

109TH CONGRESS
2^D SESSION

S. 2694

AN ACT

To amend title 38, United States Code, to remove certain limitations on attorney representation of claimants for veterans benefits in administrative proceedings before the Department of Veterans Affairs, to make certain improvements in the area of memorial affairs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Veterans’ Choice of Representation and Benefits En-
6 hancement Act of 2006”.

1 (b) TABLE OF CONTENTS.—The table of contents of
2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—VETERANS' REPRESENTATION

Sec. 101. Attorney representation in veterans benefits cases before the Department of Veterans Affairs.

TITLE II—MEMORIAL AFFAIRS

Sec. 201. Eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands.

Sec. 202. Removal of remains of Russell Wayne Wagner from Arlington National Cemetery.

Sec. 203. Provision of government markers for marked graves of veterans at private cemeteries.

TITLE III—EDUCATION MATTERS

Sec. 301. Expansion of education programs eligible for accelerated payment of educational assistance under the Montgomery GI bill.

Sec. 302. Accelerated payment of survivors' and dependents' educational assistance for certain programs of education.

Sec. 303. Reimbursement of expenses for State approving agencies in the administration of educational benefits.

Sec. 304. Modification of requirement for reporting on educational assistance program.

TITLE IV—HEALTH MATTERS

Sec. 401. Parkinson's disease research, education, clinical centers, and multiple sclerosis centers of excellence.

Sec. 402. Repeal of term of office for the Under Secretary for Health and the Under Secretary for Benefits.

Sec. 403. Modifications to existing State home authorities.

Sec. 404. Office of Rural Health.

Sec. 405. Pilot program on improvement of caregiver assistance services.

TITLE V—HOMELESS VETERANS ASSISTANCE

Sec. 501. Reaffirmation of national goal to end homelessness among veterans.

Sec. 502. Sense of Congress on the response of the Federal Government to the needs of homeless veterans.

Sec. 503. Authority to make grants for comprehensive service programs for homeless veterans.

Sec. 504. Extension of treatment and rehabilitation for seriously mentally ill and homeless veterans.

Sec. 505. Extension of authority for transfer of properties obtained through foreclosure of home mortgages.

Sec. 506. Extension of funding for grant program for homeless veterans with special needs.

Sec. 507. Extension of funding for homeless veteran service provider technical assistance program.

1 ognized under this section, including a requirement that,
2 before being recognized, an individual—

3 “(A) show that such individual is of good moral
4 character and in good repute, is qualified to render
5 claimants valuable service, and is otherwise com-
6 petent to assist claimants in presenting claims;

7 “(B) has such level of experience and special-
8 ized training as the Secretary shall specify; and

9 “(C) certifies to the Secretary that the indi-
10 vidual has satisfied any qualifications and standards
11 prescribed by the Secretary under this section.

12 “(3) The Secretary may prescribe in regulations rea-
13 sonable restrictions on the amount of fees that an agent
14 or attorney may charge a claimant for services rendered
15 in the preparation, presentation, and prosecution of a
16 claim before the Department.

17 “(4)(A) The Secretary may, on a periodic basis, col-
18 lect a registration fee from individuals recognized as
19 agents or attorneys under this section.

20 “(B) The Secretary shall prescribe the amount and
21 frequency of collection of such fees. The amount of such
22 fees may include an amount, as specified by the Secretary,
23 necessary to defray the costs to the Department in recog-
24 nizing individuals under this section, in administering the
25 collection of such fees, in administering the payment of

1 fees under subsection (d), and in conducting oversight of
2 agents or attorneys.

3 “(C) Amounts so collected shall be deposited in the
4 account from which amounts for such costs were derived,
5 merged with amounts in such account, and available for
6 the same purpose, and subject to the same conditions and
7 limitations, as amounts in such account.”

8 (2) APPLICABILITY TO REPRESENTATIVES OF
9 VETERANS SERVICE ORGANIZATIONS.—Section
10 5902(b) of such title is amended—

11 (A) by redesignating paragraphs (1) and
12 (2) as subparagraphs (A) and (B), respectively;

13 (B) by inserting “(1)” after “(b)”; and

14 (C) by adding at the end the following new
15 paragraph:

16 “(2) An individual recognized under this section shall
17 be subject to the provisions of section 5904(b) of this title
18 on the same basis as an individual recognized under sec-
19 tion 5904(a) of this title.”

20 (3) APPLICABILITY TO INDIVIDUALS RECOG-
21 NIZED FOR PARTICULAR CLAIMS.—Section 5903 of
22 such title is amended—

23 (A) by inserting “(a) IN GENERAL.—” be-
24 fore “The Secretary”; and

1 (B) by adding at the end the following new
2 subsection:

3 “(b) SUSPENSION.—An individual recognized under
4 this section shall be subject to the provisions of section
5 5904(b) of this title on the same basis as an individual
6 recognized under section 5904(a) of this title.”.

7 (b) ADDITIONAL BASES FOR SUSPENSION OF INDI-
8 VIDUALS.—Subsection (b) of section 5904 of such title is
9 amended—

10 (1) in paragraph (4), by striking “or” at the
11 end;

12 (2) in paragraph (5), by striking the period and
13 inserting a semicolon; and

14 (3) by adding at the end the following new
15 paragraphs:

16 “(6) has presented frivolous claims, issues, or
17 arguments to the Department; or

18 “(7) has failed to comply with any other condi-
19 tion specified by the Secretary in regulations pre-
20 scribed by the Secretary for purposes of this sub-
21 section.”.

22 (c) REPEAL OF LIMITATION ON HIRING AGENTS OR
23 ATTORNEYS.—Subsection (c) of section 5904 of such title
24 is amended by striking paragraph (1).

1 (d) MODIFICATION OF REQUIREMENTS TO FILE AT-
2 TORNEY FEE AGREEMENTS.—Such subsection is further
3 amended—

4 (1) by redesignating paragraph (2) as para-
5 graph (1); and

6 (2) in that paragraph, as so redesignated—

7 (A) by striking “in a case referred to in
8 paragraph (1) of this subsection”;

9 (B) by striking “after the Board first
10 makes a final decision in the case”;

11 (C) by striking “with the Board at such
12 time as may be specified by the Board” and in-
13 serting “with the Secretary pursuant to regula-
14 tions prescribed by the Secretary”; and

15 (D) by striking the second and third sen-
16 tences.

17 (e) ATTORNEY FEES.—Such subsection is further
18 amended by inserting after paragraph (1), as redesignated
19 by subsection (d)(1) of this section, the following new
20 paragraph (2):

21 “(2)(A) The Secretary, upon the Secretary’s own mo-
22 tion or at the request of the claimant, may review a fee
23 agreement filed pursuant to paragraph (1) and may order
24 a reduction in the fee called for in the agreement if the
25 Secretary finds that the fee is excessive or unreasonable.

1 “(B) A finding or order of the Secretary under sub-
 2 paragraph (A) may be reviewed by the Board of Veterans’
 3 Appeals under section 7104 of this title.”.

4 (f) REPEAL OF PENALTY FOR CERTAIN ACTS.—Sec-
 5 tion 5905 of such title is amended by striking “(1)” and
 6 all that follows through “(2)”.

7 (g) EFFECTIVE DATE.—

8 (1) IN GENERAL.—The amendments made by
 9 this section shall take effect six months after the
 10 date of the enactment of this Act.

11 (2) REGULATIONS.—The Secretary shall pre-
 12 scribe the regulations, if any, to be prescribed under
 13 the amendments made by subsection (a) not later
 14 than the date specified in paragraph (1).

15 (3) CLAIMS.—The amendments made by sub-
 16 sections (b), (c), (d), and (e) shall apply to claims
 17 submitted on or after the date specified in para-
 18 graph (1).

19 **TITLE II—MEMORIAL AFFAIRS**

20 **SEC. 201. ELIGIBILITY OF INDIAN TRIBAL ORGANIZATIONS** 21 **FOR GRANTS FOR THE ESTABLISHMENT OF** 22 **VETERANS CEMETERIES ON TRUST LANDS.**

23 Section 2408 of title 38, United States Code, is
 24 amended by adding at the end the following new sub-
 25 section:

1 “(f)(1) The Secretary may make grants under this
2 subsection to any tribal organization to assist the tribal
3 organization in establishing, expanding, or improving vet-
4 erans’ cemeteries on trust land owned by, or held in trust
5 for, the tribal organization.

6 “(2) Grants under this subsection shall be made in
7 the same manner, and under the same conditions, as
8 grants to States are made under the preceding provisions
9 of this section.

10 “(3) In this subsection:

11 “(A) The term ‘tribal organization’ has the
12 meaning given that term in section 3765(4) of this
13 title.

14 “(B) The term ‘trust land’ has the meaning
15 given that term in section 3765(1) of this title.”.

16 **SEC. 202. REMOVAL OF REMAINS OF RUSSELL WAYNE WAG-**
17 **NER FROM ARLINGTON NATIONAL CEME-**
18 **TERY.**

19 (a) FINDINGS.—Congress makes the following find-
20 ings:

21 (1) Arlington National Cemetery is a National
22 Shrine that memorializes the honorable service of
23 men and women who have defended the freedoms
24 that all the people of the United States enjoy.

1 (2) The inclusion among the honored dead of
2 the remains of persons who have committed particu-
3 larly notorious, heinous acts brings dishonor to the
4 deceased and disrespect to their loved ones.

