON PROPERTY OF THE DE-**  
2 **PARTMENT OF VETERANS AFFAIRS.**

3 *Section 1714 is amended by adding at the end the fol-*  
4 *lowing new subsection:*

5 *“(e)(1) Subject to paragraph (3), the Secretary shall*  
6 *admit service animals described in paragraph (2) to any*  
7 *building or property of the Department on the same terms*  
8 *and conditions, and subject to the same regulations, as oth-*  
9 *erwise generally govern the admission of the public to such*  
10 *buildings or properties.*

11 *“(2) The service animals described in this paragraph*  
12 *are service dogs provided under subsection (c) and other*  
13 *guide dogs or service animals that accompany individuals*  
14 *with disabilities and that are especially trained and edu-*  
15 *cated to accompany such individuals.*

16 *“(3) The Secretary may prohibit service animals de-*  
17 *scribed in paragraph (2) from running free in or roaming*  
18 *buildings or properties described in paragraph (1) and may*  
19 *require such service animals to adorn guiding harnesses or*  
20 *leashes and be under the control of an individual at all*  
21 *times while in such buildings or on such properties.”.*

22 **SEC. 105. REHABILITATIVE SERVICES FOR VETERANS WITH**  
23 **TRAUMATIC BRAIN INJURY.**

24 *(a) REHABILITATION SERVICES IN PLANS FOR REHA-*  
25 *BILITATION AND REINTEGRATION.—Section 1710C is*  
26 *amended—*

1           (1) in subsection (a)(1), by inserting before the  
2           semicolon the following: “with the goal of maximizing  
3           the individual’s independence”;

4           (2) in subsection (b)—

5                 (A) in paragraph (1)—

6                     (i) by inserting “(and sustaining im-  
7                     provement in)” after “improving”; and

8                     (ii) by inserting “behavioral,” after  
9                     “cognitive,”;

10                (B) in paragraph (2), by inserting “reha-  
11                bilitative services and” before “rehabilitative  
12                components”; and

13                (C) in paragraph (3)—

14                     (i) by striking “treatments” the first  
15                     place it appears and inserting “services”;  
16                     and

17                     (ii) by striking “treatments and” the  
18                     second place it appears; and

19           (3) by adding at the end the following new sub-  
20           section:

21           “(h) *REHABILITATIVE SERVICES DEFINED.*—For pur-  
22           poses of this section, and sections 1710D and 1710E of this  
23           title, the term ‘rehabilitative services’ includes—

24                     “(1) rehabilitative services, as such term is de-  
25                     fined in section 1701 of this title;

1           “(2) *treatment and services (which may be of on-*  
2           *going duration) to sustain, and prevent loss of, func-*  
3           *tional gains that have been achieved; and*

4           “(3) *any other rehabilitative services or supports*  
5           *that may contribute to maximizing an individual’s*  
6           *independence.”.*

7           **(b) REHABILITATION SERVICES IN COMPREHENSIVE**  
8           **PROGRAM FOR LONG-TERM REHABILITATION.**—Section  
9           1710D(a) is amended—

10           (1) by inserting “*and rehabilitative services (as*  
11           *defined in section 1710C of this title)*” after “*long-*  
12           *term care*”; and

13           (2) by striking “*treatment*”.

14           **(c) REHABILITATION SERVICES IN AUTHORITY FOR**  
15           **COOPERATIVE AGREEMENTS FOR USE OF NON-DEPART-**  
16           **MENT FACILITIES FOR REHABILITATION.**—Section  
17           1710E(a) is amended by inserting “, *including rehabilita-*  
18           *tive services (as defined in section 1710C of this title),*”  
19           after “*medical services*”.

20           **(d) TECHNICAL AMENDMENT.**—Section  
21           1710C(c)(2)(S) is amended by striking “*opthamologist*”  
22           and inserting “*ophthalmologist*”.

1 **SEC. 106. CENTERS OF EXCELLENCE FOR RURAL HEALTH**  
2 **RESEARCH, EDUCATION, AND CLINICAL AC-**  
3 **TIVITIES.**

4 (a) *CENTERS OF EXCELLENCE.*—

5 (1) *IN GENERAL.*—Subchapter II of chapter 73 is  
6 amended by adding at the end the following new sec-  
7 tion:

8 **“SEC. 7330B. CENTERS OF EXCELLENCE FOR RURAL**  
9 **HEALTH RESEARCH, EDUCATION, AND CLIN-**  
10 **ICAL ACTIVITIES.**

11 “(a) *ESTABLISHMENT.*—The Secretary shall, through  
12 the Director of the Office of Rural Health, establish and  
13 operate centers of excellence for rural health research, edu-  
14 cation, and clinical activities.

15 “(b) *ACTIVITIES.*—Each center established and oper-  
16 ated under subsection (a) shall carry out one or more of  
17 the following:

18 “(1) *Collaboration with the Office of Research*  
19 *and Development of the Veterans Health Administra-*  
20 *tion on research relating to the furnishing of health*  
21 *services in rural areas.*

22 “(2) *Development of specific models to be used by*  
23 *the Department in furnishing health services to vet-*  
24 *erans in rural areas.*

25 “(3) *Provision of education and training for*  
26 *health care professionals of the Department on the*

1       *furnishing of health services to veterans in rural*  
 2       *areas.*

3               “(4) *Development and implementation of inno-*  
 4       *vative clinical activities and systems of care for the*  
 5       *Department for the furnishing of health services to*  
 6       *veterans in rural areas.*

7               “(c) *DESIGNATION.—The Secretary may designate a*  
 8       *rural health resource of the Office of Rural Health as a cen-*  
 9       *ter of excellence for purposes of this section, including a*  
 10       *rural health resource center described in section 7308(d) of*  
 11       *this title, if such resource or center engages in one or more*  
 12       *of the activities described in subsection (b).*

13               “(d) *FUNDING.—Activities of clinical and scientific in-*  
 14       *vestigation at each center operated under this section shall*  
 15       *be eligible to compete for the award of funding from funds*  
 16       *appropriated for the Medical and Prosthetics Research Ac-*  
 17       *count.”.*

18               “(2) *CLERICAL AMENDMENT.—The table of sec-*  
 19       *tions at the beginning of such chapter is amended by*  
 20       *inserting after the item relating to section 7330A the*  
 21       *following new item:*

*“7330B. Centers of excellence for rural health research, education, and clinical ac-*  
*tivities.”.*

22               “(b) *RECOGNITION OF RURAL HEALTH RESOURCE*  
 23       *CENTERS IN OFFICE OF RURAL HEALTH.—Section 7308 is*  
 24       *amended by adding at the end the following new subsection:*

1       “(d) *RURAL HEALTH RESOURCE CENTERS.—(1)*  
2 *There are in the Office veterans rural health resource centers*  
3 *that serve as satellite offices for the Office.*

4       “(2) *The veterans rural health resource centers have*  
5 *purposes as follows:*

6           “(A) *To improve the understanding of the Office*  
7 *of the challenges faced by veterans living in rural*  
8 *areas.*

9           “(B) *To identify disparities in the availability*  
10 *of health care to veterans living in rural areas.*

11           “(C) *To formulate practices or programs to en-*  
12 *hance the delivery of health care to veterans living in*  
13 *rural areas.*

14           “(D) *To develop special practices and products*  
15 *for the benefit of veterans living in rural areas and*  
16 *for implementation of such practices and products in*  
17 *the Department systemwide.”.*

18       “(e) *DESIGNATION OF DEPARTMENT OF VETERANS AF-*  
19 *FAIRS MEDICAL CENTER IN FARGO, NORTH DAKOTA, AS*  
20 *A CENTER OF EXCELLENCE FOR RURAL HEALTH RE-*  
21 *SEARCH, EDUCATION, AND CLINICAL ACTIVITIES.—In con-*  
22 *sideration of ongoing initiatives through the Office of Rural*  
23 *Health located at the University of North Dakota and the*  
24 *Department of Veterans Affairs medical center in Fargo,*  
25 *North Dakota, such medical center shall be designated*



1 *under section 7330B(c) of title 38, United States Code, as*  
 2 *added by subsection (a), as a center of excellence for rural*  
 3 *health research, education, and clinical activities.*

4 **SEC. 107. PROVISION OF CHIROPRACTIC SERVICES TO VET-**  
 5 **ERANS ENROLLED IN HEALTH CARE SYSTEM**  
 6 **OF DEPARTMENT OF VETERANS AFFAIRS.**

7 *(a) COMPREHENSIVE POLICY ON CHIROPRACTIC SERV-*  
 8 *ICES.—*

9 *(1) IN GENERAL.—Not later than June 1, 2012,*  
 10 *the Secretary of Veterans Affairs shall develop and*  
 11 *implement a comprehensive policy on the provision of*  
 12 *chiropractic services provided at the expense of the*  
 13 *Department of Veterans Affairs to veterans enrolled in*  
 14 *the health care system of the Department.*

15 *(2) SCOPE OF POLICY.—The policy required by*  
 16 *paragraph (1) shall cover each of the following:*

17 *(A) The Department-wide protocols gov-*  
 18 *erning referrals for chiropractic services.*

19 *(B) The Department-wide protocols gov-*  
 20 *erning direct access to chiropractic services.*

21 *(C) The Department-wide protocols gov-*  
 22 *erning the scope of practice of chiropractic prac-*  
 23 *titioners.*

24 *(D) The definition of chiropractic services*  
 25 *to be provided.*

1           (E) *The assurance of prompt and appro-*  
2           *priate chiropractic services by the Department,*  
3           *system-wide, when medically appropriate.*

4           (F) *Department programs of education and*  
5           *training for health care personnel of the Depart-*  
6           *ment regarding the benefits of chiropractic serv-*  
7           *ices.*

8           (G) *Department programs of patient edu-*  
9           *cation for veterans suffering from back pain and*  
10          *related disorders.*

11          (3) *UPDATES.—The Secretary shall revise the*  
12          *policy required by paragraph (1) on a periodic basis*  
13          *in accordance with experience and evolving best prac-*  
14          *tice guidelines.*

15          (4) *CONSULTATION.—The Secretary shall develop*  
16          *the policy required by paragraph (1), and revise such*  
17          *policy under paragraph (3), in consultation with vet-*  
18          *erans service organizations and other organizations*  
19          *with expertise regarding the benefits of chiropractic*  
20          *services.*

21          (b) *LOCATIONS FOR PROVISION OF CHIROPRACTIC*  
22          *SERVICES.—In carrying out the policy required by sub-*  
23          *section (a), the Secretary shall provide chiropractic services*  
24          *at—*

1           (1) *not less than two locations in each Veterans*  
2 *Integrated Service Network (VISN); and*

3           (2) *such locations as the Secretary considers ap-*  
4 *propriate based on the Secretary's assessment of de-*  
5 *mand for chiropractic services provided by the De-*  
6 *partment, including consideration of the following:*

7                   (A) *The average time a veteran seeking*  
8 *chiropractic services from the Department is re-*  
9 *quired to wait for such services.*

10                   (B) *Rates of fee-based care.*

11                   (C) *Such other considerations as the Sec-*  
12 *retary considers appropriate.*

13           (c) *ANNUAL REPORT.—*

14                   (1) *IN GENERAL.—Not later than 180 days after*  
15 *the date of the completion and initial implementation*  
16 *of the policy required by subsection (a)(1) and on Oc-*  
17 *tober 1 of every fiscal year thereafter through fiscal*  
18 *year 2020, the Secretary shall submit to the Com-*  
19 *mittee on Veterans' Affairs of the Senate and the*  
20 *Committee on Veterans' Affairs of the House of Rep-*  
21 *resentatives a report on the implementation of the*  
22 *policy required by subsection (a)(1).*

23                   (2) *ELEMENTS.—The report required by para-*  
24 *graph (1) shall include the following:*

1           (A) *A description of the policy developed*  
2 *and implemented under paragraph (1) of sub-*  
3 *section (a) and any revisions to such policy*  
4 *under paragraph (3) of such subsection.*

5           (B) *A description of the performance meas-*  
6 *ures used to determine the effectiveness of such*  
7 *policy in improving the availability of chiro-*  
8 *practic services for veterans system-wide.*

9           (C) *An assessment of the adequacy of De-*  
10 *partment chiropractic services based on a survey*  
11 *of patients managed in Department clinics.*

12           (D) *An assessment of the training provided*  
13 *to Department health care personnel with respect*  
14 *to the benefits of chiropractic services and the*  
15 *appropriate referral of patients for chiropractic*  
16 *services.*

17           (E) *An assessment of the patient pain care*  
18 *education programs of the Department.*

19           (F) *The number of episodes of chiropractic*  
20 *services (including referrals for chiropractic serv-*  
21 *ices to non-Department providers) granted in the*  
22 *preceding fiscal year, disaggregated by facility.*

23           (d) *VETERANS SERVICE ORGANIZATION DEFINED.—In*  
24 *this section, the term “veterans service organization” means*  
25 *any organization recognized by the Secretary for the rep-*

