

112TH CONGRESS
1ST SESSION

S. 1148

To amend title 38, United States Code, to improve the provision of assistance to homeless veterans, to improve the regulation of fiduciaries who represent individuals for purposes of receiving benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 6, 2011

Mrs. MURRAY introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to improve the provision of assistance to homeless veterans, to improve the regulation of fiduciaries who represent individuals for purposes of receiving benefits under laws administered by the Secretary of Veterans 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 Programs Improvement Act of 2011”.

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

- Sec. 1. Short title; table of contents.
 Sec. 2. References to title 38, United States Code.

TITLE I—HOMELESS VETERANS MATTERS

- Sec. 101. Enhancement of comprehensive service programs.
 Sec. 102. Modification of grant program for homeless veterans with special needs.
 Sec. 103. Modification of authority for provision of treatment and rehabilitation to certain veterans to include provision of treatment and rehabilitation to homeless veterans who are not seriously mentally ill.
 Sec. 104. Plan to end veteran homelessness.
 Sec. 105. Extension of certain authorities relating to homeless veterans.
 Sec. 106. Reauthorization of appropriations for homeless veterans reintegration program.
 Sec. 107. Reauthorization of appropriations for financial assistance for supportive services for very low-income veteran families in permanent housing.
 Sec. 108. Reauthorization of appropriations for grant program for homeless veterans with special needs.

TITLE II—FIDUCIARY MATTERS

- Sec. 201. Appointment of caregivers and persons named under durable power of attorney as fiduciaries for purposes of benefits under laws administered by Secretary of Veterans Affairs.
 Sec. 202. Access by Secretary of Veterans Affairs to financial records of individuals represented by fiduciaries and receiving benefits under laws administered by Secretary.
 Sec. 203. Confidential nature of credit reports and documents pertaining to the appointment of a fiduciary.
 Sec. 204. Authority for certain persons to sign claims filed with Secretary of Veterans Affairs on behalf of claimants.
 Sec. 205. Improvement of process for filing jointly for social security and dependency and indemnity compensation.
 Sec. 206. Durable power of attorney defined.

TITLE III—OTHER ADMINISTRATIVE AND BENEFITS MATTERS

- Sec. 301. Occupancy of property by dependent child of veteran for purposes of meeting occupancy requirement for Department of Veterans Affairs housing loans.
 Sec. 302. Waiver of loan fee for individuals with disability ratings issued during pre-discharge programs.
 Sec. 303. Extension of authority for assistance for individuals residing temporarily in housing owned by family members.
 Sec. 304. Indexing of levels of assistance for individuals residing temporarily in housing owned by family members.
 Sec. 305. Expansion of eligibility for presidential memorial certificates to persons who died in the active military, naval, or air service.

Sec. 306. Automatic waiver of agency of original jurisdiction review of new evidence.

Sec. 307. Extension of authorities of Secretary of Veterans Affairs to use information from other agencies.

Sec. 308. Extension of authority for regional office of Department of Veterans Affairs in Republic of the Philippines.

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

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

7 **TITLE I—HOMELESS VETERANS**
8 **MATTERS**

9 **SEC. 101. ENHANCEMENT OF COMPREHENSIVE SERVICE**
10 **PROGRAMS.**

11 (a) ENHANCEMENT OF GRANTS.—Section 2011 is
12 amended—

13 (1) in subsection (b)(1)(A), by striking “expansion,
14 remodeling, or alteration of existing facilities,
15 or acquisition of facilities,” and inserting “new construction
16 of facilities, expansion, remodeling, or alteration
17 of existing facilities, or acquisition of facilities”;
18 and

19 (2) in subsection (c)—

20 (A) in the first sentence, by striking “A
21 grant” and inserting “(1) A grant”;

1 (B) in the second sentence of paragraph
2 (1), as designated by subparagraph (A), by
3 striking “The amount” and inserting the fol-
4 lowing:

5 “(2) The amount”; and

6 (C) by adding at the end the following new
7 paragraph:

8 “(3)(A) The Secretary may not deny an application
9 from an entity that seeks a grant under this section to
10 carry out a project described in subsection (b)(1)(A) solely
11 on the basis that the entity proposes to use funding from
12 other private or public sources, if the entity demonstrates
13 that a private nonprofit organization will provide oversight
14 and site control for the project.

