

HR 1627

Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012

Congress: 112 (2011–2013, Ended)

Chamber: House

Policy Area: Armed Forces and National Security

Introduced: Apr 15, 2011

Current Status: Became Public Law No: 112-154.

Latest Action: Became Public Law No: 112-154. (Aug 6, 2012)

Law: 112-154 (Enacted Aug 6, 2012)

Official Text: <https://www.congress.gov/bill/112th-congress/house-bill/1627>

Sponsor

Name: Rep. Miller, Jeff [R-FL-1]

Party: Republican • **State:** FL • **Chamber:** House

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Johnson, Bill [R-OH-6]	R · OH		Apr 15, 2011
Rep. Lamborn, Doug [R-CO-5]	R · CO		Apr 15, 2011
Rep. Roe, David P. [R-TN-1]	R · TN		Apr 15, 2011

Committee Activity

Committee	Chamber	Activity	Date
Armed Services Committee	House	Referred to	May 18, 2011
Veterans' Affairs Committee	House	Reported by	May 5, 2011
Veterans' Affairs Committee	Senate	Discharged From	Jul 18, 2012

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
112 SCONRES 55	Related bill	Aug 1, 2012: Motion to reconsider laid on the table Agreed to without objection.
112 S 1689	Related bill	Oct 12, 2011: Read twice and referred to the Committee on Veterans' Affairs.
112 HR 2074	Related bill	Oct 11, 2011: The title of the measure was amended. Agreed to without objection.
112 HR 1591	Related bill	Aug 25, 2011: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.
112 HR 2383	Related bill	Jul 28, 2011: Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote .
112 S 698	Related bill	Jun 8, 2011: Committee on Veterans' Affairs. Hearings held. Hearings printed: S.Hrg. 112-116.
112 S 815	Related bill	Jun 8, 2011: Committee on Veterans' Affairs. Hearings held. Hearings printed: S.Hrg. 112-116.
112 S 957	Related bill	Jun 8, 2011: Committee on Veterans' Affairs. Hearings held. Hearings printed: S.Hrg. 112-116.
112 S 1123	Related bill	Jun 8, 2011: Committee on Veterans' Affairs. Hearings held. Hearings printed: S.Hrg. 112-116.
112 HR 1441	Related bill	May 18, 2011: Referred to the Subcommittee on Military Personnel.

(This measure has not been amended since it was passed by the Senate on July 18, 2012. The summary of that version is repeated here.)

Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 - **Title I: Health Care Matters** - Janey Ensminger Act - (Sec. 102) Makes any veteran who served on active duty at Camp Lejeune, North Carolina, for at least 30 days between January 1, 1957, and December 31, 1987, and their family members, eligible for hospital care and medical services through the Department of Veterans Affairs (VA) for any of 15 listed cancers and other illnesses or conditions, notwithstanding insufficient medical evidence to conclude that the illness or condition is attributable to such service. Makes the provision of such care and services for family members dependent on available appropriations. Prohibits such care and services for any illness or condition found to have resulted from a cause other than the residence of the family member. Requires family members to first exhaust all possible claims and remedies against a third party before the VA provision of such care and services. Requires an annual report in each of 2013 through 2015, from the Secretary of Veterans Affairs (Secretary) to the congressional veterans committees, on care and services so provided.

(Sec. 103) Authorizes the Secretary to waive the imposition or collection of copayments for telehealth and telemedicine visits of veterans.

(Sec. 104) Directs the Secretary to commence a three-year initiative to assess the feasibility and advisability of paying expenses or allowances for a veteran's round trip between an area designated as highly rural and the nearest Vet Center. Requires an initiative report from the Secretary to Congress.

(Sec. 105) Requires VA payments to state nursing homes for care provided to veterans to be based on a methodology which reimburses such home for care provided under contract. (Under current law, such payments are made according to a prescribed rate.) Includes entities eligible to enter into such contracts as authorized VA nursing home, adult day health care, or other extended care providers.

