

S 914

Veterans Programs Improvement Act of 2011

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Armed Forces and National Security

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Sponsor

Name: Sen. Begich, Mark [D-AK]

Party: Democratic • **State:** AK • **Chamber:** Senate

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Grassley, Chuck [R-IA]	R · IA		May 9, 2011
Sen. Tester, Jon [D-MT]	D · MT		May 9, 2011

Committee Activity

Committee	Chamber	Activity	Date
Veterans' Affairs Committee	Senate	Reported By	Oct 11, 2011

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
112 HR 5830	Related bill	May 29, 2012: Referred to the Subcommittee on Health.

Veterans Programs Improvement Act of 2011 - **Title I: Health Care Matters** - (Sec. 101) Authorizes the Secretary of Veterans Affairs to waive the imposition or collection of copayments for telehealth and telemedicine visits of veterans.

(Sec. 102) Directs the Secretary to carry out a program of teleconsultation for the provision of remote mental health and traumatic brain injury (TBI) assessments in facilities of the Department of Veterans Affairs (VA) 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: (1) offer medical residents training opportunities in telemedicine; and (2) modify the Veterans Equitable Resource Allocation (VERA) system to include teleconsultation, teleretinal imaging, telemedicine, and telehealth coordination services. Defines "teleconsultation," "telehealth," "telemedicine," and "teleretinal imaging."

(Sec. 103) Treats Vet Centers as VA facilities for purposes of authorized payments or allowances for beneficiary travel to or from a VA facility in connection with medical care. Requires a report from the Secretary to Congress on the feasibility and advisability of paying the actual expenses of travel or allowances for such travel. Authorizes appropriations.

(Sec. 104) Requires the Secretary to admit into any VA building or property service animals accompanying individuals with disabilities.

(Sec. 105) Includes within a program of individualized rehabilitation and reintegration plans for veterans with TBI: (1) the goal of maximizing the individual's independence, and (2) improving such veterans' behavioral functioning. Requires the inclusion of rehabilitative services in: (1) a VA comprehensive program of long-term care for veterans with TBI, and (2) cooperative agreements for the use of non-VA facilities for veterans' rehabilitation from TBI.

(Sec. 106) Directs the Secretary to establish and operate centers of excellence for rural health research, education, and clinical activities, including: (1) research on furnishing health services in rural areas, (2) development of specific models to be used in furnishing health services to veterans in such areas, (3) education and training for VA health care professionals, and (4) development and implementation of clinical activities and systems. Designates as such a center the Department of Veterans Affairs Medical Center in Fargo, North Dakota.

(Sec. 107) Directs the Secretary to develop and implement a comprehensive policy on the provision of chiropractic services provided at VA expense to veterans enrolled in the VA health care system. Requires periodic policy updates. Requires such services to be provided at not less than two locations in each Veterans Integrated Services Network, and at other appropriate locations based on demand. Directs the Secretary to report annually to the congressional veterans committees on policy implementation.

(Sec. 108) Authorizes the VA to pay the lesser of the actual charge by an ambulance provider or the amount authorized for such services under title XVIII (Medicare) of the Social Security Act, unless there is an existing contract with the provider.

(Sec. 109) Directs the Secretary to enter into a contract or agreement with each state home to pay for nursing home care provided to certain veterans with service-connected disabilities. Requires such payment to be based on a methodology, developed by the Secretary in consultation with the home, to adequately reimburse the home for the care provided under such contract or agreement. (Current law requires payment at the lesser of the prevailing rate in the geographic area for non-VA nursing homes or the daily cost of care, both of which are determined by the Secretary.) Makes this section effective for care provided on or after January 1, 2012.

(Sec. 110) Authorizes the Secretary to disclose information about a veteran or his or her dependent to a state controlled substance monitoring program to the extent necessary to prevent misuse and diversion of prescription medicines.

(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.

Title II: Homeless Veterans Matters - (Sec. 201) 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 efficient and effective method for adequately reimbursing grant recipients for services furnished to homeless veterans. Requires a report to Congress on such study and methods. Authorizes appropriations.

(Sec. 202) Revises eligibility: (1) under the grant program for entities serving homeless veterans with special needs, and (2) for treatment and rehabilitation of homeless veterans who are not seriously mentally ill.

(Sec. 204) Directs the Secretary to submit to Congress a comprehensive plan to end homelessness among veterans. Requires plan analysis to include consideration of the unique circumstances and requirements of veterans in rural areas.

(Sec. 205) Extends through: (1) 2012 the VA's health care for homeless veterans and domiciliary care for homeless veterans programs, (2) 2014 the VA program of centers providing benefits and services to homeless veterans, (3) 2014 VA authority to enter into agreements with nonprofit or government organizations to assist homeless veterans and their families in acquiring shelter, and (4) 2013 the Advisory Committee on Homeless Veterans.

(Sec. 206) Reauthorizes through: (1) FY2012 the homeless veterans reintegration program, (2) FY2012 the program of supportive services for very low-income veteran families residing in permanent housing, and (3) FY2013 the grant program for homeless veterans with special needs.

(Sec. 209) Authorizes 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.

Title III: Housing Matters - Andrew Connolly Veterans' Housing Act - (Sec. 302) 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. 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.

(Sec. 303) 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. 304) Waives the veterans' housing loan fee for veterans eligible to receive veterans' disability compensation as the result of a pre-discharge review of existing medical evidence. (Under current law, such fee is waived only for veterans rated eligible to receive compensation as the result of a pre-discharge VA examination and subsequent disability rating.)