15 “(B) In this paragraph, the term ‘private nonprofit
16 organization’ means the following:

17 “(i) An incorporated private institution, organi-
18 zation, or foundation—

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

23 “(II) for which no part of the net earnings
24 of the institution, organization, or foundation
25 inures to the benefit of any member, founder,

1 or contributor of the institution, organization,
2 or foundation; and

3 “(III) that the Secretary determines is fi-
4 nancially responsible.

5 “(ii) A for-profit limited partnership or limited
6 liability company, the sole general partner or man-
7 ager of which is an organization that is described by
8 subclauses (I) through (III) of clause (i).

9 “(iii) A corporation wholly owned and controlled
10 by an organization that is described by subclauses
11 (I) through (III) of clause (i).”

12 (b) GRANT AND PER DIEM PAYMENTS.—

13 (1) STUDY AND DEVELOPMENT OF PAYMENT
14 METHOD.—Not later than one year after the date of
15 the enactment of this Act, the Secretary of Veterans
16 Affairs shall—

17 (A) complete a study of all matters relat-
18 ing to the method used by the Secretary to
19 make per diem payments under section 2012(a)
20 of title 38, United States Code; and

21 (B) develop an improved method for ade-
22 quately reimbursing recipients of grants under
23 section 2011 of such title for services furnished
24 to homeless veterans.

1 (2) CONSIDERATION.—In developing the meth-
2 od required by paragraph (1)(B), the Secretary may
3 consider payments and grants received by recipients
4 of grants described in such paragraph from other
5 departments and agencies of Federal and local gov-
6 ernments and from private entities.

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

10 (A) the findings of the Secretary with re-
11 spect to the study required by subparagraph
12 (A) of paragraph (1);

13 (B) the method developed under subpara-
14 graph (B) of such paragraph; and

15 (C) any recommendations of the Secretary
16 for revising the method described in subpara-
17 graph (A) of such paragraph and any legislative
18 action the Secretary considers necessary to im-
19 plement such method.

20 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
21 2013 is amended by striking “subchapter” and all that
22 follows through the period and inserting the following:
23 “subchapter amounts as follows:

24 “(1) \$150,000,000 for each of fiscal years 2007
25 through 2009.

1 “(2) \$175,100,000 for fiscal year 2010.

2 “(3) \$217,700,000 for fiscal year 2011.

3 “(4) \$250,000,000 for fiscal year 2012 and
4 each fiscal year thereafter.”

5 **SEC. 102. MODIFICATION OF GRANT PROGRAM FOR HOME-**
6 **LESS VETERANS WITH SPECIAL NEEDS.**

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

11 (1) by striking “to grant and per diem pro-
12 viders” and inserting “to entities eligible for grants
13 and per diem payments under sections 2011 and
14 2012 of this title”; and

15 (2) by striking “by those facilities and pro-
16 viders” and inserting “by those facilities and enti-
17 ties”.

18 (b) INCLUSION OF MALE HOMELESS VETERANS
19 WITH MINOR DEPENDENTS.—Subsection (b) of such sec-
20 tion is amended—

21 (1) in paragraph (1), by striking “, including
22 women who have care of minor dependents”;

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

24 (3) in paragraph (4), by striking the period at
25 the end and inserting “; or”; and

1 (4) by adding at the end the following new
2 paragraph:

3 “(5) individuals who have care of minor de-
4 pendants.”.

5 (c) AUTHORIZATION OF PROVISION OF SERVICES TO
6 DEPENDENTS.—Such section is further amended—

7 (1) by redesignating subsection (c) as sub-
8 section (d); and

9 (2) by inserting after subsection (b) the fol-
10 lowing new subsection (c):

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

1 **SEC. 103. MODIFICATION OF AUTHORITY FOR PROVISION**
2 **OF TREATMENT AND REHABILITATION TO**
3 **CERTAIN VETERANS TO INCLUDE PROVISION**
4 **OF TREATMENT AND REHABILITATION TO**
5 **HOMELESS VETERANS WHO ARE NOT SERI-**
6 **OUSLY MENTALLY ILL.**

7 Section 2031(a) is amended in the matter before
8 paragraph (1) by striking “, including” and inserting “and
9 to”.

10 **SEC. 104. PLAN TO END VETERAN HOMELESSNESS.**

11 (a) **IN GENERAL.**—Not later than one year after the
12 date of the enactment of this Act, the Secretary of Vet-
13 erans Affairs shall submit to Congress a comprehensive
14 plan to end homelessness among veterans.