(Sec. 106) Directs the Secretary to develop and implement, by the end of FY2012, a centralized and comprehensive policy on reporting and tracking sexual assaults and other safety incidents at each VA medical facility, including: (1) risk-assessment tools; (2) mandatory security training; (3) physical security precautions (surveillance camera systems and panic alarm systems); (4) criteria and guidance for employees communicating and reporting incidents to specified supervisory personnel, VA law enforcement officials, and the Office of Inspector General; (5) an oversight system within the Veterans Health Administration; (6) procedures for VA law enforcement officials investigating, tracking, and closing reported incidents; and (7) clinical guidance for treating sexual assaults reported over 72 hours afterwards. Requires the Secretary to submit an interim and annual report to the veterans committees on such policy implementation.

(Sec. 107) Includes the goal of maximizing the individual's independence within an individualized plan for the rehabilitation of veterans with traumatic brain injury (TBI). Includes within plan objectives the sustaining of improvement in cognitive, behavioral, and vocational functioning. Includes within the VA definition of "rehabilitative services" treatment and services to sustain and prevent loss of functional gains, as well as any other services or supports that may contribute to maximizing an individual's independence. Includes rehabilitation services within: (1) comprehensive programs for long-term rehabilitation of veterans with TBI, and (2) cooperative agreements for the use of non-VA facilities for neurorehabilitation and recovery programs for such veterans.

(Sec. 108) Directs the Secretary to carry out a program of teleconsultation for the provision of remote mental health and

TBI assessments in VA facilities that are not otherwise able to provide such assessments without contracting with third party providers or reimbursing providers through a fee basis system. Requires the Secretary to offer medical residents training opportunities in telemedicine. Defines "teleconsultation" and "telemedicine."

(Sec. 109) Prohibits the Secretary from prohibiting the use of service dogs in, or on, any VA facility or property or any facility or property that receives VA funding.

(Sec. 110) Recognizes as purposes of veterans rural health resource centers that serve as satellite offices for the Office of Rural Health: (1) the identification of disparities in the availability of health care to veterans living in rural areas, (2) the formulation of practices or programs to deliver such health care, and (3) the development and implementation of special practices and products for the benefit of such veterans.

(Sec. 111) Directs the Secretary to: (1) develop and implement a plan to ensure the recovery and collection of third-party insurer amounts for deposit into the Department of Veterans Affairs Medical Care Collections Fund, and (2) monitor such recovery and collection.

(Sec. 112) Extends through FY2013 VA authority: (1) to collect copayments from certain veterans receiving hospital or nursing home care, and (2) to recover from third-party providers the cost of certain care and services provided to service-disabled veterans.

Title II: Housing Matters - Andrew Connelly Veterans Housing Act - (Sec. 202) Extends through FY2013 VA authority to provide specially adapted housing assistance to veterans who are permanently and totally disabled to an extent severely affecting their ambulatory abilities.

(Sec. 203) Expands eligibility for VA specially adapted housing assistance to include veterans with visual acuity of 20/200 (under current law, 5/200) or less in the better eye with the use of corrective lenses.

(Sec. 204) Increases the aggregate limits on VA assistance to certain disabled veterans for adapting and acquiring housing.

(Sec. 205) Increases the authorized amount of VA assistance for permanently and totally service-disabled veterans who are temporarily residing in housing owned by a family member from: (1) \$14,000 to \$28,000, in the case of the acquisition of housing with special features; and (2) \$2,000 to \$5,000, in the case of adaptations to a current residence. Directs the Secretary to adjust such amounts annually based on the residential home cost-of-construction index. Extends such authority through 2022.

(Sec. 206) Authorizes the VA to guarantee home loans for the surviving spouses of veterans who: (1) were eligible for veterans' dependency and indemnity compensation due to a total disability rating, or (2) were former prisoners of war who were totally disabled for at least one year preceding death.

(Sec. 207) Considers a veteran who is unable to occupy a home because of active-duty status to have satisfied the occupancy requirement relating to housing financed through the VA if the veteran's dependent child is occupying or will occupy the home and the veteran's attorney or a legal guardian of the dependent child makes the VA-required occupancy certification.