1 *resentation of veterans under section 5902 of title 38,*  
 2 *United States Code.*

3 **SEC. 108. REIMBURSEMENT RATE FOR AMBULANCE SERV-**  
 4 **ICES.**

5 *Section 111(b)(3) is amended by adding at the end the*  
 6 *following new subparagraph:*

7 *“(C) In the case of transportation of a person under*  
 8 *subparagraph (B) by ambulance, the Secretary may pay*  
 9 *the provider of the transportation the lesser of the actual*  
 10 *charge for the transportation or the amount determined by*  
 11 *the fee schedule established under section 1834(l) of the So-*  
 12 *cial Security Act (42 U.S.C. 1395m(l)) unless the Secretary*  
 13 *has entered into a contract for that transportation with the*  
 14 *provider.”.*

15 **SEC. 109. INCREASED FLEXIBILITY IN ESTABLISHING PAY-**  
 16 **MENT RATES FOR NURSING HOME CARE PRO-**  
 17 **VIDED BY STATE HOMES.**

18 *(a) IN GENERAL.—Section 1745(a) is amended—*

19 *(1) in paragraph (1), by striking “The Secretary*  
 20 *shall pay each State home for nursing home care at*  
 21 *the rate determined under paragraph (2)” and insert-*  
 22 *ing “The Secretary shall enter into a contract (or*  
 23 *agreement under section 1720(c)(1) of this title) with*  
 24 *each State home for payment by the Secretary for*  
 25 *nursing home care provided in the home”; and*

1           (2) by striking paragraph (2) and inserting the  
2           following new paragraph (2):

3           “(2) *Payment under each contract (or agreement) be-*  
4 *tween the Secretary and a State home under paragraph (1)*  
5 *shall be based on a methodology, developed by the Secretary*  
6 *in consultation with the State home, to adequately reim-*  
7 *burse the State home for the care provided by the State*  
8 *home under the contract (or agreement).”.*

9           (b) *EFFECTIVE DATE.*—*The amendment made by sub-*  
10 *section (a) shall apply to care provided on or after January*  
11 *1, 2012.*

12 **SEC. 110. ACCESS TO STATE PRESCRIPTION MONITORING**  
13 **PROGRAMS.**

14           (a) *EXCEPTION WITH RESPECT TO CONFIDENTIAL NA-*  
15 *TURE OF CLAIMS.*—*Section 5701 is amended by adding at*  
16 *the end the following new subsection:*

17           “(l) *Under regulations the Secretary shall prescribe,*  
18 *the Secretary may disclose information about a veteran or*  
19 *the dependent of a veteran to a State controlled substance*  
20 *monitoring program, including a program approved by the*  
21 *Secretary of Health and Human Services under section*  
22 *3990 of the Public Health Service Act (42 U.S.C. 280g-*  
23 *3), to the extent necessary to prevent misuse and diversion*  
24 *of prescription medicines.”.*

1       **(b) EXCEPTION WITH RESPECT TO CONFIDENTIALITY**  
 2 **OF CERTAIN MEDICAL RECORDS.**—Section 7332(b)(2) is  
 3 amended by adding at the end the following new subpara-  
 4 graph:

5               “(G) To a State controlled substance monitoring  
 6 program, including a program approved by the Sec-  
 7 retary of Health and Human Services under section  
 8 3990 of the Public Health Service Act (42 U.S.C.  
 9 280g-3), to the extent necessary to prevent misuse  
 10 and diversion of prescription medicines.”.

11 **SEC. 111. IMPROVEMENTS FOR RECOVERY AND COLLEC-**  
 12 **TION OF AMOUNTS FOR DEPARTMENT OF**  
 13 **VETERANS AFFAIRS MEDICAL CARE COLLEC-**  
 14 **TIONS FUND.**

15       **(a) DEVELOPMENT AND IMPLEMENTATION OF PLAN**  
 16 **FOR RECOVERY AND COLLECTION.**—

17               **(1) IN GENERAL.**—Not later than 180 days after  
 18 the date of the enactment of this Act, the Secretary of  
 19 Veterans Affairs shall develop and implement a plan  
 20 to ensure the recovery and collection of amounts  
 21 under the provisions of law described in section  
 22 1729A(b) of title 38, United States Code, for deposit  
 23 in the Department of Veterans Affairs Medical Care  
 24 Collections Fund.

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

3                   (A) *An effective process to identify billable*  
4 *fee claims.*

5                   (B) *Effective and practicable policies and*  
6 *procedures that ensure recovery and collection of*  
7 *amounts described in section 1729A(b) of such*  
8 *title.*

9                   (C) *The training of employees of the De-*  
10 *partment, on or before December 1, 2011, who*  
11 *are responsible for the recovery or collection of*  
12 *such amounts to enable such employees to comply*  
13 *with the process required by subparagraph (A)*  
14 *and the policies and procedures required by sub-*  
15 *paragraph (B).*

16                   (D) *Fee revenue goals for the Department.*

17                   (E) *An effective monitoring system to en-*  
18 *sure achievement of goals described in subpara-*  
19 *graph (D) and compliance with the policies and*  
20 *procedures described in subparagraph (B).*

21           (b) *MONITORING OF THIRD PARTY COLLECTIONS.*—

22 *The Secretary shall monitor the recovery and collection of*  
23 *amounts from third parties (as defined in section 1729(i)*  
24 *of such title) for deposit in such fund.*



1 **TITLE II—HOMELESS VETERANS**  
2 **MATTERS**

3 **SEC. 201. ENHANCEMENT OF COMPREHENSIVE SERVICE**  
4 **PROGRAMS.**

5 (a) *ENHANCEMENT OF GRANTS.*—Section 2011 is  
6 amended—

7 (1) in subsection (b)(1)(A), by striking “*expansion,*  
8 *remodeling, or alteration of existing buildings,*  
9 *or acquisition of facilities,*” and inserting “*new construction of facilities, expansion, remodeling, or alteration of existing facilities, or acquisition of facilities*”; and

13 (2) in subsection (c)—

14 (A) in the first sentence, by striking “*A*  
15 *grant*” and inserting “(1) *A grant*”;

16 (B) in the second sentence of paragraph (1),  
17 as designated by subparagraph (A), by striking  
18 “*The amount*” and inserting the following:

19 “(2) *The amount*”; and

20 (C) by adding at the end the following new  
21 paragraph:

22 “(3)(A) *The Secretary may not deny an application*  
23 *from an entity that seeks a grant under this section to carry*  
24 *out a project described in subsection (b)(1)(A) solely on the*  
25 *basis that the entity proposes to use funding from other pri-*

1 *vate or public sources, if the entity demonstrates that a pri-*  
2 *vate nonprofit organization will provide oversight and site*  
3 *control for the project.*

4 “(B) *In this paragraph, the term ‘private nonprofit*  
5 *organization’ means the following:*

6 “(i) *An incorporated private institution, organi-*  
7 *zation, or foundation—*

8 “(I) *that has received, or has temporary*  
9 *clearance to receive, tax-exempt status under*  
10 *paragraph (2), (3), or (19) of section 501(c) of*  
11 *the Internal Revenue Code of 1986;*

12 “(II) *for which no part of the net earnings*  
13 *of the institution, organization, or foundation*  
14 *inures to the benefit of any member, founder, or*  
15 *contributor of the institution, organization, or*  
16 *foundation; and*

17 “(III) *that the Secretary determines is fi-*  
18 *nancially responsible.*

19 “(ii) *A for-profit limited partnership or limited*  
20 *liability company, the sole general partner or man-*  
21 *ager of which is an organization that is described by*  
22 *subclauses (I) through (III) of clause (i).*

23 “(iii) *A corporation wholly owned and controlled*  
24 *by an organization that is described by subclauses (I)*  
25 *through (III) of clause (i).”*

1       **(b) GRANT AND PER DIEM PAYMENTS.**—

2               **(1) STUDY AND DEVELOPMENT OF FISCAL CON-**  
3       **TROLS AND PAYMENT METHOD.**—*Not later than one*  
4       *year after the date of the enactment of this Act, the*  
5       *Secretary of Veterans Affairs shall—*

6               **(A)** *complete a study of all matters relating*  
7               *to the method used by the Secretary to make per*  
8               *diem payments under section 2012(a) of title 38,*  
9               *United States Code, including changes antici-*  
10              *pated by the Secretary in the cost of furnishing*  
11              *services to homeless veterans and accounting for*  
12              *costs of providing such services in various geo-*  
13              *graphic areas;*

14              **(B)** *develop more effective and efficient pro-*  
15              *cedures for fiscal control and fund accounting by*  
16              *recipients of grants under sections 2011, 2012,*  
17              *and 2061 of such title; and*

18              **(C)** *develop a more effective and efficient*  
19              *method for adequately reimbursing recipients of*  
20              *grants under section 2011 of such title for serv-*  
21              *ices furnished to homeless veterans.*

22              **(2) CONSIDERATION.**—*In developing the method*  
23              *required by paragraph (1)(C), the Secretary may con-*  
24              *sider payments and grants received by recipients of*  
25              *grants described in such paragraph from other de-*

1        *partments and agencies of Federal and local govern-*  
2        *ments and from private entities.*

3            (3) *REPORT.*—*Not later than one year after the*  
4        *date of the enactment of this Act, the Secretary shall*  
5        *submit to Congress a report on—*

6            (A) *the findings of the Secretary with re-*  
7        *spect to the study required by subparagraph (A)*  
8        *of paragraph (1);*

9            (B) *the methods developed under subpara-*  
10       *graphs (B) and (C) of such paragraph; and*

11          (C) *any recommendations of the Secretary*  
12       *for revising the method described in subpara-*  
13       *graph (A) of such paragraph and any legislative*  
14       *action the Secretary considers necessary to im-*  
15       *plement such method.*

16        (c) *AUTHORIZATION OF APPROPRIATIONS.*—*Section*  
17       *2013 is amended by striking “subchapter” and all that fol-*  
18       *lows through the period and inserting the following: “sub-*  
19       *chapter amounts as follows:*

20            (1) *\$150,000,000 for each of fiscal years 2007*  
21        *through 2009.*

22            (2) *\$175,100,000 for fiscal year 2010.*

23            (3) *\$217,700,000 for fiscal year 2011.*

24            (4) *\$250,000,000 for fiscal year 2012.*

1           “(5) \$150,000,000 for fiscal year 2013 and each  
2           fiscal year thereafter.”.

3   **SEC. 202. MODIFICATION OF GRANT PROGRAM FOR HOME-**  
4                           **LESS VETERANS WITH SPECIAL NEEDS.**

5           (a) *INCLUSION OF ENTITIES ELIGIBLE FOR COM-*  
6   *PREHENSIVE SERVICE PROGRAM GRANTS AND PER DIEM*  
7   *PAYMENTS FOR SERVICES TO HOMELESS VETERANS.—*  
8   *Subsection (a) of section 2061 is amended—*

9           (1) *by striking “to grant and per diem pro-*  
10          *viders” and inserting “to entities eligible for grants*  
11          *and per diem payments under sections 2011 and*  
12          *2012 of this title”; and*

13          (2) *by striking “by those facilities and pro-*  
14          *viders” and inserting “by those facilities and enti-*  
15          *ties”.*

16          (b) *INCLUSION OF MALE HOMELESS VETERANS WITH*  
17   *MINOR DEPENDENTS.—Subsection (b) of such section is*  
18   *amended—*

19          (1) *in paragraph (1), by striking “, including*  
20          *women who have care of minor dependents”;*

21          (2) *in paragraph (3), by striking “or”;*

22          (3) *in paragraph (4), by striking the period at*  
23          *the end and inserting “; or”;* and

24          (4) *by adding at the end the following new para-*  
25          *graph:*

1           “(5) individuals who have care of minor depend-  
2           ents.”.

3           (c) *AUTHORIZATION OF PROVISION OF SERVICES TO*  
4 *DEPENDENTS.—Such section is further amended—*

5           (1) *by redesignating subsection (c) as subsection*  
6 *(d); and*

7           (2) *by inserting after subsection (b) the following*  
8 *new subsection (c):*

9           “(c) *PROVISION OF SERVICES TO DEPENDENTS.—A re-*  
10 *ipient of a grant under subsection (a) may use amounts*  
11 *under the grant to provide services directly to a dependent*  
12 *of a homeless veteran with special needs who is under the*  
13 *care of such homeless veteran while such homeless veteran*  
14 *receives services from the grant recipient under this sec-*  
15 *tion.”.*

16 **SEC. 203. MODIFICATION OF AUTHORITY FOR PROVISION**  
17 **OF TREATMENT AND REHABILITATION TO**  
18 **CERTAIN VETERANS TO INCLUDE PROVISION**  
19 **OF TREATMENT AND REHABILITATION TO**  
20 **HOMELESS VETERANS WHO ARE NOT SERI-**  
21 **OUSLY MENTALLY ILL.**

22           Section 2031(a) is amended in the matter before para-  
23 graph (1) by striking “, including” and inserting “and to”.