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

17 (1) An analysis of programs of the Department
18 of Veterans Affairs and other departments and
19 agencies of the Federal Government that are de-
20 signed to prevent homelessness among veterans and
21 assist veterans who are homeless.

22 (2) An evaluation of whether and how coordina-
23 tion between the programs described in paragraph
24 (1) would contribute to ending homelessness among
25 veterans.

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

5 (4) Recommendations for new programs to pre-
6 vent and end homelessness among veterans, includ-
7 ing an estimate of the cost of such programs.

8 (5) A timeline for implementing the plan, in-
9 cluding milestones to track the implementation of
10 the plan.

11 (6) Benchmarks to measure the effectiveness of
12 the plan and the efforts of the Secretary to imple-
13 ment the plan.

14 (7) Such other matters as the Secretary con-
15 siders necessary.

16 (c) CONSIDERATION OF VETERANS LOCATED IN
17 RURAL AREAS.—The analysis, evaluation, and rec-
18 ommendations included in the report required by sub-
19 section (a) shall include consideration of the circumstances
20 and requirements that are unique to veterans located in
21 rural areas.

1 **SEC. 105. EXTENSION OF CERTAIN AUTHORITIES RELATING**
2 **TO HOMELESS VETERANS.**

3 (a) HEALTH CARE FOR HOMELESS VETERANS.—
4 Section 2031(b) is amended by striking “December 31,
5 2011” and inserting “December 31, 2014”.

6 (b) CENTERS FOR PROVISION OF COMPREHENSIVE
7 SERVICES TO HOMELESS VETERANS.—Section 2033(d) is
8 amended by striking “December 31, 2011” and inserting
9 “December 31, 2014”.

10 (c) PROPERTY TRANSFERS FOR HOUSING ASSIST-
11 ANCE FOR HOMELESS VETERANS.—Section 2041(c) is
12 amended by striking “December 31, 2011” and inserting
13 “December 31, 2014”.

14 (d) ADVISORY COMMITTEE ON HOMELESS VET-
15 ERANS.—Section 2066(d) is amended by striking “Decem-
16 ber 30, 2011” and inserting “December 30, 2013”.

17 **SEC. 106. REAUTHORIZATION OF APPROPRIATIONS FOR**
18 **HOMELESS VETERANS REINTEGRATION PRO-**
19 **GRAM.**

20 Section 2021(e)(1) is amended adding at the end the
21 following new subparagraph:

22 “(G) \$50,000,000 for each of fiscal years 2012
23 and 2013.”.

1 **SEC. 107. REAUTHORIZATION OF APPROPRIATIONS FOR FI-**
2 **NANCIAL ASSISTANCE FOR SUPPORTIVE**
3 **SERVICES FOR VERY LOW-INCOME VETERAN**
4 **FAMILIES IN PERMANENT HOUSING.**

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

6 (1) in paragraph (1), by adding at the end the
7 following new subparagraph:

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

9 (2) in paragraph (3), by striking “2011” and
10 inserting “2012”.

11 (b) TECHNICAL AMENDMENT.—Paragraph (1) of
12 such section is further amended by striking “carry out
13 subsection (a), (b), and (c)” and inserting “carry out sub-
14 sections (a), (b), and (c)”.

15 **SEC. 108. REAUTHORIZATION OF APPROPRIATIONS FOR**
16 **GRANT PROGRAM FOR HOMELESS VETERANS**
17 **WITH SPECIAL NEEDS.**

18 Section 2061(c)(1) is amended by striking “2011”
19 and inserting “2013”.

1 **TITLE II—FIDUCIARY MATTERS**

2 **SEC. 201. APPOINTMENT OF CAREGIVERS AND PERSONS**
3 **NAMED UNDER DURABLE POWER OF ATTOR-**
4 **NEY AS FIDUCIARIES FOR PURPOSES OF BEN-**
5 **EFITS UNDER LAWS ADMINISTERED BY SEC-**
6 **RETARY OF VETERANS AFFAIRS.**

7 (a) IN GENERAL.—Subsection (a) of section 5502 is
8 amended—

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

11 (2) in paragraph (1) by striking “Where, in”
12 and inserting the following:

13 “(2) In the absence of special circumstances the Sec-
14 retary determines necessitate otherwise, payment to a fi-
15 duciary under paragraph (1) shall be made to the person
16 or entity caring for or having primary custody of the bene-
17 ficiary or the beneficiary’s estate, including a person or
18 entity who has been named by the incompetent beneficiary
19 under a durable power of attorney.