(Sec. 208) Makes permanent (under current law, ends at the end of FY2012) a VA demonstration project guaranteeing veterans' adjustable rate and hybrid adjustable rate mortgages in a manner similar to that in which the Secretary of Housing and Urban Development (HUD) insures such mortgages under the National Housing Act.

(Sec. 210) Directs the Secretary to waive VA home loan fees for individuals with disability ratings issued during predischarge programs.

(Sec. 211) Defines "supportive housing" for purposes of VA enhanced-use leases of real property. Authorizes the Secretary to enter into an enhanced-use lease for supportive housing only when such lease is not inconsistent with and will not adversely affect the VA mission. Requires the Secretary to select the party with whom an enhanced-use lease will be entered into using such selection procedures as considered appropriate by the Secretary. Allows lease consideration provided to consist solely of cash at fair value, and prohibits the Secretary from receiving any other type of consideration. Prohibits the terms of an enhanced-use lease from providing for any acquisition, contract, demonstration, exchange, grant, incentive, procurement, sale, service or use agreement, lease, or lease-back by the Secretary or the federal government. Prohibits the Secretary from entering into such a lease without advance certification by the Director of the Office of Management and Budget (OMB) with respect to compliance with lease requirements. Removes the requirement that the Secretary conduct periodic inspections of construction, alteration, repairs, remodeling, or improvements of property which is the subject of an enhanced-use lease. Requires the improvements and operations on land leased with an enhanced-use lease to be subject to all applicable federal, state, or local taxes, but exempts from such taxes the underlying fee title interest of the United States in any such land. Requires an initial report, and annual reports, from the Secretary to Congress identifying actions taken by the Secretary to implement and administer enhanced-use leases. Extends through 2023 the Secretary's authority to enter into such leases.

Title III: Homeless Matters - (Sec. 301) Allows grants made by the Secretary for homeless veterans' comprehensive services programs (outreach, rehabilitation, vocational counseling, and transitional housing assistance) to be used for the construction of new facilities. Prohibits the Secretary from denying applications for such grants solely on the basis that the grant entity proposes to use funding from other private or public sources, as long as such entity demonstrates that a private nonprofit organization will provide project oversight and site control. Requires the Secretary to: (1) study matters relating to the method used to make per diem payments to grant recipients, (2) develop more effective and efficient procedures for fiscal control and fund accounting by grant recipients, and (3) develop a more effective and efficient method for adequately reimbursing grant recipients for services furnished to homeless veterans. Requires the Secretary to report to Congress on such study and methods.

(Sec. 303) Includes, under the grant program for homeless veterans with special needs, entities that are eligible for: (1) grants for programs for a variety of services for such veterans, and (2) per diem payments for services furnished to such veterans. Includes homeless veterans who care for minor dependents among those considered to have special needs, and provides for direct receipt of services by such dependents.

(Sec. 304) Directs the Secretary to consider entering into agreements with state or local government agencies, tribal organizations, and nonprofit organizations to collaborate in the provision of case management services under the VA supported housing program to ensure that homeless veterans facing the most significant difficulties in obtaining suitable housing receive the assistance they require. Authorizes the Secretary to provide technical assistance to collaborating entities. Provides funding. Requires the Secretary to report annually to Congress on such collaborative services.

(Sec. 305) Increases the FY2013 authorization of appropriations for the VA comprehensive services programs. Extends through FY2013: (1) the homeless veterans reintegration programs, (2) VA supportive services for very low-income veteran families in permanent housing, and (3) a grant program for homeless veterans with special needs.

Title IV: Education Matters - (Sec. 401) Exempts, as of October 1, 2013, survivors' and dependents' educational assistance from the 48-month time limit on the use of assistance under various veterans' and related educational

assistance programs. Revives any entitlement reduced by the 48-month limit. Caps at 81 months the aggregate period of benefits for an individual under all such programs.

(Sec. 402) Directs the Secretaries of the Department of Defense (DOD) and the VA to report annually to Congress on the effectiveness of education and training offered under the post-9/11 educational assistance program and the survivors' and dependents' educational assistance program, respectively. Terminates such report requirements after January 1, 2021. Repeals a required VA report relating to the all-volunteer force educational assistance program.