1 **SEC. 204. PLAN TO END VETERAN HOMELESSNESS.**

2       (a) *IN GENERAL.*—Not later than one year after the  
3 date of the enactment of this Act, the Secretary of Veterans  
4 Affairs shall submit to Congress a comprehensive plan to  
5 end homelessness among veterans.

6       (b) *ELEMENTS.*—The plan required by subsection (a)  
7 shall include the following:

8           (1) *An analysis of programs of the Department*  
9 *of Veterans Affairs and other departments and agen-*  
10 *cies of the Federal Government that are designed to*  
11 *prevent homelessness among veterans and assist vet-*  
12 *erans who are homeless.*

13           (2) *An evaluation of whether and how coordina-*  
14 *tion between the programs described in paragraph (1)*  
15 *would contribute to ending homelessness among vet-*  
16 *erans.*

17           (3) *Recommendations for improving the pro-*  
18 *grams described in paragraph (1), enhancing coordi-*  
19 *nation between such programs, or eliminating pro-*  
20 *grams that are no longer effective.*

21           (4) *Recommendations for new programs to pre-*  
22 *vent and end homelessness among veterans, including*  
23 *an estimate of the cost of such programs.*

24           (5) *A timeline for implementing the plan, in-*  
25 *cluding milestones to track the implementation of the*  
26 *plan.*

1           (6) *Benchmarks to measure the effectiveness of*  
 2           *the plan and the efforts of the Secretary to implement*  
 3           *the plan.*

4           (7) *Such other matters as the Secretary considers*  
 5           *necessary.*

6           (c) **CONSIDERATION OF VETERANS LOCATED IN RURAL**  
 7 **AREAS.**—*The analysis, evaluation, and recommendations*  
 8 *included in the report required by subsection (a) shall in-*  
 9 *clude consideration of the circumstances and requirements*  
 10 *that are unique to veterans located in rural areas.*

11 **SEC. 205. EXTENSION OF CERTAIN AUTHORITIES RELATING**  
 12 **TO HOMELESS VETERANS.**

13           (a) **HEALTH CARE FOR HOMELESS VETERANS.**—*Sec-*  
 14 *tion 2031(b) is amended by striking “December 31, 2011”*  
 15 *and inserting “December 31, 2012”.*

16           (b) **CENTERS FOR PROVISION OF COMPREHENSIVE**  
 17 **SERVICES TO HOMELESS VETERANS.**—*Section 2033(d) is*  
 18 *amended by striking “December 31, 2011” and inserting*  
 19 *“December 31, 2014”.*

20           (c) **PROPERTY TRANSFERS FOR HOUSING ASSISTANCE**  
 21 **FOR HOMELESS VETERANS.**—*Section 2041(c) is amended*  
 22 *by striking “December 31, 2011” and inserting “December*  
 23 *31, 2014”.*



1       (d) *ADVISORY COMMITTEE ON HOMELESS VET-*  
 2 *ERANS.*—Section 2066(d) is amended by striking “Decem-  
 3 ber 31, 2011” and inserting “December 31, 2013”.

4 **SEC. 206. REAUTHORIZATION OF APPROPRIATIONS FOR**  
 5 **HOMELESS VETERANS REINTEGRATION PRO-**  
 6 **GRAM.**

7       Section 2021(e)(1) is amended by adding at the end  
 8 the following new subparagraph:

9               “(G) \$50,000,000 for fiscal year 2012.”.

10 **SEC. 207. REAUTHORIZATION OF APPROPRIATIONS FOR FI-**  
 11 **NANCIAL ASSISTANCE FOR SUPPORTIVE**  
 12 **SERVICES FOR VERY LOW-INCOME VETERAN**  
 13 **FAMILIES IN PERMANENT HOUSING.**

14       (a) *IN GENERAL.*—Section 2044(e) is amended—

15               (1) in paragraph (1), by adding at the end the  
 16 following new subparagraph:

17               “(D) \$100,000,000 for fiscal year 2012.”; and

18               (2) in paragraph (3), by striking “2011” and in-  
 19 serting “2012”.

20       (b) *TECHNICAL AMENDMENT.*—Paragraph (1) of such  
 21 section is further amended by striking “carry out subsection  
 22 (a), (b), and (c)” and inserting “carry out subsections (a),  
 23 (b), and (c)”.

1 **SEC. 208. REAUTHORIZATION OF APPROPRIATIONS FOR**  
2 **GRANT PROGRAM FOR HOMELESS VETERANS**  
3 **WITH SPECIAL NEEDS.**

4 *Section 2061(d)(1), as redesignated by section*  
5 *202(c)(1), is amended by striking “2011” and inserting*  
6 *“2013”.*

7 **SEC. 209. COLLABORATION IN PROVISION OF CASE MAN-**  
8 **AGEMENT SERVICES TO HOMELESS VET-**  
9 **ERANS IN SUPPORTED HOUSING PROGRAM.**

10 *(a) IN GENERAL.—The Secretary of Veterans Affairs*  
11 *shall consider entering into contracts or agreements, under*  
12 *sections 513 and 8153 of title 38, United States Code, with*  
13 *eligible entities to collaborate with the Secretary in the pro-*  
14 *vision of case management services to covered veterans as*  
15 *part of the supported housing program carried out under*  
16 *section 8(o)(19) of the United States Housing Act of 1937*  
17 *(42 U.S.C. 1437f(o)(19)) to ensure that the homeless vet-*  
18 *erans facing the most significant difficulties in obtaining*  
19 *suitable housing receive the assistance they require to obtain*  
20 *such housing.*

21 *(b) COVERED VETERANS.—For purposes of this sec-*  
22 *tion, a covered veteran is any veteran who—*

23 *(1) is eligible to receive a housing voucher under*  
24 *such section 8(o)(19);*

25 *(2) requires the assistance of a case manager in*  
26 *obtaining suitable housing with such voucher; and*

1           (3) *is having difficulty obtaining the amount of*  
2 *such assistance the veteran requires, including be-*  
3 *cause—*

4           (A) *the veteran resides in an area that has*  
5 *a shortage of low-income housing and because of*  
6 *such shortage the veteran requires more assist-*  
7 *ance from a case manager than the Secretary*  
8 *otherwise provides;*

9           (B) *the location in which the veteran resides*  
10 *is located at such distance from facilities of the*  
11 *Department of Veterans Affairs as makes the*  
12 *provision of case management services by the*  
13 *Secretary to such veteran impractical; or*

14           (C) *the veteran resides in an area where*  
15 *veterans who receive case management services*  
16 *from the Secretary under such section have a sig-*  
17 *nificantly lower average rate of successfully ob-*  
18 *taining suitable housing than the average rate of*  
19 *successfully obtaining suitable housing for all*  
20 *veterans receiving such services.*

21           (c) *ELIGIBLE ENTITIES.—For purposes of this section,*  
22 *an eligible entity is any State or local government agency,*  
23 *tribal organization (as such term is defined in section 4*  
24 *of the Indian Self Determination and Education Assistance*  
25 *Act (25 U.S.C. 450b)), or nonprofit organization that—*

1           (1) *under a contract or agreement described in*  
2 *subsection (a), agrees—*

3           (A) *to ensure access to case management*  
4 *services by covered veterans on an as-needed*  
5 *basis;*

6           (B) *to maintain referral networks for cov-*  
7 *ered veterans for purposes of assisting covered*  
8 *veterans in demonstrating eligibility for assist-*  
9 *ance and additional services under entitlement*  
10 *and assistance programs available for covered*  
11 *veterans, and to otherwise aid covered veterans*  
12 *in obtaining such assistance and services;*

13           (C) *to ensure the confidentiality of records*  
14 *maintained by the entity on covered veterans re-*  
15 *ceiving services through the supported housing*  
16 *program described in subsection (a);*

17           (D) *to establish such procedures for fiscal*  
18 *control and fund accounting as the Secretary of*  
19 *Veterans Affairs considers appropriate to ensure*  
20 *proper disbursement and accounting of funds*  
21 *under a contract or agreement entered into by*  
22 *the entity as described in subsection (a);*

23           (E) *to submit to the Secretary each year, in*  
24 *such form and such manner as the Secretary*  
25 *may require, a report on the collaboration un-*

1           *dertaken by the entity under a contract or agree-*  
2           *ment described in such subsection during the*  
3           *most recent fiscal year, including a description*  
4           *of, for the year covered by the report—*

5                     *(i) the services and assistance provided*  
6                     *to covered veterans as part of such collabo-*  
7                     *ration;*

8                     *(ii) the process by which covered vet-*  
9                     *erans were referred to the entity for such*  
10                    *services and assistance;*

11                    *(iii) the specific goals jointly set by the*  
12                    *entity and the Secretary for the provision of*  
13                    *such services and assistance and whether the*  
14                    *entity achieved such goals; and*

15                    *(iv) the average length of time taken by*  
16                    *a covered veteran who received such services*  
17                    *and assistance to successfully obtain suit-*  
18                    *able housing and the average retention rate*  
19                    *of such a veteran in such housing; and*

20                    *(F) to meet such other requirements as the*  
21                    *Secretary considers appropriate for purposes of*  
22                    *providing assistance to covered veterans in ob-*  
23                    *taining suitable housing; and*

24                    *(2) has demonstrated experience in—*

1           (A) *identifying and serving homeless vet-*  
2           *erans, especially those who have the greatest dif-*  
3           *ficulty obtaining suitable housing;*

4           (B) *working collaboratively with the De-*  
5           *partment of Veterans Affairs or the Department*  
6           *of Housing and Urban Development;*

7           (C) *conducting outreach to, and maintain-*  
8           *ing relationships with, landlords to encourage*  
9           *and facilitate participation by landlords in sup-*  
10          *ported housing programs similar to the sup-*  
11          *ported housing program described in subsection*  
12          *(a);*

13          (D) *mediating disputes between landlords*  
14          *and veterans receiving assistance under such*  
15          *supported housing program; and*

16          (E) *carrying out such other activities as the*  
17          *Secretary of Veterans Affairs considers appro-*  
18          *priate.*

19          (d) *CONSULTATION.—In considering entering into con-*  
20          *tracts or agreements as described in subsection (a), the Sec-*  
21          *retary of Veterans Affairs shall consult with—*

22                 (1) *the Secretary of Housing and Urban Devel-*  
23                 *opment; and*

1           (2) *third parties that provide services as part of*  
2           *the Department of Housing and Urban Development*  
3           *continuum of care.*

4           (e) *TECHNICAL ASSISTANCE FOR COLLABORATING EN-*  
5           *TITIES.—*

6           (1) *IN GENERAL.—The Secretary may provide*  
7           *training and technical assistance to entities with*  
8           *whom the Secretary collaborates in the provision of*  
9           *case management services to veterans as part of the*  
10           *supported housing program described in subsection*  
11           *(a).*

12           (2) *GRANTS.—The Secretary may provide train-*  
13           *ing and technical assistance under paragraph (1)*  
14           *through the award of grants or contracts to appro-*  
15           *priate public and nonprofit private entities.*

16           (3) *FUNDING.—From amounts appropriated or*  
17           *otherwise made available to the Secretary in the Med-*  
18           *ical Services account in a year, \$500,000 shall be*  
19           *available to the Secretary in that year to carry out*  
20           *this subsection.*

21           (f) *ANNUAL REPORT.—*

22           (1) *IN GENERAL.—Not later than 545 days after*  
23           *the date of the enactment of this Act and not less fre-*  
24           *quently than once each year thereafter, the Secretary*  
25           *of Veterans Affairs shall submit to Congress a report*

1        *on the collaboration between the Secretary and eligi-*  
2        *ble entities in the provision of case management serv-*  
3        *ices as described in subsection (a) during the most re-*  
4        *cently completed fiscal year.*

5                (2) *ELEMENTS.—Each report required by para-*  
6        *graph (1) shall include, for the period covered by the*  
7        *report, the following:*

8                (A) *A discussion of each case in which a*  
9        *contract or agreement described in subsection (a)*  
10        *was considered by the Secretary, including a de-*  
11        *scription of whether or not and why the Sec-*  
12        *retary chose or did not choose to enter into such*  
13        *contract or agreement.*

14                (B) *The number and types of eligible enti-*  
15        *ties with whom the Secretary has entered into a*  
16        *contract or agreement as described in subsection*  
17        *(a).*

18                (C) *A description of the geographic regions*  
19        *in which such entities provide case management*  
20        *services as described in such subsection.*

21                (D) *A description of the number and types*  
22        *of covered veterans who received case manage-*  
23        *ment services from such entities under such con-*  
24        *tracts or agreements.*



1           (E) *An assessment of the performance of*  
2 *each eligible entity with whom the Secretary en-*  
3 *tered into a contract or agreement as described*  
4 *in subsection (a).*

5           (F) *An assessment of the benefits to covered*  
6 *veterans of such contracts and agreements.*

