

112TH CONGRESS
2D SESSION

S. 3689

To establish a grant program to encourage the use of assistance dogs by certain members of the Armed Forces and veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 18 (legislative day, DECEMBER 17), 2012

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

A BILL

To establish a grant program to encourage the use of assistance dogs by certain members of the Armed Forces and veterans, 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.**

4 This Act may be cited as the “Senior Airman Michael
5 Malarsie Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) As of the day before the date of the enact-
9 ment of this Act, thousands of members of the
10 Armed Forces and veterans have visual, hearing, or

1 substantial mobility impairments and receive bene-
2 fits from the Department of Veterans Affairs.

3 (2) In fiscal year 2011, 269 veterans received
4 benefits from the Department of Veterans Affairs
5 for guide dogs (visual impairments), hearing dogs,
6 and mobility dogs.

7 (3) As of the day before the date of the enact-
8 ment of this Act, the number of veterans who need
9 the assistance of guide dogs is expected to increase
10 as more members of the Armed Forces who serve in
11 Operation Enduring Freedom, Operation Iraqi Free-
12 dom, and Operation New Dawn are diagnosed with
13 disabilities and veterans who already have assistance
14 dogs need replacement dogs.

15 (4) As of the day before the date of the enact-
16 ment of this Act, members of the Armed Forces and
17 veterans diagnosed with visual, hearing, or mobility
18 impairments are subject to long waiting periods to
19 receive assistance dogs. Nonprofit organizations
20 train and provide service dogs free of charge to such
21 members and veterans, but rely solely on fundraising
22 and volunteer staff to meet growing demand.

23 (5) According to the annual survey conducted
24 by Assistance Dogs International for 2011, there
25 was a backlog of 188 veterans waiting for dog place-

1 ment of guide and service dogs. In that same survey,
2 agency members of Assistance Dogs International
3 were able to place dogs with only 72 veterans.

4 (6) As of the day before the date of the enact-
5 ment of this Act, each guide dog costs approximately
6 \$45,000 and takes about two years to raise and
7 train.

8 (7) In fiscal year 2011, the Department of Vet-
9 erans Affairs spent \$243,992 on veterinary care and
10 necessary hardware for 266 service dogs, including
11 those trained to aid visually, hearing, or mobility im-
12 pairments. The average cost per veteran was \$917.

13 (8) As of the day before the date of the enact-
14 ment of this Act, service dogs work on average 10
15 years, and young veterans can require multiple re-
16 placements during the span of their lifetime.

17 **SEC. 3. SENIOR AIRMAN MICHAEL MALARSIE PROGRAM.**

18 (a) ESTABLISHMENT.—

19 (1) IN GENERAL.—Subject to the availability of
20 appropriations provided for such purpose, the Sec-
21 retary of Defense and the Secretary of Veterans Af-
22 fairs shall jointly establish a program to award com-
23 petitive grants to eligible entities to assist eligible
24 entities in planning, designing, establishing, and op-

1 erating programs to provide assistance dogs to cov-
2 ered members and veterans.

3 (2) DESIGNATION.—The program established
4 under paragraph (1) shall be known as the “Senior
5 Airman Michael Malarsie Program” (in this section
6 referred to as the “Program”).

7 (b) ELIGIBLE ENTITIES.—For purposes of the Pro-
8 gram, an eligible entity is any entity that—

9 (1) is described in section 501(c)(3) of the In-
10 ternal Revenue Code of 1986 and is exempt from
11 taxation under section 501(a) of such Code; and

12 (2) is a member of the International Guide Dog
13 Federation or Assistance Dogs International.

14 (c) COVERED MEMBERS AND VETERANS.—For pur-
15 poses of the Program—

16 (1) a covered member of the Armed Forces is
17 any member of the Armed Forces who is—

18 (A) receiving medical treatment, recuper-
19 ation, or therapy under chapter 55 of title 10,
20 United States Code;

21 (B) in medical hold or medical holdover
22 status; or

23 (C) covered under section 1202 or 1205 of
24 title 10, United States Code; and

1 (2) a covered veteran is any veteran who is en-
2 rolled in the system of annual patient enrollment es-
3 tablished under section 1705(a) of title 38, United
4 States Code.

