

AMENDING TITLE 38, UNITED STATES CODE, TO AUTHORIZE THE SECRETARY OF VETERANS AFFAIRS TO FURNISH ASSISTANCE FOR ADAPTATIONS OF RESIDENCES OF VETERANS IN REHABILITATION PROGRAMS UNDER CHAPTER 31 OF SUCH TITLE, AND FOR OTHER PURPOSES

NOVEMBER 6, 2017.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ROE of Tennessee, from the Committee on Veterans' Affairs, submitted the following

R E P O R T

[To accompany H.R. 3562]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 3562) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish assistance for adaptations of residences of veterans in rehabilitation programs under chapter 31 of such title, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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## PURPOSE AND SUMMARY

H.R. 3562, would authorize the Secretary of Veterans Affairs (VA) to furnish assistance for adaptations of residences of veterans in rehabilitation programs under chapter 31 title 38, United States Code (U.S.C.). H.R. 3562 was introduced by Representative Jodey Arrington of Texas on July 28, 2017.

## BACKGROUND AND NEED FOR LEGISLATION

VA provides vocational rehabilitation and employment (VR&E) services to veterans with a service connected disability and an employment handicap or serious employment handicap. Under this program, an eligible veteran works with their VR&E counselor to create and implement a customized rehabilitation plan that assists the veteran reach their rehabilitation and employment goals. When a veteran enrolls in VR&E they can choose, with the help of their counselor, from one of five tracks in which to begin their training and rehabilitation. These tracks include: (1) reemployment—services with the goal of getting veteran reemployed with a previous employer; (2) rapid access to reemployment—services with the goal of getting the veteran suitable employment as quickly as possible; (3) self-employment—provides services to help the veteran start and operate their own business; (4) employment through long term services—provides veterans with long term training or education with the goal of employment; and (5) independent living services—provides services to the most severely disabled veterans that are not employable but can benefit from services to help them lead a more independent life. While the independent living is the smallest of VR&E's tracks, the time and attention spent by VA's masters degree-level VR&E counselors with veterans can be more than the time and attention for veterans in other tracks.

The Specially Adaptive Housing (SAH) program, which provides up to \$81,080 in funding to severely disabled veterans for adaptive housing assistance. Once a veteran is determined to be eligible for the program, they work with a VA SAH agent and contractor or builder of their choice to develop a plan for adapting their home to meet their specific needs. These funds can be used for wheelchair ramps, widening of doorways, grab bars, and many other adaptations and improvements that would help a disabled veteran to live and stay in their own home. There are very specific eligibility requirements for this program that generally involve the loss or loss of use of a limb, therefore some severely disabled veterans that need home adaptations are still ineligible. Some veterans that do not qualify for the SAH program, however, are able to receive funding to adapt their residence to ensure safety and the goal of maximum independent living through VR&E's independent living track.

The Committee has learned from VA and other stakeholders that while the flexibility of having home adaptations completed through the independent living track is helpful, there is a concern that VR&E counselors are not qualified to provide oversight of such construction and expenditures. At the Subcommittee on Economic Opportunity's legislative hearing on this legislative text on June 29, 2017, Mr. Curtis Coy, VA's Deputy Under Secretary for Economic Opportunity, stated "VA determined the home adaptation program

portion of an Independent Living rehabilitation plan would be best administered through the SAH program due to staff expertise in home renovations and consistent oversight of the construction process by VA.”

The Committee agrees with Mr. Coy’s assertion that VR&E’s master’s degree-level counselors are trained in how to put veterans back to work and do not have the appropriate level of expertise on how to adapt a house. Therefore, this section would authorize the SAH program to provide assistance to home adaptations to eligible veterans using the VR&E program. The amount of assistance would be capped at the same level of funding that is provided to SAH-eligible veterans under Chapter 21, U.S.C. However, the Secretary would be authorized to waive this cap if the Secretary determines a higher amount is necessary to complete the veteran’s rehabilitation program. The Committee believes that this legislation puts the right VA employee, an SAH agent trained in home construction, at the center of helping adapt a disabled veteran’s home. The Committee also believes that making such a change could reduce workload for VR&E counselors, which would result in them being able to help more disabled veterans reach maximum rehabilitation.