7           (G) *A discussion of the benefits of increas-*  
8 *ing the ratio of case managers to recipients of*  
9 *vouchers under the supported housing program*  
10 *described in such subsection to veterans who re-*  
11 *side in rural areas.*

12           (H) *Such recommendations for legislative or*  
13 *administrative action as the Secretary considers*  
14 *appropriate for the improvement of collaboration*  
15 *in the provision of case management services*  
16 *under such supported housing program.*

17       **TITLE III—HOUSING MATTERS**

18       **SEC. 301. SHORT TITLE.**

19           *This title may be cited as the “Andrew Connolly Vet-*  
20 *erans’ Housing Act”.*

1 **SEC. 302. EXTENDED PERIOD OF PROTECTIONS FOR MEM-**  
2 **BERS OF UNIFORMED SERVICES RELATING**  
3 **TO MORTGAGES, MORTGAGE FORECLOSURE,**  
4 **AND EVICTION.**

5 (a) *STAY OF PROCEEDINGS AND PERIOD OF ADJUST-*  
6 *MENT OF OBLIGATIONS RELATING TO REAL OR PERSONAL*  
7 *PROPERTY.*—Section 303(b) of the Servicemembers Civil  
8 *Relief Act (50 U.S.C. App. 533(b)) is amended by striking*  
9 *“within 9 months” and inserting “within 12 months”.*

10 (b) *PERIOD OF RELIEF FROM SALE, FORECLOSURE,*  
11 *OR SEIZURE.*—Section 303(c) of such Act (50 U.S.C. App.  
12 *533(c)) is amended by striking “within 9 months” and in-*  
13 *serting “within 12 months”.*

14 (c) *REPORT.*—

15 (1) *IN GENERAL.*—Not later than 540 days after  
16 *the date of the enactment of this Act, the Comptroller*  
17 *General of the United States shall submit to Congress*  
18 *a report on the protections provided under section 303*  
19 *of such Act (50 U.S.C. App 533) during the five-year*  
20 *period ending on the date of the enactment of this*  
21 *Act.*

22 (2) *ELEMENTS.*—The report required by para-  
23 *graph (1) shall include, for the period described in*  
24 *such paragraph, the following:*

1           (A) *An assessment of the effects of such sec-*  
2           *tion on the long-term financial well-being of*  
3           *servicemembers and their families.*

4           (B) *The number of servicemembers who*  
5           *faced foreclosure during a 90-day period, 270-*  
6           *day period, or 365-day period beginning on the*  
7           *date on which the servicemembers completed a*  
8           *period of military service.*

9           (C) *The number of servicemembers who ap-*  
10          *plied for a stay or adjustment under subsection*  
11          *(b) of such section.*

12          (D) *A description and assessment of the ef-*  
13          *fect of applying for a stay or adjustment under*  
14          *such subsection on the financial well-being of the*  
15          *servicemembers who applied for such a stay or*  
16          *adjustment.*

17          (E) *An assessment of the Secretary of De-*  
18          *fense's partnerships with public and private sec-*  
19          *tor entities and recommendations on how the*  
20          *Secretary should modify such partnerships to*  
21          *improve financial education and counseling for*  
22          *servicemembers in order to assist them in achiev-*  
23          *ing long-term financial stability.*

24          (3) *PERIOD OF MILITARY SERVICE AND SERVICE-*  
25          *MEMBER DEFINED.—In this subsection, the terms “pe-*

1        *riod of military service” and “servicemember” have*  
2        *the meanings given such terms in section 101 of such*  
3        *Act (50 U.S.C. App. 511).*

4        **SEC. 303. OCCUPANCY OF PROPERTY BY DEPENDENT CHILD**  
5                                **OF VETERAN FOR PURPOSES OF MEETING OC-**  
6                                **CUPANCY REQUIREMENT FOR DEPARTMENT**  
7                                **OF VETERANS AFFAIRS HOUSING LOANS.**

8        *Paragraph (2) of section 3704(c) is amended to read*  
9        *as follows:*

10        *“(2) In any case in which a veteran is in active-duty*  
11        *status as a member of the Armed Forces and is unable to*  
12        *occupy a property because of such status, the occupancy re-*  
13        *quirements of this chapter shall be considered to be satisfied*  
14        *if—*

15                                *“(A) the spouse of the veteran occupies or intends*  
16        *to occupy the property as a home and the spouse*  
17        *makes the certification required by paragraph (1) of*  
18        *this subsection; or*

19                                *“(B) a dependent child of the veteran occupies or*  
20        *will occupy the property as a home and the veteran’s*  
21        *attorney-in-fact or legal guardian of the dependent*  
22        *child makes the certification required by paragraph*  
23        *(1) of this subsection.”.*

1 **SEC. 304. WAIVER OF LOAN FEE FOR INDIVIDUALS WITH**  
2 **DISABILITY RATINGS ISSUED DURING PRE-**  
3 **DISCHARGE PROGRAMS.**

4 *Paragraph (2) of section 3729(c) is amended to read*  
5 *as follows:*

6 “(2)(A) *A veteran described in subparagraph (B) shall*  
7 *be treated as receiving compensation for purposes of this*  
8 *subsection as of the date of the rating described in such sub-*  
9 *paragraph without regard to whether an effective date of*  
10 *the award of compensation is established as of that date.*

11 “(B) *A veteran described in this subparagraph is a*  
12 *veteran who is rated eligible to receive compensation—*

13 *“(i) as the result of a pre-discharge disability ex-*  
14 *amination and rating; or*

15 *“(ii) based on a pre-discharge review of existing*  
16 *medical evidence (including service medical and*  
17 *treatment records) that results in the issuance of a*  
18 *memorandum rating.”.*

19 **SEC. 305. IMPROVEMENTS TO ASSISTANCE FOR DISABLED**  
20 **VETERANS RESIDING IN HOUSING OWNED BY**  
21 **A FAMILY MEMBER.**

22 *(a) INCREASED ASSISTANCE.—Subsection (b) of sec-*  
23 *tion 2102A is amended—*

24 *(1) in paragraph (1), by striking “\$14,000” and*  
25 *inserting “\$28,000”; and*

1           (2) in paragraph (2), by striking “\$2,000” and  
2           inserting “\$5,000”.

3           (b) *INDEXING OF LEVELS OF ASSISTANCE.*—Such sub-  
4           section is further amended—

5           (1) by redesignating paragraphs (1) and (2) as  
6           subparagraphs (A) and (B), respectively;

7           (2) in the matter before subparagraph (A), as re-  
8           designated by paragraph (1), by inserting “(1)” be-  
9           fore “The”; and

10          (3) by adding at the end the following new para-  
11          graph (2):

12          “(2) *Effective on October 1 of each year (beginning in*  
13          *2012), the Secretary shall use the same percentage cal-*  
14          *culated pursuant to section 2102(e) of this title to increase*  
15          *the amounts described in paragraph (1) of this subsection.”.*

16          (c) *EXTENSION OF AUTHORITY FOR ASSISTANCE.*—  
17          Subsection (e) of such section is amended by striking “De-  
18          cember 31, 2011” and inserting “December 31, 2021”.

19          (d) *EFFECTIVE DATE.*—The amendments made by this  
20          section shall take effect on the date of the enactment of this  
21          Act and shall apply with respect to payments made in ac-  
22          cordance with section 2102A of title 38, United States Code,  
23          on or after that date.

1 **SEC. 306. EXPANSION OF ELIGIBILITY FOR SPECIALLY**  
2 **ADAPTED HOUSING ASSISTANCE FOR VET-**  
3 **ERANS WITH VISION IMPAIRMENT.**

4 (a) *IN GENERAL.*—Paragraph (2) of section 2101(b)  
5 is amended to read as follows:

6 “(2) A veteran is described in this paragraph if the  
7 veteran is entitled to compensation under chapter 11 of this  
8 title for a service-connected disability that meets any of the  
9 following criteria:

10 “(A) The disability is due to blindness in both  
11 eyes, having central visual acuity of 20/200 or less in  
12 the better eye with the use of a standard correcting  
13 lens. For the purposes of this subparagraph, an eye  
14 with a limitation in the fields of vision such that the  
15 widest diameter of the visual field subtends an angle  
16 no greater than 20 degrees shall be considered as hav-  
17 ing a central visual acuity of 20/200 or less.

18 “(B) A permanent and total disability that in-  
19 cludes the anatomical loss or loss of use of both hands.

20 “(C) A permanent and total disability that is  
21 due to a severe burn injury (as so determined).”.

22 (b) *EFFECTIVE DATE.*—The amendment made by sub-  
23 section (a) shall take effect on October 1, 2012.

1 **SEC. 307. REVISED LIMITATIONS ON ASSISTANCE FUR-**  
 2 **NISHED FOR ACQUISITION AND ADAPTATION**  
 3 **OF HOUSING FOR DISABLED VETERANS.**

4 *Section 2102(d) is amended—*

5 *(1) in paragraph (1), by striking “under sections*  
 6 *2101(a) and 2102A” and inserting “under section*  
 7 *2101(a)”;* and

8 *(2) in paragraph (2), by striking “under sections*  
 9 *2101(b) and 2102A” and inserting “under section*  
 10 *2101(b)”.*

11 **TITLE IV—COMPENSATION AND**  
 12 **PENSION MATTERS**

13 **SEC. 401. INCREASE IN RATE OF PENSION FOR DISABLED**  
 14 **VETERANS MARRIED TO ONE ANOTHER AND**  
 15 **BOTH OF WHOM REQUIRE REGULAR AID AND**  
 16 **ATTENDANCE.**

17 *(a) IN GENERAL.—Section 1521(f)(2) is amended by*  
 18 *striking “\$30,480” and inserting “\$31,305”.*

19 *(b) EFFECTIVE DATE.—The amendment made by sub-*  
 20 *section (a) shall take effect on the date of the enactment*  
 21 *of this Act.*

22 **SEC. 402. AUTHORITY FOR RETROACTIVE EFFECTIVE DATE**  
 23 **FOR AWARDS OF DISABILITY COMPENSATION**  
 24 **IN CONNECTION WITH APPLICATIONS THAT**  
 25 **ARE FULLY-DEVELOPED AT SUBMITTAL.**

26 *Section 5110(b) is amended—*



1           (1) *by redesignating paragraphs (2) and (3) as*  
 2           *paragraphs (3) and (4), respectively; and*

3           (2) *by inserting after paragraph (1) the fol-*  
 4           *lowing new paragraph (2):*

5           “(2)(A) *The effective date of an award of disability*  
 6           *compensation to a veteran who submits an application*  
 7           *therefor that sets forth a claim that is fully-developed (as*  
 8           *prescribed by the Secretary for purposes of this paragraph)*  
 9           *as of the date of submittal shall be fixed in accordance with*  
 10           *the facts found, but shall not be earlier than the date that*  
 11           *is one year before the date of receipt of the application.*

12           “(B) *Subparagraph (A) shall take effect on the date*  
 13           *of the enactment of this paragraph and shall not apply with*  
 14           *respect to claims filed after September 30, 2012.”.*

15   **SEC. 403. MODIFICATION OF MONTH OF DEATH BENEFIT**  
 16                           **FOR SURVIVING SPOUSES OF VETERANS WHO**  
 17                           **DIE WHILE ENTITLED TO COMPENSATION OR**  
 18                           **PENSION.**

19           (a) *SURVIVING SPOUSE BENEFIT FOR MONTH OF VET-*  
 20           *ERAN’S DEATH.—Subsections (a) and (b) of section 5310*  
 21           *are amended to read as follows:*

22           “(a) *IN GENERAL.—(1) A surviving spouse of a vet-*  
 23           *eran is entitled to a benefit for the month of the veteran’s*  
 24           *death if—*

1           “(A) at the time of the veteran’s death, the vet-  
2           eran was receiving compensation or pension under  
3           chapter 11 or 15 of this title; or

4           “(B) the veteran is determined for purposes of  
5           section 5121 or 5121A of this title as having been en-  
6           titled to receive compensation or pension under chap-  
7           ter 11 or 15 of this title for the month of the veteran’s  
8           death.

9           “(2) The amount of the benefit under paragraph (1)  
10          is the amount that the veteran would have received under  
11          chapter 11 or 15 of this title, as the case may be, for the  
12          month of the veteran’s death had the veteran not died.