5 (3) The removal of the remains of a person who
6 has committed a heinous act would not be an act of
7 punishment against that person, but rather an act
8 that would preserve the sacredness of cemetery
9 grounds.

10 (4) In November of 1997, section 2411 of title
11 38, United States Code, was enacted to, among
12 other things, deny burial eligibility in Arlington Na-
13 tional Cemetery to any person convicted of a State
14 capital crime for which the person was sentenced to
15 death or life imprisonment without parole. In Janu-
16 ary of 2006, section 2411 of such title was amended
17 by section 662 of the National Defense Authoriza-
18 tion Act for Fiscal Year 2006 (Public Law 109–163)
19 to remove parole eligibility as a loophole through
20 which convicted capital offenders could retain eligi-
21 bility for interment at Arlington National Cemetery.

22 (5) According to Arlington National Cemetery
23 officials, the remains of only one capital offender,
24 Russell Wayne Wagner, have been interred in Ar-
25 lington National Cemetery since November of 1997.

1 (b) REMOVAL OF REMAINS.—

2 (1) REMOVAL.—The Secretary of the Army
3 shall remove the remains of Russell Wayne Wagner
4 from Arlington National Cemetery.

5 (2) NOTIFICATION OF NEXT-OF-KIN.—The Sec-
6 retary of the Army shall—

7 (A) notify the next-of-kin of record for
8 Russell Wayne Wagner of the impending re-
9 moval of his remains; and

10 (B) upon removal, relinquish the remains
11 to the next-of-kin of record for Russell Wayne
12 Wagner or, if the next-of-kin of record for Rus-
13 sell Wayne Wagner is unavailable, arrange for
14 an appropriate disposition of the remains.

15 **SEC. 203. PROVISION OF GOVERNMENT MARKERS FOR**
16 **MARKED GRAVES OF VETERANS AT PRIVATE**
17 **CEMETERIES.**

18 (a) IN GENERAL.—Section 502(d) of the Veterans
19 Education and Benefits Expansion Act of 2001 (Public
20 Law 107–103; 38 U.S.C. 2306 note), as amended by sec-
21 tion 203 of the Veterans Benefits Act of 2002 (Public Law
22 107–330), is amended by striking “September 11, 2001”
23 and inserting “November 1, 1990”.

1 (b) REPEAL OF EXPIRATION OF AUTHORITY.—Sub-
2 section (d) of section 2306 of title 38, United States Code,
3 is amended by striking paragraph (3).

4 (c) PROVISION OF HEADSTONE OR MARKER.—

5 (1) IN GENERAL.—Subsection (d) of such sec-
6 tion 2306 is further amended—

7 (A) in paragraph (1)—

8 (i) in the first sentence, by striking
9 “Government marker” and inserting “Gov-
10 ernment headstone or marker”; and

11 (ii) in the second sentence, by insert-
12 ing “headstone or” before “marker” each
13 place it appears; and

14 (B) in paragraph (2), by inserting “head-
15 stone or” before “marker”.

16 (2) CONFORMING AMENDMENT.—Subsection
17 (g)(3) of such section 2306 is amended by inserting
18 “headstone or” before “marker”.

19 (d) PLACEMENT OF HEADSTONE OR MARKER.—The
20 second sentence of subsection (d)(1) of such section 2306,
21 as amended by subsection (c)(1)(A)(ii) of this section, is
22 further amended by inserting before the period the fol-
23 lowing: “, or, if placement on the grave is impossible or
24 impracticable, as close as possible to the grave within the
25 grounds of the cemetery in which the grave is located”.

1 (e) DELIVERY OF HEADSTONE OR MARKER.—Sub-
2 section (d)(2) of such section 2306, as amended by sub-
3 section (c)(1)(B) of this section, is further amended by
4 inserting before the period the following: “or to a receiving
5 agent for delivery to the cemetery”.

6 (f) REPEAL OF OBSOLETE REPORT REQUIRE-
7 MENT.—Subsection (d) of such section 2306 is further
8 amended by striking paragraph (4).

9 (g) SCOPE OF HEADSTONES AND MARKERS FUR-
10 NISHED.—Subsection (d) of such section 2306 is further
11 amended by inserting after paragraph (2) the following
12 new paragraph (3):

13 “(3) In furnishing headstones and markers under
14 this subsection, the Secretary shall permit the individual
15 making the request for a headstone or marker to select
16 among any headstone or marker in the complete product
17 line of Government headstones and markers.”.

18 (h) RETROACTIVE EFFECTIVE DATE.—The amend-
19 ments made by subsections (a) through (g) shall take ef-
20 fect as if included in the enactment of section 502 of the
21 Veterans Education and Benefits Expansion Act of 2001
22 (Public Law 107–103; 115 Stat. 976).

1 **TITLE III—EDUCATION MATTERS**

2 **SEC. 301. EXPANSION OF EDUCATION PROGRAMS ELIGIBLE**

3 **FOR ACCELERATED PAYMENT OF EDU-**

4 **CATIONAL ASSISTANCE UNDER THE MONT-**

5 **GOMERY GI BILL.**

6 (a) IN GENERAL.—Subsection (b) of section 3014A
7 of title 38, United States Code, is amended by striking
8 paragraph (1) and inserting the following new paragraph
9 (1):

10 “(1) enrolled in either—

11 “(A) an approved program of education
12 that leads to employment in a high technology
13 occupation in a high technology industry (as de-
14 termined pursuant to regulations prescribed by
15 the Secretary); or

16 “(B) an approved program of education
17 lasting less than two years that (as so deter-
18 mined) leads to employment in—

19 “(i) the transportation sector of the
20 economy;

21 “(ii) the construction sector of the
22 economy;

23 “(iii) the hospitality sector of the
24 economy; or

1 “(iv) the energy sector of the econ-
2 omy.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) HEADING AMENDMENT.—The heading of
5 such section is amended to read as follows:

6 **“§ 3014A. Accelerated payment of basic educational**
7 **assistance”.**

8 (2) CLERICAL AMENDMENT.—The item relating
9 to such section in the table of sections at the begin-
10 ning of chapter 30 of such title is amended to read
11 as follows:

“3014A. Accelerated payment of basic educational assistance.”.

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect on October 1, 2007. Such
14 amendments shall only apply to enrollments that begin on
15 or after such date.

16 (d) SUNSET.—The amendments made by this section
17 shall expire on September 30, 2011.

18 **SEC. 302. ACCELERATED PAYMENT OF SURVIVORS’ AND DE-**
19 **PENDENTS’ EDUCATIONAL ASSISTANCE FOR**
20 **CERTAIN PROGRAMS OF EDUCATION.**

21 (a) IN GENERAL.—Subchapter IV of chapter 35 of
22 title 38, United States Code, is amended by inserting after
23 section 3532 the following new section:

1 **“§ 3532A. Accelerated payment of educational assist-**
 2 **ance allowance**

3 “(a) The educational assistance allowance payable
 4 under section 3531 of this title with respect to an eligible
 5 person described in subsection (b) may, upon the election
 6 of such eligible person, be paid on an accelerated basis
 7 in accordance with this section.

8 “(b) An eligible person described in this subsection
 9 is an individual who is—

10 “(1) enrolled in either—

11 “(A) an approved program of education
 12 that leads to employment in a high technology
 13 occupation in a high technology industry (as de-
 14 termined pursuant to regulations prescribed by
 15 the Secretary); or

16 “(B) an approved program of education
 17 lasting less than two years that (as so deter-
 18 mined) leads to employment in the—

19 “(i) transportation sector of the econ-
 20 omy;

21 “(ii) construction sector of the econ-
 22 omy;

23 “(iii) hospitality sector of the econ-
 24 omy; or

25 “(iv) energy sector of the economy;

26 and

1 “(2) charged tuition and fees for the program
2 of education that, when divided by the number of
3 months (and fractions thereof) in the enrollment pe-
4 riod, exceeds the amount equal to 200 percent of the
5 monthly rate of educational assistance allowance
6 otherwise payable with respect to the individual
7 under section 3531 of this title.

8 “(c)(1) The amount of the accelerated payment of
9 educational assistance payable with respect to an eligible
10 person making an election under subsection (a) for a pro-
11 gram of education shall be the lesser of—

12 “(A) the amount equal to 60 percent of the es-
13 tablished charges for the program of education; or

14 “(B) the aggregate amount of educational as-
15 sistance allowance to which the individual remains
16 entitled under this chapter at the time of the pay-
17 ment.

18 “(2) In this subsection, the term ‘established
19 charges’, in the case of a program of education, means
20 the actual charges (as determined pursuant to regulations
21 prescribed by the Secretary) for tuition and fees which
22 similarly circumstanced nonveterans enrolled in the pro-
23 gram of education would be required to pay. Established
24 charges shall be determined on the following basis:

1 “(A) In the case of an individual enrolled in a
2 program of education offered on a term, quarter, or
3 semester basis, the tuition and fees charged the indi-
4 vidual for the term, quarter, or semester.

5 “(B) In the case of an individual enrolled in a
6 program of education not offered on a term, quarter,
7 or semester basis, the tuition and fees charged the
8 individual for the entire program of education.

9 “(3) The educational institution providing the pro-
10 gram of education for which an accelerated payment of
11 educational assistance allowance is elected by an eligible
12 person under subsection (a) shall certify to the Secretary
13 the amount of the established charges for the program of
14 education.