Title V: Benefits Matters - (Sec. 501) Requires initial review by the Board of Veterans' Appeals of a substantive appeal containing new evidence, unless the claimant, at the same time as the submission of the new evidence, requests review by the agency of original jurisdiction.

(Sec. 502) Allows the following individuals to sign veterans' benefits claims filed on behalf of a person who is under 18, mentally incompetent, or physically unable to sign: (1) a court-appointed representative, (2) a caregiver, (3) an attorney-in-fact, or (4) an agent authorized to act on behalf of the individual under a durable power of attorney.

(Sec. 503) Authorizes (under current law, requires) the Secretary and the Commissioner of Social Security to prescribe joint applications for social security benefits and dependency and indemnity compensation.

(Sec. 504) Directs the Secretary to notify VA benefits claimants by the most effective means available, including electronic communication or notification in writing, of any information or medical or lay evidence not previously provided to the Secretary that is necessary to substantiate a claim. (Current law does not specify the means of notice.)

(Sec. 505) Requires the Secretary, in assisting claimants in obtaining relevant records in support of a claim, to make at least two requests to a custodian of a private medical record, unless it is made evident by the first request that a second request would be futile. Directs the Secretary to encourage claimants to submit relevant private medical records if such submission does not burden the claimant. Allows the claimant to instead authorize the Secretary to obtain such records. Provides procedures for the obtaining of public records by the Secretary.

(Sec. 506) Authorizes the Secretary to provide an effective date of an award of disability compensation, in the case of a veteran who submits a fully-developed claim, of up to one year before the date of receipt of such claim. Makes this section applicable one year after the enactment of this Act, and inapplicable three years after its enactment.

(Sec. 507) Entitles a surviving spouse to a benefit for the month of a veteran's death if, at the time of the veteran's death: (1) the veteran was receiving veterans' disability compensation or veteran's pension, or (2) the veteran is determined to have been entitled to receive such compensation or pension for such month. Requires that, if a claim for entitlement was pending at the time of a veteran's death and the pending claim was subsequently granted, any additional benefits for that month would be paid as accrued VA benefits.

(Sec. 508) Increases to \$32,433 the combined annual rate of pension for two married veterans meeting specified disability and service or age and service requirements when both of such veterans need regular aid and attendance.

(Sec. 509) Excludes from annual income, for purposes of eligibility for pensions for veterans and their surviving spouses and children, reimbursements resulting from: (1) any accident; (2) any theft or loss; or (3) any casualty loss.

Title VI: Memorial, Burial, and Cemetery Matters - (Sec. 601) Amends the federal criminal code concerning the prohibition on disruptions of funerals of members or former members of the Armed Forces to increase the period covered under such prohibition from one to two hours before and after a military funeral. Includes within such unlawful conduct

any disturbance or disruption occurring within 500 feet of the boundary of a funeral location, or on or near the boundary of the residence of a surviving member of a deceased's immediate family. Provides civil remedies, including actual and statutory damages. Makes identical changes under federal veterans' provisions concerning the prohibition on certain demonstrations and disruptions at national cemeteries, including Arlington National Cemetery, Virginia (Arlington).

(Sec. 602) Prohibits: (1) more than one gravesite from being provided at Arlington to a veteran or member of the Armed Forces who is eligible for burial there, except as the Secretary of the Army (Secretary, for purposes of this title only) considers appropriate; and (2) a gravesite from being reserved at Arlington before an individual's death, except as the President considers appropriate. Requires a report from the Secretary to Congress on reservations made for interment at Arlington.

(Sec. 603) Includes under the VA's presidential memorial certificate program (a program presenting a presidential certificate of appreciation for military service) an individual who dies during active service.