13          “(b) CLAIMS PENDING ADJUDICATION.—If a claim for  
14          entitlement to compensation or additional compensation  
15          under chapter 11 of this title or pension or additional pen-  
16          sion under chapter 15 of this title is pending at the time  
17          of a veteran’s death and the check or other payment issued  
18          to the veteran’s surviving spouse under subsection (a) is less  
19          than the amount of the benefit the veteran would have been  
20          entitled to for the month of death pursuant to the adjudica-  
21          tion of the pending claim, an amount equal to the difference  
22          between the amount to which the veteran would have been  
23          entitled to receive under chapter 11 or 15 of this title for  
24          the month of the veteran’s death had the veteran not died  
25          and the amount of the check or other payment issued to

1 *the surviving spouse shall be treated in the same manner*  
 2 *as an accrued benefit under section 5121 of this title.”.*

3       **(b) MONTH OF DEATH BENEFIT EXEMPT FROM DE-**  
 4 **LAYED COMMENCEMENT OF PAYMENT.**—*Section 5111(c)(1)*  
 5 *is amended by striking “apply to” and all that follows*  
 6 *through “death occurred” and inserting the following: “not*  
 7 *apply to payments made pursuant to section 5310 of this*  
 8 *title”.*

9       **(c) EFFECTIVE DATE.**—*The amendments made by this*  
 10 *section shall take effect on the date of the enactment of this*  
 11 *Act, and shall apply with respect to deaths that occur on*  
 12 *or after that date.*

13 **SEC. 404. AUTOMATIC WAIVER OF AGENCY OF ORIGINAL JU-**  
 14 **RISDICTION REVIEW OF NEW EVIDENCE.**

15       **(a) IN GENERAL.**—*Section 7105 is amended by adding*  
 16 *at the end the following new subsection:*

17       “(e)(1) *If, either at the time or after the agency of*  
 18 *original jurisdiction receives a substantive appeal, the*  
 19 *claimant or the claimant’s representative, if any, submits*  
 20 *evidence to either the agency of original jurisdiction or the*  
 21 *Board of Veterans’ Appeals for consideration in connection*  
 22 *with the issue or issues with which disagreement has been*  
 23 *expressed, such evidence shall be subject to initial review*  
 24 *by the Board unless the claimant or the claimant’s rep-*  
 25 *resentative, as the case may be, requests in writing that*

1 *the agency of original jurisdiction initially review such evi-*  
 2 *dence.*

3       “(2) *A request for review of evidence under paragraph*  
 4 *(1) shall accompany the submittal of the evidence.*”.

5       **(b) EFFECTIVE DATE.**—*Subsection (e) of such section,*  
 6 *as added by subsection (a), shall take effect on the date that*  
 7 *is 180 days after the date of the enactment of this Act, and*  
 8 *shall apply with respect to claims for which a substantive*  
 9 *appeal is filed on or after the date that is 180 days after*  
 10 *the date of the enactment of this Act.*

11       **TITLE V—MEMORIAL, BURIAL,**  
 12       **AND CEMETERY MATTERS**

13       **SEC. 501. PROHIBITION ON DISRUPTIONS OF FUNERALS OF**  
 14               **MEMBERS OR FORMER MEMBERS OF THE**  
 15               **ARMED FORCES.**

16       **(a) PURPOSE AND AUTHORITY.**—

17               **(1) PURPOSE.**—*The purpose of this section is to*  
 18 *provide necessary and proper support for the recruit-*  
 19 *ment and retention of the Armed Forces and militia*  
 20 *employed in the service of the United States by pro-*  
 21 *tecting the dignity of the service of the members of*  
 22 *such Forces and militia, and by protecting the pri-*  
 23 *vacancy of their immediate family members and other*  
 24 *attendees during funeral services for such members.*

1           (2) *CONSTITUTIONAL AUTHORITY.*—Congress  
 2       *finds that this section is a necessary and proper exer-*  
 3       *cise of its powers under the Constitution, article I,*  
 4       *section 8, paragraphs 1, 12, 13, 14, 16 and 18, to*  
 5       *provide for the common defense, raise and support ar-*  
 6       *mies, provide and maintain a navy, make rules for*  
 7       *the government and regulation of the land and naval*  
 8       *forces, and provide for organizing and governing such*  
 9       *part of the militia as may be employed in the service*  
 10       *of the United States.*

11       (b) *AMENDMENT TO TITLE 18.*—Section 1388 of title  
 12 *18, United States Code, is amended to read as follows:*

13       **“§1388. Prohibition on disruptions of funerals of**  
 14                       **members or former members of the Armed**  
 15                       **Forces**

16       “(a) *PROHIBITION.*—For any funeral of a member or  
 17 *former member of the Armed Forces that is not located at*  
 18 *a cemetery under the control of the National Cemetery Ad-*  
 19 *ministration or part of Arlington National Cemetery, it*  
 20 *shall be unlawful for any person to engage in an activity*  
 21 *during the period beginning 120 minutes before and ending*  
 22 *120 minutes after such funeral, any part of which activ-*  
 23 *ity—*

1           “(1)(A) takes place within the boundaries of the  
2 location of such funeral or takes place within 300 feet  
3 of the point of the intersection between—

4           “(i) the boundary of the location of such fu-  
5 neral; and

6           “(ii) a road, pathway, or other route of in-  
7 gress to or egress from the location of such fu-  
8 neral; and

9           “(B) includes any individual willfully making  
10 or assisting in the making of any noise or diver-  
11 sion—

12           “(i) that is not part of such funeral and  
13 that disturbs or tends to disturb the peace or  
14 good order of such funeral; and

15           “(ii) with the intent of disturbing the peace  
16 or good order of such funeral;

17           “(2)(A) is within 500 feet of the boundary of the  
18 location of such funeral; and

19           “(B) includes any individual—

20           “(i) willfully and without proper authoriza-  
21 tion impeding or tending to impede the access to  
22 or egress from such location; and

23           “(ii) with the intent to impede the access to  
24 or egress from such location; or

1           “(3) is on or near the boundary of the residence,  
2           home, or domicile of any surviving member of the de-  
3           ceased person’s immediate family and includes any  
4           individual willfully making or assisting in the mak-  
5           ing of any noise or diversion—

6                   “(A) that disturbs or tends to disturb the  
7                   peace of the persons located at such location; and

8                   “(B) with the intent of disturbing such  
9                   peace.

10           “(b) *PENALTY.*—Any person who violates subsection  
11 (a) shall be fined under this title or imprisoned for not more  
12 than 1 year, or both.

13           “(c) *CIVIL REMEDIES.*—

14                   “(1) *DISTRICT COURTS.*—The district courts of  
15 the United States shall have jurisdiction—

16                   “(A) to prevent and restrain violations of  
17 this section; and

18                   “(B) for the adjudication of any claims for  
19 relief under this section.

20                   “(2) *ATTORNEY GENERAL.*—The Attorney Gen-  
21 eral may institute proceedings under this section.

22                   “(3) *CLAIMS.*—Any person, including a sur-  
23 viving member of the deceased person’s immediate  
24 family, who suffers injury as a result of conduct that  
25 violates this section may—

1           “(A) sue therefor in any appropriate  
2           United States district court or in any court of  
3           competent jurisdiction; and

4           “(B) recover damages as provided in sub-  
5           section (d) and the cost of the suit, including  
6           reasonable attorneys’ fees.

7           “(4) *ESTOPPEL*.—A final judgment or decree  
8           rendered in favor of the United States in any crimi-  
9           nal proceeding brought by the United States under  
10          this section shall estop the defendant from denying the  
11          essential allegations of the criminal offense in any  
12          subsequent civil proceeding brought by a person or by  
13          the United States.

14          “(d) *ACTUAL AND STATUTORY DAMAGES*.—

15                 “(1) *IN GENERAL*.—In addition to any penalty  
16                 imposed under subsection (b), a violator of this sec-  
17                 tion is liable in an action under subsection (c) for ac-  
18                 tual or statutory damages as provided in this sub-  
19                 section.

20                 “(2) *ACTIONS BY PRIVATE PERSONS*.—A person  
21                 bringing an action under subsection (c)(3) may elect,  
22                 at any time before final judgment is rendered, to re-  
23                 cover the actual damages suffered by him or her as  
24                 a result of the violation or, instead of actual damages,



1        *an award of statutory damages for each violation in-*  
2        *volved in the action.*

3            “(3) *ACTIONS BY ATTORNEY GENERAL.—In any*  
4        *action under subsection (c)(2), the Attorney General*  
5        *is entitled to recover an award of statutory damages*  
6        *for each violation involved in the action notwith-*  
7        *standing any recovery under subsection (c)(3).*

8            “(4) *STATUTORY DAMAGES.—A court may*  
9        *award, as the court considers just, statutory damages*  
10       *in a sum of not less than \$25,000 or more than*  
11       *\$50,000 per violation.*

12          “(e) *REBUTTABLE PRESUMPTION.—It shall be a rebut-*  
13       *table presumption that the violation was committed will-*  
14       *fully for purposes of determining relief under this section*  
15       *if the violator, or a person acting in concert with the viola-*  
16       *tor, did not have reasonable grounds to believe, either from*  
17       *the attention or publicity sought by the violator or other*  
18       *circumstance, that the conduct of such violator or person*  
19       *would not disturb or tend to disturb the peace or good order*  
20       *of such funeral, impede or tend to impede the access to or*  
21       *egress from such funeral, or disturb or tend to disturb the*  
22       *peace of any surviving member of the deceased person’s im-*  
23       *mediate family who may be found on or near the residence,*  
24       *home, or domicile of the deceased person’s immediate family*  
25       *on the date of the service or ceremony.*

1 “(f) *DEFINITIONS.*—*In this section—*

2 “(1) *the term ‘Armed Forces’ has the meaning*  
 3 *given the term in section 101 of title 10 and includes*  
 4 *members and former members of the National Guard*  
 5 *who were employed in the service of the United*  
 6 *States; and*

7 “(2) *the term ‘immediate family’ means, with re-*  
 8 *spect to a person, the immediate family members of*  
 9 *such person, as such term is defined in section 115*  
 10 *of this title.”*

11 *(c) AMENDMENT TO TITLE 38.—*

12 *(1) IN GENERAL.—Section 2413 is amended to*  
 13 *read as follows:*

14 **“§2413. *Prohibition on certain demonstrations and***  
 15 ***disruptions at cemeteries under control of***  
 16 ***the National Cemetery Administration***  
 17 ***and at Arlington National Cemetery***

18 *“(a) PROHIBITION.—It shall be unlawful for any per-*  
 19 *son—*

20 *“(1) to carry out a demonstration on the prop-*  
 21 *erty of a cemetery under the control of the National*  
 22 *Cemetery Administration or on the property of Ar-*  
 23 *lington National Cemetery unless the demonstration*  
 24 *has been approved by the cemetery superintendent or*

1       *the director of the property on which the cemetery is*  
2       *located; or*

3               “(2) *with respect to such a cemetery, to engage*  
4       *in a demonstration during the period beginning 120*  
5       *minutes before and ending 120 minutes after a fu-*  
6       *neral, memorial service, or ceremony is held, any part*  
7       *of which demonstration—*

8               “(A)(i) *takes place within the boundaries of*  
9               *such cemetery or takes place within 300 feet of*  
10              *the point of the intersection between—*

11               “(I) *the boundary of such cemetery;*  
12              *and*

13               “(II) *a road, pathway, or other route*  
14              *of ingress to or egress from such cemetery;*  
15              *and*

16               “(ii) *includes any individual willfully mak-*  
17              *ing or assisting in the making of any noise or*  
18              *diversion—*

19               “(I) *that is not part of such funeral,*  
20              *memorial service, or ceremony and that dis-*  
21              *turbs or tends to disturb the peace or good*  
22              *order of such funeral, memorial service, or*  
23              *ceremony; and*

1                   “(II) with the intent of disturbing the  
2                   peace or good order of such funeral, memo-  
3                   rial service, or ceremony; or

4                   “(B)(i) is within 500 feet of the boundary  
5                   of such cemetery; and

6                   “(ii) includes any individual—

7                   “(I) willfully and without proper au-  
8                   thorization impeding or tending to impede  
9                   the access to or egress from such cemetery;  
10                  and

11                  “(II) with the intent to impede the ac-  
12                  cess to or egress from such cemetery.

13                  “(b) PENALTY.—Any person who violates subsection  
14 (a) shall be fined under title 18 or imprisoned for not more  
15 than one year, or both.

16                  “(c) CIVIL REMEDIES.—(1) The district courts of the  
17 United States shall have jurisdiction—

18                  “(A) to prevent and restrain violations of this  
19 section; and

20                  “(B) for the adjudication of any claims for relief  
21 under this section.

22                  “(2) The Attorney General of the United States may  
23 institute proceedings under this section.

1       “(3) Any person, including a surviving member of the  
2 deceased person’s immediate family, who suffers injury as  
3 a result of conduct that violates this section may—

4               “(A) sue therefor in any appropriate United  
5 States district court or in any court of competent ju-  
6 risdiction; and

7               “(B) recover damages as provided in subsection  
8 (d) and the cost of the suit, including reasonable at-  
9 torneys’ fees.

10       “(4) A final judgment or decree rendered in favor of  
11 the United States in any criminal proceeding brought by  
12 the United States under this section shall estop the defend-  
13 ant from denying the essential allegations of the criminal  
14 offense in any subsequent civil proceeding brought by a per-  
15 son or by the United States.