15 “(d) An accelerated payment of educational assist-
16 ance allowance made with respect to an eligible person
17 under this section for a program of education shall be
18 made not later than the last day of the month immediately
19 following the month in which the Secretary receives a cer-
20 tification from the educational institution regarding—

21 “(1) the person’s enrollment in and pursuit of
22 the program of education; and

23 “(2) the amount of the established charges for
24 the program of education.

1 “(e)(1) Except as provided in paragraph (2), for each
2 accelerated payment of educational assistance allowance
3 made with respect to an eligible person under this section,
4 the person’s entitlement to educational assistance under
5 this chapter shall be charged the number of months (and
6 any fraction thereof) determined by dividing the amount
7 of the accelerated payment by the full-time monthly rate
8 of educational assistance allowance otherwise payable with
9 respect to the person under section 3531 of this title as
10 of the beginning date of the enrollment period for the pro-
11 gram of education for which the accelerated payment is
12 made.

13 “(2) If the monthly rate of educational assistance al-
14 lowance otherwise payable with respect to an eligible per-
15 son under section 3531 of this title increases during the
16 enrollment period of a program of education for which an
17 accelerated payment of educational assistance allowance is
18 made under this section, the charge to the person’s entitle-
19 ment to educational assistance under this chapter shall be
20 determined by prorating the entitlement chargeable, in the
21 manner provided for under paragraph (1), for the periods
22 covered by the initial rate and increased rate, respectively,
23 in accordance with regulations prescribed by the Sec-
24 retary.

1 “(f) The Secretary may not make an accelerated pay-
2 ment of educational assistance allowance under this sec-
3 tion for a program of education with respect to an eligible
4 person who has received an advance payment under sec-
5 tion 3680(d) of this title for the same enrollment period.

6 “(g) The Secretary shall prescribe regulations to
7 carry out this section. The regulations shall include re-
8 quirements, conditions, and methods for the request,
9 issuance, delivery, certification of receipt and use, and re-
10 covery of overpayment of an accelerated payment of edu-
11 cational assistance allowance under this section. The regu-
12 lations may include such elements of the regulations pre-
13 scribed under section 3014A of this title as the Secretary
14 considers appropriate for purposes of this section.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of chapter 35 of such title is amended
17 by inserting after the item relating to section 3532 the
18 following new item:

“3532A. Accelerated payment of educational assistance allowance.”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall take effect on October 1, 2007. Such
21 amendments shall only apply to enrollments that begin on
22 or after such date.

23 (d) SUNSET.—The amendments made by this section
24 shall expire on September 30, 2011.

1 **SEC. 303. REIMBURSEMENT OF EXPENSES FOR STATE AP-**
2 **PROVING AGENCIES IN THE ADMINISTRA-**
3 **TION OF EDUCATIONAL BENEFITS.**

4 Section 3674(a) of title 38, United States Code, is
5 amended—

6 (1) in paragraph (2)(A), by inserting “and is
7 authorized to make additional payments subject to
8 the availability of appropriations,” after “readjust-
9 ment benefits,”; and

10 (2) in paragraph (4), by striking the first sen-
11 tence and inserting “The total amount authorized
12 and available under this section for any fiscal year
13 may not exceed \$19,000,000, except that the total
14 amount made available for purposes of this section
15 from amounts available for the payment of readjust-
16 ment benefits may not exceed \$19,000,000 for fiscal
17 years 2006 and 2007, \$13,000,000 for fiscal years
18 2008 and 2009, \$8,000,000 for each of fiscal years
19 2010 through 2013, and \$13,000,000 for fiscal year
20 2014 and each subsequent fiscal year.”.

21 **SEC. 304. MODIFICATION OF REQUIREMENT FOR REPORT-**
22 **ING ON EDUCATIONAL ASSISTANCE PRO-**
23 **GRAM.**

24 (a) EXTENSION.—Subsection (d) of section 3036 of
25 title 38, United States Code, is amended by striking “Jan-
26 uary 1, 2005” and inserting “January 1, 2011”.

1 (b) DATE OF SUBMITTAL.—Subsection (a) of such
 2 section is amended by inserting “, on January 1,” after
 3 “two years”.

4 (c) INTERIM REPORT.—The Secretary of Defense
 5 and the Secretary of Veterans Affairs shall each submit
 6 to Congress a report containing the information required
 7 by section 3036 of title 38, United States Code, not later
 8 than six months after the date of the enactment of this
 9 Act.

10 **TITLE IV—HEALTH MATTERS**

11 **SEC. 401. PARKINSON’S DISEASE RESEARCH, EDUCATION,** 12 **CLINICAL CENTERS, AND MULTIPLE SCLE-** 13 **ROSIS CENTERS OF EXCELLENCE.**

14 (a) REQUIREMENT FOR ESTABLISHMENT OF CEN-
 15 TERS.—

16 (1) IN GENERAL.—Subchapter II of chapter 73
 17 of title 38, United States Code, is amended by add-
 18 ing at the end the following new section:

19 **“§ 7329. Parkinson’s disease research, education, and**
 20 **clinical centers and multiple sclerosis**
 21 **centers of excellence**

22 “(a) DESIGNATION.—The Secretary, upon the rec-
 23 ommendation of the Under Secretary for Health and pur-
 24 suant to the provisions of this section, shall—

25 “(1) designate—

1 “(A) at least 6 Department health care fa-
2 cilities as the locations for centers of Parkin-
3 son’s disease research, education, and clinical
4 activities and (subject to the appropriation of
5 sufficient funds for such purpose); and

6 “(B) at least 2 Department health care fa-
7 cilities as the locations for Multiple Sclerosis
8 Centers of Excellence (subject to the appropria-
9 tion of sufficient funds for such purpose); and

10 “(2) establish and operate such centers at such
11 locations in accordance with this section.

12 “(b) EXISTING FACILITIES; GEOGRAPHIC DISTRIBU-
13 TION.—In designating locations for centers under sub-
14 section (a), the Secretary, upon the recommendation of the
15 Under Secretary for Health, shall—

16 “(1) designate each Department health care fa-
17 cility that, as of January 1, 2005, was operating a
18 Parkinson’s Disease Research, Education, and Clin-
19 ical Center or a Multiple Sclerosis Center of Excel-
20 lence unless the Secretary, on the recommendation
21 of the Under Secretary for Health, determines that
22 such facility—

23 “(A) does not meet the requirements of
24 subsection (c);

1 “(B) has not demonstrated effectiveness in
2 carrying out the established purposes of such
3 center; or

4 “(C) has not demonstrated the potential to
5 carry out such purposes effectively in the rea-
6 sonably foreseeable future; and

7 “(2) assure appropriate geographic distribution
8 of such facilities.

9 “(c) MINIMUM REQUIREMENTS.—The Secretary may
10 not designate a health care facility as a location for a cen-
11 ter under subsection (a) unless—

12 “(1) the peer review panel established under
13 subsection (d) determines that the proposal sub-
14 mitted by such facility is among those proposals
15 which meet the highest competitive standards of sci-
16 entific and clinical merit; and

17 “(2) the Secretary, upon the recommendation of
18 the Under Secretary for Health, determines that the
19 facility has (or may reasonably be anticipated to de-
20 velop)—

21 “(A) an arrangement with an accredited
22 medical school which provides education and
23 training in neurology and with which such facil-
24 ity is affiliated under which residents receive
25 education and training in innovative diagnosis

1 and treatment of chronic neurodegenerative dis-
2 eases and movement disorders, including Par-
3 kinson’s disease, or in the case of Multiple Scle-
4 rosis Centers, multiple sclerosis disease;

5 “(B) the ability to attract the participation
6 of scientists who are capable of ingenuity and
7 creativity in health-care research efforts;

8 “(C) a policymaking advisory committee
9 composed of consumers and appropriate health
10 care and research representatives of the facility
11 and of the affiliated school or schools to advise
12 the directors of such facility and such center on
13 policy matters pertaining to the activities of
14 such center during the period of the operation
15 of such center;

16 “(D) the capability to conduct effectively
17 evaluations of the activities of such center;

18 “(E) the capability to coordinate, as part
19 of an integrated national system, education,
20 clinical, and research activities within all facili-
21 ties with such centers;

22 “(F) the capability to jointly develop a
23 consortium of providers with interest in treating
24 neurodegenerative diseases, including Parkin-
25 son’s disease, and other movement disorders, or

1 multiple sclerosis in the case of Multiple Sclerosis
2 Centers, at facilities without such centers
3 in order to ensure better access to state of the
4 art diagnosis, care, and education for
5 neurodegenerative disorders, or in the case of
6 Multiple Sclerosis Centers, autoimmune disease
7 affecting the central nervous system throughout
8 the health care system; and

9 “(G) the capability to develop a national
10 repository in the health care system for the col-
11 lection of data on health services delivered to
12 veterans seeking care for neurodegenerative dis-
13 eases, including Parkinson’s disease, and other
14 movement disorders, or in the case of Multiple
15 Sclerosis Centers, autoimmune disease affecting
16 the central nervous system.

17 “(d) PANEL.—(1) The Under Secretary for Health
18 shall establish a panel to assess the scientific and clinical
19 merit of proposals that are submitted to the Secretary for
20 the establishment of new centers under this section.