5 (d) APPLICATION.—

6 (1) IN GENERAL.—An eligible entity seeking a
7 grant under the Program shall submit an application
8 to the Secretary of Defense and the Secretary of
9 Veterans Affairs therefor at such time, in such man-
10 ner, and containing such information as the Sec-
11 retary of Defense and the Secretary of Veterans Af-
12 fairs may require.

13 (2) ELEMENTS.—Each application submitted
14 under paragraph (1) shall include the following:

15 (A) A proposal for the evaluation required
16 by subsection (f).

17 (B) A description of the following:

18 (i) The training that will be provided
19 by the eligible entity to covered members
20 and veterans.

21 (ii) The training of dogs that will
22 serve as assistance dogs.

23 (iii) The aftercare services that the el-
24 igible entity will provide for such dogs and
25 covered members and veterans.

1 (iv) The plan for publicizing the avail-
2 ability of such dogs through a targeted
3 marketing campaign to covered members
4 and veterans.

5 (v) The recognized expertise of the eli-
6 gible entity in breeding and training such
7 dogs, including how many of such dogs
8 were provided to covered members and vet-
9 erans during the most recent three-year
10 period.

11 (vi) The commitment of the eligible
12 entity to humane standards for animals.

13 (vii) The experience of the eligible en-
14 tity with working with military medical
15 treatment facilities or medical facilities of
16 the Department of Veterans Affairs.

17 (e) USE OF FUNDS.—

18 (1) IN GENERAL.—The recipient of a grant
19 under the Program shall use the grant to carry out
20 programs that provide assistance dogs to covered
21 members and veterans who have a disability de-
22 scribed in paragraph (2).

23 (2) DISABILITY.—A disability described in this
24 paragraph is any of the following:

25 (A) Blindness or visual impairment.

1 (B) Loss of use of a limb, paralysis, or
2 other significant mobility issues.

3 (C) Loss of hearing.

4 (D) Any other disability with respect to
5 which the Secretary of Defense and the Sec-
6 retary of Veterans Affairs determine that provi-
7 sion of an assistance dog under the Program
8 would be appropriate for the treatment or reha-
9 bilitation of a covered member or veteran with
10 such disability.

11 (3) POST-TRAUMATIC STRESS DISORDER AND
12 TRAUMATIC BRAIN INJURY.—

13 (A) IN GENERAL.—The Secretary of De-
14 fense and the Secretary of Veterans Affairs
15 shall determine whether the provision of an as-
16 sistance dog under the Program to a covered
17 member or veteran with post-traumatic stress
18 disorder or traumatic brain injury would be ap-
19 propriate for the treatment or rehabilitation of
20 such covered member or veteran.

21 (B) CONSIDERATION OF STUDY ON USE OF
22 SERVICE DOGS FOR TREATMENT OR REHABILI-
23 TATION OF VETERANS WITH MENTAL INJURIES
24 OR DISABILITIES.—In making a determination
25 under subparagraph (A), the Secretary of De-

1 fense and the Secretary of Veterans Affairs
2 shall consider the findings of the Secretary of
3 Veterans Affairs regarding the study conducted
4 under section 1077(d) of the National Defense
5 Authorization Act for Fiscal year 2010 (Public
6 Law 111–84).

7 (f) EVALUATION.—The Secretary of Defense and the
8 Secretary of Veterans Affairs shall require each recipient
9 of a grant under the Program to use a portion of the funds
10 made available through the grant to conduct an evaluation
11 of the effectiveness of the activities carried out through
12 the grant by such recipient.

13 (g) ASSISTANCE DOG DEFINED.—In this section, the
14 term “assistance dog” means a dog specifically trained to
15 perform physical tasks to mitigate the effects of a dis-
16 ability described in subsection (e)(2), except that the term
17 does not include a dog specifically trained for comfort or
18 personal defense.

19 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$15,000,000 for each of fiscal years 2012 through 2016.

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