#### HEARINGS

On June 29, 2017, the Subcommittee on Economic Opportunity held a legislative hearing on several bills pending before the Subcommittee including draft legislation that became the text of H.R. 3562. The following witnesses testified:

The Honorable Elise Stefanik, U.S. House of Representatives, 21st district of New York; The Honorable Robert Wittman, U.S. House of Representatives, 1st district of Virginia; The Honorable Claudia Tenney, U.S. House of Representatives, 22nd district of New York; The Honorable David Cicilline, U.S. House of Representatives, 1st district of Rhode Island; The Honorable Scott Taylor, U.S. House of Representatives, 2nd district of Virginia; Mr. Curtis L. Coy, Deputy Under Secretary for Economic Opportunity, Veterans Benefits Administration, U.S. Department of Veterans Affairs, who was accompanied by Ms. Tia Butler, Executive Director, Corporate Senior Executive Management Office, Human Resources and Administration, U.S. Department of Veterans Affairs and Mr. Jeffrey London, Director, Loan Guaranty Service, Veterans Benefits Administration, U.S. Department of Veterans Affairs; Maj. Gen. Jeffrey E. Phillips, USAR (Ret.), Executive Director, Reserve Officers Association; and Mr. Gabriel Stultz, Legislative Counsel, Paralyzed Veterans of America.

The following organizations submitted statements for the record: U.S. Department of Defense and U.S. Chamber of Commerce

#### SUBCOMMITTEE CONSIDERATION

There was no subcommittee consideration of H.R. 3562.

#### COMMITTEE CONSIDERATION

On October 12, 2017 the full Committee met in open markup session, a quorum being present, and ordered H.R. 3562 be reported favorably to the House of Representatives by voice vote.

#### COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, no recorded votes were taken on amendments or in connection with ordering H.R. 3562 reported to the House.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

#### STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives of H.R. 3562 are to improve the delivery of VA funding for home adaptations to disabled veterans.

#### EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 3562 does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

#### COMMITTEE COST ESTIMATE

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. The Committee adopts as its own the cost estimate on H.R. 3562 prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

#### BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the following is the cost estimate for H.R. 3562 is provided by the Congressional Budget Office.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, October 27, 2017.

Hon. PHIL ROE, M.D.,  
*Chairman, Committee on Veterans' Affairs,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3562, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish assistance for adaptations of residences of veterans in rehabilitation programs under chapter 31 of such title, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is David Newman.

Sincerely,

KEITH HALL,  
*Director.*

Enclosure.

*H.R. 3562—A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish assistance for adaptations of residences of veterans in rehabilitation programs under chapter 31 of such title, and for other purposes*

Through the Vocational Rehabilitation and Employment program, the Department of Veterans Affairs (VA) provides assistance to veterans whose disabilities prevent them from working. That assistance can include the cost of modifying veterans' homes to enable them to live independently. The cost of those benefits are paid from mandatory appropriations.

H.R. 3562 would cap payments for housing modifications at \$79,874 per beneficiary in 2018; that amount would be adjusted annually for inflation. However, the bill would allow VA to waive the cap if higher amounts are necessary. The bill also would transfer the management of those benefits to a related program that pays for housing adaptations for severely disabled veterans.

On the basis of information from VA regarding how it would implement the bill, CBO expects that very few veterans would be affected. Over the last four years, an average of eight veterans a year have received housing adaptations under the vocational rehabilitation program in amounts that would exceed the limit in H.R. 3562. In addition, the department indicates that it would likely waive enforcement of the cap in most cases.

Pay-as-you-go procedures apply to H.R. 3562 because enacting the bill would decrease direct spending. However, those decreases in direct spending would be insignificant, CBO estimates. Enacting the bill would not affect revenues.

CBO estimates that enacting H.R. 3562 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 3562 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is David Newman. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

## FEDERAL MANDATES STATEMENT

With respect to the requirements of Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandate Reform Act, P.L. 104–4), the Committee adopts as its own the estimate of Federal mandates regarding H.R. 3562 prepared by the Director of the Congressional Budget Office.

## ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act would be created by H.R. 3562.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to Article I, section 8 of the United States Constitution, H.R. 3562 is authorized by Congress' power to "provide for the common Defense and general Welfare of the United States."

## APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that H.R. 3562 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

## STATEMENT ON DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 3562 establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

## DISCLOSURE OF DIRECTED RULEMAKING

Pursuant to section 3(i) of H. Res. 5, 115th Cong. (2017), H.R. 3562 would require the Secretary to publish new regulations for carrying out this bill.

## SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

*Section 1. Improvements to authorities for provision of assistance for adaptations of residences of veterans in rehabilitation programs*

Section 1(a) would create a new section 2102B of title 38, U.S.C., "Adaptations to residences of veterans in rehabilitation programs." This section would authorize the Secretary to provide adaptations to a veteran's residence who is entitled to services and assistance under chapter 31 of title 38, U.S.C. The Secretary would be able to provide up to \$77,307 in assistance but the Secretary could waive this limitation if the Secretary determines a waiver is necessary for the rehabilitation program of the veteran. The new section 2102(A) would also require the Secretary to increase the amount of assistance each year on October 1st by the percentage

calculated under section 2102(e)(2) of title 38, U.S.C. The Secretary would also be required to prescribe regulations to carry out this new section.

Section 1(b) would allow the Secretary to provide assistance under the new section 2102B in advance of regulations by issuing notice specifying the criteria for the application, approval, and oversight processes relating to the provision of assistance under such section.

Section 1(c) would make conforming amendments to title 38, U.S.C.

Section 1(d) would make a clerical amendment to the table of section at the beginning of chapter 21 of title 38, U.S.C. by inserting a new section 2102B.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

Pursuant clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

### TITLE 38, UNITED STATES CODE

\* \* \* \* \*

### PART II—GENERAL BENEFITS

\* \* \* \* \*

### CHAPTER 21—SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

Sec.

2101. Acquisition and adaptation of housing: eligible veterans.

\* \* \* \* \*

2102A. Assistance for individuals residing temporarily in housing owned by a family member.

2102B. *Adaptations to residences of veterans in rehabilitation programs.*

\* \* \* \* \*

#### **§ 2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States**

(a) MEMBERS WITH SERVICE-CONNECTED DISABILITIES.—(1) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability that meets applicable criteria for benefits under this

chapter if the disability is incurred or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under this chapter to veterans eligible for assistance under this chapter and subject to the same requirements as veterans under this chapter.

(2) For purposes of this chapter, any reference to a veteran or eligible individual shall be treated as a reference to a member of the Armed Forces described in subsection (a) who is similarly situated to the veteran or other eligible individual so referred to.

(b) **BENEFITS AND ASSISTANCE FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.**—(1) Subject to paragraph (2), the Secretary may, at the Secretary's discretion, provide benefits and assistance under this chapter (other than benefits under section 2106 of this title) to any individual otherwise eligible for such benefits and assistance who resides outside the United States.

(2) The Secretary may provide benefits and assistance to an individual under paragraph (1) only if—

(A) the country or political subdivision in which the housing or residence involved is or will be located permits the individual to have or acquire a beneficial property interest (as determined by the Secretary) in such housing or residence; and

(B) the individual has or will acquire a beneficial property interest (as so determined) in such housing or residence.

(c) **LIMITATION.**—*Notwithstanding subsections (a) and (b), this section shall not apply to the provision of assistance under section 2102B of this title.*

[(c)] (d) **REGULATIONS.**—Benefits and assistance under this chapter by reason of this section shall be provided in accordance with such regulations as the Secretary may prescribe.

\* \* \* \* \*

**§2102B. Adaptations to residences of veterans in rehabilitation programs**

(a) **IN GENERAL.**—*Subject to subsections (b) and (c), the Secretary may assist a veteran who is entitled to services and assistance under chapter 31 of this title and is pursuing a rehabilitation program under such chapter in acquiring such adaptations to such veteran's residence as are determined necessary by the Secretary to accomplish the purposes of such rehabilitation program.*

(b) **AMOUNT.**—(1) *The aggregate amount of assistance available to a veteran under subsection (a) may not exceed \$77,307. The Secretary may waive this limitation for a veteran if the Secretary determines a waiver is necessary for the rehabilitation program of the veteran.*

(2) *Effective on October 1 of each year (beginning in 2017), the Secretary shall increase the amount described in paragraph (1) by the percentage calculated under section 2102(e)(2) of this title.*

(3) *Beginning on October 1, 2019, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a biennial report on the use of the waiver authority under paragraph (1).*

(c) **REGULATIONS.**—*The Secretary shall prescribe such regulations as may be necessary to carry out this section.*



*(d) REHABILITATION PROGRAM DEFINED.—In this section, the term “rehabilitation program” has the meaning given such term in section 3101 of this title.*

\* \* \* \* \*

#### **§ 2104. Benefits additional to benefits under other laws**

(a) Any individual who accepts the benefits of this chapter shall not by reason thereof be denied the benefits of chapter 37 of this title; however, except as provided in subsection (b) of this section, the assistance authorized by section 2101 of this title shall not be available to any individual more than once.