21 “(2)(A) The membership of the panel shall consist
22 of experts in neurodegenerative diseases, including Parkin-
23 son’s disease and other movement disorders, and, in the
24 case of Multiple Sclerosis Centers, experts in autoimmune
25 disease affecting the central nervous system.

1 “(B) Members of the panel shall serve as consultants
2 to the Department for a period of no longer than 2 years
3 except in the case of panelists asked to serve on the initial
4 panel as specified in subparagraph (C).

5 “(C) In order to ensure panel continuity, half of the
6 members of the first panel shall be appointed for a period
7 of 3 years and half for a period of 2 years.

8 “(3) The panel shall review each proposal submitted
9 to the panel by the Under Secretary and shall submit its
10 views on the relative scientific and clinical merit of each
11 such proposal to the Under Secretary.

12 “(4) The panel shall not be subject to the Federal
13 Advisory Committee Act.

14 “(e) ADEQUATE FUNDING.—Before providing funds
15 for the operation of any such center at a health care facil-
16 ity other than a health care facility designated under sub-
17 section (b)(1), the Secretary shall ensure that—

18 “(1) the Parkinson’s disease center at each fa-
19 cility designated under subsection (b)(1) is receiving
20 adequate funding to enable such center to function
21 effectively in the areas of Parkinson’s disease re-
22 search, education, and clinical activities; and

23 “(2) in the case of a new Multiple Sclerosis
24 Center, that existing centers are receiving adequate
25 funding to enable such centers to function effectively

1 in the areas of multiple sclerosis research, education,
2 and clinical activities.

3 “(f) AUTHORIZATION OF APPROPRIATIONS.—(1)
4 There are authorized to be appropriated such sums as may
5 be necessary for the support of the research and education
6 activities of the centers established under subsection (a).

7 “(2) The Under Secretary for Health shall allocate
8 to such centers from other funds appropriated generally
9 for the Department medical services account and medical
10 and prosthetics research account, as appropriate, such
11 amounts as the Under Secretary for Health determines
12 appropriate.

13 “(g) FUNDING ELIGIBILITY AND PRIORITY FOR PAR-
14 KINSON’S DISEASE RESEARCH.—Activities of clinical and
15 scientific investigation at each center established under
16 subsection (a) for Parkinson’s disease shall—

17 “(1) be eligible to compete for the award of
18 funding from funds appropriated for the Depart-
19 ment medical and prosthetics research account; and

20 “(2) receive priority in the award of funding
21 from such account to the extent funds are awarded
22 to projects for research in Parkinson’s disease and
23 other movement disorders.

24 “(h) FUNDING ELIGIBILITY AND PRIORITY FOR
25 MULTIPLE SCLEROSIS RESEARCH.—Activities of clinical

1 and scientific investigation at each center established
2 under subsection (a) for multiple sclerosis shall—

3 “(1) be eligible to compete for the award of
4 funding from funds appropriated for the Depart-
5 ment medical and prosthetics research account; and

6 “(2) receive priority in the award of funding
7 from such account to the extent funds are awarded
8 to projects for research in multiple sclerosis and
9 other movement disorders.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions at the beginning of chapter 73 of title 38,
12 United States Code, is amended by inserting after
13 the item relating to section 7328 the following new
14 item:

“7329. Parkinson’s disease research, education, and clinical centers and mul-
tiple sclerosis centers of excellence.”.

15 (b) EFFECTIVE DATE.—The amendments made by
16 subsection (a) shall take effect on October 1, 2006.

17 **SEC. 402. REPEAL OF TERM OF OFFICE FOR THE UNDER**
18 **SECRETARY FOR HEALTH AND THE UNDER**
19 **SECRETARY FOR BENEFITS.**

20 (a) UNDER SECRETARY FOR HEALTH.—

21 (1) IN GENERAL.—Section 305 of title 38,
22 United States Code, is amended by striking sub-
23 section (c).

1 (2) CONFORMING AMENDMENT.—Subsection (d)
2 of such section is redesignated as subsection (c).

3 (b) UNDER SECRETARY FOR BENEFITS.—

4 (1) IN GENERAL.—Section 306 of title 38,
5 United States Code, is amended by striking sub-
6 section (c).

7 (2) CONFORMING AMENDMENT.—Subsection (d)
8 of such section is redesignated as subsection (c).

9 **SEC. 403. MODIFICATIONS TO EXISTING STATE HOME AU-**
10 **THORITIES.**

11 (a) NURSING HOME CARE AND PRESCRIPTION MEDI-
12 CATIONS IN STATE HOMES FOR VETERANS WITH SERV-
13 ICE-CONNECTED DISABILITIES.—

14 (1) NURSING HOME CARE.—Subchapter V of
15 chapter 17 of title 38, United States Code, is
16 amended by adding at the end the following new sec-
17 tion:

18 **“§ 1745. Nursing home care and medications for vet-**
19 **erans with service-connected disabilities**

20 “(a)(1) The Secretary shall pay each State home for
21 nursing home care at the rate determined under para-
22 graph (2), where such care is provided to any veteran as
23 follows:

24 “(A) Any veteran in need of such care for a
25 service-connected disability.

1 “(B) Any veteran who—

2 “(i) has a service-connected disability rated
3 at 70 percent or more; and

4 “(ii) is in need of such care.

5 “(2) The rate determined under this paragraph with
6 respect to a State home is the lesser of—

7 “(A) the applicable or prevailing rate payable in
8 the geographic area in which the State home is lo-
9 cated, as determined by the Secretary, for nursing
10 home care furnished in a non-Department nursing
11 home (as that term is defined in section 1720(e)(2));
12 or

13 “(B) a rate not to exceed the daily cost of care,
14 as determined by the Secretary, following a report to
15 the Secretary by the director of the State home.

16 “(3) Payment by the Secretary under paragraph (1)
17 to a State home for nursing home care provided to a vet-
18 eran described in that paragraph constitutes payment in
19 full to the State home for such care furnished to that vet-
20 eran.”.

21 (2) PROVISION OF PRESCRIPTION MEDICINES.—

22 Such section, as so added, is further amended by
23 adding at the end the following new subsection:

24 “(b) The Secretary shall furnish such drugs and
25 medicines as may be ordered on prescription of a duly li-

1 censed physician as specific therapy in the treatment of
2 illness or injury to any veteran as follows:

3 “(1) Any veteran who—

4 “(A) is not being provided nursing home
5 care for which payment is payable under sub-
6 section (a); and

7 “(B) is in need of such drugs and medi-
8 cines for a service-connected disability.

9 “(2) Any veteran who—

10 “(A) has a service-connected disability
11 rated at 50 percent or more;

12 “(B) is not being provided nursing home
13 care for which payment is payable under sub-
14 section (a); and

15 “(C) is in need of such drugs and medi-
16 cines.”.

17 (3) CONFORMING AMENDMENTS.—

18 (A) CRITERIA FOR PAYMENT.—Section
19 1741(a)(1) of such title is amended by striking
20 “The” and inserting “Except as provided in
21 section 1745 of this title, the”.

22 (B) ELIGIBILITY FOR NURSING HOME
23 CARE.—Section 1710(a)(4) of such title is
24 amended—

1 (i) by striking “and” before “the re-
 2 quirement in section 1710B of this title”;
 3 and

4 (ii) by inserting “, and the require-
 5 ment in section 1745 of this title to pro-
 6 vide nursing home care and prescription
 7 medicines to veterans with service-con-
 8 nected disabilities in State homes” after “a
 9 program of extended care services”.

10 (4) CLERICAL AMENDMENT.—The table of sec-
 11 tions at the beginning of chapter 17 of such title is
 12 amended by inserting after the item relating to sec-
 13 tion 1744 the following new item:

“1745. Nursing home care and medications for veterans with service-connected
 disabilities.”.

14 (5) EFFECTIVE DATE.—The amendments made
 15 by this subsection shall take effect 90 days after the
 16 date of the enactment of this Act.

17 (b) IDENTIFICATION OF VETERANS IN STATE
 18 HOMES.—Such chapter is further amended—

19 (1) in section 1745, as added by subsection
 20 (a)(1) of this section, by adding at the end the fol-
 21 lowing new subsection:

22 “(c) Any State home that requests payment or reim-
 23 bursement for services provided to a veteran under this
 24 section shall provide to the Secretary such information as

1 the Secretary considers necessary to identify each indi-
 2 vidual veteran eligible for payment under such section.”;
 3 and

4 (2) in section 1741, by adding at the end the
 5 following new subsection:

6 “(f) Any State home that requests payment or reim-
 7 bursement for services provided to a veteran under this
 8 section shall provide to the Secretary such information as
 9 the Secretary considers necessary to identify each indi-
 10 vidual veteran eligible for payment under such section.”.

11 (c) **AUTHORITY TO TREAT CERTAIN HEALTH FA-
 12 CILITIES AS STATE HOMES.—**

13 (1) **AUTHORITY.**—Subchapter III of chapter 81
 14 of title 38, United States Code, is amended by add-
 15 ing at the end the following new section:

16 **“§ 8138. Treatment of certain health facilities as State
 17 homes**

18 “(a) The Secretary may treat a health facility, or cer-
 19 tain beds in a health facility, as a State home for purposes
 20 of subchapter V of chapter 17 of this title if the following
 21 requirements are met:

22 “(1) The facility, or certain beds in such facil-
 23 ity, meets the standards for the provision of nursing
 24 home care that is applicable to State homes, as pre-
 25 scribed by the Secretary under section 8134(b) of

1 this title, and such other standards relating to the
2 facility, or certain beds in such facility, as the Sec-
3 retary may require.