20 “(3) Where, in”.

21 (b) CLARIFICATION REGARDING DISTRIBUTION OF
22 BENEFITS WHEN PAYMENT SUSPENDED OR WITHHELD
23 FROM FIDUCIARY.—Subsection (d) of such section is
24 amended to read as follows:

1 “(d)(1) All or any part of any benefits the payment
2 of which is suspended or withheld under this section may,
3 in the discretion of the Secretary, be paid temporarily to
4 the person having custody and control of the incompetent
5 or minor beneficiary, to be used solely for the benefit of
6 such beneficiary, or, in the case of an incompetent veteran,
7 may be apportioned to the dependent or dependents, if any
8 of such veteran.

9 “(2)(A)(i) Any part not so paid and any funds of a
10 mentally incompetent veteran not paid to the chief officer
11 of the institution in which such veteran is a patient nor
12 apportioned to the veterans’ dependent or dependents may
13 be ordered held in the Treasury to the credit of such bene-
14 ficiary.

15 “(ii) All funds so held shall be disbursed under the
16 order and in the discretion of the Secretary for the benefit
17 of such beneficiary or the beneficiary’s dependents.

18 “(B)(i) Except as provided in this subparagraph or
19 as otherwise provided by law, any balance remaining in
20 such fund to the credit of any beneficiary may be paid
21 to the beneficiary if the beneficiary recovers and is found
22 competent, or if a minor, attains majority, or otherwise
23 to the beneficiary’s fiduciary, or, in the event of the bene-
24 ficiary’s death, to the beneficiary’s personal representa-
25 tive.

1 “(ii) Payment shall not be made to the beneficiary’s
2 personal representative under clause (i) if, under the law
3 of the beneficiary’s last legal residence, the beneficiary’s
4 estate would escheat to the State.

5 “(iii) In the event of the death of a mentally incom-
6 petent veteran, all gratuitous benefits under laws adminis-
7 tered by the Secretary deposited before or after August
8 7, 1959, in the personal funds of patients trust fund on
9 account of such veteran shall not be paid to the personal
10 representative of such veteran, but shall be paid to the
11 following persons living at the time of settlement, and in
12 the order named:

13 “(I) The surviving spouse.

14 “(II) The children (without regard to age or
15 marital status), in equal parts.

16 “(III) The dependent parents of such veteran,
17 in equal parts.

18 “(iv) If any balance remains after the application of
19 clause (iii), such balance shall be deposited to the credit
20 of the applicable current appropriation, except that there
21 may be paid only so much of such balance as may be nec-
22 essary to reimburse a person (other than a political sub-
23 division of the United States) who bore the expenses of
24 last sickness or burial of the veteran for such expenses.

1 “(v) No payment shall be made under clauses (iii)
 2 or (iv) unless claim therefor is filed with the Secretary
 3 within five years after the death of the veteran, except
 4 that, if any person so entitled under such clauses is under
 5 legal disability at the time of death of the veteran, such
 6 five-year period of limitation shall run from the termi-
 7 nation or removal of the legal disability.”.

8 (c) CLARIFICATION THAT DEFINITION OF FIDU-
 9 CIARY INCLUDES PERSONS NAMED UNDER DURABLE
 10 POWER OF ATTORNEY.—Section 5506(1) is amended by
 11 inserting “, including a person named as an agent under
 12 a durable power of attorney” before “; or”.

13 **SEC. 202. ACCESS BY SECRETARY OF VETERANS AFFAIRS**
 14 **TO FINANCIAL RECORDS OF INDIVIDUALS**
 15 **REPRESENTED BY FIDUCIARIES AND RECEIV-**
 16 **ING BENEFITS UNDER LAWS ADMINISTERED**
 17 **BY SECRETARY.**

18 (a) IN GENERAL.—Section 5502, as amended by sec-
 19 tion 201, is further amended by adding at the end the
 20 following new subsection:

21 “(f)(1) The Secretary may require any person or
 22 State or local governmental entity appointed or recognized
 23 as a fiduciary for a Department beneficiary under this sec-
 24 tion to provide authorization for the Secretary to obtain
 25 (subject to the cost reimbursement requirements of section

1 1115(a) of the Right to Financial Privacy Act of 1978
2 (12 U.S.C. 3415)) from any financial institution any fi-
3 nancial record held by the institution with respect to an
4 account of the fiduciary or the beneficiary which contains
5 an amount paid by the Secretary to the fiduciary for the
6 benefit of the beneficiary whenever the Secretary deter-
7 mines that the financial record is necessary—

8 “(A) for the administration of a program ad-
9 ministered by the Secretary; or

10 “(B) in order to safeguard the beneficiary’s
11 benefits against neglect, misappropriation, misuse,
12 embezzlement, or fraud.