(b) An individual eligible for assistance under section 2101(b) of this title shall not by reason of such eligibility be denied benefits for which such individual becomes eligible under section 2101(a) of this title or benefits relating to home health services under section 1717(a)(2) of this title. [However, no particular type of adaptation, improvement, or structural alteration provided to an individual under section 1717(a)(2) of this title may be provided to such individual under section 2101(b) of this title.]

*(c) The Secretary may not provide assistance to a veteran under this chapter if the Secretary determines such assistance would result in a duplication of benefits under this title to the veteran.*

\* \* \* \* \*

#### **§ 2106. Veterans’ mortgage life insurance**

[(a) The United States shall automatically insure any eligible individual age 69 or younger who is or has been granted assistance in securing a suitable housing unit under this chapter against the death of the individual unless the individual (1) submits to the Secretary in writing the individual’s election not to be insured under this section, or (2) fails to respond in a timely manner to a request from the Secretary for information on which the premium for such insurance can be based.]

*(a) The Secretary shall insure any individual under 70 years of age who has received assistance under this chapter against the death of the individual except for an individual who—*

*(1) elects in writing to not receive insurance under this section;*

*(2) fails to respond in a timely manner to a request from the Secretary for information on which the premium for such insurance can be based; or*

*(3) receives such assistance under section 2102B of this title.*

(b) The amount of insurance provided an individual under this section may not exceed the lesser of \$150,000, or after January 1, 2012, \$200,000, or the amount of the loan outstanding on the housing unit. The amount of such insurance shall be reduced according to the amortization schedule of the loan and may not at any time exceed the amount of the outstanding loan with interest. If there is no outstanding loan on the housing unit, insurance is not payable under this section. If an eligible individual elects not to be insured under this section, the individual may thereafter be insured under this section, but only upon submission of an application, payment of required premiums, and compliance with such health re-

quirements and other terms and conditions as may be prescribed by the Secretary.

(c) The premiums charged an individual for insurance under this section shall be paid at such time and in such manner as the Secretary prescribes. The rates for such premiums shall be based on such mortality data as the Secretary considers appropriate to cover only the mortality cost of insuring standard lives. In the case of an individual receiving compensation or other cash benefits paid to the individual by the Secretary, the Secretary shall deduct from such compensation or other benefits the premiums charged the individual under this section.

(d)(1) The United States shall bear the costs of insurance under this section to the extent that such costs exceed premiums established by the Secretary. Premiums collected on insurance under this section shall be credited to the "Veterans Insurance and Indemnities" appropriation account, and all disbursements of insurance proceeds under this section shall be made from that account.

(2) There are authorized to be appropriated to the Secretary for such account such amounts as may be necessary to carry out this section.

(e) Any amount of insurance in force under this section on the date of the death of an individual insured under this section shall be paid to the holder of the mortgage loan, for payment of which the insurance was granted, for credit on the loan indebtedness. Any liability of the United States under such insurance shall be satisfied when such payment is made. If the Secretary is the holder of the mortgage loan, the insurance proceeds shall be credited to the loan indebtedness and, deposited in the Veterans Housing Benefit Program Fund established by section 3722 of this title.

(f) The Secretary may prescribe such regulations relating to eligibility for insurance under this section, the maximum amount of insurance, the effective date of insurance, the maximum duration of insurance, and other pertinent matters not specifically provided for in this section as the Secretary determines are in the best interest of veterans or the United States.

(g) The amount of the insurance in force at any time shall be the amount necessary to pay the mortgage indebtedness in full, except as otherwise limited by subsection (b) of this section or regulations prescribed by the Secretary under this section.

(h) The Secretary shall issue to each individual insured under this section a certificate setting forth the benefits to which the individual is entitled under the insurance.

(i) Insurance under this section shall terminate upon whichever of the following events first occurs:

(1) Satisfaction of the individual's indebtedness under the loan upon which the insurance is based.