4 “(2) The facility, or certain beds in such facil-
5 ity, is licensed or certified by the appropriate State
6 and local agencies charged with the responsibility of
7 licensing or otherwise regulating or inspecting State
8 home facilities.

9 “(3) The State demonstrates in an application
10 to the Secretary that, but for the treatment of a fa-
11 cility (or certain beds in such facility), as a State
12 home under this subsection, a substantial number of
13 veterans residing in the geographic area in which the
14 facility is located who require nursing home care will
15 not have access to such care.

16 “(4) The Secretary determines that the treat-
17 ment of the facility, or certain beds in such facility,
18 as a State home best meets the needs of veterans for
19 nursing home care in the geographic area in which
20 the facility is located.

21 “(5) The Secretary approves the application
22 submitted by the State with respect to the facility,
23 or certain beds in such facility.

24 “(b) The Secretary may not treat a health facility,
25 or certain beds in a health facility, as a State home under

1 subsection (a) if the Secretary determines that such treat-
2 ment would increase the number of beds allocated to the
3 State in excess of the limit on the number of beds provided
4 for by regulations prescribed under section 8134(a) of this
5 title.

6 “(c) The number of beds occupied by veterans in a
7 health facility for which payment may be made under sub-
8 chapter V of chapter 17 of this title by reason of sub-
9 section (a) shall not exceed—

10 “(1) 100 beds in the aggregate for all States;

11 and

12 “(2) in the case of any State, the difference
13 between—

14 “(A) the number of veterans authorized to
15 be in beds in State homes in such State under
16 regulations prescribed under section 8134(a) of
17 this title; and

18 “(B) the number of veterans actually in
19 beds in State homes (other than facilities or
20 certain beds treated as State homes under sub-
21 section (a)) in such State under regulations
22 prescribed under such section.

23 “(d) The number of beds in a health facility in a
24 State that has been treated as a State home under sub-
25 section (a) shall be taken into account in determining the

1 unmet need for beds for State homes for the State under
2 section 8134(d)(1) of this title.

3 “(e) The Secretary may not treat any new health fa-
4 cilities, or any new certain beds in a health facility, as
5 a State home under subsection (a) after September 30,
6 2009.”.

7 (2) CLERICAL AMENDMENT.—The table of sec-
8 tions at the beginning of chapter 81 of such title is
9 amended by inserting after the item relating to sec-
10 tion 8137 the following new item:

“8138. Treatment of certain health facilities as State homes.”.

11 **SEC. 404. OFFICE OF RURAL HEALTH.**

12 (a) ESTABLISHMENT.—There is established in the
13 Department of Veterans Affairs within the Office of the
14 Undersecretary for Health an office to be known as the
15 “Office of Rural Health” (in this section referred to as
16 the “Office”).

17 (b) HEAD.—The Director of the Office of Rural
18 Health shall be the head of the Office. The Director of
19 the Office of Rural Health shall be appointed by the
20 Under Secretary of Health from among individuals quali-
21 fied to perform the duties of the position.

22 (c) FUNCTIONS.—The functions of the Office are as
23 follows:

24 (1) In cooperation with the medical, rehabilita-
25 tion, health services, and cooperative studies re-

1 search programs in the Office of Policy and the Of-
2 fice of Research and Development of the Veterans
3 Health Administration, to assist the Under Sec-
4 retary for Health in conducting, coordinating, pro-
5 moting, and disseminating research into issues af-
6 fecting veterans living in rural areas.

7 (2) To work with all personnel and offices of
8 the Department of Veterans Affairs to develop, re-
9 fine, and promulgate policies, best practices, lessons
10 learned, and innovative and successful programs to
11 improve care and services for veterans who reside in
12 rural areas of the United States.

13 (3) To designate in each Veterans Integrated
14 Service Network (VISN) an individual who shall
15 consult on and coordinate the discharge in such Net-
16 work of programs and activities of the Office for vet-
17 erans who reside in rural areas of the United States.

18 (4) To assess, in accordance with subsection
19 (d), the effects of the implementation of the fee-
20 basis health care program of the Veterans Health
21 Administration on the delivery of health care serv-
22 ices to veterans who reside in rural areas of the
23 United States.

1 (5) To perform such other functions and duties
2 as the Secretary of Veterans Affairs or the Under
3 Secretary for Health consider appropriate.

4 (d) ASSESSMENT OF FEE-BASIS HEALTH CARE PRO-
5 GRAM.—The Director of the Office shall, in consultation
6 with the individuals designated under subsection (c)(3),
7 conduct an assessment of the effects of the implementa-
8 tion of the fee-basis health care program of the Veterans
9 Health Administration on the delivery of health care serv-
10 ices to veterans who reside in rural areas of the United
11 States. In conducting the assessment, the Director shall—

12 (1) evaluate the effects of the fee-basis health
13 care program on the delivery of health care services
14 to veterans who reside in rural areas of the United
15 States;

16 (2) identify various mechanisms for expanding
17 the program in order to enhance and improve health
18 care services for such veterans and determine the
19 feasibility and advisability of implementing such
20 mechanisms; and

21 (3) for each mechanism determined under para-
22 graph (2) to be feasible and advisable to implement,
23 make recommendations to the Under Secretary for
24 Health on the implementation of such mechanism.

1 **SEC. 405. PILOT PROGRAM ON IMPROVEMENT OF CARE-**
2 **GIVER ASSISTANCE SERVICES.**

3 (a) **IN GENERAL.**—Commencing not later than 120
4 days after the date of the enactment of this Act, the Sec-
5 retary of Veterans Affairs shall carry out a pilot program
6 to assess the feasibility and advisability of various mecha-
7 nisms to expand and improve caregiver assistance services.

8 (b) **DURATION OF PILOT PROGRAM.**—The pilot pro-
9 gram required by subsection (a) shall be carried out dur-
10 ing the two-year period beginning on the date of the com-
11 mencement of the pilot program.

12 (c) **CAREGIVER ASSISTANCE SERVICES.**—For pur-
13 poses of this section, the term “caregiver assistance serv-
14 ices” are services of the Department of Veterans Affairs
15 that assist caregivers of veterans, including veterans of the
16 Global War on Terrorism. Such services including the fol-
17 lowing:

- 18 (1) Adult-day health care services.
- 19 (2) Coordination of services needed by veterans,
20 including services for readjustment and rehabilita-
21 tion.
- 22 (3) Transportation services.
- 23 (4) Caregiver support services, including edu-
24 cation, training, and certification of family members
25 in caregiver activities.
- 26 (5) Home care services.

1 (6) Respite care.

2 (7) Hospice services.

3 (8) Any modalities of non-institutional long-
4 term care.

5 (d) FUNDING.—

6 (1) SOURCE OF FUNDS.—In carrying out the
7 program required by subsection (a), the Secretary
8 shall identify, from funds available to the Depart-
9 ment of Veterans Affairs for medical care, an
10 amount not less than \$5,000,000 to be available for
11 the fiscal year that includes the date of the enact-
12 ment of this Act, to carry out the pilot program and
13 to be allocated to facilities of the Department pursu-
14 ant to subsection (e). Such amount shall be available
15 without fiscal year limitation.

16 (2) MINIMUM ALLOCATION OF FUNDS.—In
17 identifying available amounts pursuant to paragraph
18 (1), the Secretary shall ensure that, after the alloca-
19 tion of funds under subsection (e), the total expendi-
20 ture for programs in support of caregiver assistance
21 services is not less than \$5,000,000 in excess of the
22 baseline amount.

23 (3) BASELINE AMOUNT.—For purposes of para-
24 graph (2), the baseline amount is the amount of the
25 total expenditures on programs in support of care-

1 giver assistance services for veterans for the most
2 recent fiscal year for which final expenditure
3 amounts are known, adjusted to reflect any subse-
4 quent increase in applicable costs to support such
5 services through the Veterans Health Administra-
6 tion.

7 (e) ALLOCATION OF FUNDS TO FACILITIES.—The
8 Secretary shall allocate funds identified pursuant to sub-
9 section (d)(1) to individual medical facilities of the De-
10 partment in such amounts as the Secretary determines ap-
11 propriate, based upon proposals submitted by such facili-
12 ties for the use of such funds for improvements to the
13 support of the provision of caregiver assistance services.
14 Special consideration should be given to rural facilities,
15 including those without a long-term care facility of the De-
16 partment.

17 (f) REPORT.—Not later than one year after the date
18 of the enactment of this Act, the Secretary shall submit
19 to the Committee on Veterans' Affairs of the Senate and
20 the Committee on Veterans' Affairs of the House of Rep-
21 resentatives a report on the implementation of this section,
22 including—

23 (1) a description and assessment of the activi-
24 ties carried out under the pilot program;

1 (2) information on the allocation of funds to fa-
2 cilities of the Department under subsection (d); and

3 (3) a description of the improvements made
4 with funds so allocated to the support of the provi-
5 sion of caregiver assistance services.