13 “(2) Notwithstanding section 1104(a)(1) of such Act
14 (12 U.S.C. 3404(a)(1)), an authorization provided by a
15 fiduciary under paragraph (1) with respect to a bene-
16 ficiary shall remain effective until the earliest of—

17 “(A) the approval by a court or the Secretary
18 of a final accounting of payment of benefits under
19 any law administered by the Secretary to a fiduciary
20 on behalf of such beneficiary;

21 “(B) in the absence of any evidence of neglect,
22 misappropriation, misuse, embezzlement, or fraud,
23 the express revocation by the fiduciary of the au-
24 thorization in a written notification to the Secretary;
25 or

1 “(C) the date that is three years after the date
2 of the authorization.

3 “(3)(A) An authorization obtained by the Secretary
4 pursuant to this subsection shall be considered to meet
5 the requirements of the Right to Financial Privacy Act
6 of 1978 (12 U.S.C. 3401 et seq.) for purposes of section
7 1103(a) of such Act (12 U.S.C. 3403(a)), and need not
8 be furnished to the financial institution, notwithstanding
9 section 1104(a) of such Act (12 U.S.C. 3404(a)), if the
10 Secretary provides a copy of the authorization to the fi-
11 nancial institution.

12 “(B) The certification requirements of section
13 1103(b) of such Act (12 U.S.C. 3403(b)) shall not apply
14 to requests by the Secretary pursuant to an authorization
15 provided under this subsection.

16 “(C) A request for a financial record by the Secretary
17 pursuant to an authorization provided by a fiduciary
18 under this subsection is deemed to meet the requirements
19 of section 1104(a)(3) of such Act (12 U.S.C. 3404(a)(3))
20 and the matter in section 1102 of such Act (12 U.S.C.
21 3402) that precedes paragraph (1) of such section if such
22 request identifies the fiduciary and the beneficiary con-
23 cerned.

24 “(D) The Secretary shall inform any person or State
25 or local governmental entity who provides authorization

1 under this subsection of the duration and scope of the au-
2 thorization.

3 “(E) If a fiduciary of a Department beneficiary re-
4 fuses to provide, or revokes, any authorization to permit
5 the Secretary to obtain from any financial institution any
6 financial record concerning benefits paid by the Secretary
7 for such beneficiary, the Secretary may, on that basis, re-
8 voke the appointment or the recognition of the fiduciary
9 for such beneficiary and for any other Department bene-
10 ficiary for whom such fiduciary has been appointed or rec-
11 ognized. If the appointment or recognition of a fiduciary
12 is revoked, benefits may be paid as provided in subsection
13 (d).

14 “(4) For purposes of section 1113(d) of such Act (12
15 U.S.C. 3413(d)), a disclosure pursuant to this subsection
16 shall be considered a disclosure pursuant to a Federal
17 statute.

18 “(5) In this subsection:

19 “(A) The term ‘financial institution’ has the
20 meaning given such term in section 1101 of such
21 Act (12 U.S.C. 3401), except that such term shall
22 also include any benefit association, insurance com-
23 pany, safe deposit company, money market mutual
24 fund, or similar entity authorized to do business in
25 any State.

1 “(B) The term ‘financial record’ has the mean-
2 ing given such term in such section.”.

3 (b) MODIFICATION OF DEFINITION OF FIDUCIARY
4 TO INCLUDE STATE AND LOCAL GOVERNMENTAL ENTI-
5 TIES.—Section 5506, as amended by section 201(c), is
6 further amended—

7 (1) by inserting “or State or local governmental
8 entity” after “person” each place it appears; and

9 (2) in paragraph (1), by striking “who” and in-
10 serting “that”.

11 (c) CONFORMING AMENDMENT.—Section 5508 is
12 amended—

13 (1) by striking “or agency” both places it ap-
14 pears and inserting “or State or local governmental
15 entity”; and

16 (2) in the heading, by striking “**institu-**
17 **tional**”.