(2) Termination of the individual's ownership of the property securing the loan.

(3) Discontinuance of payment of premiums by the individual.

(j) Termination of life insurance under this section shall not affect the guaranty or insurance of the loan by the Secretary.

\* \* \* \* \*

## PART III—READJUSTMENT AND RELATED BENEFITS

\* \* \* \* \*

### CHAPTER 31—TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES

\* \* \* \* \*

#### § 3104. Scope of services and assistance

(a) Services and assistance which the Secretary may provide under this chapter, pursuant to regulations which the Secretary shall prescribe, include the following:

(1) Evaluation, including periodic reevaluations as appropriate with respect to a veteran participating in a rehabilitation program, of the potential for rehabilitation of a veteran, including diagnostic and related services (A) to determine whether the veteran has an employment handicap or a serious employment handicap and whether a vocational goal is reasonably feasible for such veteran, and (B) to provide a basis for planning a suitable vocational rehabilitation program or a program of services and assistance to improve the vocational rehabilitation potential or independent living status of such veteran, as appropriate.

(2) Educational, vocational, psychological, employment, and personal adjustment counseling.

(3) An allowance and other appropriate assistance, as authorized by section 3108 of this title.

(4) A work-study allowance as authorized by section 3485 of this title.

(5) Placement services to effect suitable placement in employment, and postplacement services to attempt to insure satisfactory adjustment in employment.

(6) Personal adjustment and work adjustment training.

(7)(A) Vocational and other training services and assistance, including individualized tutorial assistance, tuition, fees, books, supplies, handling charges, licensing fees, and equipment and other training materials determined by the Secretary to be necessary to accomplish the purposes of the rehabilitation program in the individual case.

(B) Payment for the services and assistance provided under subparagraph (A) of this paragraph shall be made from funds available for the payment of readjustment benefits.

(8) Loans as authorized by section 3112 of this title.

(9) Treatment, care, and services described in chapter 17 of this title.

(10) Prosthetic appliances, eyeglasses, and other corrective and assistive devices.

(11) Services to a veteran's family as necessary for the effective rehabilitation of such veteran.

(12) For veterans with the most severe service-connected disabilities who require homebound training or self-employment, or both homebound training and self-employment, such license fees and essential equipment, supplies, and minimum stocks of

materials as the Secretary determines to be necessary for such a veteran to begin employment and are within the criteria and cost limitations that the Secretary shall prescribe in regulations for the furnishing of such fees, equipment, supplies, and stocks.

(13) Travel and incidental expenses under the terms and conditions set forth in section 111 of this title, plus, in the case of a veteran who because of such veteran's disability has transportation expenses in addition to those incurred by persons not so disabled, a special transportation allowance to defray such additional expenses during rehabilitation, job seeking, and the initial employment stage.

(14) Special services (including services related to blindness and deafness) including—

(A) language training, speech and voice correction, training in ambulation, and one-hand typewriting;

(B) orientation, adjustment, mobility, reader, interpreter, and related services; and

(C) telecommunications, sensory, and other technical aids and devices.

(15) Services necessary to enable a veteran to achieve maximum independence in daily living.

(16) Other incidental goods and services determined by the Secretary to be necessary to accomplish the purposes of a rehabilitation program in an individual case.

(b) A rehabilitation program (including individual courses) to be pursued by a veteran shall be subject to the approval of the Secretary. To the maximum extent practicable, a course of education or training may be pursued by a veteran as part of a rehabilitation program under this chapter only if the course is approved for purposes of chapter 30 or 33 of this title. The Secretary may waive the requirement under the preceding sentence to the extent the Secretary determines appropriate.

(c)(1) The Secretary shall have the authority to administer this chapter by prioritizing the provision of services under this chapter based on need, as determined by the Secretary. In evaluating need for purposes of this subsection, the Secretary shall consider disability ratings, the severity of employment handicaps, qualification for a program of independent living, income, and any other factor the Secretary determines appropriate.

(2) Not later than 90 days before making any changes to the prioritization of the provision of services under this chapter as authorized under paragraph (1), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a plan describing such changes.

(d) *The Secretary may not assist a veteran in acquiring adaptations to the residence of the veteran under this chapter. Any such assistance may be furnished only under section 2102B of this title.*

\* \* \* \* \*