6 **TITLE V—HOMELESS VETERANS**
7 **ASSISTANCE**

8 **SEC. 501. REAFFIRMATION OF NATIONAL GOAL TO END**
9 **HOMELESSNESS AMONG VETERANS.**

10 (a) REAFFIRMATION.—Congress reaffirms the na-
11 tional goal to end chronic homelessness among veterans
12 within a decade of the enactment of the Homeless Vet-
13 erans Comprehensive Assistance Act of 2001 (Public Law
14 107–95; 115 Stat. 903).

15 (b) REAFFIRMATION OF ENCOURAGEMENT OF COOP-
16 ERATIVE EFFORTS.—Congress reaffirms its encourage-
17 ment, as specified in the Homeless Veterans Comprehen-
18 sive Assistance Act of 2001 (Public Law 107–95; 115
19 Stat. 903), that all departments and agencies of the Fed-
20 eral, State, and local governments, quasi-governmental or-
21 ganizations, private and public sector entities, including
22 community-based organizations, faith-based organizations,
23 and individuals, work cooperatively to end chronic home-
24 lessness among veterans.

1 **SEC. 502. SENSE OF CONGRESS ON THE RESPONSE OF THE**
2 **FEDERAL GOVERNMENT TO THE NEEDS OF**
3 **HOMELESS VETERANS.**

4 It is the sense of Congress that—

5 (1) homelessness is a significant problem in the
6 veterans community, and veterans are disproportion-
7 ately represented among the homeless population;

8 (2) while many effective programs assist home-
9 less veterans to become, once again, productive and
10 self-sufficient members of their communities and so-
11 ciety, all the essential services, assistance, and sup-
12 port that homeless veterans require are not currently
13 provided;

14 (3) federally funded programs for homeless vet-
15 erans should be held accountable for achieving clear-
16 ly defined results;

17 (4) Federal efforts to assist homeless veterans
18 should include prevention of homelessness;

19 (5) Federal efforts regarding homeless veterans
20 should be particularly vigorous where women vet-
21 erans have minor children in their care;

22 (6) Federal agencies, particularly the Depart-
23 ment of Veterans Affairs, the Department of Labor,
24 and the Department of Housing and Urban Develop-
25 ment, should cooperate more fully to address the
26 problem of homelessness among veterans; and

1 (7) the programs reauthorized by this title pro-
2 vide important housing and services to homeless vet-
3 erans.

4 **SEC. 503. AUTHORITY TO MAKE GRANTS FOR COMPREHEN-**
5 **SIVE SERVICE PROGRAMS FOR HOMELESS**
6 **VETERANS.**

7 (a) PERMANENT AUTHORITY.—Section 2011(a) of
8 title 38, United States Code, is amended—

9 (1) by striking paragraph (2); and

10 (2) in paragraph (1)—

11 (A) by striking “(1)”; and

12 (B) by redesignating subparagraphs (A)
13 through (D) as paragraphs (1) through (4), re-
14 spectively.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—The text
16 of section 2013 of such title is amended to read as follows:
17 “There is authorized to be appropriated, to carry out this
18 subchapter, \$130,000,000 for fiscal year 2007 and each
19 fiscal year thereafter.”

20 **SEC. 504. EXTENSION OF TREATMENT AND REHABILITA-**
21 **TION FOR SERIOUSLY MENTALLY ILL AND**
22 **HOMELESS VETERANS.**

23 (a) EXTENSION OF AUTHORITY FOR GENERAL
24 TREATMENT.—Section 2031(b) of title 38, United States

1 Code, is amended by striking “2006” and inserting
2 “2011”.

3 (b) EXTENSION OF AUTHORITY FOR ADDITIONAL
4 SERVICES.—Section 2033(d) of such title is amended by
5 striking “2006” and inserting “2011”.

6 **SEC. 505. EXTENSION OF AUTHORITY FOR TRANSFER OF**
7 **PROPERTIES OBTAINED THROUGH FORE-**
8 **CLOSURE OF HOME MORTGAGES.**

9 Section 2041(c) of title 38, United States Code, is
10 amended by striking “2008” and inserting “2011”.

11 **SEC. 506. EXTENSION OF FUNDING FOR GRANT PROGRAM**
12 **FOR HOMELESS VETERANS WITH SPECIAL**
13 **NEEDS.**

14 Section 2061(c)(1) of title 38, United States Code,
15 is amended by striking “2003, 2004, and 2005,
16 \$5,000,000” and inserting “2007 through 2011,
17 \$7,000,000”.

18 **SEC. 507. EXTENSION OF FUNDING FOR HOMELESS VET-**
19 **ERAN SERVICE PROVIDER TECHNICAL AS-**
20 **SISTANCE PROGRAM.**

21 Subsection (b) of section 2064 of title 38, United
22 States Code, is amended to read as follows:

23 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated \$1,000,000 for each of

1 fiscal years 2007 through 2012 to carry out the program
2 under this section.”.

3 **SEC. 508. ADDITIONAL ELEMENT IN ANNUAL REPORT ON**
4 **ASSISTANCE TO HOMELESS VETERANS.**

5 Section 2065(b) of title 38, United States Code, is
6 amended—

7 (1) by redesignating paragraph (5) as para-
8 graph (6); and

9 (2) by inserting after paragraph (4) the fol-
10 lowing new paragraph (5):

11 “(5) Information on the efforts of the Secretary
12 to coordinate the delivery of housing and services to
13 homeless veterans with other Federal departments
14 and agencies, including—

15 “(A) the Department of Defense;

16 “(B) the Department of Health and
17 Human Services;

18 “(C) the Department of Housing and
19 Urban Development;

20 “(D) the Department of Justice;

21 “(E) the Department of Labor;

22 “(F) the Interagency Council on Homeless-
23 ness;

24 “(G) the Social Security Administration;
25 and

1 “(H) any other Federal department or
2 agency with which the Secretary coordinates the
3 delivery of housing and services to homeless vet-
4 erans.”.

5 **SEC. 509. ADVISORY COMMITTEE ON HOMELESS VETERANS.**

6 (a) **ADDITIONAL EX OFFICIO MEMBERS.**—Sub-
7 section (a)(3) of section 2066 of title 38, United States
8 Code, is amended by adding at the end the following new
9 subparagraphs:

10 “(E) The Executive Director of the Interagency
11 Council on Homelessness (or a representative of the
12 Executive Director).

13 “(F) The Under Secretary for Health (or a rep-
14 resentative of the Under Secretary after consultation
15 with the Director of the Office of Homeless Veterans
16 Programs).

17 “(G) The Under Secretary for Benefits (or a
18 representative of the Under Secretary after consulta-
19 tion with the Director of the Office of Homeless Vet-
20 erans Programs).”.

21 (b) **EXTENSION.**—Subsection (d) of such section is
22 amended by striking “December 31, 2006” and inserting
23 “September 30, 2011”.

1 **SEC. 510. RENTAL ASSISTANCE VOUCHERS FOR VETERANS**
2 **AFFAIRS SUPPORTED HOUSING PROGRAM.**

3 (a) FUNDING FOR VOUCHERS.—Section
4 (8)(o)(19)(B) of the United States Housing Act of 1937
5 (42 U.S.C. 1437f(o)(19)(B)) is amended to read as fol-
6 lows:

7 “(B) AMOUNT.—The amount specified in
8 this subparagraph is—

9 “(i) for fiscal year 2007, the amount
10 necessary to provide 500 vouchers for rent-
11 al assistance under this subsection;

12 “(ii) for fiscal year 2008, the amount
13 necessary to provide 1,000 vouchers for
14 rental assistance under this subsection;

15 “(iii) for fiscal year 2009, the amount
16 necessary to provide 1,500 vouchers for
17 rental assistance under this subsection;

18 “(iv) for fiscal year 2010, the amount
19 necessary to provide 2,000 vouchers for
20 rental assistance under this subsection;
21 and

22 “(v) for fiscal year 2011, the amount
23 necessary to provide 2,500 vouchers for
24 rental assistance under this subsection.”.

25 (b) ELIMINATION OF FUNDING THROUGH INCRE-
26 MENTAL ASSISTANCE.—Subparagraph (C) of section

1 8(o)(19) of the United States Housing Act of 1937 (42
2 U.S.C. 1437f(o)(19)(C)) is repealed.

3 (c) STUDY OF EFFECTIVENESS OF VOUCHERS.—

4 (1) IN GENERAL.—For fiscal years 2007 and
5 2008, the Secretary of Veterans Affairs shall con-
6 duct a study of the effectiveness of the voucher pro-
7 gram under section (8)(o)(19)(B) of the United
8 States Housing Act of 1937 (42 U.S.C.
9 1437f(o)(19)(B)), as amended by subsection (a), in
10 meeting the housing and case management needs of
11 homeless veterans who—

12 (A) have a chronic mental illnesses or
13 chronic substance use disorder; and

14 (B) are participating in continuing treat-
15 ment for such mental illness or substance use
16 disorder as a condition of receipt of such rental
17 assistance.

18 (2) COMPARISON.—As part of the study re-
19 quired by paragraph (1) the Secretary shall compare
20 the results of the program described in that para-
21 graph with other programs as follows:

22 (A) Programs in which the Department of
23 Veterans Affairs coordinates the delivery of
24 housing and services to homeless veterans.

1 (B) Programs for the provision of grants
2 or per diem payments to providers of services
3 that are designed to meet the needs of homeless
4 veterans.