16       “(d) ACTUAL AND STATUTORY DAMAGES.—(1) In ad-  
17 dition to any penalty imposed under subsection (b), a viola-  
18 tor of this section is liable in an action under subsection  
19 (c) for actual or statutory damages as provided in this sub-  
20 section.

21       “(2) A person bringing an action under subsection  
22 (c)(3) may elect, at any time before final judgment is ren-  
23 dered, to recover the actual damages suffered by him or her  
24 as a result of the violation or, instead of actual damages,

1 *an award of statutory damages for each violation involved*  
 2 *in the action.*

3       “(3) *In any action brought under subsection (c)(2), the*  
 4 *Attorney General is entitled to recover an award of statu-*  
 5 *tory damages for each violation involved in the action not-*  
 6 *withstanding any recovery under subsection (c)(3).*

7       “(4) *A court may award, as the court considers just,*  
 8 *statutory damages in a sum of not less than \$25,000 or*  
 9 *more than \$50,000 per violation.*

10       “(e) *REBUTTABLE PRESUMPTION.—It shall be a rebut-*  
 11 *table presumption that the violation of subsection (a) was*  
 12 *committed willfully for purposes of determining relief under*  
 13 *this section if the violator, or a person acting in concert*  
 14 *with the violator, did not have reasonable grounds to be-*  
 15 *lieve, either from the attention or publicity sought by the*  
 16 *violator or other circumstance, that the conduct of such vio-*  
 17 *lator or person would not—*

18               “(1) *disturb or tend to disturb the peace or good*  
 19 *order of such funeral, memorial service, or ceremony;*  
 20 *or*

21               “(2) *impede or tend to impede the access to or*  
 22 *egress from such funeral, memorial service, or cere-*  
 23 *mony.*

24       “(f) *DEFINITIONS.—In this section—*

25               “(1) *the term ‘demonstration’ includes—*

1                   “(A) any picketing or similar conduct;

2                   “(B) any oration, speech, use of sound am-  
3                   plification equipment or device, or similar con-  
4                   duct that is not part of a funeral, memorial serv-  
5                   ice, or ceremony;

6                   “(C) the display of any placard, banner,  
7                   flag, or similar device, unless such a display is  
8                   part of a funeral, memorial service, or ceremony;  
9                   and

10                  “(D) the distribution of any handbill, pam-  
11                  phlet, leaflet, or other written or printed matter  
12                  other than a program distributed as part of a fu-  
13                  neral, memorial service, or ceremony; and

14                  “(2) the term ‘immediate family’ means, with re-  
15                  spect to a person, the immediate family members of  
16                  such person, as such term is defined in section 115  
17                  of title 18.”.

18                  (2) *CLERICAL AMENDMENT.*—The table of sec-  
19                  tions at the beginning of chapter 24 is amended by  
20                  striking the item relating to section 2413 and insert-  
21                  ing the following new item:

“2413. *Prohibition on certain demonstrations and disruptions at cemeteries under control of the National Cemetery Administration and at Arlington National Cemetery.*”.

1 **SEC. 502. CODIFICATION OF PROHIBITION AGAINST RES-**  
2 **ERVATION OF GRAVESITES AT ARLINGTON**  
3 **NATIONAL CEMETERY.**

4 (a) *IN GENERAL.*—Chapter 24 is amended by insert-  
5 ing after section 2410 the following new section:

6 **“§2410A. Arlington National Cemetery: other admin-**  
7 **istrative matters**

8 “(a) *ONE GRAVESITE.*—(1) *Not more than one*  
9 *gravesite may be provided at Arlington National Cemetery*  
10 *to a veteran or member of the Armed Forces who is eligible*  
11 *for interment or inurnment at such cemetery.*

12 “(2) *The Secretary of the Army may waive the prohi-*  
13 *bition in paragraph (1) as the Secretary of the Army con-*  
14 *siders appropriate.*

15 “(b) *PROHIBITION AGAINST RESERVATION OF*  
16 *GRAVESITES.*—*A gravesite at Arlington National Cemetery*  
17 *may not be reserved for an individual before the death of*  
18 *such individual.”.*

19 (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
20 *the beginning of such chapter is amended by inserting after*  
21 *the item relating to section 2410 the following new item:*

“2410A. *Arlington National Cemetery: other administrative matters.*”.

22 (c) *APPLICABILITY.*—

23 (1) *IN GENERAL.*—*Except as provided in para-*  
24 *graph (2), section 2410A of title 38, United States*  
25 *Code, as added by subsection (a), shall apply with re-*



1       *spect to all interments at Arlington National Ceme-*  
2       *tery after the date of the enactment of this Act.*

3               (2) *EXCEPTION.*—*Subsection (b) of such section,*  
4       *as so added, shall not apply with respect to the inter-*  
5       *ment of an individual for whom a request for a re-*  
6       *served gravesite was approved by the Secretary of the*  
7       *Army before January 1, 1962.*

8       (4) *REPORT.*—

9               (1) *IN GENERAL.*—*Not later than 180 days after*  
10       *the date of the enactment of this Act, the Secretary of*  
11       *the Army shall submit to Congress a report on res-*  
12       *ervations made for interment at Arlington National*  
13       *Cemetery.*

14              (2) *ELEMENTS.*—*The report required by para-*  
15       *graph (1) shall include the following:*

16                   (A) *The number of requests for reservation*  
17       *of a gravesite at Arlington National Cemetery*  
18       *that were submitted to the Secretary of the Army*  
19       *before January 1, 1962.*

20                   (B) *The number of gravesites at such ceme-*  
21       *tery that, on the day before the date of the enact-*  
22       *ment of this Act, were reserved in response to*  
23       *such requests.*

1           (C) *The number of such gravesites that, on*  
2           *the day before the date of the enactment of this*  
3           *Act, were unoccupied.*

4           (D) *A list of all reservations for gravesites*  
5           *at such cemetery that were extended by individ-*  
6           *uals responsible for management of such ceme-*  
7           *tery in response to requests for such reservations*  
8           *made on or after January 1, 1962.*

9           (E) *A description of the measures that the*  
10          *Secretary is taking to improve the accountability*  
11          *and transparency of the management of gravesite*  
12          *reservations at Arlington National Cemetery.*

13          (F) *Such recommendations as the Secretary*  
14          *may have for legislative action as the Secretary*  
15          *considers necessary to improve such account-*  
16          *ability and transparency.*

17 **SEC. 503. EXPANSION OF ELIGIBILITY FOR PRESIDENTIAL**  
18                   **MEMORIAL CERTIFICATES TO PERSONS WHO**  
19                   **DIED IN THE ACTIVE MILITARY, NAVAL, OR**  
20                   **AIR SERVICE.**

21          *Section 112(a) is amended—*

22           (1) *by inserting “and persons who died in the*  
23          *active military, naval, or air service,” after “under*  
24          *honorable conditions,”; and*

1           (2) by striking “veteran’s” and inserting “de-  
2           ceased individual’s”.

3           **TITLE VI—CONSTRUCTION**  
4           **MATTERS**

5           **SEC. 601. AUTHORIZATION OF FISCAL YEAR 2012 MAJOR**  
6           **MEDICAL FACILITY PROJECTS.**

7           *The Secretary of Veterans Affairs may carry out the*  
8           *following major medical facility projects in fiscal year*  
9           *2012, with each project to be carried out in the amount*  
10          *specified for each project:*

11           (1) *Construction of seismic corrections for Build-*  
12          *ing 100 at the Department of Veterans Affairs Med-*  
13          *ical Center in Seattle, Washington, in an amount not*  
14          *to exceed \$51,800,000.*

15           (2) *Construction of seismic corrections and ren-*  
16          *ovation of various buildings to include Building 209*  
17          *for housing facilities for homeless veterans at the De-*  
18          *partment of Veterans Affairs Medical Center in West*  
19          *Los Angeles, California, in an amount not to exceed*  
20          *\$35,500,000.*

21          **SEC. 602. MODIFICATION OF AUTHORIZATION FOR CERTAIN**  
22          **MAJOR MEDICAL FACILITY CONSTRUCTION**  
23          **PROJECTS PREVIOUSLY AUTHORIZED.**

24          (a) *MODIFICATION OF AUTHORIZATION OF FISCAL*  
25          *YEAR 2007 MAJOR MEDICAL FACILITY PROJECT AT DE-*

1 *PARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN*  
 2 *FAYETTEVILLE, ARKANSAS.—Section 803(3) of the Veterans*  
 3 *Benefits, Health Care, and Information Technology Act of*  
 4 *2006 (Public Law 109–461) is amended—*

5           (1) *by inserting “and a parking garage” after*  
 6           *“clinical addition”; and*

7           (2) *by striking “\$56,163,000” and inserting*  
 8           *“\$90,600,000”.*

9           (b) *MODIFICATION OF EXTENSION OF AUTHORIZATION*  
 10 *FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECT*  
 11 *IN ORLANDO, FLORIDA, PREVIOUSLY AUTHORIZED IN CON-*  
 12 *NECTION WITH CAPITAL ASSET REALIGNMENT INITIA-*  
 13 *TIVE.—Section 802(11) of the Veterans Benefits, Health*  
 14 *Care, and Information Technology Act of 2006 (Public Law*  
 15 *109–461), as amended by section 702(b)(4) of the Veterans’*  
 16 *Mental Health and Other Care Improvements Act of 2008*  
 17 *(Public Law 110–387; 122 Stat. 4137), is amended by in-*  
 18 *serting “, including a Simulation, Learning, Education,*  
 19 *and Research Network Center,” after “Florida, area”.*

20           (c) *INCREASE IN AMOUNT OF AUTHORIZATION OF FIS-*  
 21 *CAL YEAR 2008 MAJOR MEDICAL FACILITY PROJECT AT*  
 22 *DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN*  
 23 *PALO ALTO, CALIFORNIA.—The Secretary of Veterans Af-*  
 24 *fairs may carry out the major medical facility project at*  
 25 *the Department of Veterans Affairs Medical Center in Palo,*

1 *Alto, California, for which amounts were appropriated*  
 2 *under chapter 3 of title I of the Supplemental Appropria-*  
 3 *tions Act, 2008 (Public Law 110–252; 122 Stat. 2326)*  
 4 *under the heading “CONSTRUCTION, MAJOR PROJECTS”*  
 5 *under the heading “DEPARTMENT OF VETERANS AF-*  
 6 *FAIRS” in an amount not to exceed \$716,600,000.*

7       (d) *INCREASE IN AMOUNT OF AUTHORIZATION OF FIS-*  
 8 *CAL YEAR 2009 MAJOR MEDICAL FACILITY PROJECT AT*  
 9 *DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER,*  
 10 *SAN JUAN, PUERTO RICO.—Section 701(3) of the Veterans’*  
 11 *Mental Health and Other Care Improvements Act of 2008*  
 12 *(Public Law 110–387; 122 Stat. 4137) is amended by strik-*  
 13 *ing “\$225,900,000” and inserting “\$277,000,000”.*

14       (e) *INCREASE IN AMOUNT OF AUTHORIZATION OF FIS-*  
 15 *CAL YEAR 2007 MAJOR MEDICAL FACILITY PROJECT AT*  
 16 *DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER,*  
 17 *ST. LOUIS, MISSOURI.—Section 803(5) of the Veterans Ben-*  
 18 *efits, Health Care, and Information Technology Act of 2006*  
 19 *(Public Law 109–461) is amended by striking*  
 20 *“\$69,053,000” and inserting “\$346,300,000”.*

21 **SEC. 603. AUTHORIZATION OF FISCAL YEAR 2012 MAJOR**  
 22 **MEDICAL FACILITY LEASES.**

23       *The Secretary of Veterans Affairs may carry out the*  
 24 *following fiscal year 2012 major medical facility leases at*

1 *the locations specified, in an amount not to exceed the*  
2 *amount shown for each such location:*

3           (1) *Columbus, Georgia, Community Based Out-*  
4 *patient Clinic, in an amount not to exceed*  
5 *\$5,335,000.*

6           (2) *Fort Wayne, Indiana, Outpatient Clinic, in*  
7 *an amount not to exceed \$2,845,000.*

8           (3) *Mobile, Alabama, Outpatient Clinic, in an*  
9 *amount not to exceed \$6,565,000.*

10           (4) *Rochester, New York, Outpatient Clinic, in*  
11 *an amount not to exceed \$9,232,000.*

12           (5) *Salem, Oregon, Community Based Out-*  
13 *patient Clinic, in an amount not to exceed*  
14 *\$2,549,000.*

15           (6) *San Jose, California, Outpatient Clinic, in*  
16 *an amount not to exceed \$9,546,000.*

17           (7) *South Bend, Indiana, Outpatient Clinic, in*  
18 *an amount not to exceed \$6,731,000.*

19           (8) *Springfield, Missouri, Community Based*  
20 *Outpatient Clinic, in an amount not to exceed*  
21 *\$6,489,000.*

22 **SEC. 604. AUTHORIZATION OF APPROPRIATIONS.**

23           (a) *AUTHORIZATION OF APPROPRIATIONS FOR CON-*  
24 *STRUCTION.—There is authorized to be appropriated to the*  
25 *Secretary of Veterans Affairs for fiscal year 2012 or the*

1 *year in which funds are appropriated for the Construction,*  
2 *Major Projects, account—*

3           (1) *\$87,300,000 for the projects authorized in*  
4 *section 601; and*

5           (2) *\$850,070,000 for the increased amounts au-*  
6 *thorized for projects whose authorizations are modi-*  
7 *fied by section 602.*

8           (b) *AUTHORIZATION OF APPROPRIATIONS FOR MED-*  
9 *ICAL FACILITY LEASES.—There is authorized to be appro-*  
10 *priated to the Secretary of Veterans Affairs for fiscal year*  
11 *2012 or the year in which funds are appropriated for the*  
12 *Medical Facilities account \$49,292,000 for the leases au-*  
13 *thorized in section 603.*

14           (c) *LIMITATION.—The projects authorized in sections*  
15 *601, 602, and 603 may only be carried out using—*

16           (1) *funds appropriated for fiscal year 2012 pur-*  
17 *suant to the authorization of appropriations in sub-*  
18 *section (a) of this section;*

19           (2) *funds available for Construction, Major*  
20 *Projects, for a fiscal year before fiscal year 2012 that*  
21 *remain available for obligation;*

22           (3) *funds available for Construction, Major*  
23 *Projects, for a fiscal year after fiscal year 2012 that*  
24 *remain available for obligation;*

1           (4) funds appropriated for Construction, Major  
2           Projects, for fiscal year 2012 for a category of activity  
3           not specific to a project;

4           (5) funds appropriated for Construction, Major  
5           Projects, for a fiscal year before 2012 for a category  
6           of activity not specific to a project; and

7           (6) funds appropriated for Construction, Major  
8           Projects, for a fiscal year after 2012 for a category of  
9           activity not specific to a project.