(Sec. 604) Allows a monument other than one containing or marking interred remains (monument) to be placed in Arlington only if the monument commemorates: (1) the military service of the individual or group whose memory is honored by the monument, or (2) a particular military event. Prohibits any monument from being placed in Arlington until the end of the 25-year period beginning on the last day of the service or event commemorated. Allows a monument to be placed only in those sections of Arlington designated by the Secretary and only on land determined to be unsuitable for burial. Allows a monument to be placed in Arlington only if an appropriate non-governmental entity has agreed to act as a sponsoring organization to coordinate the monument's placement and: (1) monument construction and placement are paid for using only private funds, (2) the Secretary consults with the Commission of Fine Arts before approving the monument's design, and (3) the sponsoring organization provides for an independent study on the availability and suitability of alternative monument locations outside of Arlington. Authorizes the Secretary to waive the 25-year requirement, above, when the monument would commemorate a group of individuals who the Secretary determines: (1) has made valuable contributions to the Armed Forces that have been ongoing and perpetual for longer than 25 years and are expected to continue indefinitely, and (2) has provided service that is of such a character that failure to place a monument to the group in Arlington would present a manifest injustice. Directs the Secretary, upon exercising such waiver, to: (1) make available on the Internet a waiver notification and rationale, and (2) provide the veterans and defense committees with such notification and rationale. Requires the Secretary to also notify such committees of any proposed monument to be placed at Arlington. Allows Congress, for 60 days after the latter notification, to pass a joint resolution disapproving such placement.

Title VII: Other Matters - (Sec. 701) Authorizes the Secretary, notwithstanding existing limitations on the assistance available to disabled veterans eligible for specially adapted housing grants, to award grants to veterans whose homes were previously adapted with such assistance if the adapted home was destroyed or substantially damaged in a natural or other disaster. Requires any such post-disaster adapted housing grant to be available to acquire a suitable housing unit with special fixtures or moveable facilities made necessary by the veteran's disability, along with the land for such housing. Permits the Secretary: (1) to extend up to an additional two months the subsistence allowances of veterans displaced by such disasters while satisfactorily following a program of employment services prescribed in a vocational rehabilitation program for certain veterans with service-connected disabilities; (2) to provide or assist in providing a second automobile or other specified conveyance to eligible disabled veterans and members of the Armed Forces if an automobile or other conveyance previously purchased with assistance was destroyed by such a disaster through no fault of the individual and without compensation by a property insurer; and (3) in determining whether certain real estate housing loans are secured by a first lien, to disregard or allow for subordination to a superior lien created by a duly

recorded covenant running with the realty in favor of either a public entity that has provided or will provide assistance in response to a major disaster as determined by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act or a private entity, as specified. Directs the Secretary to report annually to Congress on assistance provided or action taken pursuant to this section.

(Sec. 702) Extends through: (1) 2016 VA authority to guarantee the principal and interest on securities evidencing an interest in a pool of veterans' mortgage loans, and (2) October 1, 2017, the authority to collect fees for certain housing loans made, insured, or guaranteed by the VA. Amends the Veterans Benefits Improvement Act of 2008 to extend through 2014 a temporary adjustment in the maximum VA single-family residence home loan guaranty amount.

(Sec. 703) Directs the Secretary to submit to the veterans committees a plan for the regular assessment of Veterans Benefits Administration employees who process claims for veterans' compensation and pensions.

(Sec. 704) Limits VA payments for ambulance services to the lesser of the actual charges or the rates permitted under title XVIII (Medicare) of the Social Security Act.

(Sec. 706) Requires any business determined by the Secretary to have misrepresented its status as a small business owned and controlled by veterans or service-disabled veterans in order to increase its contracting opportunities to be debarred from contracting with the VA for not less than five years (under current law, for a reasonable period as determined by the Secretary). Requires the Secretary to commence the debarment action within 30 days after the misrepresentation determination, and to complete such action within 90 days after such determination. Includes in the debarment all principals in the business.

(Sec. 707) Requires the Secretary to submit to the veterans committees a quarterly accounting of the costs of each conference, meeting, or other similar forum sponsored or co-sponsored by the VA that is: (1) attended by at least 50 individuals, including at least 1 VA employee; and (3) estimated to cost the VA at least \$20,000.