5 (3) CRITERIA.—In conducting the comparison
6 required by paragraph (2), the Secretary shall exam-
7 ine the following:

8 (A) The satisfaction of veterans targeted
9 by the programs described in paragraph (2).

10 (B) The health status of such veterans.

11 (C) For programs that address substance
12 use disorders, the reduction in severity of such
13 disorders in such veterans.

14 (D) The housing provided such veterans
15 under such programs.

16 (E) The degree to which such veterans are
17 encouraged to productive activity by such pro-
18 grams.

19 (4) REPORT.—Not later than March 31, 2009,
20 the Secretary shall submit to the Committee on Vet-
21 erans' Affairs of the Senate and the Committee on
22 Veterans' Affairs of the House of Representatives a
23 report on the results of the study required by para-
24 graph (1).

1 **SEC. 511. FINANCIAL ASSISTANCE FOR SUPPORTIVE SERV-**
 2 **ICES FOR VERY LOW-INCOME VETERAN FAMI-**
 3 **LIES IN PERMANENT HOUSING.**

4 (a) PURPOSE.—The purpose of this section is to fa-
 5 cilitate the provision of supportive services for very low-
 6 income veteran families in permanent housing.

7 (b) FINANCIAL ASSISTANCE.—

8 (1) IN GENERAL.—Subchapter V of chapter 20
 9 of title 38, United States Code, is amended by add-
 10 ing at the end the following new section:

11 **“§ 2044. Financial assistance for supportive services**
 12 **for very low-income veteran families in**
 13 **permanent housing**

14 “(a) DISTRIBUTION OF FINANCIAL ASSISTANCE.—

15 (1) The Secretary shall provide financial assistance to eli-
 16 gible entities approved under this section to provide and
 17 coordinate the provision of supportive services described
 18 in subsection (b) for very low-income veteran families oc-
 19 cupying permanent housing.

20 “(2) Financial assistance under this section shall con-
 21 sist of per diem payments for each such family for which
 22 an approved eligible entity is providing or coordinating the
 23 provision of supportive services.

24 “(3)(A) Subject to the availability of appropriations
 25 provided for such purpose, the Secretary shall provide to
 26 each family for which an approved eligible entity is pro-

1 viding or coordinating the provision of supportive services
2 per diem payments in the amount of the daily cost of care
3 estimated by such eligible entity (as adjusted by the Sec-
4 retary under subparagraph (C)).

5 “(B) In no case may the amount of per diem paid
6 under this paragraph exceed the rate of per diem author-
7 ized for State homes for domiciliary care under subsection
8 (a)(1)(A) of section 1741 of this title, as adjusted by the
9 Secretary under subsection (c) of such section.

10 “(C) The Secretary may adjust the daily cost of care
11 estimated by an eligible entity for purposes of this para-
12 graph to exclude other sources of income described in sub-
13 paragraph (E) that the eligible entity certifies to be cor-
14 rect.

15 “(D) Each eligible entity shall provide to the Sec-
16 retary such information with respect to other sources of
17 income as the Secretary may require to make the adjust-
18 ment under subparagraph (C).

19 “(E) The other sources of income referred to in sub-
20 paragraphs (C) and (D) are payments to the eligible entity
21 for furnishing services to homeless veterans under pro-
22 grams other than under this subchapter, including pay-
23 ments and grants from other departments and agencies
24 of the Federal Government, from departments or agencies

1 of State or local government, and from private entities or
2 organizations.

3 “(4) In providing financial assistance under para-
4 graph (1), the Secretary shall give preference to entities
5 providing or coordinating the provision of supportive serv-
6 ices for very low-income veteran families who are
7 transitioning from homelessness to permanent housing.

8 “(5) The Secretary shall ensure that, to the extent
9 practicable, financial assistance under this subsection is
10 equitably distributed across geographic regions, including
11 rural communities and tribal lands.

12 “(6) Each entity receiving financial assistance under
13 this section to provide supportive services to a very low-
14 income veteran family shall notify that family that such
15 services are being paid for, in whole or in part, by the
16 Department.

17 “(7) The Secretary may require entities receiving fi-
18 nancial assistance under this section to submit a report
19 to the Secretary that describes the projects carried out
20 with such financial assistance.

21 “(b) SUPPORTIVE SERVICES.—The supportive serv-
22 ices referred to in subsection (a) are the following:

23 “(1) Services provided by an eligible entity or
24 subcontractors that address the needs of very low-in-

1 come veteran families occupying permanent housing,
2 including—

3 “(A) outreach services;

4 “(B) health care services, including diag-
5 nosis, treatment, and counseling for mental
6 health and substance abuse disorders and for
7 post-traumatic stress disorder, if such services
8 are not readily available through the Depart-
9 ment medical center serving the geographic
10 area in which the veteran family is housed;

11 “(C) habilitation and rehabilitation serv-
12 ices;

13 “(D) case management services;

14 “(E) daily living services;

15 “(F) personal financial planning;

16 “(G) transportation services;

17 “(H) vocational counseling;

18 “(I) employment and training;

19 “(J) educational services;

20 “(K) assistance in obtaining veterans bene-
21 fits and other public benefits, including health
22 care provided by the Department;

23 “(L) assistance in obtaining income sup-
24 port;

1 “(M) assistance in obtaining health insur-
2 ance;

3 “(N) fiduciary and representative payee
4 services;

5 “(O) legal services to assist the veteran
6 family with reconsiderations or appeals of vet-
7 erans and public benefit claim denials and to
8 resolve outstanding warrants that interfere with
9 the family’s ability to obtain or retain housing
10 or supportive services;

11 “(P) child care;

12 “(Q) housing counseling;

13 “(R) other services necessary for maintain-
14 ing independent living; and

15 “(S) coordination of services under this
16 paragraph.

17 “(2) Services described in paragraph (1) that
18 are delivered to very low-income veteran families
19 who are homeless and who are scheduled to become
20 residents of permanent housing within 90 days
21 pending the location or development of housing suit-
22 able for permanent housing.

23 “(3) Services described in paragraph (1) for
24 very low-income veteran families who have volun-
25 tarily chosen to seek other housing after a period of

1 tenancy in permanent housing, that are provided, for
2 a period of 90 days after such families exit perma-
3 nent housing or until such families commence re-
4 ceipt of other housing services adequate to meet
5 their current needs, but only to the extent that serv-
6 ices under this paragraph are designed to support
7 such families in their choice to transition into hous-
8 ing that is responsive to their individual needs and
9 preferences.

10 “(c) APPLICATION FOR FINANCIAL ASSISTANCE.—

11 (1) An eligible entity seeking financial assistance under
12 subsection (a) shall submit an application to the Secretary
13 in such form, in such manner, and containing such com-
14 mitments and information as the Secretary determines to
15 be necessary to carry out this section.

16 “(2) Each application submitted by an eligible entity
17 under paragraph (1) shall contain—

18 “(A) a description of the supportive services
19 proposed to be provided by the eligible entity;

20 “(B) a description of the types of very low-in-
21 come veteran families proposed to be provided such
22 services;

23 “(C) an estimate of the number of very low-in-
24 come veteran families proposed to be provided such
25 services;

1 “(D) evidence of the experience of the eligible
2 entity in providing supportive services to very low-in-
3 come veteran families; and

4 “(E) a description of the managerial capacity of
5 the eligible entity to—

6 “(i) coordinate the provision of supportive
7 services with the provision of permanent hous-
8 ing, by the eligible entity or by other organiza-
9 tions;

10 “(ii) continuously assess the needs of very
11 low-income veteran families for supportive serv-
12 ices;

13 “(iii) coordinate the provision of supportive
14 services with the services of the Department;

15 “(iv) tailor supportive services to the needs
16 of very low-income veteran families; and

17 “(v) continuously seek new sources of as-
18 sistance to ensure the long-term provision of
19 supportive services to very low-income veteran
20 families.

21 “(3) The Secretary shall establish criteria for the se-
22 lection of eligible entities to be provided financial assist-
23 ance under this section.

24 “(d) TECHNICAL ASSISTANCE.—(1) The Secretary
25 shall provide training and technical assistance to partici-

1 pating eligible entities regarding the planning, develop-
2 ment, and provision of supportive services to very low-in-
3 come veteran families occupying permanent housing.

4 “(2) The Secretary may provide the training de-
5 scribed in paragraph (1) directly or through grants or con-
6 tracts with appropriate public or nonprofit private entities.

7 “(e) FUNDING.—(1) From amounts appropriated to
8 the Department for Medical Care, there shall be available
9 to carry out this section amounts as follows:

10 “(A) \$15,000,000 for fiscal year 2007.

11 “(B) \$20,000,000 for fiscal year 2008.

12 “(C) \$25,000,000 for fiscal year 2009.

13 “(2) Not more than \$750,000 may be available under
14 paragraph (1) in any fiscal year to provide technical as-
15 sistance under subsection (d).

16 “(f) DEFINITIONS.—In this section:

17 “(1) The term ‘consumer cooperative’ has the
18 meaning given such term in section 202 of the
19 Housing Act of 1959 (12 U.S.C. 1701q).

20 “(2) The term ‘eligible entity’ means—

21 “(A) a private nonprofit organization; or

22 “(B) a consumer cooperative.

23 “(3) The term ‘homeless’ has the meaning
24 given that term in section 103 of the McKinney-
25 Vento Homeless Assistance Act (42 U.S.C. 11302).