(Sec. 305) Increases the authorized amount of VA assistance for permanent and total 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 2021.

(Sec. 306) Expands eligibility for VA specially adapted housing assistance to include veterans with visual acuity of 20/200 (under current law, 5/200) or less.

(Sec. 307) Excludes VA temporary residence adaptation grants from aggregate limitations on assistance available for adapting and acquiring such housing for individuals residing temporarily in housing owned by a family member.

Title IV: Compensation and Pension Matters - (Sec. 401) Increases to \$31,305 the combined annual rate of pension for two married veterans meeting specified disability and service or age and service requirements when both such veterans need regular aid and attendance.

(Sec. 402) 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 such date effective with respect to claims filed after FY2012.

(Sec. 403) 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 was not receiving such compensation or pension but had a claim pending for the month of the veteran's death for which benefits would have been payable had the veteran not died. Requires that, if a claim for entitlement to such benefits is pending at the time of a veteran's death and the pending claim was subsequently granted, any additional amount of benefits for the month of death would be paid as accrued VA benefits.

(Sec. 404) Requires initial review by the Board of Veterans' Appeals of a substantive appeal containing new evidence, unless the claimant requests initial review by the agency of original jurisdiction.

Title V: Memorial, Burial, and Cemetery Matters - (Sec. 501) 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 (Arlington).

(Sec. 502) 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 considers appropriate; and (2) a gravesite from being reserved at Arlington before an individual's death, except in the case of a request approved by such Secretary

before January 1, 1962. Requires a report from such Secretary to Congress on reservations made for interment at Arlington.

(Sec. 503) Includes under the VA's presidential memorial certificate program (a program presenting a presidential certificate of appreciation for service in the Armed Forces) an individual who dies during active service.

Title VI: Construction Matters - (Sec. 601) Authorizes the Secretary to carry out major medical facility projects (projects) in FY2012 in Seattle, Washington, and West Los Angeles, California.

(Sec. 602) Modifies specified previously-authorized projects in Arkansas, California, Florida, Missouri, and Puerto Rico.

(Sec. 603) Authorizes the Secretary to carry out specified major medical facility leases (leases) in FY2012 in Alabama, California, Georgia, Indiana, Missouri, New York, and Oregon.

(Sec. 604) Authorizes appropriations for FY2012 for the projects and leases authorized under this title. Provides funding limitations.

(Sec. 605) Prohibits the Secretary from using bid savings on a VA project to expand the purpose of a project except pursuant to a law enacted after the date on which the Secretary submits to the veterans and appropriations committees notification of: (1) the project that is the source of the bid savings, (2) the project for which the expansion is to be used, (3) a description of the expansion purpose, and (4) the amounts which the Secretary intends to obligate for the expansion.

(Sec. 606) Designates the VA medical center in Big Spring, Texas, as the "George H. O'Brien, Jr., Department of Veterans Affairs Medical Center."

(Sec. 607) Designates the VA telehealth clinic in Craig, Colorado, as the "Major William Edward Adams Department of Veterans Affairs Clinic."

Title VII: Other Administrative and Benefits 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 used and occupied by the veteran was destroyed or substantially damaged in a natural or other disaster. Requires any such 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 to: (1) 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) waive the annual limitation on the number of veterans eligible to participate in programs of independent living services and assistance when a veteran has been displaced as the result of a disaster; (3) in determining whether certain real estate housing loans are secured by a first lien, disregard or allow for subordination to a superior lien created by a duly recorded covenant running with the realty in favor of 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; and (4) 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. Directs the Secretary to report annually to Congress on

assistance provided or action taken pursuant to the authorities under this section.

(Sec. 702) Exempts 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. 703) Directs that 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 shall 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. 704) 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. 705) 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. 706) Makes a VA employee participating in the employee incentive scholarship program liable for the amount paid upon failure to maintain such employment during the program.

(Sec. 707) Directs the Secretary to submit to Congress a plan on the VA use of pay-for-performance mechanisms in contracts which compensate VA contractors for the provision of veterans' health care services through community-based outpatient clinics.

(Sec. 708) Extends through: (1) FY2013 VA authority to obtain income verification information from the Secretary of the Treasury and the Commissioner of Social Security, and (2) 2012 VA authority to operate a regional office in the Republic of the Philippines.

(Sec. 710) Directs the Secretary to report to Congress on the feasibility and advisability of establishing a VA Polytrauma Rehabilitation Center or Polytrauma Network Site in the northern Rockies or the Dakotas. Requires the Fort Harrison Department of Veterans Affairs Hospital in Lewis and Clark County, Montana, to be evaluated as a potential location for such Center or Site.

(Sec. 711) Maintains through FY2011 the current VA home loan guaranty fees for active-duty members and reservists. Decreases such fees, during FY2012, to 1.5% of the total guaranty amount for active-duty members, and 1.75% for reservists.

Actions Timeline

- **Oct 11, 2011:** Committee on Veterans' Affairs. Reported by Senator Murray with an amendment in the nature of a substitute. With written report No. 112-88.
- **Oct 11, 2011:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 188.
- **Jun 29, 2011:** Committee on Veterans' Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Jun 8, 2011:** Committee on Veterans' Affairs. Hearings held. Hearings printed: S.Hrg. 112-116.
- **May 9, 2011:** Introduced in Senate
- **May 9, 2011:** Sponsor introductory remarks on measure. (CR S2782-2783)
- **May 9, 2011:** Read twice and referred to the Committee on Veterans' Affairs.