18 **SEC. 203. CONFIDENTIAL NATURE OF CREDIT REPORTS**
19 **AND DOCUMENTS PERTAINING TO THE AP-**
20 **POINTMENT OF A FIDUCIARY.**

21 (a) CREDIT REPORTS AND CRIMINAL BACKGROUND
22 REPORTS.—Section 5507 is amended by adding at the end
23 the following new subsection:

24 “(e) Except as provided under section 5701 of this
25 title, credit reports obtained under subsection (a)(1)(C)

1 and criminal background reports obtained under sub-
2 section (b) shall be segregated from the claimant's file and
3 may be disclosed only by a signed release executed by the
4 person to whom it relates.”.

5 (b) FILES, RECORDS, AND REPORTS.—Section 5701
6 is amended—

7 (1) in subsection (a)—

8 (A) by inserting “(1)” before “All”; and

9 (B) by adding at the end the following new
10 paragraph:

11 “(2) All files, records, reports, and other papers and
12 documents pertaining to any credit report, criminal back-
13 ground evaluation, or financial record obtained in connec-
14 tion with the evaluation, appointment, or removal of a per-
15 son who is considered for appointment or has been ap-
16 pointed a fiduciary for a beneficiary under chapter 55 of
17 this title and the names and addresses of such persons
18 in the possession of the Department shall be confidential
19 and privileged, and no disclosure thereof shall be made
20 except as provided in this section.”;

21 (2) in subsection (b)—

22 (A) by redesignating paragraphs (2)
23 through (6) as paragraphs (3) through (7), re-
24 spectively;

1 (B) by inserting after paragraph (1) the
2 following new paragraph (2):

3 “(2) Except as otherwise provided by law, to a person
4 who has submitted personal identifying information, finan-
5 cial information, or criminal background information to
6 the Department in connection with an appointment as a
7 fiduciary for a beneficiary as to matters concerning such
8 person or duly authorized agent or representative of such
9 person upon written request of the person or agent.”; and

10 (C) in paragraph (3), as redesignated by
11 subparagraph (A)—

12 (i) by inserting “(A)” before “When”;

13 and

14 (ii) by adding at the end the following
15 new subparagraph:

16 “(B) Unless a court orders otherwise, in an
17 electronic or paper filing with a court that contains
18 an individual’s social security number, TIN (within
19 the meaning of section 7701(a)(41) of the Internal
20 Revenue Code of 1986), claim number, birth date,
21 the name of an individual known to be a minor, the
22 name of an individual who has been determined by
23 the Secretary to be incompetent under chapter 55 of
24 this title, or a financial-account number, a party or

1 nonparty making the filing shall include only the fol-
2 lowing:

3 “(i) The last four digits of the person’s so-
4 cial security number, TIN, or claim number.

5 “(ii) The year of the individual’s birth.

6 “(iii) The initials of the individual known
7 to be a minor or determined to be incompetent.

8 “(iv) The last four digits of the financial
9 account number.”; and

10 (3) in subsection (h)(2)—

11 (A) in subparagraph (A), by striking “who
12 has” and all that follows through “an offer”
13 and inserting the following: “who—

14 “(i) has applied for any benefit under
15 chapter 37 of this title;

16 “(ii) is, or is being considered for an ap-
17 pointment as, a fiduciary for a beneficiary for
18 monetary benefits provided under this title; or

19 “(iii) has submitted an offer”;

20 (B) by redesignating subparagraphs (B)
21 through (D) as subparagraphs (C) through (E),
22 respectively; and

23 (C) by inserting after subparagraph (A)
24 the following new subparagraph (B):

1 “(B) verifying, either before or after the Sec-
2 retary has approved a person to serve as a fiduciary
3 for a beneficiary under chapter 55 of this title, the
4 creditworthiness, credit capacity, income, or finan-
5 cial resources of such person;”.