(Sec. 708) Directs the Secretary of Labor to establish and maintain a website for the public disclosure of information concerning the employment by federal contractors of: (1) disabled veterans, (2) veterans who served on active duty during a war or in a campaign for which a campaign badge has been authorized, (3) veterans who participated in a military operation for which a service medal was awarded, and (4) recently separated veterans.

(Sec. 709) Directs the Secretary to establish the VetStar Award Program to annually recognize businesses for their contributions to veterans' employment.

(Sec. 710) Amends the Servicemembers Civil Relief Act to extend from 9 to 12 months after a servicemember's period of military service both the stay of proceedings to enforce an obligation on real or personal property owned by the servicemember prior to such military service, as well as the protection against sale, foreclosure, or seizure of such property. Makes such extensions applicable during the period beginning 180 days after the enactment of this Act until the end of 2014. Requires a report from the Comptroller General to Congress on such protections provided during the five-year period ending on the date of enactment of this Act.

Actions Timeline

- **Aug 6, 2012:** Signed by President.
- **Aug 6, 2012:** Became Public Law No: 112-154.
- **Aug 3, 2012:** Presented to President.
- **Jul 31, 2012:** Mr. Miller (FL) moved that the House suspend the rules and agree to the Senate amendments. (consideration: CR H5416-5432)
- **Jul 31, 2012:** DEBATE - The House proceeded with forty minutes of debate on concurring in the Senate amendments to H.R. 1627.
- **Jul 31, 2012:** Resolving differences -- House actions: On motion that the House suspend the rules and agree to the Senate amendments Agreed to by voice vote.(text as House agreed to Senate amendments: CR H5416-5428)
- **Jul 31, 2012:** On motion that the House suspend the rules and agree to the Senate amendments Agreed to by voice vote. (text as House agreed to Senate amendments: CR H5416-5428)
- **Jul 31, 2012:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 19, 2012:** Message on Senate action sent to the House.
- **Jul 18, 2012:** Senate Committee on Veterans' Affairs discharged by Unanimous Consent.
- **Jul 18, 2012:** Measure laid before Senate by unanimous consent. (consideration: CR S5154-5167)
- **Jul 18, 2012:** Passed/agreed to in Senate: Passed Senate with an amendment and an amendment to the Title by Unanimous Consent.
- **Jul 18, 2012:** Passed Senate with an amendment and an amendment to the Title by Unanimous Consent.
- **May 24, 2011:** Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs.
- **May 23, 2011:** Mr. Miller (FL) moved to suspend the rules and pass the bill, as amended.
- **May 23, 2011:** Considered under suspension of the rules. (consideration: CR H3310-3313)
- **May 23, 2011:** DEBATE - The House proceeded with forty minutes of debate on H.R. 1627.
- **May 23, 2011:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **May 23, 2011:** Considered as unfinished business. (consideration: CR H3319-3320)
- **May 23, 2011:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 380 - 0 (Roll no. 330).(text: CR H3310-3311)
- **May 23, 2011:** On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 380 - 0 (Roll no. 330). (text: CR H3310-3311)
- **May 23, 2011:** Motion to reconsider laid on the table Agreed to without objection.
- **May 20, 2011:** Reported (Amended) by the Committee on Veterans' Affairs. H. Rept. 112-84, Part I. Filed late, pursuant to previous special order.
- **May 20, 2011:** Committee on Armed Services discharged.
- **May 20, 2011:** Placed on the Union Calendar, Calendar No. 45.
- **May 18, 2011:** Referred to the Subcommittee on Military Personnel.
- **May 12, 2011:** Committee Consideration and Mark-up Session Held.
- **May 12, 2011:** Ordered to be Reported by Voice Vote.
- **May 5, 2011:** Subcommittee Consideration and Mark-up Session Held.
- **May 5, 2011:** Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote .
- **May 3, 2011:** Subcommittee Hearings Held.
- **Apr 29, 2011:** Referred to the Subcommittee on Disability Assistance and Memorial Affairs.
- **Apr 15, 2011:** Introduced in House
- **Apr 15, 2011:** Referred to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.