10 **SEC. 605. LIMITATION ON AUTHORITY OF SECRETARY OF**  
11                                   **VETERANS AFFAIRS TO USE BID SAVINGS ON**  
12                                   **MAJOR MEDICAL FACILITY PROJECTS TO EX-**  
13                                   **PAND PURPOSE OF MAJOR MEDICAL FACIL-**  
14                                   **ITY PROJECTS.**

15           Section 8104(d)(2) of title 38, United States Code, is  
16           amended by adding at the end the following new subpara-  
17           graph:

18           “(C) The Secretary may not obligate an amount under  
19           subparagraph (A) to expand the purpose of a major medical  
20           facility project except pursuant to a provision of law en-  
21           acted after the date on which the Secretary submits to the  
22           committees described in subparagraph (B) notice of the fol-  
23           lowing:

24                           “(i) The major medical facility project that is  
25           the source of the bid savings.



1           “(ii) *The major medical facility project for*  
2           *which the Secretary intends to expand the purpose.*

3           “(iii) *A description of such expansion of pur-*  
4           *pose.*

5           “(iv) *The amounts the Secretary intends to obli-*  
6           *gate to expand the purpose.*”.

7   **SEC. 606. DESIGNATION OF GEORGE H. O'BRIEN, JR., DE-**  
8                           **PARTMENT OF VETERANS AFFAIRS MEDICAL**  
9                           **CENTER.**

10          (a) *DESIGNATION.*—*The Department of Veterans Af-*  
11          *fairs medical center located in Big Spring, Texas, shall*  
12          *after the date of the enactment of this Act be known and*  
13          *designated as the “George H. O'Brien, Jr., Department of*  
14          *Veterans Affairs Medical Center”.*

15          (b) *REFERENCES.*—*Any reference in any law, regula-*  
16          *tion, map, document, paper, or other record of the United*  
17          *States to the medical center referred to in subsection (a)*  
18          *shall be considered to be a reference to the George H.*  
19          *O'Brien, Jr., Department of Veterans Affairs Medical Cen-*  
20          *ter.*

21   **SEC. 607. DESIGNATION OF MAJOR WILLIAM EDWARD**  
22                           **ADAMS DEPARTMENT OF VETERANS AFFAIRS**  
23                           **CLINIC.**

24          (a) *DESIGNATION.*—*The Department of Veterans Af-*  
25          *fairs telehealth clinic in Craig, Colorado, shall after the date*

1 of the enactment of this Act be known and designated as  
 2 the “Major William Edward Adams Department of Vet-  
 3 erans Affairs Clinic”.

4 (b) REFERENCES.—Any reference in any law, regula-  
 5 tion, map, document, paper, or other record of the United  
 6 States to the clinic referred to in subsection (a) shall be  
 7 considered to be a reference to the Major William Edward  
 8 Adams Department of Veterans Affairs Clinic.

9 **TITLE VII—OTHER ADMINISTRATIVE AND BENEFITS MATTERS**  
 10

11 **SEC. 701. ASSISTANCE TO VETERANS AFFECTED BY NATURAL DISASTERS.**  
 12

13 (a) **ADDITIONAL GRANTS FOR DISABLED VETERANS**  
 14 **FOR SPECIALLY ADAPTED HOUSING.—**

15 (1) **IN GENERAL.**—Chapter 21 is amended by  
 16 adding at the end the following new section:

17 **“§ 2109. Specially adapted housing destroyed or dam-**  
 18 **aged by natural disasters**

19 **“(a) IN GENERAL.**—Notwithstanding the provisions of  
 20 section 2102 of this title, the Secretary may award a grant  
 21 to a veteran whose home was previously adapted with as-  
 22 sistance of a grant under this chapter in the event the  
 23 adapted home which was being used and occupied by the  
 24 veteran was destroyed or substantially damaged in a nat-  
 25 ural or other disaster, as determined by the Secretary.

1       “(b) *USE OF FUNDS.*—A grant awarded under sub-  
 2 section (a) shall be available to acquire a suitable housing  
 3 unit with special fixtures or moveable facilities made nec-  
 4 essary by the veteran’s disability, and necessary land there-  
 5 for.

6       “(c) *LIMITATIONS.*—The amount of the grant awarded  
 7 under subsection (a) may not exceed the lesser of—

8               “(1) the reasonable cost, as determined by the  
 9 Secretary, of repairing or replacing the damaged or  
 10 destroyed home in excess of the available insurance  
 11 coverage on such home; or

12               “(2) the maximum grant amount to which the  
 13 veteran would have been entitled under subsection (a)  
 14 or (b) of section 2102 of this title had the veteran not  
 15 obtained the prior grant.”.

16       (2) *CLERICAL AMENDMENT.*—The table of sec-  
 17 tions at the beginning of such chapter is amended by  
 18 inserting after the item relating to section 2108 the  
 19 following new item:

“2109. Specially adapted housing destroyed or damaged by natural disasters.”.

20       (b) *EXTENSION OF SUBSISTENCE ALLOWANCE FOR*  
 21 *VETERANS COMPLETING VOCATIONAL REHABILITATION*  
 22 *PROGRAM.*—Section 3108(a)(2) is amended—

23               (1) by inserting “(A)” before “In”; and

24               (2) by adding at the end the following new sub-  
 25 paragraph:

1       “(B) *In any case in which the Secretary determines*  
 2 *that a veteran described in subparagraph (A) has been dis-*  
 3 *placed as the result of a natural or other disaster while*  
 4 *being paid a subsistence allowance under that subpara-*  
 5 *graph, as determined by the Secretary, the Secretary may*  
 6 *extend the payment of a subsistence allowance under such*  
 7 *subparagraph for up to an additional two months while*  
 8 *the veteran is satisfactorily following a program of employ-*  
 9 *ment services described in such subparagraph.”.*

10       (c) *WAIVER OF LIMITATION ON PROGRAM OF INDE-*  
 11 *PENDENT LIVING SERVICES AND ASSISTANCE.—Section*  
 12 *3120(e) is amended—*

13               (1) *by inserting “(1)” before “Programs”; and*  
 14               (2) *by adding at the end the following new para-*  
 15 *graph:*

16       “(2) *The limitation in paragraph (1) shall not apply*  
 17 *in any case in which the Secretary determines that a vet-*  
 18 *eran described in subsection (b) has been displaced as the*  
 19 *result of, or has otherwise been adversely affected in the*  
 20 *areas covered by, a natural or other disaster, as determined*  
 21 *by the Secretary.”.*

22       (d) *COVENANTS AND LIENS CREATED BY PUBLIC EN-*  
 23 *TITIES IN RESPONSE TO DISASTER-RELIEF ASSISTANCE.—*  
 24 *Paragraph (3) of section 3703(d) is amended to read as*  
 25 *follows:*

1       “(3)(A) Any real estate housing loan (other than for  
2 repairs, alterations, or improvements) shall be secured by  
3 a first lien on the realty. In determining whether a loan  
4 is so secured, the Secretary may either disregard or allow  
5 for subordination to a superior lien created by a duly re-  
6 corded covenant running with the realty in favor of either  
7 of the following:

8               “(i) A public entity that has provided or will  
9 provide assistance in response to a major disaster as  
10 determined by the President under the Robert T. Staf-  
11 ford Disaster Relief and Emergency Assistance Act  
12 (42 U.S.C. 5121 et seq.).

13               “(ii) A private entity to secure an obligation to  
14 such entity for the homeowner’s share of the costs of  
15 the management, operation, or maintenance of prop-  
16 erty, services, or programs within and for the benefit  
17 of the development or community in which the vet-  
18 eran’s realty is located, if the Secretary determines  
19 that the interests of the veteran borrower and of the  
20 Government will not be prejudiced by the operation of  
21 such covenant.

22               “(B) With respect to any superior lien described in  
23 subparagraph (A) created after June 6, 1969, the Sec-  
24 retary’s determination under clause (ii) of such subpara-

1 *graph shall have been made prior to the recordation of the*  
 2 *covenant.”.*

3 (e) *AUTOMOBILES AND OTHER CONVEYANCES FOR*  
 4 *CERTAIN DISABLED VETERANS AND MEMBERS OF THE*  
 5 *ARMED FORCES.*—*Section 3903(a) is amended—*

6 (1) *by striking “No” and inserting “(1) Except*  
 7 *as provided in paragraph (2), no”;* and

8 (2) *by adding at the end the following new para-*  
 9 *graph:*

10 “(2) *The Secretary may provide or assist in providing*  
 11 *an eligible person with a second automobile or other convey-*  
 12 *ance under this chapter if—*

13 “(A) *the Secretary receives satisfactory evidence*  
 14 *that the automobile or other conveyance previously*  
 15 *purchased with assistance under this chapter was de-*  
 16 *stroyed—*

17 “(i) *as a result of a natural or other dis-*  
 18 *aster, as determined by the Secretary; and*

19 “(ii) *through no fault of the eligible person;*  
 20 *and*

21 “(B) *the eligible person does not otherwise receive*  
 22 *from a property insurer compensation for the loss.”.*

23 (f) *ANNUAL REPORT.*—

24 (1) *IN GENERAL.*—*Each year, the Secretary of*  
 25 *Veterans Affairs shall submit to Congress a report on*

1 *the assistance provided or action taken by the Sec-*  
 2 *retary in the last fiscal year pursuant to the authori-*  
 3 *ties added by the amendments made by this section.*

4 (2) *ELEMENTS.*—*Each report submitted under*  
 5 *paragraph (1) shall include the following for the fiscal*  
 6 *year covered by the report:*

7 (A) *A description of each natural disaster*  
 8 *for which assistance was provided or action was*  
 9 *taken as described in paragraph (1).*

10 (B) *The number of cases or individuals, as*  
 11 *the case may be, in which or to whom the Sec-*  
 12 *retary provided assistance or took action as de-*  
 13 *scribed in paragraph (1).*

14 (C) *For each such case or individual, a de-*  
 15 *scription of the type or amount of assistance or*  
 16 *action taken, as the case may be.*

17 **SEC. 702. AGGREGATE AMOUNT OF EDUCATIONAL ASSIST-**  
 18 **ANCE AVAILABLE TO INDIVIDUALS WHO RE-**  
 19 **CEIVE BOTH SURVIVORS' AND DEPENDENTS**  
 20 **EDUCATIONAL ASSISTANCE AND OTHER VET-**  
 21 **ERANS AND RELATED EDUCATIONAL ASSIST-**  
 22 **ANCE.**

23 (a) *AGGREGATE AMOUNT AVAILABLE.*—*Section 3695*  
 24 *is amended—*

25 (1) *in subsection (a)(4), by striking “35,”; and*

1           (2) *by adding at the end the following new sub-*  
2           *section:*

3           “(c) *The aggregate period for which any person may*  
4           *receive assistance under chapter 35 of this title, on the one*  
5           *hand, and any of the provisions of law referred to in sub-*  
6           *section (a), on the other hand, may not exceed 81 months*  
7           *(or the part-time equivalent thereof).”.*