6 **SEC. 204. AUTHORITY FOR CERTAIN PERSONS TO SIGN**
7 **CLAIMS FILED WITH SECRETARY OF VET-**
8 **ERANS AFFAIRS ON BEHALF OF CLAIMANTS.**

9 (a) IN GENERAL.—Section 5101 is amended—

10 (1) in subsection (a)—

11 (A) by striking “A specific” and inserting
12 “(1) A specific”; and

13 (B) by adding at the end the following new
14 paragraph:

15 “(2) If an individual has not attained the age of 18
16 years, is mentally incompetent, or is physically unable to
17 sign a form, a form filed under paragraph (1) for the indi-
18 vidual may be signed by a court-appointed representative,
19 a person who is responsible for the care of the individual,
20 including a spouse or other relative, or an attorney in fact
21 or agent authorized to act on behalf of the individual
22 under a durable power of attorney. If the individual is in
23 the care of an institution, the manager or principal officer
24 of the institution may sign the form.”;

25 (2) in subsection (c)—

1 (A) in paragraph (1)—

2 (i) by inserting “, signs a form on be-
3 half of an individual to apply for,” after
4 “who applies for”; and

5 (ii) by inserting “, or TIN in the case
6 that the person is not an individual,” after
7 “of such person”; and

8 (B) in paragraph (2), by inserting “or
9 TIN” after “social security number” each place
10 it appears; and

11 (3) by adding at the end the following new sub-
12 section:

13 “(d) In this section:

14 “(1) The term ‘mentally incompetent’ with re-
15 spect to an individual means that the individual
16 lacks the mental capacity—

17 “(A) to provide substantially accurate in-
18 formation needed to complete a form; or

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

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

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

4 **SEC. 205. IMPROVEMENT OF PROCESS FOR FILING JOINTLY**
 5 **FOR SOCIAL SECURITY AND DEPENDENCY**
 6 **AND INDEMNITY COMPENSATION.**

7 Section 5105 is amended—

8 (1) in subsection (a)—

9 (A) by striking “shall” and inserting
 10 “may”; and

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

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

16 **SEC. 206. DURABLE POWER OF ATTORNEY DEFINED.**

17 Section 101 is amended by adding at the end the fol-
 18 lowing new paragraph:

19 “(34) The term ‘durable power of attorney’
 20 means a written document signed by a person ap-
 21 pointing an individual to act on the person’s behalf
 22 for the purposes stated in the document and which
 23 contains words ‘This power of attorney is not af-
 24 fected by subsequent disability or incapacity of the
 25 principal’, ‘This power of attorney becomes effective

1 on the disability or incapacity of the principal', or
 2 similar words showing the principal's intent that the
 3 authority conferred on the attorney in fact or agent
 4 shall be exercised notwithstanding the principal's
 5 subsequent disability, incapacity, or incompetence.".

6 **TITLE III—OTHER ADMINISTRATIVE AND BENEFITS MAT-**
 7 **TERS**

9 **SEC. 301. OCCUPANCY OF PROPERTY BY DEPENDENT**
 10 **CHILD OF VETERAN FOR PURPOSES OF**
 11 **MEETING OCCUPANCY REQUIREMENT FOR**
 12 **DEPARTMENT OF VETERANS AFFAIRS HOUS-**
 13 **ING LOANS.**

14 Paragraph (2) of section 3704(c) is amended to read
 15 as follows:

16 “(2) In any case in which a veteran is in active-duty
 17 status as a member of the Armed Forces and is unable
 18 to occupy a property because of such status, the occupancy
 19 requirements of this chapter shall be considered to be sat-
 20 isfied if—

21 “(A) the spouse of the veteran occupies or in-
 22 tends to occupy the property as a home and the
 23 spouse makes the certification required by para-
 24 graph (1) of this subsection; or

1 “(B) a dependent child of the veteran occupies
2 or will occupy the property as a home and the vet-
3 eran’s attorney-in-fact or legal guardian of the de-
4 pendent child makes the certification required by
5 paragraph (1) of this subsection.”.

6 **SEC. 302. WAIVER OF LOAN FEE FOR INDIVIDUALS WITH**
7 **DISABILITY RATINGS ISSUED DURING PRE-**
8 **DISCHARGE PROGRAMS.**

9 Paragraph (2) of section 3729(c) is amended to read
10 as follows:

11 “(2)(A) A veteran described in subparagraph (B)
12 shall be treated as receiving compensation for purposes of
13 this subsection as of the date of the rating described in
14 such subparagraph without regard to whether an effective
15 date of the award of compensation is established as of that
16 date.

17 “(B) A veteran described in this subparagraph is a
18 veteran who is rated eligible to receive compensation—

19 “(i) as the result of a pre-discharge disability
20 examination and rating; or

21 “(ii) based on a pre-discharge review of existing
22 medical evidence (including service medical and
23 treatment records) that results in the issuance of a
24 memorandum rating.”.