1 “(4) The term ‘permanent housing’ means com-
2 munity-based housing without a designated length of
3 stay.

4 “(5) The term ‘private nonprofit organization’
5 means any of the following:

6 “(A) Any incorporated private institution
7 or foundation—

8 “(i) no part of the net earnings of
9 which inures to the benefit of any member,
10 founder, contributor, or individual;

11 “(ii) which has a governing board that
12 is responsible for the operation of the sup-
13 portive services provided under this sec-
14 tion; and

15 “(iii) which is approved by the Sec-
16 retary as to financial responsibility;

17 “(B) A for-profit limited partnership, the
18 sole general partner of which is an organization
19 meeting the requirements of clauses (i), (ii),
20 and (iii) of subparagraph (A).

21 “(C) A corporation wholly owned and con-
22 trolled by an organization meeting the require-
23 ments of clauses (i), (ii), and (iii) of subpara-
24 graph (A).

1 “(D) A tribally designated housing entity
2 (as defined in section 4 of the Native American
3 Housing Assistance and Self-Determination Act
4 of 1996 (25 U.S.C. 4103)).

5 “(6)(A) Subject to subparagraphs (B) and (C),
6 the term ‘very low-income veteran family’ means a
7 veteran family whose income does not exceed 50 per-
8 cent of the median income for the area, as deter-
9 mined by the Secretary in accordance with this para-
10 graph.

11 “(B) The Secretary shall make appropriate ad-
12 justments to the income requirement under subpara-
13 graph (A) based on family size.

14 “(C) The Secretary may establish an income
15 ceiling higher or lower than 50 percent of the me-
16 dian income for an area if the Secretary determines
17 that such variations are necessary because the area
18 has unusually high or low construction costs, fair
19 market rents (as determined under section 8 of the
20 United States Housing Act of 1937 (42 U.S.C.
21 1437f)), or family incomes.

22 “(7) The term ‘veteran family’ includes a vet-
23 eran who is a single person and a family in which
24 the head of household or the spouse of the head of
25 household is a veteran.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of chapter 20 of such title is
3 amended by inserting after the item relating to sec-
4 tion 2043 the following new item:

“2044. Financial assistance for supportive services for very low-income veteran families in permanent housing.”.

5 (c) STUDY OF EFFECTIVENESS OF PERMANENT
6 HOUSING PROGRAM.—

7 (1) IN GENERAL.—For fiscal years 2007 and
8 2008, the Secretary shall conduct a study of the ef-
9 fectiveness of the permanent housing program under
10 section 2044 of title 38, United States Code, as
11 amended by subsection (b), in meeting the needs of
12 very low-income veteran families, as that term is de-
13 fined in that section.

14 (2) COMPARISON.—In the study required by
15 paragraph (1), the Secretary shall compare the re-
16 sults of the program referred to in that subsection
17 with other programs of the Department of Veterans
18 Affairs dedicated to the delivery of housing and serv-
19 ices to veterans.

20 (3) CRITERIA.—In making the comparison re-
21 quired in paragraph (2), the Secretary shall examine
22 the following:

23 (A) The satisfaction of veterans targeted
24 by the programs described in paragraph (2).

1 (B) The health status of such veterans.

2 (C) The housing provided such veterans
3 under such programs.

4 (D) The degree to which such veterans are
5 encouraged to productive activity by such pro-
6 grams.

7 (4) REPORT.—Not later than March 31, 2009,
8 the Secretary shall submit to the Committee on Vet-
9 erans' Affairs of the Senate and the Committee on
10 Veterans' Affairs of the House of Representatives a
11 report on the results of the study required by para-
12 graph (1).

13 **TITLE VI—MISCELLANEOUS**
14 **BENEFITS**

15 **SEC. 601. RESIDENTIAL COOPERATIVE HOUSING UNITS.**

16 (a) HOUSING BENEFITS FOR COOPERATIVE APART-
17 MENT UNITS.—Subsection (a) of section 3710 of title 38,
18 United States Code, is amended by inserting after para-
19 graph (11) the following new paragraph:

20 “(12) To purchase stock or membership in a
21 cooperative housing corporation for the purpose of
22 entitling the veteran to occupy for dwelling purposes
23 a single family residential unit in a development,
24 project, or structure owned or leased by such cor-
25 poration, in accordance with subsection (h).”.

1 (b) CONDITIONS OF HOUSING BENEFITS FOR COOP-
2 ERATIVE APARTMENT UNITS.—Such section is further
3 amended by adding at the end the following new sub-
4 section:

5 “(h)(1) A loan may not be guaranteed under sub-
6 section (a)(12) unless—

7 “(A) the development, project, or structure of
8 the cooperative housing corporation complies with
9 such criteria as the Secretary prescribes in regula-
10 tions; and

11 “(B) the dwelling unit that the purchase of
12 stock or membership in the development, project, or
13 structure of the cooperative housing corporation en-
14 titles the purchaser to occupy is a single family resi-
15 dential unit.

16 “(2) In this subsection, the term ‘cooperative housing
17 corporation’ has the same meaning given such term in sec-
18 tion 216(b)(1) of the Internal Revenue Code of 1986.

19 “(3) When applying the term ‘value of the property’
20 to a loan guaranteed under subsection (a)(12), such term
21 means the appraised value of the stock or membership en-
22 titling the purchaser to the permanent occupancy of the
23 dwelling unit in the development, project, or structure of
24 the cooperative housing corporation.”.

1 **SEC. 602. INCREASE IN SUPPLEMENTAL INSURANCE FOR**
2 **TOTALLY DISABLED VETERANS.**

3 Section 1922A(a) of title 38, United States Code, is
4 amended by striking “\$20,000” and inserting “\$30,000,
5 during the period beginning on October 1, 2007, and end-
6 ing on September 31, 2011, or \$20,000 at any other
7 time”.

8 **SEC. 603. REAUTHORIZATION OF USE OF CERTAIN INFOR-**
9 **MATION FROM OTHER AGENCIES.**

10 (a) INFORMATION FROM SECRETARY OF THE TREAS-
11 URY OR COMMISSIONER OF SOCIAL SECURITY.—Section
12 5317(g) of title 38, United States Code, is amended by
13 striking “September 30, 2008” and inserting “September
14 30, 2011”.

15 (b) TAX RETURNS AND TAX RETURN INFORMA-
16 TION.—The last sentence of section 6103(l)(7) of the In-
17 ternal Revenue Code of 1986 is amended by striking “Sep-
18 tember 30, 2008” and inserting “September 30, 2011”.

19 **SEC. 604. CLARIFICATION OF CORRECTIONAL FACILITIES**
20 **COVERED BY CERTAIN PROVISIONS OF LAW.**

21 (a) PAYMENT OF PENSION DURING CONFINEMENT
22 IN PENAL INSTITUTIONS.—Section 1505(a) of title 38,
23 United States Code, is amended by striking “or local penal
24 institution” and inserting “local, or other penal institution
25 or correctional facility”.

1 (b) ALLOWANCES FOR TRAINING AND REHABILITA-
2 TION FOR VETERANS WITH SERVICE-CONNECTED DIS-
3 ABILITIES.—Section 3108(g)(1) of such title is amended
4 by striking “or local penal institution” and inserting
5 “local, or other penal institution or correctional facility”.

6 (c) EDUCATIONAL ASSISTANCE BENEFITS FOR POST-
7 VIETNAM ERA VETERANS.—Section 3231(d)(1) of such
8 title is amended by striking “or local penal institution”
9 and inserting “local, or other penal institution or correc-
10 tional facility”.

11 (d) COMPUTATION OF EDUCATIONAL ASSISTANCE
12 ALLOWANCES FOR VETERANS GENERALLY.—Section
13 3482(g)(1) of such title is amended by striking “or local
14 penal institution” and inserting “local, or other penal in-
15 stitution or correctional facility”.

16 (e) COMPUTATION OF EDUCATIONAL ASSISTANCE
17 ALLOWANCE FOR SURVIVORS AND DEPENDENTS.—Sec-
18 tion 3532(e) of such title is amended by striking “or local
19 penal institution” and inserting “local, or other penal in-
20 stitution or correctional facility”.

21 (f) LIMITATION ON PAYMENT OF COMPENSATION
22 AND DEPENDENCY AND INDEMNITY COMPENSATION.—
23 Section 5313 of such title is amended—

1 (1) in subsection (a)(1), by striking “or local
2 penal institution” and inserting “local, or other
3 penal institution or correctional facility”;

4 (2) in subsection (b)(3), by striking “or local
5 penal institution” and inserting “local, or other
6 penal institution or correctional facility”; and

7 (3) in subsection (c), by striking “or local penal
8 institution” and inserting “local, or other penal in-
9 stitution or correctional facility”.

10 (g) LIMITATION ON PAYMENT OF CLOTHING ALLOW-
11 ANCE.—Section 5313A of such title is amended by strik-
12 ing “or local penal institution” and inserting “local, or
13 other penal institution or correctional facility”.

Passed the Senate August 3, 2006.

Attest:

Secretary.

109TH CONGRESS
2^D SESSION

S. 2694

AN ACT

To amend title 38, United States Code, to remove certain limitations on attorney representation of claimants for veterans benefits in administrative proceedings before the Department of Veterans Affairs, to make certain improvements in the area of memorial affairs, and for other purposes.