8           (b) *APPLICABILITY.—The amendment made by sub-*  
9           *section (a) shall take effect on October 1, 2011, and shall*  
10           *not operate to revive any entitlement to assistance under*  
11           *chapter 35 of title 38, United States Code, or the provisions*  
12           *of law referred to in section 3695(a) of such title, as in*  
13           *effect on the day before such date, that was terminated by*  
14           *reason of the operation of section 3695(a) of such title, as*  
15           *so in effect, before such date.*

16           (c) *REVIVAL OF ENTITLEMENT REDUCED BY PRIOR*  
17           *UTILIZATION OF CHAPTER 35 ASSISTANCE.—*

18           (1) *IN GENERAL.—Subject to paragraph (2), in*  
19           *the case of an individual whose period of entitlement*  
20           *to assistance under a provision of law referred to in*  
21           *section 3695(a) of title 38, United States Code (other*  
22           *than chapter 35 of such title), as in effect on Sep-*  
23           *tember 30, 2011, was reduced under such section*  
24           *3695(a), as so in effect, by reason of the utilization*  
25           *of entitlement to assistance under chapter 35 of such*



1 *title before October 1, 2011, the period of entitlement*  
 2 *to assistance of such individual under such provision*  
 3 *shall be determined without regard to any entitlement*  
 4 *so utilized by the individual under chapter 35 of such*  
 5 *title.*

6 (2) *LIMITATION.—The maximum period of enti-*  
 7 *tlement to assistance of an individual under para-*  
 8 *graph (1) may not exceed 81 months.*

9 **SEC. 703. DEPARTMENT OF VETERANS AFFAIRS ENFORCE-**  
 10 **MENT PENALTIES FOR MISREPRESENTATION**  
 11 **OF A BUSINESS CONCERN AS A SMALL BUSI-**  
 12 **NESS CONCERN OWNED AND CONTROLLED**  
 13 **BY VETERANS OR AS A SMALL BUSINESS CON-**  
 14 **CERN OWNED AND CONTROLLED BY SERVICE-**  
 15 **DISABLED VETERANS.**

16 *Subsection (g) of section 8127 is amended—*

17 (1) *by striking “Any business” and inserting*  
 18 *“(1) Any business”;*

19 (2) *in paragraph (1), as so designated—*

20 (A) *by inserting “deliberately” before “mis-*  
 21 *represented”;* and

22 (B) *by striking “a reasonable period of*  
 23 *time, as determined by the Secretary” and in-*  
 24 *serting “a period of not less than five years”;*  
 25 *and*

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

3           “(2) *In the case of a debarment under paragraph (1),*  
4           *the Secretary shall commence debarment action against the*  
5           *business concern by not later than 30 days after deter-*  
6           *mining that the concern misrepresented the status of the*  
7           *concern as described in paragraph (1) and shall complete*  
8           *debarment actions against such concern by not later than*  
9           *90 days after such determination.*

10          “(3) *The debarment of a business concern under para-*  
11          *graph (1) includes the debarment of all principals in the*  
12          *business concern for a period of not less than five years.”.*

13         **SEC. 704. AUTHORITY FOR CERTAIN PERSONS TO SIGN**  
14                         **CLAIMS FILED WITH SECRETARY OF VET-**  
15                         **ERANS AFFAIRS ON BEHALF OF CLAIMANTS.**

16           (a) *IN GENERAL.*—*Section 5101 is amended—*

17                         (1) *in subsection (a)—*

18                                 (A) *by striking “A specific” and inserting*  
19                                 *“(1) A specific”; and*

20                                 (B) *by adding at the end the following new*  
21                                 *paragraph:*

22                         “(2) *If an individual has not attained the age of 18*  
23                         *years, is mentally incompetent, or is physically unable to*  
24                         *sign a form, a form filed under paragraph (1) for the indi-*  
25                         *vidual may be signed by a court-appointed representative,*

1 *a person who is responsible for the care of the individual,*  
2 *including a spouse or other relative, or an attorney in fact*  
3 *or agent authorized to act on behalf of the individual under*  
4 *a durable power of attorney. If the individual is in the care*  
5 *of an institution, the manager or principal officer of the*  
6 *institution may sign the form.”;*

7 (2) *in subsection (c)—*

8 (A) *in paragraph (1)—*

9 (i) *by inserting “, signs a form on be-*  
10 *half of an individual to apply for,” after*  
11 *“who applies for”; and*

12 (ii) *by inserting “, or TIN in the case*  
13 *that the person is not an individual,” after*  
14 *“of such person”; and*

15 (B) *in paragraph (2), by inserting “or*  
16 *TIN” after “social security number” each place*  
17 *it appears; and*

18 (3) *by adding at the end the following new sub-*  
19 *section:*

20 “(d) *In this section:*

21 “(1) *The term ‘mentally incompetent’ with re-*  
22 *spect to an individual means that the individual*  
23 *lacks the mental capacity—*

24 “(A) *to provide substantially accurate infor-*  
25 *mation needed to complete a form; or*

1           “(B) to certify that the statements made on  
2           a form are true and complete.

3           “(2) The term ‘TIN’ has the meaning given the  
4           term in section 7701(a)(41) of the Internal Revenue  
5           Code of 1986.”.

6           (b) *APPLICABILITY.*—The amendments made by sub-  
7           section (a) shall apply with respect to claims filed on or  
8           after the date of the enactment of this Act.

9   **SEC. 705. IMPROVEMENT OF PROCESS FOR FILING JOINTLY**  
10                   **FOR SOCIAL SECURITY AND DEPENDENCY**  
11                   **AND INDEMNITY COMPENSATION.**

12           Section 5105 is amended—

13           (1) in subsection (a)—

14                   (A) by striking “shall” the first place it ap-  
15                   pears and inserting “may”; and

16                   (B) by striking “Each such form” and in-  
17                   serting “Such forms”; and

18           (2) in subsection (b), by striking “on such a  
19           form” and inserting “on any document indicating an  
20           intent to apply for survivor benefits”.

1 **SEC. 706. PARITY BETWEEN PART-TIME AND FULL-TIME**  
2 **STUDENTS UNDER EMPLOYEE INCENTIVE**  
3 **SCHOLARSHIP PROGRAM.**

4 *Section 7675(b)(1) is amended by striking subpara-*  
5 *graph (E) and inserting the following new subparagraph*  
6 *(E):*

7 *“(E) In the case of a participant who is em-*  
8 *ployed as an employee of the Department while en-*  
9 *rolled in the course of training being pursued by the*  
10 *participant, the participant fails to maintain em-*  
11 *ployment as a Department employee during such*  
12 *course of training.”.*

13 **SEC. 707. REPORT ON PAY-FOR-PERFORMANCE COMPENSA-**  
14 **TION UNDER HEALTH CARE SERVICES CON-**  
15 **TRACTS.**

16 *(a) IN GENERAL.—Not later than 180 days after the*  
17 *date of the enactment of this Act, the Secretary of Veterans*  
18 *Affairs shall submit to the Committee on Veterans’ Affairs*  
19 *of the Senate and the Committee on Veterans’ Affairs of*  
20 *the House of Representatives a report on the use by the De-*  
21 *partment of Veterans Affairs of pay-for-performance com-*  
22 *pensation mechanisms in the provision of health care serv-*  
23 *ices in contracts which compensate contractors of the De-*  
24 *partment for the provision of health care services through*  
25 *community based outpatient clinics.*

1           **(b) ELEMENTS.**—*The report required by subsection (a)*  
2 *shall include the following:*

3           (1) *An assessment of the feasibility and advis-*  
4 *ability of utilizing pay-for-performance compensation*  
5 *mechanisms in the provision of health care services by*  
6 *the Department in contracts described in subsection*  
7 *(a).*

8           (2) *The number of community based outpatient*  
9 *clinics of the Department that were operating under*  
10 *a pay-for-performance compensation mechanism in*  
11 *the provision of health care services on the day before*  
12 *the date of the enactment of this Act and the impact*  
13 *such mechanisms have had with respect to—*

14           (A) *providing incentives for community*  
15 *based outpatient clinics to provide high quality*  
16 *health care; and*

17           (B) *providing incentives to better assure pa-*  
18 *tient satisfaction.*

19           **(c) INCORPORATION OF VIEWS AND EXPERIENCES OF**  
20 **PRIVATE HEALTH CARE SYSTEMS.**—*In meeting the re-*  
21 *quirements of this section the Secretary shall incorporate*  
22 *the views and experiences of representatives of at least two*  
23 *private health care systems that have utilized pay-for-per-*  
24 *formance compensation mechanisms in the operation of*  
25 *medical clinics to ascertain whether such mechanisms have*

1 *had an effect on the delivery of quality, timely, medical care*  
2 *in the private sector.*

3 **SEC. 708. EXTENSION OF AUTHORITY TO OBTAIN INFORMA-**  
4 **TION FROM SECRETARY OF TREASURY AND**  
5 **COMMISSIONER OF SOCIAL SECURITY FOR IN-**  
6 **COME VERIFICATION PURPOSES.**

7 *Section 5317(g) is amended by striking “September*  
8 *30, 2011” and inserting “September 30, 2013”.*

9 **SEC. 709. EXTENSION OF AUTHORITY FOR REGIONAL OF-**  
10 **FICE OF DEPARTMENT OF VETERANS AF-**  
11 **FAIRS IN REPUBLIC OF THE PHILIPPINES.**

12 *Section 315(b) is amended by striking “December 31,*  
13 *2011” and inserting “December 31, 2012”.*

14 **SEC. 710. REPORT ON ESTABLISHMENT OF A POLYTRAUMA**  
15 **REHABILITATION CENTER OR POLYTRAUMA**  
16 **NETWORK SITE OF THE DEPARTMENT OF**  
17 **VETERANS AFFAIRS IN THE NORTHERN**  
18 **ROCKIES OR DAKOTAS.**

19 *(a) IN GENERAL.—Not later than 180 days after the*  
20 *date of the enactment of this Act, the Secretary of Veterans*  
21 *Affairs shall submit to Congress a report on the feasibility*  
22 *and advisability of establishing a Polytrauma Rehabilita-*  
23 *tion Center or Polytrauma Network Site for the Department*  
24 *of Veterans Affairs in the northern Rockies or the Dakotas.*  
25 *One of the locations evaluated as a potential location for*

1 *the Polytrauma Rehabilitation Center or Polytrauma Net-*  
2 *work Site, as the case may be, shall be the Fort Harrison*  
3 *Department of Veterans Affairs hospital in Lewis and Clark*  
4 *County, Montana.*

5 (b) *REQUIREMENTS.—The report required by this sub-*  
6 *section shall include the following:*

7 (1) *An assessment of the adequacy of existing*  
8 *Department of Veterans Affairs facilities in the north-*  
9 *ern Rockies and the Dakotas to address matters that*  
10 *are otherwise addressed by Polytrauma Rehabilitation*  
11 *Centers and Polytrauma Network Sites.*

12 (2) *A comparative assessment of the effectiveness*  
13 *of rehabilitation programs for individuals with trau-*  
14 *matic brain injuries in urban areas with the effective-*  
15 *ness of such programs for individuals with traumatic*  
16 *brain injuries in rural and frontier communities.*

17 (3) *An assessment whether the low cost of living*  
18 *in the northern Rockies and the Dakotas could reduce*  
19 *the financial stress faced by veterans receiving care*  
20 *for traumatic brain injury and their families and*  
21 *thereby improve the effectiveness of such care.*

22 (4) *An assessment whether therapies that can*  
23 *prevent or remediate the development of secondary*  
24 *neurologic conditions related to traumatic brain in-*



1        *jury can be interrupted by stress caused by living in*  
2        *an urban area.*

3        (c) *CONSULTATION.*—*The Secretary shall consult with*  
4        *appropriate State and local government agencies in the*  
5        *northern Rockies and the Dakotas in preparing the report*  
6        *required by subsection (a).*

7        **SEC. 711. MODIFICATION OF LOAN GUARANTY FEE FOR**  
8        **CERTAIN INITIAL LOANS.**

9        *Section 3729(b)(2)(A) is amended—*

10                (1) *by striking clauses (i) and (ii);*

11                (2) *by redesignating clause (iii) as clause (i);*

12                (3) *by inserting after clause (i), as redesignated,*  
13        *the following new clause (ii):*

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<p>“(A)(ii) <i>Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2011, and before October 1, 2012) .....</i></p>	1.50	1.75	NA”;
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14                (4) *by redesignating clause (iv) as clause (iii);*

15        *and*

16                (5) *in clause (iii), as redesignated by paragraph*

17        (4), *by striking “October 1, 2011” and inserting “Oc-*  
18        *tober 1, 2012”.*

Calendar No. 188

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 914**

[Report No. 112-88]

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## **A BILL**

To amend title 38, United States Code, to authorize the waiver of the collection of copayments for telehealth and telemedicine visits of veterans, and for other purposes.

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OCTOBER 11, 2011

Reported with an amendment