1 **SEC. 303. EXTENSION OF AUTHORITY FOR ASSISTANCE FOR**
2 **INDIVIDUALS RESIDING TEMPORARILY IN**
3 **HOUSING OWNED BY FAMILY MEMBERS.**

4 Section 2102A(e) is amended by striking “December
5 31, 2011” and inserting “December 31, 2021”.

6 **SEC. 304. INDEXING OF LEVELS OF ASSISTANCE FOR INDI-**
7 **VIDUALS RESIDING TEMPORARILY IN HOUS-**
8 **ING OWNED BY FAMILY MEMBERS.**

9 Section 2102A(b) is amended—

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

12 (2) in the matter before subparagraph (A), as
13 redesignated by paragraph (1), by inserting “(1)”
14 before “The”; and

15 (3) by adding at the end the following new
16 paragraph (2):

17 “(2) Effective on October 1 of each year (beginning
18 in 2011), the Secretary shall use the same percentage cal-
19 culated pursuant to section 2102(e) of this title to increase
20 the amounts described in paragraph (1) of this sub-
21 section.”.

22 **SEC. 305. EXPANSION OF ELIGIBILITY FOR PRESIDENTIAL**
23 **MEMORIAL CERTIFICATES TO PERSONS WHO**
24 **DIED IN THE ACTIVE MILITARY, NAVAL, OR**
25 **AIR SERVICE.**

26 Section 112(a) is amended—

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

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

6 **SEC. 306. AUTOMATIC WAIVER OF AGENCY OF ORIGINAL**
7 **JURISDICTION REVIEW OF NEW EVIDENCE.**

8 (a) IN GENERAL.—Section 7105 is amended by add-
9 ing at the end the following new subsection:

10 “(e)(1) If, either at the time or after the agency of
11 original jurisdiction receives a substantive appeal, the
12 claimant or the claimant’s representative, if any, submits
13 evidence to either the agency of original jurisdiction or the
14 Board of Veterans’ Appeals for consideration in connec-
15 tion with the issue or issues with which disagreement has
16 been expressed, such evidence shall be subject to initial
17 review by the Board unless the claimant or the claimant’s
18 representative, as the case may be, requests in writing that
19 the agency of original jurisdiction initially review such evi-
20 dence.

21 “(2) A request for review of evidence under para-
22 graph (1) shall accompany the submittal of the evidence.”.

23 (b) EFFECTIVE DATE.—Subsection (e) of such sec-
24 tion, as added by subsection (a), shall take effect on the
25 date that is 180 days after the date of the enactment of

1 this Act, and shall apply with respect to claims for which
2 a substantive appeal is filed on or after the date that is
3 180 days after the date of the enactment of this Act.

4 **SEC. 307. EXTENSION OF AUTHORITIES OF SECRETARY OF**
5 **VETERANS AFFAIRS TO USE INFORMATION**
6 **FROM OTHER AGENCIES.**

7 (a) **AUTHORITY TO OBTAIN INFORMATION FROM**
8 **SECRETARY OF TREASURY AND COMMISSIONER OF SO-**
9 **CIAL SECURITY FOR INCOME VERIFICATION PURPOSES.—**
10 Section 5317(g) is amended by striking “September 30,
11 2011” and inserting “September 30, 2016”.

12 (b) **AUTHORITY TO USE DATA PROVIDED BY DE-**
13 **PARTMENT OF HEALTH AND HUMAN SERVICES FOR PUR-**
14 **POSES OF ADJUSTING VETERANS BENEFITS.—**

15 (1) **IN GENERAL.—**Section 5317A(d) is amend-
16 ed by striking “September 30, 2011” and inserting
17 “September 30, 2021”.

18 (2) **CONFORMING AMENDMENT.—**Section
19 453(j)(11)(G) of the Social Security Act (42 U.S.C.
20 653(j)(11)(G)) is amended by striking “September
21 30, 2011” and inserting “September 30, 2021”.

1 **SEC. 308. EXTENSION OF AUTHORITY FOR REGIONAL OF-**
2 **FICE OF DEPARTMENT OF VETERANS AF-**
3 **FAIRS IN REPUBLIC OF THE PHILIPPINES.**

4 Section 315(b) is amended by striking “December 31,
5 2011” and inserting “December 31, 2012”.

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